

# JOURNAL

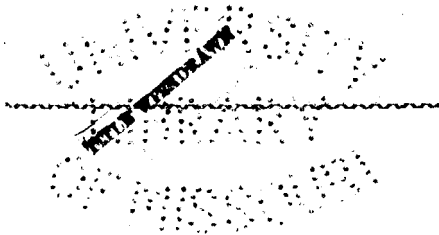
OF THE

## HOUSE OF REPRESENTATIVES

OF THE

## STATE OF IOWA.

BEGUN AND HELD AT IOWA CITY, ON MONDAY THE SIXTH DAY OF DECEMBER, A.  
D. 1852; BEING THE FOURTH REGULAR SESSION UNDER THE CONSTITUTION.



IOWA CITY:

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# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES

OF THE

FOURTH GENERAL ASSEMBLY OF THE STATE OF IOWA,

Begun and held at the Capitol in Iowa City, on Monday the 6th day of December, A. D. 1852, being the fourth regular session under the Constitution.

TWO O'CLOCK, P. M.

The House was called to order by W. G. Haun, a member present from the county of Clinton.

On motion of Mr. Haun,

James W. Grimes, of Des Moines county, was appointed Speaker, *pro tem*.

On motion of Mr. Folsom,

J. Smith Hooton was appointed Secretary, *pro tem*.

On motion of Mr. Alger,

H. D. La Cossitt was appointed assistant Secretary, *pro tem*.

The Secretary *pro tem* then proceeded to call the districts, when the following persons presented credentials:

From the county of Lee—S. G. Wright, H. Washburn, J. S. Gilmore, J. M. Anderson, F. Hesser, S. W. Sears.

From the county of Des Moines—James W. Grimes, Justus Clark, W. Seymour, \_\_\_\_\_

From the county of Van Buren—L. Fordyce, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

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*From the county of Jefferson*—W. T. Rogers, Samuel Whitmore, H. B. Mitchell.

*From the county of Henry*—Robert Caulk, J. C. Green, Levi Jessup.

*From the county of Wapello*—Robert Cock, Jas. C. Ramsey.

*From the counties of Wapello, Monroe, Lucas and Clark*—Henry Allen.

*From the counties of Monroe, Lucas and Clark*—John S. Townsend.

*From the county of Davis*—Albert Duckworth, John A. Drake.

*From the counties of Davis, Appanoose, Wayne and Decatur*—Abraham Putman.

*From the counties of Appanoose, Wayne and Decatur*—Harvey B. Duncan.

*From the county of Pottawattamie*— — — — —.

*From the counties of Mills, Montgomery, Adams, Union, Ringgold, Taylor, Page and Fremont*—William C. Means.

*From the counties of Pottawattamie, Mills, Fremont, Page, Taylor, Ringgold, Union, Adams, Montgomery, Cass, Adair, Audubon, Shelby, Harrison, Monona, Crawford, Carroll, Sac, Ida, Waukaw, Plymouth, Cherokee, Buena Vista, Sioux, O'Brien, Clay, Dickinson, Osceola and Buncombe*—

*From the County of Louisa*—Micajah Reeder, John Cleaves.

*From the county of Washington*—Horace H. Wilson, David Bunker.

*From the county of Keokuk*—Harvey Stevens.

*From the county of Mahaska*—William R. Ross.

*From the counties of Keokuk and Mahaska*—Samuel Coffin.

*From the counties of Marion, Warren and Madison*—P. Gad Bryan, James M. Walters and Napoleon B. Allison.

*From the county of Scott*—James Grant and Le Roy Dodge.

*From the county of Muscatine*—Freeman Alger and Elijah Sells.

*From the county of Cedar*—Amos Witter.

*From the county of Clinton*—William G. Haun.

*From the county of Johnson*—Gilman Folsom.

*From the counties of Johnson, Iowa and Poweshiek*—Robert M. Hutchinson.

*From the counties of Jasper, Polk, Dallas, Guthrie, Green, Boone, Story, Marshall, Hardin, Rissley, Yell, Fox, Pocahontas, Humboldt, Wright, Franklin, Cerro Gorda, Hancock, Kossuth, Palo Alto, Emmett, Bancroft, Winnebago and Worth*—J. F. Rice, Joseph C. Goodson and Benjamin Green.



*From the county of Jackson*—George F. Green and L. Wasson.

*From the county of Jones*—John Taylor.

*From the counties of Linn, Benton and Tama*—A. F. Stedman and John McArthur.

*From the counties of Dubuque, Delaware, Buchanan, Black Hawk, Grundy, Butler and Bremer*—A. D. Anderson, R. Bonson, Lyman Dillon and A. K. Eaton.

*From the counties of Clayton, Fayette, Allamakee, Winneshiek, Howard, Mitchell, Floyd and Chickasaw*—John Garber, ——— ———.

On motion of Mr. Haun,

The House proceeded to elect by ballot, a committee of five on credentials.

On motion of Mr. Folsom,

A committee of three was appointed, to nominate candidates for said committee.

Whereupon the chair appointed Messrs. Folsom, Sells and Grant, and they forthwith recommended the names of Messrs. Haun, Eaton, Clark, Wright and Ross as candidates for a committee on credentials.

The chair appointed Messrs. Haun and Bryan, tellers.

The ballots being counted, Messrs. Haun, Eaton, Clark, Wright and Ross having received all the votes cast, were by the chair declared duly elected, committee on credentials.

Mr. Folsom moved that the committee on credentials be instructed to report forthwith. Adopted.

On motion of Mr. Folsom,

JEMMY WEEKS was appointed fireman, *pro tem*.

On motion of Mr. Bunker,

WILLIAM M. ABRAHAMS was appointed Messenger, *pro tem*.

On motion of Mr. Gilmore,

G. W. CRANE was appointed Sergeant-at-Arms, *pro tem*.

On motion of Mr. Bunker,

Adjourned until to-morrow morning at 10 o'clock.

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TUESDAY MORNING, DECEMBER 7, 1852.

Mr. Haun from the committee on credentials, reported that they had examined the credentials presented and find them formal and correct.

On motion of Mr. Haun,

The members elect were called, and the oath of office was administered by the Speaker *pro tem*; the Speaker *pro tem.* was then sworn by Mr. Grant, a member elect from the county of Scott.

Messrs. Hendershott and Everson, a committee from the Senate, was announced, who informed the House that the Senate had perfected its permanent organization.

On motion of Mr. Rice,

The House proceeded to permanently organize by the election of officers.

The House then proceeded to the election of Speaker.

Mr. Dodge nominated the Hon. JAMES GRANT, of Scott county.

Mr. Bunker nominated ELIJAH SELLS, of Muscatine county.

Upon a call of the roll it appeared that JAMES GRANT received thirty-eight votes, and ELIJAH SELLS nineteen votes; whereupon, JAMES GRANT having received a majority of all the votes cast, was declared elected, and on being conducted to the chair by Messrs. Sells and Jessup, made the following address:

GENTLEMEN :—I shall endeavor to merit the confidence, which your vote indicates, by a faithful, independent, and impartial discharge of the duties of the chair.

I doubt not you will render those duties easy by each individual becoming an example of good order in business, civility in intercourse, and dignity of deportment.

We have not the good fortune of being to any extent acquainted with each other, but this fact is the highest evidence of the increase in population and wealth of the young State of Iowa.

We have met under favorable auspices. We are required to discharge grave and important duties, and let us endeavor so to act as to promote the welfare of the home of our adoption and increase the various personal and political blessings, which have fallen to our lot.

On motion of Mr. Bunker,

## HOUSE OF REPRESENTATIVES.

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The House proceeded to the election of Chief Clerk.

Mr. Goodson nominated J. SMITH HOOTON, of Marion county.

Upon a call of the roll it appeared that J. SMITH HOOTON received fifty-seven votes; which being a majority of the whole House, he was declared elected.

On motion of Mr. Green, of Jackson,

The House proceeded to the election of Assistant Clerk.

Mr. Witter nominated H. D. LA COSSITT, of Muscatine county.

Upon a call of the roll it appeared that H. D. LA COSSITT received fifty-seven votes which being a majority of the whole House, he was declared elected.

On motion of Mr. Ramsey,

The House proceeded to the election of Enrolling Clerk.

Mr. Cock nominated S. P. YEOMANS, of Wapello county.

Upon a call of the roll it appeared that S. P. YEOMANS received fifty-four votes; which being a majority of the whole House, was declared elected.

On motion of Mr. McArthur,

The House proceeded to the election of Sergeant-at-Arm.

Mr. Allen nominated BEVERLY SEARCY, of Lucas county.

Upon a call of the roll it appeared that BEVERLY SEARCY received fifty-four votes, and was declared elected.

Mr. Green of Henry, moved that the House proceed to the election of Messenger.

Mr. Folsom moved to amend by inserting "two" before messengers.

Which was adopted.

The question then recurring on the motion as amended, was decided in the affirmative.

Mr. Green of Henry, nominated HARPIN RIGGS, of Henry county;

Mr. Ramsey nominated GEORGE GRIGSBY, of Lee county;

Mr. Grimes nominated JOHN W. TEMPLE, of Johnson county.

Upon a call of the roll it appeared that HARPIN RIGGS received thirty-nine votes, GEORGE GRIGSBY received thirty-seven votes and JOHN W. TEMPLE received twenty votes.

HARPIN RIGGS and GEORGE GRIGSBY having received a majority of all the votes cast were declared elected

On motion of Mr. Folsom,

The House proceeded to the election of Fireman.

Mr. Folsom nominated JAMES WEEKS;

Mr. Cleaves nominated SAMUEL CANUSE.

Upon a call of the roll it appeared that JAMES WEEKS received forty nine votes and SAMUEL CANUSE received six votes, and JAMES WEEKS having received a majority of all the votes cast, was declared elected.

On motion of Mr. Haun,

A committee of two was appointed to inform the Senate that the House was permanently organized and ready to proceed to business.

Messrs. Haun and Sells were appointed said committee.

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I am directed to inform the House of Representatives that Hon. Messrs. Shields and Schramm have been appointed a committee to act with a similar committee on the part of the House, to inform the Governor that the General Assembly is ready to receive any communication he may be pleased to make to them.

Mr. Haun, from the committee to inform the Senate that the House was permanently organized, reported that they had discharged their duty.

On motion of Mr. Haun,

A committee of three was appointed to act in conjunction with a similar committee on the part of the Senate, to wait upon his Excellency, the Governor, and inquire if he has any communications to make to the General Assembly.

Messrs. Haun, Sears and Grimes were appointed said committee.

On motion of Mr. Green, of Jackson,

Resolved, That the rules of the last House of Representatives be adopted for the government of this House, until new rules shall be made.

On motion of Mr. Folsom,

Resolved, That the Clerk be authorized, in behalf of the House, to make an arrangement with the Postmaster at Iowa City, for the payment of the postage of the members thereof, during the present session.

On motion of Mr. Folsom,

Resolved, That the Clerk be authorized to provide, upon the floor of the House, suitable desks for the use of all permanent newspaper reporters.

On motion of Mr. Folsom,

Resolved, That the Governor, the members of the Senate and ex-members of the House, the judges and ex-judges of the United States

and of the State of Iowa, and the members and ex-members of Congress from the State of Iowa, be admitted to seats upon the floor of this House.

On motion of Mr. Cock,

Resolved, That the Secretary of State be requested to furnish each member of the House with a copy of the laws passed at the last session of the General Assembly, and with a copy of the revised code.

On motion of Mr. Grimes,

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

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TWO O'CLOCK, P. M.

The Speaker presented the following communication from the Chief Clerk:

HALL OF THE HOUSE OF REPRESENTATIVES,  
December 7th, 1852 }

*To the Speaker of the House of Representatives :*

SIR: I have the honor to inform the House, that in obedience to the resolution of this morning, I have perfected an arrangement by which the payment of postage on all letters and papers, to and from members of the House during the present session, will be charged to the General Assembly.

Very respectfully,

J. SMITH HOOTON, Chief Clerk H. R.

On motion of Mr. McArthur,

The officers elect were called and sworn to the faithful discharge of their respective duties.

On motion of Mr. Grimes,

A committee of five was appointed to report rules for the government of the House.

Messrs. Grimes, Taylor, Sells, Bryan and Ramsey, were appointed said committee.

Mr. Green of Dallas, offered the following :

Resolved, That the Chief Clerk be authorized to furnish each member of the House with fifty copies of such newspaper, or news-

papers, published in this State, as they may direct, during the time the General Assembly shall be in session.

Mr. Hutchinson moved to amend by striking out "this State" and inserting "Iowa City."

On motion of Mr. Folsom,

The resolution and pending amendment were laid on the table.

On motion of Mr. Folsom,

Resolved, That a committee of five be appointed to examine into the necessity of subscribing, on the part of the House, to a certain number of copies of newspapers, and that they report the number, terms and conditions.

Messrs. Folsom, Grimes, Eaton, Sears, and Sells were appointed said committee.

Mr. Haun, from the joint committee appointed to wait on the Governor and inquire if he had any communication to make to the General Assembly, reported that they had performed that duty, and received from him a message in writing which was read as follows:

*Gentlemen of the Senate and House of Representatives:*

You have assembled for the purpose of performing one of the highest and most important functions, of a republican government. To you has been delegated the power, under the Constitution of the State of Iowa, to enact equal and expedient laws for the government of the Commonwealth, of which you are the immediate representatives; and upon the faithful and proper discharge of that duty must depend to a great extent, the prosperity and future welfare of the people whom you represent.

You have assembled under happy auspices—peace reigns over our land—the earth has yielded its bountiful harvest to reward our citizens for their industry—general health prevails, and prosperity seems to smile upon all. For these manifestations of a wise Providence we should be grateful.

Since the last session of the General Assembly, the people of this state, in common with all the States of the Union, have been called upon to mourn the loss of some of our most eminent statesmen—men who for almost half a century, by their greatness of intellect and eloquence, have stood the first in our national councils; men whose history whatever errors in judgment they may have committed, will rank among the first of the age in which they lived. I allude to John C. Calhoun. Levi Woodbury, Henry Clay and Daniel Webster.

Bui six years have elapsed since the organization of the state government of Iowa. At that time as near as can be estimated, the number of inhabitants amounted to seventy-eight thousand nine hundred and eighty eight. By the census taken by the United States in eighteen hundred and fifty, we find a population of one hundred and ninety-two thousand two hundred and fourteen. And by the returns of the State census for the present year, an increase of thirty-seven thousand seven hundred and eighty six. Taking into consideration the emigration to Oregon and California, I may well say that the increase has been commensurate with the most sanguine expectations.

In the State of Wisconsin, laws have been passed authorizing the appointment of a commissioner of emigration, to reside in the city of New York, whose duty it is to give emigrants the necessary information as to the soil, climate, and the branches of business to be pursued with advantage, and to protect as far as practicable, such persons against the impositions often practiced upon them. I submit to your consideration whether the appointment of such an officer, under proper regulations, would not be highly beneficial to this state, and to those who might be disposed to become citizens among us.

In a State in the condition of ours, no subject can claim a more pressing interest than that of public instruction. In older communities, under our government of popular opinion, it justly takes the first rank, but here, recently embarked upon the experiment of a state government, with a population rapidly increasing by emigration, scattered over a great extent of country, and many of them destitute of the ordinary means of civil instruction, no object can appeal in stronger terms to your fostering care. In view of the great importance of this subject, I would respectfully suggest the propriety of a careful revision of the laws which have been heretofore enacted relative to the establishment of common schools and the State University, to secure simplicity and economy in this department of our government. And you will undoubtedly be aided in your deliberations by the report of the Superintendent of Public Instruction, which will be laid before you. The first great object should be to place within the reach of every child in the state, the opportunity of acquiring those indispensable elements of education, which shall fit him for the enlightened discharge of the civil and social duties to which he may be called.

I need not remind you that our Constitution requires the General

Assembly to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement.

Our financial condition is at all times a subject of the deepest interest, not only to the people themselves, but to their Representatives, as it is to their action that the people must look for the security of their credit, the preservation of their faith, and the exemption from unnecessary burthens. By the report of the Treasurer of State herewith submitted it will be seen that there has been received into the treasury, from the second day of December, 1850, to the thirty-first day of October, 1852, the sum of one hundred and thirty-nine thousand six hundred and eighty-one dollars, and sixty-nine cents. Balance received from former Treasurer one dollar and thirty-nine cents, making an aggregate of one hundred and thirty nine thousand six hundred and eighty-three dollars and eight cents. The disbursements for the same period are one hundred and thirty one thousand six hundred and thirty one dollars and forty nine cents, leaving a balance in the treasury, at the latter date, of eight thousand and fifty-one dollars, and fifty-nine cents.

By the report of the Auditor of State, which will be laid before you, the funded debt of the State amounts to eighty-one thousand seven hundred and ninety-five dollars, seventy-five cents, of which amount, twenty-six thousand seven hundred and ninety-five dollars, seventy-five cents, are payable at the option of the State. The estimated expenditures for the two years to come, amount to \$103,918 90. The estimated resources for the same period, with the balance in the Treasury, amount to \$149,119 47, an amount which, after deducting ten per cent. for delinquencies and assessments, as unavailable, will leave a balance of receipts over expenditures, fully sufficient to extinguish all that part of the funded debt of the State, which is payable at its option, and I would recommend that provision be made to pay the same as rapidly as any surplus means may come into the Treasury.

I conceive it to be my duty to direct your attention to the propriety of establishing the office of Attorney General, as such an office is becoming absolutely necessary to protect the interest of the State in the collection of its revenue, and in the prosecution and defence of suits in which it is immediately interested. The sums which have been paid for such services, added to the losses which have been sustained



from the want of legal skill in cases where the State has been a party, would, in all probability, have much more than paid the salary of such an officer. His services would also be valuable to the various executive officers. Such an appointment would be justified on the ground of economy as well as of necessity.

At the last session of the General Assembly, a proposition was made to establish a State Land Office for the supervision and sale of lands which have been, or might be, granted to the State. Although this proposition was not then favorably considered, yet it is manifest to my mind that such an office ought to be established, under regulations that will prevent inconvenience in the sale of lands, and at the same time secure unquestionable title to the purchaser. Without such an office, I am unable to see how the swamp and other lands of the State, can be prudently and properly managed, and unless our present system should be reformed, much confusion and trouble will be the result.

It is with much satisfaction, that I invite your attention to the affairs of the Penitentiary of this State, and to the reports of the proper officers. The law passed at the last session of the General Assembly for the government of this institution, and the rules and regulations adopted under it, have had a most happy effect in establishing discipline and good order in all its departments. The duties of each officer have been specially assigned. All accounts and proceedings are required to be kept of record, so that a full understanding and settlement of all its affairs, might be had at any time without inconvenience.

Being authorized, by an act of the General Assembly, "to take the proper means to cause to be investigated the title by which the State holds the grounds upon which the penitentiary stands," I appointed Curtis Bates, Esq., to make the examination, whose report is herewith transmitted, by which it will be seen that the title to the State has been perfected, and the deed therefor recorded and filed in the proper office. I also, under a joint resolution, approved February 4th, 1851, appointed the same gentleman as a Commissioner "to settle with all persons having claims or unsettled accounts with the penitentiary, including those of John W. Cohick, the books of A. H. Haskell, late superintendent, and of John Scott, his successor;" and who, after a careful examination, made a final adjustment of the claims presented, as will appear by his report which was filed in the Auditor's Office,

with the exception of the account against Cohick, upon which a suit has been ordered to be commenced in favor of the State in the District Court of Johnson county. The reports herewith submitted, show the present condition of the penitentiary, and suggest such changes in the law regulating the same as the officers have found to be expedient. Of the \$10,000 appropriated by the last General Assembly, \$8,736 56 has been expended upon the building and freehold improvements, and \$186 04 for appendages, \$692 89 for officer's services in part, and \$175 00 for rations, leaving \$209 51 balance on hand. An omission to provide for paying officers, and an inability to procure rations by contract, created a necessity for an appropriation of this fund in part to those purposes, and I would recommend these points, with the suggestions of the officers to your early attention, to make such provision and change as would seem to be proper. Some further appropriations are also asked for, to pay the present indebtedness, and further enlarge the capacity of the prison by the completion of additional cells and otherwise. Under the able and highly satisfactory management of this institution in the hands of its officers, it is fully meeting the purposes of its establishment, and I would recommend all its interests to your favorable consideration.

By a Joint Resolution approved January 25th 1849, the Treasurer of State was authorized to procure a finely wrought sword, with proper inscriptions, to be presented by the Governor to Capt. Benjamin S. Roberts, of the Rifle Regiment, as a memento of the pride of his fellow citizens of this State for his patriotism and deeds of valor performed by him in the war with Mexico. Capt. Roberts not finding it convenient to visit this State to enable my predecessor or myself to make such presentation in person, I therefore forwarded it to Washington City where under my instruction it was presented in an appropriate manner by Hon. A. C. Dodge, in behalf of the State. In connection with this subject, I may say that while we have justly remembered the living, we have almost forgotten the dead, those of our citizens who volunteered their services to sustain the honor and triumph of our National flag, when our country was supposed to be in danger, when it required brave hearts and strong hands in her defence, and who fell in service or upon the battle fields of Mexico. Would it not be proper that the State of Iowa should, by a plain and chaste monument, erected at her capital, perpetuate the remem-

brance of the gallant Mills, of Guthrie, and the patriotic men who have thus fallen? I respectfully make the suggestion, and leave it for such action as may appear to you proper.

The attention of the General Assembly has been frequently called to the organization of the militia of the State, yet no steps have been taken by the people or the legislature to effect it in such manner as to comply with the laws of the United States, and to enable us to obtain the quota of arms to which we are entitled. The Secretary of State reported to the President the aggregate number of militia for the year 1851, but as there was no proper military organization, the report was declared insufficient as will appear by a communication herewith transmitted. By the laws of the United State and the provisions of our Constitution it is our duty to enroll and organize the militia into divisions, brigades, regiments, battalions and companies; and by a proper officer to report to the President annually, on or before the first Monday in January of each year, our effective military force, with their arms, accoutrements, &c. For the purpose of carrying out the requirements of a constitutional law of our National Government, and to obtain the arms with which the State might be defended by her own citizens, I would most earnestly recommend you to make such provisions as will be proper to effect an object so desirable, and at the same time to establish an Arsenal where the arms and munitions obtained may be safely kept until they should be needed for service. In the month of March, 1851, I received a communication from the Ordnance Department at Washington, stating that the Secretary of War had directed Major Bell, in charge of the Arsenal at St. Louis to issue upon my requisition arms and accoutrement sufficient to equip two companies of Volunteers at Burlington and Dubuque, to be charged to the State. Accordingly on the 27th day of May following, a requisition was made, and the arms were obtained, and those for the company of Burlington have been delivered. The company at Dubuque not having completed its organization, I directed the arms and accoutrements to be sent to the Penitentiary for safe keeping, where, under the charge of the Warden, they might be kept in good order, and be serviceable in guarding the prison.

Among the many important questions which will come before you for deliberation, will be the amendment of the laws now in force in this State, and to which I would especially call your attention. It will

be remembered that in the year of 1848, a committee of three persons were appointed to draft, revise and prepare a code of laws for the government of the State; and having completed their work, they at the session of the General Assembly of 1850 and '51, made their report, which having been amended, was passed and went into force on the first day of July following. This body of laws was prepared, amended and published with great care and expense, and is entitled to your careful and candid consideration.

Like everything else of human origin, it has omissions and imperfections, and it is your province to make such amendments as are necessary, and which in your judgment will advance the public good. I need not remind you that in making such amendments, much care and deliberation should be used in order to prevent conflicts and uncertainties; or that much mischief has arisen from the instability and inconsistency of legislation. Laws are enacted at one session, and before their utility can be tested, or they can be fairly understood, they are modified or repealed; and often in such a manner as to leave the public and those who are to administer them, at a loss to know what has been abrogated or what is in force. To avoid this state of things let me suggest that your acts be expressed in plain and concise language, and that they be as few and as simple as possible, consistent with the necessities and principles of the government under which we live.

For the purpose of directing your attention to such parts of the code of laws as may be defective in any particular, it is made the duty of each of the Judges of the Supreme and District Courts to report to the General Assembly, at each regular session thereof, all omissions, discrepancies or other evident imperfections of the law, which have fallen under his observation, and I would recommend such reports to your careful consideration.

In view of this duty, there is only one subject to which I would call your special attention, and that is the law regulating the sale of intoxicating liquors. This law removes all restraint from the traffic in such liquors, as articles of merchandise, but prohibits the retail to be drank upon the premises, under severe penalties; placing the enforcement of its prohibitory provisions under the exercise of the criminal jurisdiction of courts and juries. Until within a comparatively recent period, the use of spirituous liquor, has been generally looked upon without disapprobation. More recently public opinion has

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changed to a considerable extent, and in producing this result society is indebted to moral and educational influences more than to any other cause. My mind is strongly impressed with the belief that to such means, must be entrusted the hopes of future success. In a popular government, where the laws are in the hands of the people, legislative power, to be effective upon questions which come directly in conflict with natural right, cannot advance beyond public opinion. The first effort of this power was to limit the sale of such liquors through the local authority requiring a license with bail and other regulations. Thus far the law was sustained and its penalties were enforced. More recently attempts have been made to extend this power, by experimental legislation, more or less stringent. Of such a character is the law now in force. And I submit to you, while it has existed, whether general experience has not shown that its prohibitory provisions stand upon our statute book without being observed while the general license to sell as an article of merchandise has extended the traffic without control. There is an inconsistency in the practical operation of this law not reconcilable with the object intended, which suggests an additional reason for a change. Drunkenness and immoralities arising from the use of ardent spirits, may be punished as crimes, but it is doubtful whether any legal enactment will prevent its being sold by retail, while a general sale is allowed as an article of merchandise. It would seem, therefore, that a judicious license system, placed under the control of the local authorities, could be made more efficient for good than other legislation. With these views I submit the subject to your care.

In pursuance of a law of the last General Assembly relative to the Des Moines River Improvement, I proceeded at an early day to fill the offices of Commissioner and Register as therein provided, by the appointment of Gen. V. P. Van Antwerp as Commissioner, and George Gillaspay, Esq., as Register, who after being duly qualified, entered upon the discharge of the duties required of them. Fully aware of the great importance of this work and of the deep interest felt in its earliest completion, these gentlemen proceeded at once to ascertain its true condition, and so far as practicable to do what might be in their power to carry it forward to completion. The result of their labors during the first year will be found in their first annual report, made to me in pursuance of law, and which is herewith submitted for your consideration. By this report it will be found that

all work, or very nearly so, when these officers entered upon the discharge of their duties, was suspended. There were no funds on hand, and no part of the work was completed. Of the lands below Racoon Forks 188,466 acres had been sold, realizing the sum of \$235,708 81, all of which had been expended, and there remained only 133,401 acres, worth at \$1 25 per acre, \$166,752 36. Over and above the money already expended, there was outstanding debt due to the contractors of not less than \$65,000, and unliquidated claims for damages of over \$80,000 on suspended contracts. The estimated cost of completing the works between St. Francisville and Keosauqua, excluding the canal, was \$210,000. Thus showing an absolute deficit in means to be hoped for from the lands laying below the Racood Forks, to meet the actual indebtedness and the estimated cost of \$108,250, aside from all claims for unliquidated damages. In view of these facts, and to meet the pressing necessity for immediate progress with the portions of the improvement commenced, to avoid obstructions in the navigation of the river, proposals were issued for the completion of the whole work, or portions thereof as might suit contractors—thus seeking to anticipate the avails of the unsold lands and the rents of water powers, after first providing for all outstanding claims. While the result of this effort remained uncertain the unprecedented rise in the waters of the Des Moines which continued until the month of August, added most seriously to the embarrassments upon the prospects of the work, and threatened its entire abandonment.

Notwithstanding all the accumulated difficulties, the officers appointed did not suspend their efforts; and as no arrangement could be made with the old contractors, who perseveringly pressed their claims for liquidation and payment, they entered into negotiations with Messrs. Bangs, Brothers & Co., of New York, in pursuance of their proposals. When this negotiation was about closing, a new and unexpected difficulty arose of the most embarrassing character. In the month of August, the Secretary of the Interior informed the Commissioner that in accordance with the opinion of the Attorney General, he had decided that the Des Moines river grant, did not extend above the Racoon Fork, and reversing a prior decision of Mr. Walker, Secretary of the Treasury, on the same question. This action of the General Government was fatal to the prospect of the improvement if adhered to. In the hope, however, that this would not

be the case, the officers proceeded and concluded a contract with Bangs, Brothers & Co., to carry forward the work as far as the means might permit. An effort was then made to prevent the injustice of withholding these lands from the State, which, through the energy of the officers, and the most able counsel, proved successful. The decision of the Secretary of the Interior was reversed, and the lands withheld were restored to the State, thereby ensuring the means necessary for the completion of the improvement. The claims for unliquidated damages were also disposed of by a voluntary arbitration, which resulted in an award in favor of the contractors of twenty-three thousand seven hundred and ninety-six dollars and eighty-nine cents. By this report it will be seen that within the first year this work has gradually recovered from the many and serious embarrassments which pressed upon it, and that this is mainly the result of the energy, and steady perseverance of the officers to whose care it was entrusted.

Their second annual report has just been received and is also herewith submitted. Notwithstanding the favorable prospect at the close of the first year, the progress and condition of the improvement has been retarded by unexpected difficulties. Messrs. Bangs, Brothers & Co., have failed to carry on their contract, and efforts have been made to ensure the speedy completion of the work by contract with various other persons, all of which have so far proved unavailing; and present appearances indicate that it may be compelled to proceed only as means may be realized from the sales of the lands. Under the persevering efforts of the officers, the portions of the work begun, have progressed so far as to re-open the river for navigation by providing for the passage of boats through the locks, and opening the channel below St. Francisville. The brief period, since the receipt of this report, will not allow me to examine the suggestions contained therein, for the future progress of the improvement, sufficiently to recommend any specific course of action in regard to them. The importance, however, of the subject, will claim your earnest attention, and will recommend itself to your favorable consideration by every constitutional means in your power, to ensure its completion, at the earliest practicable period.

In consequence of the failure of Congress, at its last session, to make a donation of land for the construction of railroad, in this State, it would seem to be advisable to again urge this subject upon

their consideration; and coming as you do directly from the people, you will be able to understand their wants and their wishes, and it is to be hoped that in a spirit of concession and harmony, conflicting views may be reconciled, and such an application may be made as would conduce to the best interest of the State, and meet with the approbation of the General Government.

For the purpose of carrying out the provisions of an act of the General Assembly, relative to the swamp lands within this State, I did, on the 22d day of February, 1851, address a communication to Col. C. H. Booth, then Surveyor General of Iowa and Wisconsin, requesting him to furnish me with a "list of the lands returned to that office as swamp lands." With this request he did not feel himself authorized to comply, unless the assent of the State should be given to authorize him to select those lands. Not finding myself authorized under the law to give such assent, the list was not furnished. On the first of Oct., 1851, I again renewed the same application to the present Surveyor General, and on the 17th day of March, 1852, received the list as requested. Being satisfied from the best information I could obtain, that much valuable land would be lost to the State, unless a re-examination should be made, instructions were promptly issued to the county surveyors of such organized counties, where the public lands had been surveyed, to make a more particular examination, and report the same as soon as possible. Thus far no report has been received except from the county of Muscatine. As it is desirable that these returns should be made to secure the title to these lands to the State, I would recommend that the law upon this subject be so changed as to authorize the employment of other persons, where the county surveyor neglects or refuses to perform that duty.

In accordance with the direction of the last General Assembly, I have purchased five hundred dollars worth of books for the State Library, which are daily expected. As soon as they are received the list of the same will be laid before you.

In looking to the future, I cannot avoid a feeling of deep concern at the opinion expressed by some portion of our fellow citizens in favor of amending the Constitution of our State in such a manner as to authorize the establishment of Banks—of special acts of incorporation for pecuniary profit, and of contracting State debts without limitation of the General Assembly. Restrictions which are eminently calculated to protect the people from hasty, unjust, and unwise legis-



lation; and the time has come when we should examine with more than ordinary care the principles of political economy connected with our government, and avert as far as possible approaching evils.— Among the first of these in my estimation is the system of banking which has been and is now carried on in the United States. The power of these institutions over commerce, trade and industry of a country, is easily understood when it is remembered that they are invested by law with extraordinary privileges. First, to concentrate their capital and credit, and to issue their notes to double and often triple the amount of that capital. Second, to loan their credit at a high rate of interest; and third, an exemption from the ordinary liability to pay their debts and contracts to which the majority of mankind are subjected. Possessing these powers and privileges by the sanction of law, and to the exclusion of others, it is not surprising that the agricultural, commercial, and manufacturing interest of the country should be subject to frequent and disastrous convulsions. The depression and ruin which was brought upon thousands by the failure of the banks of Illinois and other Western States in 1841 and 41 cannot be forgotten. And when we find that a number of those States, not profiting by former experience, have recently organized a general system of banking for the purpose of again flooding the whole Mississippi valley with a paper currency, we may justly conclude that another convulsion more disastrous than the first will shortly be at hand. Would it be wisdom in us, under such circumstances, and when it is in the power of every citizen to retain if he sees proper, a gold and silver currency in the State, to throw aside the sheet anchor of our safety and cast ourselves upon the mercy of the waves?

In connection with this subject I may say with Mr. Madison “that the loss which America has sustained from the pestilential effects of paper money on the necessary confidence between man and man, and the necessary confidence in the public councils, on the industry and morals of the people, and on the character of republican government constitutes an enormous debt against the States chargeable with this unadvised measure, which must long remain unsatisfied or rather an accumulation of guilt which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice.” While a system of banking may serve the purpose of stimulating the hopes and business pursuits of a community and impart more than ordinary vigor to the current traffic, during a season of prosperous credit, still

it is always treacherous and fraught with too many uncertainties upon which to risk the toil and industry of those who are generally the least able to bear the losses incident to a paper currency. What is to be gained by the great body of the people of this State by the creation of banks among us and the substitution of a paper currency the inevitable tendency of which will be to drive the specie from circulation? Will the result prove a sounder and safer state of affairs after banishing gold and silver from circulation, and placing the business relations of State upon a foundation which the first blast of adversity may sweep away? Already we have too much of this currency among us. Already has it to a great extent driven the precious metals from the country, and if permitted to continue will be perilous to our best interests. For the purpose of retaining in circulation a sufficient sum of gold and silver to do the ordinary business of our citizens, I respectfully urge upon the General Assembly the propriety of passing a law to prohibit the circulation of all bank notes of a less denomination than ten dollars. A law of this character would have a most salutary effect in driving out the small notes from among us, and to a considerable extent protect our citizens from the effects of bank explosions.

It is also time to enquire why it is that the Constitution of this state should be amended to authorize the legislative power, by act of law to create inequalities and distinctions among our citizens by granting the most important privileges to some, to the exclusion of others. It has been justly said, that "a great source of the inequality in the conditions of men in respect to wealth and comfort arises from the action of law." This is particularly the case when applied to the granting of corporate powers and privileges to companies for pecuniary profit by special enactment. And I may say, that such legislation is not consistent with the true principles of a republican government—because that form of government contemplates a perfect equality of political rights, and exclusive privileges and monopolies to none. The constitution of Iowa has therefore wisely prohibited the enactment of such laws, and provides for a general act of incorporation, the privileges of which are free to every citizen. Yet it is contended by some, that this valuable prohibition, together with the restrictions on state indebtedness shall be cast aside for the purpose of trying dangerous experiments, which in all probability would result disastrously to the state and the people—to the state by plunging her

irretrievably in debt—to the people by private loss and a burdensome taxation.

Senators and Representatives: In closing this communication, I may say that the State of Iowa is in a prosperous condition—rapidly increasing in population—owing probably the smallest public debt of any state in the Union—all industrial employments finding encouragement under the regular administration of the laws, and the exercise of a healthful competition which is made free to all by the principles of her constitution—and warm in her attachment to the Union and to the just rights of each state composing it. Thus standing, her policy and her destiny have been committed to your hands. That you will protect and perpetuate that high character, by equal and just enactments, by prudence and economy, and the wisdom of your councils cannot be doubted. And in which efforts allow me to assure you of my hearty concurrence and co-operation.

S. HEMPSTEAD.

December 7th, 1852.

On motion of Mr. Grimes,

The accompanying documents were read by their titles.

Mr. Grimes moved that one thousand copies of the Governor's message be ordered to be printed for the use of the House.

Mr. Haun moved to strike out "one" and insert "four"—lost.

Mr. Taylor moved to strike out "one" and insert "three"—lost.

Mr. Folsom moved to strike out "one thousand" and insert "twenty-five hundred"—lost.

Mr. Bryan moved to strike out "one thousand" and insert "nineteen hundred"—lost.

Mr. Eaton moved to strike out "one" and insert "two"—lost.

Mr. Benjamin Green moved the previous question, upon which the main question was ordered and put, viz :

Will the House order to be printed one thousand copies of the Governor's message ;

Which was decided in the affirmative.

On motion of Mr. Clark,

Resolved, That the Governor's message be made the order of the day for to-morrow at 11 o'clock, A. M., in committee of the whole house.

Mr. Folsom moved to print one thousand copies of the documents

accompanying the Governor's message, except the report of the Commissioner and Register of the Des Moines Improvement—lost.

On motion,  
The House adjourned.

### WEDNESDAY MORNING, DECEMBER 8, 1852.

Mr. Grimes presented the credentials of Edwin Montgomery, a member elect from the counties of Clayton, Fayette, Alamakee, Winneshiek, Howard, Mitchell, Floyd and Chickasaw, who was sworn and took his seat.

The Speaker announced the standing committees as follows:

#### STANDING COMMITTEES.

*Ways and Means*—Messrs. Reeder, Wright, Grimes, Cock, McPherrin.

*Judiciary*—Messrs. Bryan, Allen, Sells, Folsom, Seymour.

*Claims*—Messrs. Bonson, Whitmore, Walters, Caulk, Cleaves.

*Schools and State University*—Messrs. Anderson, of Lee, Alger, Clark, Putman, Bunker.

*Military Affairs*—Messrs. Hutchinson, Whitmore, Bryant, Coffin, Drake.

*Enrolled Bills*—Messrs. Witter, Williams.

*Engrossed Bills*—Messrs. Rogers, Ross.

*Expenditures*—Messrs. Wright, Allison, Walters, Green, of Jackson, Duncan.

*Roads and Highways*—Messrs. Alger, Stedman, Wilson, Stevens, Wasson.

*Townships and County Organization*—Messrs. Eaton, Duckworth, Fordyce, Gillmore, Russell

*Public Buildings*—Messrs. Dillon, Means, Garber, Goodson, Dodge.

*New Counties*—Messrs. Washburn, Taylor, Montgomery, Mitchell, Hutchinson.

*Agriculture*—Messrs. Townsend, Jessup, Grimes, Putman, Haun.

*Elections*—Messrs. Anderson, of Dubuque, Green, of Henry, Seymour, McArthur, Russell.

*Incorporations*—Messrs. Green, of Henry, Bryan, Sells, Haun, Williams.

*Improvement of the Des Moines River*—Messrs. Cock, Rice, Green, of Jackson, Wright, Witter.

*Federal Relations*—Messrs. Taylor, Bryan, Ramsey, Rogers, Clarke.

*Internal Improvements*—Messrs. Haun, Dodge, Green, of Dallas, Hesser, Anderson, of Dubuque.

On motion of Mr. Haun,

Resolved, That the House order to be printed for its use, three thousand additional copies of the Governor's message, one thousand of which shall be in the German language.

On motion of Mr. Townsend,

Resolved, That the House proceed to elect a fireman, whose duty it shall be to keep fires in the committee rooms.

Mr. Haun nominated Jacob Lepper, of Clinton county.

Mr. Hutchinson nominated E. C. Cole, of Poweshiek county.

Upon a call of the roll it appeared that Jacob Lepper had forty-six votes, E. C. Cole seven votes, and John Smith one vote—Jacob Lepper having received a majority of all the votes, was declared elected.

Mr. Grimes from the committee to report rules for the government of the House, reported the rules of the last House of Representatives, with the following amendments:

Rule 39—Strike out the word "twenty," and insert "thirty-two."

Rule 60—After the word "schools," add "and State University."

Also, the following additional Standing Committees:

Charitable Institutions;

Public Lands;

State Library.

Rule 61—Strike out the words "comprised in Jefferson's Manuel," and the words, "in which they are applicable, and."

Report concurred in.

Mr. Grimes, from committee to report rules, recommended the adoption of the following:

Resolved, That two hundred copies of the rules of the House be printed for the use thereof, to be accompanied by a list of the members of the House, with their postoffice address and the county, or

district they represent, and with a list of the standing committees of the House.

Recommendation concurred in, and resolution adopted.

Mr. Folsom, from the committee to examine into the necessity of subscribing for newspapers, submitted the following

### REPORT :

The committee to whom was referred the propriety of subscribing on the part of the House, to a certain number of newspapers, beg leave to report by resolution.

G. FOLSOM, Chairman.

Resolved, That the Clerk be authorized to subscribe to twenty copies of a tri-weekly newspaper, or its equivalent, in behalf of each member of this House, to be selected by each member: Provided, That fifteen of said copies shall be printed at Iowa City, and shall have printed therein a fair, condensed report of the proceedings and debates of this House, and shall not exceed in cost one dollar per copy.

Adopted.

The Speaker presented a report of the Warden of the Penitentiary for the years 1851 and 1852.

(SEE APPENDIX.)

Mr. Folsom moved that the report be read by its title, and that two hundred copies be printed for the use of the House. Adopted.

The consideration of the Governor's message in committee of the whole, being in special order, the House resolved itself accordingly at 11 o'clock, A. M.

Mr. Reeder in the chair.

Eleven o'clock five min., A. M., the committee rose and asked leave to sit again.

Leave granted.

Mr. Folsom moved to adjourn till to-morrow morning, at 10 o'clock, A. M.

Mr. Haun moved to strike out "to-morrow morning 10 o'clock, A. M.," and insert "2 o'clock, P. M."—lost

Question recurring on the original motion, was decided in the negative.

Mr. Haun, with leave, offered the following :

Resolved, That a committee of three be appointed to meet a committee from the Senate, whose duty it shall be to recommend joint rules for the government of the two Houses.

Adopted.

Messrs. Haun, Folsom, and Sells were appointed said committee.

Mr. Folsom moved to adjourn until to-morrow morning at 10 o'clock—lost.

Yeas 15.)

Nays 45.)

The yeas and nays being desired, those who voted in the affirmative were—

Messrs. Alger,

Allen,

Allison,

Bonson,

Bryan,

Dillon,

Eaton,

Folsom,

Messrs. Gilmore,

Hutchinson,

Jessup,

Reeder,

Rice,

Stedman, and

Mr. Speaker.

Those who voted in the negative were—

Messrs. Anderson, of Dubuque,

Anderson, of Lee,

Bunker,

Cock,

Clark,

Cleaves,

Coffin,

Dodge,

Drake,

Duckworth,

Duncan,

Fordice,

Garber,

Goodson,

Green, of Dallas,

Green, of Henry,

Green, of Jackson,

Grimes,

Haun,

Messrs. Hesser,

McArthur,

McPherrin,

Means,

Mitchell,

Montgomery,

Putman,

Ramsey,

Ream,

Rogers,

Ross,

Russell,

Sells,

Sears,

Seymour,

Stevens,

Taylor,

Townsend,

Walters,

Messrs. Washburn,  
Williams,  
Wasson,  
Wilson,

Whitmore,  
Messrs. Witter,  
Wright.

Mr. Sells, with leave, offered the following :

Resolved, That a committee of three be appointed to examine the accompanying documents of the Governor's message, and report what portion is necessary to be printed for the use of the House.

Adopted.

Messrs. Sells, Bryan and Rice, were appointed said committee.

On motion,

The House adjourned.

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TWO O'CLOCK, P. M.

The Speaker announced the following additional Standing Committees under the rule :

*Public Lands*—Messrs. Ramsey, Ross, Duckworth, Garber, Dillon.

*Charitable Institution*—Messrs. Grimes, Taylor, Sears, McPherrin-Bryan.

*Library*—Messrs. Anderson, of Lee, Clark, Wilson.

Mr. Sells, with leave, presented a petition of the citizens of Muscatine county, asking that said county may be attached to the Fourth Judicial District.

Referred to the committee on the judiciary.

On motion of Mr. Folsom,

Resolved, That William Vogt be and is hereby appointed translator of the Governor's message into the German tongue.

On motion,

The House adjourned.



THURSDAY MORNING, DECEMBER 9, 1852.

Notice of the introduction of the following bills was given :

By Mr. Sells,

A bill for an act to repeal so much of the "Code of Iowa" as provides for the election and duties of a county supervisor, and provide for the election and duties of township supervisors.

Also, a bill for an act to submit to the voters of this state, the question of electing delegates to a convention to amend the constitution of the State of Iowa.

By Mr. Duncan,

A bill for an act to authorize the people of Decatur county to permanently locate the county seat by a vote of the legal voters of said county.

By Mr. Means,

A bill for an act to prohibit the Indians from hunting in this state, and also to prohibit the whites from trading with them.

By Mr. Drake,

A bill for an act to amend the law relating to justices of the peace.

By Mr. Eaton,

A bill for an act for the appointment of commissioners to view and establish a State road from Cedar Falls in Blackhawk county to Buena Vista in Clayton county.

By Mr. Witter,

A bill for an act to lay out a State road from Lyons in Clinton county, to Iowa City via De Witt, Buena Vista, Posten's Grove, Tipton, and Gower's ferry, &c.

By Mr. Green, of Dallas,

A bill for an act to lay out a State road from the west line of Dallas county, to Kaneshville in Pottawattamie county, and granting an appropriation to defray the expenses thereof.

On motion of Mr. Jessup,

Resolved, That the Sergeant-at-Arms of the House procure a lamp and fix the same, at or near, the steps at the front door of the capitol, and have the same lighted when necessary, during the present session.

Mr. Sells, from the committee to examine the documents accompanying the Governor's message, and report as to the propriety of printing the same, submitted the following

### REPORT:

The select committee to whom was referred the subject of printing the documents accompanying the Governor's message, have instructed me to make the following report :

That the only documents accompanying the message, necessary to be printed are, in the opinion of your committee,

First—The report of the Commissioner and Register of the Des Moines River Improvement of November 30, 1852.

Secondly—The reports of the Inspectors of the Iowa Penitentiary for the years 1851 and 1852, except the Warden's report to said Inspectors.

Your committee would, therefore, recommend that a committee of three, to act in conjunction with a similar committee on the part of the Senate, be appointed to determine what number of said documents referred to, is necessary to print for the use of the General Assembly.

All of which is respectfully submitted.

E. SELLS, Chairman.

Mr. Folsom moved that the report be laid on the table—lost.

Mr. Folsom moved that the report be laid on the table and made the special order for to-morrow morning—lost.

Mr. Cock called for a division of the question on the adoption of the report.

The question as to that part of the report, stating, which documents and the number thereof to be printed, was put and decided in the affirmative.

Question on the recommendation to appoint a joint committee on printing the accompanying documents, was put and decided in the affirmative.

Yeas 34)

Nays 26)

The yeas and nays were desired, and those who voted in the affirmative were—

Messrs. Allison,	Messrs. Means,
Anderson, of Lee,	Mitchell,
Bryan,	Montgomery,
Bunker,	Rice,
Clark,	Rogers,
Cleaves,	Ross,
Coffin,	Russell,
Drake,	Sears,
Duncan,	Sells,
Fordice,	Seymour,
Garber,	Stevens,
Goodson,	Walters,
Green, of Dallas,	Wasson,
Grimes,	Williams,
Jessup,	Witter,
McArthur,	Wright,
McPherrin,	

Those who voted in the negative were—

Messrs. Alger,	Messrs. Hawn,
Allen,	Hutchinson,
Anderson, of Dubuque,	Putman,
Bonson,	Ramsey,
Cock,	Ream,
Dillon,	Reeder,
Dodge,	Steadman,
Duckworth,	Taylor,
Eaton,	Townsend,
Folsom,	Washburne,
Gilmore,	Whitmore,
Green, of Henry,	Wilson, and
Green, of Jackson,	Mr. Speaker.

Messrs. Sells, Dodge and Ramsey, were appointed said committee.

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

Resolved, That the Clerk procure a thermometer and regulate the degree of heat in this Hall.

Adopted.

Mr. Sells moved to reconsider the resolution of yesterday, ordering to be printed two hundred copies of the report of the Warden of the Penitentiary.

Mr. Folsom moved to lay the motion on the table—lost.

Question recurring on the motion to reconsider, was decided in the affirmative.

On motion of Mr. Sells,

The report of the Warden of the Penitentiary, was referred to the joint committee on printing the accompanying documents.

On motion,

The House adjourned.

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TWO O'CLOCK, P. M.

Message from the Senate, by Mr. Cuming, their Secretary :

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate has passed the following resolution :

Resolved, By the Senate, the House concurring that a joint committee be appointed on printing, with instruction to print 2000 copies of the Reports and documents mentioned in said report, for the use of the Senate, and ——— copies for the use of the House of Representatives, and that said committee be instructed not to allow double compensation for said printing.

Mr. Grimes offered the following :

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the present revenue laws of the State, and to report at as early a day as practicable, by bill or otherwise.

Mr. Folsom moved to refer the resolution to the committee on agriculture—lost.

Question recurring on the adoption of the resolution, was decided in the affirmative.

Mr. Folsom, on his application, was excused from any further attendance on the meetings of the judiciary committee.

On motion,

The House adjourned.

FRIDAY MORNING, DECEMBER 10, 1852.

Mr. Dodge presented the petition of William Burris, county judge of Scott county, asking that the action of the county commissioners of said county, in subscribing to stock in certain railroad companies, be legalized; which was,

On motion of Mr. Bunker,

Referred to the committee on incorporations.

Notice to bring in the following bills and memorials was given :

By Mr. Bryan :

A bill for an act to change the boundaries of Warren county.

By Mr. Haun :

A bill for an act to amend the 114th section of the code of Iowa, so as allow counties to become stockholders in corporations, for the purpose of internal improvements, either in or out of the State.

By Mr. Green, of Dallas :

A bill for an act to amend the act defining the boundaries of Dallas county ;

A bill for an act for the laying out of cart ways ;

A bill for an act regulating the sale of intoxicating liquors and repealing so much of the code of Iowa, as relates thereto.

By Mr. Means :

A bill for an act to locate the seat of justice, in the county of Page.

By Mr. Grimes :

A memorial to Congress, asking for a grant of public lands to aid in the construction of a railroad from Burlington to the Missouri river.

By Mr. Anderson, of Lee :

A bill for an act to amend that part of the code of Iowa, which relates to the jurisdiction of justices of the peace.

By Mr. Steadman :

A bill for an act to allow justices of the peace a copy of the code and laws of Iowa.

By Mr. Walters :

A bill for an act to change the name of the town of Barkersville, in Marion county, to Attica ;

A bill for an act to locate a state road from Albia, in Monroe county, to Winterset, in Madison county, via Knoxville and Indianola ;

A bill for an act to provide for transcribing the probate records, of Marion county.

By Mr. Townsend :

A bill for an act to repealed section 323 of the code of Iowa, and provide a substitute therefor ;

A bill for an act to repeal chapter 23, title 3, part 3, of the code of Iowa, and provide a substitute therefor.

By Mr. Cleaves :

A bill for an act to prevent stock from running at large.

By Mr. Sells :

A bill for an act to provide for a bounty on wolf scalps.

By Mr. Reeder :

A bill for an act providing a stay law.

By Mr. Rice :

A bill for an act to amend that part of the code of Iowa, fixing the salary of certain county officers.

On motion of Townsend,

Resolved, That the Secretary of State be required to inform the House whether a state road, leading from Bloomfield, via Drakesville, in Davis county, and Albia, in Monroe county, to Knoxville, in Marion county, has been established by an act of the General Assembly, and whether the act is in force, and all other information in relation to the establishment and opening of said road and expenses thereof, and whether paid for out of the State or county treasury.

Mr. Grimes presented the credentials of A. S. Bryant, a member elect from the county of Pottawattamie; also, abstracts of the votes in the counties of Mills, Fremont and Pottawattamie, as the credentials of Joseph L. Sharp.

On motion of Mr. Folsom,

Joseph L. Sharp was admitted to take his seat as Representative from the counties of Pottawattamie, Mills, Fremont, &c.

A. S. Bryant and Joseph L. Sharp then took and subscribed the oath prescribed by law.

Mr. Rice presented the claim of John Rose and others for surveying and locating a state road from McGregor's, on the Mississippi river, to Fort Dodge,

Referred to a select committee;

The Speaker appointed Messrs. Rice, Garber and Eaton said committee.

Mr. Folsom moved that the House elect an assistant Fireman.

Mr. Sells moved as a substitute, that the Fireman be authorised to appoint an assistant.

On motion of Mr. Green, of Dallas,

The motion and substitute were laid on the table.

Mr. Folsom moved that the Fireman be authorised to employ such assistance as may be necessary in the discharge of his duty.

Mr. Green, of Dallas, offered the following substitute:

Resolved, That Jacob Lepper, Fireman of the committee rooms, be required to discharge the duties of assistant fireman of the House, in addition to his other duties.

Lost.

The question recurring on the original motion, was decided in the affirmative.

Mr. Bryan chairman of the committee on the judiciary, presented the following

### REPORT:

The standing committee on the judiciary, to whom was referred a resolution instructing said committee to inquire into the expediency of amending the revenue laws of the state, and to report by bill or otherwise, &c., have had the same under consideration, and have instructed me to report,

That it is the opinion of your committee, that all bills for revenue ought to emanate from or under the supervision of the standing committee of ways and means, that being the legitimate work of said committee.

Your committee would, therefore, ask to be discharged from the further consideration of the subject, and would recommend that the same be referred to the standing committee on ways and means.

P. GAD BRYAN, Chairman.

Which was concurred in.

Mr. Means introduced,

H. R. file No. 1, a bill for an act to prohibit the indians from hunting in the State, and to prohibit the whites from trading with the indians,

Which was read a first time, and

Laid over under the rule.

Message of yesterday from the Senate, being under consideration :  
 Mr. Sells moved that the House concur in the resolution of the Senate.

Mr Folsom moved to lay the message on the table.

Lost.

On motion of Mr. Green of Dallas,  
 The blank in the resolution was filled with "2000."  
 Pending question on the adoption of the resolution,  
 The House adjourned.

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TWO O'CLOCK, P. M

Question pending on the adjournment of the House,  
 Was decided in the affirmative.

Yeas 36,

Nays 26,

The yeas and nays were desired, and those who voted in the affirmative were—

Messrs. Bryan,

Bunker,

Clark,

Cleaves,

Coffin,

Drake,

Duckworth,

Duncan,

Fordice,

Garber,

Goodson,

J. C. Green,

Benj. Green,

Grimes,

Hesser,

Jessup,

McArthur,

McPherrin,

Messrs. Means,

Mitchell,

Montgomery,

Putman,

Ream,

Reeder,

Rice,

Rogers,

Ross,

Russell,

Sells,

Seymour,

Stevens,

Walters,

Wasson,

Williams,

Wilson, and

Mr. Speaker.



Those who voted in the negative were—

Messrs. Alger,	Messrs. Geo. F. Green,
Allen,	Haun,
Allison,	Hutchinson,
A. D. Anderson,	Ramsey,
J. M. Anderson,	Sears,
Bonson,	Sharp,
Bryant,	Stedman,
Cock,	Taylor,
Dillon,	Townsend,
Dodge,	Washburn,
Eaton,	Whitmore,
Folsom,	Witter and
Gilmore,	Wright.

Messrs. Sells, Dodge and Ramsey were appointed said committee.

The Speaker announced the name of Mr. Sharp as one of the committee on the judiciary.

Mr. Bryan moved that the House adjourn.

Lost.

Mr. Taylor moved that the House adjourn.

Lost.

On motion of Mr Bunker,

Mr. Cleaves was added to the committee on schools and state university.

On motion,

The House adjourned.

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### SATURDAY MORNING, DECEMBER 11, 1852.

Notice to bring in the following bills, memorials and joint resolutions, was given :

By Mr. Wright :

A bill for an act to provide for a re-survey of the two state roads from Charlestown to the city of Keokuk, in Lee county. •

By Mr. Ramsey :

A bill for an act to repeal the revenue law and provide a substitute therefor.

By Mr. Duncan :

A bill for an act to change the county road leading from Lineville to Corydon in Wayne county, to a state road, and to locate a state road from Corydon, in Wayne county, to Chariton in Lucas county.

By Mr. Stedman :

A memorial to Congress for a grant of land to aid in the construction of a railroad from Davenport, in Scott county, to the Missouri river, with branches to Dubuque, Burlington and Keokuk.

By Mr. Dodge :

A memorial to change in part the stage route from Davenport, in Scott county, to Muscatine, in Muscatine county.

By Mr. Garber :

A joint resolution asking a grant of land to aid in building a railroad from Lansing, in the county of Allamakee to the Missouri river, via Fort Desmoines.

By Mr. Fordice :

A bill for an act authorising the Commissioner of the Desmoines river improvement, or some other person therein named, to examine and make a final settlement of the accounts of Paul Brattain, former Treasurer of the Board of Public Works.

By Mr. Sharp :

A bill for an act to locate the seat of justice of the county of Mills, and change the name of Coonville in said county to Glenwood ; also the name of Kanesville in Pottawattawie county to Council Bluffs City.

A bill for an act providing for the organization of the counties of Harrison, Shelby, Cass, Adair, Audubon, Adams and Union.

A bill for an act to establish a state road from Albia, in Monroe county, to Platteville, on the Missouri river via the county seats of Lucas, Clark, Union, Adams, Montgomery, and Mills counties.

By Mr. Eaton :

A joint memorial to Congress asking a grant for the right of way and a donation of public lands sufficient to build a railroad from Dubuque to North Red river via Cedar Valley and the Great Bend in the St. Peters.

By Mr. Green, of Henry :

A bill for an act to repeal the stray law and provide a substitute therefor.

By Mr. Allen:

A bill for an act providing for the sale of the saline lands of the State.

By Mr. Walters:

A bill for an act to repeal section 945 of the code of Iowa, or so much thereof as relates to the interest of money, and provide a substitute therefor.

By Mr. Williams:

A bill for an act to dispose of the swamp and overflowed lands.

By Mr. Townsend:

A bill for an act to repeal sections 1174, 1175 and 1176 of the code of Iowa and provide a substitute therefor.

Mr. Haun offered the following resolution:

Resolved, That so much of the Governor's message as refers to the appointment of a Commissioner of Emigration, be referred to the committee on ways and means.

2. That so much as refers to public instruction, be referred to the committee on schools and state university.

3. That so much as refers to the finances of the State, be referred to the committee on ways and means.

4. That so much as refers to the establishment of the office of attorney general of the State, be referred to the committee on the judiciary.

5. That so much as refers to the establishment of a land office for the supervision and sale of the lands which belong to the State, be referred to the committee on public lands.

6. That so much as refers to the penitentiary, be referred to the committee on public buildings.

7. That so much as refers to the erection of a monument to our gallant and lamented fellow citizens who fell while sustaining the honor of our national flag on a foreign field of battle, be referred, with all other portions which have reference to the militia, to the committee on military affairs.

8. That so much as refers to the revision or amendment of the laws now in existence, be referred to the committee on the judiciary.

9. That so much as refers to the sale of intoxicating liquors, be

referred to a select committee of three, who shall be instructed to report at as early a day as may be expedient.

10. That so much as refers to the Desmoines river improvement, be referred to the committee on such improvement.

11. That so much as refers to the failure of Congress to make a grant of land to aid in the construction of railroads in the State, be referred to the committee on internal improvements.

12. That so much as refers to the swamp and overflowed lands, be referred to the committee on public lands.

13. That so much as refers to the question of submitting to the people whether they will amend the Constitution or not, be referred to the committee on the judiciary.

14. That so much as refers to banking, and the circulation of small bank bills, be referred to the committee on the judiciary.

That all of said committees be requested to report at as early a day as possible.

Mr. Folsom offered the following substitute for paragraph 8:

That so much as refers to amendments to the code, be referred to a committee on the part of the House to act with a similar committee on the part of the Senate, (they concurring herein.)

Which was adopted.

Yeas 52,

Nays 10,

Those who voted in the affirmative were—

Messrs Alger,

A. D. Anderson,

J. M. Anderson,

Bonson,

Bryan,

Bryant,

Bunker,

Cock,

Clark,

Cleaves,

Coffin,

Dillon,

Dodge,

Drake,

Duckworth,

Messrs. Duncan,

Folsom,

Fordyce,

Garber,

Gilmore,

Goodson,

J. C. Green,

Benj. Green,

Geo. F. Green,

Grimes,

Hesser,

Hutchinson,

Jessup,

McArthur,

McPherrin,

Messrs. Means,  
 Mitchell,  
 Montgomery.  
 Putman,  
 Ramsey,  
 Ream,  
 Rice,  
 Rogers,  
 Ross,  
 Russell,  
 Sears,

Messrs. Sells,  
 Seymour,  
 Sharp,  
 Stevens,  
 Taylor,  
 Walters,  
 Washburn,  
 Wasson,  
 Williams,  
 Wilson and  
 Wright.

Those who voted in the negative were—

Messrs. Allen,  
 Allison,  
 Eaton,  
 Haun,  
 Reeder,

Messrs. Steadman,  
 Townsend,  
 Whitmore,  
 Witter and  
 Mr. Speaker.

On motion of Mr. Green, of Dallas,

The blank in the substitute for paragraph 8, was filled with "five."

Mr. Eaton moved to strike out "three" and insert "thirteen" in paragraph 9.

Lost.

Mr. Sharp moved to strike out "three" and insert "five."

Agreed to.

Yeas 56,

Nays 6,

The yeas and nays were desired, and those who voted in the affirmative were—

Messrs. Alger,  
 Allen,  
 Allison,  
 A. D. Anderson,  
 J. M. Anderson,  
 Bonson,  
 Bryant,  
 Bunker,  
 Clark,  
 Cleaves,  
 Coffin,

Messrs. Dillon,  
 Drake,  
 Duckworth,  
 Eaton,  
 Folsom,  
 Fordyce,  
 Garber,  
 Gilmore,  
 Goodson,  
 J. C. Green,  
 Geo. F. Green,

Messrs. Grimes,

Haun,

Hesser,

Hutchinson,

Jessup.

McArtlaur,

McPherrin,

Means,

Mitchell,

Montgomery,

Putman,

Ramsey,

Ream,

Reeder,

Rice,

Rogers,

Ross,

Russell,

Messrs. Sears,

Sells,

Seymour,

Sharp,

Steadman,

Stevens,

Taylor,

Townsend,

Walters,

Washburn,

Wasson,

Whitmore,

Williams,

Wilson,

Witter,

Wright and

Mr. Speaker.

Those who voted in the negative were—

Messrs. Bryan,

Cock,

Dodge,

Messrs. Duncan,

Eaton and

Benj. Green.

Messrs. Haun, Cock, Bonson, Green of Dallas and Williams were appointed said committee.

Question recurring on the resolution as amended, was decided in the affirmative.

On motion of Mr. Steadman,

Resolved, That the Clerk be authorized to furnish for the use of the House two maps of the State of Iowa.

Mr. Sells, with leave, introduced,

H. R. file No. 2, joint resolution on the subject of a grant of land to aid in the construction of a railroad.

Which was read a first time.

Mr. Haun, from the joint committee on joint rules, submitted the following report:

### JOINT RULES.

1. In every case of an amendment of a bill, agreed to in one House

and dissented from in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall at a convenient hour, to be agreed upon by the chairman, meet and state to each other, verbally or in writing, as either shall choose, the reasons of their respective House for and against the amendment, and confer freely thereon.

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

4. All messages from one House to the other, shall be sent by the Secretary of the Senate, Clerk of the House, or their respective assistants.

5. After the bill shall have passed both Houses, it shall be duly enrolled by the Secretary or Clerk of the House in which it originated, before it shall be presented to the Governor.

6. When the bills are enrolled, they shall be examined by a joint committee of two from the Senate and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

7. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House then by the President of the Senate.

8. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the journal of each House; the said committee shall report the day of presentation to the Governor, which shall also be entered on the journal of each House.

9. All orders, resolutions and votes, which are to be presented to the Governor for his approbation, shall also, in the same manner, be

previously enrolled, examined and signed, and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

10. When a bill or resolution which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution which has been passed in one House is rejected in the other, it shall not be brought in during the same session without notice of five days, and leave of two-thirds of the House in which it shall be renewed.

12. Each House shall transmit to the other all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreement, a bill or resolution is lost.

14. When bills which may have passed one House, are ordered to be printed in the other, a greater number of copies shall not be printed than be necessary for the use of the House making the order.

15. All messages, reports, or other documents presented to either House, for general information, and ordered to be printed by such House, shall, when printed, be for the use of both Houses.

16. It shall be the duty of the Chief Clerk of the House or the Secretary of the Senate, when any such document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other, so that the same order may not be made in both Houses.

17. In all elections in joint convention of both branches of the General Assembly, the names of the members of both branches shall be arranged together in alphabetical order, and be called upon to vote in the order in which they shall stand arranged.

Which was concurred in.

The following bills and joint resolutions were introduced, of which notice had been given :

By Mr. Grimes :

H. R. file No. 3, joint resolution asking a grant of land to aid in the construction of a railroad from Burlington to the Missouri river,

Which was read a first time.

By Mr. Drake :

H. R. file No. 4, a bill for an act to amend that part of the code of Iowa, which relates to justices of the peace and their courts,

Which was read a first time.



By Mr. Means :

H. R. file No. 5, a bill for an act to locate the seat of justice in the county of Page,

Which was read a first time.

By Mr. Green, of Dallas :

H. R. file No. 6, a bill for an act to amend an act entitled "an act supplemental to an act to establish new counties, and define their boundaries," approved January 17, 1846.

Which was read a first time.

By Mr. Bryan :

H. R. file No. 7, a bill for an act to change the boundaries of Warren county,

Which was read a first time.

By Mr. Haun :

H. R. file No. 8, a bill for an act entitled an act to amend section 114 of the code of Iowa,

Which was read a first time

On motion of Mr. Sharp,

The 42d rule was suspended, and

H. R. file No. 1, a bill for an act to prohibit the Indians from hunting in the State, and to prohibit the whites from trading with them.

Also,

H. R. file No. 5, a bill for an act to locate the seat of justice in the county of Page,

Were each read a second time, and

Referred to a select committee.

Messrs. Sharp, Means and Bryant, were appointed said committee.

On motion,

The House adjourned until Monday morning at ten o'clock.

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### MONDAY MORNING, DECEMBER 13, 1852.

Message from the Senate by Mr. Cuming, their Secretary :

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

Refused to concur in the resolution of the House, to appoint a joint committee for the consideration of amendments to the code.

Mr. Dodge presented the petition of the City Council of the city of Davenport, asking an amendment of the charter of said city,

Which was, with the accompanying plat, referred to the Committee on incorporations.

Notice to bring in the following bills, memorials and joint resolutions, was given :

By Mr. Cock :

A bill for an act to amend section 1417 of the code of Iowa.

A bill for an act amendatory and supplemental to an "act to secure a more vigorous prosecution and early completion of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto," approved Feb. 5, 1851.

By Mr. Dillon :

A joint memorial to the Congress of the United States, asking a grant of land to aid in the construction of a railroad from the termination of the Illinois Central Railroad on the Mississippi river at Dubuque, to a point on the Missouri river, at or near Kanessville, in the county of Pottawattamie, by the way of Fort Des Moines.

By Mr. Ramsey :

A bill for an act repealing so much of the law regulating the Des Moines river improvement, as gives to the Executive the power of appointing the Register and Receiver.

By Mr. Eaton :

A joint memorial to Congress asking that a land office be established at Cedar Falls, in Blackhawk county.

By Mr. Sharp :

A bill for an act to amend title 21, chapter 129, from section 2362 to 2376 inclusive, so as to make the provisions of said sections applicable to improvements upon the public lands.

By Mr. Drake :

A bill for an act for the location of a state road from Ottumwa, in Wapello county, through Drakeville, in Davis county, to the northern boundary of Missouri, in the direction of Lancaster, the county seat of Schuyler county, Missouri.

By Mr. Reeder :

A bill for an act to dispose of the inundated and swamp lands of

this State, as to make them the property of the county in which said lands are situated.

On motion of Mr. Haun,

Resolved, That the messengers be and are hereby required to distribute equally among the members, by placing the same on their desks, all public documents or other matter which may be assigned for the use of this House.

Mr. Sharp from select committee, to whom was referred

H. R. file No. 1, a bill for an act to prohibit the indians from hunting in the state, and to prohibit the whites from trading with the indians,

Reported the same back with the following amendments :

Strike out sections "3, 4 and 5" and the word "roaming" in section 10.

All of which amendments were concurred in.

Said bill was then read a second time, and

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

Also,

Substitute for H. R. file No. 5, a bill for an act to locate the seat of justice in the county of Page,

Which was read a first time ;

On motion of Mr. Sharp,

The 42nd rule was suspended, said bill was read a second time, and

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

Mr. Rice from select committee, to whom was referred the claim of John Rose and others submitted the following

### REPORT :

The select committee to whom was referred the claims of John Rose and others, for viewing and locating a state road from McGregor's on the Mississippi river in Clayton county, Iowa, to Fort Clarke on the Des Moines river, in Yell county, Iowa, have instructed me to report,

That from satisfactory and conclusive evidence in possession of the committee, they find that the services of John Rose and others, were rendered agreeably to an act of the last legislature, and performed between the 1st of July and the 1st of September, A. D. 1851, that the whole length of said road is 173 miles, 55 miles passing through or-

ganized counties, and one hundred and eighteen miles passing through territory not yet organized into counties. As organized counties are by law, required to pay all expenses arising from the establishment of state roads within their borders, your committee are of opinion, that said claimants should be paid from the state treasury the lawful charges for establishing so much of said road only, as passes through territory not yet organized into counties.

The following are the claims for establishing the road in the unorganized counties:

Jno. Rose, viewer,	31 days	\$2 00	per day	62	00
Francis Rogers, "	40	"	2 00	"	80 00
J. C. Wood, surveyor,	34	"	3 00	"	102 00
Geo. Teter, chainman,	2	"	1 25	"	2 50
Geo. Canar "	3	"	1 25	"	3 75
S. Whitman, "	26	"	1 25	"	32 50
Jno. Gardner "	7	"	1 25	"	8 75
G. Allen "	13	"	1 25	"	16 25
Jesse Robertson, axman,	27	"	1 25	"	33 75
E. G. Allen, wagon and team,	23	"	2 25	"	51 75

Your committee recommend the adoption of the following resolution:

Resolved, That the committee on expenditures be instructed to provide in the general appropriation bill for the payment of the above claims.

J. F. RICE, Chairman.

Mr. Eaton offered the following amendment, and one hundred dollars to be paid out of the State Treasury to Samuel Davis, Benjamin Knapp, David Parker and their assistants, to be apportioned by the Secretary of State.

On motion of Mr. Grimes,

The report and pending amendment,

Was referred to the committee of ways and means.

Mr. Haun, with leave, introduced,

H. R. file No. 9, joint resolution instructing our Senators to advocate a repeal of the duty on railroad iron;

Which was read a first time.

Mr. Sharp, with leave, introduced,

H. R. file No. 10, preamble and joint resolution relative to a homestead bill;

Which was read a first time.

The following bills, memorials and joint resolutions were introduced, of which notice had been given :

By Mr. Garber :

H. R. file No. 11, joint resolution on the subject of a grant of land to aid in the construction of a railroad from Lansing, in the county of Alamakee, to the Missouri, via Fort Desmoines;

Which was read a first time.

By Mr. Eaton :

H. R. file No. 12, a memorial to Congress for a grant of land to build a railroad from Dubuque to Red river ;

Which was read a first time.

By Mr. Steadman :

H. R. file No. 13, a bill for an act to allow justices of the peace a copy of the code and laws of Iowa ;

Which was read a first time.

By Mr. Walters :

H. R. file No. 14, a bill for an act to transcribe the probate records, of Marion county;

Which was read a first time.

By Mr. Sharp :

H. R. file No. 15, a bill for an act to change the name of Kaneshville to Council Bluff City ;

Which was read a first time.

By Mr. Townsend :

H. R. file No. 16, a bill for an act to repeal so much of section 323 of the code of Iowa, as relates to county judges and provide a substitute therefor ;

Which was read a first time.

The following communication from the Secretary of State was received and read.

SECRETARY'S OFFICE, IOWA. }  
Iowa City, December 13, 1852. }

*To the Hon. the House of Representatives of the State of Iowa:*

GENTLEMEN—I have had the Honor to receive your resolution of the 11th inst., requesting me to inform the House, whether a state road leading from Bloomfield, via Drakesville, in Davis county, and Albia, in Monroe county, to Knoxville, in Marion county, has been estab-

lished by an act of the Genral Assembly, and whether the act is in force, and all other information in relation to the establishment and opening of said road, and the expenses thereof, and whether paid for out of the State or county treasury. In reply I would respectfully inform the House, that I have been able to find no act establishing a state road from Bloomfield, via Drakesville and Albia, to Knoxville, in Marion county.

Very Respectfully,

Your Obed't. Servant,

GEO. W. McCLEARY, Secretary of State.

H. R. file No. 2, joint resolution on the subject of a grant of land to aid in the construction of a railroad,

Was read a second time.

Mr. Haun moved to refer said resolution to the committee on internal improvements.

Lost.

Yeas 23,

Nays 39,

The yeas and nays being desired, those who voted in the affirmative were—

Mr. A. D. Anderson,	Mr. Benj. Green,	Mr. Seers,
J. M. Anderson,	Geo. F. Green,	Stedman,
Bonson,	Haun,	Taylor,
Dillon,	Hesser,	Washburn,
Eaton,	Hutchinson,	Witter,
Folsom,	McArthur,	Wright, and
Gilmore,	Rice,	Mr. Speaker.
Goodson,	Rogers,	

Those who voted in the negative were—

Mr. Allen,	Mr. Drake,	Mr. Montgomery,
Allison,	Duckworth,	Putman,
Bryan,	Duncan,	Ramsey,
Bryant,	Fordyce,	Ream,
Bunker,	Garber,	Reeder,
Caulk,	J. C. Green,	Ross,
Cock,	Grimes,	Russell,
Clark,	Jessup,	Sells,
Cleaves,	McPherrin,	Seymour,
Coffin,	Means,	Sharp,
Dodge,	Mitchell,	Stevens,

Taylor,  
Walters,

Wasson,  
Whitmore,

Williams, and  
Wilson.

Mr. Sells moved that said joint resolution be engrossed and read a third time to-morrow.

Mr. Folsom moved to refer the joint resolution to a select committee, of which Mr. Sharp should be chairman.

Lost.

The question recurring on the motion to engross,  
Was decided in the affirmative.

On motion,

The House adjourned.

## TWO O'CLOCK, P. M.

H. R. file No. 3, joint resolution asking a grant of land to aid in the construction of a rail road from Burlington to the Missouri river,  
Was read a second time.

Mr. Folsom moved that the joint resolution be referred to a select committee, of which, Mr. Sharp should be chairman.

Lost.

Yeas 21.)

Nays 41.)

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. A. D. Anderson,	Mr. Gilmore,	Mr. Rice,
J. M. Anderson,	Goodson,	Seers,
Bonson,	Benj. Green,	Steadman,
Dillon,	Geo. F. Green,	Taylor,
Dodge,	Haun,	Washburn,
Eaton,	Hutchinson,	Witter, and
Folsom,	McArthur,	Wright.

Those who voted in the negative were:

Mr. Alger,	Mr. Bryan,	Mr. Cock,
Allen,	Bryant,	Clark,
Allison,	Bunker,	Cleaves,

Mr. Coffin,	Mr. Means,	Mr. Seymour,
Drake,	Mitchell,	Sharp,
Duckworth,	Montgomery,	Stevens,
Duncan,	Putman,	Townsend,
Fordyce,	Ramsey,	Walters,
Garber,	Ream,	Wasson,
J. C. Green,	Reeder,	Whitmore,
Grimes,	Rogers,	Williams,
Hesser,	Ross,	Wilson, and
Jessup,	Russell,	Mr. Speaker.
McPherrin	Sells,	

On motion of Mr. Grimes,

Said joint resolution was ordered to be engrossed and read a third time to-morrow,

H. R. file No. 4, a bill for an act to amend that part of the Code of Iowa, which relates to justices of the peace and their courts,

Was read a second time, and

On motion of Mr. Folsom,

Referred to the committee on the judiciary.

H. R. file No. 6, a bill for an act to amend an act entitled "an act supplemental to an act to establish new counties and define their boundaries, approved, January 17th, 1846,"

Was read a second time, and

On motion of Mr. Green of Dallas,

Was referred to the committee on county and township organization.

H. R. file No. 7, a bill for an act to change the boundaries of Warren county,

Was read a second time, and

On motion of Mr. Rice,

Referred to the committee on township and county organization.

Yeas 37,

Nays 26,

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Alger,	Mr. Dillon,	Mr. Gilmore,
A. D. Anderson,	Dodge,	Goodson,
J. M. Anderson,	Folsom,	J. C. Green,
Bonson,	Fordyce,	Benj. Green,



Mr. Geo. F. Green,	Mr. Reeder,	Mr. Washburn,
Haun,	Rice,	Whitmore,
Hesser,	Rogers,	Williams,
Hutchinson,	Russell,	Wilson,
McArthur,	Sears,	Witter,
McPherrin,	Seymour,	Wright, and
Mitchell,	Sharp,	Mr. Speaker.
Montgomery,	Stedman,	
Ream,	Taylor,	

Those who voted in the negative were:

Mr. Allen,	Mr. Coffin,	Mr. Putnam,
Allison,	Drake,	Ramsey,
Bryan,	Duckworth,	Ross,
Bryant,	Duncan,	Sells,
Bunker,	Eaton,	Stevens,
Caulk,	Garber,	Townsend,
Cock,	Grimes,	Walters, and
Clark,	Jessup,	Wasson.
Cleaves,	Means,	

H. R. file No. 8, a bill for an act entitled an act to amend section 114 of the Code of Iowa,

Was read a second time, and

On motion of Mr. Folsom,

Referred to the committee on the judiciary, with instructions to report what portions of said bill are now the law of the state.

On motion,

The House adjourned.

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TUESDAY MORNING, DECEMBER 14, 1852.

On motion of Mr. Grimes,

Resolved, That the Clerk be instructed to procure to be printed two hundred copies of the joint rules of the two Houses.

On motion of Mr. Grimes,

Resolved, That the Superintendent of Public Instruction be requested to make his biennial report to the House at as early a day as practicable.

Notice to bring in the following bills was given :

By Mr. Drake :

A bill for an act to repeal section 1252 of the code of Iowa, and provide a substitute therefor.

By Mr. Rice :

A bill for an act authorising the Commissioners of the Des Moines river improvement, to sell the quarter section of land upon which the county seat of Boone county is situated.

By Mr. Means :

A bill for an act to repeal so much of the code as relates to the county judge, and change the same to three county commissioners.

By Mr. Eaton :

A bill for an act to amend sections 96 and 103 of the code of Iowa.

Mr. Sharp, with leave, presented the petition of citizens of the county of Pottawattamie, asking that the time of holding courts in the sixth judicial district, may be changed.

Also,

Petition of citizens of Harrison and Pottawattamie counties for a state road.

Mr. Rogers from the committee on engrossed bills, reported file No. 1, a bill for an act to prohibit the Indians from hunting in the State, and to prohibit the whites from trading with the Indians.

Also,

H. R. file No. 2, joint resolution on the subject of a grant of land to aid in the construction of a railroad from Davenport via Muscatine, on the Mississippi river, to Council Bluffs, on the Missouri.

Also,

H. R. file No. 3, joint resolution asking a grant of lands to aid in the construction of a railroad from Burlington to the Missouri river.

Also,

H. R. file No. 5, substitute for a bill for an act to locate the seat of justice in the county of Page,

As correctly engrossed.

The following bills were introduced of which notice had been given :

By Mr. Duncan :

H. R. file No. 17, a bill for an act to locate the seat of justice of Decatur county,

Which was read a first time.

By Mr. Dillon :

H. R. file No. 18, a memorial and joint resolution for a grant of land to aid in the construction of a railroad from Dubuque to the Missouri river,

Which was read a first time.

By Mr. Cock :

H. R. file No. 19, a bill for an to amend section 1419 of the code of Iowa,

Which was read a first time.

By Mr. Anderson of Lee :

H. R. file No. 20, a bill for an act to amend chapter 129 of the code of Iowa,

Which was read a first time.

By Mr. Walters :

H. R. file No. 21, a bill for an act to change the name of Barkersville, in Marion county, to Attica,

Which was read a first time.

By Mr. Drake :

H. R. file No. 22, a bill for an act to locate a State road from Ottumwa via Drakeville, to the northern boundary of Missouri,

Which was read a first time.

By Mr. Walters ;

H. R. file No. 23, a bill for an act to locate a State road from Bloomfield, in Davis county, to Winterset, in Madison county via Drakeville, Albia, Knoxville and Indianolia,

Which was read a first time.

H. R. file No. 9, a joint resolution instructing our senators to advocate a repeal of the duty on railroad iron,

Was read a second time, and

Mr. Fordice moved to indefinitely postpone the joint resolution.

Mr. Folsom moved that the House resolved itself into committee of the whole House now.

Lost.

Mr. Folsom moved that the House resolve itself into committee of

the whole House on ——— evening, at 7 o'clock, for the consideration of said joint resolution.

Adopted.

On motion of Mr. Sharp,

The blank was filled with "to-morrow."

H. R. file No. 10, preamble and joint resolution of instruction on a homestead bill,

Was read a second time, and

Mr. Folsom moved to refer to the committee of the whole House on

——— evening.

Adopted.

On motion of Mr. McArthur,

The blank was filled with "Friday."

H. R. file No. 11, joint resolution on the subject of a grant of land to aid in the construction of a railroad from Lansing, in the county of Alameda, to the Missouri river via Fort Des Moines,

Was read a second time, and

On motion of Mr. Garber,

Referred to a select committee of three, and

Messrs. Garber, Eaton and Rice were appointed said committee.

H. R. file No. 12, memorial to Congress for a grant of land to build a railroad from Dubuque to Red river of the north,

Was read a second time, and

Mr. Eaton moved that the memorial be engrossed and read a third time to-morrow.

Lost.

Yeas 31,

Nays 31,

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. A. D. Anderson,	Mr. Goodson,	Mr. Montgomery,
Bonson,	Benj. Green,	Ream,
Dillon,	Geo. F. Green,	Reeder,
Dodge,	Haun,	Rice,
Drake,	Hesser,	Rogers,
Eaton,	Hutchinson,	Russell,
Folsom,	McArthur,	Sells,
Fordyce,	McPherrin,	Taylor,
Garber,	Mitchell,	Washburn,

Mr. Whitmore,            Mr. Wright, and            Mr. Speaker.  
Witter,

Those who voted in the negative were:

Mr. Alger,	Mr. Dnickworth,	Mr. Seymour,
Allen,	Duncan,	Sharp,
Allison,	Gilmore,	Steadman,
J. M. Anderson,	J. C. Green,	Stevens,
Bryan,	Grimes,	Townsend,
Bryant,	Jessup,	Walter,
Bunker,	Means,	Wasson,
Cock,	Putman,	Williams, and
Clark,	Ramsey,	Wilson.
Cleaves,	Ross,	
Coffin,	Sears,	

H. R. file No. 13, a bill for an act to allow justices of the peace a copy of the Code and laws of the State of Iowa,

Was read a second time.

Mr. Eaton offered the following amendment, add after the words "justices of the peace," the words "constables, supervisors of roads, sheriff and coroners. Provided, That no additional copies of the code be printed for that purpose."

On motion of Mr. Green of Dallas,

The bill and pending amendment were referred to a select committee of three; and

Messrs. Green of Dallas, Eaton and Ramsey were appointed said committee.

H. R. file No. 14, a bill for an act to transcribe the probate records of Marion county,

Was read a second time, and

On motion of Mr. Walters,

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

H. R. file No. 15, a bill for an act to change the name of Kaneshville to Council Bluff City,

Was read a second time, and

On motion of Mr. Sharp,

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

H. R. file No. 16, a bill for an act to repeal so much of section 323 of the Code of Iowa as relates to county judges, and provide a substitute therefor,

Was read a second time, and

On motion of Mr. Folsom,

Referred to the committee on the judiciary.

H. R. file No. 1, a bill for an act to prohibit the indians from hunting in the state and to prohibit the whites from trading with the indians,

Was read a third time, and

On motion of Mr. Townsend,

Was postponed until Monday next.

H. R. file No. 2, joint resolution on the subject of a grant of land to aid in the construction of a rail road,

Was read a third time.

Mr. Sells moved to amend by way of a rider, by prefixing a memorial.

Agreed to.

Mr. Goodson moved the following amendment, by way of rider :

Be it further resolved, That said road shall run by way of Fort Des Moines.

Pending which,

On motion,

The House adjourned.

TWO O'CLOCK P. M.

Question pending on adjournment, was decided in the negative.

Yeas 28,

Nays 33,

The yeas and nays were desired, and those who voted in the affirmative were :

Mr. A. D. Anderson,	Mr. Gilmore,	Mr. McArthur,
J. M. Anderson,	Goodson,	Means,
Bonson,	Benj. Green,	Mitchell,
Dillon,	Geo. F. Green,	Ream,
Eaton,	Haun,	Rice,
Folsom,	Hesser,	Rogers,
Garber,	Hutchinson,	Sears,

Stedman,	Mr. Whitmore,	Mr. Speaker.
Taylor,	Witter,	
Washburn,	Wright and	

Those who voted in the negative were:

Mr. Alger,	Mr. Drake,	Mr. Ross,
Allen,	Duckworth,	Russell,
Allison,	Duncan,	Sells,
Bryan,	J. C. Green,	Seymour,
Bryant,	Grimes,	Sharp,
Bunker,	Jessup,	Stevens,
Caulk,	McPherrin,	Townsend,
Clark,	Montgomery,	Walters,
Cleaves,	Putman,	Wasson,
Coffin,	Ramsey,	Williams and
Dodge,	Reeder,	Wilson.

Mr. Bryant offered the following amendment by way of rider at the end of first resolution:

Provided, That said road go by the way of Kanesville.

Agreed to.

Yeas 56.

Nays 6.

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. Fordyce,	Mr. Putman,
Allen,	Garber,	Ramsey,
Allison,	Gilmore,	Ream,
A. D. Anderson,	Goodson,	Reeder,
J. M. Anderson,	Benj. Green,	Rice,
Bonson,	J. C. Green,	Rogers,
Bryan,	Geo. F. Green,	Ross,
Bryant,	Grimes,	Russell,
Clark,	Haun,	Sears,
Cleaves,	Hesser,	Sells,
Coffin,	Hutchinson,	Seymour,
Dillon,	McArthur,	Sharp,
Drake,	McPherrin,	Steadman,
Duckworth,	Means,	Stevens,
Eaton,	Mitchell,	Taylor,
Folsom,	Montgomery,	Townsend,

Mr. Walters,	Mr. Whitmore,	Mr. Witter,
Washburn,	Williams,	Wright and
Wasson,	Wilson,	Mr. Speaker.

Those who voted in the negative were,

Mr. Bunker,	Mr. Cock,	Mr. Duncan and
Caulk,	Dodge,	Jessup.

Mr. Green, of Dallas, offered the following amendment by way of rider :

Be it further resolved, That said road shall run by the way of Iowa City.

Lost.

Yeas 12.)

Nays 51.)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Folsom,	Mr. Hutchinson,	Mr. Rice,
Goodson,	McArthur,	Sears,
Benj. Green,	Means,	Witter and
Geo. F. Green,	Mitchell,	Mr. Speaker.

Those who voted in the negative were,

Mr. Alger,	Mr. Duncan,	Mr. Rogers,
Allen,	Duckworth,	Ross,
Allison,	Eaton,	Russell,
A. D. Anderson,	Fordyce,	Sells,
J. M. Anderson,	Garber,	Seymour,
Bonson,	Gilmore,	Sharp,
Bryan,	J. C. Green,	Steadman,
Bryant,	Grimes,	Stevens,
Bunker,	Haun,	Taylor,
Caulk,	Hesser,	Townsend,
Cock,	Jessup,	Walters,
Clark,	McPherrin,	Washburn,
Cleaves,	Montgomery,	Wasson,
Coffin,	Putman,	Whitmore,
Dillon,	Ramsey,	Williams,
Dodge,	Ream,	Wilson and
Drake,	Reeder,	Wright.

Mr. Folsom offered the following amendment by way of rider :



Resolved, That all intermediate points be stricken out :

Lost.

Yeas 24.)

Nays 39.)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. J. M. Anderson,	Haun,	Sears,
Dillon,	Hesser,	Sharp,
Eaton,	Hutchinson,	Steadman,
Folsom,	McArthur,	Taylor,
Gilmore,	Means,	Washburn,
Goodson,	Mitchell,	Witter,
Benj. Green,	Rice,	Wright, and
Geo. F. Green,	Rogers,	Mr. Speaker.

Those who voted in the negative were,

Mr. Alger,	Drake,	Reeder,
Allen,	Duckworth,	Ross,
Allison,	Duncan,	Russell,
A. D. Anderson,	Fordyce,	Sells,
Bonson,	Garber,	Seymour,
Bryan,	J. C. Green,	Stevens,
Bryant,	Grimes,	Townsend,
Bunker,	Jessup,	Walters,
Caulk,	McPherrin,	Wasson,
Cock,	Montgomery,	Whitmore,
Clark,	Putman,	Williams, and
Cleaves,	Ramsey,	Wilson.
Coffin,	Ream,	

Said joint resolution was then passed.

Mr. Sells offered the following amendment to the title :

Strike out the title of the joint resolution and inserting after the word "memorial" the words "and joint resolution" in the title of the memorial,

Which was agreed to.

H. R. file No. 3, joint resolution asking a grant of land to aid in the construction of a railroad from Burlington to the Missouri river,

Was read a third time, and

Mr. Folsom offered the following amendment by way of rider :

Resolved, That the western termination of said road shall be at Kanesville on the Missouri river.

Lost.

Yeas 19.)

Nays 43.)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. A. D. Anderson,	Mr. Benj. Green,	Mr. Rogers,
Bunker,	Geo. F. Green,	Taylor,
Cleaves,	Hutchinson,	Washburn,
Dillon,	McArtkur,	Whitmore,
Folsom,	Mitchell,	Witter, and
Gilmore,	Rice,	Wright.

Those who voted in the negative were,

Mr. Alger,	Mr. Garber,	Mr. Russell,
Allen,	Goodson,	Sears,
Allison,	J. C. Green,	Sells,
J. M. Anderson,	Grimes,	Seymour,
Bryan,	Haun,	Sharp,
Bryant,	Hesser,	Steadman,
Cock,	Jessup,	Stevens,
Clark,	McPherrin,	Townsend,
Coffin,	Means,	Walters,
Dodge,	Montgomery,	Wasson,
Drake,	Putman,	Williams,
Duckworth,	Ramsey,	Wilson and
Duncan,	Ream,	Mr. Speaker.
Eaton,	Reeder,	
Fordyce,	Ross,	

Mr. Haun offered the following amendment by way of rider :

Resolved, That said road shall pass by way of Fort Desmoines, in Polk county.

Mr. Grimes moved the previous question, upon which the main question was ordered, thereupon the question arose, will the House concur in the amendment offered by Mr. Haun,

Which was decided in the negative.

The main question was then put, viz : Shall the joint resolution pass?

Was decided in the affirmative,

And said joint resolution was passed and title agreed to.

Substitute for H. R. file No. 5, a bill for an act to appoint commissioners to locate the seat of justice in the county of Page,

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

Mr. Grimes moved to reconsider the vote had on a resolution to go into committee of the whole House to-morrow evening at 7 o'clock, on H. R. file No. 9, joint resolution instructing our senators to advocate a repeal of the duty on railroad iron,

Which was agreed to.

On motion of Mr. Grimes,

The use of the hall of the House was tendered to the State Temperance Society on to-morrow evening.

On motion,

The House adjourned.

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### WEDNESDAY MORNING, DECEMBER 15, 1852.

Mr. Dodge presented the petition of Hans Reimer Claussen to amend section 1610 of the code of Iowa; which was,

On his motion,

Referred to the committee on the judiciary.

Notice to bring in the following bills, memorials and joint resolutions was given:

By Mr. Bunker:

Preamble and joint resolution, instructing our Senators and requesting our Representatives in Congress to use all honorable means to secure the early passage of a bill now before Congress, making appropriations of land to the State of Iowa, to aid in the construction of a railroad from Dubuque to Keokuk, and from Davenport to Council Bluffs.

By Mr. Montgomery:

A bill for an act for the relocation of the county seat of Fayette county, by commissioners.

By Mr. Witter:

A bill for an act similar in character to the law known as the Maine liquor law.

By Mr. Clark :

A bill for an act on the subject of fences.

By Mr. Reeder :

A bill to provide a Sabbath law in this State.

By Mr. Anderson, of Dubuque :

A bill for an act to give the county judges jurisdiction in cases of petty larceny.

By Mr. Gilmore :

A joint resolution asking Congress for a grant of land to aid in the construction of a railroad from Keokuk to Fort Desmoines.

By Mr. Walters :

A bill for an act to repeal section 2263 of the code of Iowa, and provide a substitute therefor.

On motion of Mr. Drake,

Resolved, That a table be furnished and placed near the south east corner of the Hall, for the use of one of the Messengers.

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

H. R. file No. 11, joint resolution on the subject of a grant of land to aid in the construction of a railroad from Lansing, in the county of Alamahee, to the Missouri river, via Fort Desmoines,

Reported the same back with the following amendment :

Strike out Lansing, in Alamahee county, and Fort Desmoines, and insert "McGregor's landing, in Clayton county and "the Missouri river, at or near the mouth of the Big Sioux."

Which was concurred in.

Said joint resolution was then read a second time; and,

On motion of Garber,

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

Mr. Rogers, from the committee on engrossed bills, reported that they had examined the following bills :

H. R. file No. 14, a bill for an act to transcribe the probate records, of Marion county,

H. R. file No. 15, a bill for an act to change the name of Kaneshville to Council Bluff City.

And find the same correctly engrossed.

The following bills were introduced, of which notice had been given :

By Mr. Cock :

H. R. file No. 24, a bill for an act to amend "an act to secure the more-vigorous prosecution of the Des Moines river improvement, and amendatory to all other acts now in force in relation thereto, approved Feb. 5, 1851,

Which was read a first time.

By Mr. Ramsey :

H. R. file No. 25, a bill for an act to amend chapter 37 of the code of Iowa.

On motion of Mr. Grimes,

The reading was dispensed with and said bill ordered to be printed.

By Mr. Drake :

H. R. file No. 26, a bill for an act to repeal section 1252 of the code of Iowa, and enact a substitute therefor,

Which was read a first time.

By Mr. Means :

H. R. file No. 27, a bill for an act to change the office of county judge to that of county commissioners,

Which was read a first time.

By Mr. Sharp :

H. R. file No. 27, a bill for an act to amend title 21 and chapter 129 of the code of Iowa,

Which was read a first time.

Also,

H. R. file No. 29, a bill for an act to establish a state road therein named,

Which was read a first time.

The Speaker presented the following communication from the Superintendent of Public Instruction :

OFFICE OF SUPT. PUB. INSTRUCTION.  
Iowa City, Iowa, Dec. 14, 1852. }

*Gentlemen of the House of Representatives:*

In reply to your resolution of this morning, I beg leave to say, that the delay in presenting my report is the result of necessity, and not of any desire upon the part of the undersigned to withhold it. A joint resolution was passed by the last General Assembly, requiring the school fund commissioners to report to the Superintendent on the

first day of *November*, instead of the 15th day of October, in consequence of which, but few of their reports reached me until the 15th ultimo, and some of them not until the 13th instant. Under these circumstances it was presumed that the supposed delinquency on my part, when fully understood, would meet with your approval.

Allow me to assure you, that your polite request will be complied with at the earliest period within my power.

I am very respectfully,

Your obed't servant,

THOMAS H. BENTON, Jr.

Sup. Pub. Inst.

H. R. file No. 9, joint resolution instructing our senators to advocate a repeal of the duty on railroad iron,

Was read a second time.

Mr. Grimes moved to refer the joint resolution to the committee of the whole House now,

Which was agreed to, and

The House resolved itself accordingly at 11 o'clock and 5 minutes;

Mr. Green of Dallas in the chair.

Eleven o'clock 45 minutes.—The committee rose, reported progress and asked leave to sit again at two o'clock P. M., which was granted.

H. R. file No. 17, a bill for an act to locate the seat of justice of Decatur county,

Was read a second time; and,

On motion of Mr. Allen,

Was referred to a select committee of three;

Messrs. Allen, Duncan and Drake were appointed said committee.

H. R. file No. 18, memorial and joint resolution for a grant of land to aid in the construction of a rail road from Dubuque to the Missouri river,

Was read a second time.

Mr. Dillon moved that said memorial be engrossed and read a third time to-morrow.

Mr. Eaton moved to amend by striking out the words, "to a point on the Missouri river at or near Kanessville in the county of Pottawatamie, by the way of Fort Des Moines," and insert "to some suitable point on the Missouri river."

Mr. Sharp moved to amend the amendment by adding after the

words Missouri river, the words "at or near the mouth of Platte or Nebraska river."

Pending which,

On motion,

The House adjourned.

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TWO O'CLOCK, P. M.

The special order being the consideration of

H: R. file No. 9, Joint resolution of instructions to our senators, in committee of the whole, the House resolved itself accordingly,

Mr. Green of Dallas, in the chair.

Four o'clock 10 minutes.—The committee rose, and by its chairman reported progress, and asked leave to sit again,

Which was granted.

On motion,

The House adjourned.

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THURSDAY MORNING, DECEMBER 16, 1853.

Notice to bring in the following bills, memorials and joint resolutions, was given :

By Mr. Rogers :

A bill for an act to give to the Mount Pleasant and Fairfield plank-road company the right of way.

By Mr. Drake :

A bill for an act to legalize and confirm a part of the survey of a territorial road from Sullivan's line to the west line of Appanoose county.

By Mr. Anderson, of Lee :

A bill for an act regulating the practice of medicine and surgery in the State of Iowa ;

Also,

A bill for an act relating to dogs.

By Mr. Fordice :

A bill for an act providing an additional clause to section 2720 of the code of Iowa.

By Mr. Sharp :

A bill for an act to create the seventh judicial district of the State of Iowa.

By Mr. Montgomery :

A bill for an act to establish a state road, leading from New Wine, in Delaware county, via Strawberry Point, Brush Creek, Spring Grove, and Robertsons Ford, to Fort Atkinson, in Winneshiek county.

Mr. Rogers, from the committee on engrossed bills, reported that they had examined

H. R. file No. 11, joint resolution for a grant of land to aid in the construction of a railroad from Lansing, in the county of Alamakee, to the Missouri river, via Fort Desmoines,

And find the same correctly engrossed.

Mr. Bryan, from the committee on the judiciary, submitted the following

### REPORT:

The judiciary committee, to whom was referred H. R. file No. 8, "*a bill for an act entitled an act to amend section 114 of the code of Iowa,*" with instructions to report "*how much of the same is now the law,*" respectfully report that they have had the same under consideration and find that all of said bill is now the law, except the following clause :

*"Or whether the county will take stock in any corporation for internal improvement, either in or out of the State."*

P. GAD BRYAN, Chairman.

H. R. file No. 8, a bill for an act entitled an act to amend section 114 of the Code of Iowa,

Was then read a second time.

Mr. Haun offered a substitute therefor,

Which was read a first time.

Mr. Eaton introduced,



H. R. file No. 30, a joint resolution for the establishment of a land office at Cedar Falls,

Which was read a first time.

The Speaker presented the report of the secretary of state, accompanied by an abstract of the census of the state for the year 1852.

On motion of Mr. Haun,

The reading was dispensed with and 200 copies of the report and abstracts ordered to be printed for the use of the House ;

Also,

The report of the secretary of state accompanied by abstracts of the criminal returns of the several counties for the years 1851 and '52.

On motion of Mr. Haun,

The reading was dispensed with and 200 copies ordered to be printed for the use of the House.

H. R. file No. 18, memorial and joint resolution for a grant of land to aid in the construction of a rail road for Dubuque to the Missouri

Question pending on adjournment of the House on yesterday, on the amendment offered by Mr. Sharp to the amendment offered by Mr. Eaton,

The amendment to the amendment and the amendment were withdrawn, by leave.

The question recurring on the motion to engross,

Was decided in the affirmative,

H. R. file No. 19, a bill to amend section 1419 of the code of Iowa,  
Was read a second time, and

On motion of Mr. Green of Dallas,

Referred to the committee on the judiciary.

H. R. file No. 20, a bill for an act to amend chapter 129 of the Code of Iowa,

Was read a second time, and

On motion of Mr. Sharp,

Referred to the committee on the judiciary.

H. R. file No. 21, a bill for an act to change the name of the town of Barkersville, in Marion county, to Attica ;

Was read a second time, and

On motion of Mr. Walters,

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

H. R. file No. 22, a bill for an act to locate a state road from Ottumwa, *via* Drakeville to the northern boundary of Missouri ;

Was read a second time, and

On motion of Mr. Drake,

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

H. R. file No. 23, a bill for an act to establish a state road from Bloomfield in Davis county, to Winterset in Madison county;

Was read a second time, and

On motion of Mr. Walters

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

H. R. file No. 24, a bill for an act to amend an "act to secure the more vigorous prosecution of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto," approved Feb. 5, 1851.

Was read a second time, and

On motion of Mr. Ramsey,

Was referred to the committee on the Des Moines river improvement

H. R. file No. 26, a bill for an act to repeal section 1252 of the code of Iowa, and enact a substitute therefor,

Was read a second time.

Mr. Haun moved that the bill be indefinitely postponed.

Mr. Grimes moved to refer the bill to the committee on Agriculture.

Agreed to.

H. R. file No. 27, a bill for an act to change the office of county judge to that of county commissioners,

Was read a second time.

Mr. Anderson, of Lee, moved that the bill be indefinitely postponed.

Mr. Means moved to refer to the committee on the judiciary.

Lost.

Mr. Sells moved to refer to the committee on township and county organization.

Agreed to.

H. R. file No. 28, a bill for an act to amend title 21 and chapter 129 of the code of Iowa,

Was read a second time.

Mr. Green, of Dallas, moved to refer to the committee on the judiciary.

Mr. Bryan moved to strike out "judiciary" and insert "public lands."

Lost.

Question recurring on the motion to refer to the committee on the judiciary,

Was decided in the affirmative.

H. R. file No. 29, a bill for an act to establish a state road therein named,

Was read a first time.

Mr. Eaton moved to refer to the committee on ways and means.

Mr. Sharp moved to substitute committee on road and high ways, with instructions to reduce all bills on the subject to which they intended to report favorably, to a general bill.

H. R. file No. 14, a bill for an act to transcribe the probate records of Marion county,

Was read a third time.

Mr. Allison moved that the bill be indefinitely postponed.

On motion of Mr. Bunker,

The bill was referred to the delegation from Marion county.

H. R. file No. 15, a bill for an act to change the name of Kaneshville to Council Bluff City,

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

H. R. file No. 11, joint resolution on the subject of a grant of land to aid in the construction of a railroad from Lansing in Allamakee county to the Missouri river via Fort Des Moines,

Was read a third time and passed.

Mr. Garber moved to amend the title by striking out "Lansing in Allamakee county," and insert "McGregor's landing in Clayton county;" also, insert after the words "Missouri river," the words "at or near the mouth of the Big Sioux."

Agreed to.

On motion of Mr. Green, of Henry,

Leave of absence was granted to Mr. Caulk.

Mr. Garber moved to adjourn.

Lost.

Mr. Haun moved to go into committee of the whole House now, on H. R. file No. 9, joint resolution instructing our senators to advocate a repeal of the duty on railroad iron.

Lost.

On motion,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Townsend,

The House resolved itself into committee of the whole House on H. R. file No. 9, joint resolution instructing our senators to advocate a repeal of the duty on railroad iron.

At 2 o'clock and 5 minutes—the committee rose, and by its chairman, reported the same back, with the following amendment, strike out the first resolution and insert:

That our Senators in Congress be respectfully requested to advocate before Congress a repeal of the duty on railroad iron, unless in their opinion such repeal would be prejudicial to obtaining grants of lands for the construction of railroads in the State.

Mr. Grimes offered the following substitute for the amendment reported by the committee:

That in the opinion of the Legislative Assembly of the State of Iowa, the interests and prosperity of the entire west would be greatly promoted by the repeal of the existing duty upon railroad iron.

Mr. Sells moved to lay the joint resolution on the table until the 4th day of July next.

On this question the yeas and were desired.

On motion of Mr. Folsom,

A call of the House was had, and

Messrs. Bryan, Bryant, Dodge and Wilson were found to be absent.

Mr. Taylor moved that the call of the House be suspended.

Lost.

Mr. Green, of Jackson, moved to adjourn.

Lost.

On motion of Mr. Green, of Dallas,

The further call of the House was suspended.

And the question being put, was decided in the affirmative.

Yeas 40,

Nays 18,

Those who voted in the affirmative were—

Allen,

A. D. Anderson,

J. M. Anderson,

Bonson,

Bunker,

Cock,

Clark,

Cleaves,

Coffin,

Dillon,

Drake,

Duckworth,

Eaton,

Folsom,

Fordyce,

Garber,  
Gilmore,  
Goodson,  
J. C. Green,  
Jessup,  
McArthur,  
McPherrin,  
Means,

Mitchell,  
Montgomery,  
Putman,  
Ramsey,  
Rice,  
Russell,  
Sears,  
Sells,

Seymour,  
Stevens,  
Taylor,  
Walters,  
Washburn,  
Wasson, and  
Wright.

Those who voted in the negative were—

Mr. Alger,  
Allison,  
Benj. Green,  
Geo. F. Green,  
Grimes,  
Haun,  
On motion,

Hesser,  
Ream,  
Reeder,  
Rogers,  
Ross,  
Sharp,

Steadman,  
Townsend,  
Whitmore,  
Williams,  
Witter and  
Mr. Speaker.

The House adjourned.

## FRIDAY MORNING, DECEMBER 17, 1852.

Mr. Fordyce presented the petition of P. Pierce and thirteen other citizens of the State of Iowa, asking an effective law to inhibit the liquor law.

Also,

The petition of ladies and youths, of English river township, Washington county, on the same subject, which,

On motion,

Were laid on the table.

Mr. Fordyce gave notice of the introduction of a memorial and joint resolution petitioning Congress for a grant of land for the construction of a railroad from Fort Desmoines to the great bend of the St. Peters or Minnesota river.

Mr. Rogers from the committee on engrossed bills, reported that they have examined

H. R. file No. 18, memorial and joint resolution for a grant of land to aid in constructing a railroad from Dubuque to the Missouri river

Also,

H. R. file No. 21, a bill for an act to change the name of Barkersville, in Marion county, to Attica.

Also,

H. R. file No. 22, a bill for an act to locate a state road from Ottumwa via Drakeville to the northern boundary of Missouri; and

Also,

H. R. file No. 23, a bill for an act to establish a state road from Bloomfield, in Davis county, to Winterset, in Madison county,

And find the same correctly engrossed.

Mr. Cock from the committee on the Des Moines river improvement submitted the following

#### REPORT:

The committee to whom was referred H. R. file No. 24, a bill for an act to amend an act for the more vigorous prosecution of the Des Moines river, have had the same under consideration, and have instructed me to report the same back to the House without amendment, and ask that it be engrossed and read a third time to-morrow.

R. COCK, Chairman.

The following bills were introduced, of which notice had been given:

By Mr. Washburn.

H. R. file No. 31, a bill for an act in relation to new counties,

Which was read a first time

By Mr. Rice:

H. R. file No. 32, a bill for an act to authorise the commissioner of Des Moines river improvement, to sell certain lands,

Which was read a first time.

Substitute for H. R. file No. 8, a bill for an act entitled an act to amend section 114 of the code of Iowa,

Was read a second time.

On motion of Mr. Sells,

The words "or leading to it" in section one, were stricken out.

On motion of Mr. Haun,

Said bill was ordered to be engrossed and read a third time to-morrow.

H. R. file No. 25, a bill for an act to amend chapter 37 of the code of Iowa,

Was read a second time, and

On motion of Mr. Grimes,

The House resolved itself into committee of the whole House, for the consideration of said bill, at 10 o'clock 40 minutes, A. M.,

Mr. Green, of Henry, in the chair.

Twelve o'clock, M.

The committee rose and by its chairman reported progress and asked leave to sit again,

Which was granted.

Message from the Senate by Mr. Cuming, their Secretary :

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

Senate file No. 16, an act authorizing the Treasurer of State to collect certain money therein named;

Also,

Senate file No. 17, a bill for an act to amend section 1610, of chapter 95, of the code of Iowa.

In which the concurrence of the House of Representatives is requested.

On motion,

The House adjourned.

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TWO O'CLOCK, P. M

On motion of Mr. Sells,

The House resolved itself into a committee of the whole House for the consideration of

H. R. file No. 25, A bill to amend chapter 37 of the code of Iowa,

At two o'clock, five minutes,

Mr. Green, of Henry, in the chair.

Four o'clock P. M.—The committee rose, and by their chairman reported progress.

Mr. Sells moved that the committee of the whole House sit again 2 o'clock to-morrow, P. M., on the same subject.

Agreed to.

On motion of Mr. Folsom,

The special order for 7 o'clock, P. M., was postponed until Thursday evening next, at 7 o'clock.

On motion,

The House adjourned.

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SATURDAY MORNING, DECEMBER 18, 1852.

Mr. Rice moved that the House adjourn until Monday morning.

Lost.

Mr. Folsom moved that a committee of three be appointed to procure the repairing of the smoke flues, and that the House take a recess untill the same is done.

Agreed to.

Messrs. Folsom, Eaton and Cook were appointed said committee.

Mr. Folsom from the select committee on smoke flues, reported that the necessary repairs could not be made before Monday morning, and recommended that the House do now adjourn, and

On motion,

The recommendation was concurred in, and

The House adjourned until Monday morning at ten o'clock.

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MONDAY MORNING, DECEMBER 20, 1852.

Mr. Witter presented the petition of citizens of Clinton, Scott,



Cedar and Johnson counties, asking the establishment of a state road from Lyons in Clinton county, to Iowa City ;

On motion,

The reading was dispensed with, and said petition was referred to a select committee.

Messrs. Witter, Haun and Dodge were appointed said committee.

Mr. Montgomery presented the petition of D. W. Lyons and others for a state road from Columbus in Alamakee county, to Independence in Buchanan county.

On motion,

The reading was dispensed with, and the petition referred to the committee on roads and highways.

Notice to bring in the following bills was given :

By Mr. Haun :

A bill for an act to amend chapter 70 of the acts, resolutions and memorials passed at the third regular session of the General Assembly, relating to agriculture.

By Mr. Anderson, of Lee :

A bill for an act to encourage the construction of plank and graded roads in the State of Iowa.

By Mr. Montgomery :

A bill for an act to change the name of Volga City in Fayette county, to Lima. •

By Mr. Garber :

A bill for an act to prevent the killing of deer in this state from the 1st of February to the 20th of July.

By Mr. Fordyce,

A bill for an act in relation to school district officers, the manner of their qualification, and other matters relating thereto.

Also,

A bill for an act repealing section 2719 of the code of Iowa, relative to the sale of provisions.

By Mr. Townsend :

A bill for an act to repeal section 2868 of the code of Iowa, and all other sections and parts of sections in said code, requiring justices of the peace to reduce to writing the testimony given on the part of the state and the defendant, in preliminary examinations in criminal cases.

Mr. Sells offered the following resolution :

Resolved, That the Chief Clerk of this House be employed to index

and superintendent the printing of the journal of this House, and as a compensation therefor, he shall receive one hundred and fifty dollars.

Which was,

On motion of Mr. Folson,

Laid on the table.

Mr. Folsom, from committee on smoke flues, reported as follows:

The select committee, to whom was referred the smoke flues of this House, report that they have employed skillful workmen to re-arrange and repair the same, which has already been done to the satisfaction of the committee.

Mr. Rogers, from the committee on engrossed bills, reported that they had examined,

Substitute for H. R. file No. 8, a bill for an act entitled an act to amend the 114th section of the code of Iowa,

And find the same correctly engrossed.

Mr. Townsend from the committee on agriculture, to whom was referred H. R. file No. 26, a bill for an act to repeal section 1252 of the code of Iowa, and enact a substitute therefor, submitted the following

#### REPORT :

The committee on agriculture to whom was referred H. R. No. 26, a bill "for an act to repeal section 1252 of the code of Iowa, and enact a substitute therefor," have had the same under consideration, and direct me to report—

That, in the opinion of your committee, it would be inexpedient to adopt said bill, as it repeals the latter clause of said section, which affords an equitable and just protection to that class of persons who have been, or may be, unfortunate in the selection of their lands or town lots.

Your committee recommend that said bill be indefinitely postponed.

JOHN S. TOWNSEND, Chairman.

The following bills and memorials were introduced, of which notice had been given :

By Mr. Drake :

H. R. file No. 33, a bill for an act to confirm a part of a state road from Sullivan's line to the west line of Appanoose county,

Which was read a first time.

By Mr. Reeder :

H. R. file No. 34, a bill for an act to enforce a due observance of the Sabbath or Lord's day,

Which was read a first time.

By Mr. Sharp :

H. R. file No. 35, a bill for an act to organize certain counties therein named,

Which was read a first time.

By Mr. Sells :

H. R. file No. 36, a bill for an act to provide for the election of township supervisors, and to repeal so much of the code of Iowa as relates to the election of county supervisor,

Which was read a first time, and

On motion of Mr. Grimes,

Two hundred copies of said bill were ordered to be printed.

By Mr. Duncan :

H. R. file No. 37, a bill for an act to locate and establish a state road from Lyneville in Wayne county *via* Coryden, to Chariton in Lucas county ;

Which was read a first time.

By Mr. Fordyce :

H. R. file No. 38, memorial for a grant of land to aid in constructing a rail road from Fort Des Moines to the Great Bend of the Minnesota river ;

Which was read a first time.

H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto, approved Feb. 5th, 1851 ;

Was read a second time.

Mr. Cock moved that the bill be ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Folsom,

The bill was referred to the committee of the whole House to-morrow afternoon at 2 o'clock.

Message from the Senate by Mr. Cuming, their Secretary:

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

Senate file No. 11, a bill for an act requiring county judges to give bond;

Also,

Senate file No. 22, a bill for an act to amend section 2705, of chapter 145, title 23 of the code of Iowa.

In which the concurrence of the House is requested.

H. R. file No. 30, joint resolution for the establishment of a Land Office, at Cedar Falls,

Was read a second time; and,

On motion of Mr. Eaton

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

H. R. file No. 31, a bill for an act in relation to new counties,

Was read a second time.

On motion of Mr. Green, of Dallas,

The bill was so amended so as to attach the "county of Green to the county of Dallas."

On motion of Mr. Grimes,

The following section was added.

SEC. 4. That the name of the county of Wah-Kah, shall be changed to Woodbury; the name of the county of Risley, shall be changed to Webster, and the name of the county of Fox to that of Calhoun.

On motion of Mr. Sharp,

All that relates to the counties of Ringgold, Union, Adair, Audubon, Carroll and Cass, was stricken out.

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

H. R. file No. 32, a bill for an act to authorize the commissioners of the Des Moines river improvement to sell certain lands;

Was read a second time, and

On motion,

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

Message from the Senate, by Mr. Cuming, their Secretary.

MR. SPEAKER—I herewith return H. R. file No. 5, "a bill for an act to appoint commissioners to locate the seat of justice of Page county," the same having passed the Senate without amendment.

I also present Senate file No. 24, "a bill for an act to preserve cer-

tain evidences in the county of Dubuque," the same having passed the Senate, and the concurrence of the House being requested.

H. R. file No. 26, a bill for an act to repeal section 1252 of the code of Iowa, and enact a substitute therefor,

Was read a second time, and

On motion,

Said bill was indefinitely postponed.

H. R. file No. 18, memorial and joint resolution for a grant of lands to aid in constructing a railroad from Dubuque to the Missouri river,

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

H. R. file No. 21, a bill for an act to change the name of Barkersville, in Marion county, to Attica,

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

H. R. file No. 22, a bill to locate a state road from Ottumwa via Drakesville, to the northern boundary of Missouri,

Was read a third time, and

On motion of Mr. Grimes,

Referred to the committee on roads and highways.

H. R. file No. 23, a bill for an act to establish a state road from Bloomfield, in Davis county, to Winterset, in Madison county,

Was read a third time, and

On motion of Mr. Grimes,

Referred to the committee on roads and highways.

H. R. file No. 8, a bill for an act entitled an act to amend section 114 of the code of Iowa,

Was read a third time, and

On motion of Mr. Haun,

Referred to the committee on internal improvements.

Messages from the Senate being in order,

Senate file No. 16, a bill for an act authorising the Treasurer of State to collect certain money therein named,

Was read a first time.

Senate file No. 17, a bill for an act to amend section 1610 of chapter 95 of the code of Iowa,

Was read a first time.

Senate file No. 22, a bill for an act to amend section 2705 of chapter 145, title 23 of the code of Iowa,

Was read a first time.

Senate file No. 11, a bill for an act requiring county judges to give bonds,

Was read a first time.

Senate file No. 24, a bill for an act to preserve certain evidences in the county of Dubuque,

Was read a first time.

On motion,

The House adjourned.

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TWO O'CLOCK P. M.

H. R. file No. 1, a bill for an act to prohibit the Indians from hunting in the State, and to prohibit the whites from trading with the Indians, being the special order,

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

On motion of Mr. Grimes,

The House resolved itself into committee of the whole House at 2 o'clock 10 minutes, Mr. Green, of Henry, in the chair, for consideration of H. R. file No. 25, a bill for an act to amend the 37th chapter of the code of Iowa.

Three o'clock 45 minutes.

The committee rose, and by its chairman, reported progress and asked leave to sit again,

Which was granted.

On motion,

The House adjourned.

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TUESDAY MORNING, DECEMBER 21, 1852.

Mr. Witter presented three petitions of ladies and youths, also three

petitions of citizens of Iowa, asking a prohibitory law on the subject of the liquor traffic.

Mr. Witter moved to lay the petitions on the table. Lost.

Mr. Folsom moved to refer the petitions of the ladies and youths to a select committee of three to be appointed on "women's rights and children's follies."

Lost.

Mr. Eaton moved to refer to a select committee of five.

Lost.

Mr. Sharp presented the petition of J. S. Snaffin, and J. W. Coolidge and one hundred and sixty other citizens, of Mills county, asking for the location of the seat of justice of said county; and,

On his motion,

The reading was dispensed with and the petition was referred to the committee on township and county organizations.

Mr. Rice presented four remonstrances of citizens of Polk county, against attaching four townships of said county to the county of Warren.

Mr. Bryan moved to refer the remonstrances to the committee on charitable institutions.

Lost.

On motion of Mr. Rice,

Referred to the committee on township and county organization.

Mr. Goodson presented four remonstrances of citizens of Polk county, on same subject; which,

On his motion,

Were referred to same committee.

Mr. Green, of Dallas, presented four remonstrances on same subject: which were,

On his motion,

Referred to same committee.

Mr. Folsom, with leave, introduced,

H. R. file No. 39, joint resolution relative to the election of a United States Senator,

Which was read a first time.

Mr. Sharp moved to suspend the 42nd rule, and read said joint resolution a second and third time now.

Lost.

Mr. Folsom offered the following resolution:

Resolved, That the Senate be informed that the House will meet

the Senate in joint convention this day at 11 o'clock, A. M. for the election of Senator in Congress.

Mr. Bryan moved to lay the resolution on the table.

Lost.

Yeas 25,

Nays 36,

The yeas and nays being desired, those who voted in the affirmative were—

Mr. Bryan,	Mr. Benj. Green,	Mr. Russell,
Bunker,	Grimes,	Sells,
Clark,	Hesser,	Seymour,
Cleaves,	Jessup,	Stevens,
Coffin,	McArthur,	Walters,
Drake,	McPherrin,	Wasson, and
Duncan,	Means,	Williams,
Fordyce,	Mitchell,	
Garber,	Montgomery,	

Those who voted in the negative were—

Mr. Alger,	Mr. Gilmore,	Mr. Seers,
Allen,	Goodson,	Sharp,
Allison,	Geo. F. Green,	Steadman,
A. D. Anderson,	J. C. Green,	Taylor,
J. M. Anderson,	Haun,	Townsend,
Bonson,	Hutchinson,	Washburn,
Bryant,	Putman,	Whitmore,
Cock,	Ramsey,	Wilson,
Dillon,	Ream,	Witter,
Dodge,	Reeder,	Wright, and
Duckworth,	Rice,	Mr. Speaker.
Eaton,	Rogers,	
Folsom,	Ross,	

The question recurring on the adoption of the resolution, was decided in the affirmative.

On motion of Mr. Sharp,

Resolved, That the committee on the judiciary be instructed to bring in a bill to amend the code of Iowa; chapter 26, sections 296 297, and 298, relative to canvassing the returns of election for senators and representatives.

Mr. Russell offered the following resolution:



Resolved, That hereafter this House shall meet at 9 o'clock instead of 10 A. M.

Lost.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 30, joint resolution for establishing a land office at Cedar Falls;

Also,

H. R. file No. 31, a bill for an act in relation to new counties;

Also,

H. R. file No. 32, a bill for an act to authorize the commissioner of the Des Moines river improvement to sell certain lands;

And find the same correctly engrossed.

The following bills were introduced of which notice had been given :

By Mr. Anderson of Lee :

H. R. file No. 40, a bill for an act to encourage the construction of plank and graded roads in the State of Iowa,

Which was read a first time.

By Mr. Dodge :

H. R. file No. 41, memorial and joint resolution for change of service on post route No. — from Davenport to Muscatine,

Which was read a first time.

Mr. Dodge moved to suspend the 42nd rule, and that the memorial and joint resolution be read a second and third time now.

Lost.

By Mr. Green of Henry :

H. R. file No. 42, a bill for an act to repeal sections 877 and 893 of the Code of Iowa, and provide a substitute therefor,

Which was read a first time.

By Mr. Fordyce :

H. R. file No. 43, a bill for an act to amend sections 2719 of the Code of Iowa,

Which was read a first time.

By Mr. Townsend :

H. R. file No. 44, a bill for an act to repeal section 2868 of the Code of Iowa, and all section and parts of sections therein named,

Which was read a first time.

Mr. Speaker presented the report of the Superintendent of Public Instruction.

Mr. Haun moved that the reading be dispensed with, and the report referred to the committee on printing with instructions to have 2000 copies printed for the use of the House.

Mr. Eaton moved to strike out "2000" and insert "4000."

Lost.

Mr. Garber moved to strike out "2000" and insert "3000."

Lost.

Question being taken on the motion of Mr. Haun,

It was adopted.

Mr. Sells moved that 1000 additional copies be printed in the German language.

Mr. Cleaves moved to strike out "1000" and insert "500."

Mr. Grimes moved to print 500 additional copies in the Swedish language.

Mr. Sharp moved to print 250 copies in the Hungarian tongue.

On motion of Mr. Cock,

The motion of Mr. Sells and the amendments were laid on the table.

H. R. file No. 33, a bill for an act to confirm a part of a state road from Sullivan's line to the west line of Appanoose county,

Was read a second time, and

On motion of Mr. Sharp,

Referred to the committee on roads and highways.

H. R. file No. 34, a bill for an act to enforce a due observance of the Sabbath or Lord's day;

Was read a second time.

Mr. Folsom moved to insert in sec. 1 the words "so as to interrupt public religious worship."

Lost.

On motion of Mr. Cleaves,

The bill was ordered to be engrossed and read a third time tomorrow.

H. R. file No. 35, a bill for an act organizing certain counties therein named,

Was read a second time, and

On motion of Mr. Sharp,

Referred to the committee on the judiciary.

H. R. No. 36, a bill for an act to provide for the election and duties of township supervisors, and to repeal so much of the code of Iowa as relates to the election of county supervisors,

Was read a second time, and

On motion of Mr. Grimes,

Made the special order for to-morrow at 3 o'clock in committee of the whole.

H. R. file No. 37, a bill for an act to locate and establish a State road from Lineville, in Wayne county, via Corydon, to Chariton in Lucas county,

Was read a second time, and

On motion of Mr. Sharp,

Referred to the committee on roads and highways.

H. R. file No. 38, memorial for a grant of land to aid in constructing a railroad from Fort Des Moines to the Great Bend of the Minnesota river,

Was read a second time, and

On motion of Mr. Fordyce,

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

Senate file No. 11, a bill for an act requiring county judges to give bond, was read a second time, and

On motion of Mr. Grimes,

Referred to the committee on the judiciary.

Senate file No. 16, an act authorizing the Treasurer of State to collect certain moneys therein named,

Was read a second time, and

On motion of Mr. Bunker,

Referred to the committee on ways and means.

Senate file No. 17, a bill for an act to amend sec. 1610 of chap. 95, of the code of Iowa.

Was read a second time, and

On motion of Mr. Sharp,

Referred to the committee on the judiciary.

Senate file No. 22, a bill for an act to amend section 2705, of chap. 145, title 23 of the code of Iowa,

Was read a second time, and

On motion of Mr. Eaton,

Referred to the committee on agriculture.

Senate file No. 24, an act to preserve certain evidences in the county of Dubuque,

Was read a second time, and

On motion of Mr. Anderson, of Dubuque,

Laid on the table.

H. R. file No. 30, joint resolution for establishing a land office at Cedar Falls,

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

H. R. file No. 31, a bill for an act in relation to new counties,

Was read a third time, and

On motion of Mr. Means,

Referred to a select committee of three.

Messrs. Means, Sharp and Townsend, were appointed said committee.

H. R. file No. 23, a bill for an act to authorize the Commissioner of the Des Moines river improvement to sell certain lands,

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

On motion,

The House adjourned.

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## TWO O'CLOCK, P. M.

H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto, approved Feb. 5, 1851, being the special order in committee of the whole, for two o'clock, P. M., the House resolved itself accordingly,

Mr. Grimes in the chair.

Two o'clock thirty minutes, committee rose, and by its chairman, reported progress and asked leave to sit again,

Which was granted.

Message from the Senate, by Mr. Cuming, their Secretary :

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate agrees to meet the Representative body in the Hall of the House on the 21st inst., at 3 o'clock P. M., to elect a United States Senator.

On motion of Mr. Folsom,

Resolved, That the Senate be informed that the House will meet

the Senate in joint convention, for the election of Senator, on this afternoon, at 3 o'clock.

Mr. Folsom moved that the Speaker appoint a teller on the part of the House, to act in joint convention;

Whereupon, Mr. Folsom was appointed teller.

Message from the Senate by Mr. Van Metre, Assistant Secretary:

MR. SPEAKER—I am directed to inform the House of Representatives that Mr. Shields has been appointed teller on the part of the Senate for the joint convention for the election of a United States Senator.

Mr. Folsom moved that a committee of two be appointed to inform the Senate that the House is now ready to receive the members of that body in the Hall of the House.

Which was adopted; and

Messrs. Folsom and Sells appointed said committee.

The committee having reported their duty discharged,

The Senate, preceded by its President and Secretary, entered the Hall, and having taken the seats assigned them,

The President announced the purpose of the convention to be the election of a Senator of the United States for the State of Iowa, for the term of six years from the 4th day of March, 1853; and ordered a call of the roll;

When it appeared that two gentlemen, not excused, were absent.

The further call of the roll was suspended.

Mr. Grimes nominated GEORGE G. WRIGHT, of Van Buren county.

Mr. Alger nominated GEORGE W. JONES, of Dubuque county.

The roll having been called by the Secretary and all the members having voted.

Mr. Shields on the part of the tellers, announced that

George W. Jones had received fifty-nine votes.

George G. Wright thirty-one votes, and

John F. Kinney one vote.

Those who voted for George W. Jones were:

Mr. Alger,	Mr. Bryan,	Mr. Dillon,
Allen,	Bryant,	Dodge,
Allison,	Cock,	Duckworth,
A. D. Anderson,	E. F. Clark,	Eaton,
J. M. Anderson,	Coop,	Fisher,
Bonson,	Cowles,	Fletcher,

Mr. Folsom,	Mr. Lewis,	Mr. Sales,
Gilmore,	Love,	Sears,
Goodson,	Lowe,	Sharp,
Grant,	Lucas,	Shields,
J. C. Green,	Means,	Steadman,
Geo. F. Green,	Preston,	Townsend,
Harris,	Price,	Washburn,
Haun,	Putman,	Whitmore,
Hendershott,	Ramsey,	Wilson,
Hepner,	Ream,	Wing,
Hesser,	Reeder,	Witter,
Hull,	Rice,	Wright, and
Hutchinson,	Rogers,	Mr. President—59.
Johnson,	Ross,	

Those who voted for George G. Wright were:

Mr. Browning,	Mr. Grimes,	Mr. Park,
Bunker,	Hedrick,	Russell,
Justus Clark,	Hillis,	Schramm,
Cleaves,	Jessup,	Sells,
Coffin,	McAchrane,	Seymour,
Crosthwait,	McArthur,	Spees,
Drake,	McKinney,	Stevens,
Duncan,	McPherrin,	Walters, and
Everson,	Mitchell,	Williams—31.
Fordyce,	Montgomery,	
Garber,	Needham,	

Mr. Green of Dallas, voted for John F. Kinney.

Absent and excused—Messrs. Caulk, Taylor and Wasson.

Whereupon, George W. Jones having received a majority of all the votes cast, the President announced that Geo. W. Jones was duly elected, and the following certificate in duplicate, was made and signed in the presence of the joint convention :

*Hall of the House of Representatives of the State of Iowa,*  
 DECEMBER 21st, A. D. 1852. }

This will certify, that at an election by the General Assembly of the State of Iowa, in joint convention on Tuesday, the 21st day of

Dec. A. D. 1852, George W. Jones was duly elected a Senator to represent this state in the Senate of the United States.

W. E. LEFFINGWELL,  
President of the Joint Convention.

[Attest:]

J. G. SHIELDS, }  
G. FOLSOM. } *Tellers.*

The business of the joint convention having been accomplished,  
The Senate, in order, retired to their chamber.

On motion,  
The House adjourned.

WEDNESDAY MORNING, DECEMBER 22, 1852.

Mr. Sharp presented the petition of Joseph W. Coolidge and others,  
for a state road therein named, which,

On his motion,

Was referred to the committee on roads and highways.

Also,

The petition of citizens of Mills county, for the location of the  
county seat of said county, and for changing the name of Coonville  
to Glenwood, which,

On his motion,

Was referred to the committee on township and county organiza-  
tion.

Also,

Two petitions from citizens of western Iowa for the removal of the  
seat of government from Iowa City to Fort Desmoines, which,

On his motion,

Were laid on the table.

Mr. Witter from the committee on enrolled bills, reported that they  
had examined

Substitute for H. R. file No. 5, a bill for an act to appoint commis-

sioners to locate the seat of justice of Page county, and find the same correctly enrolled.

Which was then signed by the Speaker in the presence of the House.

Mr. Rice offered the following resolution :

Resolved, That the Commissioner of the Des Moines river improvement, be and he is hereby requested to furnish for the use of this House, a copy of the contract made by the officers of said improvement, with Messrs. Bangs, Brothers & Co.

Lost.

Mr. Grimes offered the following resolution :

Resolved, That the committee on public printing be instructed to ascertain and report to this House, the reasons for the extraordinary delay in executing the printing for this House, and suggest such remedies therefor as they may deem expedient and proper.

Mr. Folsom moved to strike out the words "the reasons for the extraordinary delay," and insert "whether there be any unnecessary delay,"

Which was adopted.

The resolution, as amended, was then adopted.

On motion of Mr. Bunker,

Resolved, That the committee to whom was referred H. R. file No. 17, be instructed to report on to-morrow morning.

Notice to bring in the following bills, was given :

By Mr. Hesser :

A bill for an act to repeal section 1241, chapter 80, of the code of Iowa.

By Mr. Montgomery :

A bill for an act to locate a state road from Columbus, in Alama-kee county, via Ly Brand and West Union, to Independence, in Buchanan county.

Mr. Rogers, from the committee on engrossed bills, reported that they had examined

H. R. file No. 34, a bill for an act to enforce a due observance of the Sabbath or Lord's day; and,

H. R. file No. 38, memorial for a grant of land to aid in constructing a railroad from Fort Des Moines to Great Bend of the Minnesota river, as correctly engrossed.



Mr. Townsend from the committee on agriculture, made the following:

### REPORT:

The committee on agriculture to whom was referred Senate file No. 22, a bill for an act to amend section 2705, of chapter 145, title 23 of the Code of Iowa, have had the same under consideration, and direct me to report,

That, in their opinion, it would be inexpedient to pass said bill.

Your committee, therefore, recommend that the same be indefinitely postponed.

JNO. S. TOWNSEND, Chairman.

On motion of Mr. Sears,

The House resolved itself into committee of the whole on

H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto, approved Feb, 5th, 1851.

At 20 minutes to eleven o'clock.

Mr. Grimes in the chair.

Twelve o'clock, M—The committee rose, and by their chairman reported progress and asked leave to sit again.

Which was granted.

Message from the Senate, by Mr. Cuming, their Secretary:

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

Senate file No. 21, a joint resolution requesting the Secretary of State to procure from the General Government, field notes and diagrams of military roads in the State of Iowa.

In which the concurrence of the House is requested.

Also, that the Senate has adopted the following resolution:

“Resolved, That 2000 copies of the auditor's and treasurer's reports be printed for the use of the Senate, and ——— copies for the use of the House of Representatives.

I herewith return

H. R. file No. 5, a bill for an act to appoint commissioners to locate the seat of justice of Page county.

The same having received the signature of the President of the Senate.

On motion,  
The House adjourned.

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TWO O'CLOCK, P. M.

On motion of Mr. Grimes,  
Leave of absence was granted to Mr. Drake.

On motion of Mr. Green, of Jackson,  
Leave of absence was granted to Mr. Haun.

On motion of Mr. Bunker,  
Leave of absence was granted to Mr. Steadman.

On motion of Mr. Folsom,  
The special order for three o'clock, in committee of the whole House, was postponed, and

On his motion,

The House resolved itself into committee of the whole, for the consideration of H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto, approved Feb. 5, 1851, at 2 o'clock and 10 minutes,

Mr. Grimes in the chair.

Three o'clock and 15 minutes.—The committee rose, and by its chairman reported the same back with two amendments, and asked the concurrence of the House therein.

First—Add to section 2, "Provided, That no privileges shall be granted to said company or individuals, which will prevent the construction of other works of internal improvement to, or through, the Des Moines river valley."

Which was concurred in.

Second—Substitute for section 5:

"SEC. 5. Any of said lands which may be claimed by *bona fide* settlers, at the time of the taking effect of this act, may be purchased by such settlers, at any time before the 1st day of December next, under

such rules and regulations as may be established by said commissioner and register, in lots not exceeding 160 acres, and any contract made as herein contemplated, shall reserve to said settlers the right to purchase as aforesaid, at the rate of one 25-100 dollars per acre. Provided, however, That where such *bona fide* settlement is now made on lands which are not now surveyed, said settler shall have the right to purchase their said lands, under the regulations aforesaid, at any time within one year after said lands are surveyed, at the rate per acre above named."

Mr. Gilmore moved to amend the amendment by adding the words:

"Provided further, that the number of acres to be so purchased, shall not exceed in the aggregate 30,000."

Mr. Fordyce moved the previous question,

Upon which the main question was ordered.

Thereupon the question arose, will the House concur in the amendment offered by Mr. Gilmore to the amendment reported by the committee.

Which was decided in the negative.

Yeas 10,)

Nays 46.)

The yeas and nays being desired, and those who voted in the affirmative were,

J. M. Anderson,  
Bunker,  
Fordyce,  
Gilmore,

Grimes,  
McPherrin,  
Ream,  
Russell,

Sells, and  
Wright.

Those who voted in the negative were:

Mr. Alger,

Allen,

Allison,

A. D. Anderson,

Bonson,

Bryan,

Cock,

Clark,

Cleaves,

Coffin,

Dillon,

Dodge,

Drake,

Mr. Duckworth,

Duncan,

Eaton,

Folsom,

Garber,

Goodson,

Benj. Green,

J. C. Green,

Geo. F. Green,

Hesser,

Hutchinson,

Jessup,

McArthur,

Means,

Mitchell,

Montgomery,

Putman,

Ramsey,

Reeder,

Rice,

Rogers,

Ross,

Sears,

Seymour,

Sharp,

Stevens,

Townsend;	Williams,	Mr. Speaker.
Washburn,	Wilson,	
Whitmore,	Witter and	

The main question was then put, namely :

"Will the House concur in the amendment reported by the committee?"

Which was decided in the affirmative.

Yeas 45,

Nays 11,

The yeas and nays were desired, and those who voted in the affirmative were :

Mr. Alger,	Mr. Folsom,	Mr. Ramsey,
Allen,	Garber,	Reeder,
A. D. Anderson,	Goodson,	Rice,
Bonson,	Benj. Green,	Rogers,
Bryan,	J. C. Green,	Ross,
Cock,	Geo. F. Green,,	Sears,
Clark,	Grimes,	Seymour,
Cleaves,	Hesser,	Stevens,
Coffin,	Hutchinson,	Townsend,
Dillon,	Jessup,	Washburn,
Dodge,	McArthur,	Whitmore,
Drake,	Means,	Williams,
Duckworth,	Mitchell,	Wilson.
Duncan,	Montgomery,	Witter, and
Eaton,	Putman,	Mr. Speaker.

Those who voted in the negative were,

Mr. Allison,	Mr. Gilmore,	Mr. Sells,
J. M. Anderson,	McPherrin,	Sharp, and
Bunker,	Ream,	Wright.
Fordyce,	Russell,	

Said bill was read a second time, and

On motion of Mr. Cock,

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

H. R. file No. 39, joint resolution in relation to a joint convention for the election of a United States Senator,

Was read a second time, and

On motion of Mr. Folsom,

Indefinitely postponed.

H. R. file No. 40, a bill for an act to encourage the construction of plank and graded roads in the State of Iowa,

Was read a second time.

On motion of Mr. Eaton,

The word "rods" was stricken out, and "miles" inserted.

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

Lost.

On motion of Mr. Alger,

The bill was referred to the committee on internal improvements.

H. R. file No. 41, memorial and joint resolution for a change of service on post route No. — from Davenport to Muscatine ;

Was read a second time, and

On motion of Mr. Sells,

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

H. R. file No. 42, a bill for an act to repeal section 877 and section 893 of the code of Iowa, and provide a substitute therefor,

Was read a second time, and

On motion of Mr. Clark,

Referred to the committee on Agriculture.

H. R. file No. 43, a bill for an act to amend section 2719 of the code of Iowa,

Was read a second time, and

On motion of Mr. Grimes,

Laid on the table.

H. R. No. 44, a bill for an act to repeal section 2868 of the code of Iowa; and all sections and parts of sections therein named,

Was read a second time; and,

On motion of Mr. Sells,

The word "passage" in section 2 was stricken out, and "publication" inserted.

On motion of Mr. Clark,

Said bill was referred to the committee on the judiciary.

Senate file No. 22, a bill for an act to amend section 2705 of chapter 145, title 23 of the code of Iowa,

Was read a second time.

On motion,

Indefinitely postponed.

On motion,

The House adjourned.

THURSDAY MORNING, DECEMBER 23, 1852.

Mr. Taylor presented the petition of 108 citizens of Cascade asking the passage of a law to prohibit the liquor traffic, and

On his motion,

The reading was dispensed with and the petition referred to the committee to whom was referred that part of the Governor's message relative to the present law on the subject.

Mr. Cleaves presented the petition of the citizens of Louisa county, asking relief on the subject of State taxes, which was,

On his motion,

Referred to a select committee of three.

Messrs. Cleaves, Wilson and Sells, were appointed said committee.

Mr. Bryan presented the petition of C. A. Rees and others, asking the location and establishment of a state road from Newton, in Jasper county, to Indianola, in Warren county, which was,

On his motion,

Referred to the committee on roads and high ways.

Mr. Witter from the committee on enrolled bills, reported that they had presented

Substitute for H. R. file No. 5, a bill for an act to appoint commissioners to locate the seat of justice of Page county, to the Governor for his signature.

On motion of Sharp,

Resolved, That a committee be appointed, of one from each senatorial district, whose duty it shall be to re-apportion the State into representative districts, and report by bill.

Mr. Grimes, with leave, introduced

H. R. file No. 45, a bill for an act to enforce the claims of the state and county against lands and lots on which the owners have failed to pay the taxes charged thereon, prior to 1851,

Which was read a first time.

Mr. Sharp, with leave, introduced

H. R. file No. 46, a bill for an act establishing the seventh judicial district,

Which was read a first time,



On motion of Mr. Cock,

Resolved, That the committee on schools and state university, be instructed to inquire into the expediency of providing by law, that a portion of the lands set apart by the state for purposes of education, be appropriated for the use of the blind, and in what manner said appropriation shall be applied.

On motion of Mr. Green, of Henry,

Resolved, That the judiciary committee be instructed to report a bill amending chapter 209 of the code, relative to empanneling juries before justices of the peace, so as to empower the constable or sheriff where a jury is demanded by either party, to select six householders of the county to act as said jurors.

Mr. Fordyce offered the following resolution:

Resolved, That hereafter every committee to which a bill may be referred, shall take the same under consideration and report within three days thereafter, unless a greater length of time is necessarily required to obtain the necessary information to perfect the same.

Lost.

Notice to bring in the following bills and joint resolutions was given:

By Mr. Sears:

A bill for an act to amend the law relative to county surveyors.

By Mr. Alger:

A joint resolution in relation to mail facilities.

On motion of Mr. Jessup,

Resolved, That the committee on the judiciary be instructed to inquire into the propriety of amending section 1468, of the code of Iowa, by striking out the words "and condition."

Mr. Sharp from the judiciary committee, reported back

H. R. file No. 35, a bill for an act organizing certain counties therein named,

And recommended its passage with the following amendment:

SEC. 20. That the county seat of Harrison shall be called Magnolia, that of Shelby, Shelbyville; that of Wah-kaw, Sargent's Bluffs; that of Cass, Lewis; that of Adams, ———.

Mr. Rogers from the committee on engrossed bills reported, that they had examined

H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Des Moines river improvement, and

amendatory and supplemental to all other acts now in force in relation thereto, approved Feb. 5th, 1851 ;

Also,

H. R. file No. 41, memorial and joint resolution for a change of service on post route No. — from Davenport to Muscatine.

And find the same correctly engrossed.

Mr. Bryan from the committee on the judiciary, submitted the following

### REPORT :

The judiciary committee to whom was referred Senate file No. 11, would respectfully report, that they have had the same under consideration, and recommend its passage with the following additional sections :

SEC. 3. County judges hereafter elected, shall hold their offices for the term of two years and until their successors are elected and qualified.

SEC. 4. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

They have also had Senate file No. 11 under consideration and instructed me to report the same back without amendment, and recommend its passage.

P. GAD BRYAN, Chairman.

Mr. Allen, from the select committee to whom was referred H. R. file No. 17, submitted the following

### REPORT :

The majority of the select committee, to whom was referred H. R. file No. 17, a bill for an act to locate the seat of justice of Decatur county, have instructed me to report the same back to the House and recommend its indefinite postponement, and also report the accompanying bill and recommend its passage.

HENRY ALLEN, Chairman.

The following bills were introduced, of which notice had been given :

By Mr. Fordyce :

H. R. file No. 47, a bill for an act relative to the qualification of school district officers;



Which was read a first time.

By Mr. Montgomery :

H. R. file No. 48, a bill for an act to change the name of Volga City, in Fayette county, to Lima ;

Which was read a first time.

By Mr. Rogers :

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield plank road company the right of way ;

Which was read a first time.

By Mr. Garber :

H. R. file No. 50, a bill for an act to prevent the killing of deer in a certain season of the year ;

Which was read a first time.

Mr. Speaker presented a report from the Secretary of State on the subject of the disbursement of the contingent fund of his office for the years 1851 and 1852; which was,

On motion of Mr. Grimes,

Referred to the Committee on ways and means.

Senate message of yesterday being in order, the House concurred in the resolution of the Senate on the subject of printing the Auditor's and Treasurer's reports and ordered 2000 copies of said reports printed for the use of the House.

Senate file No. 21, a joint resolution instructing the Secretary of State to procure from the General Government, field notes and diagrams of military roads in the State of Iowa.

Was read a first time.

Message from the Senate by Mr. Cuming, Secretary:

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

Substitute for Senate file No. 27, a bill for an act for the relief of the blind.

In which the concurrence of the House is requested.

H. R. file No. 35, a bill for an act organizing certain counties therein named,

Was read a second time, and

The amendments recommended by the committee on the judiciary was concurred in.

On motion of Mr. Eaton,

The blank in section 20 was filled with "Quincy."

On motion of Mr. Means,

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

Senate file No. 11, a bill for an act requiring county judges to give bond,

Was read a second time.

Also,

The amendments recommended by the committee on the judiciary,

On motion of Mr. Grimes,

Laid on the table.

On motion of Mr. Grimes,

Senate message was taken up, and

Substitute for Senate file No. 27, a bill for an act for the relief of the blind,

Was read a first time, and

On his motion,

The 42nd rule was suspended, and said bill read a second time and referred to the committee on charitable institutions.

Senate file No. 17, a bill for an act to amend section 1610, of chapter 95, of the Code of Iowa ;

Was read a second time.

H. R. file No. 34, a bill for an act to enforce a due observance of the Sabbath or Lord's day,

Was read a third time, and

Mr. Garber moved that the bill be indefinitely postponed.

Lost.

Yeas 25,}

Nays 31,}

The yeas and nays were desired, and those who voted in the affirmative were :

Mr. Alger,

A. D. Anderson,

Bonson,

Bryant,

Bunker,

Coffin,

Dillon,

Eaton,

Mr. Folsom,

Garber,

Benj. Green,

J. C. Green,

Geo. F. Green,

Hutchinson,

Jessup,

McArthur,

Mr. Mitchell,

Montgomery,

Putman,

Stevens,

Taylor,

Washburn,

Wasson, and

Wilson,

Those who voted in the negative were,

Mr. Allen,	Mr. Gilmore,	Mr. Ross,
Allison,	Goodson,	Sears,
J. M. Anderson,	Grimes,	Seymour,
Cock,	Hesser,	Townsend,
Clark,	McPherrin,	Walters,
Cleaves,	Means,	Whitmore,
Dodge,	Ramsey,	Williams,
Duckworth,	Ream,	Wright.
Duncan,	Reeder,	Witter and
Fordyce,	Rogers,	Mr. Speaker.

On motion of Mr. Means,

The bill was referred to a select committee of three.

Messrs. Means, Sells and Folsom were appointed said committee.

On motion,

The House adjourned.

## TWO O'CLOCK, P. M.

Mr. Folsom with leave, moved to postpone the special order of this evening at 7 o'clock in committee of the whole, until January 6, 1853, at 7 o'clock P. M.

Mr. Green of Dallas moved to amend by striking out, January 6, 1853, at 7 o'clock, and insert "this afternoon."

Lost.

Question then recurring on the motion of Mr. Folsom, was decided in the affirmative.

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

Resolved, That the Superintendent of Public Instruction be instructed to report to this House, the amount of unsold school and University lands, in the respective counties of this State, the amount already selected ; and, if not yet all selected, the amount which remain to be selected, and the situation and value thereof ; and also to report whether or not in his opinion the interest of the school fund would be promoted by an early sale of such lands. That he also report the quantity, condition, location and value of the saline lands of the State, if informed in relation thereto.

Which was adopted.

H. R. file No. 38, memorial for a grant of land to aid in the construction of a railroad from Fort Desmoines to the Great Bend of Minnesota river,

Was read a third time; and,

On motion of Mr. Fordyce,

Referred to a select committee of three.

Messrs Fordyce, Rice and Townsend appointed said committee.

H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Desmoines river improvement, and amendatory and supplemental to all other acts now in force thereto. Approved February 5th, 1851.

Was read a third time.

Mr. Rice offered the following amendment to section five, by way of rider:

Provided, None of said Desmoines river lands above mentioned, lying south of the north line of Yell county, and north of the south line of Polk county, shall be placed in the hands of any company or companies, but shall be sold by the Commissioner and Register of the Desmoines river improvement, to actual settlers, at one dollar and twenty-five cents per acre: Provided further, That nothing herein contained, shall be so construed, as to interfere with the rights of settlers as protected by this section.

Lost.

Said bill was then passed and title agreed to.

H. R. file No. 41, memorial and joint resolution for a change of service on post route No. —, from Davenport to Muscatine,

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

H. R. file No. 17, a bill for an act to locate the seat of justice of Decatur county,

Was read a second time.

And the House refused to concur in the report of the select committee, recommending its indefinite postponement.

On motion of Mr. Sharp,

The word "two," in section one, was stricken out and the word "forty" inserted.

On motion of Mr. Duncan,

The bill was ordered to be engrossed and read a third time tomorrow.

Mr. Sharp with leave introduced

H. R. file No. 51, a bill for an act supplemental to an act to locate the county seat of Page county,

Which was read a first time, and

On his motion,

The 42nd rule was suspended, and said bill was read a second time and ordered to be read a third time to-morrow.

On motion of M. Sells,

The House resolved itself into committee of the whole for consideration of

H. R. file No. 36, a bill for an act to provide for the election and duties of township supervisors, and to repeal so much of the code of Iowa as relates to the election of county supervisor,

At three o'clock P. M.,

Mr. Witter in the chair.

Four o'clock P. M.—The committee rose, and by their chairman reported progress, and asked leave to sit again;

Which was granted.

Mr. Green, of Dallas, moved that the committee of the whole be discharged from the further consideration of said bill, and that it be referred to a select committee of five.

Lost

On motion,

The House adjourned.

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#### FRIDAY MORNING, DECEMBER 24, 1852.

Mr. Dodge presented the remonstrance of certain aldermen and others, of the city of Davenport, against an amendment to the charter of said city, enlarging its limits, and

On his motion,

The reading was dispensed with, and the remonstrance referred to the committee on incorporations.

On motion of Mr. Sharp,

The select committee of one from each senatorial district, to re-appoint the representation in this House, was reduced to thirteen in number.

On motion of Mr. Grimes,

Resolved, That the committee on schools and state university, be instructed to report to this House the location, condition and prospects of the state university, with the various branches, appendages and attachments thereto, and the condition and availability of the university fund of the state.

On motion of Mr. Townsend,

Resolved, That a committee of — be appointed by the Speaker, to whom shall be referred all bills to amend, alter, or repeal any of the provisions of the code, whose duty it shall be to revise the same, so that they may not conflict with each other or existing laws.

On motion of Mr. Sharp,

The blank in the resolution was filled with five.

Messrs. Townsend, Sharp, Grimes, Haun and Sells, were appointed said committee.

Mr. Witter offered the following resolution :

Resolved, That when this House adjourns, it will adjourn to meet on Monday next at 10 o'clock.

Lost.

Notice to bring in the following bills, was given :

By Mr. Duncan :

A bill for an act to locate a state road from Garden Grove, in Decatur county, to Lewis, the county seat of Cass county.

By Mr. Rice :

A joint memorial asking Congress to divert 250,000 acres of the Des Moines river grant, to the improvement of the navigation of said river from Fort Des Moines to Fort Dodge.

On motion of Mr. Grimes,

The names of Messrs. Folsom and Grant were added to the committee on amendments to the code.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 17, a bill for an act to locate the seat of justice of Decatur county.

Also,

H. R. file No. 35, a bill for an act organising certain counties therein named.

And,

H. R. file No. 51, a bill for an act supplemental to an act to locate the county seat of Page county, and find the same correctly engrossed.

Mr. Eaton from the committee on township and county organization, submitted the following

### REPORT:

The committee on township and county organization, to whom was referred the petition of Joseph W. Coolidge and one hundred and sixty other citizens of Mills county, for the location of the seat of justice of said county, have had the same under consideration, and have instructed me to bring in the accompanying bill.

A. K. EATON, Chairman.

H. R. file No. 52, a bill for an act to locate the seat of justice of Mills county,

Which was read a first time.

On motion of Mr. Folsom,

Leave of absence was granted to Mr. Sells.

On motion of Mr. Eaton,

Leave of absence was granted to Mr. Bonson.

On motion of Mr. Townsend,

Leave of absence was granted to Mr. Putman.

Mr. Means, from the select committee to whom was referred H. R. file No. 34, reported that they had taken the same under consideration, and instructed him to report the following substitute therefor:

Substitute for H. R. file No. 34, a bill for an act to enforce the due observance of the Sabbath or Lord's day,

Which was accepted, and read a first time.

H. R. file No. 45, a bill for an act to enforce the claims of the State and county against lands and lots, on which the owners have failed to pay the taxes charged thereon, prior to 1851.

Was read a second time, and

On motion of Mr. Green, of Dallas,

Referred to the committee on amendments to the code.

H. R. file No 46, a bill for an act to establish the 7th judicial district of the State of Iowa,

Was read a second time; and,

On motion of Mr. Sharp,

Referred to the committee on the judiciary.

H. R. file No. 47, a bill for an act relative to the qualification of school district officers,

Was read a second time; and,

On motion of Mr. Clark,

Referred to the committee on schools and state university.

H. R. file No. 48, a bill for an act to change the name of Volga City, in Fayette county, to Lima,

Was read a second time; and,

On motion of Mr. Montgomery,

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

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield plank road company the right of way,

Was read a second time; and,

On motion of Mr. Clark,

Referred to the committee on roads and highways.

H. R. file No. 50, a bill for an act to prevent the killing of deer in certain season of the year,

Was read a second time.

Mr. Rice moved to lay the bill on the table until July 4th next.

Mr. Garber moved to refer the bill to the committee on new counties.

Lost.

Mr. Allison moved to refer to the committee on agriculture.

Lost.

On motion of Garber,

The bill was referred to the committee on the judiciary.

Senate file No. 21, a joint resolution instructing the Secretary of State to procure from the General Government, field notes and diagrams of military roads in the State of Iowa,

Was read a second time, and

Ordered to a third reading to-morrow.

H. R. file No. 17, a bill for an act to locate the seat of justice of Decatur county,

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



H. R. file No. 35, a bill for an act to organize certain counties therein named,

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

H. R. file No. 51, a bill for an act supplemental to an act to locate the county seat of Page county,

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

Senate file No. 17, a bill for an act to amend section 1610, of chapter 95 of the Code of Iowa,

Was read a third time, and

On motion of Mr. Folsom,

Referred to the committee on amendments to the code.

Mr. Speaker announced the committee to re-apportion the state into representative districts as follows :

Messrs. Sharp, Wright, Clark, Rogers, Duncan, Bryan, Dodge, Haun, Green of Dallas, Anderson of Dubuque, Garber, Wasson and Hutchinson.

Mr. Hutchinson moved to adjourn till Monday 10 o'clock, A. M.

Lost.

Mr. Means moved that the House resolve itself into committee of the whole House now, for consideration of the revenue law.

Lost.

Mr. Fordyce moved that the House resolve itself into committee of the whole House now, for consideration of the supervisor law.

Lost.

Mr. Ramsey moved that the House adjourn.

Mr. Bunker moved to amend by adding till Monday at 10 o'clock, A. M.

Agreed to.

The question being then put on the motion as amended,

Was decided in the negative.

Mr. Allison moved to adjourn.

Lost.

On motion of Mr. Ramsey,

The House adjourned till Monday morning next, at 10 o'clock.

MONDAY MORNING, DECEMBER 27, 1852.

Mr. Steadman presented the petition of M. D. Le Webb and others, citizens of Benton county, asking for sundry changes in county organization, which,

On his motion,

Was referred to the committee on the judiciary.

Mr. Sharp presented the petition of James H. Sharp and others, citizens of Union county, asking for the organization of said county, which,

On his motion,

Was referred to the committee on the judiciary.

Mr. Witter presented the petition of Robert Gower and twelve others, asking for the location of a state road from Lyons via De Witt and Buena Vista, in Clinton county, Tipton and Cedar Bluffs, in Cedar county, to Iowa City.

Also,

The petition of Robert P. McCready and 20 others, asking for the same road, which,

On his motion,

Were referred to the committee on roads and high ways.

Mr. Green, of Dallas, presented a remonstrance of John M. Johns and fifty other citizens, of Yell county, against attaching Risley county to said county.

Also,

Asking for the appointment of commissioners to locate the county seat of Yell county, which,

On his motion,

Was referred to the committee on new counties.

Mr. Steadman presented a remonstrance of citizens of Benton county, against attaching certain portions of said county to Iowa county, which,

On his motion,

Was laid on the table.

Message from the Senate by Mr. Cuming, their Secretary :

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

Senate file No. 30, "an act authorising the Treasurer of State to purchase a safe."

In which the concurrence of the House of Representatives is requested.

I herewith return H. R. file No. 21, a bill for an act to change the name of Barkersville, in Marion county, to Attica.

The same having passed the Senate without amendment.

Mr. Alger presented the petition of E. Brown, and sixty-seven others, for the organization of Black Hawk county, and the location of the county seat thereof; which,

On his motion,

Was referred to the committee on township and county organization.

Mr. Allison presented the petition of ladies and youths, of Marion county, asking that the liquor traffic be prohibited; which,

On his motion,

Was laid on the table until to-morrow.

The following notices of bills and joint resolutions, was given:

By Mr. Clark:

A joint resolution asking Congress to establish a mail route from Fort Madison, in Lee county, to Rising Sun, in Louisa county, in this State.

By Mr. Taylor:

A bill for an act to provide for the more amply support and education of the deaf and dumb of this State.

By Mr. Rice:

A bill for an act to amend so much of the Code of Iowa as relates to taking the census.

By Mr. Duckworth:

A bill for an act authorizing and requiring the county clerk and county judge to appoint three examiners of district school teachers for each county, and to regulate their duties.

Mr. Sharp offered the following resolution:

Resolved, That there be printed for the use of this House, 800 additional copies of the census returns.

Mr. Gilmore moved to strike out "800" and insert "1800."

Lost.

Question recurring on the adoption of the resolution,

Was decided in the affirmative,

On motion of Mr. Green of Henry,

Resolved, That the committee on revision be instructed to amend the law regulating attachments before justices of the peace, where the defendant cannot be found, so that said defendant can be notified by three or more notices in the most public places in the county in which said suit is commenced.

Mr. Grimes from the committee on charitable institutions, to which was referred

Substitute for Senate file No. 27, a bill for an act for the relief of the blind,

Reported the same back, proposing the following substitute therefor:

Substitute for substitute for Senate No. 27, a bill for an act to establish an asylum for the blind;

Which was read a first time.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 48, a bill for an act to change the name of Volga City in Fayette county, to Lima.

And find the same correctly engrossed.

The following bills of which notice had been given, were introduced:

By Mr. Reeder :

H. R. file No. 53, a bill to encourage the destruction of wolves,

Which was read a first time.

By Mr. Cock, with leave,

H. R. file No. 54, preamble and joint resolution asking Congress to remove certain restrictions in the act granting lands to aid in the improvement of the Des Moines river,

Which was read a first time.

By Mr. Williams :

H. R. file No. 55, a bill for an act disposing of the swamp and overflowed land, by granting them to the counties in which they lie.

On motion of Mr. Grimes,

The reading was dispensed with, and two hundred copies ordered to be printed.

On motion of Mr. Green, of Jackson,

H. R. file No. 43, and Senate file No. 11,

Were taken from the table and

Referred to the committee on amendments to code.

Senate message being in order,

Senate file No. 30, a bill for an act to authorise the Treasurer of State, to purchase a safe,

Was read a first time.

Substitute for H. R. file No. 34, a bill for an act to enforce a due observance of the Sabbath or Lord's day,

Was read a second time.

Mr. Beeder moved to strike out the words "so as to interrupt any place of public religious worship, or place of general resort, or the family or premises of any resident of this State."

Lost.

On motion of Mr. Means,

The bill was ordered to a third reading on to-morrow.

H. R. file No. 52, a bill for an act to locate the seat of justice of Mills county,

Was read a second time, and

On motion of Mr. Sharp,

The 42nd rule was suspended, and said bill read a third time, passed and title agreed to.

H. R. file No. 48, a bill for an act to change the name of Volga City, in Fayette county, to Lima,

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

Senate file No. 21, a joint resolution instructing the Secretary of State, to procure from the general government, field notes and diagrams of military roads in the State of Iowa,

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

On motion of Mr. Grimes,

The 42d rule was suspended, and the substitute for substitute for Senate file No. 27, a bill for an act to establish an asylum for the blind,

Was read a second time, and

On his motion,

Referred to the committee of the whole house now.

House resolved itself accordingly, at 10 o'clock 30 minutes,

Mr. Cock in the chair,

Eleven o'clock and 20 minutes, committee rose, and by its chairman, reported the bill back with two amendments, which were concurred in.

On motion of Mr. McPherrin, the bill

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

On motion  
The House adjourned

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TWO O'CLOCK, P. M.

On motion,

The House resolved itself into committee of the whole for the consideration of

H. R. file No. 36, a bill for an act to provide for the election and duties of township supervisors, and to repeal so much of the code of Iowa, as relates to the election of county supervisors,

Mr. McPherrin in the chair.

Two o'clock 30 minutes, committee rose, and by its chairman, reported the bill back and a substitute therefor,

Which was read a first time.

On motion of Mr. Grimes,

Two hundred copies of said bill was ordered to be printed.

Two o'clock thirty-five minutes,

The House resolved itself into committee of the whole for the consideration of file No. 25, a bill for an act to amend the 37th chapter of the code of Iowa,

Mr. Green, of Henry, in the chair.

Four o'clock five minutes—The committee rose, and by their chairman, reported progress and asked leave to sit again.

Which was granted.

On motion of Mr. Cock,

Leave of absence was granted to Mr. Ramsey.

On motion,

The House adjourned.

TUESDAY MORNING, DECEMBER 28, 1852.

Mr. Anderson of Lee, presented three petitions asking for the enactment of a law prohibiting the liquor traffic; which

On his motion,  
Were laid on the table.

Mr. Witter from the committee on enrolled bills, reported that they had examined

H. R. file No. 21, an act to change the name of Barkersville in Marion county, to Attica,

And find the same correctly enrolled.

Which was then signed by the Speaker, in the presence of the House.

On motion of Mr. Anderson of Lee,  
Leave of absence was granted to Mr. Wright.

On motion of Mr. Folsom,  
Leave of absence was granted to Mr. Hutchinson.

Notice to bring in the following bill and joint resolution was given:

By Mr. Walters:

A bill for an act to repeal the law creating the office of fund commissioner, and to provide a substitute therefor.

By Mr. Duncan,

A joint resolution asking Congress to establish a mail route from Lineville *via* Corydon in Wayne county, to Chariton in Lucas county; also, from Lineville to Princeton, Missouri.

Mr. Rogers, from the committee on engrossed bills, reported that they had examined,

Substitute for substitute for Senate file No. 27, a bill for an act to establish an asylum for the blind,

And find the same correctly engrossed.

Mr. Sharp, from the committee on the judiciary, to whom was referred the petition of M. D. Leloelle and others, citizens of Benton county, asking sundry changes in county organization, reported the same back, and asked to be discharged from the further consideration thereof.

On motion,  
The committee was discharged.

Mr. Sharp, from the same committee, to which was referred the petition of citizens of Union county, asking that said county be organized, reported the following bill:

H. R. file No. 56, a bill for an act to organize the county of Union and to locate the county seat thereof,

Which was read a first time.

The following bills were introduced, of which notice had been given:

By Mr. Fordyce:

H. R. file No. 57, a bill for an act to provide for settling the accounts of Paul Brattan,

Which was read a first time.

By Mr. Walters:

H. R. file No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Des Moines river improvement,

Which was read a first time.

By Mr. Walters, with leave:

H. R. file No. 59, joint resolution on the subject of additional mail facilities,

Which was read a first time.

H. R. file No. 53, a bill for an act to encourage the destruction of wolves, &c.,

Was read a second time.

On motion of Mr. Witter,

"Seventy five cents" was stricken out, and "one dollar" inserted in the first section.

Mr. Hesser moved to strike out the word "lynx" wherever the same occurs.

Lost.

Mr. Rice moved to strike out "one dollar" and insert "twenty-five cents."

Lost.

On motion of Mr. Clark,

"Pole cats" was inserted after the word "lynx."

Mr. Jessup moved to insert "mink."

Lost.

Mr. Walters moved to strike out all after the enacting clause,

Which was agreed to.



Yeas 34,

Nays 16,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. Gilmore,	Mr. Rogers,
Allen,	Goodson,	Ross,
Allison,	Benj. Green,	Russell,
A. D. Anderson,	J. C. Green,	Sears,
J. M. Anderson,	Grimes,	Sharp,
Bryan,	Hesser,	Steadman,
Cock,	Jessup,	Walters,
Coffin,	McPherrin,	Washburn,
Dillon,	Means,	Wasson and,
Duckworth,	Mitchell,	Wilson.
Duncan,	Ream,	
Garber,	Rice,	

Those who voted in the negative were,

Mr. Clark,	Mr. Montgomery,	Whitmore,
Dodge,	Reeder,	Williams,
Folsom,	Seymour,	Witter, and
Fordyce,	Stevens,	Mr. Speaker.
Geo. F. Green,	Taylor,	
McArthur,	Townsend,	

On motion of Mr. Alger,

The bill was laid on the table.

Mr. Witter, with leave, gave notice of the introduction of a bill for an act giving to each county authority to give a bounty on wolfscalps.

H. R. file No. 54, preamble and joint resolution asking Congress to remove certain restrictions in the act granting lands to aid in the improvement of the Des Moines river,

Was read a second time, and

On motion of Mr. Rice,

Was referred to a select committee of five.

Messrs. Rice, Cock, Walters, Townsend and Anderson, of Lee, were appointed said committee.

Senate file No. 30, a bill for an act to authorize the Treasurer of State to purchase a safe,

Was read a second time, and

On motion of Mr. Means,

Was ordered to a third reading to morrow.

Substitute for H. R. file No. 34, a bill for an act to enforce a due observance of the Sabbath or Lord's day.

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

Substitute for substitute for Senate file No. 27, a bill for an act to provide an asylum for the blind.

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

On motion of Mr. Witter,

The House resolved itself into committee of the whole, on H. R. file No. 25, a bill for an act to amend chapter 37, of the Code of Iowa,

At 10 o'clock and 30 minutes,

Mr. Green, of Henry, in the chair.

Ten o'clock and thirty-five minutes.

Committee rose and by their chairman, reported the same back to the House and recommended its indefinite postponement.

Which was concurred in.

On motion of Mr. Dodge,

The House resolved itself into committee of the whole, for the consideration of the 37th chapter of the code,

At ten o'clock and forty minutes.

Mr. Townsend in the chair.

Ten o'clock and fifty minutes.

The committee rose, and by its chairman, reported progress and asked leave to sit again,

Which was granted.

Mr. Witter presented the claim of Charles Swetland, sheriff of Cedar county, for taking the census of said county; which

On his motion,

Was referred to a select committee of three.

Messrs. Folsom, Grimes and Sharp were appointed said committee.

On motion,

The House adjourned.

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TWO O'CLOCK, P. M.

Mr. Sharp moved to suspend the 42nd rule, and that

H. R. file No. 56, a bill for an act to organize the county of Union, and locate the county seat thereof, be now read a second time.

Agreed to.

Said bill was read a second time, and

On motion of Mr. Allen,

The blank in section 5 was filled with the name of Lewis F. Perry, of Clark county.

On motion of Mr. Sharp,

The bill was ordered to be engrossed and read a third time tomorrow.

Message from the Senate by Mr. Vanmetre, Assistant Secretary.

Mr. SPEAKER—I herewith return

H. R. file No. 2, memorial and joint resolution on the subject of a grant of land to aid in the construction of a railroad from Davenport *via* Muscatine to the Council Bluffs.

The same having passed the Senate without amendment.

Also,

H. R. file No. 21, an act to change the name of Barkersville in Marion county, to Attica.

The same having received the signature of the President of the Senate.

I also present for your signature,

Senate file No. 21, a joint resolution requesting the Secretary of State to procure from the General Government, field notes and diagrams of military roads in the State of Iowa.

The same having passed both branches of the General Assembly.

The Speaker then signed Senate file No. 21, in the presence of the House.

Mr. Clark with leave, introduced

H. R. file No. 60, joint resolution for a mail route therein named; Which was read a first time.

Mr. Rice with leave, introduced

H. R. file No. 61, joint resolution relative to adjournment; Which was read a first time.

On motion of Mr. Grimes,

Resolved, That the Treasurer of State be requested to report to this House, the condition of the finances of the state as contemplated by law.

On motion of Mr. Wilson,

Leave of absence was granted to Mr. Bunker.

On motion,

The House adjourned.

WEDNESDAY MORNING, DECEMBER 29, 1852.

Mr. McPherrin presented the petition of Wm. H. Selby and fifty-nine other citizens of Van Buren county.

Also,

The petition of Grace Mayne and forty-eight other ladies and youths of the same county, asking a prohibitory law on the subject of the liquor traffic, which,

On his motion,

Were laid on the table.

Mr. Alger presented the petition of J. Ringer and other citizens, asking for an alteration in the state road leading from Iowa City to Muscatine, which,

On his motion,

Was referred to the committee on roads and highways.

Mr. Montgomery presented the petition of O. H. P. Roszell and other citizens of Iowa, asking for the location of a state road from Columbus, in Allamakee county, to Independence, in Buchanan county via Ly Brand and West Union, which,

On his motion,

Referred to the committee on roads and highways.

Mr. Witter from the committee on enrolled bills, reported that they had presented

H. R. file No. 21, a bill for an act to change the name of Barkersville, in Marion county, to Attica, to the Governor for his approval.

Also,

That they had examined

H. R. file No. 2, memorial and joint resolution on the subject of a

grant of land to aid in the construction of a rail road from Davenport via Muscatine to the Council Bluffs,

And find the same correctly engrossed.

The Speaker then signed H. R. file No. 2 in the presence of the House.

Mr. Garber presented the petition of John P. F. Cribbs, and one hundred and ninety-nine other citizens of Clayton county, asking for the repeal of the liquor law, which was,

On his motion,

Referred to the committee having that portion of the Governor's message on the same subject under consideration.

Mr. Fordyce presented the petition of citizens of Blackhawk county, asking the passage of a law to organize said county, which was,

On motion of Mr. Alger,

Was referred to the committee on township and county organization.

Mr. Rice presented two remonstrances from citizens of the southern tier of townships, in Polk county, against attaching said townships to Warren county, which were,

On his motion,

Referred to the committee on township and county organization.

Mr. Fordyce presented the petition of G. B. Will and seventy other citizens of Iowa, asking for the location of a state road from Pilot Grove to the county seat of Marshall county.

Also,

For a state road from Fremont, in Benton county, to Bradford, in Chickasaw county, which was,

On his motion,

Referred to the committee on roads and highways.

Notice to bring in the following bills, was given :

By Mr. Walters :

A bill for an act to locate a state road from Eddyville, in Wapello county, to Knoxville, in Marion county.

Also,

A bill for an act granting the right of way to the Iowa Western Railroad Company, from Oskaloosa to Kaneshville.

By Mr. Means :

A bill for an act to regulate the terms of the district court in the sixth judicial district.

Also,

A bill for an act to locate the county seat of Taylor county.

By Mr. Green of Jackson :

A bill for an act granting to the Jackson County Railroad Company the right of way.

By Mr. Cleaves :

A bill for an act to locate a state road from Muscatine via Columbus City to Mount Pleasant.

By Mr. Hesser :

A joint resolution asking Congress for an appropriation to improve Des Moines and Rock river rapids.

Also,

A bill for an act to authorize township trustees to levy a special tax for certain purposes.

By Mr. Rice :

A bill for an act to unite into one county the territory now composing the counties of Yell and Risley.

Also.

A joint resolution relative to mail facilities.

By Mr. Anderson of Dubuque :

A bill for an act to amend chapter 79 of the code of Iowa, in relation to the conveyance of real property.

By Mr. Steadman :

A bill for an act to create the office of township treasurer, and provide for their election.

On motion of Mr. Montgomery,

Resolved, That the messengers be instructed to furnish the Governor with copies of all documents printed for the use of this House.

On motion of Mr. Sharp,

Resolved, That the committee on the judiciary be instructed to bring in a bill for an act repealing section 102 of the code of Iowa.

Mr. Means from the select committee to whom was referred H. R. file No. 31, a bill for an act in relation to new counties, reported the same back, recommending its indefinite postponement, and offered a substitute therefor.

Mr. Fordyce from the select committee to whom was referred H. R. file No. 38, memorial and joint resolution for a grant of land to aid in the construction of a railroad from Fort Des Moines to the to the Great Bend of the Minnesota river, submitted the following

## REPORT:

The select committee to whom was referred H. R. file No. 38, a memorial and joint resolution for a grant of lands for the construction of a railroad from Fort Desmoines to the great bend of the Minnesota River, have had the same under consideration and instruct me to make the following

## MAJORITY REPORT:

That in the opinion of this committee, railroads, of all species of internal improvements, are the best calculated to develop the resources of the west. This road particularly, uniting the fertile prairies of Iowa, by a short, cheap and expeditious route, with the pine regions of the north, thereby furnishing fencing and building materials for a large tract of the most fertile lands of Iowa, which otherwise will remain an unsettled and desert waste for many years to come, and would likewise connect by a cross route with the Desmoines river improvement and the contemplated railroads of the State; we therefore, the majority of said committee, respectfully recommend the passage of said memorial and joint resolution without amendment.

L. FORDYCE, Chairman,

The minority also presented the following

## REPORT:

The select committee to whom was referred H. R. file No. 38, a memorial for a grant of land to aid in constructing a railroad from Fort Desmoines to the great bend of the Minnesota river, have had the same under consideration.

The minority reports that he has had the same under consideration, and inasmuch as the settlement of that region of country lying between the great bend of the Minnesota river and the mouth of the McKenzie river in the arctic regions, is cold, dreary and desolate and requires steam; and as it has hitherto been regarded as uninhabitable by man or beast, the fishes of the sea, or fowls of the air, and as the indomitable spirit of the yankee has never yet met with an insuperable barrier in his boundless grasp for universal dominion, and as railroads are of all other means best adapted to develop the re-

sources of a country, the minority is of the opinion that to give full play to the limitless energy of Yankee land, the said memorial ought to be amended so as to have its terminus at the mouth of the McKenzie river in the arctic regions; the minority therefore recommends that said amendment be made, and hopes the House will concur therein.

J. S. TOWNSEND.

Mr. Rogers, from the committee on engrossed bills, reported that they had examined

H. R. file No. 56, a bill for an act to organize the county of Union, and locate the county seat thereof,

And find the same correctly engrossed.

Mr. Reeder from the committee on ways and means, reported back Senate file No. 16, a bill for an act authorizing the Treasurer of State to collect certain monies therein named,

And recommended its passage.

Also,

Reported adversely to the recommendation of the governor relative to the appointment of a commissioner of emigration.

Also,

Reported adversely to the claim of John Rose and others for locating a state road from McGregor's Landing in Clayton county, to Fort Clark in Yell county.

All of which recommendations were concurred in.

Mr. Duckworth from the committee on township and county organization, to whom was referred

H. R. file No. 27, an act to change the office of county judge to that of commissioners,

Report that they have had the same under consideration, and have directed me to report the bill back without amendment and recommend that it be indefinitely postponed.

A. K. DUCKWORTH, Chairman.

Mr. Sharp from the committee on the judiciary, reported back

H. R. file No. 46, a bill for an act establishing the 7th judicial district.

Recommending its passage.

Mr. Alger from the committee on roads and highways, reported back



H. R. file No. 49, a bill for an act granting the Mt. Pleasant and Fairfield Plank Road Company the right of way;

Recommending its passage.

Mr. Townsend from the select committee of revision, submitted the following

### REPORT :

The select committee of revision, to whom was referred Senate file No. 17, "a bill for an act to amend section 1610, of chapter 95, of the Code of Iowa," have had the same under consideration and request me to report, that the amendment proposed by said bill is, in the opinion of your committee, judicious.

Your committee therefore recommend its passage.

JNO. S. TOWNSEND, Chairman,

The following bills were introduced of which notice had been given :

By Mr. Walters :

H. R. file No. 62, a bill for an act to abolish the office of school fund commissioner,

Which was read a first time.

By Mr. Sells :

A bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution, and providing for holding said convention,

Which was read a first time.

Mr. Rice moved that the bill be rejected.

Lost.

Yeas 8,

Nays 47,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. A. D. Anderson,	Mr. Geo. F. Green,	Mr. Taylor, and
Dillon,	Rice,	Mr. Speaker.
Dodge,	Sharp,	

Those who voted in the negative were,

Mr. Alger,	Mr. J. M. Anderson,	Mr. Bunker,
Allen,	Bryan,	Cock,
Allison,	Bryant,	Clark,

Mr. Cleaves,

Coffin,

Duckworth,

Duncan,

Folsom,

Garber,

Gilmore,

Goodson,

J. C. Green,

Grimes,

Hesser,

Jessup,

Mr. McArthur,

McPherrin,

Means,

Mitchell,

Montgomery,

Putman,

Ream,

Reeder,

Rogers,

Ross,

Russell,

Sears,

Mr. Sells,

Seymour,

Steadman,

Townsend,

Stevens,

Walters,

Washburn,

Wasson,

Whitmore,

Williams,

Wilson, and

Witter.

By Mr. Green, of Dallas :

H. R. file No. 64, a bill for an act to establish a state road from the west line of Dallas county, to Kanessville,

Which was read a first time.

By Mr. Witter :

H. R. file No. 65, a bill for an act to encourage the destruction of wolves,

Which was read a first time.

By Mr. Duncan :

H. R. file No. 66, a bill for an act locating a state road from Garden Grove, in Decatur county, to Lewis, the county seat of Cass county,

Which was read a first time.

By Mr. Sears :

H. R. file No. 67, a bill for an act to amend chapter 21 of the Code of Iowa,

Which was read a first time.

Mr. Folsom, from the select committee, to whom was referred the petition of Charles Sweetland, sheriff of Cedar county, for compensation for taking the census of said county in 1852, reported that chapter 39, section 613, of the Code, required the county assessors to take the census of their own counties in 1852; that by chapter 19, section 180, the sheriff of the county is ex-officio its assessor; that by chapter 136, section 2536, the sheriff is entitled to two dollars per day for performing the duties of assessor, and that by section 2538, he is entitled to one tenth of the salary of the county judge for services for which no other compensation is allowed by law.

The committee are disposed to believe that the services rendered by the petitioner, were within the duties to be performed by him as assessor and to be compensated by his per diem allowance.

If this is not the correct conclusion, the committee are clearly of the conviction that the services rendered by the petitioner are covered and compensated by the salary fixed by law for unenumerated services, which per diem allowance and salary are payable from the county treasury of Cedar county.

The committee, therefore, recommend that the petitioner have leave to withdraw, and ask to be discharged.

On motion,

The report was concurred in and the committee discharged.

The Speaker presented the following report of the Treasurer of State :

TREASURER'S OFFICE, IOWA,  
Iowa City, Dec. 29, 1852. }

HON. JAMES GRANT, Speaker of the House of Representatives :

SIR—In conformity with a resolution of the House of Representatives of to-day, I submit the following report of the finances for the fiscal years 1851-2, ending November 1, 1852, as appears from the books of this office.

Amount of revenue received from the 2d Dec. 1850 to the 31st October, 1852, .....	\$139,681 59
Amount on hand on the first mentioned date .....	1 39

Total .....	\$139,683 08
Auditor's warrents cashed and the interest thereon ....	131,631 49

Leaving a ballance on hand at the close of the last fiscal year, (November 1, 1852,) ..... \$8,051 59

All of which is respectfully submitted.

M. L. MORRIS, State Treasurer.

H. R. file No. 57, a bill for an act to provide for settling the accounts of Paul Brattan;

Was read a second time, and

On motion of Mr. Townsend,

Referred to a select committee of five.

Messrs. Townsend, Fordyce, Scars, Witter and Bryant were appointed said committee.

H. R. file No. 58, a bill for an act to secure to the electors of Iowa, the right to elect a commissioner and register of the Des Moines river improvement;

Was read a second time, and

On motion of Mr. Walters,

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

H. R. file No. 59, joint resolution on the subject of additional mail facilities;

Was read a second time, and

On motion of Mr. Grimes,

Referred to the committee on federal relations.

H. R. file No. 60, joint resolution for a mail route therein named;

Was read a second time, and

On motion of Mr. Clark,

Referred to the committee on federal relations.

H. R. file No. 61, joint resolution relative to adjournment,

Was read a second time.

Mr. Sells moved to strike out "24th" after the word January, and insert "15th."

On motion of Mr. Taylor,

The joint resolution and amendment were laid on the table.

H. R. file No. 31, a bill for an act in relation to new counties;

Was read a second time, and

In accordance with the report of the select committee, was indefinitely postponed, and the substitute therefor, reported by said committee, was accepted and read a first time.

H. R. file No. 38, memorial for a grant of land to aid in the construction of a rail road from Fort Des Moines to the great bend of the Minnesota river;

Was read a second time,

Accompanied by the majority and minority reports of the select committee, to which said memorial had been referred.

Mr. Townsend moved that the report of the minority be concurred in.

Lost.

Yeas 16,

Nays 37.

The yeas and nays being desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. Duckworth,	Mr. Stevens,
Allen,	Geo. F. Green,	Townsend,
Bryant,	Means,	Walters, and
Clark,	Seymour,	Witter
Cleaves,	Sharp,	
Dodge,	Steadman,	

Those who voted in the negative were—

Mr. Allison,	Mr. J. C. Green,	Mr. Ross,
A. D. Anderson,	Grimes,	Russell,
Bryan,	Hesser,	Sears
Bunker,	Jessup,	Sells,
Coffin,	McArthur,	Taylor,
Dillon,	McPherrin	Washburn,
Duncan,	Mitchell,	Wasson,
Folsom,	Montgomery,	Whitmore,
Fordyce,	Putman,	Williams,
Garber,	Ream,	Wilson, and
Gilmore,	Reeder,	Mr. Speaker.
Goodson,	Rice,	
Benj. Green,	Rogers,	

Mr. Rice moved that said joint resolution be ordered to a third reading to-morrow.

Lost.

Yeas 21,

Nays 34,

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Allison,	Mr. Grimes,	Mr. Rice,
Bryan,	Hesser,	Rogers,
Dodge,	McPherrin,	Russell,
Fordyce,	Montgomery,	Sells,
Gilmore,	Putman,	Seymour,
Goodson,	Ream,	Whitmore, and
Benj. Green,	Reeder,	Mr. Speaker.

Those who voted in the negative were:

Mr. Alger,	Mr. A. D. Anderson,	Mr. Bryant,
Allen,	J. M. Anderson,	Bunker,

<b>Mr. Cock,</b>	<b>Mr. J. C. Green,</b>	<b>Mr. Steadman,</b>
Clark,	Geo. F. Green,	Stevens,
Cleaves,	Jessup,	Townsend,
Coffin,	McArthur,	Walters,
Dillon,	Means,	Washburn,
Duckworth,	Mitchell,	Wasson,
Duncan,	Ross,	Williams,
Folsom,	Sears,	Wilson, and
Garber,	Sharp,	Witter,

Message from the Senate, by Mr. Cuming, their Secretary :

MR. SPEAKER—I herewith return,

H. R. file No. 3, “joint resolution asking a grant of land to aid in the construction of a railroad from Burlington to the Missouri river.”

The same having passed the Senate with one amendment, and with the title amended to correspond, so as to read “joint resolution asking a grant of land to aid in the construction of a railroad from Burlington and Keokuk to the Missouri river.”

In which the concurrence of the House is requested.

Also, H. R. file No. 18, “memorial and joint resolution for a grant of land to aid in the constructing a railroad from Dubuque to the Missouri river.”

The same having passed the Senate without amendment.

On motion of Mr. Grimes,

The 42d rule was suspended, and the Senate message was taken up.

The question being on concurring in Senate amendment to H. R. file No. 3,

Was decided in the negative.

Yeas 25,

Nays 30.

The yeas and nays were desired, and those who voted in the affirmative were—

<b>Mr. Allison,</b>	<b>Mr. Folsom,</b>	<b>Mr. McPherrin,</b>
A. D. Anderson,	Fordyce,	Ream,
J. M. Anderson,	Gilmore,	Rice,
Bryant,	Goodson,	Rogers,
Dillon,	Benj. Green,	Russell,
Dodge,	Hesser,	Sears,
Duncan,	McArthur,	Taylor,

Washburn,  
Whitmore,

Wilson, and

Witter,

Those who voted in the negative were:

Mr. Alger,

Mr. J. C. Green,

Mr. Sells,

Allen,

Geo. F. Green,

Seymour,

Bryan,

Grimes,

Sharp,

Bunker,

Jessup,

Steadman,

Cock,

Means,

Stevens,

Clark,

Mitchell,

Townsend,

Cleaves,

Montgomery,

Walters,

Coffin,

Putman,

Wasson,

Duckworth,

Reeder,

Williams and

Garber,

Ross,

Mr. Speaker.

Senate file No. 16, an act authorizing the Treasurer of State to collect certain monies therein named,

Was read a second time, and

Ordered to be read a third time to-morrow.

H. R. file No. 27, a bill for an act to change the office of county judge to that of county commissioners,

Was read a second time,

And the question in concurring on the recommendation of the committee to indefinitely postpone,

Was decided in the affirmative.

Yeas 33,

Nays 22.)

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Alger,

Mr. Gilmore,

Mr. Rice,

J. M. Anderson,

Goodson,

Russell,

Bryan,

Benj. Green,

Sears,

Bryant,

J. C. Green,

Seymour,

Cock,

Geo. F. Green,

Sharp,

Coffin,

Hesser,

Stevens,

Dillon,

McPherrin,

Taylor,

Dodge,

Mitchell,

Walters,

Duckworth,

Montgomery,

Washburn,

Folsom,

Putman,

Wilson, and

Fordyce,

Ream,

Witter,

Those who voted in the negative were—

Allen,	Grimes,	Steadman,
Allison,	Jessup.	Townsend,
A. D. Anderson,	McArthur,	Wasson,
Bunker,	Means,	Whitmore,
Clark,	Reeder,	Williams, and
Cleaves,	Rogers,	Mr. Speaker.
Duncan,	Ross,	
Garber,	Sells,	
On motion,		
The House adjourned.		

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TWO O'CLOCK, P. M.

On motion of Mr. Sharp,

Leave of absence was granted to Mr. Cock.

Mr. Alger moved to reconsider the vote had on Senate amendment to H. R. file No. 3.

Lost.

Yeas 26,

Nays 27,

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Alger,	Mr. Fordyce,	Mr. Rogers,
Allison,	Gilmore,	Russell,
J. M. Anderson,	Goodson,	Sears,
A. D. Anderson,	Benj. Green,	Sharp,
Bryant,	Hesser,	Taylor,
Dillon,	McArthur,	Washburn,
Dodge,	McPherrin,	Whitmore, and
Duncan,	Ream,	Witter
Folsom,	Rice,	

Those who voted in the negative were,

Mr. Allen,	Mr. Cleaves,	Mr. Garber,
Bunker,	Coffin,	Geo. F. Green,
Clark,	Duckworth,	J. C. Green,



Grimes,	Reeder,	Townsend,
Jessup,	Ross,	Walters,
Means,	Sells,	Wasson,
Mitchell,	Seymour,	Williams,
Montgomery,	Stedman,	Wilson, and
Putman,	Stevens,	Mr. Speaker.

H. R. file No 46, a bill for an act to establish the 7th judicial district of the State of Iowa, accompanied by the report of the committee on the judiciary,

Was read a second time.

Mr. Means moved to strike out the word "next" after the word "April," and insert "1854."

Lost.

On motion of Mr. Sharp,

The bill was ordered to be engrossed and read a third time tomorrow

Yeas 41.)

Nays 10.)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. Garber,	Mr. Russell,
Allen,	Gilmore,	Sears,
Allison,	Geo. F. Green,	Sells,
A. D. Anderson,	Hesser,	Sharp,
Bryan,	McArthur,	Steadman,
Bryant,	McPherrin,	Stevens,
Bunker,	Mitchell,	Taylor,
Coffin,	Montgomery,	Washburn,
Dillon,	Putman,	Wasson,
Dodge,	Ream,	Whitmore,
Duckworth,	Reeder,	Wilson,
Duncan,	Rice,	Witter, and
Folsom,	Rogers,	Mr. Speaker.
Fordyce,	Ross,	

Those who voted in the negative were—

Mr. Clark,	Mr. Jessup,	Mr. Walters, and
Goodson,	Means,	Williams.
Benj. Green,	Seymour,	
J. C. Green,	Townsend,	

Senate file No. 17, a bill for an to amend section 1610 of chapter 95 of the code of Iowa,

Was read a second time, and

Ordered to a third reading to-morrow.

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield plank road company the right of way,

Was read a second time; and,

On motion of Mr. Whitmore,

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

H. R. file No. 55, a bill for an act to dispose of the swamp and overflowed lands within this State, and to pay the expenses of selecting and surveying the same.

Was read a second time, and

On motion of Mr. Williams

Was referred to a select committee.

Mr. Folsom moved to reconsider the vote had on referring H. R. file No. 55, to a select committee.

Agreed to.

Mr. Sharp moved to amend the motion to refer to a select committee, and make said bill the special order in the committee of the whole House, at 2 o'clock, P. M., on to-morrow.

Agreed to.

And the motion as amended was decided in the affirmative.

Substitute for H. R. file No. 36, a bill for an act to provide for the election of township supervisors, and defining their duties.

Was read a second time.

On motion of Mr. Taylor,

The House resolved itself into committee of the whole, for the consideration thereof, at 3 o'clock and 40 minutes,

Mr. Cleaves in the chair.

Four o'clock—committee rose, and by their chairman, reported progress and asked leave to sit again. .

Which was granted.

On motion,

The House adjourned.

THURSDAY MORNING, DECEMBER 30, 1852.

Mr. Dodge presented the petition of Jonathan Parker, and other citizens of Iowa, asking a revision of the road law ; which was

On his motion,

Laid on the table.

Mr. Ross gave notice of the introduction of a bill for an act to establish a state road from Winterset in Madison county, to Kaneshville *via* Sargents Grove in Adair county, and Lewis in Cass county.

On motion of Mr. Bunker.

Resolved, That the committee on the judiciary be instructed to ascertain and report to this House, whether or not there be any law in force in this state regulating mills and millers.

Mr. Ream presented the memorial of Wm. Meeks and sons, and James A. Brown, contractors on the Des Moines river improvement, asking relief for losses, sustained by them in the destruction of work and materials occasioned by the flood of 1851; which was

On his motion,

Referred to the committee on the judiciary.

Mr. Witter from the committee on enrolled bills, reported that they had examined

H. R. file No. 18, memorial and joint resolution for a grant of land to aid in constructing a railroad from Dubuque to the Missouri river; And find the same correctly enrolled.

The Speaker signed said bill in the presence of the House.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 46, a bill for an act establishing the 7th judicial district of Iowa.

Also,

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield plank road company the right of way ;

Also,

H. R. file No. 58, a bill for an act to secure to the electors of Iowa, the right to elect a commissioner and register of the Des Moines river improvement.

And find the same correctly engrossed.

Mr. Duckworth from the committee on township and county organization, submitted the following

### REPORT:

The committee on township and county organization, to whom was referred H. R. file No. 6, a bill for an act to amend an act entitled an act supplemental to an act to establish new counties and define their boundaries, have had the same under consideration, and have directed me to report the bill back to the House without amendment and recommend its passage.

Also, that they have had H. R. file No. 7, a bill for an act to change the boundaries of Warren county, under consideration and have requested me to report; as follows:

The bill proposes to enlarge the boundaries of Warren county, by attaching the southern tier of townships of Polk county to it, so as to make it of the ordinary size of the adjoining counties. From the evidence presented before your committee, they are clearly of the opinion that the said tier of townships originally belonged to Warren, and that the same was subsequently annexed to Polk, by an act of the legislature, when Warren was unrepresented.

Your committee are, also, of the opinion that justice and equity require that said tier of townships should be re-annexed to Warren county, and that such annexation places her upon an equality with her sister counties as to size.

Your committee therefore recommend that said bill be passed without amendment.

A. K. DUCKWORTH, Chairman.

Mr. Ross, with leave, introduced,  
H. R. file No. 68, joint resolution for additional mail facilities,  
Which was read a first time.

Mr. Sharp, with leave, introduced,  
H. R. file No. 69, joint resolution relative to additional mail facilities.

Which was read a first time.

Mr. Sells, with leave, introduced,  
H. R. file No. 70, a bill for an act to create the 8th judicial district.  
Which was read a first time.

The following bills of which notice had been given, were introduced:

By Mr. Walters:

H. R. file No. 71, a bill for an act to establish a state road from Eddyville to Knoxville,

Which was read a first time.

By Mr. Green, of Jackson:

H. R. file No. 73, a bill for an act granting the Jackson county rail road company, the right of way.

Which was read the first time.

By Mr. Cleaves:

H. R. file No. 72, a bill for an act to locate and establish a state road from Muscatine to Mount Pleasant, via Columbus City,

Which was read a first time.

Substitute for H. R. file No. 31, a bill for an act in relation to new counties,

Was read a second time, and

On motion of Mr. Means,

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

H. R. file No. 62, a bill for an act to abolish the office of school fund commissioner,

Was read a second time; and,

On motion of Mr. Clark,

Referred to the committee on schools and state university.

H. R. file No. 63, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution and providing for holding said convention.

Was read a second time, and

On motion of Mr. Alger,

Made the special order for some day next week, in committee of the whole House.

H. R. file No. 64, a bill for an act to establish a state road from the west line of Dallas county, to Kaneshville,

Was read a second time, and

Referred to the committee on roads and high ways.

H. R. file No. 65, a bill for an act to encourage the destruction of wolves,

Was read a second time; and,

On motion of Mr. Taylor,

Referred to the committee on agriculture.

H. R. No. 66, a bill for an act locating a state road from Garden Grove, in Decatur county, to Lewis, the county seat of Cass county,

Was read a second time.

Mr. Sharp moved to amend by inserting "via county seat of Union county," after "Garden Grove."

On motion,

The bill and amendment, was referred to the committee on roads and highways.

H. R. file No. 67, a bill for an act to amend the 21st chapter of the code,

Was read a second time; and,

On motion of Mr. Sharp,

Referred to a select committee of five, consisting of

Messrs. Sears, Whitmore, Williams, Anderson, of Dubuque, and Sells

H. R. file No. 6, a bill for an act to amend an act entitled an act supplemental to an act to establish new counties and define their boundaries, approved Jan. 17, 1846,

Was read a second time,

Accompanied by a report of the committee on township and county organization, and

On motion of Mr. Green of Dallas,

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

H. R. file No. 7, a bill for an act to change the boundaries of Warren county,

Was read a second time,

Accompanied by a report of the committee on township and county organization.

Mr. Bryan moved that

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

Was decided in the affirmative.

Yeas 36,

Nays 18,

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allen,

Allison,

Bryan,

Mr. Bunker,

Clark,

Cleaves,

Mr. Coffin,

Dodge,

Duckworth,

Duncan,	Means,	Stevens,
Fordyce,	Putman,	Townsend,
Gilmore,	Ream,	Walters,
J. C. Green,	Reeder,	Washburn,
Geo. F. Green,	Rogers,	Wasson,
Grimes,	Ross,	Williams,
Jessup,	Russell,	Wilson,
McArthur,	Sells,	Witter, and
McPherrin,	Sharp,	Mr. Speaker.

Those who voted in the negative were—

Mr. A. D. Anderson,	Mr. Goodson,	Mr. Rice,
J. M. Anderson,	Benj. Green,	Sears,
Bryant,	Hesser,	Seymour,
Dillon,	Hutchinson,	Stedman,
Folsom,	Mitchell,	Taylor, and
Garber,	Montgomery,	Whitmore.

Message from the Senate by Mr. Cuming, their Secretary:

MR. SPEAKER—I herewith return

H. R. file No. 2, memorial and joint resolution to Congress for a grant of land for a railroad from Davenport via Muscatine to Council Bluffs, the same having received the signature of the President of the Senate.

The Senate have passed H. R. file No. 41, memorial and joint resolution for a change of service on post route No. —, from Davenport to Muscatine without amendment.

Also,

H. R. file No. 11, joint resolution for a grant of land to aid in the construction of a railroad from McGregor's landing, in the county of Clayton, to a point on the Missouri river, at or near the mouth of the Big Sioux.

Also,

Senate file No. 38, an act to amend an act for the incorporation of the town of Mount Pleasant, in Henry county,

In which the concurrence of the House of Representatives is requested.

On motion,

The House adjourned.

TWO O'CLOCK, P. M.

H. R. file No. 55, a bill for an act to dispose of the swamp and overflowed lands, and to pay the expenses of selecting and surveying the same, being the special order in committee of the whole, the House resolved itself accordingly,

Mr. Ross in the chair.

Two o'clock 4 minutes, the committee rose, and by its chairman reported the same back with sundry amendments thereto, which were concurred in.

On motion of Mr. Jessup,

The word "they" in section 22, was stricken out and the word "them" inserted.

Mr. Garber moved to strike out all after the words "to be" in the last line of section 17, and insert the words "sold by the county court and the proceeds thereof paid into the school fund, for the support of common schools within the county.

Lost.

On motion of Mr. Sharp,

All between the words "next" in the the second line, and "an" in the 4th line of section 4, was stricken out, and the words "August election there shall be elected," inserted.

On motion of Mr. Bunker,

The words "made previous to that date" in the second line of section 22, were stricken out, and the word "such" in the third line of the same section was stricken out, and the word "any" inserted.

On motion of Mr. Allen,

The word "appointment" in section 4, was stricken out, and the word "election" inserted.

Mr. Townsend offered the following amendment to section 17 :

Strike out the words "according to the discretion of the county courts," and insert the words "in the construction of roads and bridges."

Lost

Mr. Cleaves offered the following amendment:

Strike out the words "according to the discretion of the county courts," and insert the words "and the interest of the same to be used for the support of common schools."

Lost.



Mr. Sells moved that the House resolve itself into committee of the whole now, for the consideration of the bill.

Lost.

On motion of Mr. Sells,

The vote had on the amendment offered by Mr. Townsend to section 17, was reconsidered.

Mr. Sharp moved to amend the amendment of Mr. Townsend, by inserting the words "for the support of common schools."

Lost.

Mr. Folsom moved that the House resolve itself into committee of the whole on the bill under consideration.

Lost.

Question being taken on the amendment of Mr. Townsend,  
Was decided in the affirmative.

On motion of Mr. Williams,

All after the word "expended" in section one was stricken out, and the words "in building roads and bridges in the county," inserted.

On motion of Mr. Sharp,

The bill was ordered to be engrossed and read a third time tomorrow.

H. R. file No. 46, a bill for an act establishing the 7th judicial district of the State of Iowa,

Was read a third time, and

On motion of Mr. Bunker,

Referred to a select committee of one from each judicial district, with instructions to enquire into and report to the House, the number of organized counties in said district, and the amount of state revenue received therefrom during the past year; also, that all bills on the same subject be referred to the same committee.

Messrs. Bunker, Grimes, Whitmore, Dodge, Townsend and Sharp were appointed said committee.

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield Plank Road Company the right of way,

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

H. R. file No. 56, a bill for an act to organize the county of Union and locate the county seat thereof,

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

H. R. file No. 58, a bill for an act to secure to the electors of Iowa,

the right to elect a commissioner and register of the Des Moines river improvement.

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

Senate file No. 16, a bill for an act authorizing the Treasurer of State to collect certain monies therein named,

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

Senate file No. 17, a bill for act to amend section 1610, chapter 95, of the Code of Iowa,

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

Senate file No. 30, a bill for an act authorizing the Treasurer of State to purchase a safe,

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

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I am directed to inform the House of Representatives, that the Senate have refused to recede from their amendment to

H. R. file No. 5, "joint resolution asking a grant of land to aid in the construction of a railroad from Burlington and Keokuk to the Missouri river,"

And that the Senate request the appointment of a committee of conference thereon;

And have appointed Messrs. Preston, Hepner and Love, managers to conduct said conference on the part of the Senate.

I also return,

H. R. file No. 12, memorial and joint resolution for a grant of land to aid in constructing a railroad from Dubuque to the Missouri river,

The same having received the signature of the President of the Senate.

Mr. Folsom moved that the House recede from its disagreeing vote on Senate amendment to H. R. file No. 3.

On motion of Mr. Walters,

A call of the House was had, and Messrs. Bryant, Wilson and Witter were found to be absent.

Pending the call,

On motion,

The House adjourned.

FRIDAY MORNING, DECEMBER 31, 1852.

On motion of Mr. Grimes,  
The 42d rule was suspended, and  
The motion of Mr. Folsom,

That the House recede from its disagreeing vote to Senate amendment of H. R. file No. 3, joint resolution on the subject of a grant of land to aid in the construction of a railroad from Burlington to the Missouri river,

Was taken up,  
And the question being put,  
Was decided in the affirmative.

Yeas 34,)

Nays 21.)

The yeas and nays being desired, those who voted in the affirmative were—

Mr. Alger,	Mr. Garber,	Mr. Rogers,
Allison,	Gilmore,	Russell,
A. D. Anderson,	Goodson,	Sears,
J. M. Anderson,	Benj. Green,	Sharp,
Bryant,	Hesser,	Stedman,
Bunker,	Hutchinson,	Taylor,
Dillon,	McArthur,	Washburn,
Dodge,	McPherrin,	Whitmore,
Duncan,	Putnam,	Wilson, and
Duckworth,	Ream,	Witter.
Folsom,	Reeder,	
Fordyce,	Rice,	

Those who voted in the negative were

Mr. Allen,	Mr. Grimes,	Mr. Seymour,
Bryant,	Jessup,	Stevens,
Clark,	Means,	Townsend,
Cleaves,	Mitchell,	Walters,
Coffin,	Montgomery,	Wasson,
J. C. Green,	Ross,	Williams, and
Geo. F. Green,	Sells,	Mr. Speaker.

On motion of Mr. Folsom,

The House then concurred in said Senate amendment.

Dr. Witter presented two petitions from citizens of Cedar county, asking for a law prohibiting the liquor traffic, which were,

On his motion,

Laid on the table.

Mr. Steadman presented the petition of H. K. Johnson and other citizens of Chickasaw county, asking that said county be organized, which was,

On his motion,

Referred to a select committee consisting of Messrs. Garber and Montgomery.

Mr. Witter from the committee on engrossed bills, reported that they had presented

H. R. file No. 2, memorial and joint resolution to Congress for a grant of land for a railroad from Davenport via Muscatine to Council Bluffs, to the Governor for his approval.

Also,

H. R. file No. 11, joint resolution on the subject of a grant of lands to aid in the construction of a railroad from McGregor's landing, in the county of Clayton, to a point on the Missouri river, at or near the mouth of the Big Sioux.

And

H. R. file No. 40, memorial and joint resolution for a change of service on post route No. —, from Davenport to Muscatine, and

Report the same correctly enrolled.

On motion of Mr. Grimes,

Resolved, That the hour for the meeting of this House, in the morning, shall hereafter be 9 o'clock.

The following notices to bring in bills were given :

By Mr. Seymour :

A bill for an act to amend section 2283, of the Code of Iowa.

By Mr. Allison,

A bill for an act locating a state road from Pella, in Marion county, via Red Rock, to Indianola, in Warren county.

By Mr. Steadman :

A bill for an act locating a state road from Delhi, in Delaware, via Fremont, in Benton county, thence through Poweshiek and Jasper counties, to Fort Desmoines; thence to Sargeant's Grove, in Adair

county; thence to Glenwood, in Mills county, and Platteville, on the Missouri river.

By Mr. Rice :

A bill for an act to locate a state road from Boonsboro to Fort Dodge.

By Mr. Fordyce :

A bill for an act granting the right of way for a rail road from Keokuk, in the county of Lee, to Pella, in the county of Marion.

Mr. Montgomery with leave, introduced

H. R. file No. 74, joint resolution to procure for the State of Iowa, a donation of Ft. Atkinson and the lands attached thereto;

Which was read a first time.

Mr. Allison with leave, introduced

H. R. file No. 75, a bill for an act to authorize John C. Cumins to transcribe the deed and mortgage records of Marion county;

Which was read a first time.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 6, a bill for an act to amend an act entitled an act supplemental to an act to establish new counties and define their boundaries, approved Jan. 17th, 1846.

Also,

H. R. file No. 7, a bill for an act to change the boundaries of Warren county.

Also,

H. R. file No. 31, a bill for an act in relation to new counties;

Also,

H. R. file No. 55, a bill for an act to dispose of the swamp and overflowed lands within this state, and to pay the expenses of selecting and surveying the same.

And find the same correctly engrossed.

The following bill was introduced of which notice had been given:

By Mr. Ross :

H. R. file No. 76, a bill for an act to establish a state road from Winterset in Madison county, to Kanessville,

Which was read a first time.

The Senate message of yesterday, was taken up, and

Senate file No. 38, a bill for an act to amend an act entitled an act

for the incorporation of the town of Mount Pleasant in Henry county,

Was read a third time.

On motion of Mr. Jessup,

The 42nd rule was suspended and said bill was read a second time, and ordered to a third reading to-morrow.

H. R. file No. 68, joint resolution for additional mail facilities;

Was read a second time, and

Referred to the committee on federal relations.

H. R. file No. 69, joint resolution relative to additional mail facilities;

Was read a second time, and

Referred to the committee on federal relations.

H. R. file No. 70, a bill for an act to create the eighth judicial district;

Was read a second time, and

Referred to the committee on judicial districts.

H. R. file No. 71, a bill for an act to establish a state road from Eddyville to Knoxville;

Was read a second time, and

Referred to the committee on roads and highways.

H. R. file No. 72, a bill for an act to locate and establish a state road from Muscatine to Mount Pleasant *via* Columbus City;

Was read a second time, and

Referred to the committee on roads and highways.

H. R. file No. 73, a bill for an act granting the Jackson county rail road company the right of way;

Was read a second time.

Mr. Folsom moved to strike out "two hundred," before "feet" in section 1, and insert "one hundred."

Agreed to.

Yeas 39,

Nays 16,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,

Allison,

A. D. Anderson,

J. M. Anderson,

Bryant,

Banker,

Mr. Cleaves,

Coffin,

Dillon,

Dodge,

Duckworth,

Duncan,

Mr. Folsom,

Garber,

Goodson,

Benj. Green,

J. C. Green,

Hutchinson,

Jessup,	Reeder,	Sharp,
McArthur,	Rice,	Stevens,
McPherrin,	Rice,	Taylor,
Means,	Rogers,	Washburn,
Mitchell,	Ross,	Whitmore,
Montgomery,	Sears,	Williams, and
Putman,	Seymour,	Wilson.
Ream,		

Those who voted in the negative were,

Mr. Allen,	Mr. Grimes,	Mr. Walters,
Bryan,	Hesser,	Wasson,
Clark,	Russell,	Witter, and
Fordyce,	Sells,	Mr. Speaker.
Gilmore,	Steadman,	
Geo. F. Green,	Townsend,	

On motion of Mr. Green of Jackson,

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

H. R. file No. 6, a bill for an act to amend an act entitled an act supplemental to an act to establish new counties and define their boundaries, approved January 17th, 1846.

Was read a third time and passed.

Mr. Grimes moved to amend the title, that it may read as follows:

"A bill for an act to organize certain counties and change the names thereof."

Agreed to.

H. R. file No. 7, a bill for an act to change the boundaries of Warren county,

Was read a third time.

Mr. Witter moved to refer said bill to a committee of three, with instructions to report a bill giving to the people living on the strip the right to decide the question by a vote.

Mr. Sharp moved to amend the motion by striking out "three" and inserting "five."

Mr. Townsend moved to amend the motion by inserting "and Warren county" after the word "strip."

On motion of Mr. Allison,

The motion and amendments were indefinitely postponed.

Mr. Bryan moved the previous question, which was ordered and put, viz :

"Shall the bill pass ?"

Which was decided in the affirmative.

Yeas 34,

Nays 21.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Alger,	Mr. Duncan,	Mr. Sells,
Allen,	Fordyce,	Seymour,
Allison,	J. C. Green,	Sharp,
J. M. Anderson,	Geo. F. Green,	Stevens,
Bryan,	Grimes,	Townsend,
Bunker,	Jessup,	Walters,
Clark,	McPherrin,	Wasson,
Cleaves,	Means,	Williams,
Coffin,	Putman,	Wilson, and
Dillon,	Reeder,	Mr. Speaker.
Dodge,	Ross,	
Duckworth,	Russell,	

Those who voted in the negative were—

Mr. A. D. Anderson,	Mr. Hesser,	Mr. Rogers,
Bryant,	Hutchinson,	Sears,
Folsom,	McArthur,	Steadman,
Garber,	Mitchell,	Taylor,
Gilmore,	Montgomery,	Washburn,
Goodson,	Ream,	Whitmore, and
Benj. Green,	Rice,	Witter.

And said bill was passed and title agreed to.

On motion of Mr. Grimes,

The vote had agreeing to title of H. R. file No. 6, as amended, was reconsidered.

On motion of Mr. Grimes,

The following title for H. R. file No. 6, was adopted :

"A bill for an act to define the boundaries of Dallas county."

Substitute for H. R. file No. 31, a bill for an act in relation to new counties,

Was read a third time.

On motion of Mr. Sharp,



Said bill was referred to a select committee of three.

Messrs. Sharp, Townsend and Green of Dallas, were appointed said committee.

H. R. file No. 55, a bill for an act to dispose of the swamp and overflowed lands within this State, and to pay the expenses of selecting and surveying the same,

Was read a third time.

Mr. Williams, with leave, offered the following section :

Sec. 27. This act to take effect and be in force from and after publication in the Capital Reporter and Iowa Republican.

Adopted.

Mr. Grimes, with leave, moved to amend by striking out "August" in section 4, and inserting "April."

Agreed to.

Said bill was then passed and title agreed to.

Mr. Steadman moved to adjourn until Monday morning next at 10 o'clock.

Mr. Folsom moved to adjourn until Monday afternoon at two o'clock.

Lost.

The question recurring on the motion to adjourn until Monday morning at 10 o'clock,

Was decided in the negative.

Yeas 11,

Nays 41.)

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Folsom,	Mr. Rice,
A. D. Anderson,	Gilmore,	Steadman, and
Bunker,	McArthur,	Townsend,
Dillon,	Reeder,	

Those who voted in the negative were,

Mr. J. M. Anderson,	Mr. Duncan,	Mr. Grimes,
Bryant,	Fordyce,	Hesser,
Clark,	Garber,	Hutchinson,
Cleaves,	Goodson,	Jessup,
Coffin,	Benj. Green,	McPherrin,
Dodge,	J. C. Green,	Means,
Duckworth,	Geo. F. Green,	Mitchell,

Montgomery,

Putman,

Ream,

Rogers,

Ross,

Russell,

Sears,

Sells,

Seymour,

Sharp,

Stevens,

Taylor,

Walters,

Washburn,

Wasson,

Whitmore,

Williams,

Wilson.

Witter, and

Mr. Speaker.

On motion of Mr. Sharp,

The House adjourned.

TWO O'CLOCK, P. M.

On motion of Mr. Dodge,

The petition of Jonathan Parker and others, asking a revision of the law relative to county supervisors,

Was taken from the table.

Mr. Folsom moved that the House adjourn.

Lost.

On motion of Mr. Grimes,

The House resolved itself into committee of the whole, for the consideration of

Substitute for H. R. file No. 36, a bill for an act providing for the election of township supervisors, and defining their duties,

At two o'clock, five minutes,

Mr. Witter in the chair.

Three o'clock and fifty minutes—the committee rose, and by its chairman, reported progress, and asked leave to sit again.

Which was granted.

Mr. Sharp, from the select committee, to which was referred,

Substitute for H. R. file No. 31, a bill for an act in relation to new counties,

Reported the same back with the following amendments:

Strike out "Guthrie" and insert "Dallas" in section one.

Add section 8. That the acts of Andrew Sample, organizing sheriff of Chickasaw county, be and the same are hereby legalized, so far as relates to the organization of said county.

SEC. 9. That this act shall be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Which were concurred in, and the bill read a second time.

On motion of Mr. Sharp,

Said bill was ordered to be engrossed and read a third time to-morrow.

On motion;

The House adjourned!

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SATURDAY MORNING, JANUARY, 1, 1853.

On motion of Mr. Wilson,

Leave of absence was granted to Mr. Bunker.

On motion of Mr. Green, of Dallas,

Leave of absence was granted to Mr. Hutchinson.

On motion of Mr. Sells,

Leave of absence was granted to Mr. Witter.

On motion of Mr. Townsend,

Leave of absence was granted to Mr. Steadman.

Mr. Dodge presented the petition of citizens of the State, asking a revision of the law relative to county supervisors, which was,

On his motion,

Referred to the committee on roads and highways.

Mr. Dodge presented the petition of citizens of the State, asking the passage of a Sunday law, which was,

On his motion,

Laid on the table.

Mr. Rice presented the petition of Granville Berkley and others, asking the location of a state road from Boonsboro to Fort Dodge, which was,

On his motion,

Was referred to the committee on roads and highways.

Mr. McArthur moved that the House adjourn until Monday next.

Lost.

Mr. Taylor from the committee on federal relations to whom was referred

H. R. file No. 60, joint resolution for a mail route therein named reported the same back and recommended its passage.

Mr. Rogers, from the committee on engrossed bills, reported that they had examined,

H. R. file No. 73, a bill granting to the Jackson county Railroad Company the right of way.

Also,

Substitute for H. R. file No. 31, "a bill for an act in relation to new counties,"

And find the same correctly engrossed.

The following bills were introduced, of which notice had been given:

By Mr. Montgomery:

H. R. file No. 77, a bill for an act to locate and establish a state road from Columbus, in Alamakee county, via Ly Brand and West Union, to Independence, in Buchanan county,

Which was read a first time.

By Mr. Cleaves:

H. R. file No. 78; a bill for an act to restrain swine, sheep and calves from running at large,

Which was read a first time.

H. R. file No. 74, joint resolution to procure for the State of Iowa a donation of Fort Atkinson, and the lands attached thereto,

Was read a second time, and

On motion of Mr. Montgomery,

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

H. R. file No. 75, a bill for an act to authorize John C. Cummins, to transcribe the deed and mortgage records of Marion county,

Was read a second time, and

On motion of Mr. Walters,

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

H. R. file No. 76, a bill for an act to establish a state road from Winterset, in Madison county, to Kaneshville,

Was read a second time, and

Referred to the committee on roads and highways.

H. R. file No. 60, joint resolution for a mail route therein named,

Was read a second time, accompanied by the report of the committee on federal relations, and

On motion of Mr. Clark,

Re-referred to the committee on federal relations.

Substitute for H. R. file No. 31, a bill for an act in relation to new counties,

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

Senate file No. 38, a bill for an act to amend an act entitled "an act for the incorporation of the town of Mount Pleasant, in Henry county,

Was read a third time, and

On motion of Mr. Jessup,

Referred to a select committee of three.

Messrs. Jessup, Green, of Henry, and Whitmore were appointed said committee.

H. R. file No. 73, a bill for an act granting the Jackson county railroad company the right of way,

Was read a third time, and

On motion of Mr. Grimes,

Referred to the delegation from Jackson county.

On motion of Mr. Rice,

The House adjourned until Monday morning.

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#### MONDAY MORNING, JANUARY 3, 1853.

Petitions were presented and disposed of as follows:

By Mr. Grimes:

Petition of S. E. Taylor and 163 other citizens of Des Moines county, asking a prohibitory law on the subject of the liquor traffic.

Also,

Petition of Lydia Jones and 97 other ladies and youths of Des Moines county, asking a prohibitory law on the subject of the liquor traffic; which were,

On his motion,  
Laid on the table.

By Mr. Mitchell:

Petition of G. T. Grinstead and 19 other citizens of Jefferson county on same subject.

Also,

Petition of Catharine Grinstead and 38 other ladies and youths of Jefferson county on same subject; which were

On his motion,

Referred to the committee having that part of the Governor's message relating thereto; under consideration.

By Mr. Green of Henry:

Petition of Evan Jay and 38 other citizens of Henry county, asking the passage of a law submitting to the voters of the state, the question of "convention" or "no convention" to amend the constitution; which,

On his motion,

Was laid on the table.

On motion of Mr. Walters,

Resolved, That the committee on federal relations, to whom was referred H. R. file No. 59, joint resolution on the subject of additional mail facilities, be required to report on to-morrow morning.

Notice to bring in the following bills, was given:

By Mr. Seymour:

A bill for an act to amend section 3121 of the Code of Iowa.

By Mr. Folsom:

A bill for an act to regulate the sale of spirituous and vinous liquors.

Also,

A bill for an act to discourage drunkenness.

Also,

A bill for an act to restore the right of widow's dower.

Also,

A bill for an act to legalize the right of trial by jury.

Also,

A bill for an act to restore to married men jurisdiction over their families and households.

Also,

A bill for an act to authorize the county judge of Johnson county, to index the records of said county.

Also,

A bill to authorize the improvement of roads and highways.

Mr. Rogers, from the committee on engrossed bills, reported that they had examined

H. R. file No. 74, joint resolution to procure for the State of Iowa, a donation of Fort Atkinson and the lands attached thereto.

Also,

H. R. file No. 75, a bill for an act authorizing John C. Cummins to transcribe the deed and mortgage records of Marion county,

And find the same correctly engrossed.

Message from the Senate, by Mr. Bradley, their assistant Secretary :

Mr. SPEAKER—I herewith return

H. R. file No. 11, joint resolution on the subject of a grant of land to aid in the construction of a railroad from McGregor's landing in the county of Clayton, to a point on the Missouri river, at or near the mouth of the Big Sioux river.

Also,

H. R. file No. 40, memorial and joint resolution for a change of service on post route No. —, from Davenport to Muscatine, both having received the signature of the President of the Senate.

Mr. Grimes, with leave, introduced

H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington,

Which was read a first time.

H. R. file No. 77, a bill for an act to locate and establish a state road from Columbus, in Allamakee county, via Ly Brand and West Union to Independence, in Buchanan county,

Was read a second time, and •

Referred to the committee on roads and highways.

H. R. file No. 78, a bill for an act to restrain swine, sheep and calves from running at large,

Was read a second time, and

On motion,

Referred to the committee on agriculture.

H. R. file No. 74, joint resolution to procure for the State of Iowa, a donation of Fort Atkinson and the lands attached thereto,

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

H. R. file No. 75, a bill for an act to authorize John C. Cummins to transcribe the deed and mortgage records of Marion county.

On motion of Sells,

The House resolved itself into committee of the whole for the consideration of

Substitute for H. R. file No. 36, a bill for an act providing for the election of township supervisors and defining their duties, at nine o'clock twenty minutes,

Mr. McPherrin in the chair.

Eleven o'clock five minutes,

Committee rose and by their chairman, reported the bill back with sundry amendments thereto, and asked the concurrence of the House therein, all of which

Were then concurred in.

Mr. Whitmore moved to insert in section one, after the enacting clause, "there shall be elected in each township in this State, three township trustees, one of which shall perform the duties of clerk."

Mr. Sharp moved to amend the amendment by inserting "one of whom shall act as president, and one as treasurer."

Lost.

The question recurring on the original motion.

Was disagreed to.

Mr. Taylor moved to strike out "five" in section 4 and insert "three."

Lost.

On motion of Mr. Grimes,

The bill and amendments were referred to the committee on amendments to the Code.

Message from the Senate by Mr. Bradly, Assistant Secretary :

MR. SPEAKER—I herewith return,

H. R. file No. 48, a bill for an act to change the name of Volga City, in Fayette county, to Lima."

The same having passed the Senate without amendment.

The Senate have also passed,

Senate file No. 40, a bill for an act relinquishing an escheat.

In which they ask the concurrence of the House of Representatives'

The Senate message was then taken up, and

Senate file No. 40, a bill for an act relinquishing an escheat,

Was read a first time, and

On motion of Mr. Grimes,



The 42d rule was suspended and said bill read a second time and referred to the committee on the judiciary.

The Speaker presented the following communication from the Superintendent of Public Instruction, in compliance with a resolution of the House:

(SEE APPENDIX.)

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

Resolved, That the committee on amendments to the Code, to whom was referred,

H. R. file No. 36, a bill for an act to provide for the election of township supervisors, and define their duties,

Be instructed to report by bill or otherwise on to-morrow morning,  
Which was,

On motion of Mr. Jessup,  
Laid on the table.

On motion,  
The House adjourned.

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TWO O'CLOCK, P. M.

On motion of Mr. Dodge,

The House resolved itself into committee of the whole, for the consideration of chapter 37 of the code.

Mr. Ross in the chair.

Three o'clock.

The committee rose, and by its chairman, reported the bill back to the House.

On motion of Mr. Grimes,

A call of the House was had, and Messrs. Anderson of Dubuque, Bryan, Bryant, Coffin, Folsom, Gilmore, Rice, Townsend and Walters were found to be absent.

On motion of Mr. Means,  
The call of the House was suspended.

On motion of Mr. Grimes,

The special order for the 6th inst. in committee of the whole House for consideration of

H. R. file No. 10, preamble and joint resolution of instruction upon a Homestead bill;

Was suspended, and

On his motion,

The House resolved itself into committee of the whole for the consideration of said preamble and joint resolution,

At three o'clock 10 minutes.

Mr. Sells in the chair.

Three o'clock 15 minutes.

The committee rose and by its chairman, reported the same back to the House, and recommended its passage.

Said preamble and joint resolution was then read a second time, and

On motion,

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

On motion,

The House adjourned.

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## TUESDAY MORNING, JANUARY 4, 1853.

Petitions were presented and disposed of as follows :

By Mr. Montgomery :

Petition of citizens of Delaware county, for a state road from Acresville, in Delaware county, to intersect the military road from Dubuque to Fort Atkinson, which,

On his motion,

Was referred to the committee on roads and highways.

By Mr. Wasson :

Petition of Isabel Dawson and seventy-one others, ladies and youths of Lee county, asking a prohibitory law on the subject of the liquor traffic.

Also,

Petition of citizens of Bellevue, Jackson county, on the same subject, which,

On his motion,  
Were laid on the table.

By Mr. Green, of Henry :

Petition of Joseph D. Hoag for pay as locating commissioner of Monroe City, which,

On his motion,

Was referred to the committee on claims, with instructions to report as soon as practicable.

Also,

Petition of Sons of Temperance, asking the passage of the Maine liquor law ; which

On his motion,

Was laid on the table.

By Mr. Whitmore :

Three petitions of citizens and two of ladies and youths of Jefferson county, asking the prohibition of the liquor traffic, which

On his motion,

Was laid on the table.

By Mr. Ramsey :

Petition of Wm. Fawcett and 18 others, asking a relocation of a part of the state road from Fairfield to Agency City, which

On his motion,

Was referred to the committee on roads and highways.

By Mr. Bryan :

Petition of Geo. Brinkenhof and 78 other citizens, asking the passage of a law submitting to the voters of the state, the question of "convention" or "no convention" to amend the constitution; which

On his motion,

Was laid on the table.

By Mr. Haun :

Petition of the president, directors and stockholders of the Mississippi and Rock River Junction rail road company, asking the passage of an act granting them the right of bridging the Mississippi river at Lyons and Fulton City; which,

On his motion,

Was referred to the committee on internal improvements.

On motion of Mr. Grimes,

Resolved, That no proposition to amend the Revised Code of the

State, shall be received or entertained by the House, after the 20th inst., and no new business shall be introduced after the 25th inst.

On motion of Mr. Allen,

Resolved, That the Governor be requested to furnish to this House, at the earliest opportunity practicable, all the information in his possession relative to the saline lands of the State, their location, &c.

Notice was given, of the introduction of the following bills:

By Mr. Dodge:

A bill for an act for the relocation of the state road from Muscatine to Davenport.

By Mr. Whitmore:

A joint resolution relative to adjournment.

Mr. Taylor from the committee on federal relations, reported:

That the committee on federal relations, to whom was referred H. R. file Nos. 60 and 69, joint resolutions for additional mail facilities, have had the same under consideration, and instructed me to report them back to the House without amendment and recommend their passage.

Also,

H. R. file No. 68, on the same subject, and recommend its indefinite postponement.

Also,

H. R. file No. 59, on the same subject, and report the same back to the House with two amendments, viz: Strike out in section one, the words Eddyville, in Wapello county via Hamilton and Barkersville, and insert Oskaloosa, in Mahaska county, to Knoxville.

Also,

Amend section 2 by inserting after the word Missouri via Grand River Post office, once a week.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 10, preamble and joint resolution of instructions on a Homestead bill.

And find the same correctly engrossed.

Mr. Folsom offered the following resolution:

Resolved, That the Clerk be authorized to procure two roll maps of the State, for the use of the House.

Lost.

Mr. Green, of Jackson, from the committee to which was referred,

H. R. file No. 73, a bill for an act granting the Jackson county rail road company the right of way,

Reported the same back with an additional section, as section 4, and recommended its passage.

The following bills were introduced of which notice had been given :

By Mr. Folsom :

H. R. file No. 80, a bill for an act to authorize the county judge of Johnson county to index the records of said county,

Which was read a first time.

By Mr. Rice :

H. R. file No. 81, joint resolution for additional mail facilities,

Which was read a first time.

By Mr. Means :

H. R. file No. 82, a bill for an act to locate the seat of justice of Taylor county,

Which was read a first time.

By Mr. Townsend, with leave,

H. R. file No. 83, a bill for an act to alter and amend chapter 85 of the revised code,

Which was read a first time.

Also, with leave,

H. R. file No. 84, a bill for an act in relation to the sale of county property and the disposition of the fees of county judge,

Which was read a first time.

By Mr. Seymour :

H. R. file No. 85, a bill for an act to amend section, 2383 of the code,

Which was read a first time.

By Mr. Montgomery :

H. R. No. 86, a bill for an act to locate a state road from Fort Dodge, via Shelbyville, to Kaneshville,

Which was read a first time.

By Mr. Townsend :

H. R. file No. 87, a bill for an act regulating the fees of certain officers therein named,

Which was read a first time.

Mr. Sharp, from the committee on the judiciary, in conformity to a resolution of instruction, with leave,

Reported H. R. file No. 88, a bill for an act to repeal section 102 of the code of Iowa,

Which was read a first time.

Mr. Walters, with leave, introduced

H. R. file No. 89, a joint resolution for additional mail facilities,

Which was read a first time.

H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington,

Was read a second time, and

On motion of Mr. Clark,

Referred to the committee on the judiciary.

H. R. file No. 59, joint resolution on the subject of additional mail facilities,

Was read a second time,

With accompanying report of the committee on federal relations, recommending its passage, with two amendments, which were concurred in, and the bill

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

H. R. file No. 60, joint resolution for a mail route therein named,

Was read a second time,

Accompanied by a report of the committee on federal relations, recommending its passage, and was

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

H. R. file No. 68, joint resolution for additional mail facilities,

Was read a second time,

Accompanied by a report of the committee on federal relations, recommending its indefinite postponement,

Which was concurred in.

H. R. file No. 69, joint resolution for additional mail facilities,

Was read a second time,

Accompanied by a report of the committee on federal relations, recommending its passage, and

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

H. R. file No. 73, a bill for an act granting the Jackson County Railroad Company, the right of way,

Was read a second time,

Accompanied by a report of a select committee, recommending its passage, with an additional section, as section 4; and

On motion of Mr. Clark,

The House resolved itself into committee of the whole on said bills, at ten o'clock and twenty minutes,

Mr. Sells in the chair.

Eleven o'clock,

The committee rose and by its chairman, reported progress and asked leave to sit again at 2 o'clock this P. M.

Which was granted.

H. R. file No. 10, preamble and joint resolution of instruction upon the homestead bill,

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

Mr. Green, of Henry, moved that the House resolve itself into committee of the whole now on

H. R. file No. 63, a bill for an act to submit to the electors of Iowa the question of a convention to amend the constitution, and providing for holding said convention.

Lost.

Mr. Grimes moved said bill be made the special order in committee of the whole House, on to-morrow at two o'clock, P. M.

Mr. Bryant moved to strike out "to-morrow" and insert "Saturday."

Lost.

Question being taken on the motion of Mr. Grimes,

Was decided in the affirmative.

On motion,

The House adjourned.

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## TWO O'CLOCK, P. M.

H. R. file No. 73, a bill for an act to grant the Jackson county rail road company the right of way,

Being the special order in committee of the whole, the House resolved itself accordingly,

Mr. Sells in the chair.

Four o'clock,

The committee rose, and by its chairman, reported the bill and amendment of the select committee back to the House.

Mr. Grimes offered the following substitute for the amendment of the committee.

Sec. — Said corporation may take and hold under the provisions of this act as much real estate as may be necessary for the location, construction and convenient use of their road. Such corporation may also take, remove and use for the construction and repair of such road and its appurtenances, any earth, gravel, stone, timber or other materials on or from the land so taken: Provided, that the lands so taken otherwise than by consent of the owners, shall not exceed one hundred feet in width, unless when greater width is necessary for excavation or embankment, or procuring gravel.

Mr. Folsom presented the German translation of the Governor's message, and moved that a committee be appointed to present the same to the governor for examination and approval,

Messrs. Folsom, Bryant and Reeder were appointed said committee.

Message from the Senate by Mr. Cuming, Secretary.

MR. SPEAKER—I herewith present for your signature,

Senate file No. 30, an act to authorize the Treasurer of state to purchase a safe.

Also,

Senate file No. 17, a bill for an act to amend section 1610, of chapter 95 of the Code of Iowa.

Also,

Senate file No. 16, an act to authorize the Treasurer of state to collect certain money therein named.

The same having passed both Houses of the General Assembly.

The Speaker then signed all of said bills, in the presence of the House.

Mr. Witter from the committee on enrolled bills, reported that they had examined

H. R. file No. 3, joint resolution asking a grant of land to aid in constructing a rail road from Burlington and Keokuk to some point on the Missouri river.

Also,

H. R. file No. 48, an act to change the name of Volga City in Fayette county, to Lima.

And find the same correctly enrolled.

Mr. Green of Henry moved to refer H. R. file No. 73, and pending amendments to a select committee, of which Mr. Grimes shall be



chairman, with instructions, that said committee report a general law granting the right of way.

Pending which,

On motion,

The House adjourned.

WEDNESDAY MORNING, JANUARY 5, 1853.

Petitions were presented and disposed of as follows:

By Mr. Witter :

Petition of citizens of Cedar county, asking for the passage of an act to inhibit the liquor traffic,

Which was laid on the table.

By Mr. Green, of Jackson :

Petition of the citizens of Bellevue, asking the passage of the Maine liquor law,

Which was laid on the table.

By Mr. Cleaves :

Petition of citizens of Iowa ; also the petition of ladies and youths of Grandview, asking the passage of an act to inhibit the liquor traffic,

Which was laid on the table.

By Mr. Dodge :

A petition of citizens of Scott county, asking the abolition of the office of county supervisor,

Which was referred to the committee on the judiciary.

By Mr. Cleaves :

Petition of citizens of the town of Toolsboro, asking the vacation of part of the plat of said town,

Which was referred to the committee on the judiciary.

Notice was given of the introduction of the following bills :

By Mr. Taylor:

A bill for an act to abolish capital punishment.

By Mr. Steadman :

A bill for an act to locate a state road from Iowa City to intersect the Prairie Du Chien road, at or near the house of Isaac Smith, in Linn county.

By Mr. Alger :

A bill for an act concerning criminal proceedings.

By Mr. Reeder :

A bill for an act to amend chapter 85 of the code of Iowa.

By Mr. Duncan :

A bill for an act to grant the right of way for a railroad company from Lineville to Fort Desmoines.

On motion of Mr. Fordyce,

Resolved, That the committee on schools be instructed to report a bill in relation to district school officers, and defining their duties, qualifications, &c., so as to authorize school officers to administer the oath of office to their successors in office, and make record and return of same as required by law.

Mr. Fordyce offered the following :

Resolved, That the committee on amendments to the code, are hereby instructed to report a bill for an act to amend section 2719 and section 2720, so as to legalize the sale of provisions at camp meetings and similar places.

Lost.

Also,

Resolved, That the same committee be instructed to report, without delay, a bill for an act to amend chapter 57 of the code of Iowa, so as to make the highest legal rate of interest ten per cent., and declaring usurious contracts void.

Lost

Mr. Stevens offered the following :

Resolved, That the committee on amendments to the code, be instructed to report back substitute for H. R. file No. 36, on to-morrow morning.

Lost.

Mr. Folsom, from a select committee, made the following

#### REPORT :

The committee who were directed to submit the German translation of the Executive message to the Governor for his inspection, re-

port that they have performed said duty, and that the Governor has expressed his satisfaction with said translation.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 59, joint resolution on the subject of additional mail facilities;

Also,

H. R. file No. 60, joint resolution for a mail route therein named;

Also,

H. R. file No. 69, joint resolution relative to additional mail facilities.

And find the same correctly engrossed.

Mr. Ramsey from the committee on public lands, submitted the following

#### REPORT :

The committee on public lands have had under consideration so much of the Governor's message as relates to the establishment of a State land office for the supervision and sale of the lands belonging to the State, and ask leave to report that in the opinion of your committee a single office for the purpose contemplated would be objectionable from the inconvenience that a greater portion of the State would be subjected to, from their remoteness from such office; they would therefore recommend the propriety of a law placing the State land in the hands of such county officers as the House in its wisdom may designate for this purpose, that each county may thus control the State land within its own limits.

J. C. RAMSEY, chairman.

Mr. Seymour from the committee on the judiciary, reported back H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington.

Mr. Green, of Dallas, from the select committee to which was referred H. R. No. 13, a bill for an act to allow justices of the peace a copy of the code and laws of Iowa,

Reported the same back and recommended a substitute therefor.

Mr. Haun from the committee on internal improvements to which was referred substitute for H. R. No. 8, a bill for an act entitled an act to amend section 114 of the code of Iowa, with one amendment, striking out of the first section the words "or out of this State."

Mr. Jessup from a select committee to which was referred Senate file No. 38, an act to amend an act entitled "an act for the incorporation of the town of Mt. Pleasant in Henry county," reported the same back, recommending its passage.

Mr. Sells from the committee on judiciary, submitted the following report:

The committee on the judiciary, to whom was referred the petition of Wm. Meeks & Sons; and J. A. Brown, upon the subject of losses by the flood on the Des Moines river in 1851, have had the same, under consideration, and instructed me to report the same back to the House and ask to be discharged from the further consideration of the subject, and recommend that the friends of said petition be permitted to withdraw the same.

Mr. Townsend from the committee on agriculture, to which was referred

H. R. file No. 78, a bill for an act to restrain sheep, swine and calves, from running at large,

Reported the same back and recommended its indefinite postponement.

On motion of Mr. Grimes,  
Leave of absence was granted to Mr. Bryan.

Mr. Whitmore with leave, introduced  
H. R. file No. 90, joint resolution in relation to adjournment,  
Which was read the first time.

Mr. Drake with leave, introduced  
H. R. file No. 91, joint resolution for mail facilities from Alexandria, Missouri, to Kaneshville, Iowa;  
Which was read a first time.

Mr. Cleaves with leave, introduced  
H. R. file No. 92, joint resolution for a change of mail service,  
Which was read a first time.

The following bills of which notice had been given, were introduced:  
By Mr. Folsom:

H. R. file No. 93, a bill for an act to restore to married men jurisdiction over their families and possessions.

By Mr. Witter:

H. R. file No. 94, a bill for an act to locate a state road therein named.

By Mr. Seymour:

H. R. file No. 95, a bill for an act to amend section 3121 of the Code of Iowa.

By Mr. Allison:

H. R. file No. 96, a bill for an act to locate a state road therein named.

By Mr. Steadman:

H. R. file No. 97, a bill for an act to establish a state road from Delhi in Delaware county, to Glenwood, in Mills county.

By Mr. Clark:

H. R. file No. 98, a bill for an act defining a lawful fence.

By Mr. Alger, with leave:

H. R. file No. 99, a bill for an act to grant the right of way to the Iowa Western rail road company.

By Mr. Rice:

H. R. file No. 100, a bill for an act to locate a state road therein named.

All of which were read a first time.

Message from the Senate by Mr. Cuming, their Secretary:

MR. SPEAKER—I herewith return

H. R. file No. 3, joint resolution asking a grant of land to aid in the construction of a railroad from Burlington and Keokuk to the Missouri river.

Also,

H. R. file No. 48, a bill for an act to change the name of Volga City, in Fayette county, to Lima.

The same having received the signature of the President of the Senate.

Question preceding, on adjournment, yesterday, on the motion of Mr. Green of Henry, to refer H. R. file No. 73, a bill for an act granting the Jackson county railroad company the right of way to a select committee, of which Mr. Grimes shall be chairman, with instructions to report a general law granting the right of way,

Was decided in the affirmative.

Messrs. Grimes, Haun, Green of Henry, Allen and Drake were appointed said committee.

H. R. file No. 80, a bill for an act to authorize the county judge of Johnson county, to index the records of said county,

Was read a second time; and,

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

H. R. file No. 81, a joint resolution relative to mail facilities,

Was read a second time, and

Referred to the committee on federal relations.

H. R. file No. 82, a bill for an act to locate the seat of justice of Taylor county,

Was read a second time, and

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

H. R. file No. 83, a bill for an act to alter and amend chapter 85, of the Revised Code,

Was read a second time.

Mr. Townsend moved to dispense with the order of reference, and that the bill be engrossed and read a third time on to-morrow.

Lost.

And the bill was referred to the committee on amendments to the code.

H. R. file No. 84, a bill for an act in relation to the sale of county property and the disposition of the fees of the county judge,

Was read a second time, and

On motion of Mr. Haun,

Referred to a select committee of three.

Messrs. Haun, Townsend, and Ramsey were appointed said committee.

Mr. Grimes, with leave, offered the following :

Resolved, That the Secretary of State be instructed to furnish ten copies of the code for the use of the committees of the House.

Adopted.

H. R. file No. 85, a bill for an act to amend section 2383, of the code.

Was read a second time; and,

Referred to the committee on amendments to the code.

H. R. file No. 86, a bill for an act to locate and establish a state road from Fort Dodge, via Shelbyville, to Kanessville,

Was read a second time, and

Referred to the committee on roads and high ways.

H. R. file No. 87, a bill for an act regulating the fees of certain officers therein named,

Was read a second time, and

Referred to the committee on amendments to the code.

H. R. file No. 88, a bill for an act to repeal section 102 of the code of Iowa.

Was read a second time, and

Referred to the committee on amendments to the code.

H. R. file No. 89, joint resolution on the subject of additional mail service,

Was read a second time, and

Referred to the committee on federal relations.

H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington, reported back from the committee on the judiciary,

Was read a second time; and

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

H. R. file No. 13, a bill for an act to allow justices of the peace a copy of the code and laws of Iowa,

Was read a second time,

Accompanied by a report of a select committee, recommending a substitute therefor, which was accepted, and

Read a first time.

Substitute for H. R. file No. 8, a bill for an act entitled an act to amend section 14 of the code of Iowa,

Was read a second time,

Accompanied by a report of the committee on internal improvements, recommending an amendment,

Which was concurred in.

Mr. Sharp offered the following amendment to section one:

Provided, That in submitting the question of taking stock in any corporation, said proposition shall propose the ways and means for for the payment of the interest and principal of said debt, within twenty years, by a tax upon the property of the county or otherwise. Provided, further, That no stock shall be taken in such corporation, unless the county by a vote of two-thirds of all the votes polled shall so decide.

Which was adopted.

Mr. Haun moved the bill be engrossed, and read a third to-morrow.

Which was decided in the affirmative.

Yeas 30.)

Nays 25.)

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Alger,  
Allen,  
Allison,

Mr. Bryant,  
Clark,  
Cleaves,

Mr. Coffin,  
Dodge,  
Duncan,

Fordyce,	Mr. Montgomery,	Taylor,
Benj. Green,	Reeder,	Townsend,
Geo. F. Green,	Ross,	Walters,
Grimes,	Sells,	Wasson,
Haun,	Seymour,	Witter, and
Jessup,	Sharp,	Mr. Speaker.
McArthur,	Stevens,	

Those who voted in the negative were,

Mr. A. D. Anderson,	J. C. Green,	Rogers,
Bonson,	Hesser,	Russell,
Dillon,	McPherrin,	Sears,
Drake,	Means,	Steadman,
Duckworth,	Mitchell,	Washburn,
Folsom,	Putman,	Whitmore, and
Garber,	Ramsey,	Wilson.
Gilmore,	Ream,	
Goodson,	Rice,	

Mr. Witter from the committee on enrolled bills, reported that they had presented to the Governor for his signature

H. R. file No. 18, memorial and joint resolution for a grant of land to aid in constructing a rail road from Dubuque to the Missouri river.

Also,

H. R. file No. 11, joint resolution on the subject of a grant of land to aid in the construction of a rail road from McGregor's Landing in the county of Clayton, to a point on the Missouri river at or near the mouth of the Big Sioux river.

Also,

H. R. file No. 40, memorial and joint resolution for a change of service on post route No. — from Davenport to Muscatine.

Also.

H. R. file No. 48, an act to change the name of Volga City, in Fayette county, to Lima.

Also,

H. R. file No. 2, joint resolution asking a grant of land to aid in the construction of a rail road from Burlington and Keokuk to the Missouri river.

On motion,

The House adjourned.



TWO O'CLOCK, P. M

Mr. Dodge, with leave, introduced

H. R. file No. 101, a bill for an act to grant the right of way to the Mississippi and Missouri rail road company,

Which was read a first time.

Mr. Anderson, of Lee, with leave, introduced

H. R. file No. 102, a bill for an act to extend the power of school districts,

Which was read a first time; and,

On his motion,

The 42nd rule was suspended, and the bill read a second time and referred to the committee on schools and state university.

H. R. file No. 63, a bill for an act submitting to the electors of Iowa the question of a convention to amend the constitution and providing for holding said convention,

Being the special order in committee of the whole, the House resolved itself accordingly,

Mr. Haun in the chair.

Three o'clock—committee rose, and by their chairman, reported the same back with one amendment,

Which was concurred in.

Mr. Folsom moved that the bill be referred to a select committee of — members, with instructions to report a bill for an act to submit the question of a revision of the constitution to the people.

Lost.

Yeas 25,

Nays 31,

The yeas and nays were desired; and those who voted in the affirmative were:

Mr. Alger,

Allen,

Allison,

Bonson,

Bryant,

Dillon,

Dodge,

Folsom,

Gilmore,

Mr. Goodson,

Haun,

Hesser,

Means,

Montgomery,

Putman,

Ramsey,

Ream,

Rice,

Mr. Rogers,

Sears,

Taylor,

Townsend,

Washburn,

Whitmore, and

Wilson.

Those who voted in the negative were,

Mr. A. D. Anderson,	Mr. Benj. Green,	Mr. Sells,
J. M. Anderson,	J. C. Green,	Seymour,
Bunker,	Geo. F. Green,	Sharp,
Clark,	Grimes,	Steadman,
Cleaves,	Jessup,	Stevens,
Coffin,	McArthur,	Walters,
Drake,	McPherrin,	Wasson,
Duckworth,	Mitchell,	Witter, and
Duncan,	Reeder,	Mr. Speaker.
Fordyce,	Ross,	
Garber,	Russell,	

Mr. Anderson of Dubuque, moved that the bill be indefinitely postponed.

Lost.

Yeas 14,

Nays 42,

The yeas and nays being desired, those who voted in the affirmative were—

Mr. A. D. Anderson,	Mr. Goodson,	Mr. Sharp,
Bonson,	Geo. F. Green,	Taylor,
Bryant,	Means,	Washburn, and
Dillon,	Rice,	Mr. Speaker.
Dodge,	Sears,	

Those who voted in the negative were

Mr. Alger,	Mr. Gilmore,	Mr. Reeder,
Allen,	Benj. Green,	Rogers,
Allison,	J. C. Green,	Ross,
J. M. Anderson,	Grimes,	Russell,
Bunker,	Haun,	Sells,
Clark,	Hesser,	Seymour,
Cleaves,	Jessup,	Steadman,
Coffin,	McArthur,	Stevens,
Drake,	McPherrin,	Townsend,
Duckworth,	Mitchell,	Walters,
Duncan,	Montgomery,	Wasson,
Folsom,	Putman,	Whitmore,
Fordyce,	Ramsey,	Wilson, and
Garber,	Ream,	Witter

Mr. Alger offered the following amendment—strike out all after section 4 and insert,

“That in case it shall be found a majority have voted for a convention, the next succeeding General Assembly shall provide for holding said convention.”

Mr. Folsom moved that the bill be made the special order for tomorrow at two o'clock.

Lost.

Mr. Haun moved that the bill be referred to a select committee of five.

Lost.

Yeas 21.)

Nays 25.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Alger,	Mr. Haun,	Mr. Steadman,
Allen,	Means,	Taylor,
Allison,	Montgomery,	Townsend,
Bryant,	Rice,	Washburn,
Dodge,	Rogers,	Whitmore,
Folsom,	Sears,	Wilson, and
Goodson,	Sharp,	Witter,

Those who voted in the negative were—

Mr. A. D. Anderson,	Mr. Garber,	Mr. Ramsey,
J. M. Anderson,	Gilmore,	Ream,
Bonson,	Benj. Green,	Reeder,
Bunker,	J. C. Green,	Ross,
Clark,	Geo. F. Green,	Russell,
Cleaves,	Grimes,	Sells,
Coffin,	Hesser,	Seymour,
Dillon,	Jessup,	Stevens,
Drake,	McArthur,	Walters,
Duckworth,	McPherrin,	Wasson, and
Duncan,	Mitchell,	Mr. Speaker.
Fordyce,	Putman,	

Message from the Senate by Mr. Cuming, their Secretary:

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

Senate file No. 41, a bill for an act to regulate mills and millers.

Also,

Senate file No. 45, an act supplementary to chapter 187 of the code concerning the penitentiary of the state, and the government and discipline thereof.

Also,

Senate file No. 47, joint resolution relative to adjournment *sine die*.

In which the concurrence of the House of Representatives is requested.

I also return H. R. file No. 74, joint resolution to procure for the State of Iowa, a donation of Fort Atkinson, and the lands attached thereto.

Also,

H. R. file No. 75, a bill for an act to authorize John C. Cummins to transcribe the deed and mortgage records of Marion county, the same having passed the Senate without amendment.

Mr. Steadman moved the House adjourn.

Lost.

Mr. Townsend moved the House adjourn.

Lost.

Mr. Fordyce moved the previous question.

Lost.

Mr. Sharp moved the House adjourn.

Agreed to.

Yeas 30.

Nays 25.

The yeas and nays were desired; and those who voted in the affirmative were,

Mr. Alger,

Allen,

Allison,

Bonson,

Bryant,

Dillon,

Dodge,

Folsom,

Gilmore,

Goodson,

Mr. Haun,

Hesser,

McArthur,

Means,

Mitchell,

Putman,

Ream,

Rice,

Rogers,

Sears,

Mr. Sharp,

Steadman,

Taylor,

Townsend,

Washburn,

Wasson,

Whitmore,

Wilson,

Witter, and

Mr. Speaker.

Those who voted in the negative were—

Mr. A. D. Anderson, Mr. J. M. Anderson, Mr. Bunker,

Mr. Clark,	Mr. J. C. Green,	Mr. Ross,
Cleaves,	Geo. F. Green,	Russell,
Coffin,	Grimes,	Sells,
Drake,	Jessup,	Seymour,
Duckworth,	McPherrin,	Stevens, and
Duncan,	Montgomery,	Mr. Walters,
Garber,	Ramsey,	
Benj. Green,	Reeder,	

## THURSDAY MORNING, JANUARY 6, 1853.

Petitions were presented and disposed of as follows:

By Mr. Bryan:

Two petitions of citizens of Madison county, and one of citizens of Polk county, asking the passage of a law regulating the sale of school lands, which were

Referred to the committee on schools.

By Mr. Sharp:

Petition of P. McMahan and fifty-two others of Pottawattamie county, asking the location of the capital at Fort Desmoines, which  
Was laid on the table.

Also,

Petition of Robert McGavern and ninety-two other citizens of Pottawattamie and Harrison counties, asking the location of a state road from Bone's ferry on Racoon river, to the Missouri river, opposite Fort Calhoun, which was

Referred to the committee on roads and highways.

By Mr. Walters:

Petition of citizens of Marion county, asking the enacting of a law creating the office of county assessor, which was

Laid on the table.

By Mr. Allison:

Petition of citizens of Marion county, asking the passage of a law to inhibit the liquor traffic, which

Was laid on the table.

By Mr. Goodson :

Petition of citizens of Dallas and Guthrie counties, asking the location of a state road from near Fort Desmoines to Kanesville, which was

Referred to the committee on roads and highways.

By Mr. Bunker :

Petition of citizens of the State, asking the location of a state road on the county line between Washington and Johnson counties, which was

Referred to the committee on roads and highways.

On motion of Mr. Bryan,

Resolved, That the Chief Clerk of this House, be and he is hereby authorized to index, superintend the proof reading and printing of, and distribute the journal of the House, as the law provides, to the members thereof, and to the several organized counties of the State, and that he be allowed as compensation for such services, seven hundred dollars.

Mr. Jessup offered the following :

Resolved, That after Wednesday next (13th inst.) this House will not receive any resolution, or permit the introduction of any bill amendatory of the code.

Resolved further, That all committees to whom have been referred resolutions or bills for alterations in the code, be requested to report the same back to this House, with as little delay as possible, in order that the same may be referred to the special committee, having in charge amendments to the code.

Mr. Sells offered the following amendment :

Add to last resolution, "and that the committee on amendments to the code, be instructed to report upon each bill separately.

On motion of Mr. Haun,

The resolutions and amendment were laid on the table.

Notice to bring in the following bills, was given :

By Mr. Ramsey :

A bill for an act to regulate the attachment law in justices' courts.

By Mr. Allen :

A bill for an act to create a state land office.

By Mr. Green, of Dallas,

bill for an act to amend the school law so as to compel school

districts to support a school at least three months in the year, in their respective districts.

Mr. Folsom offered the following:

Resolved, That the State Printer be and he is hereby directed to procure 1000 copies of the executive message to be printed in the German tongue, as translated by order of this House according to House resolution.

Mr. Haun offered the following amendment:

That the House receive the 1000 copies of the Governor's message in the German tongue, already printed and received through the member from Scott.

Mr. Anderson of Lee, offered the following substitute for the resolution and amendment:

Resolved, That the House receive the one thousand copies of the Governor's message in the German tongue, now upon the desks of the members of this House, in addition to the one thousand copies ordered by resolution of this House.

Adopted.

Yeas 38,

Nays 15.

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Alger,	Mr. Gilmore,	Mr. Ross,
Allen,	Benj. Green,	Sears,
Allison,	Geo. F. Green,	Sells,
A. D. Anderson,	Grimes,	Seymour,
J. M. Anderson,	Haun,	Stedman,
Bonson,	Hesser,	Stevens,
Bryan,	McArthur,	Taylor,
Bryant,	Means,	Washburn,
Clark,	Putman,	Wasson,
Dillon,	Ream,	Williams,
Drake,	Reeder,	Wilson,
Folsom,	Rice,	Witter, and
Garber,	Rogers,	Wright.

Those who voted in the negative were—

Mr. Cock,	Mr. Duncan,	Mr. J. C. Green,
Cleaves,	Fordyce,	McPherrin,
Coffin,	Goodson,	Mitchell,

Mr. Montgomery,      Mr. Russell,      Mr. Walters, and  
Ramsey,                  Townsend,          Whitmore.

Messrs. Dodge and Mr. Speaker were excused.

Mr. Cleaves offered the following :

Whereas, the only just and equitable means of raising revenue is by equal taxation; and

Whereas, in the assessment of lands in the several counties in this state, it will be seen by reference to the report of the Auditor of State for 1852, that in Louisa county the land has been assessed nearly fifty per cent higher than the average assessment of other counties, in the same part of the state; and

Whereas, it is the duty of the census board to equalize the assessment in the several counties of the state, which they have neglected to do ; and

Whereas the only mode of redress or relief for grievances of this kind, which in this case is unequal, oppressive and unjust, is by legislative interference. Therefore,

Resolved, That the committee on ways and means be instructed to report a bill for the relief of Louisa county, which will require said Louisa county to pay no more than a just and equal share of the state revenue.

Lost.

On motion of Mr. Bonson,

Mr. Anderson of Dubuque was appointed on the committee on claims.

Mr. Witter from the committee on enrolled bills reported that they had examined

H. R. file No. 74, joint resolution to procure for the State of Iowa a donation of Fort Atkinson, and the lands attached thereto,

Also,

H. R. file No. 75, a bill for an act to authorize John C. Cummins, to transcribe the deed and mortgage records of Marion county,

And find the same correctly enrolled.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

Substitute for H. R. file No. 8, a bill for an act to amend section 114 of the Code of Iowa.

Also,



H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington.

Also,

H. R. file No. 80, a bill for an act to authorize the county judge of Johnson county to index the records of said county.

Also,

H. R. file No. 82, a bill for an act to locate the seat of justice of Taylor county.

And find the same correctly engrossed.

Mr. Townsend from the committee on agriculture submitted the following

### REPORT :

The committee on agriculture, to whom was referred H. R. file No. 65, a bill for an act to encourage the destruction of wolves, have had the same under consideration, and have directed me to report the same back to the House, with the following amendments, viz :

Strike out after the enacting clause the first section, and insert the following: "That the county judge of each county in the State, is hereby authorized and empowered to offer the following reward to any person within his county, who may kill any wolf after the taking effect of this act, viz: Any sum not exceeding two dollars for killing a large grey or black wolf; any sum not exceeding one dollar for killing a prairie wolf; and any sum not exceeding fifty cents for killing a wolf not over six months old.

Strike out in section second the words, "without charge" and insert "for which he shall be entitled to receive fifteen cents from the person producing the scalps."

Your committee recommend the adoption of the bill with the amendments.

Mr. Anderson, from the committee on schools and state university, reported back H. R. file No. 102, a bill for an act to extend the power of school districts, recommending its passage.

Mr. Clark, with leave, introduced

H. R. file No. 103, joint resolution for additional mail facilities.

Mr. Garber, with leave, introduced

H. R. file No. 104, joint resolution for additional mail facilities.

Mr. Drake, with leave, introduced

H. R. file No. 105, a bill for an act to repeal section 2372 of the code of Iowa, all of which

Were read a first time.

The following bills were introduced of which notice had been given:

By Mr. Haun :

H. R. file No. 106, a bill for an act to amend first section of the 70th chapter of the acts, resolutions, and memorials of the third General Assembly of Iowa.

By Mr. Green, of Dallas,

H. R. file No. 107, a bill for an act to authorize the laying out of private roads.

By Mr. Steadman :

H. R. No. 180, a bill for an act for the re-location of a state road from Iowa City to a certain point in Linn county.

By Mr. Alger :

H. R. file No. 109, a bill for an act concerning criminal proceedings.

All of which were read a first time.

Senate message of yesterday being in order:

Senate file No. 41, a bill for an act to regulate mills and millers,

Was read a first time.

Senate file No. 45, an act supplementary to chapter 187 of the code concerning the penitentiary of the State, and the government and discipline thereof,

Was read a first time.

Senate file No. 47, joint resolution relative to adjournment *sine die*.

Which was read a first time.

Mr. Allison moved to suspend the 42nd rule, and read said joint resolution a second and third time now.

On motion of Mr. Allen,

The motion to suspend,

Was laid on the table.

Question pending on adjournment of the House on yesterday, on the motion of Mr. Alger to amend H. R. file No. 63, being in order.

Mr. Rice moved to lay the bill and amendment on the table.

On motion of Mr. Dillon,

A call of the House was had, and Messrs. Anderson of Dubuque, Anderson of Lee, Bunker, Hesser and Sharp were found to be absent.

Mr. Haun moved that the further call of the House be suspended.

Lost.

Mr. Means moved the further call of the House be suspended.

Lost.

Mr. Allison moved that the House adjourn.

Lost.

Mr. Taylor moved that the further call of the House be suspended.

Lost.

On motion of Mr. McArthur,

The further call of the House was suspended.

Question being put on the motion to lay on the table, was

Lost.

Yeas 10,

Nays 49,

The yeas and nays were desired, and those who voted in the affirmative were :

Mr. Bonson,	Mr. Goodson,	Mr. Sharp, and
Bryan,	Geo. F. Green,	Mr. Speaker.
Dillon,	Rice,	
Dodge,	Sears	

Those who voted in the negative were :

Mr. Alger,	Mr. Benj. Green,	Mr. Russell,
Allen,	J. C. Green,	Sells,
Mr. Allison,	Grimes,	Seymour,
J. M. Anderson,	Haun,	Steadman,
Bryant,	Hesser,	Stevens,
Bunker,	Jessup,	Taylor,
Cock,	McArthur,	Townsend,
Clark,	McPherrin	Walters,
Cleaves,	Means,	Washburn,
Coffin,	Mitchell,	Wasson,
Drake,	Montgomery,	Whitmore,
Duckworth,	Putman,	Williams,
Duncan,	Ramsey,	Wilson,
Folsom,	Ream,	Witter and
Fordyce,	Reeder,	Wright,
Garber,	Rogers,	
Gilmore,	Ross,	

Mr. Sharp moved to adjourn till to-morrow morning at 10 o'clock

Lost.

Mr. McArthur moved to adjourn.

Lost.

On motion of Mr. Reeder,

The House adjourned.

## TWO O'CLOCK, P. M.

Question pending on adjournment, the amendment of Mr. Alger to H. R. file No. 63,

Was decided in the affirmative.

Yeas 29.)

Nays 27.)

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Haun,	Mr. Steadman,
Allen,	Hesser,	Townsend,
Allison,	Means,	Washburn,
J. M. Anderson,	Putman,	Whitmore,
Bryant,	Ramsey,	Wilson,
Cock,	Ream,	Witter,
Dillon,	Reeder,	Wright, and
Dodge,	Rice,	Mr. Speaker.
Folsom,	Rogers,	
Goodson,	Sharp,	

Those who voted in the negative were,

Mr. Bunker,	Mr. Gilmore,	Mr. Montgomery,
Clark,	Benj. Green,	Ross,
Cleaves,	J. C. Green,	Russell,
Coffin,	Geo. F. Green,	Sears,
Drake,	Grimes,	Sells,
Duckworth,	Jessup,	Seymour,
Duncan,	McArthur,	Stevens,
Fordyce,	McPherrin,	Wasson, and
Garber,	Mitchell,	Williams.

Mr. Folsom moved to strike out section 4,  
Which was decided in the affirmative.

Yeas 32,)

Nays 26,)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. Gilmore,	Mr. Rogers,
Allen,	Goodson,	Sears,
Allison,	Haun,	Steadman,
J. M. Anderson,	Jessup,	Townsend,
Bryan,	Means,	Washburn,
Bryant,	Mitchell,	Whitmore,
Cock,	Montgomery,	Wilson,
Dillon,	Putman,	Witter,
Dodge,	Ramsey,	Wright, and
Duckworth,	Reeder,	Mr. Speaker.
Folsom,	Rice,	

Those who voted in the negative were—

Mr. A. D. Anderson,	Mr. J. C. Green,	Mr. Selis,
Bunker,	Geo. F. Green,	Seymour,
Clark,	Grimes,	Sharp,
Coffin,	Hesser,	Stevens,
Drake,	McArthur,	Taylor,
Duncan,	McPherrin,	Walters,
Fordyce,	Ream,	Wasson, and
Garber,	Ross,	Williams.
Benj. Green,	Russell,	

Mr. Alger moved to refer the bill to a select committee.

Lost.

Yeas 28,)

Nays 32,)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Alger,	Mr. Dodge,	Mr. Means,
Allen,	Folsom,	Putman,
Allison,	Gilmore,	Ramsey,
J. M. Anderson,	Goodson,	Reeder,
Bryan,	Haun,	Rice,
Bryant,	Hesser,	Rogers,

Mr. Sears,	Mr. Washburn,	Mr. Wright, and
Sharp,	Whitmore,	Mr. Speaker.
Townsend,	Wilson,	
Walters,	Witter,	

Those who voted in the negative were,

Mr. A. D. Anderson,	Mr. Fordyce,	Mr. Ream,
Bonson,	Garber,	Ross,
Bunker,	Benj. Green,	Russell,
Cock,	J. C. Green,	Sells,
Clark,	Geo. F. Green,	Seymour,
Cleaves,	Grimes,	Steadman,
Coffin,	Jessup,	Stevens,
Dillon,	McArthur,	Taylor,
Drake,	McPherrin,	Wasson, and
Duckworth,	Mitchell,	Williams,
Duncan,	Montgomery,	

Mr. Sharp moved to refer the bill to the committee of the whole on to-morrow at 2 o'clock, P. M.

Lost.

Yeas 17,

Nays 43.

The yeas and nays being desired, those who voted in the affirmative were—

Mr. Alger,	Mr. Dodge,	Mr. Sharp,
Allen,	Folsom,	Washburn,
Allison,	Hesser,	Witter,
Bryan,	Means,	Wright, and
Bryant,	Putman,	Mr. Speaker.
Dillon,	Rice,	

Those who voted in the negative were—

Mr. A. D. Anderson,	Mr. Duckworth,	Mr. Grimes,
J. M. Anderson,	Duncan,	Haun,
Bonson,	Fordyce,	Jessup,
Bunker,	Garber,	McArthur,
Cock,	Gilmore,	McPherrin,
Clark,	Goodson,	Mitchell,
Cleaves,	Benj. Green,	Montgomery,
Coffin,	J. C. Green,	Ramsey,
Drake,	Geo. F. Green,	Ream,

Mr. Reeder,	Mr. Seymour,	Mr. Wasson,
Rogers,	Steadman,	Whitmore,
Ross,	Stevens,	Williams, and
Russell,	Taylor,	Wilson.
Sears,	Townsend,	
Sells,	Walters,	

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

Yeas 48.)

Nays 12.)

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Gilmore,	Mr. Rogers,
Allen,	Benj. Green,	Ross,
Allison,	J. C. Green,	Russell,
J. M. Anderson,	Grimes,	Sells,
Bryant,	Haun,	Seymour,
Bunker,	Hesser,	Steadman,
Cock,	Jessup,	Stevens,
Clark,	McArthur,	Townsend,
Cleaves,	McPherrin,	Walters,
Coffin,	Means,	Washburn,
Drake,	Mitchell,	Wasson,
Duckworth,	Montgomery,	Whitmore,
Duncan,	Putman,	Williams.
Folsom,	Ramsey,	Wilson,
Fordyce,	Ream,	Witter and
Garber,	Reeder,	Wright.

Those who voted in the negative were :

Mr. A. D. Anderson,	Mr. Dodge,	Mr. Sears,
Bonson,	Goodson,	Sharp,
Bryan,	Geo. F. Green,	Taylor, and
Dillon,	Rice,	Mr. Speaker.

H. R. file No. 78, a bill for an act to restrain swine, sheep and calves from running at large,

Was read a second time, and

Accompanied by a report of the committee on agriculture, recommending its indefinite postponement.

Which was concurred in.

Senate file No. 38, a bill for an act to amend an act entitled an act for the incorporation of town of Mt. Pleasant, in Henry county,

Was read a second time.

Accompanied by a report of a select committee, and

Ordered to a third reading on to-morrow.

H. R. file No. 90, joint resolution relative to adjournment;

Was read a second time,

Mr. Townsend moved to strike out Jan. 24, and insert Feb. 5.

On motion of Mr. Whitmore.

The joint resolution and amendment,

Were laid on the table.

H. R. file No. 91, a joint resolution for mail facilities from Alexandria, Missouri, to Kaneshville, Iowa;

Was read a second time, and

Referred to the committee on federal relations.

H. R. file No. 92, a joint resolution for a change of mail service,

Was read a second time, and

Referred to the committee on federal relations.

H. R. file No. 93, a bill for an act to restore to married men jurisdiction over their families and possessions,

Was read a second time, and

Referred to the committee on amendments to the code.

H. R. file No. 94, a bill for an act to locate a state road therein named,

Was read a second time, and

Was referred to the committee on roads and highways.

H. R. file No. 95, a bill for an act to amend section 3121 of the code of Iowa,

Was read a second time, and

Referred to the committee on amendments to the code.

H. R. file No. 96, a bill for an act to locate a state road therein named,

Was read a second time, and

Referred to the committee on roads and highways.

H. R. file No. 97, a bill for an act to establish a state road from Delhi, in Delaware county, to Glenwood, in Mills county,

Was read a second time, and

Referred to the committee on roads and highways.

H. R. file No. 98, a bill for an act defining a lawful fence,



Was read a second time.

Mr. Sears moved to strike out section two.

Lost.

On motion of Mr. Green, of Dallas,

The words "under six months old" were inserted after the word "hogs," in section two.

Mr. Sears moved to strike out "six" and insert "four" before the word "months"

Lost.

Yeas 23,

Nays 33,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Allison,	Mr. Fordyce,	Mr. Ross,
A. D. Anderson,	Garber,	Russell,
J. M. Anderson,	Goodson,	Sears,
Bryan,	Geo. F. Green,	Steadman,
Coffin,	Jessup,	Townsend,
Drake,	McArthur,	Washburn and
Duckworth,	Ream,	Whitmore.
Duncan,	Rice,	

Those who voted in the negative were,

Mr. Alger,	Mr. J. C. Green,	Mr. Sells,
Allen,	Grimes,	Seymour,
Bonson,	Haun,	Stevens,
Bryant,	Hesser,	Taylor,
Cock,	Means,	Walters,
Clark,	Mitchell,	Wasson,
Cleaves,	Montgomery,	Williams,
Dillon,	Putman,	Wilson,
Dodge,	Ramsey,	Witter,
Gilmore,	Reeder,	Wright and
Benj. Green,	Rogers,	Mr. Speaker.

Mr. Bryan moved to strike to out "months" and insert "years"

On motion of Mr. Goodson,

The amendment of Mr. Bryan was laid on the table.

Mr. Anderson, of Dubuque, moved to refer the bill to the committee on public buildings.

Lost.

Mr. Sears moved to refer to the committee on agriculture.

Lost.

Mr. Sells moved to refer to the committee on charitable institutions.

Lost.

Mr. Clark moved to refer to a select committee, of which Mr. Anderson, of Dubuque, shall be chairman.

Lost.

Mr. Folsom moved that the House sit as in committee of the whole on the bill under consideration.

Lost.

Mr. Green, of Dallas, moved the previous question, which was ordered and put, namely :

"Shall the bill be engrossed and read a third time to-morrow,"

And decided in the affirmative.

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I herewith return,

H. R. file No. 74, joint resolution to procure for the State of Iowa a donation of Fort Atkinson and the lands attached thereto.

Also,

H. R. file No. 75, an act to authorize John C. Cummins to transcribe the deed and mortgage records of Marion county, the same having received the signature of the President of the Senate.

H. R. file No. 99, a bill for an act to grant the right of way to the Iowa Western railroad company,

Was read a second time.

Mr. Haun moved to strike out section 6, which amendment was, with leave, accepted.

Mr. Grimes moved to refer to the select committee on the right of way.

Mr. Townsend moved to make the bill the special order in committee of the whole House to-morrow at 2 o'clock, P. M.

Lost.

Question recurring on the motion of Mr. Grimes, it was

Agreed to.

H. R. file No. 100, a bill for an act locating a state road therein named,

Was read a second time, and

Was referred to the committee on roads and highways.

H. R. file No. 101, a bill for an act to grant the right of way to the Mississippi and Missouri railroad company,

Was read a second time, and

On motion of Mr. Sells,

Referred to the select committee on the right of way.

On motion,

The House adjourned.

FRIDAY MORNING, JANUARY 7, 1853.

Mr. Haun presented the petition of Enos E. Chambers and twenty-one other citizens of Clinton county, asking the alteration of a state road; which

On his motion,

Referred to a select committee of three.

Messrs. Haun, Witter and Taylor were appointed said committee.

Mr. Russell presented the petition of Alpheus Phelps, and 38 other citizens of Van Buren and Davis counties, asking for a vacation of a part of a certain territorial road therein named; which was,

On his motion,

Referred to a select committee; and

Messrs. Russell, Duncan and Allen were appointed said committee.

Mr. Grimes presented the petition of the inspectors and wardens of the state penitentiary, asking certain changes in the law regulating prison discipline; which,

On his motion,

Was laid on the table.

Mr. Green of Dallas, presented the petition of Geo. Davis and other citizens of Iowa, asking the permanent location of the capitol at Ft. Des Moines; which was,

On his motion,

Laid on the table.

Mr. Townsend, with leave, introduced

H. R. file No. 110, joint resolution for additional mail facilities,  
Which was read a first time.

On motion of Mr. Rice,

Resolved, That the Secretary of State be requested to furnish the committee on the judiciary, with a copy of the contract made by the Commissioner and Register of the Des Moines river improvement, with Bangs, Brothers & Co., and that said committee be instructed to report to this House, whether or not said contract is now in force.

On motion of Mr. Grimes,

Resolved, That the use of this hall be tendered to Prof. McGugin, of Keokuk, to lecture, to-morrow evening, upon insanity and kindred subjects.

On motion of Mr. Cock,

Resolved, That the petitions on the subject of the liquor traffic, be now taken from the table and referred to the select committee, on that part of the Governor's message which relates to the sale of intoxicating liquor.

The following notices of bills to be introduced, were given:

By Mr. Whitmore :

A bill for an act to appoint trustees for the branch of the state university at Fairfield.

By Mr. Walters :

A bill requiring the Commissioner and Register of the Des Moines river improvement, to pay Solomon Bond certain monies.

By Mr. Ramsey :

A bill for an act to establish a state road commencing at Agency City, in Wapello county, and running to Lancaster, in Keokuk county.

By Mr. Allison :

A bill for an act to locate a state road from Tool's Point, in Jasper county via Bennington and Palmyra, to Indianola, in Warren county.

Mr. Grimes, from the select committee, to whom was referred H. R. files Nos. 73, 99 and 101, with instructions to report a general law granting the right of way to railroad companies, reported a substitute for said bills, and recommended its passage.

Mr. Bryan, from the committee on the judiciary, submitted the following

#### REPORT :

The judiciary committee to whom was referred Senate file No. 40,

"an act relinquishing an escheat," would respectfully report that they have had the same under consideration, and recommend its passage without amendment.

Also, that portion of the Governor's Message, which refers to submitting the constitution of Iowa, to a vote of the people, and ask to be discharged from the further consideration of the same, as there is now a bill in the House on the same subject.

Also, a resolution instructing your committee to "ascertain and report, whether or not there be any law in force in this State, regulating mills and millers," as there is now in possession of the House a bill from the Senate on the same subject, your committee ask to be discharged from its further consideration.

P. GAD BRYAN, Chairman.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 63, a bill for an act submitting to the electors of Iowa the question of a convention to amend the constitution and providing for holding the same ;

Also,

H. R. file No. 98, a bill for an act defining a lawful fence.

And found the same correctly engrossed.

The following bills were introduced, of which notice had been given :

By Mr. Folsom :

H. R. file No. 111, a bill for an act to regulate the sale of spirituous and vinous liquors.

By Mr. Ramsey :

H. R. No. 112, a bill for an act amendatory to the act regulating the issuing of writs of attachments.

By Mr. Hesser :

H. R. file No. 113, a bill for an act authorizing township trustees to levy a special tax to redeem outstanding orders.

By Mr. Allen :

H. R. file No. 114, a bill for an act to authorize M. R. Lamson to transcribe the county records of Clark county.

By Mr. Montgomery :

H. R. file No. 115, a bill for an act to locate a state road therein named.

All of which were read a first time.

The Speaker presented a communication from the Secretary of State, relative to the block contributed by Iowa to the Washington monument; which was,

On motion of Mr. Taylor,

Referred to the committee on claims.

Substitute for H. R. file No. 13, a bill for an act granting to certain officers therein named, a copy of the code and laws of Iowa,

Was read a second time.

Mr. Townsend moved to refer the bill to a select committee of three.

Agreed to; and

Messrs. Townsend, Means and Cock, were appointed said committee.

H. R. file No. 65, a bill for an act to encourage the destruction of wolves,

Was read a second time,

Accompanied by a report of the judiciary committee, of yesterday, recommending sundry amendments,

Which were concurred in.

Mr. Drake moved that the bill be indefinitely postponed.

Lost.

Mr. Ramsey moved that "two" be stricken out in the first section, after the words "not exceeding," where they first occur, and insert "one," and to strike out the words "fifty cents."

Lost.

Mr. Jessup moved to strike out all that relates to wolves under six months old.

Agreed to.

Mr. Walters moved to amend the bill so that its provisions shall apply exclusively to Cedar county.

Lost.

Mr. Drake moved to strike out "two dollars" in the first section, and insert "one dollar."

Lost.

On motion of Mr. Witter, the bill

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

H. R. file No. 102, a bill for an act to extend the power of school districts,

Was read a second time,

Accompanied by a report from the committee on schools and state universities, recommending its passage.

On motion of Mr. Grimes,

The House resolved itself into committee of the whole at eleven o'clock, on the said bill,

Mr. Cock in the chair.

Twelve o'clock, M.

The committee rose, and by their chairman, reported the bill back without amendment, and recommended its passage.

Message from the Senate by Mr. Cuming, their Secretary :

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

Senate file No. 33, "a bill for an act to amend chapter 80 of the Code, and making further provision for the relief of occupying claimants ;"

Also,

Senate file No. 50, "a bill for an act to authorize the judge of Jones county to have a portion of the records of said county transcribed ;"

And,

Substitute for Senate file No. 3, "a bill for an act to regulate the interest on money.

In which the concurrence of the House of Representatives is requested.

I herewith return

H. R. file No. 56, "a bill for an act to organize the county of Union and locate the county seat thereof ;"

And,

H. R. file No. 35, "a bill for an act organizing certain counties therein named."

The same having passed the Senate without amendment;

Also,

H. R. file No. 52, "a bill for an act to locate the seat of justice of Mills county."

The same having passed the Senate with one amendment, in which the concurrence of the House is requested.

On motion,

The House adjourned.

TWO O'CLOCK, P. M.

Question pending on adjournment, being, shall H. R. file 102 be engrossed and read a third time to-morrow.

Mr. Fordyce offered the following amendment :

Insert, after the word "commissioner," in section one, the words—"but may be altered by the vote of a majority of the legal voters of the district or districts, when the proposed alteration affects more than one district.

Which was agreed to.

The question being then put, shall the bill be engrossed and read a third time on to-morrow.

Was decided in the affirmative.

Yeas 27,}

Nays 22,}

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Alger,	Mr. Gilmore,	Mr. Ross,
J. M Anderson,	Benj. Green,	Russell,
Bryant,	J. C. Green,	Sells,
Bunker,	Grimes,	Sharp,
Cock,	Hesser,	Stevens,
Clark,	Jessup,	Walters,
Cleaves,	McPherrin,	Washburn,
Coffin,	Mitchell,	Wasson,
Dillon,	Putman,	Whitmore,
Drake,	Reeder,	Williams and
Fordyce,	Rogers,	Wright.

Those who voted in the negative were—

Mr. Allen,	Haun,	Seymour,
Allison,	Hutchinson,	Steadman,
Bonson,	McArthur,	Taylor,
Bryan,	Means,	Townsend,
Duckworth,	Ramsey,	Witter, and
Duncan,	Ream,	Mr. Speaker.
Goodson,	Rice,	
Geo. F. Green,	Sears,	

H. R. file No. 103, joint resolution for additional mail facilities,

Was read a second time, and



Referred to the committee on federal relations.

H. R. file No. 104, joint resolution for additional mail facilities ;

Was read a second time, and

Referred to the same committee.

H. R. file No. 105, a bill for an act to repeal section 2372 of the Code of Iowa,

Was read a second time, and

Referred to the committee on amendments to the code.

H. R. file No. 106, a bill for an act to amend the 1st section, of the 70th chapter of the Acts, Resolutions and memorials of the third General Assembly of the State of Iowa ;

Was read a second time, and

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

H. R. file No. 107, a bill for an act authorizing the laying out of private roads ;

Was read a second time, and

Referred to the committee on roads and high ways.

H. R. file No. 108, a bill for an act for the location of a state road from Iowa City to a certain point in Linn county ;

Was read a second time; and

Referred to the committee on roads and highways.

H. R. file No. 109, a bill for an act concerning criminal proceedings;

Was read a second time; and,

Referred to the committee on the judiciary.

Senate file No. 41, a bill for an act to regulate mills and millers ;

Was a read a second time, and

Referred to a select committee of three.

Messrs. Haun, Drake and Bonson were appointed said committee.

Senate file No. 45, a bill for an act supplementary to chapter 187 of the code, concerning the penitentiary of the state and the government and discipline thereof ;

Was read a second time,

Senate file No. 47, joint resolution relative to adjournment *sine die*.

Was read a second time,

Mr. Whitmore moved that the resolution be read a third time to-morrow.

On motion of Mr. Green of Henry,

A call of the House was had, and Messrs. Dodge and Anderson of Dubuque were found to be absent.

On motion of Mr. Bryan,  
Mr. Dodge was granted leave of absence.

On motion of Mr. Green of Dallas,  
The further call of the House was suspended.

Mr. Townsend moved to amend the resolution by striking out Jan. 24, and inserting Feb. 5.

Lost.

Yeas 7.)

Nays 52.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allen,	Mr. McArthur,	Mr. Townsend, and
Clark,	Reeder,	Witter,
Grimes,		

Those who voted in the negative were,

Mr. Alger,	Mr. Goodson,	Mr. Russell,
Allison,	Benj. Green,	Sears,
J. M. Anderson,	J. C. Green,	Sells,
Bonson,	Geo. F. Green,	Seymour,
Bryan,	Haun,	Sharp,
Bryant,	Hesser,	Steadman,
Bunker,	Hutchinson,	Stevens,
Cock,	Jessup,	Taylor,
Cleaves,	McPherrin,	Walters,
Coffin,	Means,	Washburn,
Dillon,	Mitchell,	Wasson,
Drake,	Montgomery,	Whitmore,
Duckworth,	Putman,	Williams,
Duncan,	Ramsey,	Wilson,
Folsom,	Ream,	Wright, and
Fordyce,	Rice,	Mr. Speaker.
Garber,	Rogers,	
Gilmore,	Ross,	

Mr. Grimes moved to strike out "January 24th" and insert "February 1st."

Lost.

Mr. Cleaves moved to strike out "24th" and insert "31st."

Lost

Mr. Rice moved to strike out "24th" and insert "20th."

Lost.

Mr. Sharp moved to refer to the committee on the judiciary.

Lost.

Mr. Sharp moved to lay on the table.

Lost.

Mr. Grimes moved to strike out "January 24th" and insert "February 2d."

Lost.

Mr. Haun moved to refer to the committee on amendments to the code.

Lost.

Mr. Sharp moved to lay on the table till the 20th inst.

Agreed to.

H. R. file No. 73, a bill for an act granting the Jackson county rail road company the right of way.

Also,

H. R. file No. 99, a bill for an an act to grant the right of way to the Iowa Western railroad company.

Also,

H. R. file No. 101, a bill for an act to grant the right of way to the Mississippi and Missouri rail road company,

Were each read a second time,

Accompanied by a report of a select committee, recommending a substitute for all of said bills, which was accepted and

Read a first time.

On motion of Mr. Green, of Dallas,

The 42nd rule was suspended, and the substitute read a second time.

Mr. Green, of Dallas, moved that the House resolve itself into committee of the whole now, for the consideration of said substitute for H. R. file No. 73, 99, and 101.

Lost.

Mr. Folsom moved to strike out the words, "except for depots and water stations," in 11th line of section 1.

Lost.

Yeas 27.)

Nays 31.)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Allison,	Mr. Goodson,	Mr. Rogers,
Bryan,	Hutchinson,	Sears,
Cock,	McArthur,	Seymour,
Clark,	Means,	Sharp,
Dillon,	Mitchell,	Taylor,
Duckworth,	Ramsey,	Townsend,
Duncan,	Ream,	Washburn,
Folsom,	Reeder,	Whitmore, and
Gilmore,	Rice,	Wilson.

Those who voted in the negative were—

Mr. Alger,	Mr. J. C. Green,	Mr. Sells,
Allen,	Geo. F. Green,	Steadman,
J. M. Anderson,	Grimes,	Stevens,
Bonson,	Haun,	Walters,
Bunker,	Hesser,	Wasson,
Cleaves,	Jessup,	Williams,
Coffin,	McPherrin,	Witter,
Drake,	Montgomery,	Wright, and
Fordyce,	Putman,	Mr. Speaker.
Garber,	Ross,	
Benj. Green,	Russell,	

Mr. Clark offered the following amendment :

"When any person owns land on both sides of any railroad, the corporation owning such railroad, shall, when required so to do, make and keep in good repair, one causeway or other adequate means of crossing the same."

Adopted.

Mr. Green, of Dallas, moved to strike out the word "two" before dollars, and insert "one."

Lost.

The substitute was then

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

Mr. Walters offered the following :

Resolved, That the committee on schools, to whom was referred H. R. file No. 62, a bill for an act abolishing the office of school fund commissioner, be required to report the same back to the House on to-morrow morning.

Lost.

Mr. Green, of Dallas, with leave, introduced

H. R. file No. 116, a joint resolution for additional mail facilities,  
Was read a first time.

On motion of Mr. Green, of Dallas,

The 42d rule was suspended and the joint resolution read a second time.

On motion of Mr. Sharp,

The words "via Seargent's bluffs" were inserted.

Said joint resolution was then

Referred to the committee on federal relations.

Mr. Allison, with leave, introduced

H. R. file No. 117, joint resolution relative to the election of a State Printer,

Which was read a first time.

Mr. Steadman moved the House adjourn.

Lost.

Senate file No. 40, an act relinquishing an escheat,

Was read a second time,

Accompanied by a report of the committee on the judiciary, recommending its passage, and ordered to a third reading to-morrow.

Mr. Reeder moved the House adjourn.

Lost.

On motion,

The House adjourned.

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### SATURDAY MORNING, JANUARY, 8, 1853.

Petitions and memorials were presented and disposed of as follows:

By Mr. Rice:

Memorial of L. Mericle and two hundred and four other citizens of Yell and Risley counties, asking the organization of said counties as one county,

Which was referred to the committee on new counties.

By Mr. Sells :

Petition of members of the bar of the second judicial district, asking the creation of an additional judicial district.

Which was referred to the select committee on the subject of judicial districts.

By Mr. Green, of Dallas :

Petition of citizens of Harden county, asking the organization of said county.

Which was referred to the committee on new counties.

By Mr. Hutchinson :

Petition of citizens of Iowa county, asking that the southern tier of townships of Benton county be attached to Iowa county, accompanied, with leave, by

H. R. file No. 118, a bill for an act to attach the southern tier of townships of Benton county to Iowa county.

Which was read a first time.

Also,

Petition of citizens of the Upper Iowa Valley, asking the repeal or alteration of "an act to extend the time for putting a lock in the Iowa City Manufacturing Company's mill dam," approved January 12, 1849, accompanied, with leave, by

H. R. file No. 119, a bill for an act to repeal an act therein named.

Which was read a first time.

Also,

Petition of citizens of Marshall, Tama and Iowa counties, asking the location of a state road from Marengo, in Iowa county, to Fort Dodge, accompanied, with leave, by

H. R. file No. 121, a bill for an act to locate a state road from Marengo, in Iowa county, to Fort Dodge.

Which was read a first time.

Mr. Walters gave notice of the introduction of a bill for an act creating an additional justice of the peace for Washington township, in Warren county.

On motion of Mr. Drake,

Resolved, That this House hereafter meet at half past one o'clock, P. M.

Mr. Green, of Henry, with leave, introduced

H. R. No. 121, joint resolution relative to a change of mail conveyance.

Which was read a first time.

Mr. Bryan, from the committee on the judiciary, submitted the following

### REPORT :

The judiciary committee, to whom was referred that portion of the Governor's message, which relates to the establishment of the office of Attorney General, report that they have had the same under consideration, and believe that the creation of such an office is "justified by economy as well as necessity." Your committee, therefore, report the accompanying bill, and earnestly recommend its passage.

P. GAD BRYAN, Chairman.

H. R. file No. 122, a bill for an act to provide for the election of Attorney General, and define his duties.

Which was read a first time.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 65, a bill for an act to encourage the destruction of wolves.

Also,

H. R. file No. 106, a bill for an act to amend 1st section of 70th chapter of the Acts, Resolutions and Memorials of the third general Assembly of the State of Iowa.

Also,

Substitute for H. R. file No. 73, a bill for an act granting to railroad companies the right of way,

Also.

H. R. file No. 102, a bill for an act to extend the powers of school districts.

And find the same correctly engrossed.

Mr. Haun from the select committee, to which was referred

Senate file No. 41, a bill for an act to regulate mills and millers;

Reported the same back and recommended its indefinite postponement.

Mr. Witter from the committee on enrolled bills, reported that they had presented to the Governor for his signature

H. R. file No. 75, a bill for an act to authorize John C. Cummins to transcribe the deed and mortgage records of Marion county, the

Also,

H. R. file No. 74, joint resolution to procure for the State of Iowa, a donation of Fort Atkinson, and the lands attached thereto.

Also,

That they had examined

H. R. file No. 35, a bill for an act organizing certain counties therein named.

Also,

H. R. file No. 56, a bill for an act to organize the county of Union, and locate the county seat thereof

And found the same correctly enrolled.

The Speaker then signed all of said bills, in the presence of the House.

The following bills were introduced of which notice had been given :

By Mr. Dodge :

H. R. file No. 123, a bill for an act to relocate the state road from Muscatine to Davenport;

Which was read a first time.

On motion of Mr. Sells,

The 42nd rule was suspended, and said bill read a second time and referred to the committee on roads and highways.

By Mr. Walters :

H. R. file No. 124, a bill for an act for the relief of Solomon Bond

By Mr. Folsom :

H. R. file No. 125, a bill for an act to legalize the right of trial by jury.

All of which were read a first time.

Mr. Folsom with leave, presented the petition of citizens of Johnson, Iowa and Poweshiek counties, asking the location of a state road from Iowa City, in Johnson county, to Snook's Grove, in Poweshiek county, accompanied by

H. R. file No. 126, a bill for an act to locate a state road from Iowa City, in Johnson county, to Snook's Grove in the county of Poweshiek;

Which was read a first time.

Senate message of yesterday being in order, Senate amendment to

H. R. file No. 52, a bill for an act to locate the seat of justice of Mills county;

Was concurred in.

Senate file No. 3, a bill for an act to regulate the interest on money



Was read a first time.

Senate file No. 33, a bill for an act to amend chapter 80 of the code, and making further provision for the relief of occupying claimants ;

Was read a first time.

Senate file No. 50, a bill for an act to authorize the judge of Jones county to have a portion of the records of said county transcribed ;

Was read a first time.

H. R. file No. 110, joint resolution for additional mail facilities ;

Was read a second time ; and,

Referred to the committee on federal relations.

H. R. file No. 111, a bill for an act to regulate the sale of spirituous and vinous liquors ;

Was read a second time, and

On motion of Mr. Haun,

Referred to the committee having that part of the Governor's message, on same subject, under consideration.

H. R. file No. 112, a bill for an act amendatory to the act regulating writs of attachment ;

Was read a second time, and

Referred to the committee on amendments to the code.

H. R. file No. 113, a bill for an act authorizing township trustees to levy a special tax to redeem outstanding orders,

Was read a second time,

Which was referred to the committee on the judiciary.

H. R. file No. 114, a bill for an act to authorize M. R. Lamson to transcribe the county records of Clark county,

Was read a second time,

And ordered to a third reading to-morrow.

H. R. file No. 115, a bill for an act to locate a state road therein named,

Was read a second time, and

Referred to the committee on roads and highways.

H. R. file No. 117, joint resolution relative to the election of State Printer,

Was read a second time, and

On motion of Mr. Allison,

The 42d rule was suspended and said joint resolution

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

Senate file No. 41, a bill for an act to regulate mills and millers,

Was read a second time,

Accompanied by the report of the select committee, recommending its indefinite postponement, which report was not

Concurred in.

Message from the Senate by Mr. Cuming, Secretary.

MR. SPEAKER—I herewith return

H. R. file No. 55, relative to swamp lands, the same having passed the Senate with four amendments.

In which amendments the concurrence of the House is requested.

Also,

Substitute for H. R. file No. 31, "a bill for an act in relation to new counties," with one amendment.

I also inform the House of Representatives, that the Senate have passed

Senate file No. 32, "an act to repeal section 2868 of the code, requiring testimony taken before recognizing magistrates to be reduced to writing;"

Also,

Senate file No. 56, "a bill for an act to remove certain records relating to the half breed tract from the office of recorder of deeds of Desmoines county to the clerk's office, in Lee county;"

Also,

Senate file No. 34, "a bill concerning fences and trespassing animals."

In all of which they ask the concurrence of the House of Representatives.

I also return, H. R. file No. 51, "a bill for an act, supplemental to an act to locate the county seat of Page county."

The same having passed the Senate without amendment.

On motion of Mr. Grimes,

The House resolved itself into committee of the whole, on Senate file No. 41, at 10 o'clock 15 minutes,

Mr. Bryan in the chair.

Eleven o'clock 20 minutes,

The committee rose, and by its chairman, reported the same back to the House without amendment.

Mr. Grimes offered the following amendment to section 2:

Provided, That no miller shall be compelled to grind any grain

whenever, in his opinion, the manufacture of the same into flour or meal, will be injurious to his bolt or machinery.

Mr. Folsom moved to amend the amendment, by striking out the words "in his opinion."

Agreed to.

The amendment, as amended, was then adopted.

Mr. Bunker moved to strike out all that relates to loading and unloading.

Lost.

On motion of Mr. Green, of Henry,

The following proviso was added to section three:

Provided, That each of said sacks or casks have not more than three bushels of grain in them.

Mr. Clark offered the following,

Add to section 4: Provided that no miller shall be bound by the provisions of this act, when the market price of superfine flour at his mill is less than four dollars per barrel.

Lost.

On motion of Mr. Bryan,

The following was added to section 3: That no miller shall feed his hogs on any persons corn other than his own.

Mr. Green, of Dallas, moved that the House sit as in committee of the whole during this discussion.

Lost.

On motion of Mr. Grimes,

The following section was added:

SEC. 5. That the provisions of this act shall not extend to any mill or miller, who has not some special franchise conferred upon him by the constitution or laws of this state.

On motion of Mr. Reeder,

Section 1 was amended by adding the words "when the owners advertise the same as such."

On motion of Mr. Jessup,

The following proviso, was added to section 2:

Provided, That nothing contained in this act, shall be so construed as to prevent the owner of any mill from grinding his own grain at any time it may best suit his convenience.

On motion of Mr. Green, of Dallas,

The bill was indefinitely postponed.

H. R. file No. 59, joint resolution on the subject of additional mail facilities,

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

H. R. file No. 60, joint resolution for a mail route therein named.

Was read a third time.

On motion of Mr. Bunker,

The vote last had on passage of H. R. file No. 59, was reconsidered.

On motion of Mr. Grimes,

H. R. files Nos. 59 and 60, and all bills on the same subject, now on their third reading,

Were re-committed to the committee on federal relations.

H. R. file No. 69, joint resolution relative to additional mail facilities,

Was read a third time, and re-committed to the committee on federal relations.

Substitute for H. R. file No. 8, a bill for an act entitled an act to amend section 114 of the code of Iowa,

Was read a third time.

On motion of Mr. Folsom,

A call of the House was had, and Messrs. Alger, Bryant, and Dillon were found to be absent.

On motion of Mr. Steadman,

Leave of absence was granted to Mr. Alger.

Mr. Means moved that the further call of the House be dispensed with.

Lost.

Mr. Walters moved that the House adjourn.

Lost.

On motion of Mr. Sells,

The call of the House was suspended.

Mr. Anderson, of Dubuque, moved that the House adjourn.

Lost.

The question being on the passage of the bill, was decided in the affirmative.

Yeas 30,

Nays 28,

The yeas and nays were desired, and those who voted in the affirmative.

Mr. Allen,  
Allison,

Mr. J. M. Anderson, Mr. Clark,  
Bunker, Cleaves,

Coffin,	Haun,	Sharp,
Dodge,	Hutchinson,	Stevens,
Duncan,	Jessup,	Taylor,
Folsom,	McArthur,	Walters,
Fordyce,	Montgomery,	Wasson,
Benj. Green,	Ross,	Williams,
Geo. F. Green,	Sells,	Witter, and
Grimes,	Seymour,	Speaker.

Those who voted in the negative were,

Mr. A. D. Anderson,	J. C. Green,	Rogers,
Bonson,	Hesser,	Russell,
Bryan,	McPherrin,	Sears,
Cock,	Means,	Steadman,
Drake,	Mitchell,	Townsend,
Duckworth,	Putman,	Washburn,
Garber,	Ramsey,	Whitmore,
Mr. Gilmore,	Reeder,	Wilson, and
Mr. Goodson,	Rice,	Wright.

The title of said bill was then agreed to.

H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington,

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

H. R. file No. 80, a bill for an act to authorize the county judge of Johnson county, to index the records of said county,

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

Mr. Witter moved that the House adjourn.

Lost.

H. R. file No. 82, a bill for an act to locate the seat of justice of Taylor county,

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

H. R. file No. 63, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution, and providing for holding said convention,

Was read a third time and passed.

Yeas 46,

Nays 13.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allen,

Mr. Allison,

Mr. J. M. Anderson,

Mr. Bunker,	Mr. Haun,	Mr. Sells,
Cock,	Hesser,	Russell,
Clark,	Jessup,	Seymour,
Cleaves,	McArthur,	Steadman,
Coffin,	McPherrin,	Stevens,
Drake,	Means,	Townsend,
Duckworth,	Mitchell,	Walters,
Duncan,	Montgomery,	Washburn,
Folsom,	Putman,	Wasson,
Fordyce,	Ramsey,	Whitmore,
Gilmore,	Ream,	Williams,
Benj. Green,	Reeder,	Wilson,
J. C. Green,	Rogers,	Witter, and
Grimes,	Ross,	Wright,

Those who voted in the negative were—

Mr. A. D. Anderson,	Goodson,	Sharp,
Bonson,	Benj. Green,	Taylor, and
Bryan,	Hutchinson,	Mr. Speaker.
Bryant,	Rice,	
Dodge,	Sears,	

On motion of Mr. Sells,

The title to said bill was amended by striking out the words "and providing for holding said convention."

The title, as amended, was then agreed to.

H. R. file No. 98, a bill for an act defining a lawful fence,

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

On motion,

The House adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

On motion of Mr. Grimes,

Resolved, That the committee on expenditures be instructed to ascertain and report to the House the amount of mileage the members

thereof are entitled to, and the other necessary current expenses of the present Legislative Assembly.

Mr. Reeder, with leave, presented the petition of G. A. Satterlee and others, asking the appointment of an agent to dispose of the inundated and overflowed lands in Muscatine county.

Which was referred to a select committee.

Messrs. Reeder, Sells and Wilson were appointed said committee.

Senate file No. 38, a bill for an act to amend an act for the incorporation of the town of Mount Pleasant, in Henry county,

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

Senate file No. 40, a bill for an act relinquishing an escheat,

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

Senate file No. 45, a bill for an act supplementary to chapter 187 of the code, concerning the penitentiary of the state and the government and discipline thereof;

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

H. R. file No. 65, a bill for an act to encourage the destruction of wolves;

Was read a third time and passed.

Mr. Bryan offered the following substitute for the title to the bill:

A bill for an act for the benefit of wolf hunters.

Rejected.

The title of said bill was then agreed to.

On motion of Mr. Folsom,

Resolved, That the public dial of this House be the standard of Legislative time, and that the clerk have the custody thereof.

H. R. file No. 102, a bill for an act to extend the powers of school districts,

Was read a third time.

Mr. Grimes moved a call of the House, which was had, and Messrs. Anderson of Lee, Bonson, Dillon, Dodge, Hutchinson, Taylor and Townsend were found to be absent.

On motion of Mr. Hesser,

Leave of absence was granted to Mr. Townsend.

Mr. Means moved that the further call of the House be dispensed with.

Lost.

On motion of Montgomery,

Leave of absence was granted to Mr. Dillon.

On motion of Mr. Ramsey,  
The further call of the House was suspended.

The question was then put, "shall the bill pass,"  
And decided in the affirmative.

Yeas 31,

Nays 23,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Bunker,	Mr. Jessup,	Mr. Stevens,
Clark,	McPherrin	Walters,
Coffin,	Mitchell,	Washburn,
Drake,	Montgomery,	Wasson,
Fordyce,	Putman,	Whitmore,
Garber,	Reeder,	Williams,
Gilmore,	Rogers,	Witter
Benj. Green,	Ross,	Wright, and
J. C. Green,	Russell,	Mr. Speaker.
Grimes,	Sells,	
Hesser,	Sharp,	

Those who voted in the negative were:

Mr. Allen,	Mr. Duncan,	Mr. Ramsey,
Allison,	Folsom,	Ream,
A. D. Anderson,	Goodson,	Rice,
Bonson,	Geo. F. Green,	Sears
Bryan,	Haun,	Seymour,
Bryant,	Hutchinson,	Steadman, and
Cock,	McArthur,	Wilson.
Duckworth,	Means,	

The title of said bill was then agreed to.

H. R. file No. 106, a bill for an act to amend the first section of 70th chapter of the acts, resolutions and memorials of the third General Assembly of the State of Iowa,

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

Substitute for H. R. file Nos. 73, 99 and 101, a bill for an act granting to railroad companies the right of way,

Was read a third time.

Mr. Folsom moved that the House resolve itself into committee of the whole, for the consideration of substitute for H. R. file Nos. 73, 99 and 101.



Agreed to.

Yeas 28.)

Nays 27.)

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Allen,	Mr. Goodson,	Mr. Rice,
Allison,	Hutchinson,	Rogers,
J. M. Anderson,	McArtlaur,	Sears,
Bonson,	Means,	Seymour,
Cock,	Mitchell,	Sharp,
Clark,	Putman,	Washburn,
Duncan,	Ramsey,	Whitmore,
Folsom,	Ream,	Wilson, and
Gilmore,	Reeder,	Wright.

Those who voted in the negative were,

Mr. Bryant,	Mr. J. C. Green,	Mr. Russell,
Bunker,	Geo. F. Green,	Sells,
Coffin,	Grimes,	Stedman,
Dodge,	Haun,	Stevens,
Drake,	Hesser,	Walters,
Duckworth,	Jessup,	Wasson,
Fordyce,	McPherrin,	Williams,
Garber,	Montgomery,	Witter, and
Benj. Green,	Ross,	Mr. Speaker,

The House resolved itself accordingly

At two o'clock, P. M.;

Mr. Sells in the chair.

Three o'clock and 5 minutes.—The committee rose, and by its chairman reported the bill back to the House and recommended its passage.

Mr. Folsom moved to strike out the words "depots and," in 17th line of 1st section.

On motion,

A call of the House was had, and Messrs. Bryant and Putman were found to be absent.

On motion of Mr. Green of Henry,

Leave of absence was granted to Mr. Putman.

On motion of Mr. Sharp,

Leave of absence was granted to Mr. Bryant.

The call of the House was then suspended.

The question on striking out the words "depots and,"

Was decided in the negative.

Yeas 28,

Nays 29,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Allen,	Goodson,	Sears,
Allison,	Hutchinson,	Sharp,
A. D. Anderson,	McArthur,	Taylor,
Bonson,	Means,	Townsend,
Bryan,	Mitchell,	Washburn
Cock,	Ramsey,	Whitmore,
Duckworth,	Ream,	Wilson, and
Duncan,	Reeder,	Wright,
Folsom,	Rice,	
Gilmore,	Rogers,	

Those who voted in the negative were—

Mr. J. M. Anderson,	Mr. J. C. Green,	Mr. Sells,
Bunker,	Geo. F. Green,	Seymour,
Clark,	Grimes,	Steadman,
Cleaves,	Haun,	Stevens,
Coffin,	Hesser,	Walters,
Dodge,	Jessup,	Wasson,
Drake,	McPherrin,	Williams,
Fordyce,	Montgomery,	Witter, and
Garber,	Ross,	Mr. Speaker.
Benj. Green,	Russell,	

Mr. Sells moved that the 42nd rule be suspended, and

Said bill read a third time now.

Lost.

The bill was then ordered to a third reading to-morrow.

The Senate message was then taken up, and

Senate amendments to H. R. file No. 55, a bill for an act to dispose of the swamp and overflowed lands within this State, and pay the expense of selecting and surveying the same,

Were read and concurred in.

Also,

Senate amendment to substitute for H. R. file No. 31, a bill for an act in relation to new counties,

Was read and concurred in.

Senate file No. 32, a bill for an act to repeal section 2868 of the code, requiring testimony taken before recognizing magistrates, to be reduced to writing,

Was read a first time.

Senate file No. 34, a bill concerning fences and trespassing animals,

Was read a first time.

Senate file No. 56, a bill for an act to remove certain records relating to the half breed tract from the office of recorder of deeds of Desmoines county, to the clerk's office in Lee county,

Was read a first time.

On motion of Mr. Grimes,

The 42d rule was suspended and said bill read a second time.

On motion of Mr. Gilmore,

The words "clerk of the district court at Keokuk in said," in section 1, was stricken out, and the words "recorder of deeds of," inserted; also, in section 2, the words "clerk of the aforesaid court," was stricken out and the words "recorder of deeds aforesaid" inserted.

The bill was then read a third time.

On motion of Mr. Gilmore,

The word "clerk's" in the bill was strick out, and the word "recorder's" inserted.

The title as amended was then agreed to.

Mr. Hutchinson, with leave, introduced,  
H. R. file No. 127, a joint resolution for additional mail facilities,  
Which was read a first time, and

On his motion,

The 42nd rule was suspended, and  
Said joint resolution read a second time, and  
Referred to the committee on federal relations.

On motion of Mr. Cock,

Senate file No. 47, joint resolution relative to adjournment *sine die*,

Was taken from the table, and read a second time.

Mr. Bryan moved that the House adjourn.

Lost.

Mr. Cleaves moved to strike out "24th inst." and insert "27th inst."

Lost.

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

Lost.

Mr. Cock moved that the joint resolution be ordered to a third reading on to-morrow.

On motion of Mr. Means,

The previous question was ordered and put, viz : Shall the joint resolution be ordered to a third reading on to-morrow?

Which was decided in the affirmative.

Yeas 41,

Nays 16,

The yeas and nays were desired, and those who voted in the affirmative were :

Mr. Allison,	Mr. Goodson,	Mr. Ross,
A. D. Anderson,	Benj. Green,	Sears,
J. M. Anderson,	J. C. Green,	Sells,
Bonson,	Geo. F. Green,	Seymour,
Bryan,	Haun,	Stevens,
Cock,	Hesser,	Taylor,
Coffin,	Jessup,	Walters,
Dodge,	McArthur,	Washburn,
Drake,	McPherrin,	Wasson,
Duckworth,	Means,	Whitmore,
Duncan,	Mitchell,	Wilson,
Folsom,	Ream,	Witter, and
Fordyce,	Rice,	Wright.
Garber,	Russell,	

Those who voted in the negative were

Mr. Allen,	Mr. Hutchinson,	Mr. Steadman,
Bunker,	Montgomery,	Townsend,
Clark,	Ramsey,	Williams, and
Cleaves,	Reeder,	Mr. Speaker.
Gilmore,	Rogers,	
Grimes,	Sharp,	

On motion,

The House adjourned.

## MONDAY MORNING, JANUARY 10, 1853.

Petitions were presented and disposed of as follows:

By Mr. Folsom:

Petition of N. G. Benton asking remuneration for making out catalogue and removing books in state Library;

Which was referred to the committee on state library.

By Mr. Bryan:

Petition of Z. H. Hocket and 95 other citizens of Warren county, asking a reduction of the price of university and school lands;

Which was referred to the committee on schools and state university.

By Mr. Cleaves:

Petition of citizens of Louisa and Washington counties, asking the location of a state road from Muscatine to Washington; which

Was referred to the committee on roads and highways.

By Mr. Sells:

Petition of citizens of Muscatine county, asking the passage of an act for the relief of Joseph Bennett;

Which was referred to a select committee,

Messrs. Sells, Townsend and Haun were appointed said committee.

By Mr. Anderson, of Dubuque,

Petition of G. W. Cummins, asking relief,

Which was referred to a select committee with instructions to report a bill; and,

Messrs. Grimes, Garber and Anderson, of Dubuque, were appointed said committee.

By Mr. Sharp:

Petition of James A. Kirkland and fifty-three other citizens of Pottawattamie and Harrison counties for a change of the boundaries of said counties.

Which was referred to the committee on township and county organization.

By Mr. Hutchinson:

Petition of citizens of the State for a state road from Iowa City to near the S. E. corner of Harden county.

Which was referred to the committee on roads and highways.

By Mr. Sells:

Petition of T. S. Paryin for payment of a claim against the State.

Which was referred to the committee of claims.

On motion of Mr. Folsom,

The vote last had on the passage of substitute for H. R. file No. 8, a bill for an act entitled an act to amend section 114 of the code of Iowa,

Was reconsidered.

The question then being on the passage of the substitute, was decided in the negative.

Yeas 27,

Nays 33.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allen,	Mr. Fordyce,	Mr. Seymour,
Allison,	Geo. F. Green,	Sharp,
J. M. Anderson,	Grimes,	Stevens,
Bunker,	Haun,	Taylor,
Clark,	Jessup,	Walters,
Cleaves,	McArthur,	Wasson,
Coffin,	Montgomery,	Williams,
Dodge,	Ross,	Witter, and
Duncan,	Sells,	Mr. Speaker.

Those who voted in the negative were—

Mr. A. D. Anderson,	Mr. Goodson,	Mr. Reeder,
Bonson,	Benj. Green,	Rice,
Bryan,	J. C. Green,	Rogers,
Cock,	Hesser,	Russell,
Dillon,	Hutchinson,	Sears,
Drake,	McPherrin,	Steadman,
Duckworth,	Means,	Townsend,
Eaton,	Mitchell,	Washburn,
Folsom,	Putman,	Whitmore,
Garber,	Ramsey,	Wilson, and
Gilmore,	Ream,	Wright,

The following notices of bills to be introduced, were given :

By Mr. Bryan :

A bill for an act to authorize D. Guiberson to transcribe the records of Madison county.

By Mr. Ream :

A bill for an act for the relief of Isabella Cummings, and to relinquish to her the right of the State to a certain piece of real estate.

On motion of Mr. Sharp,

Resolved, That the committee on roads and highways, be instructed to inquire into the expediency of establishing a state road from the county seat of Webster county, to Sargent's bluffs in the county of Woodbury on the Missouri river.

Mr. Williams from the committee on enrolled bills, reported that they had examined

H. R. file No. 51, a bill for an act supplemental to an act to locate the county seat of Page county.

Also,

H. R. file No. 52, a bill for an act to locate the seat of justice of Mills county.

Also,

H. R. file No. 55, a bill for an act to dispose of the swamp and overflowed lands within this state, and to pay the expense of selecting and surveying the same.

Also,

Substitute for H. R. file No. 31, a bill for an act in relation to new counties.

And found the same correctly enrolled.

The Speaker then signed said bills in the presence of the House.

Mr. Townsend from the committee on amendments to the code, submitted the following

### REPORT:

The committee on amendments to the code, have had under consideration substitute for H. R. file No. 36, and have directed me to report a substitute therefor, recommending its passage.

Also, report back to the House H. R. file No. 95, a bill for an act to amend section 3121 of the code.

And H. R. file No. 43, a bill for an act to amend section 2719 of the code, and recommend their indefinite postponement.

Said committee have also had under consideration H. R. file No. 45, a bill for an act to enforce the claims of the State and county against lands and lots on which the owners have failed to pay the

taxes charged thereon prior to 1851, and report the same back to the House, and recommend its passage.

Also, Senate file No. 11, a bill for an act requiring county judges to give bond, and direct me to report the same back with the amendments recommended by the judiciary committee, recommending the passage thereof.

JOHN S. TOWNSEND, Chairman.

Mr. Bonson from the committee on claims submitted the following

#### REPORT:

The committee on claims, to which was referred the account of M. B. Root for lettering, polishing and boxing a block of marble for the Washington Monument and delivering the same at Keokuk, beg leave to report,

That the sum of thirty-five dollars be allowed the said M. B. Root, and that the treasurer pay the same out of any money in the treasury not otherwise appropriated.

R. BONSON, Chairman.

The report of the committee was concurred in, and the claim and report referred to the committee on ways and means.

Mr. Folsom with leave, introduced

A petition of citizens of Iowa City, asking the passage of a general law on the subject of right of way;

Which was referred to the committee on internal improvements.

Also.

Remonstrance of citizens of the State against the location of a state road from Iowa City to Snook's Grove.

Which was referred to the committee on roads and highways.

On motion,

The report of the committee on amendments to the code, recommending the indefinite postponement of

H. R. file No. 95, a bill for an act to amend section 3121 of the code of Iowa,

Was taken up, and the House refused to concur in the report of the committee.

Said bill was read a second time.

On motion of Mr. Grimes,



The 42nd rule was suspended, and  
Said bill was read a third time and passed.

On motion of Mr. Grimes,

The title thereof was amended to read "a bill for an act to provide for the election of a Warden of the Penitentiary."

The title as amended was then agreed to.

The following bills were introduced :

By Mr. Hutchinson, with leave :

H. R. file No. 128, a bill for an act to locate a state road.

By Mr. Grimes, with leave :

H. R. file No. 129, a bill for an act relating to evidence;

Also, with leave,

H. R. file No. 130, a bill for an act regulating the terms of the Supreme court.

By Mr. Steadman, with leave :

H. R. file No. 131, a bill for an act to restrain sheep and swine from running at large in the county of Linn.

By Mr. Reeder, with leave,

H. R. file No. 132, a bill for an act allowing fees in certain cases.

By Mr. Wilson, with leave :

H. R. file No. 133, joint resolution for mail facilities.

By Mr. Allen, with leave :

H. R. file No. 134, a bill for an act to legalize the acts of the county commissioners of Clark county, Iowa.

By Mr. Cock, with leave :

H. R. file No. 135, a bill for an act to amend chapter 37 of the code.

By Mr. Hesser, with leave :

H. R. file No. 136, a bill for an act to amend the charter of the town of Fort Madison.

By Mr. Russell :

H. R. file No. 137, a bill for an act to vacate a part of a certain road therein named.

By Mr. Walters :

H. R. file No. 138, a bill for an act to create an additional justice of the peace in Washington township, in Warren county.

By Mr. Anderson, of Dubuque :

H. R. file No. 139, a bill for an act to amend chapter 79 of the code of Iowa.

By Mr. Rice :

H. R. file No. 140, a bill for an act to unite the counties of Yell and Risley.

By Mr. Witter :

H. R. file No. 141, a bill for an act for the suppression of drinking houses and tippling shops.

By Mr. Allen :

H. R. file No. 142, a bill for an act to create a state land office.

By Mr. Allison with leave :

H. R. file No. 143, joint resolution for additional mail facilities.

By Mr. Ramsey with leave :

H. R. file No. 144, a bill for an act to locate a state road from Agency City to Lancaster.

All of which were read a first time.

On motion of Mr. Allen,

The 42nd rule was suspended, and H. R. file No. 142, was read a second time.

Mr. Allen moved that the bill be referred to the committee on amendments to the code.

Lost.

Mr. Ramsey moved that the bill be referred to a select committee.

Lost.

Mr. Allison moved to refer to the committee of the whole.

Lost.

On motion of Mr. Grimes,

The bill was referred to the committee on public lands.

Message from the Senate by Mr. Cuming, their Secretary :

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

Senate file No. 7, "a bill for an act allowing and regulating the stay of executions on judgments of the district and justices' courts;"

Also,

Senate file No. 57, "an act to make private prosecutors liable for costs in certain cases;"

Also,

Senate file No. 35, "a bill to incorporate the town of Fort Desmoines, Polk county."

I also return H. R. file No. 56, "an act to organize the county of Union, and locate the county seat thereof ;

Also,

H. R. file No. 35, "an act organizing certain counties therein named."

The same having received the signature of the President of the Senate.

H. R. file No. 118, a bill for an act to attach the southern tier of townships in Benton county to Iowa county,

Was read a second time, and

Referred to the committee on township and county organization.

H. R. file No. 119, a bill for an act to repeal an act therein named,

Was read a second time, and

Referred to the committee on incorporations.

H. R. file No. 120, a bill for an act to locate a state road from Marengo, in Iowa county, to Fort Dodge,

Was read a second time, and

Referred to the committee on roads and highways.

H. R. file No. 121, a joint resolution in relation to a change of mail service,

Was read a second time, and

Referred to the committee on federal relations.

H. R. file No. 122, a bill for an act to provide for the election of attorney general, and define his duties,

Was read a second time, and

Referred to the committee on the judiciary.

H. R. file No. 124, a bill for an act for the relief of Solomon Bond,

Was read a second time, and

Referred to the committee on claims.

H. R. file No. 125, a bill for an act to legalize the right of trial by jury ;

Was read a second time, and

Referred to the committee on the judiciary.

H. R. file No. 126, a bill for an act to locate a state road from Iowa City in Johnson county, to Snook's Grove in the county of Poweshiek;

Was read a second time, and

Referred to the committee on roads and highways.

Substitute for Senate file No. 3, a bill for an act to regulate the interest on money.

Was read a second time.

Mr. Rice moved that the bill be indefinitely postponed.

Lost.

Yeas 17,

Nays 42,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Allen,	Mr. Geo. F. Green,	Mr. Sharp,
A. D. Anderson,	Haun,	Steadman,
Bonson,	Hutchinson,	Taylor,
Bryan,	Means,	Washburn, and
Dillon,	Rice,	Witter,
Dodge,	Sells,	

Those who voted in the negative were.

Mr. Allen,	Goodson,	Mr. Rogers,
J. M. Anderson,	Benj. Green,	Ross,
Bunker,	J. C. Green,	Russell,
Cock,	Grimes,	Sears,
Clark,	Hesser,	Seymour,
Cleaves,	Jessup,	Stevens,
Coffin,	McArthur,	Townsend,
Drake,	McPherrin,	Walters,
Duckworth,	Mitchell,	Wasson,
Duncan,	Montgomery,	Whitmore,
Folsom,	Putman,	Williams,
Fordyce,	Ramsey,	Wilson.
Garber,	Ream,	Wright, and
Gilmore,	Reeder,	Mr. Speaker.

Mr. Haun moved that the bill be made the special order n committee of the whole House, at half-past one o'clock, this P. M.

Lost.

Mr. Ramsey moved that the bill be made the order in committee of the whole House this evening at 7 o'clock.

Lost.

Mr. Means moved to refer to the committee on the judiciary.

Lost.

Mr. Sharp moved to refer to the committee of the whole now.

Lost.

Several amendments being proposed.

On motion of Mr. Grimes,

The bill and pending amendments were referred to a select committee.

Messrs. Grimes, Haun, Sells, Cock and Sears were appointed said committee.

Mr. Allison moved that the House adjourn.

Lost.

Senate file No. 32, an act to repeal section 2868 of the code, requiring testimony taken before recognizing magistrates, to be reduced to writing,

Was read a second time, and

Referred to the committee on amendments to the code.

Mr. Bryan moved the House adjourn.

Lost.

Senate file No. 34, a bill concerning fences and trespassing animals,

Was read a second time, and

Referred to the committee on the judiciary.

Senate file No. 50, a bill for an act authorize the judge of Jones county, to have a portion of the records of said county transcribed,

Was read a second time.

Mr. Green, of Dallas, moved to refer the bill to the committee on amendments to the code, with instructions to report a bill for a general law upon the subject.

Lost.

On motion of Mr. Taylor,

The bill was referred to a select committee, and

Messrs. Taylor, Wasson, and Anderson, of Dubuque, were appointed said committee.

Mr. Haun moved to reconsider the vote of Saturday, adopting the resolution giving the clerk control of the House dial.

Agreed to; and

On motion of Mr. Sells,

The resolution was indefinitely postponed.

Mr. Green, of Dallas moved that the House adjourn.

Lost.

On motion of Mr. Witter,

The House adjourned.

HALF-PAST ONE O'CLOCK, P. M.

On motion of Mr. Steadman,

The remonstrance of citizens of Benton county against attaching the southern tier of townships in said county to Iowa county,

Was taken from the table, and

Referred to the committee on township and county organization.

Senate file No. 33, a bill for an act to amend chapter 80 of the code, and making provision for the relief of occupying claimants,

Was read a second time, and

Referred to the committee on the judiciary.

H. R. file No. 45, a bill for an act to enforce the claims of the county and state against lands and lots on which the owners have failed to pay the taxes charged thereon prior to 1851,

Was read a second time.

On motion of Mr. Haun,

All after the word "accrued" in the ninth line of section 1, was stricken out.

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

Senate file No. 11, a bill for an act requiring county judges to give bond,

Was read a second time,

Accompanied by a report from the committee on amendments to the code, recommending its passage, and ordered to a third reading to-morrow.

Substitute for H. R. file No. 36, a bill for an act providing for the election of district supervisors, and define the duties thereof,

Was read a second time,

Accompanied by a report from the committee on amendments to the code, proposing a substitute therefor, which was accepted and

Read a first time.

On motion of Mr. Folsom,

The 42d rule was suspended, and the bill read a second time.

Mr. Anderson, of Dubuque, moved to insert "50 cents" after "one dollar" in the 8th section.

Lost.

Yeas 12.)

Nays 48.)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. A. D. Anderson,	Mr. Eaton,	Mr. Rice,
Bonson,	Garber,	Sells,
Coffin.	Hesser,	Sharp, and
Dillon,	Reeder,	Taylor.

Those who voted in the negative were,

Mr. Allen,	Mr. Benj. Green,	Mr. Ross,
Allison,	J. C. Green,	Russell,
Bryan,	Geo. F. Green,	Sears,
Bryant,	Grimes,	Seymour,
Bunker,	Haun,	Steadman,
Cock,	Hutchinson,	Stevens,
Clark,	Jessup,	Townsend,
Cleaves,	McArthur,	Walters,
Dodge,	McPherrin,	Washburn,
Drake,	Means,	Wasson,
Duckworth,	Mitchell,	Whitmore,
Duncan,	Montgomery,	Williams.
Folsom,	Putman,	Wilson,
Fordyce,	Ramsey,	Witter,
Gilmore,	Ream,	Wright, and
Goodson,	Rogers,	Mr. Speaker.

Mr. Wilson moved to insert "25 cents" after "one dollar" in the 8th section.

Lost.

Mr. Eaton moved to strike out all that relates to the fine of the supervisor, for not appearing to give bond.

Lost.

Yeas 21,

Nays 39,

The yeas and nays were desired, and those who voted in the affirmative.

Mr. Allison,	Mr. Eaton,	Mr. Reeder,
A. D. Anderson,	Garber,	Rice,
Bonson,	Hutchinson,	Sears,
Bryan,	McArthur,	Steadman,
Bryant,	Means,	Stevens,
Dillon,	Montgomery,	Taylor, and
Drake,	Ramsey,	Williams.

Those who voted in the negative were—

Mr. Allen,	Mr. Benj. Green,	Mr. Russell
Bunker,	J. C. Green,	Sells,
Cock,	Geo. F. Green,	Seymour,
Clark,	Grimes,	Sharp,
Cleaves,	Haun,	Townsend,
Coffin,	Hesser,	Walters,
Dodge,	Jessup,	Washburn,
Duckworth,	McPherrin,	Wasson,
Duncan,	Mitchell,	Whitmore,
Folsom,	Putman,	Wilson,
Fordyce,	Ream,	Witter,
Gilmore,	Rogers,	Wright, and
Goodson,	Ross,	Mr. Speaker.

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

H. R. file No. 43, a bill for an act to amend section 2719 of the Code of Iowa;

Was read a second time accompanied by a report of the committee on amendments to the code, recommending its indefinite postponement.

Which was concurred in.

H. R. file No. 114, a bill for an act to authorize M. R. Lamson to transcribe the county records of Clarke county;

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

Senate file No. 47, joint resolution relative to adjournment *sine die*;

Was read a third time and passed.

Yeas 38,

Nays 23,

The yeas and nays being desired, those who voted in the affirmative were—

Mr. Allison,	Mr. Dillon,	Mr. Benj. Green,
A. D. Anderson,	Dodge,	J. C. Green,
J. M. Anderson,	Drake,	Haun,
Bonson,	Duckworth,	Hutchinson,
Bryan,	Duncan,	Jessup,
Bunker,	Folsom,	McPherrin,
Cock,	Fordyce,	Means,
Cleaves,	Garber,	Mitchell,
Coffin,	Goodson,	Montgomery,



Mr. Ream,	Mr. Seymour,	Mr. Whitmore,
Ross,	Stevens,	Wilson, and
Russell,	Taylor,	Witter,
Sells,	Walters,	

Those who voted in the negative were,

Mr. Allen,	Mr. McArthur,	Mr. Steadman,
Bryant,	Putman,	Townsend,
Clark,	Ramsey,	Washburn,
Eaton,	Reeder,	Wasson,
Gilmore,	Rice,	Williams,
Geo. F. Green,	Rogers,	Wright, and
Grimes,	Sears,	Mr. Speaker.
Hesser,	Sharp,	

The title of the joint resolution was then agreed to.

Substitute for H. R. files Nos. 73, 99 and 101, a bill for an act granting to railroad companies the right of way,

Was read a third time.

Mr. Folsom moved to re-commit said bill to a select committee with instructions to strike out "depot" in the first section, and insert "wood."

Agreed to.

Yeas 32,  
Nays 28,

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allen,	Mr. Folsom,	Mr. Rice,
Allison,	Gilmore,	Rogers,
A. D. Anderson,	Goodson,	Ross,
Bonson,	Hutchinson,	Sears,
Bryan,	McArthur,	Taylor,
Bryant,	Means,	Townsend,
Cock,	Mitchell,	Washburn,
Dillon,	Putman,	Whitmore,
Duckworth,	Ramsey,	Wilson, and
Duncan,	Ream,	Wright.
Eaton,	Reeder,	

Those who voted in the negative were,

Mr. J. M. Anderson,	Mr. Cleaves,	Mr. Fordyce,
Bunker,	Coffin,	Garber,
Clark,	Drake,	Benj. Green,

Mr. J. C. Green,	Mr. Montgomery,	Mr. Stevens,
Geo. F. Green,	Russell,	Walters,
Grimes,	Sells,	Wasson,
Haun,	Seymour,	Williams
Jessup,	Sharp,	Witter, and
McPherrin,	Steadman,	Mr. Speaker.

Messrs. Folsom, Grimes and Townsend were appointed said committee, who forthwith reported the bill back so amended and recommended its passage.

On motion of Mr. Grimes,

The 42nd rule was suspended,

And the bill read a second and third time, and passed.

Yeas 56,

Nays 3.

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Allen,	Mr. Garber,	Mr. Rogers,
Allison,	Gilmore,	Ross,
A. D. Anderson,	Benj. Green,	Russell,
J. M. Anderson,	J. C. Green,	Sears,
Bonson,	Geo. F. Green,	Sells,
Bryan,	Grimes,	Seymour,
Bryant,	Haun,	Stevens,
Bunker,	Hesser,	Taylor,
Cock,	Hutchinson,	Townsend,
Clark,	Jessup,	Walters,
Cleaves,	McArthur,	Washburn,
Coffin,	McPherrin,	Wasson,
Dillon,	Means,	Whitmore,
Dodge,	Mitchell,	Williams,
Drake,	Montgomery,	Wilson,
Duckworth,	Putnam,	Witter,
Duncan,	Ramsey,	Wright, and
Eaton,	Ream,	Mr. Speaker,
Folsom,	Reeder,	
Fordyce,	Rice,	

Those who voted in the negative were—

Mr. Goodson,	Mr. Sharp, and	Mr. Steadman.
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The title of the bill was then agreed to.

On motion,  
The House adjourned.

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TUESDAY MORNING, JANUARY 11, 1853.

Petitions and remonstrances were presented and disposed of as follows :

By Mr. Folsom :

Petition of citizens of Johnson county, asking the passage of a law to inhibit the liquor traffic.

By Mr. Wright :

Petition of Eliza Smith and twenty others, ladies and youths, of Lee county; also, petition of E. C. Atkinson and fifteen other citizens of Lee county, on the same subject.

By Mr. Garber :

Petition of Mary Hess and eighty-seven others, ladies and youths; also, petition of Wm. H. Dunlap and forty-eight other citizens; also, petition of Henry Gifford and eighty-nine other citizens, on the same subject.

By Mr. Hesser :

Petition of Francis Sawyer and six other citizens, of Lee county; also, petition of Lucy B. Sawyer and ten other ladies and youths, of Lee county on the same subject.

By Mr. Rice :

Petition of Riley Ashley and forty other citizens, of Jasper county, on the same subject.

All of which were referred to the committee having that part of the Governor's message under consideration, relating thereto.

By Mr. Dodge :

Remonstrance of A. P. Mast and one hundred and ninety-seven other citizens, against the passage of any such law as asked for in the petitions.

By Mr. Anderson, of Lee,

Petition of the members of the faculty of the medical department of the Iowa University.

Which was referred to the committee on schools and state university.

Notice to bring in the following bills, was given :

By Mr. Mitchell :

A bill for an act to change the name of Creesville, in Jefferson county, to Botavia.

By Mr. Cock :

A bill for an act to amend sections 1045 and 1052, of the code of Iowa.

On motion of Mr. Cock,

Resolved, That the 42nd rule of the House be so amended as to allow bills to be read a first and second time on their presentation.

On motion of Mr. Drake :

Resolved, That all memorials and resolutions relating to mail facilities, must be introduced by Thursday evening next, and that the committee on federal relations be instructed to report all resolutions and memorials on that subject back to this House on Monday next.

On motion of Mr. Ramsey,

Resolved, That no member shall occupy more than twenty minutes in speaking in debate, at any one time.

On motion of Mr. Cleaves,

Resolved, That no bills relating to the location or alteration of state roads, shall be introduced after the 13th inst.

Mr. Grimes asked to be excused from serving as a member on the committee on amendments to the code.

Which was refused by the House.

On motion of Mr. Green, of Dallas,

The members of the committee on amendments to the code, were allowed to attend the sittings of the committee, while the House was in session.

Mr. Haun, from the committee on internal improvements, to which was referred the petition of citizens of Johnson county, asking the passage of a general law on the subject of right of way to railroad companies, reported the same back, and asked to be discharged from the further consideration thereof.

Mr. Bonson, from the committee on claims, submitted the following

#### REPORT :

The committee on claims, to whom was referred the account of L.

Hommedieu against John M. Coleman, Territorial agent for the sale of lots in Iowa City, for advertising the sale of said lots have had the same under consideration and recommend :

That there be paid to the said L. Hommedieu the sum of twenty five dollars with interest for nine years, amounting in the whole to the sum of thirty-eight dollars and fifty cents, and that the state treasurer pay the same out of any money in the treasury not otherwise appropriated.

R. BONSON, Chairman.

On motion,

The report of the committee was concurred in, and the claim referred to the committee on ways and means, with instructions to incorporate the same in the appropriation bill.

Mr. Bonson from same committee, reported back to the House, without amendment

H. R. file No. 124, a bill for an act for the relief of Solomon Bond, And recommended its passage.

Mr. Grimes from a select committee, submitted the following

#### REPORT :

The select committee, to whom was referred the petition and claim of Geo. W. Cummings, beg leave to report, that they have examined into the prayer of the petitioner, and cannot discover that the state is in any degree liable for the payment of the claim. That the petitioner is entitled to pay for his services from some source is evident, but your committee believe that Clayton county is in equity, if not in law, compelled to pay the same.

Your committee, therefore, ask to be discharged from the further consideration of the petition, and that the petitioner have leave to withdraw the same.

JAMES W. GRIMES, Chairman.

Mr. Bunker from the select committee, to which was referred H. R. file Nos. 46 and 70, bills relating to establishment of new judicial districts, also petitions on the same subject, submitted the following

#### REPORT :

The majority of the select committee, to whom was referred H. R. file No. 46, and H. R. file No. 70, together with petitions in relation to establishing a seventh and eighth judicial district, with instructions

to report the amount of revenue derived from said districts, also the population thereof; have had the same under consideration and have instructed me to make the following report :

To enable your committee to arrive at a correct conclusion upon the necessity of increasing the number of judicial districts, they have examined with as much care as possible, the whole amount of labor to be performed in the respective districts as at present organized.—Your committee first directed their attention to the propriety of re-apportioning the duties to be performed among the present judges, and from the best information within the reach of your committee, a very large majority of the judges consider themselves unable to embrace within their districts an additional number of counties, and in some of the districts the labor to be performed seems to be greater than should be required at the hands of the judges, at any rate none seemed willing to take any part of the territory of his neighbor. The only remedy seems to be the formation of additional districts.

Your committee have instructed me to report a bill to re-district the State, and to recommend the indefinite postponement of the two bills referred to them.

To meet the wishes as far as it is ascertained of all concerned, your committee, to some extent, recommend a change of the time of holding courts in all the districts as now established, and in relation to the amount of revenue due the State from the several districts as shown by the Auditor's report, we find as follows in round numbers :

From the 1st district,	\$16,225	4 counties.
“ “ 2d “	7,397	11 “
“ “ 3d “	10,836	6 “
“ “ 4th “	5,993	7 “
“ “ 5th “	3,696	28 “
“ “ 6th “	272	11 “
“ “ 7th “	329	19 “
“ “ 8th “	10,679	6 “
“ “ 9th “	1,720	8 “

And from the best information before your committee, they find the population in the respective districts to be as follows :

In the 1st district.....	48,264
In the 2d district.....	29,028
In the 3d district.....	52,204
In the 4th district.....	16,395

In the 5th district.....	17,656
In the 6th district.....	4,929
In the 7th district.....	8,000
In the 8th district.....	36,665
In the 9th district.....	11,810

Mr. Walters, with leave, introduced

H. R. file No. 145, joint resolution for additional mail facilities,

Which was read a first and second time, and

Referred to the committee on federal relations.

Mr. Reeder, from the select committee, to which was referred the petition of citizens of Muscatine and Louisa counties, relative to the overflowed and swamp lands, reported

H. R. file No. 146, a bill for an act authorizing the county judges of Muscatine and Louisa counties, to appoint agents for constructing levees, &c.,

Which was read a first and second time.

On motion of Mr. Sells,

The publication was ordered to be made in the Muscatine Enquirer, Louisa County Times and Iowa Capital Reporter.

The bill was then

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

Mr. Grimes, from the select committee, to which was referred substitute for Senate file No. 3, a bill for an act to regulate the interest on money, reported the following amendment thereto—in the 6th line of 5th section, strike out the words “of the interest stipulated” and insert “upon the amount of such contract,” which was concurred in.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

Substitute for substitute for H. R. file No. 36, a bill for an act providing for the election of district supervisors and defining their duties.

Also,

H. R. file No. 45, a bill for an act to enforce the claims of the state and county against lands and lots on which the owners have failed to pay the taxes charged thereon prior to 1851.

And found the same correctly engrossed.

Mr. Cleaves with leave, introduced

H. R. file No. 147, a bill for an act to locate a state road from Muscatine to Washington,

Which was read a first and second time, and

Referred to the committee on roads and highways.

Mr. Wright with leave, introduced

H. R. file No. 148, a bill for an act to establish a state road from Charleston in Lee county to Keokuk;

Which was read a first and second time, and

Referred to the committee on roads and highways.

On motion of Mr. Townsend,

Resolved, That the committee to whom was referred H. R. file No. —, a bill for an act to abolish the office of school fund commissioner, &c.; be required to report to-morrow morning.

Mr. Sells with leave, introduced

H. R. file No. 149, a bill for an act for the relief of Joseph Bennett;

Which was read a first and second time, and

On motion of Mr. Grimes,

Indefinitely postponed.

Mr. Bryan introduced

H. R. file No. 150, a bill for an act to authorize I. D. Guiberson to transcribe the records of Madison county;

Which was read a first and second time, and

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

Mr. Cock with leave, introduced

H. R. file No. 151, a bill for an act to amend chapter 66 of the Code of Iowa,

Which was read a first and second time, and

Referred to the committee on amendments to the code.

Senate message was taken up, and

Senate file No. 7, a bill for an act allowing and regulating the stay of execution in judgments of the district and justice's courts;

Was read a first and second time.

On motion of Mr. Haun,

The word creditor in third line of section 2 was stricken out, and debtor inserted.

Mr. Green of Henry moved to strike out all that relates to a stay on sums under ten dollars.

Lost.

Mr. Hutchinson moved that the bill be indefinitely postponed.

Lost.

Yeas 29,

Nays 29,



The yeas and nays being desired, those who voted in the affirmative were,

Mr. A. D. Anderson,	Mr. Fordyce,	Mr. Montgomery,
J. M. Anderson,	Gilmore,	Rice,
Bonson,	Goodson,	Sells,
Bryan,	J. C. Green,	Seymour,
Bryant,	Geo. F. Green,	Steadman,
Clark,	Grimes,	Washburn,
Dillon,	Hutchinson,	Wasson,
Dodge,	Jessup,	Williams and
Duncan,	McArthur,	Mr. Speaker.
Eaton,	Mitchell,	

Those who voted in the negative were,

Mr. Allen,	Mr. Haun,	Mr. Russell,
Allison,	Hesser,	Sears,
Bunker,	McPherrin,	Stevens,
Cock,	Means,	Townsend,
Cleaves,	Putman,	Walters,
Coffin,	Ramsey,	Whitmore,
Drake,	Ream,	Wilson,
Duckworth,	Reeder,	Witter and
Garber,	Rogers,	Wright.
Benj. Green,	Ross,	

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

Lost.

On motion of Mr. Grimes,

The following proviso was added to section two:

Provided further, That if any property is sold under execution, the time of redemption shall date from the rendition of judgment.

Mr. Dodge moved to amend the bill so as to make the stay in point of time equal on all sums, and make the time longest named in the bill.

Lost.

On motion of Mr. Cleaves,

The bill was so amended as to make the stay on all sums over forty dollars not more than ninety days.

Mr. Hutchinson moved to extend the stay to the end of time.

Lost.

Yeas 15,  
Nays 44,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. A. D. Anderson,	Mr. Duncan,	Mr. Hutchinson,
Bonson,	Gilmore,	Montgomery,
Bryan,	Goodson,	Rice,
Dillon,	Benj. Green,	Sharp and
Dodge,	Geo. F. Green,	Washburn.

Those who voted in the negative were,

Mr. Allen,	Mr. J. C. Green,	Mr. Sears,
Allison,	Grimes,	Sells,
J. M. Anderson,	Haun,	Seymour,
Bryant,	Hesser,	Steadman,
Bunker,	Jessup,	Stevens,
Cock,	McArthur,	Townsend,
Clark,	McPherrin,	Walters,
Cleaves,	Means,	Wasson,
Coffin,	Putman,	Whitmore,
Drake,	Ramsey,	Williams,
Duckworth,	Ream,	Wilson,
Eaton,	Reeder,	Witter,
Folsom,	Rogers,	Wright and
Fordyce,	Ross,	Mr. Speaker.
Garber,	Russell,	

Mr. Clark moved to refer the bill to the committee on amendments to the code.

Lost.

Mr. Ramsey moved to so amend the bill as to make the stay uniform, and limit it to sixty days on all amounts.

Lost.

Mr. Means moved that the House adjourn.

Lost.

Mr. Bryan moved to strike out all after the enacting clause and insert a substitute.

On motion,

The House adjourned.

## HALF-PAST ONE O'CLOCK, P. M.

Mr. Townsend moved to lay the substitute on the table till the 4th day of July next.

Mr. Anderson, of Dubuque, moved to lay the bill and substitute on the table till the 4th day of July next.

On motion of Mr. Means,

A call of the House was had, and Messrs. Folsom and Sharp were found to be absent.

On motion of Mr. Cleaves,

The further call of the House was suspended.

The question on the motion of Mr. Anderson,

Was decided in the negative.

Yeas 27,}

Nays 31,}

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. A. D. Anderson,	Mr. Goodson,	Mr. Montgomery,
Bonson,	J. C. Green,	Ream,
Bryan,	Geo. F. Green,	Rice,
Clark,	Grimes,	Sells,
Dillon,	Haun,	Steadman,
Dodge,	Hutchinson,	Taylor,
Duncan,	Jessup,	Washburn,
Eaton,	McArthur,	Wasson and
Gilmore,	Mitchell,	Mr. Speaker.

Those who voted in the negative were,

Mr. Allen,	Mr. Benj. Green,	Mr. Seymour,
Allison,	Hesser,	Stevens,
J. M. Anderson,	McPherrin,	Townsend,
Bunker,	Means,	Walters,
Cock,	Putman,	Whitmore,
Cleaves,	Ramsey,	Williams,
Coffin,	Reeder,	Wilson,
Drake,	Rogers,	Witter and
Duckworth,	Ross,	Wright.
Fordyce,	Russell,	
Garber,	Sears,	

The question recurring on the motion of Mr. Townsend to lay the substitute on the table,

Was decided in the affirmative.

Mr. Ramsey moved to strike out all that relates to time, and so amended the bill, that there shall be allowed a uniform stay of forty days.

Lost. \*

Mr. Gilmore moved to amend by striking out in section first the amounts and times, and inserting "on any sum less than five dollars, ten days; on any sum over five dollars and not exceeding twenty dollars, thirty days; and on all sums exceeding twenty dollars, sixty days."

Lost.

The question then being shall the bill be engrossed and read a third time to-morrow? was decided in the affirmative.

Yeas 29,

Nays 30,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Allen,	Mr. Garber,	Mr. Russell,
Allison,	Benj. Green,	Seymour,
J. M. Anderson,	Hesser,	Stevens,
Bunker,	McPherrin,	Townsend,
Cleaves,	Means,	Walters,
Coffin,	Putman,	Whitmore,
Drake,	Ramsey,	Williams,
Duckworth,	Ream,	Wilson, and
Folsom,	Rogers,	Wright.
Fordyce,	Ross,	

Those who voted in the negative were,

Mr. A. D. Anderson,	Mr. Goodson,	Mr. Ream,
Bonson,	J. C. Green,	Rice,
Bryan,	Geo. F. Green,	Sears,
Bryant,	Grimes,	Sells,
Clark,	Haun,	Steadman,
Dillon,	Hutchinson,	Taylor,
Dodge,	Jessup,	Washburn,
Duncan,	McArthur,	Wasson,
Eaton,	Mitchell,	Wright, and
Gilmore,	Montgomery,	Mr. Speaker.

Senate file No. 49, a bill for an act to incorporate the town of Fort Des Moines, in Polk county,

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

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I herewith present for your signature,

Senate files No. 45, No. 38 and No. 40, the same having passed both branches of the General Assembly.

I also return, herewith, H. R. files No. 31, No. 51, No. 52 and No. 55, the same having received the signature of the President of the Senate.

I also inform the House of Representatives, that the Senate have passed,

Senate file No. 59, "a joint memorial for the increase of mail services from Farmington to Centreville;"

Also,

Senate file No. 61, "a joint resolution for a mail route from Sabula, Jackson county, to Anamosa, Jones county;"

Also,

Senate file No. 62, "a joint resolution in relation to a lunatic asylum;"

Also,

Senate file No. 66, "a bill for an act to change the names of Robert Cock, Lydia Cock and others;"

And,

Senate file No. 20, "a bill for an act to change the name of Orson Hoar."

I also return

H. R. file No. 30, "joint resolution establishing a land office at Cedar Falls," with one amendment, and with the title amended to correspond thereto.

In all of which the concurrence of the House of Representatives is requested.

The Speaker then signed said bills in the presence of the House.

On motion of Mr. Grimes,

The 42nd rule was suspended, and

Senate file No. 66, a bill for an act to change the name of Robert Cock, Lydia Cock and others,

Was taken up, and read a first, second and third time, passed and title agreed to.

Senate file No. 57, an act to make private prosecutors liable for costs in certain cases.

Was read a first and second time, and ordered to a third reading.

The Speaker presented a communication from the Governor, with accompanying papers relating to the saline lands belonging to the State; which,

On motion of Mr. Grimes,

Was referred to a select committee of three.

Messrs. Allen, Bonson and Wright were appointed said committee.

H. R. file No. 128, a bill for an act to locate a state road,

Was read a second time, and

Referred to the committee on roads and highways.

H. R. file No. 129, a bill for an act relating to evidence;

Was read a second time.

On motion of Mr. Grimes,

The following was added to section three :

“ Grace shall be allowed upon bills and notes executed or payable within this State, according to the principles of the law merchant.

The bill was then ordered to be engrossed and read a third time on to-morrow.

H. R. file No. 130, a bill for an act regulating the terms of the Supreme court ;

Was read a second time, and

On motion of Mr. Grimes,

The order of reference was suspended, and the bill ordered to be engrossed and read a third time to-morrow.

H. R. file No. 131, a bill for an act to restrain sheep and swine from running at large, in the county of Linn,

Was read a second time.

On motion of Mr. Cleaves,

The bill was so amended that its provisions may also apply to Louisa county.

Mr. Witter moved that “ Old Cedar ” be in the bill also.

Agreed to.

On motion of Mr. Gilmore,

The following proviso was added to the first section :

“ Provided, That the provisions of this act shall not apply to stock running at large in other counties, which may cross the lines of said counties.”

The bill was then ordered to be engrossed and read a third time on to-morrow.

H. R. file No. 132, a bill for an allowing fees in certain cases,

Was read a second time.

On motion of Mr. Grimes,

The bill was amended by inserting the word "hereafter" after the words "secretary of State" in the first section.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Yeas 54,

Nays 4,

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Allen,	Mr. Garber,	Mr. Reeder,
Allison,	Gilmore,	Rice,
A. D. Anderson,	Goodson,	Rogers,
J. M. Anderson,	Benj. Green,	Ross,
Bonson,	J. C. Green,	Sells,
Bunker,	Geo. F. Green,	Seymour,
Cock,	Grimes,	Steadman,
Clark,	Haun,	Stevens,
Cleaves,	Hesser,	Taylor,
Coffin,	Hutchinson,	Townsend,
Dillon,	Jessup,	Walters,
Dodge,	McArthur,	Washburn,
Drake,	McPherrin,	Wasson,
Duckworth,	Means,	Whitmore,
Duncan,	Mitchell,	Williams,
Eaton,	Montgomery,	Wilson,
Folsom,	Putman,	Witter, and
Fordyce,	Ream,	Wright.

Those who voted in the negative were—

Mr. Ramsey,	Mr. Sears, and	Mr. Speaker.
Russell,		

H. R. file No. 133, joint resolution for a change of mail facilities.

Was read a second time and referred to the committee on federal relations.

H. R. file No. 134, a bill for an act to legalize the acts of the county commissioners of Clark county,

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

H. R. file No. 135, a bill for an act to amend chapter 37 of the Code of Iowa;

Was read a second time,

On motion of Mr. Coles,

The House went into committee of the whole for the consideration of the bill;

At three o'clock and 40 minutes,

Mr. Allen in the chair.

Four o'clock and 15 minutes.—The committee rose, and by their chairman, reported the bill back with sundry amendments, asking the concurrence of the House therein.

Which was agreed to.

On motion of Mr. Grimes,

The bill as amended was referred to a select committee.

Messrs. Coles, Ross, Townsend, Grimes and Sells were appointed said committee.

H. R. file No. 136, a bill for an act to amend the charter of the town of Fort Madison.

Was read a second time, and

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

H. R. file No. 137, a bill for an act to vacate a part of a certain road therein named,

Was read a second time, and

Referred to the committee on roads and highways.

H. R. file No. 148, an act for an additional justice in Washington township in Warren county;

Was read a second time, and

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

H. R. file No. 139, a bill for an act to amend chapter 79 of the code of Iowa.

Was read a second time.

Mr. Grimes moved to strike out all after the enacting clause.

Lost.



The bill was then referred to the committee on amendments to the code.

Mr. Witter moved to adjourn.

Lost.

H. R. file No. 140, a bill for an act to unite the counties of Risley and Yell;

Was read a second time, and

Referred to the committee on new counties.

H. R. file No. 141, a bill for an act for the suppression of drinking houses and tippling shops;

Was read a second time.

Mr. Haun moved to refer the bill to the committee having under consideration so much of the Governor's message, as relates to a license law.

Lost.

Mr. Witter moved to refer to the committee of the whole House.

Mr. Sells moved to amend by adding "to-morrow at half-past six o'clock, P. M."

Mr. Cleaves moved to amend the amendment, by striking out "half-past 6 o'clock, P. M." and inserting "10 o'clock A. M."

Lost.

Mr. Sell's amendment was then agreed to, and the motion as amended was adopted.

Mr. Reeder moved that the House adjourn.

Lost.

H. R. file No. 143, joint resolution for additional mail facilities,

Was read a second time, and

Referred to the committee on federal relations.

H. R. file No. 144, a bill for an act to locate a state road from Agency City to Lancaster,

Was read a second time, and

Was referred to the committee on roads and highways.

H. R. file No. 124, a bill for an act for the relief of Solomon Bond,

Was read a second time,

Accompanied by a report of the committee on claims, recommending its passage,

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

H. R. file No. 46, a bill for an act establishing the 7th judicial district;

And,

H. R. file No. 70, a bill for an act to create the eighth judicial district.

Were read a second time,

Accompanied by a report from a select committee recommending their indefinite postponement, and proposing a substitute therefor.

The recommendation of the committee was concurred in, and the substitute accepted and read a first and second time; and,

On motion of Mr. Folsom,

Laid on the table until to-morrow morning.

Substitute for Senate file No. 3, a bill for an act to regulate the interest on money,

Was read a second time,

Accompanied by a report of a select committee proposing an amendment.

Which was concurred in.

Mr. Anderson, of Dubuque, moved to amend by striking out the clause fixing the time when this act shall take effect and insert:

Provided that this act shall be submitted to the people of the State for a vote thereon, at the August election, in 1853, and the ballots shall be for or against the usury law, and the elections and returns thereof, shall be conducted as state elections now are, and the result thereof published by the state canvassers, so soon as all the returns are received, and if a majority of all the votes polled shall be in favor of said law, then this act shall take effect and be in force from and after the first day of January, 1854.

Lost.

Yeas 14,

Nays 42.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allison,

Mr. Eaton,

Mr. Taylor,

A. D. Anderson,

Geo. F. Green,

Washburn,

Bonson,

McArthur,

Witter, and

Dillon,

Sells,

Mr. Speaker.

Dodge,

Steadman,

Those who voted in the negative were—

Mr. Allen,

Mr. Coles,

Mr. Cleaves,

Bunker,

Clark,

Coffin,

Mr. Drake,	Mr. Hesser,	Mr. Russell,
Duckworth,	Jessup,	Sears,
Duncan,	McPherrin,	Seymour,
Folsom,	Means,	Stevens,
Fordyce,	Montgomery,	Townsend,
Garber,	Putman,	Walters,
Gilmore,	Ramsey,	Wasson,
Goodson,	Ream,	Whitmore,
Benj. Green,	Reeder,	Williams,
J. C. Green,	Rice,	Wilson, and
Grimes,	Rogers,	Wright,
Haun,	Ross,	

Mr. Haun moved to adjourn.

Lost.

Mr. Sells offered the following amendment to the bill, as follows :

Provided, That not no merchant or trader shall be allowed to charge a greater per cent profit than ten per cent, upon all articles of merchandize by him sold; that no physician shall be allowed to charge more than fifty cents for each visit, adding thereto ten cents per mile for necessary travel; that no dealer in land warrants shall be allowed to charge more than 45\$ for 40 acre land warrants, nor more than 80\$ for 80 acre warrants, nor more than 160\$ dollars for 160 acre warrants, upon one years credit without interest; that no dealer in whiskey shall be allowed to charge more than 25 cts per gallon, or three cents per drink.

Mr. Garber moved to amend the amendment by adding, "and no man shall drink more than half a pint of whiskey at once."

Agreed to.

Question then being then taken on the motion as amended,

Was decided in the negative.

Mr. Haun moved to adjourn.

Lost.

Mr. Taylor moved to strike out "10" in that part of the bill fixing the maximum rate of interest, and insert "12."

Lost.

On motion,.

The House adjourned.

WEDNESDAY MORNING, JANUARY 12, 1853.

Petitions were presented and disposed of as follows :

By Mr. Haun :

Petition of citizens of the state, asking the legislature to memorialize Congress for a grant of land to aid in constructing a rail road from Lyons in Clinton county, to Council Bluffs on the Missouri river;

Which was referred to the committee on internal improvements.

By Mr. Sells :

Petition of members of the bar of the second judicial district, asking the formation of a new judicial district;

Laid on the table.

By Mr. Fordyce :

Petition of citizens of Van Buren county, asking sundry alterations in the law relative to county officers;

Referred to the committee on amendments to the code.

Also,

Petition of citizens of Van Buren county, asking a change in the place of holding election in Village township in said county ;

Referred to the committee on township and county organization.

By Mr. Mitchell :

Petition of citizens of Jefferson county, asking sundry alterations in the law relative to county officers ;

Referred to the committee on amendments to the code.

By Mr. Dillon :

Petition of citizens of Dubuque county, asking an increase of bounty on wolf scalps ;

Laid on the table.

Mr. Grimes with leave, introduced

H. R. file No. 152, a bill for an act to repeal section 1190, of the Code of Iowa ;

Which was read a first and second time, and

Referred to the committee on amendments to the code.

Mr. Haun gave notice of the introduction of a bill for an act entitled an act to create the office of State Printer, to provide for his election, to define his duties and to establish the prices of public printing, approved, Dec. 29th, 1849.

Mr. Jessup introduced,

H. R. file No. 153, a bill for an act to amend section 2569 of the Code of Iowa;

Which was read a first and second time, and  
Referred to the committee on amendments to the code.

Mr. Sharp introduced,

H. R. file No. 154, a bill for an act to require a term of the supreme court to be holden at Glenwood in Mills county;

Which was read a first and second time, and

On motion of Mr. Grimes,  
Indefinitely postponed.

Mr. Sharp introduced,

H. R. file No. 155, a bill for an act to change the name of Kaneshville to Council Bluffs.

Which was read a first and second time, and ordered to a third reading on to-morrow.

Mr. Whitmore, with leave, introduced,

H. R. file No. 156, joint resolution appointing trustees of the branch of the state university, at Fairfield.

Which was read a first and second time.

On motion,

The 42nd rule was suspended,

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

Mr. Rice offered the following:

Resolved, That the committee on roads and highways, be instructed to report a bill providing that all section lines in this State be kept open, and that they be worked and repaired as roads and highways, whenever the public convenience requires it.

Lost.

Mr. Taylor, from a select committee, reported back

Senate file No. 50, a bill for an act to authorize the judge of Jones county, to have a portion of the records of said county transcribed,

With one amendment, viz: Insert the words "and index" after the word transcribe, in section one.

Which was concurred in.

Mr. Reeder, from the committee on ways and means, submitted the following

## REPORT:

The committee of ways and means have had occasion to examine into the expenditure of the appropriation for the contingent expenses of the supreme court, and find a condition of things which, they believe, should be brought to the knowledge of the General Assembly.

Section 1548 of the code, creates each one of the judges an accounting officer of the State, and gives him, in fact, unlimited control over the treasury. The Auditor is required to allow and the Treasurer to pay out of the State Treasury, any sum of money which one of the judges of the court may certify to be reasonable expenses. Under this provision of the code, there has been paid from the treasury since the last session of the General Assembly, for contingent expenses, \$1,984 00. Of the items which go to make up this sum, it is unnecessary for us to speak, further than to say, that most of them are exorbitant and many of them entirely unwarranted by any law or usage known to your committee. As a sample, they will specify one item of \$104 paid for a bailiff at Cedar Rapids, a point at which a term of the supreme court is neither required or authorized to be held. The expenses of the court at Burlington, during the period before indicated, have exceeded the sum of \$900: of this sum, there are items making a gross amount of near \$200 for stationery alone. Under this head are included gold pens, cutlery, &c. For the ordinary bar docket, the court have certified that \$20 for each was a reasonable allowance.

In view of the drain which the present rotary system of holding the terms of the supreme court is calculated to be upon the treasury, your committee are constrained to recommend that the terms be consolidated and held at the capital of the State. There is now asked by the Auditor in his estimate of the expenses of the State for the ensuing two years, the sum of four thousand five hundred dollars for the contingent expenses of this court. By consolidating the terms, at least four thousand dollars of this expense will be avoided. Besides, it will be physically impossible for the judges to discharge the duties assigned to them. It is proposed to create three more judicial districts, making nine districts in the State. Two of them are situated upon the Missouri river. If it is just, expedient and proper, that the court should sit in one district, it is equally expedient and proper that the court should sit in each and all of the districts. To require the judges to make the circuit of these nine districts, and to hold court in each,

is to require an impossibility ; and even if they could perform the labor, it would be an unjust requirement. It is admitted on all hands, that it would be unconstitutional for the General Assembly to appropriate money from the treasury to defray their traveling expenses. Their salaries are one thousand dollars each. At the time they were fixed by the framers of the constitution, it was never contemplated that the court would be held elsewhere than at the capital of the State. Their expenses whilst upon the circuit, would nearly equal, if not exceed, the amounts of their salaries.

Again, it is expected that the court will adjudicate and write opinions in all the causes argued, at the places where the terms are held. At many of these places, new questions will arise, and if the judges are compelled to decide them without the aid of books and the consultation of authorities, an injury may be done to the reputation of these officers, as well as to the people of the state.

Your committee believe, that section 1548, of the code, is a most dangerous provision and that it is manifestly unconstitutional. It is liable to the greatest abuse, and subjects the treasury of the state to depletion upon the certificate of any man who happens to occupy a seat upon the bench of the supreme court. The committee recommend the repeal of that section with the sections of the code from 1543 to 1551 inclusive.

In view therefore—

- 1st. The evident intent of the constitution.
- 2d. The expenses of the present system.
- 3d. The manifest impossibility of the judges to perform their duties under the circuit system.
- 4th. The hardship imposed upon the judges at present, and the unconstitutionality of providing them additional compensation.

Your committee recommend the passage of the bill now before the House, providing for the abolition of the present system and the consolidation of the terms at Iowa City.

MICAJAH REEDER, Chairman.

Which was concurred in.

Mr. Sharp, from the committee on apportioning the State, reported H. R. file No. 157, a bill for an act to re-apportion the State into representative districts.

Which was read a first and second time,

And two hundred copies ordered to be printed for the use of the General Assembly.

Mr. Bonson from the committee on claims, submitted the following

### REPORT:

The committee on claims, to whom was referred the petition of Joseph D. Hoag, have had the same under consideration, and recommend the indefinite postponement of the whole subject, and ask to be discharged from the further consideration thereof.

R. BONSON, Chairman.

Which was concurred in.

Yeas 44,

Nays 13.

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Allen,	Mr. Folsom,	Mr. Rice,
Allison,	Fordyce,	Rogers,
A. D. Anderson,	Goodson,	Russell,
Bonson,	Geo. F. Green,	Sells,
Bunker,	Grimes,	Steadman,
Coles,	Haun,	Townsend,
Clark,	Hutchinson,	Walters,
Cleaves,	McArthur,	Washburn,
Coffin,	McPherrin,	Wasson,
Dillon,	Means,	Whitmore,
Dodge,	Mitchell,	Wilson,
Drake,	Montgomery,	Witter, and
Duckworth,	Putman,	Mr. Speaker.
Duncan,	Ramsey,	
Eaton,	Ream,	

Those who voted in the negative were,

Mr. Bryant,	Mr. Hesser,	Mr. Sharp,
Garber,	Jessup,	Stevens,
Benj. Green,	Sears,	Williams, and
J. C. Green,	Seymour,	Wright.

Mr. Green, of Henry, from the committee on incorporations, reported back

H. R. file No. 119, a bill for an act to repeal an act therein named,



And recommended its indefinite postponement.

Which was concurred in.

Mr. Duckworth, from the committee on township and county organization, submitted the following

### REPORT:

The committee on township and county organization, have had under consideration H. R. file No. 118, a bill for an act to attach the southern tier of townships in Benton county to Iowa county, and have directed me to report, as follows:

That in their opinion, gross injustice would be done the county of Benton by the passage of said bill, as your committee are informed and believe, that the tier of townships mentioned in said bill, would take at least one third of timber in said Benton county. Your committee, therefore, recommend its indefinite postponement.

A. K. DUCKWORTH, Chairman.

Which was concurred in.

Yeas 46.)

Nays 14.)

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Allen,

Bonson,

Bryant,

Bunker,

Coles,

Clark,

Cleaves,

Coffin,

Drake,

Duckworth,

Duncan,

Eaton,

Fordyce,

Garber,

Gilmore,

Goodson,

Mr. J. C. Green,

Geo. F. Green,

Grimes,

Haun,

Hesser,

Jessup,

McArthur,

McPherrin,

Means,

Mitchell,

Montgomery,

Putman,

Ramsey,

Ream,

Rice,

Rogers,

Mr. Ross,

Russell,

Sells,

Seymour,

Sharp,

Steadman,

Stevens,

Taylor,

Townsend,

Walters,

Washburn,

Wasson,

Wilson, and

Wright.

Those who voted in the negative were:

Mr. Allison,	Mr. Folsom,	Mr. Whitmore,
A. D. Anderson,	Benj. Green,	Williams,
J. M. Anderson,	Hutchinson,	Witter, and
Dillon,	Reeder,	Mr. Speaker.
Dodge,	Sears,	

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 124, a bill for an act to for the relief of Solomon Bond,  
Also,

H. R. file No. 129, a bill for an act relating to evidence.  
Also,

H. R. file No. 130, a bill for an act regulating the terms of the Supreme court.

Also,

H. R. file No. 131, a bill for an act to restrain sheep and swine from running at large in the county of Linn, Louisa and Cedar.

Also,

H. R. file No. 132, a bill for an act allowing fees in certain cases.

Also,

H. R. file No. 134, a bill for an act to legalize the acts of the county commissioners of Clark county, Iowa.

Also,

H. R. file No. 136, a bill for an act to amend the charter of the town of Fort Madison.

Also,

H. R. file No. 138, a bill for an act to create an additional justice of the peace in Washington township, in Wayne county.

Also.

H. R. file No. 150, a bill for an act to authorize I. D. Guiberson to transcribe the records of Madison county.

Also,

H. R. file No. 146, a bill for an act authorizing the county judges of Muscatine and Louisa counties to appoint agents for constructing levies, &c.

And found the same correctly engrossed.

Mr. Witter from the committee on enrolled bills, reported that they had presented to the Governor, for his approval,

H. R. file No. 31, an act in relation to new counties;

Also,

H. R. file No. 35, "an act organizing certain counties therein named."

Also,

H. R. file No. 51, an act supplemental to an act to locate the county seat of Page county;

Also,

H. R. file No. 52, an act to locate the seat of justice of Mills county;

Also,

H. R. file No. 55, an act to dispose of the swamp and overflowed lands, and to pay the expense of selecting and surveying the same;

Also,

H. R. file No. 56, an act to organize the county of Union, and locate the county seat thereof.

Mr. Sears moved to reconsider the vote last had on,

Senate file No. 7, a bill for an act allowing and regulating the stay of execution on judgments of the district and justices' courts,

By which the House refused to order said bill to a third reading.

On motion of Mr. Townsend,

A call of the House was had, and all the members not excused were found to be present.

The question for reconsidering,

Was decided in the affirmative.

Yeas 37,

Nays 24,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Allen,	Mr. Benj. Green,	Mr. Sears,
Allison,	Haun,	Sells,
J. M. Anderson,	Hesser,	Stevens,
Bunker,	Jessup,	Taylor,
Coles,	McArthur,	Townsend,
Clark,	McPherrin,	Walters,
Cleaves,	Means,	Whitmore,
Coffin,	Putman,	Williams,
Drake,	Ramsey,	Wilson,
Duckworth,	Reeder,	Witter, and
Folsom,	Rogers,	Wright.
Fordyce,	Ross,	
Garber,	Russell,	

Those who voted in the negative were—

Mr. A. D. Anderson,	Mr. Gilmore,	Ream,
Bonson,	Goodson,	Rice,
Bryan,	J. C. Green,	Seymour,
Bryant,	Geo. F. Green,	Sharp,
Dillon,	Grimes,	Steadman,
Dodge,	Hutchinson,	Washburn,
Duncan,	Mitchell,	Wasson, and
Eaton,	Montgomery,	Mr. Speaker.

Mr. Townsend moved to reconsider the vote last had on the amendment offered by Mr. Coles, to said bill, providing the right of redemption on sales under execution, shall date from the rendition of judgment.

On motion,  
The House adjourned.

#### HALF-PAST ONE O'CLOCK, P. M.

Question pending on adjournment, being the motion of Mr. Townsend to reconsider,

Was decided in the affirmative.

The question being then upon the adoption of the amendment,

Was decided in the negative.

Mr. Grimes offered the following proviso to section 2:

Provided, The provisions of this law shall extend to mortgagors and decrees rendered upon the foreclosures of mortgages.

On motion of Mr. Folsom,

The words "mortgagors and" were stricken out of the amendment.

The amendment as amended, was then adopted.

The bill was then ordered to a third reading.

Yeas 37.)

Nays 23.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allen,	Mr. J. M. Anderson,	Mr. Coles,
Allison,	Bunker,	Clark,

Mr. Cleaves,	Mr. McPherrin,	Mr. Seymour,
Coffin,	Means,	Stevens,
Drake,	Mitchell,	Townsend,
Duckworth,	Putman,	Walters,
Folsom,	Ramsey,	Whitmore,
Garber,	Reeder,	Williams,
Benj. Green,	Rogers,	Wilson,
Haun,	Ross,	Witter, and
Hesser,	Russell,	Wright.
Jessup,	Sears,	
McArthur,	Sells,	

Those who voted in the negative were,

Mr. A. D. Anderson,	Mr. Gilmore,	Mr. Rice,
Bonson,	Goodson,	Sharp.,
Bryant,	J. C. Green,	Steadman,
Dillon,	Geo. F. Green,	Taylor,
Dodge,	Grimes,	Washburn
Duncan,	Hutchinson,	Wasson, and
Eaton,	Montgomery,	Mr. Speaker.
Fordyce,	Ream,	

Mr. Mitchell introduced

H. R. file No. 158, a bill for an act to change the name of Creeseville, in Jefferson county, to Botavia,

Which was read a first and second time, and

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

Mr. Coles from the select committee to which was referred

H. R. file No. 135, a bill for an act to amend chapter 37 of the Code of Iowa,

Reported a substitute therefor, which was accepted and read a first and second time.

On motion of Mr. Reeder,

The previous question was ordered, viz: "Shall the bill be read a third time?"

Was decided in the affirmative.

On motion of Mr. Cleaves,

The 42nd rule was suspended,

And the bill read a third time, passed and its title agreed to.

Message from the Senate by Mr. Cuming, Secretary.

MR. SPEAKER—I am directed to inform the House of Representa-

tives, that the Senate have refused to concur in the House amendments to

Senate file No. 56, "a bill for an act to remove certain records relating to the half breed tract, from the office of recorder of deeds, of Des Moines county, to the clerk's office in Lee county.

Which is herewith returned for the re-consideration of the House.

I herewith return

H. R. file No. 114, a bill for an act to authorize M. R. Lamson to transcribe the county records of Clark county;

Also,

H. R. No. 63, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution;

Also,

H. R. file No. 95, a bill for an act to provide for the election of a Warden of the penitentiary;

Also,

H. R. file No. 82, a bill for an act to locate the seat of justice of Taylor county.

The same having passed the Senate without amendment.

Also,

H. R. file No. 7, with one amendment, to-wit; add to section one. "Provided, that all that part of township 77, N. of Range No 22 west, which lies north of the Des Moines river, shall remain as a part of Polk county;

And,

H. R. file No. 117, joint resolution relative to the election of State Printer,

With one amendment, viz: Strike out the word "Wednesday" and insert "Friday."

In both of which the concurrence of the House is requested.

Mr. Haun, with leave, introduced

H. R. file No. 159, a bill for an act to change the Camanche and Anamosa state road;

Which was read a first and second time, and

Referred to the committee on roads and highways.

Mr. Eaton, with leave, introduced

H. R. file, No. 160, a bill for an act to lay out a state road from Cedar Falls in Buchanan county, to Buena Vista in Clayton county.

Which was read a first and second time, and

Referred to the committee on roads and highways.

Mr. Bryan moved to suspend the 42d rule, and take up so much of the Senate message of to-day as relates to H. R. file No. 7, a bill for an act to change the boundaries of Warren county.

Lost.

Senate message of yesterday being in order,

Senate amendment to H. R. file No. 30, joint resolution for establishing an additional land office in the northern part of Iowa,

Was read and concurred in.

Senate file No. 20, a bill for an act to change the name of Orson Hoar,

Which was read a first and second time, and

The 42d rule being suspended,

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

Senate file No. 59, a joint memorial for the increase of mail facilities from Farmington to Centerville,

Was read a first and second time, and

Referred to the committee on federal relations.

Senate file No. 61, joint resolution for a mail route from Sabula, Jackson county, to Anamosa, Jones county,

Which was read a first and second time, and

Referred to the committee on federal relations.

Senate file No. 62, joint resolution in relation to a lunatic asylum,

Which was read a first and second time, and

Referred to the committee on charitable institutions.

On motion,

The 42d rule was suspended and the Senate message of to-day taken up.

Senate amendment to H. R. file No. 7, a bill for an act to change the boundaries of Warren county, was read.

Mr. Townsend moved that the House concur therein.

Mr. Folsom moved to refer the bill and amendments to the committee on township and county organization.

Lost.

Question being taken on the motion of Mr. Townsend, to concur,

Was decided in the affirmative.

Senate amendment to H. R. file 117, joint resolution relative to the election of a state printer, was read.

Mr. Haun moved to amend the amendment by striking out "Friday the 14th," and inserting "Thursday the 20th,"

Agreed to.

Senate file No. 6, a bill for an act to remove certain records relating to the half breed tract, from the office of recorder of deeds in Desmoines county, to the clerks office in Lee county, Senate having refused to concur in House amendment to said bill.

On motion of Mr. Gilmore,

The House receded from its amendments,

\*Question pending yesterday, P. M. on adjournment, on ordering to a third reading Senate file No. 3, a bill for an act to regulate the interest on money, being in order,

Mr. Sells moved that the House adjourn to half-past six o'clock.

Lost.

On motion of Mr. Dillon,

A call of the House was had, and Messrs. Anderson of Dubuque, Townsend and Wilson, were found absent.

On motion of Mr. Clark,

The further call of the House was suspended.

Mr. Williams offered the following additional section :

Sec. — Any person who shall hereafter offer a greater interest than 10 per cent. per annum for the use of money, shall be fined five dollars.

Lost.

Mr. Sells offered the following proviso :

It is further provided, That all persons who have heretofore been engaged in lending money, shall be required to lend to any applicant at 10 per cent. interest, upon the applicant tendering a note with security, that may be approved by any justice of the peace.

On motion of Mr. Cleaves,

The previous question was ordered.

The question then arose on the adoption of the proviso of Mr. Sells.

Was decided in the negative.

Yeas 11,)

Nays 47,)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Bonson,

Bryan,

Dillon,

Dodge,

Mr. Eaton,

Benj. Green,

Haun,

Hutchinson,

Mr. Rice,

Sells, and

Steadman.



Those who voted in the negative were

Mr. Allen,	Mr. Goodson,	Mr. Ross,
Allison,	J. C. Green,	Russell,
J. M. Anderson,	Geo. F. Green,	Sears,
Bryant,	Grimes,	Seymour,
Bunker,	Hesser,	Sharp,
Coles,	Jessup,	Stevens,
Clark,	McArthur,	Taylor,
Cleaves,	McPherrin,	Townsend,
Coffin,	Means,	Walters,
Drake,	Mitchell,	Washburn,
Duckworth,	Montgomery,	Wasson
Duncan,	Putman,	Whitmore,
Folsom,	Ramsey,	Williams,
Fordyce,	Ream,	Witter,
Garber,	Reeder,	Wright, and
Gilmore,	Rogers,	Mr. Speaker.

The main question was then put, viz:

Shall the bill be ordered to a third reading?

Which was decided in the affirmative.

Yeas 38,

Nays 20,

The yeas and nays being desired, those who voted in the affirmative were—

Mr. Allen,	Mr. Benj. Green,	Mr. Reeder,
J. M. Anderson,	J. C. Green,	Rogers,
Bunker,	Grimes,	Ross,
Coles,	Hesser,	Russell,
Clark,	Jessup,	Sears,
Cleaves,	McArthur,	Seymour,
Coffin,	McPherrin,	Stevens,
Drake,	Means,	Townsend,
Duckworth,	Mitchell,	Walters,
Mr. Fordyce,	Mr. Montgomery,	Whitmore,
Garber,	Putman,	Williams and
Gilmore,	Ramsey,	Wright.
Goodson,	Ream,	

Those who voted in the negative were,

Mr. Allison,	Mr. Eaton,	Mr. Steadman,
Bonson,	Geo. F. Green,	Taylor,
Bryan,	Haun,	Washburn,
Bryant,	Hutchinson,	Wasson,
Dillon,	Rice,	Witter and
Dodge,	Sells,	Mr. Speaker.
Duncan,	Sharp,	

On motion of Mr. Cleaves,

The 42nd rule was suspended, and the bill read a third time, passed and its title agreed to.

On motion of Mr. Haun,

Resolved, That the Auditor of State communicate to the House a copy of the items on which the sum of \$18,405 07 was paid for public printing, as reported by him to this House, in his last biennial report; also, the items and amount paid or due for public printing since the 31st of October, 1851.

On motion of Mr. Bryan,

The House adjourned to half-past 6 o'clock, this evening.

#### HALF-PAST SIX O'CLOCK, P. M.

H. R. file No. 141, a bill for an act for the suppression of drinking houses and tippling shops,

Being the special order for this hour, in the committee of the whole, the House resolved itself accordingly;

Mr. Grimes in the chair.

Eight o'clock and 30 minutes.—The committee rose, and by its chairman, reported progress and asked leave to sit again on Friday evening next, at half-past 6 o'clock.

Leave granted.

On motion,

The House adjourned.

## THURSDAY MORNING, JANUARY 13, 1853.

Petitions were presented and disposed of as follows :

By Mr. Bryan :

Petition of citizens of Marion county, asking the location of a state road from Pella to Winterset;

Which was referred to the committee on roads and highways.

By Mr. Sharp :

Petition of John Selsby and others, for a state road from Council Bluffs, to intersect the state road from Ottumwa, at Silver creek;

Referred to the committee on roads and highways;

Also, petition of Silas W. Wheeler and others, asking the permanent location of the capital at Fort Desmoines.

Laid on the table.

By Mr. Goodson :

Petition of citizens of Dallas county, asking an alteration in the boundaries of said county.

Which was referred to the committee on township and county organization.

By Mr. Grimes :

Petition of directors of school district No. 2, of Burlington township, Desmoines county, asking the passage of a law extending the powers of school districts; which he,

On motion of Mr. Drake,

Had leave to withdraw.

By Mr. Green, of Dallas :

Petition of citizens of Dallas and Guthrie counties, asking the location of a state road from the west line of Dallas county, to the Missouri river.

Referred to the committee on roads and highways.

Also, petition of T. C. Hewitt and others, for the permanent location of the capital, at Fort Desmoines.

Laid on the table.

By Mr. Alger :

Petition of Wm. Lewis and others, asking a change in the state road from Davenport to Iowa City.

Referred to the committee on roads and highways.

By Mr. Dodge :

Petition of town council of Davenport, asking an extension of the city limits.

Referred to the committee on incorporations.

By Mr. Green, of Henry :

Petition of citizens of Henry county, asking the passage of a law to inhibit the traffic in ardent spirits.

Referred to the committee having that part of the Governor's message under consideration relative thereto.

By Mr. Rice :

Three petitions of citizens of Polk, Boone, Risley and Yell counties, asking the location of a state road from Fort Desmoines to Fort Dodge.

Referred to the committee on roads and highways.

Mr. Witter from the committee on enrolled bills, reported that they had examined

H. R. file No. 63, an act submitting to the electors of Iowa, the question of a convention to amend the constitution;

Also,

H. R. file No. 82, an act to locate the seat of justice of Taylor county;

Also,

H. R. file No. 95, an act to provide for the election of a Warden of the penitentiary;

H. R. file No. 114, an act to authorize M. R. Lamson to transcribe the county records of Clarke county, Iowa;

And found the same correctly enrolled.

The Speaker then signed said bills in the presence of the House.

Mr. Folsom offered the following:

Resolved, That the Rev. Mr. Marble have the use of this Hall on Thursday evening of next week for the delivering of a lecture on capital punishment.

Lost.

Mr. Bryan, from the committee on the judiciary, submitted the following

## REPORT:

The judiciary committee to whom was referred

H. R. file No. 122, a bill to provide for the election of an attorney general and to define his duties, report the same back with some alterations in the phraseology and recommend its passage.

Also, H. R. file No. 109, a bill for an act concerning criminal proceedings, and recommend its reference to the committee on amendments to the code.

P. GAD BRYAN, Chairman.

Which was concurred in.

On motion of Mr. Townsend,

The word "twelve" before hundred in section 6 of H. R. file No. 122, be stricken out and "six" inserted.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 158, a bill for an act to change the name of the town of Creesville in Jefferson county, to Botavia.

And found the same correctly engrossed.

Mr. Dillon from the committee on public buildings, submitted the following

#### REPORT:

The committee on public buildings to which was referred so much of the governors message as relates to that subject, have had the same under consideration, and after as thorough an examination of the subjects submitted to them, as your committee could give from all the lights which they have been able to obtain, they have instructed me to recommend an appropriation from the treasury, of monies not otherwise appropriated, for the Penitentiary, as follows:

For the purpose of paying the present debt,.....	\$1096 34
Building 10 additional cells and plastering,.....	2980 00
Fencing garden and front yard,.....	330 00
General support two years,.....	2000 00
Building two cisterns,.....	200 00

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\$6,606 34

All of which is respectfully submitted.

LYMAN DILLON, chairman.

Mr. Sears moved to strike out \$200 00, the last item, and insert \$100 00.

Lost.

The report was then concurred in and referred to the committee on ways and means, with instructions to incorporate the same in the general appropriation law.

Mr. Fordyce, with leave, introduced,

H. R. file No. 161, a bill for an act to create an additional election precinct in Village township in Van Buren county,

Which was read a first and second time, and

Referred to the committee on township and county organization.

Mr. Townsend from the committee on amendments to the code submitted the following

#### REPORT :

The committee on amendments to the code have had under consideration H. R. file No. 44 and H. R. file No. 16, and find that there is now before said committee Senate file No. 32, precisely similar to H. R. file No. 44, and that Senate file No. 11, which has already passed this House, is of a similar nature to H. R. file No. 16—they therefore recommend their indefinite postponement.

JOHN S. TOWNSEND, Chairman.

Which was concurred in.

Mr. Hutchinson, with leave, introduced

Petition of citizens of Benton county, asking to have the southern tier of townships of said county, attached to Iowa county, accompanied by

H. R. file No. 162, a bill for an act for the relief of certain citizens, which was read a first and second time, and referred to the committee on township and county organization, with instructions to report an amendment to submit the subject to a vote of the people of Benton county.

Mr. Hutchinson asked and obtained leave to withdraw both the petition and bill last introduced.

On motion of Mr. Grimes,

H. R. file No. 130, a bill for an act regulating the terms of the supreme court,

Was taken up, and

Read a third time, passed and title agreed to.

Mr. Rice with leave, introduced

H. R. file No. 163, a bill for an act to locate a state road therein named ;

Which was read a first and second time, and  
Referred to the committee on roads and highways.

Mr. Allison with leave, introduced

H. R. file No. 164, a bill for an act to locate a state road therein named,

Which was read a first and second time, and  
Referred to the committee on roads and highways.

Mr. Haun with leave, introduced

H. R. file No. 165, a bill for an act to amend an act entitled an act to amend an act to create the office of State Printer, define his duties, &c.,

Which was read a first and second time, and  
Referred to a select committee of three.

On motion of Mr. Means,

The Speaker was appointed one of said committee.

Messrs. Grimes, Haun and Grant were appointed said committee.

Mr. Eaton from the committee on township and county organization, to which was referred a petition of O. Brown and 142, other citizens of Blackhawk county, reported

H. R. file No. 166, a bill for an act to locate the seat of justice of Blackhawk county,

Which was read a first and second time, and

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

Substitute for H. R. file Nos. 46 and 70, a bill for an act fixing the boundaries of the several judicial districts ;

Was read a second time, and

The committee which had reported the substitute, with leave, added the following amendment to section 17 :

"In the county of Lucas, ninth Monday after third Monday in April, and the seventh Monday after the third Monday in September."

On motion of Mr. Folsom,

Section 20 was stricken out, and the following inserted in lieu thereof :

Sec. 20. Said act shall be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

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

Yeas 29.)

Nays 26.)

The yeas and nays were desired, and those who voted in the affirmative.

Mr. Allen,	Mr. Geo. F. Green,	Mr. Sells,
Bonson,	Haun,	Sharp
Bryan,	McArthur,	Steadman,
Bryant,	Means,	Stevens,
Bunker,	Montgomery,	Townsend,
Coles,	Reeder,	Washburn,
Dodge,	Rice,	Wasson,
Duckworth,	Rogers,	Whitmore, and
Eaton,	Ross,	Mr. Speaker.
Folsom,	Sears,	

Those who voted in the negative were—

Mr. Allison,	Mr. Gilmore,	Mr. Putman,
Clark,	Goodson,	Ream,
Cleaves,	Benj. Green,	Russell,
Coffin,	J. C. Green,	Seymour,
Dillon,	Grimes,	Walters,
Drake,	Hesser,	Williams,
Duncan,	Jessup,	Witter, and
Fordyce,	McPherrin,	Wright.
Garber,	Mitchell,	

Mr. Sears, from a select committee, to whom was referred

H. R. file No. 67, a bill for an act to amend the 21st chapter of the code,

Reported a substitute therefor, which was accepted,

Read a first and second time, and

Referred to the committee on amendments to the code.

Senate file No. 50, a bill for an act authorize the judge of Jones county, to have a portion of the records of said county transcribed,

Was read a second time and ordered to a third reading on tomorrow.

Substitute for H. R. file No. 36, a bill for an act providing for the election of township supervisors, and defining their duties,

Was read a third time and passed.

On motion of Mr. Sells,

The word "township" was stricken out of the title.



The title to said bill as amended, was then agreed to.

H. R. file No. 45, a bill for an act to enforce the claims of the county and state against lands and lots on which the owners have failed to pay the taxes charged thereon prior to 1851,

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

Senate file No. 11, a bill for an act requiring county judges to give bond,

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

Senate file No. 35, a bill for an act to incorporate the town of Fort Desmoines, in Polk county,

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

H. R. file No. 124, a bill for an act for the relief of Solomon Bond,

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

H. R. file No. 129, a bill for an act relating to evidence,

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

H. R. file No. 131, a bill for an act to restrain sheep and swine from running at large in the counties of Linn, Louisa and Cedar,

Was read a third time; and,

On motion of Mr. Reeder,

Referred to a select committee.

Messrs. Reeder, Steadman and Witter were appointed said committee.

H. R. file No 132, a bill for an act allowing fees in certain cases.

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

On motion,

H. R. file No. 122, was considered as on its second reading.

On motion of Mr. Grimes,

The word four was stricken out of the 4th line in section 1, and two inserted.

On the further motion of Mr. Grimes,

The following clause was added to section two: "He shall prosecute and defend for the state, all causes which may be appealed or taken by writ of error to the supreme court in which the state may be a party, or be interested.

Mr. Sells offered the following substitute for section 1:

That at the April election in A. D. 1853, there shall be elected an attorney general, who shall hold his office one year from the first Monday in August, A. D. 1853, and at the general election A. D. 1854, and every two years thereafter, there shall be elected an attorney general, who shall hold his office for two years.

Also strike out section eight.

Lost.

Mr. Townsend offered the following substitute for section first :

“ That at the August election in A. D. 1853, there shall be elected an attorney general, who shall hold his office one year and until his successor is elected and qualified ; and at the general election A. D. 1854, and every two years thereafter, there shall be elected an attorney general, who shall hold his office for two years and until his successor is elected and qualified.

Adopted.

Yeas 40,

Nays 12,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Gilmore,	Mr. Sells,
Allison,	Goodson,	Sharp,
Bonson,	Benj. Green,	Steadman,
Bryant,	J. C. Green,	Stevens,
Bunker,	Geo. F. Green,	Taylor,
Coles,	Haun,	Townsend,
Clark,	McArthur,	Walters,
Cleaves,	McPherrin,	Washburn,
Coffin,	Montgomery,	Wasson,
Dillon,	Putman,	Wilson,
Drake,	Ream,	Wright, and
Duncan,	Ross,	Mr. Speaker.
Fordyce,	Russell,	
Garber,	Sears,	

Those who voted in the negative were,

Mr. Bryan,	Mr. Jessup,	Mr. Rogers,
Duckworth,	Means,	Seymour,
Grimes,	Mitchell,	Whitmore, and
Hesser,	Rice,	Williams.

Mr. Gilmore offered the following proviso, to be added to section 2 :

Provided, however, that the Attorney General is not required to attend the sittings of the supreme court, at any other place than the state capital.

Lost.

Message from the Senate by Mr. Cuming, their Secretary :

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

Senate file No. 80, a bill to provide for the election of an additional constable in Bloomfield township, Davis county; also,

Senate file No. 68, an act amendatory of an act relative to the printing of the revised code; also,

Senate file No. 75, a bill for an act to amend section 649, chapter 42, of the code; also,

Senate file No. 78, an act to legalize records of public roads in Appanoose county; also,

Senate file No. 70, a bill for an act to amend an act to incorporate and establish the city of Dubuque; also,

Senate file No. 67, a bill for an act regulating the disposal of lands purchased for town sites; also,

Substitute for H. R. file No. 58, a bill for an act to secure to the electors of Iowa, the right to elect a Commissioner and Register of the Des Moines Improvement, and to make further provisions for the prosecution and completion of said improvement.

In all of which they ask the concurrence of the House of Representatives.

I also return,

H. R. file No. 80, a bill for an act to authorize the county judge of Johnson county, to index the records of said county.

The same having passed the Senate without amendment.

On motion,

The House adjourned.

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### HALF-PAST ONE O'CLOCK, P. M.

Question pending on adjournment, being on ordering H. R. file No. 122, to be engrossed for third reading.

Mr. Grimes moved to strike out the 8th section,

Which was agreed to.

On motion of Mr. Grimes,

The following additional section was adopted:

SEC. — The Attorney General shall be the reporter of the decisions

of the supreme court, but the State shall in no degree be responsible for such reports, or under any obligations to publish the same.

The bill was then ordered to be engrossed and read a third time.

Yeas 34,

Nays 23,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Benj. Green,	Mr. Sharp,
Allen,	J. C. Green,	Steadman,
Allison,	Geo. F. Green,	Taylor,
J. M. Anderson,	Haun,	Townsend,
Bonson,	Hesser,	Washburn,
Bryan,	Means,	Wasson,
Bryant,	Putman,	Wilson,
Coles,	Reeder,	Wright,
Dillon,	Rice,	Witter, and
Dodge,	Rogers,	Mr. Speaker.
Duckworth,	Ross,	
Eaton,	Sears,	

Those who voted in the negative were,

Mr. Bunker,	Mr. Grimes,	Mr. Russell,
Clark,	Jessup,	Sells,
Cleaves,	McArthur,	Seymour,
Coffin,	McPherrin,	Stevens,
Fordyce,	Mitchell,	Walters,
Garber,	Montgomery,	Whitmore, and
Goodson,	Ream,	Williams.

H. R. file No. 136, a bill for an act to amend the charter of Fort Madison,

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

H. R. file No. 138, a bill for an act for an additional justice in Washington township, Warren county ;

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

H. R. file No. 146, a bill for an act to authorize the county judges of Muscatine and Louisa counties to appoint agents for constructing levees, &c.;

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

H. R. file No. 50, a bill for an act to authorize I. D. Guiberson to transcribe the records of Madison county ;

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

Senate file No. 57, a bill for an act to make private prosecutors liable for costs in certain cases,

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

H. R. file No. 155, a bill for an act to change the name of Kaneshville to Council Bluffs,

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

H. R. file No. 158, a bill for an act to change the name of Creesville, in Jefferson county, to Botavia,

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

Senate No. 7, a bill for an act allowing and regulating the stay of execution on judgments of the district and justice's courts,

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

On motion,

The Senate message of this morning was taken from the table.

Senate substitute for H. R. file No. 58, a bill for an act to secure to the electors of Iowa, the right to elect a Commissioner and Register of the Des Moines river improvement, and to make further provisions for the prosecution and completion of said improvement,

Was read a first and second time,

And referred to the committee on the Des Moines river improvement.

Senate file No. 67, a bill for an act regulating the disposal of lands purchased for town sites,

Was read a first and second time, and

Referred to the committee on the judiciary.

H. R. file No. 68, a bill for an act amendatory of an act, relative to the printing of the revised code,

Was read a first and second time, and

Referred to a select committee.

Messrs. Folsom, Bryan and Rice were appointed said committee.

Senate file No. 70, a bill for an act to amend an act to incorporate and establish the city of Dubuque,

Was read a first and second time, and

Referred to the representatives from Dubuque county.

Senate file No. 78, a bill for an act to legalize records of public roads in Apponoose county, was read a first and second time, and

Referred to the committee on roads and highways.

Senate file No. 75, a bill for an act to amend section 649, chapter 42, of the code ;

Which was read a first and second time, and

Referred to the committee on amendments to the code.

Senate file No. 80, a bill for an act to provide for the election of an additional constable in Bloomfield township, in Davis county;

Which was read a first and second time, and

On motion of Mr. Drake,

The 42nd rule was suspended,

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

Mr. Haun, from the committee to which was referred

H. R. file No. 111, a bill for an act to regulate the sale of spirituous and vinous liquors,

Reported the same back with the following amendments:

Strike out of the 5th line of the first section the word "one" and insert "five." In the 6th line strike out "and fifty," also strike out "twenty-five," and insert "one hundred." In the 11th line strike out "two" and insert "four."

Strike out of the 4th section, after the word "recovered" in the 6th line, the words "before any magistrate in the county in which the liquor has been sold, or."

Strike out of the 6th section the words "primary" and "criminal" in the 2nd line.

Mr. — moved to indefinitely postpone the bill and report. Lost.

Yeas 25,

Nays 34,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. J. M. Anderson,	Mr. Benj. Green,	Mr. Reeder,
Coles,	J. C. Green,	Ross,
Cleaves,	Geo. F. Green,	Seymour,
Coffin,	Grimes,	Walters,
Drake,	Jessup,	Wasson,
Fordyce,	McPherrin,	Whitmore,
Gilmore,	Mitchell,	Williams, and
Goodson,	Ream,	Witter.

Those who voted in the negative were,

Mr. Alger,	Mr. Bryan,	Mr. Dodge,
Allen,	Bryant,	Duckworth.
Allison,	Bunker,	Duncan,
A. D. Anderson,	Clark,	Eaton,
Bonson,	Dillon,	Folsom,

Mr. Garber,	Mr. Ramsey,	Mr. Taylor,
Haun,	Rice,	Townsend,
Hesser,	Rogers,	Washburn,
Hutchinson,	Russell,	Wilson,
McArthur,	Sells,	Wright, and
Means,	Steadman.	Mr. Speaker,
Montgomery,	Stevens,	
On motion of Mr. Folsom,		

The bill was referred to the committee of the whole House, to-morrow evening at 6 o'clock and 30 minutes.

Mr. Fordyce with leave, introduced

H. R. file No. 167, joint resolution relative to a mail route from Keokuk to Ft. Des Moines;

Which was read a first and second time, and

Referred to the committee on federal relations.

Mr. Green of Dallas with leave, presented the petition of N. Maynard, the treasurer of Guthrie county, asking relief, which was referred to the committee on claims.

Mr. Steadman with leave, introduced

H. R. file No. 168, a bill for an act authorizing the governor to subscribe for the Supreme Court Reports;

Which was read a first and second time, and

On motion of Mr. Sells,

The House resolved itself into committee of the whole thereon,

At three o'clock and 30 minutes,

Mr. Dillon in the chair.

Four o'clock.—The committee rose, and by its chairman, reported the bill back.

On motion of Mr. Folsom,

The bill was referred to the committee on the judiciary.

Mr. Fordyce with leave, introduced

H. R. file No. 169, a bill for an act to vacate a state road therein named;

Which was read a first and second time, and

Referred to the committee on roads and highways.

On motion,

The House adjourned.—“God and Liberty!”

FRIDAY MORNING, JANUARY 14, 1853.

On motion of Mr. Drake,

The reading of the journal, hereafter, was dispensed with, and that the Speaker examine the same.

Petitions were presented and disposed of as follows :

By Mr. Grimes :

Petition of Leonard Fegulmiller and others, asking an act of incorporation of the "Burlington Germania Society."

Referred to the committee on incorporations.

Also,

Petition of Isabella Cummings, asking the passage of a law relinquishing an escheat.

Laid on the table.

Also,

Notice of the introduction of a bill in conformity with the prayer of the petitioner.

By Mr. Walters :

Petition of citizens of Marion county, asking the passage of a law to inhibit the liquor traffic.

Referred to the committee on that subject.

By Mr. Green, of Dallas,

Petition of citizens of Guthrie county, asking the location of the capital at Fort Desmoines.

Laid on the table.

By Mr. Allen :

Petition of citizens of Lucas county, asking the location of the capital at Fort Desmoines.

Laid on the table.

On motion of Mr. Taylor,

Resolved, That the committee on ways and means be instructed to ascertain what amount will be necessary to defray the expenses of procuring such a set of weights and measures as the State treasurer is required to furnish, as set forth in chapter 56 of the revised code, and insert the said amount in the general appropriation bill of the present session.

Mr. Drake offered the following,



Resolved, That the House will receive no new bills after Monday next.

Mr. Haun moved to strike out "Monday" and insert "Thursday"  
Lost.

Mr. Green, of Henry, moved to lay the resolution on the table.  
Lost.

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

On motion of Mr. Steadman,

Resolved, That the use of this Hall be tendered to the Rev. Mr. Marble on Monday evening the 17th inst. for the purpose of lecturing on the subject of capital punishment.

Mr. Drake, with leave,

H. R. file No. 171, a bill for an act relating to judges and clerks of elections,

Which was read a first and second time, and

On motion of Mr. Townsend,

Laid on the table until the 4th day of July next.

Mr. Bryan from the committee on the Judiciary submitted the following

#### REPORT:

The judiciary committee to whom was referred H. R. file No. 125, "a bill for an act to legalize the right of trial by jury," have had the same under consideration, and a majority of said committee have instructed me to report the same back and recommend its indefinite postponement.

Also, H. R. file No. 113, "a bill for an act authorizing township trustees to levy a special tax to redeem outstanding orders," and report the same back without amendment and recommend its passage.

P. GAD. BRYAN, Chairman.

The question being on concurring in the recommendation of the committee to indefinitely postponed H. R. file No. 125.

On motion of Mr. Folsom,

The bill was referred to a select committee.

Messrs. Folsom, Townsend and Bryan were appointed said committee.

Mr. Reeder from a select committee, to which was referred

H. R. file No. 131, a bill for an act to restrain sheep and swine from running at large in the counties of Linn, Louisa and Cedar.

Reported the same back so amended, as to include the county of Benton, which amendment was concurred in.

Mr. Williams from the committee on enrolled bills, reported that they had examined

H. R. file No. 7, an act to change the boundaries of Warren county.

Also,

H. R. file No. 30, joint resolution for establishing an additional land office in the northern part of Iowa.

Also,

H. R. file No. 80, an act to authorize the county judge of Johnson county to index the records of said county.

And found the same correctly enrolled.

The speaker then signed said bill in the presence of the House.

Mr. Grimes with leave, introduced

H. R. file No. 172, a bill for an act to relinquish an escheat;

Which was read a first and second time, and

On motion of Mr. Grimes,

The 42d rule was suspended, and said bill read a third time, passed and title agreed to.

Mr. Grimes asked and obtained leave to withdraw the petition of Isabella Cummings.

Mr. Coles from the select committee, to which was referred the Senate substitute for H. R. file No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Des Moines River Improvement, and to make further provisions for the prosecution and completion of said improvement, reported the same back and recommended its passage.

Mr. Haun from the select committee, to which was referred

H. R. file No. 165, a bill for an act to amend an act entitled an act to amend an act to create the office of State Printer, approved Feb. 4th, 1851;

Submitted the following report, with a substitute for the bill:

#### REPORT:

The select committee, to whom was referred the subject of the present law regulating printing, and the propositions to alter and amend the same, beg leave to report.

During the two past fiscal years, there has been paid from the

Treasury of State, the sum of \$18,405 07 for the public printing, or about one sixth of the total expenses of the State Government. Upon an investigation of the subject, your committee discover that the price allowed by law for some of the services which go to make up this amount, are much too high and ought to be reduced. For binding the code, the Public Printer was allowed 73 cents per volume. Your committee believe that the work could be as well executed at 40 cents per volume, and allow a remunerative profit to the workman or contractor.

For printing blanks for the executive officers, your committee are satisfied upon enquiry that the law allows more than one hundred per cent over and above a fair profit. The same is the case with the paper upon which the work is executed. The price allowed for composition and press work, is not so exorbitant; but according to information, furnished your committee by practical printers, the prices will bear a reduction of thirty per cent. and the balance furnish a reasonable profit.

In view of these facts, the correctness of which your committee are satisfied, they recommend that the executive officers of State, advertise for and procure all the paper and stationery for the departments and for the printing for the State. They know no reason why the profit now made by the public printer upon the papers furnished, should not in this manner be saved to this State. This is the method now adopted by the Congress of the United States.

They recommend that the price for printing public blanks, should be graduated according to the number worked, and in the bill herewith reported, they have specified what they regard as a just compensation. The committee recommend that the price of composition and press work be reduced as provided in the bill, or about 20 per cent.

But the most important and necessary feature in the bill herewith reported, is, in the estimation of your committee, the requirement that the State Printer shall keep an office for the execution of the public printing at the capital of the State. The vexatious delays in the execution of the printing for the House during the present session, is a sufficient evidence of the necessity of establishing this as a fixed principle.

All of which is respectfully submitted.

The substitute reported by the committee, was accepted and read a first and second time, and

On motion of Mr. Haun,

The bill and report were recommitted.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 166, a bill for an act to locate the seat of justice of Blackhawk county;

Also,

Substitute for H. R. file 46 and 70 a bill for an act fixing the boundaries of the several judicial districts.

Also,

H. R. file No. 122, a bill for an act to provide for the election of Attorney General and define his duties;

And found the same correctly engrossed.

Mr. Fordyce from the committee on township and county organization to which was referred, H. R. file No. 161, a bill for an act to create an additional election precinct in Village township, Van Buren county, reported the same back and recommended its passage.

Mr. Washburn from the select committee to which was referred H. R. file No. 140, a bill for to unite the counties of Yell and Risley, reported a substitute therefor, which was accepted, and read a first and second time.

On motion of Mr. Grimes,

The word "Sharon" was stricken out, and "Webster," inserted.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Allen from the select committee to which was referred the communication of the Governor relative to Saline lands, reported by bill, H. R. file No. 172, a bill for an act to dispose of the Saline lands.

Which was read a first and second time, and ordered to a third reading on to-morrow.

Mr. Eaton, with leave, introduced,

H. R. file No. 173, a bill for an act to appoint a commissioner to perform certain duties in Delaware county.

Which was read a first and second time, and

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

H. R. file No. 113, a bill for an act authorizing township trustees to levy a special tax to redeem outstanding orders;

Was read a second time,

Accompanied by a report of the committee on the judiciary, recommending its passage.

On motion of Mr. Gilmore,

The 42d rule was suspended, and the bill read a third time and passed.

Yeas 33,

Nays 25.

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Allen,	Mr. Benj. Green,	Mr. Seymour,
A. D. Anderson,	Geo. F. Green,	Sharp,
J. M. Anderson,	Grimes,	Steadman,
Bonson,	Hesser,	Stevens,
Bryan,	Means,	Townsend,
Bryant,	Rice,	Washburn,
Coles,	Rogers,	Wasson,
Dodge,	Ross,	Williams.
Garber,	Russell,	Witter,
Gilmore,	Sears,	Wright, and
Goodson,	Sells,	Mr. Speaker.

Those who voted in the negative were—

Mr. Alger,	Mr. Eaton,	Mr. Putman,
Allison,	Fordyce,	Ramsey,
Bunker,	J. C. Green,	Ream,
Clark,	Hutchinson,	Reeder,
Cleaves,	Jessup,	Taylor.
Coffin.	McArthur,	Walters, and
Drake,	McPherrin,	Whitmore
Duckworth,	Mitchell,	
Duncan,	Montgomery,	

The title of the bill was then agreed to.

H. R. file No. 131, a bill for an act to restrain sheep and swine from running at large in the county of Linn, Louisa and Cedar.

Was read a second time,

Accompanied by a report of a select committee, and was ordered to a third reading.

H. R. file No. 161, a bill for an act to create an additional election precinct in Village township, Van Buren county;

Was read a second time, and

Ordered to a third reading.

H. R. file No. 122, a bill for an act to provide for the election of attorney general, and define his duties;

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

Substitute for H. R. file No. 46 and 70, a bill for an act fixing the boundaries of the several judicial districts;

Was read a third time and passed.

Yeas 41.)

Nays 18.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allen,	Mr. Haun,	Mr. Steadman,
A. D. Anderson,	Hesser,	Stevens,
J. M. Anderson,	Hutchinson,	Taylor,
Bonson,	Means,	Townsend,
Bryant,	Mitchell,	Washburn,
Bunker,	Montgomery,	Wasson,
Coles,	Ramsey,	Whitmore,
Dodge,	Ream,	Williams.
Duckworth,	Reeder,	Wilson,
Duncan,	Rice,	Witter,
Eaton,	Rogers,	Wright, and
Folsom,	Ross,	Mr. Speaker.
Garber,	Sells,	
Geo. F. Green,	Sharp,	

Those who voted in the negative were,

Mr. Alger,	Mr. Goodson,	Mr. McPherrin,
Clark,	Benj. Green,	Putman,
Cleaves,	J. C. Green,	Russell
Coffin,	Grimes,	Sears,
Drake,	Jessup.	Seymour, and
Fordyce,	McArthur,	Walters,

H. R. file No. 166, a bill for an act to locate the seat of justice of Blackhawk county;

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

Senate file No. 50, a bill for an act to authorize the judge of Jones county, to have the records of said county transcribed,

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

Senate substitute for H. R. file No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Des Moines river improvement, and to provide for the prosecution and completion of said improvement,

Was read a second time.

Accompanied by a report of a select committee recommending its passage.

Mr. Rice offered the following proviso :

Provided, Any of said lands which may be claimed by bona fide settlers at the time of the taking effect of this act, may be purchased by such settlers, at any time before the first day of December next, under such rules and regulations as may be established by said commissioner and register, and any contract made as herein contemplated shall reserve to said settlers the right to purchase as aforesaid one hundred and sixty acres, at the rate of one dollar and twenty-five cents per acre: Provided, however, That where such bona fide settlement is now made on lands, which are not now surveyed, said settlers shall have the right to purchase their said lands, under the regulations aforesaid, at any time within one year after said lands are surveyed at the rate per acre above named.

Mr. Anderson, of Lee, moved the previous question.

Lost.

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I herewith return H. R. files No. 114, No. 95, No. 82, No. 7, No. 30, No. 80, and No. 63,

The same having received the signature of the President of the Senate.

I herewith return H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield plank road company the right of way," without amendments,

In which the concurrence of the House of Representatives is requested.

I also directed to inform the House of Representatives, that the Senate have concurred in the House amendment to H. R. file No. 117, joint resolution relative to the election of state printer ;

Also,

That the Senate have passed substitute for substitute for Senate file No. 27, a bill for an act to establish an Asylum for the blind, and Senate file No. 91, a bill for an act vacating certain streets and an alley in the town of Bentonsport, Van Buren county,

In which the concurrence of the House is requested.

On motion,

The House adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

Question pending on adjournment, being on the adoption of the proviso offered by Mr. Rice to Senate substitute of H. R. file No. 58.

Mr. Grimes with leave, introduced

H. R. file No. 174, a bill for an act to amend section 868 of the Code;

Which was read a first and second time, and

Referred to the committee on amendments to the code.

Mr. Townsend with leave, submitted the following

#### REPORT:

The committee on amendments to the code have had before them the petition, signed by John D. Walker and one hundred and eight others, citizens of Van Buren county, asking the General Assembly to reduce the salary of county officers, and to abolish the offices of school fund commissioner, county supervisor and county prosecutor, and have directed me to report:

That there is a bill before said committee to abolish the salaries of clerk, recorder and prosecuting attorneys; and there is before a committee a bill to abolish the office of school fund commissioner, and the office of prosecuting attorney is confined by the constitution to counties.

Your committee therefore, ask to be discharged from the further consideration of said petition.

J. S. TOWNSEND, Chairman.

Which was concurred in.

Also, reported back H. R. file No. 13, an act granting to certain officers therein named, a copy of the code and laws of Iowa, which was referred to the select committee having in charge Senate file No. 68, on the same subject.



Question pending on adjournment, was decided in the affirmative.

Yeas 51.)

Nays 7.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Alger,	Mr. Garber,	Mr. Sears,
Allison,	Goodson,	Sells,
A. D. Anderson,	Benj. Green,	Seymour,
J. M. Anderson,	J. C. Green,	Sharp,
Bryan,	Geo. F. Green,	Steadman,
Bryant,	Haun,	Stevens,
Bunker,	Hesser,	Taylor,
Coles,	Hutchinson,	Townsend,
Clark,	Jessup,	Walters,
Cleaves,	McArthur,	Washburn,
Coffin,	Means,	Wasson,
Dillon,	Mitchell,	Whitmore,
Dodge,	Montgomery,	Williams,
Drake,	Putman,	Wilson,
Duckworth,	Ramsey,	Witter,
Duncan,	Rice,	Wright and
Eaton,	Rogers,	Mr. Speaker.
Folsom,	Ross,	

Those who voted in the negative were—

Mr. Allen,	Gilmore,	Ream, and
Bonson,	McPherrin,	Russell,
Fordyce,		

On motion of Mr. Hutchinson,

The following was added to section 6: "All lands sold, contracted or mortgaged to any individual or company, by virtue of this act, shall be taxed from the date of said contract as other lands are taxed belonging to individuals."

Adopted.

Yeas 42.)

Nays 15.)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. A. D. Anderson,	Mr. Bryan,
Allison,	J. M. Anderson,	Bryant,

Mr. Coles,	Mr. Haun,	Mr. Sells,
Clark,	Hutchinson,	Seymour,
Cleaves,	Jessup,	Sharp,
Coffin,	McArthur,	Steadman,
Dodge,	Mitchell,	Stevens,
Duncan,	Montgomery,	Taylor,
Eaton,	Putman,	Washburn,
Garber,	Ramsey,	Wasson,
Goodson,	Reeder,	Whitmore,
J. C. Green,	Rice,	Williams,
Benj. Green,	Rogers,	Wilson, and
Geo. F. Green,	Ross,	Mr. Speaker.
Grimes,	Sears,	

Those who voted in the negative were:

Mr. Allen,	Mr. Duckworth,	Mr. Ream,
J. M. Anderson,	Fordyce,	Russell,
Bonson,	Gilmore,	Townsend,
Bunker,	Hesser,	Walters, and
Drake,	McPherrin,	Wright.

Mr. Speaker presented the communication of the Auditor of State, in reply to a resolution of the House, asking information as to the expenses of the public printing,

Which was read, and

Referred to the select committee on that subject.

Mr. Wright, from the committee on expenditures, with leave, reported

H. R. file No. 176, a bill for an act making appropriations for the support of the state government, for the fiscal years of 1853 and 1854, and for the pay of the mileage and *per diem* of the members of the General Assembly and its officers;

Which was read a first and second time; and,

On motion of Mr. Haun,

Laid on the table.

Question in order, being on ordering Senate substitute for H. R. file No. 58, to a third reading.

Mr. Clark moved to amend by adding to the 6th section, the words "not exceeding ten years."

On motion of Mr. Coles,

The amendment was laid on the table.

On motion of Mr. Coles,

The previous question was ordered.

Yeas 32,}

Nays 27.}

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Duncan,	Mr. Sears,
Allen,	Fordyce,	Sells,
Allison,	Gilmore,	Sharp,
J. M. Anderson,	Hesser,	Stevens,
Bonson,	McPherrin,	Townsend,
Bryant,	Putman,	Walters,
Bunker,	Ramsey,	Washburn,
Coles,	Ream,	Wasson,
Coffin,	Reeder,	Witter, and
Drake,	Ross,	Wright.
Duckworth,	Russell,	

Those who voted in the negative were,

Mr. Bryan,	Mr. J. C. Green,	Mr. Rice,
Clark,	Geo. F. Green,	Rogers,
Cleaves,	Haun,	Seymour,
Dillon,	Hutchinson,	Steadman,
Dodge,	Jessup,	Taylor,
Eaton,	McArthur,	Whitmore,
Garber,	Means,	Williams,
Goodson,	Mitchell,	Wilson, and
Benj. Green,	Montgomery,	Mr. Speaker.

On motion of Mr. Taylor,

A call of the House was had, and

Messrs. Anderson, of Dubuque, and Folsom were found to be absent.

On motion of Mr. Townsend,

The further call of the House was suspended.

The main question being put, viz; "shall the bill be ordered to a third reading."

Was decided in the affirmative.

Yeas 32,}

Nays 27.}

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allen,	Mr. Geo. F. Green,	Mr. Sears,
Allison,	Grimes,	Sells,
J. M. Anderson,	Hesser,	Seymour,
Bonson,	McArthur,	Sharp,
Bryant,	McPherrin,	Stevens,
Bunker,	Mitchell,	Townsend,
Coles,	Montgomery,	Walters,
Coffin,	Putman,	Washburn,
Drake,	Ramsey,	Wasson,
Duckworth,	Ream,	Williams,
Duncan,	Reeder,	Witter
Fordyce,	Ross,	Wright, and
Gilmore,	Russell,	Mr. Speaker.

Those who voted in the negative were—

Mr. Alger,	Mr. Garber,	Mr. Means,
Bryan,	Goodson,	Rice,
Clark,	Benj. Green,	Rogers,
Cleaves,	J. C. Green,	Steadman,
Dillon,	Haun,	Taylor,
Dodge,	Hutchinson,	Whitmore, and
Eaton,	Jessup,	Wilson,

On motion of Mr. Coles,

The 42nd rule was suspended, and

The bill read a third time.

Mr. Haun moved to re-commit, with instructions to strike out the names of George C. Wright and Uriah Biggs.

Lost.

Mr. Dodge moved to amend by way of rider, as follows :

Add to section 8. Provided, That no contract shall be made by said commissioners, which will prevent the construction of other works of internal improvement to and through the Des Moines River Valley

Which was adopted.

Mr. Hutchinson offered the following amendment, by way of rider, to section four :

And any party making a contract with said commissioners, must make the same subject to all contracts and obligations now existing or supposed to exist in relation to said improvement; and the State shall in no degree be liable for damages, if any former contract upon the same subject, shall be held to be now in force and uncanceled.

Lost.

Question being taken on the passage of the bill?

Was decided in the affirmative.

Yeas 40,)

Nays 19,)

The yeas and nays were desired, and those who voted in the affirmative were :

Mr. Allen,	Mr. Goodson,	Mr. Russell,
Allison,	Benj. Green,	Sears,
J. M. Anderson,	Geo. F. Green,	Sells,
Bonson,	Grimes,	Seymour,
Bryant,	Hesser,	Sharp,
Bunker,	McPherrin,	Stevens,
Coles,	Mitchell,	Townsend,
Coffin,	Montgomery,	Walters,
Dillon,	Putman,	Washburn,
Drake,	Ramsey,	Wasson,
Duckworth,	Ream,	Williams,
Duncan,	Reeder,	Wright, and
Fordyce,	Ross,	Mr. Speaker.
Garber,		

Those who voted in the negative were—

Mr. Alger,	Haun,	Mr. Rogers,
Bryan,	Hutchinson,	Steadman,
Clark,	Jessup,	Taylor,
Cleaves,	McArthur,	Whitmore, and
Eaton,	Means,	Witter.
J. C. Green,	Rice,	

Mr. Rice offered the following substitute for the title :

“A bill for an act to enable the lower Desmoines Republie to more speedily pocket the proceeds of the Desmoines river grant.”

Lost.

The title of the bill was then agreed to.

On motion

The House adjourned to half-past 6 o'clock this P. M.

HALF-PAST SIX O'CLOCK, P. M.

Mr. Sharp, with leave, introduced,

H. R. file No. 177, a bill for an act to protect the people of Iowa from a fraudulent currency;

Which was read a first and second time.

Mr. Grimes moved that the 42nd rule be suspended, and the bill read a third time now.

Lost.

Mr. Gilmore moved that the bill be referred to the committee on charitable institutions.

Lost.

Six o'clock, 45 minutes, P. M.—The special order being the consideration of H. R. file No. 111 and H. R. file No. 141, in committee of the whole, the House resolved itself accordingly,

Mr. Grimes in the chair.

Nine o'clock 10 minutes—The committee rose, and by its chairman, reported progress and asked leave to sit again to-morrow at six o'clock 30 minutes.

Leave granted.

On motion,

The House adjourned.

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SATURDAY MORNING, JANUARY 15, 1853.

Petitions were presented and disposed of as follows:

• By Mr. McPherrin:

Petition of James A. Brown and sixty-eight other citizens.

Also,

Petition of Martha Cowles and 101 other ladies and youths of Van Buren county, asking the passage of a law to inhibit the liquor traffic.

By Mr. Dodge:

Petition of Edward Disney and 114 other citizens of Scott county, on the same subject, all of which were referred to the committee having that subject under consideration.

By Mr. Sharp:

Petition of D. P. Bowen and other citizens of Mills and Pottawatamie counties, asking a change in county boundaries.

Also,

Petition of V. M. Conrad and other citizens of Cass County, asking a change in county boundaries, which were

Referred to the committee on township and county organization.

By Mr. Allison:

Petition of E. F. Graffe and other citizens of Marion county, asking the location of a state road from Pella to intersect the state road from Newton to Iowa City.

Referred to the committee on roads and highways.

Also,

Petition of citizens of Marion county, asking the location of the capital at Red Rock, offering a donation of \$1,000 and 560 acres of land.

Referred to the committee on public buildings.

Mr. Sharp, from the committee on the judiciary, having under consideration Senate file No. 67, an act regulating the disposal of lands purchased for town lots, reported the same back without amendment and recommended its passage.

Mr. Haun, from the committee to which was referred H. R. file No. 165, a bill for an act to amend the several acts in relation to a State Printer, reported the same back with amendments, which were concurred in.

Mr. Williams, from the committee on enrolled bills, reported that they had presented to the Governor for his signature,

H. R. file No. 30, joint resolution for establishing an additional land office in the northern part of Iowa,

Also,

H. R. file No. 63, an act submitting to the electors of Iowa, the question of a convention to amend the constitution;

Also,

H. R. file No. 80, a bill for an act to authorize the county judge of Johnson county, to index the records of said county.

Also,

H. R. file No. 82, a bill for an act to locate the seat of justice of Taylor county.

Also,

H. R. file No. 114, a bill for an act to authorize M. R. Lamson to transcribe the county records of Clark county;

Also,

That they they have examined H. R. No. 49, an act granting the Mount Pleasant and Fairfield plankroad company the right of way.

Also,

H. R. file No. 117, joint resolution relative to the election of a State Printer.

And found the same correctly enrolled.

The Speaker then signed said bills in the presence of the House.

Mr. Ross from the committee on engrossed bills, reported that they had examined

Substitute for H. R. file No. 140, a bill for an act to unite the counties of Yell and Risley.

Also,

H. R. file No. 172, a bill for an act to dispose of the saline lands.

Also,

H. R. file No. 173, a bill for an act to appoint a commissioner to perform certain duties in Delaware county,

And found the same correctly engrossed.

Mr. Stevens with leave, introduced

H. R. file No. 178, a bill for an act to authorize the county judge of Keokuk county to transcribe certain records of said county;

Which was read a first and second time, and

On his motion,

The 42nd rule was suspended, and the bill read a third time, passed and its title agreed to.

On motion of Mr. Allison,

Resolved, That the committee on incorporations be instructed to inquire into the propriety of amending section 715 of the code, and report by bill or otherwise.

On motion of Mr. Grimes,

H. R. file No. 176, a bill for an act making appropriations for the fiscal years 1853 and 1854 and for the pay of mileage and per diem of the members of the fourth General Assembly and its officers;

Was taken from the table, and read a second time, and



On motion,

The 42nd rule was suspended, and the bill read a third time, passed and its title agreed to.

Mr. Folsom introduced

H. R. file No. 179, a bill for an act to incorporate Iowa City,

Which was read a first and second time, and

Referred to a select committee.

Messrs. Folsom, Taylor and Bryant were appointed said committee.

Senate message of yesterday being in order, the House concurred in Senate amendments to substitute for H. R. file Nos. 73, 99 and 101.

Senate file No. 91, a bill for an act vacating certain streets and an alley in the town of Bentonsport, Van Buren county;

Was read a first and second time, and

On motion of Mr. McPherrin,

The 42d rule was suspended, and the bill was read a third time, passed and title agreed to.

H. R. file No. 157, a bill for an act to re apportion the state into representative districts,

Was read a second time,

On motion of Mr. Grimes,

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

Mr. Bryan in the chair,

At nine o'clock and 45 minutes.

Eleven o'clock and 30 minutes—The committee rose, and by its chairman reported the bill back with sundry amendments thereto,

Which were concurred in.

On motion of Mr. Grimes,

The word Pottawattamie was stricken out of the 54th line.

On motion of Mr. Green of Dallas,

The word one in line 58 was stricken out, and two inserted, and in the 56th line two was stricken out and one inserted.

Mr. Bryan moved to strike out the 41st line; also, the word "two" in the 42nd line, and insert "three."

Lost.

Yeas 16,

Nays 46,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Bryant,	Mr. Sharp,
Allen,	Dillon,	Washburn
Allison,	Eaton,	Wilson, and
A. D. Anderson,	Means,	Mr. Speaker.
J. M. Anderson,	Putman,	
Bryan,	Rice,	

Those who voted in the negative were,

Mr. Bonson,	Mr. J. C. Green,	Mr. Russell,
Bunker,	Geo. F. Green,	Sears,
Coles,	Grimes,	Sells,
Clark,	Haun,	Seymour,
Cleaves,	Hesser,	Steadman,
Coffin,	Hutchinson,	Stevens,
Dodge,	Jessup,	Taylor,
Drake,	McArthur,	Townsend,
Duckworth,	McPherrin,	Walters,
Duncan,	Mitchell,	Wasson,
Folsom,	Montgomery,	Whitmore,
Fordyce,	Ramsey,	Williams,
Garber,	Ream,	Witter, and
Gilmore,	Reeder,	Wright.
Goodson,	Rogers,	
Benj. Green,	Ross,	

Mr. Bunker moved to strike out "one," in the 17th line, and insert "two," and in the 18th line, strike out "one" and insert "two."

Lost.

Mr. Rice moved to strike "Guthrie county" from the 41st district, and place it in the 37th district.

Lost.

Mr. Fordyce moved to strike out lines 54, 55 and 56.

Lost.

The bill was then ordered to be engrossed and read a third time.

Mr. Walters offered the following:

Resolved, That the committee to which was referred H. R. file No. —, a bill to abolish the office of school fund commissioner, be required to explain why they have not reported the same according to a former resolution of this House.

On motion of Mr. Grimes,

Laid on the table.

Senate file No. 67, a bill for an act regulating the disposal of lands purchased for town sites ;

Was read a second time,

Accompanied by a report of the committee on the judiciary.

The bill was then ordered to a third reading.

H. R. file No. 165, a bill for an act to amend an act entitled an act to amend an act to create the office of State Printer, define his duties, &c.,

Was read a second time.

Mr. Hesser moved to strike out that part of section one, that requires the State Printer to keep his office at the seat of government.

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I am directed to inform the House of Representatives, that the Senate have concurred in the House amendment to substitute for substitute for Senate file No. 3, “a bill for an act to regulate interest on money.”

I herewith present for your signature, Senate files No. 80, No. 57, No. 20, No. 56, and No. 66, the same having passed both branches of the General Assembly.

I also inform the House that the Senate have passed

Senate file No. 44, “a bill for an act providing for the further completion of the State House, at Iowa City;

Also,

Senate file No. 60, “a bill for an act to amend the charter of the city of Keokuk.

I herewith return

H. R. file No. 49, an act granting the Mount Pleasant and Fairfield Plank Road company, the right of way.

The same having received the signature of the President of the Senate.

The Speaker then signed said bills in the presence of the House.

On motion,

The House adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

Question pending on adjournment ;

Motion of Mr. Hesser to strike out.

On motion of Mr. Sears,

A call of the House was had, and Messrs. Dillon and Hutchinson were found to be absent.

On motion of Mr. Haun,

The further call of the House was suspended.

The question on the motion to strike out was then put,

Which was decided in the affirmative.

Yeas 32,

Nays 29,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Duckworth,	Mr. Rogers,
Allen,	Eaton,	Sears,
Allison,	Folsom,	Sharp,
A. D. Anderson,	Gilmore,	Steadman,
J. M. Anderson,	J. C. Green,	Taylor,
Bonson,	Geo. F. Green,	Townsend,
Bryan,	Hesser,	Washburn,
Bryant,	Putman,	Wilson,
Coles,	Ramsey,	Witter, and
Dillon,	Ream,	Wright.
Dodge,	Rice,	

Those who voted in the negative were—

Mr. Bunker,	Mr. Grimes,	Mr. Russell,
Clark,	Haun,	Sells,
Cleaves,	Jessup,	Seymour,
Coffin,	McArthur,	Stevens,
Drake,	McPherrin,	Walters,
Duncan,	Means,	Wasson,
Fordyce,	Mitchell,	Whitmore,
Garber,	Montgomery,	Williams, and
Goodson,	Reeder,	Mr. Speaker.
Benj. Green,	Ross,	

On motion of Mr. Folsom,

The House resolved itself into committee of the whole for consideration of the bill, Mr. Whitmore in the chair, at two o'clock twenty-five minutes.

Three o'clock, the committee rose, and by its chairman, reported the bill back to the House with one amendment,

Which was concurred in.

The 42d rule was suspended and said bill was

Read a third time, passed and title agreed to.

H. R. file No. 131, a bill for an act to restrain sheep and swine from running at large in the counties of Linn, Louisa, Cedar, and Benton,

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

Substitute for H. R. file No. 140, a bill for an act to unite the counties of Yell and Risley,

Was read a third time, and passed.

On motion of Mr. Grimes,

The title was so amended as to read "a bill for an act to create the county of Webster.

The title, as amended, was then agreed to.

Message from the Senate by Mr. Cuming, Secretary.

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate has concurred in the House amendments to

Senate file No. 7, a bill for an act allowing and regulating the stay of executions in judgments of the district and justice's courts ;

Also, in the House amendments to

Senate file No. 11, a bill for an act requiring county judges to give bond,

Also,

That the Senate has indefinitely postponed

H. R. file No. 98, a bill for an act defining a lawful fence,

And have struck out all but the title of

H. R. file No. 113, a bill for an act authorizing township trustees to levy a special tax to redeem outstanding orders.

Also,

That the Senate has concurred in the House amendment to Senate file No. 50, a bill for an act authorize the judge of Jones county, to have a portion of the records of said county transcribed,

I also present for your signature

Substitute for substitute for Senate file No. 27, an act to establish an asylum for the blind,

The same having passed both branches of the General Assembly

The Speaker then signed said bill in the presence of the House.

H. R. file No. 161, a bill for an act to create an additional election precinct in Village township in Van Buren county,

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

H. R. file No. 172, a bill for an act to dispose of the saline lands,

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

H. R. file No. 173, a bill for an act to appoint a commissioner to perform certain duties in Delaware county,

Was read a third time; and,

Re-committed to the delegation from the Dubuque district.

H. R. file No. 177, a bill for an act to protect the people of Iowa from a fraudulent currency,

Was read a third time.

On motion,

The House resolved itself into committee of the whole, for consideration of said bill, at three o'clock, P. M.

Mr. Hutchinson in the chair,

Three o'clock and 30 minutes—the committee rose, and by its chairman, reported the bill back to the House.

Mr. Sears moved to lay the bill on the table till July 4th next.

Lost.

Yeas 30.

Nays 30.

The yeas and nays were desired, and those who voted in the affirmative.

Mr. Allen,	Mr. Duncan,	Mr. Sears,
Allison,	Gilmore,	Taylor,
A. D. Anderson,	Goodson,	Walters,
J. M. Anderson,	J. C. Green,	Washburn,
Bonson,	Hesser,	Whitmore,
Bryan,	Means,	Wilson,
Bunker,	Putman,	Witter,
Coles,	Ramsey,	Wright, and
Cleaves,	Reeder,	Mr. Speaker.
Drake,	Ross,	

Those who voted in the negative were

Mr. Alger,	Mr. Garber,	Mr. Jessup,
Clark,	Benj. Green,	McArthur,
Coffin,	Geo. F. Green,	McPherrin,
Eaton,	Grimes,	Mitchell,
Folsom,	Haun,	Montgomery,
Fordyce,	Hutchinson,	Ream,

Mr. Rice,  
Rogers,  
Russell,  
Sells,

Mr. Seymour,  
Sharp  
Steadman,  
Stevens,

Mr. Wasson, and  
Williams,

Mr. Sharp moved to refer the bill to a select committee.

Lost.

Mr. Alger offered the following amendment :

That in no case shall the defendant be entitled to stay of execution, when suit is brought for the redemption of any such bank note or other paper contemplated in this bill.

Adopted.

On motion of Mr. Folsom,

The vote last had on the motion to refer the bill to a select committee, was re-considered.

The motion to refer was then decided in the affirmative.

Messrs. Sharp, Folsom and Dodge were appointed said committee.

Mr. Anderson of Lee, with leave, introduced

H. R. file No. 180, a bill for an act supplemental and amendatory to chapters 66, 67, 68, 69, 70 and 71 of the code ;

Which was read a first time, and

On motion of Mr. Grimes,

Two hundred copies of said bill were ordered to be printed for the use of the General Assembly.

Mr. Alger with leave, introduced

H. R. No. 181, memorial and joint resolution to Congress for compensation of officers and men engaged in the Missouri war,

Which was read a first and second time.

On motion,

The 42d rule was suspended, and said bill read a third time and passed without a title.

On motion of Mr. Grimes,

The House adjourned to half past 6 o'clock this P. M.

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HALF-PAST SIX O'CLOCK, P. M.

The special order for consideration of the House in committee of

the whole, being H. R. file No. 111, and H. R. file No. 141, the House resolved itself accordingly,

Mr. Grimes in the chair.

Nine o'clock and 15 minutes.—The committee rose, and by its chairman, reported the bill back to the House, and asked leave to sit again on Tuesday evening, at six o'clock 30 minutes P. M.

Leave granted.

On motion,

The House adjourned.

#### MONDAY MORNING, JANUARY 17, 1853.

Petitions were presented and disposed of as follows :

By Mr. Montgomery :

Sixteen petitions of citizens of Fayette county, asking the passage of a law to relocate the county seat of said county.

Referred to a select committee.

Messrs. Montgomery, Garber and Putnam, were appointed said committee.

By Mr. Rogers :

Petition of Ira G. Rhodes and 39 others, asking the passage of a law to inhibit the liquor traffic.

Referred to the select on that subject.

By Mr. Garber :

Petition of thirty citizens of Allamakee county, asking the passage of a law to legalize the change of the name of Columbus, the county seat of said county, to Capoli.

Laid on the table.

By Mr. Montgomery :

Petition of Wm. Stokes and other citizens of Fayette county, asking a change in the system of county and township organization.

Referred to the committee on the judiciary.



Mr. Witter from the committee on enrolled bills, reported that they had examined

Substitute for H. R. file No. 73, 99 and 101, an act granting to railroad companies the right of way.

And found the same correctly enrolled.

The Speaker then signed said bill in the presence of the House.

Mr. Rogers, from the committee on engrossed bills, reported that they had examined

H. R. file No. 157, a bill for an act to re-apportion the State into representative districts,

And found the same correctly engrossed.

Mr. Green of Henry, from the committee on incorporations, submitted the following

#### REPORT :

The committee on incorporations, to whom was referred the petition of certain members of the Burlington Germania Society, beg leave to report as follows: The object sought to be attained by the members of the society, are purely of a humane and charitable character, and in order to meet the circumstances of their case, as well as others that may arise, your committee recommend that the committee on amendments to the code, be instructed to report an amendment to the 710th section of the code, as follows: Add to the end of the section the words, "except where the corporation is purely of a humane or charitable character."

JAMES C. GREEN, Chairman.

Which was read and concurred in.

Mr. Ramsey submitted the following

#### REPORT ::

The committee on public lands, to whom was referred H. R. file No. 142, a bill for an act to create a state land office, have had the same under consideration, and have instructed me to report the same back to the House, and recommend its indefinite postponement.

J. C. RAMSEY, Chairman.

The report was read and concurred in.

Mr. Walters introduced,

H. R. file No. 182, a bill for an act to reduce the salaries of certain officers in Marion county,

Which was read a first and second time,

Mr. Walters moved to suspend the 42d rule and read the bill a third time now.

Lost.

Mr. Montgomery introduced

H. R. file No. 183, a bill for an act to relocate the county seat of Fayette county,

Which was read a first and second time, and

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

Mr. Green of Henry with leave, introduced

H. R. file No. 184, a bill for an act to pay John Brown and Joseph D. Hoag certain moneys,

Which was read a first and second time, and

Referred to a select committee.

Messrs. Green of Henry, Sears and Rogers were appointed said committee.

Mr. Townsend with leave submitted the following

#### REPORT:

The committee on amendments to the code, have had under consideration H. R. file No. 87, a bill for an act regulating the fees of certain officers therein named, and have directed me to report the same back and ask to be discharged from the further consideration of the same.

J. S. TOWNSEND, Chairman.

Which was read and the committee discharged.

Mr. Bryan, with leave, submitted the following

#### REPORT:

The judiciary committee, to whom was referred a petition of Stephen Whicher and others, praying that the county of Muscatine be attached to the fourth judiciary district;

Also, a petition of S. T. Cary, clerk of the district court, of Potta-

wattamie county, and others, asking a change in the time of holding courts in the sixth judiciary district,

Report the same back to the House, and ask to be discharged from the further consideration of the same.

P. GAD BRYAN, Chairman.

Which was concurred in.

Message from the Senate by Mr. Cuming, their Secretary.

MR. SPEAKER—I herewith present for your signature,

Senate file No. 35, an act to incorporate the town of Fort Des-moines, in Polk county.

Also,

Substitute for Senate file No. 3, an act to regulate the interest on money, the same having passed both branches of the General Assembly.

I also return,

Substitute for H. R. file Nos. 73, 99 and 101, the same having received the signature of the President of the Senate.

The Speaker then signed said act in the presence of the House.

H. R. file No. 87, a bill for an act regulating the fees of certain officers therein named,

Was read a second time.

Mr. Townsend offered the following amendment to section 4 :

Add to section 4. For taking each prisoner to state prison, twenty cents per mile each way ; and mileage shall be computed in all cases from the office where the writ issued to the residence of the person served with process, or the prison where the prisoner is taken.

Lost.

Mr. Drake offered the following amendment to section 4 : “ Strike out the per centage allowed the sheriff, and insert for collecting sums of \$300 00, three per cent.; over \$300 00, two per cent.; when the amount exceeds \$600 00, one per cent.

Lost.

Mr. Grimes moved to strike out section one.

Mr. Sells moved that the bill be recommitted to the committee on amendments, with instructions to report a bill to amend section 216 of the code by striking out the word “raised,” and insert “increased or diminished,” and add to said section the following proviso :

Provided, That the salary of no officer shall be changed during the term for which he may be elected.

Adopted.

The Speaker presented the following accounts, handed in by the Secretary of State, viz:

Jno. L. Corse, .....	\$1,154 80.
Trowbridge and Sanders, .....	29 45.
L. B. & O. A. Patterson, .....	14 30
Chas. A. Robbins, .....	7 00

All of which were referred to the committee on expenditures.

Mr. Sharp, with leave, introduced,

H. R. file No. 185, a bill for an act to incorporate the city of Council Bluffs.

Which was read a first and second time, and ordered to be read a third time on to-morrow.

Mr. Folsom from a select committee, reported back

H. R. file No. 179, a bill for an act to incorporate Iowa City, with one amendment.

Which was concurred in, and

Said bill read a second time.

On motion of Mr. Folsom,

The bill was considered as engrossed, and ordered to be read a third time to-morrow.

Mr. Folsom with leave, introduced,

H. R. file No. 186, a bill for an act to allow the county judge fees in certain cases;

Which was read a first and second time.

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

Lost.

Yeas 25,

Nays 35,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,  
Allison,  
Bryan,  
Bryant,  
Bunker,  
Clark,  
Dillon,

Mr. Dodge,  
Drake,  
Folsom,  
Garber,  
Gilmore,  
Goodson,  
Grimes,

Mr. Hesser,  
Hutchinson,  
McArthur,  
Reeder,  
Rice,  
Seymour,  
Sharp,

Mr. Washburn,                      Wright, and                      Mr. Speaker.  
Williams.

Those who voted in the negative were,

Mr. Allen,	Mr. Geo. F. Green,	Mr. Russell,
A. D. Anderson,	Haun,	Sears,
Bonson,	Jessup,	Sells,
Coles,	McPherrin,	Steadman,
Cleaves,	Means,	Stevens,
Coffin,	Mitchell,	Taylor,
Duckworth,	Montgomery,	Townsend,
Duncan,	Putman,	Walters,
Eaton,	Ramsey,	Wasson,
Fordyce,	Ream,	Whitmore, and
Benj. Green,	Rogers,	Wilson.
J. C. Green,	Ross,	

Mr. Folsom with leave, introduced

H. R. file No. 187, a bill for an act to amend chapter 87 of th code,  
Which was read a first and second time, and

On motion of Mr. Folsom,

Made the special order in committee of the whole at two o'clock,  
P. M. to-morrow.

On motion,

The House adjourned.

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### HALF-PAST ONE O'CLOCK, P. M.

Mr. Eaton, with leave, reported back

H. R. file No. 173, a bill for an act to appoint a commissioner to  
perform certain duties in Delaware county, without amendment and  
recommended its passage,

Said bill was a read second time, and ordered to be read a third  
time to-morrow.

Mr. Haun, with leave, introduced

H. R. file No. 188, memorial and joint resolution for a grant of land  
to aid in constructing a rail road;

Which was read a first and second time.

Mr. Taylor moved that the bill be ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Haun,

A call of the House was had, and Messrs. Alger, Bryan, Bryant, Reeder and Witter, were found to be absent.

The absentees having appeared and taken their seats, the call was suspended.

The question to engross was then put, and

Decided in the negative.

Yeas 28,

Nays 34,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. J. M. Anderson,	Mr. J. C. Green,	Mr. Rice,
Bryant,	Geo. F. Green,	Rogers,
Bunker,	Haun,	Sharp,
Dillon,	Hesser,	Steadman,
Dodge,	Hutchinson,	Taylor,
Drake,	Jessup,	Witter,
Eaton,	McArthur,	Wright, and
Folsom,	McPherrin,	Mr. Speaker.
Goodson,	Mitchell,	
Benj. Green,	Ream,	

Those who voted in the negative were,

Mr. Alger,	Mr. Fordyce,	Mr. Sells,
Allen,	Garber,	Seymour,
Allison,	Gilmore,	Stevens,
A. D. Anderson,	Grimes,	Townsend,
Bonson,	Means,	Walters,
Bryan,	Montgomery,	Washburn,
Coles,	Putman,	Wasson,
Clark,	Ramsey,	Whitmore,
Cleaves,	Reeder,	Williams, and
Coffin,	Ross,	Wilson,
Duckworth,	Russell,	
Duncan,	Sears,	

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I herewith return the following bills, the same having passed the Senate without amendment:

H. R. file No. 6, a bill for an act to define the boundaries of Dallas county;

H. R. file No. 158, a bill for an act to change the name of the town of Creesville in Jefferson county, to Botavia.

H. R. file No. 155, a bill for an act to change the name of Kaneshville to Council Bluffs.

H. R. file No. 150, a bill for an act to authorize I. D. Guiberson to transcribe the records of Madison county.

H. R. file No. 138, a bill for an act for an additional justice of the peace in Washington township, Warren county.

H. R. file No. 136, a bill for an act to amend the charter of the town of Fort Madison.

H. R. file No. 132, a bill for an act allowing fees in certain cases.

H. R. file No. 156, joint resolution appointing trustees of the branch of the state university, at Fairfield.

I am also directed to inform the House of Representatives, that the Senate have passed

Senate file No. 96, a bill for an act to amend section 1272, of the Code of Iowa;

Also

Senate file No. 81, a joint resolution to procure certain additional mail facilities;

Also,

Substitute for H. R. file No. 106, a bill to amend an act for the encouragement of agricultural societies;

Also,

Senate file No. 98, a bill for an act to re-locate the county seat of Alamakee conuty;

Also,

Senate file No. 95, a bill for an act requiring guardians to account for the property of minors;

Also,

Senate file No. 94, a bill for an act to amend the charter of the city of Muscatine.

In all of which the concurrence of the House of Representatives is requested.

I herewith return

H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Des Moines river improvement, &c.

The same having passed the Senate without amendment.

Also,

H. R. file No. 17, a bill for an act to locate the seat of justice of Decatur county, with one amendment.

In which the concurrence of the House is requested.

Mr. Townsend with leave, introduced

H. R. file No. 189, a bill for an act to repeal section 216 of the code and to provide a substitute therefor,

Was read a first and second time.

Mr. Folsom moved the bill be referred to a select committee, and that Mr. Townsend be made chairman thereof.

Agreed to.

Messrs. Townsend, Sells and Sharp were appointed said committee.

Mr. Ramsey with leave, introduced

H. R. file No. 190, a bill for an act to vacate a part of Ingram's and Ramsey's addition to Agency City, in Wapello county;

Which was read a first and second time, and

On motion of Mr. Ramsey,

The 42nd rule was suspended, and the bill was read a third time, passed and title agreed to.

Mr. Bryan with leave, introduced

The petition of Wesley Jordan and other citizens of Marion county asking the location of the capitol at Fort Des Moines;

Laid on the table.

Mr. Anderson of Lee with leave, introduced

H. R. file No, 191, a joint resolution instructing our senators in Congress to use their influence to procure the passage of a bill now pending in Congress, for a grant of land to aid in the construction of certain rail roads in Iowa;

Which was read a first and second time, and

On motion of Mr. Grimes,

Indefinitely postponed.

Yeas 35,

Nays 24,

The yeas and nays being desired, those who voted in the affirmative were—

Mr. Alger,  
Allen,  
Allison,

Mr. Bryan,  
Bryant,  
Coles,

Mr. Clark,  
Cleaves,  
Coffin,



Mr. Drake,	Mr. McPherrin,	Mr. Sells,
Duckworth,	Means,	Seymour,
Eaton,	Montgomery,	Sharp,
Fordyce,	Putman,	Stevens,
Garber,	Ramsey,	Townsend,
Goodson,	Ream,	Walters,
J. C. Green,	Reeder,	Wasson, and
Geo. F. Green,	Ross,	Williams.
Grimes,	Russell,	

Those who voted in the negative were,

Mr. A. D. Anderson,	Mr. Benj. Green,	Mr. Sears,
J. M. Anderson,	Haun,	Steadman,
Bonson,	Hesser,	Taylor,
Bunker,	Hutchinson,	Washburn,
Dillon,	McArthur,	Whitmore,
Dodge,	Mitchell,	Wilson,
Duncan,	Rice,	Wright, and
Folsom,	Rogers,	Mr. Speaker.

Senate message of yesterday being in order, Senate amendment to H. R. file No. 113, "a bill for an act authorizing township trustees to levy a special tax to redeem outstanding orders,"

Striking out all after the title, was read, and

On motion of Mr. Hesser,

The amendment of the Senate was amended by striking out the title of the bill.

The amendment as amended was concurred in.

Senate file No. 60, a bill for an act to amend the charter of the city of Keokuk,

Was read a first and second time, by its title.

On motion of Mr. Hesser,

The following proviso was added to section 5: Provided, That in case a special tax be levied on the owners of property in said city, in pursuance of said sections 4 and 5, for the purposes therein specified, no tax, either general or special, shall thereafter be levied on the same property to make the same kind of improvement on any other street, lane, avenue or alley, or any part thereof in said city.

On motion of Mr. Anderson, of Lee,

The 42nd rule was suspended, and

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

Senate file No. 44, a bill for an act providing for the further completion of the State House, at Iowa City;

Was read a first and second time,

Mr. Folsom moved to suspend the 42nd rule, and put the bill on its third reading now.

Lost.

Mr. Coles, of Wapello, offered the following amendment :

Provided, That if the said superintendent shall exceed the appropriation in the expenditure of the same hereby placed in his hands he shall satisfy the said excess out of his own private funds.

On motion of Mr. Grimes,

The bill and amendment were referred to the committee on public buildings.

Mr. Means, with leave, introduced

H. R. file No. 192, a bill for an act to repeal section 125, of the code of Iowa, and to provide a substitute therefor,

Which was read a first and second time, and

Referred to the committee on amendments to the code.

Mr. Witter, from the committee on enrolled bills, reported that they had presented to the Governor for his approval

Substitute for H. R. files Nos. 73, 99 and 101, an act granting to railroad companies the right of way;

Also,

H. R. file No. 29, an act granting the Mount Pleasant and Fairfield Plank Road company the right of way.

Mr. Grimes, with leave, introduced

A resolution relative to the mileage of members, and compensation of officers of the House, for the consideration of which, the House resolved itself into committee of the whole, at 2 o'clock and 30 minutes,

Mr. Wilson in the chair.

Three o'clock, P. M.—The committee rose, and by its chairman reported the resolution back with sundry amendments, recommending its adoption as amended;

Which was concurred in.

Mr. Eaton, with leave, introduced

H. R. file No. 193, a bill for an act to amend an act entitled "an act for revising and consolidating the general statutes of the State of Iowa,

Was read a first and second time, and  
Ordered to be engrossed and read a third time to-morrow.

Yeas 52,

Nays 5,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. Gilmore,	Mr. Sears,
Allen,	J. C. Green,	Sells,
A. D. Anderson,	Geo. F. Green,	Seymour,
J. M. Anderson,	Haun,	Sharp,
Bonson,	Hesser,	Steadman,
Bunker,	Jessup,	Stevens,
Coles,	McArthur,	Taylor,
Clark,	McPherrin,	Walters,
Cleaves,	Means,	Washburn,
Coffin,	Mitchell,	Wasson,
Dillon,	Montgomery,	Whitmore,
Dodge,	Putman,	Williams,
Drake,	Ramsey,	Wilson,
Duckworth,	Ream,	Witter,
Duncan,	Reeder,	Wright and
Eaton,	Rogers,	Mr. Speaker.
Fordyce,	Ross,	
Garber,	Russell,	

Those who voted in the negative were:

Mr. Bryan,	Mr. Benj. Green,	Mr. Rice.
Goodson,	Hutchinson, and	

Mr. Ramsey with leave, presented the petition of M. R. Lewis and others, asking for the location of a state road from Agency City, to the county seat of Keokuk county,

Which was referred to the committee on roads and highways.

Mr. Anderson of Dubuque with leave, presented the following

### REPORT:

The select committee, to whom was referred Senate file No. 70, an act to amend an act to incorporate and establish the city of Dubuque, have had the same under consideration, and report the same back with the following amendments, and recommend their adoption, viz:

Strike out of section 3 the words, "they shall then apportion and assess upon any or all of the real estate in said city, which they believe may be benefited by such opening, extending, widening or alteration of any such highway, street or alley in said city, all of which they shall return to said city council under their hands. And the assessment so made, shall be collected as other taxes on real estate and paid over to the person or persons, whose property has been taken for the purpose of opening, extending, widening or altering any such highway, street or alley in said city, and which has been so assessed as aforesaid," and insert, "shall be paid out of the city treasury." Strike out of section 8, the words, "Provided, That said city council may and shall have full power and authority to remove from office any officer under the government of said city, for wilful neglect of duty, misconduct in office, or other cause therefor appearing to the satisfaction of said council, and any vacancy thereby occurring, may be filled as now provided ;" and also strike out all of section 9.

All of which is respectfully submitted

ALEX. D. ANDERSON, Chairman.

Which was concurred in and the bill read a second time as amended.

On motion of Mr. Anderson, of Dubuque,

The 42nd rule was suspended, and

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

Mr. Reeder, with leave, introduced

H. R. file No. 194, a bill for an act to regulate county officers, in certain cases,

Which was read a first and second time, and

On motion of Mr. Haun,

Laid on the table until the 4th of July next.

Mr. Townsend, from the select committee, to which was referred

H. R file No. 189, a bill for an act to repeal section 216 of the code and to provide a substitute therefor,

With leave, reported the same back, recommending its passage.

On motion of Mr. Means,

The bill was indefinitely postponed.

Mr. Alger, with leave, presented the petition of John F. Dillon and others for a state road,

Referred to the committee on roads and highways.

H. R. file No. 157, a bill for an act to re-apportion the state into representative districts.

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

Senate file No. 67, a bill for an act regulating the disposal of lands purchased for town sites,

Was read a third time and passed.

Mr. Sharp moved to insert the words "in trust" after the word "purchased" in the title.

Carried, and the title as amended agreed to.

Mr. Sharp from the committee on the judiciary, with leave, reported back Senate file No. 33, a bill for an act to amend chapter 80 of the code, and making further provision for the relief of occupying claimants, with two amendments,

Which were concurred in.

Mr. Grimes moved to amend as follows: Strike out of the 6th section, the words "and any court deeming the provisions of this act, providing for a judgment in favor of the occupying claimant unconstitutional, shall nevertheless order a stay of execution by the successful claimant, until such payment, tender or satisfaction be made.

Lost.

Yeas 25.)

Nays 26.)

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Bryant,	Mr. Grimes,	Mr. Seymour,
Bunker,	Haun,	Taylor.
Clark,	McArthur,	Walters,
Coffin.	Means,	Wasson,
Eaton,	Mitchell,	Whitmore
Fordyce,	Montgomery,	Williams, and
Garber,	Ream,	Mr. Speaker.
Goodson,	Russell,	
Geo. F. Green,	Sells,	

Those who voted in the negative were,

Mr. Allen,	Mr. Dillon,	Mr. Putman,
Allison,	Duncan,	Ramsey,
A. D. Anderson,	Folsom,	Reeder,
J. M. Anderson,	Gilmore,	Rogers,
Bonson,	Benj. Green,	Ross,
Bryan,	Hesser,	Sears,
Coles,	Jessup,	Sharp,

Mr. Stevens,                      Mr. Washburn,                      Mr. Wright.  
Townsend,                      Witter, and

Excused—Alger, Dodge, McPherrin and Steadman.

Mr. Grimes offered the following amendment:

Strike from the 9th section the following words: "Provisions of this act are intended to be retrospective"

Mr. Alger moved that the bill and amendments be made the special order in committee of the whole House, at 11 o'clock to-morrow.  
Lost.

Mr. Haun moved that the bill be printed for the use of the House.  
Lost.

On motion,  
The House adjourned.

## TUESDAY MORNING, JANUARY 18, 1853.

Mr. McArthur presented the petition of James C. Frau, and other citizens of Benton county, asking that the name of Fremont in said county, be changed to Vinton, which was,

On his motion,  
Laid on the table.

On motion of Mr. Coles,

Resolved, That the select committee to which was referred H. R. file No. 54, a joint resolution asking Congress to remove the restrictions from the Des Moines river improvement grant, be respectfully requested to report the same back to the House.

Mr. Green, of Henry, from the committee on incorporations, submitted the following

## REPORT:

The committee on incorporations, to whom was referred a resolution instructing said committee to inquire into the propriety of amending section 715 of the code, have had the same under consid-

eration, and instructed me to say, that an alteration of the above section, as is contemplated by the resolution, would, in many instances, be detrimental to those having licenses under said section, and ask leave to be discharged from further consideration of the same.

JAMES C. GREEN, Chairman.

Which was concurred in.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 193, a bill for an act to amend an act entitled an act for revising and consolidating the general statutes of Iowa.

And found the same correctly enrolled.

Mr. Green, of Henry, submitted the following

#### REPORT:

The select committee, to whom was referred House of Representative file No. 184, a bill for an act to pay John Brown and Joseph D. Hoag, certain monies. After a careful examination of the whole subject, they have instructed me to report the bill back to the House without any amendment, and recommend its passage.

JAMES C. GREEN, Chairman.

On motion of Mr. Folsom,

Resolved, That the clerk be and hereby is authorized to employ any additional engrossing or enrolling clerks which may be necessary.

Senate message of yesterday being in order,

Senate amendment to H. R. file No. 17, a bill for an act to locate the seat of justice of Decatur county, requiring said act to be published in the Valley Whig, and Keokuk Dispatch.

Senate substitute for H. R. file No. 106, a bill to amend an act for the encouragement of agricultural societies,

Was accepted and read a first and second time, and ordered to a third reading to-morrow.

Senate file No. 81, a joint resolution to procure certain additional facilities,

Which was read a first and second time, and

Referred to the committee on federal relations.

Senate file No. 94, a bill for an act to amend the charter of the city of Muscatine,

Was read a first and second time.

On motion of Mr. Sells,

The following additional section was added as section 9.

"This act to take effect from and after its publication in the "Democratic Enquirer" and "Muscatine Journal" provided the State shall not incur any expense for publication."

The bill was then ordered to a third reading on to-morrow.

Senate file No. 95, a bill for an act requiring guardians to account for the property of minors,

Which was read a first and second time, and ordered to a third reading on to-morrow.

Mr. Witter from the committee on enrolled bills, reported that they had examined

H. R. file No. 6, an act to define the boundaries of Dallas county;

Also,

H. R. file No. 24, an act to amend "an act to secure the more vigorous prosecution of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto," approved February 5th, 1851.

Also,

H. R. file No 132, an act allowing fees in certain cases;

Also,

H. R. file No. 136, an act to amend the charter of the town of Fort Madison;

Also,

H. R. file No. 138, an act for an additional justice of the peace, in Washington township, Warren county;

Also,

H. R. file No. 150, an act to authorize I. D. Guiberson to transcribe the records of Madison county;

Also,

H. R. No. 155, an act to change the name of Kaneshville to Council Bluffs;

Also,

H. R. file No. 156, joint resolution appointing trustees of the branch of the state university at Fairfield;

Also,

H. R. file No. 158, an act to change the name of the town of Creesville, in Jefferson county, to Botavia,



And found the same correctly enrolled.

Which the Speaker then signed in the presence of the House.

Senate file No. 96, an act to amend section 1272 of the Code of Iowa,

Was read a first and second time, and

Referred to the committee on amendments to the code.

Senate file No. 98, a bill for an act to relocate the county seat of Alamakee county :

Was read a first and second time, and

Referred to a select committee of three.

Messrs. Anderson of Dubuque, Montgomery and Garber were appointed said committee.

Mr. Townsend with leave, from the committee on amendments to the code, submitted the following

#### REPORT :

The committee on amendments to the code, have had under consideration H. R. file No. 4, a bill for an act to amend that part of the code which relates to justices of the peace and their courts, and have directed me to report the same back to the House, and ask to be discharged from the further consideration of the same, as a bill of a similar character from the Senate has already passed the House.

Also, a petition from citizens of Jefferson county, requesting the reduction of the salaries of county officers, &c., from the further consideration of which they ask to be discharged.

Also, H. R. file No. 42, a bill for an act to repeal sections 877 and 893 of the Code of Iowa, and provide a substitute therefor, and recommend its indefinite postponement.

Also, H. R. file No. 20, a bill for an act to amend chapter 129th of the code, and recommend its indefinite postponement.

Also, H. R. file No. 93, a bill for an act to restore to married men jurisdiction over their families and possessions, and recommend its indefinite postponement. JNO. S. TOWNSEND, Chairman.

Which was concurred in.

Mr. Townsend from the committee on agriculture, with leave, submitted the following report :

The committee on agriculture, to whom was referred Senate file

No. 34, a bill concerning fences and trespassing animals have had the same under consideration, and direct me to report the same back to the house recommending the amendment of the bill by striking out all after the 1st section, and also recommend the passage of the bill so amended.

The amendment proposed by the committee was concurred in, and the bill was ordered to a third reading on to-morrow.

Mr. Haun, from the committee on internal improvements, with leave, reported back H. R. file No. 40, a bill for an act to encourage the construction of plank and graded roads in the State of Iowa, recommending its indefinite postponement,

Which was concurred in.

Question pending on adjournment, yesterday, P. M.,

On the amendment offered by Mr. Grimes to section 7, of Senate file No. 33,

Was decided in the negative.

Yeas 18,

Nays 39.

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Bunker,	Mr. Geo. F. Green,	Mr. Sells,
Clark,	Grimes,	Seymour,
Eaton,	McArthur,	Walters,
Fordyce,	Mitchell,	Whitmore,
Garber,	Reeder,	Williams, and
Goodson,	Rice,	Mr. Speaker.

Those who voted in the negative were—

Mr. Alger,	Mr. Folsom,	Mr. Ream,
Allen,	Gilmore,	Rogers,
Allison,	Benj. Green,	Ross,
J. M. Anderson,	J. C. Green,	Russell
Bonson,	Haun,	Sears,
Bryan,	Hesser,	Sharp,
Coles,	Hutchinson,	Steadman,
Cleaves,	Jessup.	Stevens,
Coffin,	McPherrin,	Washburn,
Dillon,	Means,	Wasson,
Dodge,	Montgomery,	Wilson,
Duckworth,	Putman,	Witter, and
Duncan,	Ramsey,	Wright.

Mr. Grimes moved to amend the bill as follows : "The provisions of this law shall be confined to the county of Lee."

Lost.

The bill was ordered to a third reading on to-morrow.

On motion of Mr. Gilmore,

The 42d rule was suspended, and the bill read a third time and passed.

Yeas 33,

Nays 23,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Allen,	Mr. Gilmore,	Mr. Ross,
Allison,	Hesser,	Russell,
J. M. Anderson,	Hutchinson,	Sears,
Bonson,	Jessup,	Sharp,
Coles,	McPherrin,	Steadman.
Dodge,	Means,	Stevens,
Duckworth,	Montgomery,	Washburn,
Duncan,	Putman,	Wasson,
Folsom,	Ramsey,	Wilson,
Benj. Green,	Reeder,	Witter, and
J. C. Green,	Rogers,	Wright.

Those who voted in the negative were—

Mr. Bryan,	Mr. Garber,	Mr. Rice,
Bunker,	Goodson,	Sells,
Clark,	Geo. F. Green,	Seymour,
Cleaves,	Grimes,	Walters,
Coffin,	McArthur,	Whitmore,
Eaton,	Mitchell,	Williams, and
Fordyce,	Reeder,	Mr. Speaker,

The title of the bill was then agreed to.

The Speaker presented to the House the message of his Excellency, the Governor, returning, with his objections thereto, an act submitting to the electors of Iowa, the question of a convention to amend the constitution, which was read as follows :

*Gentlemen of the House of Representatives:*

I conceive it to be my duty to return to you with objections, an act submitting to the electors of Iowa the question of a convention to amend the constitution, which has been presented for approval.

This act provides, that at the next general election, a vote shall be taken for or against the call of a convention to amend the constitution, and that in case it shall be found that a majority have voted for a convention, the next succeeding General Assembly shall provide for holding the same. The election thus contemplated, to take place on the first Monday in August, in the year 1854, and the General Assembly to meet on the first Monday of December following.

The tenth article of the constitution requires that in case a majority of the people vote in favor of a convention, that it shall be held within six months thereafter, thus leaving but two months from the meeting of the General Assembly for the enactment and publication of necessary laws, the election of delegates, and the assemblage of the convention at the seat of government by the provisions of the act under consideration.

The constitution declares that if, at any time the General Assembly shall think it necessary to revise or amend, they shall provide for a vote of the people; evidently intending that the Assembly who have thus deemed it necessary, should make such provision as might be proper to carry out the object intended.

Satisfied that the act under consideration, is not in accordance with the spirit and intention of the constitution, I herewith return it to the House in which it originated, for further consideration.

S. HEMPSTEAD.

Iowa City, January 18, 1853.

The question being, shall the bill pass by the constitutional majority, the Governor's objections thereto notwithstanding,

Was decided in the negative.

Yeas 6,

Nays 53,

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Alger,  
Allison,

Mr. Jessup,  
Sharp,

Mr. Walters, and  
Whitmore,

Those who voted in the negative were,

Mr. Allen,

Mr. Bryant,

Mr. Coffin,

A. D. Anderson,

Bunker,

Dillon,

J. M. Anderson,

Coles,

Dodge,

Bonson,

Clark,

Drake,

Bryan,

Cleaves,

Duckworth,

Mr. Duncan,	Mr. McArthur,	Mr. Sells,
Eaton,	McPherrin,	Seymour,
Folsom,	Means,	Steadman,
Fordyce,	Mitchell,	Stevens,
Garber,	Montgomery,	Taylor,
Gilmore,	Putman,	Townsend,
Goodson,	Ramsey,	Washburn,
Benj. Green,	Ream,	Wasson,
J. C. Green,	Reeder,	Williams
Geo. F. Green,	Rice,	Wilson,
Grimes,	Rogers,	Witter
Haun,	Ross,	Wright, and
Hesser,	Russell,	Mr. Speaker.
Hutchinson,	Sears,	

Mr. Grimes, with leave, introduced

H. R. file No. 195, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution of the State,

Which was read a first and second time.

Mr. Haun moved that the bill be made the special order for 10 o'clock, to-morrow morning.

Lost.

Mr. Folsom moved that the bill be made the special order for 11 o'clock, to-morrow A. M.

Lost

On motion of Mr. Grimes,

It was made the special order for half-past 3 o'clock, this P. M.

Yeas 34.)

Nays 25.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Allison,	Mr. Duncan,	Mr. Jessup,
Bunker,	Fordyce,	McArthur,
Coles,	Garber,	McPherrin,
Clark,	Gilmore,	Mitchell,
Cleaves,	Benj. Green,	Montgomery,
Coffin,	J. C. Green,	Ramsey,
Drake,	Grimes,	Ream,
Duckworth,	Hesser,	Rogers,

Mr. Ross,  
Russell,  
Sells,  
Seymour,

Mr. Stevens,  
Walters,  
Wasson,

Mr. Whitmore,  
Williams, and  
Witter.

Those who voted in the negative were,

Mr. Allison,  
Bunker,  
Coles,  
Clark,  
Cleaves,  
Coffin,  
Drake,  
Duckworth,  
Duncan,  
On motion,

Mr. Fordyce,  
Garber,  
Gilmore,  
Geo. F. Green,  
Hutchinson,  
Means,  
Putman,  
Reeder,  
Rice,

Mr. Sears,  
Sharp,  
Steadman,  
Washburn,  
Wilson,  
Wright, and  
Mr. Speaker.

The House adjourned.

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### HALF-PAST ONE O'CLOCK, P. M.

Mr. Rice, from the select committee, to which was referred H. R. file No. 54, with leave, submitted the report of the majority, recommending its passage.

Also,

The adverse report of the minority, as follows :

### REPORT:

The minority of the committee to which was referred the joint resolution instructing our Senators and requesting our Representatives in Congress, to exert their influence to procure the passage of a law, removing the restriction upon the sale of the lands donated by Congress for the improvement of the Des Moines river, respectfully report: That they have had the same under consideration, and came to a conclusion adverse to its passage

The restrictions sought to be removed, it seems to your committee, is a salutary one. It provides that the State shall not sell more than \$30,000 worth of lands at once, and that before any more shall be sold, the Governor of this State shall certify to the President of the

United States, that one half of that sum has been expended upon the improvement; also, that the State shall only dispose of those lands as fast as the work progresses. One object of the restriction is, to prevent the proceeds of the sales from being squandered by the State or its officers; whilst it at the same time retains in the hands of the General Government a supervisory control of the lands. If the experience of the past be any index to the future, it would seem that instead of removing any restraint now bearing upon the use of the funds arising from the sale of these lands, the State should place additional safeguards around them. Of the 1,300,000 acres belonging to this great work, about 400,000 acres have been disposed of, and only three dams out of the twenty-eight proposed to be built, have been completed—i. e., nearly one-third of the lands have been disposed of in making about one-ninth part of the improvement; and yet the improvement is understood to be about \$120,000 in debt. If, therefore, the restriction should be removed, have we not sufficient cause to fear that more of this magnificent grant will be lost to its original purpose? If, on the other hand, the restriction is retained, and the State compelled to account for the application of the funds, may we not suppose that there is some hope of getting officers to do their duty, make the necessary reports, and proceed with the work with some speed? For if the law be complied with, and the funds raised, and applied as fast as raised to their legitimate use, the interest of the State will be to keep the lands in market and the work in progress. A sufficient amount of funds will be constantly in hand, for upon the Governor certifying to the proper application of \$15,000 the sales may progress,—in substance nothing more nor less than that as the work goes on the lands may be sold—the one going hand in hand with the other.

But it is understood, that one object in procuring the removal of this restriction is, to dispose of the land to a company and place the entire work in their charge, giving to the company a title in fee simple. If the State passes its title to these lands to an irresponsible company, who become bankrupt, what condition will the improvement be in? What prospect of its completion? What security have we against such a state of affairs? As we now are, we have these lands secure. Dispose of them beyond our control, and we have nothing. We are disposing of ample, permanent real estate upon doubtful personal security—lifting the mortgage and

leaving nothing but a note of hand. No sane man, in the ordinary business transactions, will allow this state of affairs to exist. Is there any reason why a State should be less careful than an individual? Your committee think not; but that the public interest should be full as well guarded as that of an individual.

Again, if the lands be disposed of in small quantities, and as the improvement progresses, they will be taken up by actual settlers, induced to them by the prospect of a transit for their products, and the country populated, and its resources developed; whilst on the other hand, if disposed of in large quantities and to speculators, years may elapse before the country will be populated, and its growth and prosperity must be retarded. Experience has taught that such is the case wherever lands in large quantities are in the hands of speculators.

These among other considerations, induce the minority of the committee to recommend that the resolution do not pass.

All which is respectfully submitted,

J. F. RICE, Chairman.

On motion of Mr. Grimes,

The reports were laid on the table.

Mr. Folsom from the select committee, to which was referred H. R. file No. 13, and Senate file No. 68, relating to furnishing justices of the peace and other officers with copies of the code and laws of Iowa, with leave, reported the same back, recommending that the Senate bill be indefinitely postponed, and proposing an amendment to the House file, as follows:

Strike out after section 4, and insert: Any justice of the peace who may have purchased a "Code" from the county clerk, shall have the purchase money refunded upon returning the same to the clerk in good condition.

SEC. 5. This act shall be in force and effect after its passage.

And recommend its passage, as amended.

Mr. Steadman with leave, introduced

H. R. file No. 196, a bill for an act to authorize Nicholas B. Brown and others to construct a dam across Cedar River;

Which was read a first and second time, and

On motion of Mr. Eaton,

The following amendment was added to section 4: "This act may be repealed by any subsequent legislature."



Message from the Senate by Mr. Cuming, their Secretary :

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

Senate file No. 64, a bill in relation to paper currency.

Senate file No. 117, a bill for an act to vacate a part of the town of Toolsborough in Louisa county.

Senate file No. 74, a bill for an act to amend chapter 129 of the code, concerning writs of attachment and replevin issued by justices of the peace.

Senate file No. 106, a bill for an act to change the name of South Bentonsport to Vernon.

Senate file No. 93, a bill for an act to amend the law in relation to executors, &c.

Senate file No. 58, a bill for an act on the subject of change of venue.

Senate file No. 107, a joint resolution authorizing the Secretary of State to forward the Code of Iowa to the public libraries in the city of Washington.

Senate file No. 116, a joint resolution in relation to Greene's Reports.

Also,

Substitute for H. R. file No. 1, a bill for an act to amend section 2388, of chapter 130, of the Code of Iowa.

Also,

H. R. file No. 166, a bill for an act to locate the seat of justice of Blackhawk county;

With one amendment.

Also,

H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington,

With two amendments.

Also,

Substitute for H. R. file Nos. 46 and 70, a bill for an act fixing the boundaries of the several judicial districts, and the time of holding the courts therein,

With one amendment, and title amended to correspond thereto.

H. R. file No. 172, a bill for an act relinquishing an escheat,

With one amendment.

In all of which, the concurrence of the House is requested.

I herewith return

Substitute for H. R. file No. 140, a bill for an act to create the county of Webster.

Also,

H. R. file No. 176, a bill for an act making appropriations for the support of the state government, for the fiscal years of 1853 and 1854, and for the pay of the mileage and *per diem* of the members of the General Assembly and its officers;

The same having passed the Senate without amendment.

I also return,

H. R. files No. 6, No. 24, No. 132, No. 136, No. 138, No. 150, No. 155, No. 156, and 158.

The same having received the signature of the President of the Senate.

I also present for your signature

Senate file No. 91, a bill for an act vacating certain streets and an alley in the town of Bentonsport, Van Buren county;

Senate file No. 11, a bill for an act requiring county judges to give bond,

Senate file No. 50, a bill for an act authorize the judge of Jones county, to have a portion of the records of said county transcribed and indexed;

And,

Senate file No. 7, a bill for an act allowing and regulating the stay of executions in judgments of the district and justice's courts;

The same having passed both branches of the General Assembly

The speaker then signed said bills in the presence of the House.

H. R. file No. 187, a bill for an act to amend the 83rd chapter of the code of Iowa, being the special order in the committee of the whole House, at 2 o'clock, the House resolved itself accordingly,

Mr. Means in the chair.

Two o'clock and 10 minutes—the committee rose, and by its chairman, reported the bill back, and recommended its passage.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 183 a bill for an act to relocate the county seat of Fayette county,

And found the same correctly engrossed.

Mr. McArthur, with leave, introduced,

H. R. file No. 197, a bill for an act to change the name of "Fremont," in Benton county, to "Vinton,"

Which was read a first and second time, and

On his motion,

The 42d rule was suspended and the bill was read a third time, passed and title agreed to.

Mr. Means, with leave, introduced,

H. R. file No. 198, a bill for an act to authorize the transcribing of so much of the records of Pottawattamie county as relate to Mills county,

Which was read a first and second time.

On motion of Mr. Grimes,

The second section was amended so as to read—

"That this act shall be in force from and after its publication in the "Western Bugle," the expense of publication to be paid by the county of Mills."

On motion of Mr. Sharp,

The 42d rule was suspended, and said bill read a third time and passed and its title agreed to.

Mr. Bryan, with leave, introduced,

H. R. file No. 199, a bill for an act to provide for transcribing certain records in Polk county,

Which was read a first and second time.

Mr. Walters moved to strike out the name of James E. Williams, in the first section, and insert "the recorder of Warren county."

Lost.

Mr. Walters moved to strike out "ten cents" in section 3, and insert "eight cents."

No quorum voting, a call of the House was ordered.

On motion of Mr. Hutchinson,

The further call of the House was suspended.

Question being taken on the motion of Mr. Walters, it was decided in the negative.

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

Mr. Fordyce, with leave, introduced

H. R. file No. 200, joint resolution appointing a committee of investigation of the affairs of the Des Moines River Improvement,

Which was read a first and second time.

Mr. Grimes moved to insert in the proper place, as follows:

"They shall also ascertain and report the amount and present value of any lands formerly belonging to said grant, which are now owned by any of the present or past officers of said Des Moines River Improvement.

Agreed to.

Mr. Eaton moved to amend by adding: "And each member of the General Assembly be and he is hereby appointed a committee to examine the books and papers of said commissioners, and receive three dollars per day for their said services."

Lost.

On motion of Mr. Alger,

The name of John M. Whitaker was stricken out, and Jos C. Knapp inserted.

On motion of Mr. Grimes,

The name of M. H. Cooley was stricken out, and the name of Alfred Hebard inserted.

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

Mr. Taylor from the committee on federal relations, reported H. R. file No. 201, joint resolution for additional mail facilities;

Which was read a first and second time, and

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

Senate file No. 68, a bill for an act amendatory of an act, relative to the printing of the revised code,

Was read a second time.

Accompanied by the report of select committee, and indefinitely postponed.

Substitute for H. R. file No. 13, a bill for an act to allow justices of the peace a copy of the code and laws of Iowa,

Was read a second time.

Accompanied by a report of a select committee recommending amendments,

Which were concurred in.

And the bill ordered to be engrossed and read a third time to-morrow,

Three o'clock and 30 minutes.

H. R. file No. 195, a bill for an act submitting to the electors of Iowa the question of a convention to amend the constitution of the state; being the special order was taken up.

On motion of Mr. Grimes,

The words "as the returns of election for governor are now made" was stricken out, and the words "to the Secretary of State" inserted.

On motion of Mr. Grimes,

The words "first Monday of December, A. D. 1854," was stricken out, and the words "third Monday of January, A. D. 1855," inserted.

On motion of Mr. Grimes,

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

Yeas 42.)

Nays 20.)

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. J. M. Anderson,	Mr. J. C. Green,	Mr. Rogers,
Bunker,	Grimes,	Ross,
Coles,	Haun,	Russell,
Clark,	Hesser,	Sells,
Cleaves,	Jessup,	Seymour,
Coffin,	McArthur,	Stevens,
Drake,	McPherrin,	Townsend,
Duckworth,	Means,	Walters,
Duncan,	Mitchell,	Washburn
Folsom,	Montgomery,	Wasson,
Fordyce,	Putman,	Whitmore,
Garber,	Ramsey,	Williams,
Gilmore,	Ream,	Wilson, and
Benj. Green,	Reeder,	Witter

Those who voted in the negative were—

Mr. Alger,	Mr. Dillon,	Mr. Sears,
Allen,	Dodge,	Sharp,
Allison,	Eaton,	Steadman,
A. D. Anderson,	Goodson,	Taylor,
Bonson,	Geo. F. Green,	Wright, and
Bryan,	Hutchinson,	Mr. Speaker.
Bryant,	Rice,	

Mr. Grimes moved to suspend the 42nd rule, and read the bill a third time now.

Lost.

Yeas 30,

Nays 32,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Bunker,	Mr. Benj. Green,	Mr. Ream,
Coles,	J. C. Green,	Reeder,
Clark,	Grimes,	Ross,
Cleaves,	Hesser,	Russell,
Coffin,	Jessup,	Sells,
Drake,	McArthur,	Seymour,
Duncan,	McPherrin,	Stevens,
Fordyce,	Mitchell,	Walters,
Garber,	Montgomery,	Wasson, and
Gilmore,	Ramsey,	Williams,

Those who voted in the negative were,

Mr. Alger,	Mr. Eaton,	Mr. Sharp
Allen,	Folsom,	Steadman,
Allison,	Goodson,	Taylor,
A. D. Anderson,	Geo. F. Green,	Townsend,
J. M. Anderson,	Haun,	Washburn,
Bonson,	Hutchinson,	Whitmore,
Bryan,	Means,	Wilson,
Bryant,	Putman,	Witter,
Dillon,	Rice,	Wright, and
Dodge,	Rogers,	Mr. Speaker.
Duckworth,	Sears,	

Mr. Witter, from the committee on enrolled bills, reported that they had examined

H. R. file No. 176, an act making appropriations for the support of the State Government for the fiscal years of 1853 and 1854 and for the pay of mileage and per diem of the members of the fourth General Assembly and its officers ;

And found the same correctly engrossed.

The Speaker then signed said act in the presence of the House.

Mr. Witter then reported that the act had been presented to the Governor for his approval.

Mr. Washburn, with leave, presented the petition of citizens residing on the half breed tract, in Lee county,

Referred to the committee on the judiciary.

Mr. Anderson, of Dubuque, with leave, introduced

H. R. file No. 202, a bill for an act to amend chapter 136 of the code of Iowa.

Which was read a first and second time, and

Referred to the committee on amendments to the code.

H. R. file No. 180, a bill for an act supplemental and amendatory to chapters 66, 67, 68, 69, 70 and 71 of the code,

Was read a first and second time, and

On motion of Mr. Grimes,

The House resolved itself into committee of the whole, for consideration of said bill, at four o'clock, P. M.

Mr. Gilmore in the chair.

Five o'clock.—The committee rose, and by its chairman reported progress and asked leave to sit again.

Which was granted.

On motion,

The House adjourned.

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#### HALF-PAST SIX O'CLOCK, P. M.

The special order being the consideration of, in committee of the whole House, H. R. file Nos. 141 and 111, relating to the liquor traffic, the House resolved accordingly

Mr. Grimes in the chair.

Seven o'clock and 10 minutes.—The committee rose, and by its chairman, reported the bill back, recommending its passage.

Mr. Haun moved to adjourn.

Lost.

Mr. Eaton moved a call of the House, which was had, and Messrs. Anderson of Dubuque, Clark, Duckworth, McPherrin, McArthur, Ramsey, Reeder, Russell, Taylor and Williams were found to be absent.

Mr. Sharp moved to suspend the further call of the House.

Lost.

On motion of Mr. Fordyce,

Messrs. McPherrin and Russell had leave of absence.

Mr. Rice asked leave of absence for Mr. Bryan.

Refused.

Mr. Eaton moved that the House adjourn.

Lost.

Mr. Grimes with leave, introduced

H. R. file No. 202, joint resolution appropriating five hundred dollars to procure a complete set of the Supreme and Circuit Court Reports of the United States:

Which was read a first and second time.

On motion of Mr. Hutchinson,

The 42nd rule was suspended, and the bill read a third time, passed and its title agreed to.

Mr. Witter moved the House adjourn.

Lost.

Mr. Hutchinson moved to suspend the further call of the House.

Lost.

Mr. Cleaves moved to dispense with the further call of the House.

Lost.

Mr. Grimes moved to dispense with the further call of the House.

Lost.

Mr. Grimes moved that the bill be made the special order for tomorrow, at 10 o'clock A. M.

Agreed to.

Mr. Haun moved that the House adjourn.

Lost.

H. R. file No. 54, a preamble and joint resolution asking Congress to remove certain restrictions in the act granting lands to aid in the improvement of the Des Moines river;

Was read a second time,

Accompanied by a majority and minority report.

The question being on concurring in the report of the majority recommending its passage,

Mr. Taylor moved that the House adjourn.

Lost.

Mr. Townsend, from the committee on amendments to the Code, submitted the following

#### REPORT:

The committee on amendments to the code, have had under con-



sideration Senate file No. 32, an act to repeal section 2868 of the code, requiring testimony taken before recognizing magistrates to be reduced to writing; and also, Senate file No. 75, a bill for an act to amend section 649, chapter 42 of the code, and have directed me to report the same back without amendment, recommending their passage.

J. S. TOWNSEND, Chairman.

On motion,  
The House adjourned.

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WEDNESDAY MORNING, JANUARY 19, 1853.

Mr. Grimes presented the account of H. H. Griffith & Co., against the State of Iowa,

Which was referred to the committee on claims.

Mr. Green, of Jackson, presented the remonstrance of Thos. M. Laughlin and other citizens of said county, against the establishment of a state road therein named,

Which was referred to the committee on roads and highways.

Mr. Rodgers, from the committee on engrossed bills, reported that they had examined

Substitute for H. R. No. 13, a bill for an act granting to certain officers therein named, copy of the code and laws of Iowa;

Also, H. R. file No. 117, a bill for an act to amend chapter 83 of the code;

Also, H. R. No. 195, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution of the State of Iowa;

Also, H. R. file No. 196, a bill for an act to authorize Nicholas B. Brown and others, to construct a dam across Cedar river.

Also, H. R. file No. 199, a bill for an act to provide for transcribing certain records in Polk county;

Also, H. R. file No. 200, joint resolution appointing a committee of investigation of the affairs of the Des Moines River Improvement.

Also, H. R. file No. 201, joint resolution for additional mail facilities.

And found the same correctly engrossed.

Mr. Green of Henry, from the committee on incorporations, to which was referred the petition of the city council of the city of Davenport reported by bill,

H. R. file No. 203, a bill for an act to amend the act to incorporate the city of Davenport;

Which was read a first and second time, and

Ordered to a third reading.

Mr. Dillon from the committee on public buildings, to which was referred

Senate file No. 44, a bill for an act providing for the further completion of the State House at Iowa City,

Reported the same back, recommending its passage.

Mr. Haun moved that the committee of the whole be discharged from the further consideration of H. R. file No. 111, a bill for an act regulating the sale of ardent spirits.

Lost.

Senate message of yesterday being in order.

Senate substitute for H. R. file No. 1, a bill for an act to prohibit the Indians from hunting in the state, and to prohibit the whites from trading with the Indians,

Was read a first and second time; and,

Indefinitely postponed.

The Senate amendments to

H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington,

Were concurred in.

Mr. Haun from the select committee, to which was referred

H. R. file No. 84, a bill for an act in relation to the sale of county property and the disposition of the fees of the county judge;

With leave, reported a substitute therefor, which was accepted; and read a first and second time, and the 42nd rule suspended, the substitute read a third time, passed and the title agreed to.

Senate amendments to substitute for H. R. file Nos. 46 and 70, being read

Mr. Whitmore moved that the House do not concur therein.

Lost,

The amendments were then concurred in.

Senate amendment to

H. R. file No. 172, a bill for an act relinquishing an escheat,

Was concurred in.

Senate amendment to H. R. file No. 166, a bill for an act to locate the seat of justice of Black Hawk county,

Was concurred in.

Senate file No. 58, a bill for an act on the subject of change of venue.

Which was read a first and second time,

Mr. Grimes moved to indefinitely postpone the bill.

Lost.

Yeas 27,

Nays 33,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Goodson,	Mr. Ream,
Bryant,	Benj. Green,	Rogers,
Bunker,	Geo. F. Green,	Russell,
Clark,	Grimes,	Seymour,
Cleaves,	McArthur,	Steadman,
Duncan,	McPherrin,	Walters,
Folsom,	Means,	Williams,
Fordyce,	Mitchell,	Witter, and
Gilmore,	Montgomery,	Speaker.

Those who voted in the negative were—

Mr. Allen,	Mr. Eaton,	Mr. Sells,
Allison,	J. C. Green,	Sharp,
J. M. Anderson,	Haun,	Stevens,
Bonson,	Hesser,	Taylor,
Bryan,	Hutchinson,	Townsend,
Coles,	Putman,	Washburn,
Coffin,	Ramsey,	Wasson,
Dillon,	Reeder,	Whitmore,
Dodge,	Rice,	Wilson, and
Drake,	Ross,	Wright.
Duckworth,	Sears,	

The bill was referred to the committee on amendments to the code.

Mr. Witter from the committee on enrolled bills, reported that they had examined

H. R. file No. 17, an act to locate the seat of justice of Decatur county; also,

Substitute for H. R. file No. 140, an act to unite the counties of Yell and Risley,

And found the same correctly enrolled.

The Speaker then signed said bill in the presence of the House.

Mr. Drake, with leave, introduced

H. R. file No. 204, a bill for an act to authorize the county judge of Jones county to cause certain records to be indexed,

Which was read a first and second time, and

The 42nd rule being suspended, the bill was read a third time, passed and title agreed to.

Mr. Sharp, with leave, introduced

H. R. file No. 205, a bill for an act to legalize the assessment of Pottawattamie county, for the years 1851 and 1852,

Which was read a first and second time,

And the 42d rule was suspended, the bill read a third time, passed and title agreed to.

Mr. Washburn, with leave, introduced

H. R. file No. 206, joint resolution and preamble, memorializing Congress to cause the line of the half breed tract, in Lee county, to be surveyed and established,

Which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Folsom, with leave, introduced

H. R. file No. 207, a bill for an act to allow an appeal in criminal trials before a justice of the peace,

Read a first time.

Also,

With leave, introduced

H. R. file No. 208, a bill for an act to allow a change of venue in suits pending before justices of the peace,

Which was read a first time,

The special order for this hour (10 o'clock A. M.) being

H. R. file No. 141, a bill for an act to suppress drinking houses and tippling shops.

On motion of Mr. Grimes,

The House sat as in committee of the whole thereon.

Sundry amendments were made to the bill, when

Mr. Ramsey moved to lay the bill on the table until the 1st of August next.

On motion of Mr. Eaton,

A call of the House was had, and Messrs. Bryan and Clark were found to be absent.

The absentees appearing in their seats,

The motion to lay on the table until the first of August next,

Was decided in the negative.

Yeas 25,

Nays 37.)

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. A. D. Anderson,	Mr. Folsom,	Mr. Steadman,
Bonson,	Garber,	Stevens,
Bryan,	Geo. F. Green,	Taylor,
Bryant,	Haun,	Townsend,
Bunker,	Hesser,	Washburn,
Dillon,	Hutchinson,	Wilson, and
Duckworth,	Means,	Wright.
Duncan,	Montgomery,	
Eaton,	Ramsey,	

Those who voted in the negative were—

Mr. Alger,	Mr. Benj. Green,	Mr. Ross,
Allen,	J. C. Green,	Russell,
Allison,	Grimes,	Sears,
J. M. Anderson,	Jessup,	Sells,
Coles,	McArthur,	Seymour,
Clark,	McPherrin,	Sharp,
Cleaves,	Mitchell,	Walters,
Coffin,	Putman,	Wasson,
Dodge,	Ream,	Whitmore,
Drake,	Reeder,	Williams,
Fordyce,	Rice,	Witter, and
Goodson,	Rogers,	Mr. Speaker.

Message from the Senate by Mr. Cuming, their Secretary:

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

Senate file No. 11, a bill for an act to amend chapter 136 of an act for revising and consolidating the general statutes of the State of Iowa.

Senate file No. 99, a bill for an act granting incorporate companies the right of way.

Senate file No. 111, a bill for an act further to regulate the practice of the courts of this State; and

Senate file No. 108, a bill for an regulating set-off in courts of law, and to amend sections 1740 and 1751 of the code.

I herewith return

H. R. file No. 122, a bill for an act to provide for the election of attorney general and define his duties, with two amendments, in all all of which the concurrence of the House is requested.

Also,

Substitute for substitute for H. R. file No. 36, a bill for an act providing for the election of supervisors and defining their duties, the same having passed the Senate without amendment.

Question being on ordering H. R. file No. 141 to its third reading, Mr. Haun offered the following substitute :

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That any person wishing to sell spirituous or vinous liquors in a quantity less than one gallon, shall apply to the judge of the proper county, who shall issue his warrant, directing the person so applying to pay into the county treasury a sum not exceeding four hundred nor less than one hundred dollars, in the discretion of the judge, and obtain the treasurer's receipt for the same, and upon the presentation of such receipt, the judge shall grant to such applicant a license to keep a grocery in said county for the term of one year, upon the applicant executing a bond to the said judge in the penalty of two hundred dollars, with one or more sufficient securities, conditioned that he will keep a good, orderly house and that he will not permit any unlawful gaming or riotous conduct in or about his house; neither will he permit any habitual drunkenness, or those that are daily in the habit of becoming intoxicated to be and remain about his house, and upon a violation of the requisitions herein contained, the persons offending shall pay a penalty of not less than ten, nor more than fifty dollars for the use of the county in which the offence was committed, to be recovered by law as other debts are recovered.

SEC. 2. License granted to keep a grocery shall not authorize the

person obtaining such license, to vend or sell spirituous or vinous liquors in more than one place or house in the county in which such license was obtained.

SEC. 3. A grocery shall be deemed to include any house or place where spirituous or vinous liquors are retailed by quantities less than one gallon.

SEC. 4. If any person shall see or retail any spirituous or vinous liquors in less quantity or quantities than one gallon, without first having obtained a license agreeable to this chapter, he shall upon conviction thereof, be fined in any sum not exceeding one hundred nor less than ten dollars, for the use of the county where the offence shall have been committed, to be recovered by indictment in any district court in this state having cognizance thereof, or be imprisoned in the jail of the proper county, not less than ten nor more than thirty days, to be fixed by the jury trying the cause or both.

SEC. 5. And it is hereby made the duty of all county or township officers, knowing of any violations of the foregoing regulations of this chapter, to make complaint thereof to the grand jury at the next session of the district court after such violation; and any other person who may know of any violation of the foregoing chapter, may make complaint before the grand jury as aforesaid, and the county judge shall sue on the bond for any violation of its conditions: Provided, however, That no provisions of this chapter shall be so construed as to interfere with or in any way to abridge the powers and privileges granted to cities or incorporated towns within this State.

SEC. 6. In all cases of a violation of this act, justices of the peace shall have the same primary jurisdiction as in other criminal cases.

SEC. 7. In all cases when a majority of the voters of any county, who have voted at any April election, have deposited a ballot with the words "no grocery license," inscribed thereon, the said county judge may authorize a license during said year.

SEC. 8. This act to be in force from and after its publication.

Mr. Means moved the previous question, which was ordered.

On motion of Mr. Haun,

A call of the House was had, and Messrs. Allen, Folsom, and Rice, were found to be absent.

Mr. Green, of Henry, moved that the further call of the House be dispensed with.

Lost.

Mr. Sharp moved to dispense with the further call.

Lost.

Mr. Rice appeared and moved that the House adjourn.

Lost.

Mr. Folsom moved the House adjourn.

Lost.

Mr. Folsom renewed the motion to adjourn.

Lost.

Mr. Folsom moved to adjourn.

Lost.

Mr. Townsend moved to adjourn.

Lost.

Mr. Eaton moved to adjourn.

Lost.

Mr. Ramsey moved to adjourn.

Lost.

Mr. Eaton moved to adjourn.

Lost.

Mr. Eaton moved to adjourn.

Lost.

Yeas 25,

Nays 37.

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Allen,

Allison,

A. D. Anderson,

Bonson,

Bryan,

Bunker,

Dillon,

Dodge,

Duncan,

Mr. Eaton,

Folsom,

Garber,

Haun,

Hesser,

Hutchinson,

Ramsey,

Rice,

Sharp,

Mr. Steadman,

Taylor,

Townsend,

Washburn,

Wilson,

Wright, and

Mr. Speaker.

Those who voted in the negative were

Mr. Alger,

J. M. Anderson,

Bryant,

Coles,

Clark,

Mr. Cleaves,

Coffin,

Drake,

Duckworth,

Fordyce,

Mr. Gilmore,

Goodson,

J. C. Green,

Geo. F. Green,

Grimes,



Jessup.	Ream,	Seymour,
McArthur,	Reeder,	Stevens,
McPherrin,	Rogers,	Walters,
Means,	Ross,	Wasson,
Mitchell,	Russell	Whitmore,
Montgomery,	Sears,	Williams, and
Putman,	Sells,	Witter.

The Speaker having decided that continuous motions to adjourn were in order, as often as they might be made, unless a member is speaking or the House voting.

Mr. Grimes appealed from the decision.

The question was then put, viz: Shall the decision of the Speaker stand as the judgment of the House? and decided in the affirmative.

The question being on adopting the substitute for the bill, offered by Mr. Haun,

Was decided in the negative.

Yeas 21,)

Nays 41,)

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Allen,	Mr. Dillon,	Mr. Means,
Allison,	Duncan,	Montgomery,
A. D. Anderson,	Eaton,	Stevens,
Bonson,	Folsom,	Taylor,
Bryant,	Garber,	Washburn,
Bunker,	Haun,	Wilson, and
Clark,	Hutchinson,	Wright.

Those who voted in the negative were—

Mr. Alger,	Mr. Goodson,	Mr. Ream,
J. M. Anderson,	J. C. Green,	Reeder,
Bryan,	Benj. Green,	Rice,
Coles,	Geo. F. Green,	Rogers,
Clark,	Grimes,	Ross,
Cleaves,	Hesser,	Russell,
Coffin,	Jessup,	Sears,
Dodge,	McArthur,	Sells,
Brake,	McPherrin,	Seymour,
Duckworth,	Mitchell,	Sharp,
Fordyce,	Putman,	Steadman,
Gilmore,	Ramsey,	Townsend,

Walters,  
Wasson,

Whitmore,  
Williams,

Witter, and  
Mr. Speaker.

Message from the Senate by Mr. Cuming, their Secretary.

MR. SPEAKER—I am directed to inform the House of Representatives, that the Senate have concurred in the House amendment to Senate substitute for H. R. file No. 58, a bill for an act to secure to the electors of Iowa, the right to elect a Commissioner and Register of the Des Moines river improvement, &c.

With one amendment, to-wit: strike out of said House amendment the last proviso.

In which the concurrence of the House of Representatives is requested.

Also, that the Senate has concurred in the House amendment to H. R. file No. 113, striking out the title;

Also, that the Senate have passed Senate file No. 105, a bill to regulate the practice of medicine and surgery in the State of Iowa.

Senate file No. 120, a bill for an act to provide for the election of a justice of the peace, in Ashland, Wapello county.

Senate file No. 113, a bill for an act to amend section 1848 of the Code of Iowa.

Senate file No. 114, a bill for an act to amend section 2122 of the Code of Iowa.

Also,

Substitute for H. R. file No. 178, a bill to amend section 106 of the Code of Iowa.

Substitute for H. R. file No. 146, a bill for an act appointing agents to superintend levees and drains to reclaim certain swamp lands in the counties of Muscatine and Louisa.

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

Mr. Eaton moved that the House adjourn.

Lost.

Question being, shall the bill be engrossed and read a third time?

Was decided in the negative.

Yeas 31,

Nays 31,

The yeas and nays being desired, those who voted in the affirmative were—

Mr. A. D. Anderson, Mr. Cleaves,  
Coles,

Coffin,

Mr. Dodge,  
Drake,

Fordyce,  
 Gilmore,  
 Goodson,  
 J. C. Green,  
 Benj. Green,  
 Grimes,  
 Jessup,  
 McArthur,  
 McPherrin,

Mitchell,  
 Putman,  
 Ream,  
 Reeder,  
 Rogers,  
 Ross,  
 Russell,  
 Sears,  
 Sells,

Seymour,  
 Walters,  
 Wasson,  
 Whitmore,  
 Williams,  
 Witter, and  
 Mr. Speaker.

Those who voted in the negative were—

Mr. Alger,  
 Allen,  
 Allison,  
 J. M. Anderson,  
 Bonson,  
 Bryan,  
 Bryant,  
 Bunker,  
 Clark,  
 Dillon,  
 Duckworth,

Mr. Duncan,  
 Eaton,  
 Folsom,  
 Garber,  
 Geo. F. Green,  
 Haun,  
 Hesser,  
 Hutchinson,  
 Means,  
 Montgomery,  
 Ramsey,

Mr. Rice.  
 Sharp,  
 Steadman,  
 Stevens,  
 Taylor,  
 Townsend,  
 Washburn,  
 Wilson, and  
 Wright.

On motion,

The House adjourned to two o'clock, P. M.

# HALF-PAST ONE O'CLOCK, P. M.

Mr. Grimes moved to suspend the rule in order to take up for consideration H. R. file No. 195, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution of the State,

Which was agreed to.

On motion of Mr. Eaton,

A call of the House was had, and Messrs. Anderson, of Dubuque, and McArthur were found to be absent.

The absentees having appeared,

The bill was read a third time and passed.

Yeas 40,

Nays 22,

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. Allison,	Mr. J. C. Green,	Mr. Russell,
Bunker,	Grimes,	Sells,
Coles,	Hesser,	Seymour,
Clark,	Jessup,	Stevens,
Cleaves,	McArthur,	Townsend,
Coffin,	McPherrin,	Walters,
Drake,	Mitchell,	Wasson,
Duckworth,	Montgomery,	Whitmore,
Duncan,	Putman,	Williams,
Folsom,	Ramsey,	Wilson,
Fordyce,	Ream,	Witter, and
Garber,	Reeder,	Wright.
Gilmore,	Rogers,	
Benj. Green,	Ross,	

Those who voted in the negative were,

Mr. Alger,	Mr. Dodge,	Mr. Sears,
Allen,	Eaton,	Sharp,
A. D. Anderson,	Goodson,	Steadman.
J. M. Anderson,	Geo. F. Green,	Taylor,
Bonson,	Haun,	Washburn, and
Bryan,	Hutchinson,	Mr. Speaker,
Bryant,	Means,	
Dillon,	Rice,	

The title of the bill was then agreed to.

Mr. Anderson, of Lee, with leave, introduced

H. R. file No. 209, a bill for an act to provide for the election of officers of the medical department of the Iowa University,

Was read a first and second time.

On motion of Mr. Anderson, of Lee,

The 42d rule was suspended, and the bill read a third time.

The question being shall the bill pass,

Was decided in the negative.

Yeas 22,

Nays 38,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Allen,	Mr. Haun,	Mr. Sells,
J. M. Anderson,	Mitchell,	Sharp,
A. D. Anderson,	Montgomery,	Steadman,
Bryan,	Ramsey,	Whitmore,
Bryant,	Reeder,	Witter, and
Dodge,	Rice,	Wright.
Duckworth,	Rogers,	
Folsom,	Ross,	

Those who voted in the negative were,

Mr. Alger,	Mr. Gilmore,	Mr. Russell,
Allison,	Goodson,	Sears,
Bonson,	Benj. Green,	Seymour,
Bunker,	J. C. Green,	Stevens,
Coles,	Geo. F. Green,	Taylor,
Clark,	Grimes,	Townsend,
Cleaves,	Hesser,	Walters,
Coffin,	Hutchinson,	Washburn,
Dillon,	Jessup,	Wasson,
Drake,	McPherrin,	Williams,
Duncan,	Means,	Wilson, and
Fordyce,	Putman,	Mr. Speaker.
Garber,	Ream,	

Mr. Folsom presented the accounts of sundry persons against the state, which were referred to the committee on claims.

Mr. Eaton presented a communication from H. A. Carter, relative to a claim against the state, which was referred to the committee on claims.

Mr. Witter, from the committee on enrolled bills, reported that they had presented to the Governor for his signature

H. R. file No. 6, a bill for an act to define the boundaries of Dallas county; also

H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto, approved Feb. 5, 1851; also,

H. R. file No. 132, a bill for an act allowing fees in certain cases; also,

H. R. file No. 136, a bill for an act to amend the charter of the town of Fort Madison; also,

H. R. file No. 138, a bill for an act for an additional justice of the peace in Washington township, Warren county; also,

H. R. file No. 150, a bill for an act to authorize I. D. Guiberson to transcribe the records of Madison county; also,

H. R. file No. 158, a bill for an act to change the name of the town of Creesville in Jefferson county, to Botavia; also,

H. R. file No. 156, joint resolution appointing trustees of the branch of the state university, at Fairfield; also,

H. R. file No. 155, a bill for an act to change the name of Kanesville to Council Bluffs; also,

H. R. file No. 176, an act making appropriations for the fiscal years 1853 and 1854, and for the pay of mileage and *per diem* of the members of the fourth General Assembly and its officers.

Mr. Anderson, of Lee, from the committee on the state library, with leave, reported back the claim of N. G. Benton, as correct.

Mr. Colles moved to amend the report so as to make the allowance twenty-five dollars.

On motion of Mr. Grimes,

The report and amendment were committed to the committee on claims.

Substitute for Senate file No. 64, a bill in relation to paper currency

Was read a first and second time.

Mr. Haun moved to lay the bill on the table till July 4th next.

Lost.

On motion,

The bill was referred to the committee on the judiciary.

Senate file No. 74, a bill for an act to amend chapter 129 of the code, concerning writs of attachment and replevin issued by justices of the peace.

Was read a first and second time, and

Referred to the committee on amendments to the code.

Senate file No. 93, a bill for an act to amend the law in relation to executors, &c,

Which was read a first and second time, and

Referred to the committee on the code.

Senate file No. 106, a bill for an act to change the name of South Bentonsport to Vernon,

Was read a first and second time.

Senate file No. 107, joint resolution authorizing the Secretary of State to forward the Code of Iowa to the public libraries in the city of Washington,

Was read a first and second time.

Senate file No. 117, a bill for an act to vacate a part of the town of Toolsborough, in Louisa county,

Which was read a first and second time

On motion of Mr. Cleaves,

The 42nd rule was suspended, and

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

Senate file No. 116, joint resolution in relation to Green's Reports.

Which was read a first and second time.

On motion of Mr. Sharp,

The following was added to the joint resolution :

Resolved further, That the State Librarian be authorized to deposit with the Secretary of State one copy of the first volume of Green's Reports and distribute the same with the second volume to any county now organized, or being organized, which has not already had the first volume : Provided, nothing herein contained, shall be so construed as to authorize the purchase of additional copies.

Said joint resolution was then ordered to a third reading to-morrow,

H. R. file No. 54, preamble and joint resolution asking Congress to remove certain restrictions in the act granting lands to aid in the improvement of the Des Moines river,

Was read a second time,

Accompanied by reports of the majority and minority of the committee on the Des Moines river improvement, and

The bill was ordered to a third reading on to-morrow.

H. R. file No. 184, a bill for an act to pay John Brown and Joseph Hoag certain monies;

Was read a second time,

Accompanied by a report of a select committee recommending its passage, and

On motion of Mr. Walters,

Laid on the table till the 26th inst.

Senate file No. 44, a bill for an act providing for the further completion of the State House at Iowa City;

Was read a second time,

Said bill was then ordered to a third reading on to-morrow.

Yeas 38,

Nays 18.

The yeas and nays were desired, and those who voted in the affirmative.

Mr. Alger,	Mr. Duncan,	Mr. Reeder,
Allen,	Eaton,	Rogers,
A. D. Anderson,	Folsom,	Ross,
J. M. Anderson,	Garber,	Sells,
Bonson,	Gilmore,	Steadman,
Bryan,	Goodson,	Townsend
Bryant,	J. C. Green,	Washburn,
Bunker,	Geo. F. Green,	Whitmore
Coffin.	Jessup,	Wilson,
Dillon,	McArthur,	Witter,
Dodge,	Means,	Wright, and
Drake,	Mitchell,	Mr. Speaker.
Duckworth,	Montgomery,	

Those who voted in the negative were,

Mr. Coles,	Mr. Putman,	Mr. Seymour,
Clark,	Ramsey,	Sharp,
Cleaves,	Ream,	Stevens,
Fordyce,	Rice,	Walters,
Grimes,	Russell,	Wasson, and
McPherrin,	Sears,	Williams.

Senate file No. 75, a bill for an act to amend section 649, chapter 42 of the code.

Was read a second time.

On motion of Mr. Folsom,

Resolved, That when this House adjourn in the afternoon hereafter, that it adjourn until seven o'clock, P. M., unless otherwise ordered.

On motion of Mr. Goodson,

Leave of absence was granted to Mr. Green, of Dallas.

On motion,

The House adjourned.



## SEVEN O'CLOCK, P. M.

Senate file No. 32, an act to repeal section 2868 of the code, requiring testimony taken before recognizing magistrates to be reduced to writing,

Which was read a second time, and

On motion of Mr. Folsom,

The 42d rule was suspended, and said bill read a third time, passed and title agreed to.

Substitute for H. R. file No. 13, a bill for an act granting to certain officers therein named a copy of the code and laws of Iowa,

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

Senate substitute for H. R. file No. 106, a bill to amend an act for the encouragement of agriculture,

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

H. R. file No. 173, a bill for an act to appoint a commissioner to perform certain duties in Delaware county,

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

H. R. file No. 179, a bill for an act to incorporate Iowa City,

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

H. R. file No. 182, a bill for an act to reduce the salaries of certain officers in Marion county

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

H. R. file No. 183, a bill for an act to relocate the county seat of Fayette county,

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

H. R. file No. 185, a bill for an act to incorporate the city of Council Bluffs,

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

H. R. file No. 187, a bill for an act to amend chapter 83 of the code,

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

H. R. file No. 193, a bill for an act to amend an act entitled "an act for revising and consolidating the general statutes of the State of Iowa,

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

H. R. file No. 196, a bill for an act to authorize Nicholas B. Brown and others to construct a dam across Cedar river,

Was read a third time, and

On motion of Mr. Eaton,

Referred to the Representatives from Dubuque district and Linn county.

H. R. file 199, a bill for an act to provide for transcribing certain records in Polk county,

Was read a third time, and

On motion of Mr. Walters,

Referred to a select committee.

Messrs. Walters, Allison and Dodge were appointed said committee.

H. R. file No. 200, joint resolution appointing a committee of investigation of the affairs of the Des Moines River Improvement.

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

H. R. file 201, joint resolution for additional mail facilities,

Read a third time, passed and title agreed to.

Senate file No. 34, a bill for an act concerning fences and trespassing animals,

Was read a third time and passed.

On motion of Mr. Grimes,

All of the title after the "fences," was struck out.

The title, as amended, was agreed to.

Senate file No. 94, a bill for an act to amend the charter of the city of Muscatine.

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

Senate file No. 95, a bill for an act requiring guardians to account for the property of minors;

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

On motion of Mr. Grimes,

The House resolved itself into committee of the whole, at seven o'clock and 30 minutes, for the consideration of H. R. file No. 180, a bill for an act supplemental and amendatory to chapters 66, 67, 68, 69, 70 and 71 of the code,

Mr. Gilmore in the chair.

Nine o'clock, the committee rose, and by its chairmain, reported the bill back, with sundry amendments, asking the concurrence of the House therein, and recommending its passage.

The amendments were all concurred in.

On motion of Mr. Grimes,

The bill was recommitted to the committee on schools and state

university, with instructions to designate, in section 36, the specific sections of the code repealed thereby.

Mr. Anderson, of Dubuque, moved that the House adjourn.

Lost.

Mr. Townsend, with leave, submitted the following reports :

The committee on amendments to the code, have had under consideration Senate file No. 96, an act to amend section 1272 of the Code of Iowa, and have directed me to report the same back to the house and recommend its passage.

Also,

Have had under consideration H. R. file No. 202, and have directed me to report the same back, recommending that all of said bill be struck out after the enacting clause, and the following substituted in lieu thereof: "The sheriff shall receive ten cents per mile in going and returning, for taking each prisoner to state prison, and no constructive mileage shall be allowed in any case."

Also,

Have had under consideration H. R. file No. 87, a bill for an act regulating the fees of certain officers therein named, and ask to be discharged from the further consideration of the same; and also, H. R. file No. 153, a bill for an act to amend section 2569 of the code; and also, H. R. file No. 109, a bill for an act concerning criminal proceedings; and also, Senate file No. 58, a bill for an act on the subject of change of venue; and also, H. R. file No. 67, a bill for an act to amend 21st chapter of the code, and recommend their indefinite postponement.

J. S. TOWNSEND, Chairman.

The committee was discharged from the further consideration of H. R. file No. 87.

On motion,

The House adjourned.

THURSDAY MORNING, JANUARY 20 1853.

Mr. Dodge presented the petition of four hundred and forty-nine citizens of Scott county; and twenty-seven citizens of Muscatine county asking a change in the boundary line between said counties; which was,

On his motion,

Laid on the table.

Mr. Dodge, from the select committee to which was referred

H. R. No. 199, a bill for an act to provide for transcribing certain records in Polk county,

Reported the same back with sundry amendments thereto, in which they asked the concurrence of the House, and recommended its passage.

Mr. Bryan, with leave, introduced

H. R. file No. 210, a bill for an act to provide for taking the census of a portion of Warren county;

Which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Reeder, with leave, introduced,

H. R. file No. 211, a bill for an act for the publication of the laws of the present session;

Which was read a first and second time, and

Referred to a select committee.

Messrs. Rogers, Reeder and Coles, were appointed said committee.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 206, memorial and joint resolution memorializing Congress to cause the line of the half breed tract in Lee county, to be surveyed and established,

And found the same correctly engrossed.

Mr. Alger with leave, introduced

H. R. file No. 213, a bill for an act supplemental to an act entitled an act to dispose of the swamp and overflowed lands in this state, and to pay the expenses of selecting and surveying the same,

Which was read a first and second time, and

On motion of Mr. Haun,

Was referred to a select committee.

Messrs. Haun, Alger and Bunker, were appointed said committee.

Mr. Anderson of Dubuque, from the select committee to which was referred Senate file No. 98, submitted the following

### REPORT:

The select committee, to whom was referred Senate file No. 98, a bill for an act to re-locate the county seat of Allamakee county, have had the same under consideration, and ask leave to report the same back with the following amendments, viz:

Strike out the name of Rufus P. Gates in the first section, and insert John S. Lewis.

Strike out "twentieth day of February" in section two, and insert "the first Monday in March."

Add the following to section 7:

Provided, That the county judge of said county shall re-convey to the proprietors of the town of Columbus, all lands and town lots which have been deeded to said county, by said proprietors for county purposes; and if such lands or town lots, have been sold or disposed of by, or for the benefit of said county, the said county judge shall pay over to said proprietors, all monies he may have received on such sales, and also all amounts which he is to receive at such time or times as the same may become due.

Add the following:

Section 10 This act shall take effect and be in force from and after its publication in the Dubuque Democrat, and Lansing Intelligencer: Provided, Said county of Allamakee shall be at the expense of said publication.

All of which is respectfully submitted.

ALEX. D. ANDERSON, Chairman.

Which was concurred in.

Mr. Folsom, from the committee on amendments to the code, to which was referred H. R. file No. 125, a bill for an act to legalize the right of trial by jury, reported a substitute therefor, which was accepted,

And read a first and second time, and

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

Mr. Townsend, from the committee on amendments to the Code, submitted the following

### REPORT:

The committee on amendments to the code, have had under consideration H. R. files Nos. 88, 102, 174, 151, 152, 139, 19, 85, and 105, and the motion on H. R. file No. 87, and have directed me to report a general substitute for all of said bills, which is herewith submitted—as H. R. file No. 213, a bill for an act to alter and amend the code of Iowa.

Which was accepted, and read a first and second time.

On motion of Mr. Folsom,

The House resolved itself into committee of the whole, for the consideration of said bill, at nine o'clock and thirty minutes,

Mr. Garber in the chair.

Eleven o'clock and 20 minutes, the committee rose, and by its chairman reported the bill back with sundry amendments,

In which the concurrence of the House is requested.

The House concurred in the amendments of the committee, and

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

Mr. Witter from the committee on enrolled bills, reported that they had examined

H. R. file No. 79, an act to amend the charter of the city of Burlington.

Also,

H. R. file No. 166, an act to locate the seat of justice of Blackhawk county.

Also

H. R. file No. 172, an act relinquishing an escheat.

Also,

Substitute for H. R. file Nos. 46 and 70, an act fixing the boundaries of the several judicial districts, and the time of holding the courts therein.

Also,

Substitute for substitute for H. R. file No. 36, an act providing for the election of supervisors, and defining their duties.

And found the same correctly enrolled.

The Speaker signed the bills in the presence of the House.

Message from the Senate of yesterday being in order,

Senate amendment to H. R. file No. 122, a bill for an act to provide for the election of attorney general, and define his duties, was read.

On motion of Mr. Anderson, of Dubuque,

A call of the House was had, and Mr. Duckworth found to be absent.

On motion of Mr. Means,

A further call of the House was dispensed with.

Mr. Haun moved to amend the Senate amendment to section 7, by striking out "ten" and inserting "eight."

Lost.

Yeas 13,

Nays 45,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Allen,

Bonson,

Bryant,

Eaton,

Geo. F. Green,

Mr. Haun,

Means,

Sells,

Steadman,

Taylor,

Mr. Washburn,

Wilson, and

Mr. Speaker.

Those who voted in the negative were,

Mr. Alger,

Allison,

A. D. Anderson,

J. M. Anderson,

Bryan,

Bunker,

Coles,

Clark,

Cleaves,

Coffin,

Dillon,

Dodge,

Drake,

Duckworth,

Duncan,

Mr. Folsom,

Fordyce,

Garber,

Gilmore,

Goodson,

J. C. Green,

Grimes,

Hutchinson,

Jessup,

McArthur,

McPherrin,

Mitchell,

Montgomery,

Putman,

Ramsey,

Mr. Ream,

Reeder,

Rice,

Rogers,

Ross,

Russell,

Sears,

Seymour,

Stevens,

Townsend,

Walters,

Wasson,

Whitmore,

Williams, and

Wright,

The question then being taken on concurring in Senate amendment to section 7,

Was decided in the negative.

Yeas 13,

Nays 44,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Allen,

A. D. Anderson,

J. M. Anderson,

Bryan,

Dillon,

Mr. Dodge,

Eaton,

Gilmore,

Geo. F. Green,

Haun,

Mr. Rice,

Sells,

Steadman,

Washburn and

Wright,

Those who voted in the negative were,

Mr. Alger,

Allison,

Bonson,

Bryant,

Bunker,

Coles,

Clark,

Cleaves,

Coffin,

Drake,

Duckworth,

Duncan,

Folsom,

Fordyce,

Garber,

Mr. Goodson,

J. C. Green,

Grimes,

Hutchinson,

Jessup,

McArthur,

McPherrin,

Meana,

Mitchell,

Montgomery,

Putman,

Ramsey,

Ream,

Reeder,

Rogers,

Mr. Ross,

Russell,

Sears,

Seymour,

Stevens,

Taylor,

Townsend,

Walters,

Wasson,

Whitmore,

Williams,

Wilson, and

Witter

Mr. Speaker.

Question then being on concurring in Senate amendment to section 8,

Mr. Folsom moved to amend Senate amendment by adding thereto, the words "also, strike out the balance of the section."

Lost.

On motion,

The House adjourned.



HALF-PAST SIX O'CLOCK, P. M.

Mr. Coles moved to reconsider the vote of this morning, rejecting the amendment of Mr. Folsom, to Senate amendment to section 8 of H. R. file No. 122, striking out the balance of the section.

The Speaker decided the amendment of Mr. Folsom to be out of order.

Mr. Folsom appealed from the decision, and the question being put, shall the decision of the Chair stand as the judgment of the House, the Chair was sustained.

The House then concurred in the Senate amendment to section 8.

Mr. Coles, from the select committee, to which was referred H. R. file No. 211, a bill for an act to provide for the publication of the laws of the present session, with leave, reported the same back, recommending its passage.

On motion of Mr. Taylor,

Resolved, That no new bills shall be received by this House, after to-morrow noon, except by unanimous consent.

Mr. Gilmore offered the following resolution :

Resolved, That the Chief Clerk be instructed to inform the Senate that the House of Representatives is ready to meet the Senate in the hall of Representatives, in joint convention, at three o'clock, P. M., for the purpose of electing a State Printer, and Warden of the Penitentiary.

Lost.

Mr. Taylor, from the committee on federal relations, with leave, submitted the following

## REPORT:

The committee on federal relations, to whom was referred Senate file No. 81, joint resolution to procure additional mail facilities, have had the same under consideration, and instructed me to report the same back to the House with one additional section, and recommend its passage.

J. TAYLOR, Chairman,

The amendment proposed was concurred in.

Mr. Bonson, from the committee on claims, to which was referred the petition of N. Maynard, with leave, reported the same back, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Haun, from the select committee, to which was referred H. R. file No. 212, a bill for an act supplemental to an act entitled an act to dispose of the swamp and overflowed lands in this State, and to pay the expenses of selecting and surveying the same, with leave, reported the same back and recommended its passage.

On motion of Mr. Washburn,

The 42nd rule was suspended, and

H. R. file No. 206, memorial and joint resolution, memorializing Congress to cause the line of the half breed tract in Lee county, to be surveyed and established,

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

Mr. Anderson, of Lee, from the committee on schools and state university, to which was referred H. R. file No. 180, a bill for an act supplemental and amendatory to chapters 66, 67, 68, 69, 70 and 71 of the code, with leave, reported the same back with one amendment,

Which was concurred in.

Senate file No. 99, a bill for an act granting incorporate companies the right of way,

Was read a first and second time; and,

On motion of Mr. Folsom,

Made the special order in committee of the whole House, to-morrow at 6 o'clock and 30 minutes, P. M.

Senate file No. 108, a bill for an act regulating set-off in courts of law,

Was read a first and second time, and

Referred to the committee on amendments to the code.

Senate file No. 111, a bill for an act further to regulate the practice of the courts of this State,

Which was read a first and second time.

On motion of Mr. Folsom,

The following section was added as section 4:

Sec. 4. Every man who brings a suit shall be compelled, on request, to disclose the nature of his case, hopes, and prospects of his adversary.

The 42nd rule was suspended, and the bill was read a third time.

The question being, shall the bill pass,

Was decided in the negative.

To the Honorable the General Assembly of the State of Iowa:  
In compliance with the 48th section of the code of Iowa, the undersigned would respectfully submit the following abstracts for the years 1851 and 1852, of the criminal returns received from the clerks of the District Court of the several counties in this State, embracing all the facts contained in such reports.  
Very respectfully, your ob't servant,  
GEO. W. McCLEARY, Secretary of State.

ABSTRACT OF THE CRIMINAL RETURNS FROM THE SEVERAL COUNTIES IN THE STATE OF IOWA FOR THE YEAR ENDING NOVEMBER 3RD, 1851.

COUNTIES.	CRIME.	No. of convicts	OCCUPATION.	HABITS.	READ & WRITE	SENTENCE.	Fees of Pros. Att'y.	Costs of prosecution	TOTAL.
Appanoose		0					35 00	" "	35 00
Beaton		0					124 00	151 00	275 00
Buchanan	Pettit larceny,	1	Laborer,	Steady,	Neither,	Fined \$1, and imprisoned 1 hour,	23 00	26 30	49 30
Cedar	Assault with intent to commit bodily injury,	1	do	Dissipated,	do	Imprisoned in Penitentiary 1 year,			
do	Passing counterfeit money,	1	do	Unknown,	Both,	" " 2 "	200 00	239 97	439 97
Clayton	Selling liquor without license,	1	Unknown,	Good,	do	Fine \$50,			
do	Larceny	1	Horse thief,	Bad,	do	Imprisoned in Penitentiary 5 years,	129 50	169 89	
Clinton	do	1	Unknown,	Intemperate,	do	" " 3 "			
do	do	1	do	Good,	do	" " 1 "			
do	do	1	do	Unknown,	Unknown,	" " 1 "	43 60	463 47	507 07
Davis		0							
Delaware		0							
Des Moines	Larceny,	1	Joiner,	Dissipated,	Both	Imprisoned in Penitentiary 2 years,			
do	Pettit larceny,	1	None,	Bad,	do	Fine \$1, and imprisoned in jail 5 days,			
do	do	1	do	Bad,	do	" 1, " " -5 "	150 00	150 00	300 00
Dubuque	Assault and battery,	1	Farmer,	Good,	do	Pay costs,			
do	Threats,	1	do	do	do	" "			
do	Assault and battery,	1	Miner,	do	do	Fined \$1, and imprisoned 12 months,			
do	Selling liquor, &c.	1	do	do	do	" \$50 " 10 days,			
do	do	1	do	do	do	" " " "			
do	Bastardy,	1	do	Unknown,	Unknown,	Pay 75 cents a week for seven years,			
do	do	1	Farmer,	do	do	" " " "			
do	Recognized to keep the peace,	1	do	Good,	Both,	Pay costs,			
do	do	1	do	Intemperate,	do	" "			
do	do	1	do	Good,	do	" "			
do	Assault,	1	Physician,	do	do	Fine \$25,			
do	Threats,	1	Unknown,	Unknown,	Unknown,	Pay costs,	185 00		185 00
Henry	Larceny, (Boy 14 years old)	1	None	Bad, idle, loafer,	Both,	Fine \$5, Imprisoned 5 days,	109 00	284 62	393 62
Jefferson	Riot,	5	1 farmer, 2 painters, 1 shoemaker	Fair,	do	Pay costs,	97 50	138 81	236 81
do	Threat to kill,	3	Farmers,	Fair,	do	" "			
Johnson	Assault and battery,	1	Farmer,	Peaceable & industrious	Both	Fine \$5,			
do	Larceny,	1	Laborer,	Moral, inoffensive,	Neither,	" \$8, Imprisoned 5 days,			
do	Killing hogs,	2	Farmers	Industrious and moral	do	" one \$10, one \$5,			
do	Malicious mischief,	1	Farmer,	Moral,	Both	" \$20,			
do	Assault and battery,	1	Brickmaker,	Temperate,	do	" \$5,	172 26	258 12	430 38
Jones	Obstructing roads,	1	Farmer,	Sober and industrious,	do	" \$10,			
do	do	1	do	do	do	" "			
do	do	1	do	do	do	" "	175 05	125 00	300 05
Keokuk		0							
Lee	Selling Liquor &c.,	1	Grocer and painter,	Rather good,	Both	Fine \$50			
do	do	1	Constable,	Fair,	do	" "			
do	do	1	Grocery keeper,	Unsteady,	do	" "			
do	do	1	do	do	do	" "			
do	do	1	do	Not the best,	Unknown	" "			
do	do	1	Laborer,	Unsteady,	Neither,	" \$10,			
do	do	1	Grocery keeper,	Hard case,	Both	" 75, Imprisoned 10 days,			
do	Larceny	1	Unknown	Subject to bad influence	Neither,	Imprisoned in Penitentiary 1 year,			
do	Burglary,	1	None,	Very bad,	Unknown	" " 3 years,			
do	Manslaughter,	1	Farmer,	Rather bad	Both	Fine \$500.00 and imprisonment in Penit'y 5 years			
do	Adultery,	1	Minister,	Good,	do	" " jail 1 day,			
do	Riot,	1	Physician	Fair,	do	" \$50, " " 10 days			
do	do	1	Carpenter,	Good,	do	" " " "			
do	do	1	Painter,	do	do	" 15 " " 5 "			
do	do	1	do	do	do	" 20 " " 5 "			
do	do	1	Revelationist,	do	do	" 55 " " 10 "			
do	Selling Liquor,	4	Grocery keeper,	do	do	" 50 in each case, (200\$)	704 50	197 44	2681 94
Linn	do	3	Grocery keepers,	Bad	do	" 50 each,			
do	Assault and Battery,	1	do	do	do	" 15.80,			
do	Contempt,	1	Unknown,	do	do	" 5			
do	Larceny,	1	Teamster,	Good,	do	" 1 and restore property stolen,	300 00	150 75	450 75
Louisa	Malicious mischief,	1	Farmer,	Mischievous,	do	" 5			
do	Gaming,	1	Constable	Immoral,	do	" 20			
do	do	1	Farmer,	Pretty good,	do	" 20			
do	Selling Liquor,	1	Laborer,	Immoral,	do	" 58			
do	do. do. (In 4 cases.)	1	Lawyer,	do	do	" 10 in each case, (40\$)			
do	do. do. (In 3 cases.)	1	Farmer,	do	do	" 10 (30)			
do	do	1	do	do	do	" 15			
do	Gaming,	1	do	Immoral,	Both	" 20	187 24		359 42
Madison		0					25 00	254 27	279 27
Mahaska		0					192 00	253 95	445 95
Marion		0							70 80
Monroe	Assault and battery,	1	Farmer	Dissipated,	Neither,	Fine \$18,	40 00	111 37	151 37
Muscatine	do	1	Bricklayer,	Industrious,	Both	" 5,			
do	Gaming,	1	School teacher,	do	do	" 20,			
do	Selling Liquor,	1	Farmer	Dissipated,	do	" 50, Imprisoned 10 days,			
do	Obstructing Roads,	1	do	Industrious,	do	" 10,			
do	Breach of peace,	1	Unknown,	Unknown,	do	" 5,	179 00	143 27	322 27
Polk		0					299 82	109 41	408 25
Pottawattamie		0					35 00	297 20	234 20
Scott	Obstructing Roads,	1	Farmer,	Industrious,	Both	Fine \$10,			
do	Passing counterfeit money,	1	Doubtful,	Notoriously bad,	do	Imprisonment in Penitentiary 10 years.			
do	Rape,	1	Laborer,	Dissipated,	do	(Omitted)	179 00	204 12	383 12
Van Buren	Selling Liquor, (Change from Lee.)	1	Unknown,	Unknown,	Unknown	Fine \$50,			
do	Gaming,	2	do	Bad,	Both	Pay cost of prosecution,			
do	Keeping gaming table,	4	do	do	do	" " " "			
do	Gaming,	1	do	do	do	" " " "			
do	Selling liquor,	1	do	do	Unknown	" " " "			
do	Breach of peace,	1	Farmer,	Good,	do	" " " "	432 20	121 22	553 47
Warren	Larceny, (From Madison county.)	1	do	Good,	Both	Imprisonment in Penitentiary 2 years and 5 months,			40 00
Washington		0					55 00	284 12	339 12
							\$4,333 40	\$4,362 07	\$9,224 85

No. of Convictions	CRIME.	NO	OCCUPATION.	NO	HABITS.	NO	READ AND WRITE.	NO
95	Manslaughter,	1	Farmers,	25	Good, industrious, &c.	35	Can,	61
	Rape	1	Grocery keepers	8	Bad, dissipated, &c.	23	Cannot	7
	Assault with intent to com- mit bodily injury.	1	Laborers,	7	Very bad,	3	Unknown,	9
	Burglary,	1	Painters,	4	Unknown,	7	Not given,	18
	Adultery,	1	Miners,	4	Not given,	24		
	Threat to kill,	3	Physicians,	2				
	Passing counterfeit money,	2	Constables	2				
	Larceny,	10	Lawyers,	1				
	Pettit Larceny,	1	Minister,	1				
	Bastardy,	3	Revelationist,	1				
	Killing hogs,	2	School teacher	1				
	Assault and battery,	7	Farmer,	1				
	Assault,	7	Brick maker,	1				
	Threats,	2	Brick layer	1				
	Riot,	10	Carpenter,	1				
	Malicious mischief,	2	Shoemaker,	1				
	Selling liquor,	24	Joiner,	1				
	Obstructing roads,	5	Teamster,	1				
	Contempt,	1	Horse thief,	1				
	Recognized to keep the peace	3	Doubtful,	1				
	Gaming	5	None,	1				
	Keeping gaming table	4	Unknown.	14				
	Breach of peace,	2						

SECRETARY'S OFFICE, IOWA,  
Iowa City, Dec. 16, 1851.

I certify the foregoing to be a correct abstract, embracing all the facts contained in the criminal returns from the several counties in this State received at this office, for the year ending Nov. 3rd, 1851.

GEO. W. McCLEARY,  
Secretary of State.

ABSTRACT OF THE CRIMINAL RETURNS FROM THE SEVERAL COUNTIES IN THE STATE OF IOWA FOR THE YEAR ENDING NOVEMBER 1st, 1852.

COUNTIES.	No. of convicts	CRIME.	OCCUPATION.	HABITS.	READ & WRITE	SENTENCE.	Fees of Pros. Att'y.	Costs of prosecution	TOTAL.
Allamakee,	0							14 85	14 85
Appanoose	0						200 00		200 00
Benton	0						50 00	13 00	63 00
Cedar	0						200 00		200 00
Clayton	1	Assaulting officer,	Farmer,	Good,	Both,	Fine \$50	228 00	68 00	296 00
Clinton	0						160 00	16 50	176 50
Davis	1	Contempt,	Fiddler,	Good,	Both	Fine \$5,			
do	1	Selling Liquor &c.,	Grocery keeper,	do	do	" \$30,			
do	1	Dram shop,				" 16.50,			
do	1	do. do.				" 30			
do	1	do. do.				" 50			
do	1	Gaming,	Grocery keeper,	Bad,	Both	" 30			
do	1	Affray,	Farmer,	Good,	do	" 5			
do	1	Assault,	Merchant,	do	do	" 5			
do	1	Riot,	Farmer,	do	do	" 10			
do	1	do.	Bricklayer,	do	do	" 10			
do	1	do.	Plasterer,	do	do	" 15			
do	1	Assault with intent to kill,	Farmer	Bad	Neither,	Imprisoned in Penitentiary 2 years,			
do	1	Affray,	Laborer,	do	do	Fine 5,			
do	1	Assault,	Merchant,	Good,	Both,	" 5	245 00	509 86	754 86
Delaware	0						55 00		55 00
Des Moines	1	Pettit larceny.	Laborer,	Industrious,	Both	Fine \$1, and imprisoned 10 days,	350 00		300 00
Dubuque	1	Passing counterfeit money,		Bad,	Neither,	Imprisoned in Penitentiary 5 years,	320 00	77 50	397 50
do	1	Assault with a deadly weapon,		Good,	Both,	Fine \$5 pay costs of pros. imp. " 6 months,			
do	1	Selling Liquor,				" 10			
Fayette,	0						77 50	34 06	111 56
Henry	1	Keeping dram shop,	Grocery keeper,	Bad,	Neither,	Fine \$30,	250 82	162 21	413 03
Iowa	0						80 00	74 73	154 73
Jasper,	0						100 00	77 50	177 50
Jefferson	0						270 00		270 00
Jackson,	1	Murder,—1st degree.	Farmer,	Intemperate,	Both	To be hung, (sentence suspended)			1550 99
do	1	Selling Liquor,	Grocery keeper,	Good,	do	Fine \$20,			
Johnson	1	Obtaining money under false pretences.	Unknown,	Unknown,	Unknown,	" 10, Imprisoned 5 days,			
do	1	Larceny,	do			Imprisoned in Penitentiary 1 year,	220 00	535 71	755 71
Jones	1					" 2 "	122 66	30 55	153 21
Lee	1	Larceny,	Unknown,	Unknown,					
do	1	Assault,	do	Good,	Both	Fine \$25,			
do	1	Selling Liquor,	Grocery keeper,	Not the best,	do	" 15			
do	1	do. do.	do	On rough order,	do	" 25			
do	1	do. do.	do	Rather rough,	do	" 15			
do	1	do. do.	Keeper of wharf boat,	Unsteady habits,	do	" 15			
do	1	Recognized to keep the peace,	Unknown,	Unknown,		" 10	320 00	350 00	670 00
Madison	0						115 80	106 45	221 45
Mahaska	1						220 00	15 93	235 93
Marion	0	Assault with deadly weapon,	Farmer,		Neither,	Fine \$10	220 00	120 40	340 40
Monroe	1	Betting on Horse race,	Carpenter,	Moral and temperate.	Both	" 1	160 00	9 85	169 85
Muscatine	1	Obtaining goods under false pretences,	Physician,	Industrious,	do	" 50 imprisonment 6 hours.			
do	1	Manslaughter,	Farmer,	do	do	Fine \$100.00 and imprisonmet in Penit'y 1 year,	230 00		422 12
Polk	1						245 00	684 75	929 75
Pottawattamie	0						212 17	66 80	278 97
Poweshiek,	0						35 10	15 00	50 10
Scott	0						250 00	210 00	460 00
Van Buren	1	Assault and battery,		Good,		Fine \$5	296 50	303 85	600 35
Washington	0						220 00	67 65	287 65
							\$5252 85	\$3741 46	\$10560 11

No. of Convictions 37	CRIME.	NO	OCCUPATION.	NO	HABITS.	NO	READ AND WRITE.	NO
	Assaulting officer,	1	Farmers,	7				
	Assault,	3	Fiddler,	1	Good, industrious, &c.	16	Can,	22
	Assault with intent to kill	1	Grocery kepers	7	Bad, dissipated, &c.	10	Cannot	5
	" " "	2	Merchants	2	Unknown,	2	Unknown,	1
	Affray,	2	Brick mason,	1	Not given,	9	Not given,	9
	Betting on horse race,	1	Plasterer,	1				
	Contempt,	1	Laborers,	2				
	Dram shop,	3	Keeper wharf					
	Gaming	3	boat	1				
	Keeping dram shop,	1	Carpenter,	1				
	Larceny,	1	Physician	1				
	Petit Larceny,	2	Unknown,	5				
	Manslaughter,	1						
	Murder, 1st degree	1						
	Obtaining goods under false pretences,	1						
	Obtaining money " " "	1						
	Passing counterfeit money,	1						
	Riot,	3						
	Recognized to keep the peace	1						
	Selling liquor without license	1						
	Selling liquor,	6						

SECRETARY'S OFFICE, IOWA,  
Iowa City, Dec. 16, 1852. }  
I certify the foregoing to be a correct abstract, embracing all the facts contained in the criminal returns from the several counties in this State received at this office, for the year ending Nov. 1st, 1852.  
GEO. W. McCLEARY,  
Secretary of State.

Yeas 16,

Nays 31,

The yeas and nays being desired, and those who voted in the affirmative were,

Mr. Allen,	Mr. Geo. F. Green,	Mr. Sharp,
Coles,	Means,	Walters,
Coffin,	Mitchell,	Williams, and
Drake,	Montgomery,	Wilson.
Duncan,	Putman,	
Fordyce,	Rogers,	

Those who voted in the negative were,

Mr. Alger,	Mr. Grimes,	Mr. Sears,
Bryant,	Haun,	Sells,
Clark,	Hutchinson,	Seymour,
Cleaves,	Jessup,	Stevens,
Dodge,	McPherrin,	Taylor.
Duckworth,	Ramsey,	Townsend,
Folsom,	Ream,	Washburn,
Garber,	Reeder,	Wasson,
Gilmore,	Rice,	Whitmore,
Goodson,	Ross,	Wright, and
J. C. Green,	Russell,	Mr. Speaker.

Message from the Senate by Mr. Cuming, Secretary :

MR. SPEAKER—I here with return

H. R. file No. 197, a bill for an act to change the name of Fremont, in Benton county, to Vinton;

Also, H. R. file No. 198, a bill for an act to authorize the transcribing so much of the records of Pottawattamie county as relates to Mills county ;

Also, H. R. No. 202, joint resolution appropriating money to extend the State Library ;

Also, H. R. file No. 190, a bill for an act to vacate a part of Ingram and Ramsay's addition to Agency City, in the county of Wapello.

The same having passed the Senate without amendment.

I also return,

H. R. file No. 45, a bill for an act to enforce the claims of the State and county against lands and lots, on which the owners have failed to pay the taxes charged thereon prior to 1851, with one amendment;

Also, H. R. No. 172, a bill for an act to dispose of the saline lands, with four amendments;

Also, H. R. file No. 157, a bill for an act to re-apportion the State into representative districts, with two amendments;

Also, substitute for H. R. file No. 135, a bill for an act to amend chapter 37 of the code, with the title amended;

Also, H. R. No. 129 and Senate file No. 76, both relating to evidence and consolidated together.

In all of which the concurrence of the House of Representatives is requested.

I also inform the House that the Senate has passed

Senate file No. 42, a bill for an act to provide for the taking up of water crafts found adrift, lost goods, and estray animals.

I also return H. R. file No. 17 and substitute for H. R. file No. 140; the same having received the signature of the President of the Senate.

I am also directed to inform the House that the Senate have passed, Senate file No. 104, joint resolution appointing trustees for the state university;

Also, Senate file No. 109, an act further to regulate appeals and writs of error;

Also, Senate file No. 110, a bill for an act further to regulate appeals to the district court;

Also, Senate file No. 119, a bill for an act to establish an insane asylum.

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

Mr. Sears offered the following:

Resolved, That the House do now appoint a teller to act in the joint convention for the election of State Printer and Warden of the Iowa Penitentiary, on the part of the House at three o'clock this P. M., in accordance with a joint resolution relative thereto.

On motion of Mr Washburn,

A call of the House was had, and Messrs. Allison, Anderson of Dubuque, Bryan, Dixon and Eaton were found to be absent.

On motion of Mr. Grimes,

The further call of the House was suspended.

Mr. Folsom offered the following as a substitute for the resolution of Mr. Sears:

Resolved, That the clerk do now inform the Senate, that the House will meet the Senate in joint convention in the Hall of the House at

three o'clock 30 minutes this P. M., for the election of state printer and warden of the Penitentiary.

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate will meet the House in joint convention for the election of state printer and warden of the Iowa penitentiary at 3 o'clock P. M.

Mr. Grant (Mr. Haun Speaker *pro tem.*) moved to amend the resolution by striking out "this P. M." and inserting "on to-morrow."

Lost.

Yeas 28,

Nays 30,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Bunker,	Mr. J. C. Green,	Mr. Russell,
Clark,	Grimes,	Sells,
Cleaves,	Jessup,	Seymour,
Coffin,	McArthur,	Stevens,
Drake,	McPherrin,	Walters,
Duncan,	Means,	Wasson,
Eaton,	Mitchell,	Williams,
Fordyce,	Montgomery,	Wilson, and
Garber,	Rogers,	Mr. Speaker.

Those who voted in the negative were—

Mr. Alger,	Mr. Duckworth,	Mr. Reeder,
Allen,	Folsom,	Rice,
A. D. Anderson,	Gilmore,	Ross,
J. M. Anderson,	Goodson,	Sears,
Bonson,	Geo. F. Green,	Sharp,
Bryan,	Haun,	Steadman,
Bryant,	Hutchinson,	Townsend,
Coles,	Putman,	Washburn,
Dillon,	Ramsey,	Whitmore, and
Dodge,	Ream,	Wright.

Mr. Grimes moved to strike out "3 and 30 minutes this P. M." and insert "two and 30 minutes to-morrow."

Mr. Townsend moved the previous question.

Which was ordered,

Yeas 36,

Nays 21,

The yeas and nays were desired, and those who voted in the affirmative were—

Mr. Alger,	Mr. Gilmore,	Mr. Rogers,
Allen,	Goodson,	Sears,
A. D. Anderson,	J. C. Green,	Sharp,
J. M. Anderson,	Geo. F. Green,	Steadman,
Bonson,	Haun,	Townsend,
Bryan,	Hutchinson,	Washburn,
Bryant,	Means,	Whitmore,
Coles,	Putman,	Witter
Dillon,	Ramsey,	Wright, and
Dodge,	Ream,	Mr. Speaker.
Duckworth,	Reeder,	
Folsom,	Rice,	

Those who voted in the negative were—

Mr. Bunker,	Mr. Grimes,	Mr. Sells,
Clark,	Jessup,	Seymour,
Cleaves,	McArthur,	Stevens,
Coffin,	McPherrin,	Walters,
Drake,	Mitchell,	Wasson,
Duncan,	Montgomery,	Williams and
Eaton,	Ross,	Wilson.
Garber,	Russell,	

Thereupon the question arose, shall the amendment offered by Mr. Grimes prevail?

Which was decided in the negative.

Yeas 21,

Nays 36,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Bunker,	Mr. Garber,	Mr. Montgomery,
Clark,	Grimes,	Russell,
Cleaves,	Jessup,	Sells,
Coffin,	McArthur,	Seymour,
Drake,	McPherrin,	Stevens,
Duncan,	Means,	Wasson, and
Fordyce,	Mitchell,	Williams,



Those who voted in the negative were:

Mr. Alger,	Mr. Folsom,	Mr. Rogers,
Allen,	Gilmore,	Ross,
A. D. Anderson,	Goodson,	Sears,
J. M. Anderson,	J. C. Green,	Sharp,
Bonson,	Geo. F. Green,	Steadman,
Bryan,	Haun,	Townsend,
Bryant,	Hutchinson,	Washburn,
Coles,	Putman,	Whitmore,
Dillon,	Ramsey,	Wilson.
Dodge,	Ream,	Witter,
Duckworth,	Reeder,	Wright, and
Eaton,	Rice,	Mr. Speaker.

The main question was then put, viz: Shall the resolution pass?

And was decided in the affirmative.

The chair thereupon appointed Mr. Haun teller, on the part of the House.

The Senate then made their appearance preceded by their Sergeant at Arms, President and Secretary.

Having taken the seats assigned them, the President stated the object of the convention, and the roll being called by the chief clerk, Messrs. Hedrick and Price were reported absent, and on motion were excused.

On motion,

The further call was suspended.

Mr. Browning of the Senate, and Mr. Haun of the House were appointed tellers.

On motion,

The convention proceeded to the election of state printer.

Mr. Love nominated William A. Hornish.

Mr. Everson nominated Mr. George D. Crosthwait.

The roll was then called, and it appeared that Mr. Hornish had received 58 votes, Mr. Crosthwait 30 votes, and Mr. John Clark 1 vote.

Those who voted for Mr. Hornish were,

Mr. Alger,	Mr. Bryan,	Mr. Crosthwait,
Allen,	Bryant,	Dillon,
Allison,	Coles,	Dodge,
A. D. Anderson,	E. F. Clark,	Duckworth,
J. M. Anderson,	Coop,	Eaton,
Bonson,	Cowles,	Fisher,

Mr. Fletcher,	Mr. Lewis,	Mr. Sharp,
Folsom,	Love,	Shields,
Gilmore,	Lowe,	Steadman,
Goodson,	Lucas,	Taylor,
Grant,	Means,	Townsend,
J. C. Green,	Preston,	Washburn,
Geo. F. Green,	Putman,	Whitmore,
Harris,	Ramsey,	Wilson,
Haun,	Ream,	Wing,
Hendershott,	Reeder,	Witter,
Hepner,	Rice,	Wright and
Hull,	Rogers,	Mr. President.
Hutchinson,	Sales,	
Johnson,	Sears,	

Those who voted for Mr. Crosthwait were,

Mr. Brownig,	Mr. Grimes,	Mr. Park,
Bunker,	Hillis,	Russel,
Justus Clark,	Jessup,	Schramm,
Cleaves,	McAchrn,	Sells,
Coffin,	McArthur,	Seymour,
Drake,	McKinney,	Spees,
Duncan,	McPherrin,	Stevens,
Everson,	Mitchell,	Walters,
Fordyce,	Montgomery,	Wasson and
Garber,	Needham,	Williams.

Mr. Ross voted for Mr. John Clark.

Whereupon Mr. William A. Hornish was declared duly elected, and the following certificate, in duplicate, was read in the presence of both Houses.

HALL OF THE HOUSE OF REPRESENTATIVES,  
January 20, 1853. }

This is to certify that at a joint convention of both branches of the Legislature, held in the hall of the House of Representatives, at half past three o'clock, P. M., on the 20th day of January, A. D., 1853, Mr. Wm. A. Hornish was duly elected State Printer for the State of Iowa, for two years from the first day of May next.

WM. E. LEFFINGWELL,  
President of the Joint Convention.

W. G. HAUN, }  
MILTON D. BROWNING, } Tellers,

Attest :

J. SMITH HOOTON, Secretary of Joint Convention.

The convention then proceeded to the election of a Warden of the Penitentiary.

Mr. Washburn nominated Mr. Geo. Grigsby.

The roll being called, Mr. Grigsby received sixty-one votes as follows :

Mr. Alger,	Gilmore,	Putman,
Allen,	Goodson,	Ream,
Allison,	Grant,	Reeder,
A. D. Anderson,	J. C. Green,	Rice,
J. M. Anderson,	Geo. F. Green,	Rogers,
Bonson,	Harris,	Ross,
Bryan,	Haun,	Sales,
Bryant,	Hendershott,	Sears,
Coles,	Hull,	Seymour,
E. F. Clark,	Hutchinson,	Shields,
Coop,	Jessup,	Steadman,
Cowles,	Johnson,	Taylor,
Dillon,	Lewis,	Townsend,
Dodge,	Love,	Washburn,
Drake,	Lowe,	Wasson,
Duckworth,	Lucas,	Whitmore,
Duncan,	McArthur,	Wilson,
Eaton,	Means,	Wing,
Fisher,	Montgomery,	Witter, and
Fletcher,	Preston,	Wright.

The following named gentlemen voted for Mr. Grimes :

Messrs. Browning and Crosthwait.

The following named gentlemen voted for Mr. Bryan :

Messrs. Hillis, McAchran, Mitchell, Needham, Park and Schramm.

The following voted Mr. Hutchinson :

Messrs. Fordyce, Grimes, McKinney, Spees, Stevens, Walters and Williams.

Mr. Bunker voted for Mr. Browning.

Mr. Clark, of Des Moines, voted for Mr. Bunker.

Mr. Cleaves voted for Mr. Clark, of Des Moines.

Mr. Coffin voted for Mr. Cleaves.

Mr. Everson voted for Mr. Coffin.

Mr. Garber voted for Mr. Fordyce.

Mr. McPherrin voted for Mr. Eaton.

Mr. Ramsey voted for Mr. Ross.

Mr. Russell voted for Mr. Grant.

Mr. Sells voted for Mr. Sharp.

Mr. Sharp voted for Mr. Sells.

Whereupon, Mr. Geo. Grigsby, having received a majority of all the votes cast, was declared duly elected, and the following certificate in duplicate was made and signed in presence of the two Houses.

HALL OF THE HOUSE OF REPRESENTATIVES,  
January 20th, 1853. }

This is to certify that at a joint convention of both branches of the Legislature, held in the Hall of the House of Representatives, at half past 3 o'clock, P. M., on the 20th day of January, A. D., 1853, Mr. Geo. Grigsby was duly elected Warden of the Iowa penitentiary for two years from the first day of May next.

W. E. LEFFINGWELL,  
President of the Joint Convention.

W. G. HAUN,                    {  
MILTON D. BROWNING, } Tellers.

Attest:

J. SMITH HOOTEN, Secretary Joint Convention.

The purposes of the joint convention having been accomplished, the Senate, in order, returned to the Senate Chamber.

Mr. Eaton from select committee, to which was referred H. R. file No. 196, reported a substitute therefore;

Which was read a first and second time.

Mr. Folsom, with leave, presented the petition and claim of James Harlan, as Superintendent of Public Instruction;

Which was referred to the committee on claims.

Mr. Taylor presented the claim of Charles Dewitt, for guarding prisoner;

Referred to the committee on claims.

Mr. McArthur, with leave, presented

H. R. file No. 214, a bill for an act to legalize the sale of a lot, in Cedar Rapids;

Which was read a first and second time, and

On his motion,

The 42nd rule was suspended, and the House refused to pass said bill.

On motion of Mr. Folsom,

The House adjourned until to-morrow morning at nine o'clock,  
A. M.

FRIDAY MORNING, JANUARY 21, 1853.

Mr. Montgomery presented the petition of 140 citizens of Winneshiek county, for the re-location of the county seat of said county.

Also,

Remonstrance of citizens of Winneshiek county, against the re-location of the county seat.

Referred to Messrs. Montgomery, Garber and Eaton.

Mr. Folsom presented the claim of Wm. H. Merritt for extra services as State Printer.

Referred to the committee on claims.

Mr. Grimes, with leave, introduced

H. R. file No. 215, joint resolution appointing commissioners of State University,

Which was read a first and second time, and

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

Mr. Witter from the committee on enrolled bills, reported that they had examined

Substitute for H. R. file No. 106, an act to amend an act for the encouragement of agricultural societies.

Also, H. R. file No. 190, an act to vacate a part of Ingrams & Ramsey's addition to Agency City, in Wapello county.

Also, H. R. file No. 197, an act to change the name of Fremont, in Benton county, to Vinton.

Also, H. R. file No. 198, an act to authorize the transcribing so much of the records of Pottawattamie county as relates to Mills county.

Also, H. R. file No. 202, joint resolution appropriating money to extend the State Library.

And found the same correctly enrolled.

The Speaker then signed said acts in the presence of the House.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

Substitute for H. R. file No. 125, a bill for an act in relation to trials by jury.

Also, H. R. file No. 210, a bill for an act to provide for taking the census of a part of Warren county.

Also, H. R. file No. 213, a bill for an act to alter and amend the code of Iowa.

And found the same correctly engrossed.

Mr. Bonson, from the committee on claims, submitted the following report:

The committee on claims, to whom was referred the bill of E. C. Cole for 14 days services as Messenger of the House of Representatives, session of 1850 and 1851, have had the same under consideration, and ask to be discharged from the further consideration of the subject.

R. BONSON, Chairman.

The committee was discharged.

Also, the following Report:

The committee on claims, to whom was referred sundry bills and accounts, have had the same under consideration, and recommend the following be allowed, viz:

To H. W. Pyffe, for sundries, . . . . .	\$11 38
" Ezra Drown, for service in case State vs. Anson Ford et. al	10 00
" Caleb Baldwin, do do do	10 00
" Chas. Negas, do do do	50 00
" Jos. C. Knapp, do do do	50 00
" John Pattee, for making desks for Legislative Hall, . .	206 00
" E. C. Cole, for painting, glazing, &c . . . . .	35 60
" Chas. Gaymon, for 12 setts of chairs @ \$10 00 per sett	120 00
" T. Sanxay, for nails, &c. . . . .	1 99
" Thos. Snyder, for building vestibule in Rep. Hall, &c	20 00
" Wm. Pattee, for making carpets, cleaning Hall, &c., &c.	50 00
" Gower & Holt, for sundries, . . . . .	124 56
" James Pattee, for cutting wood, &c. . . . .	13 06

" S. V. Pattee, for making window curtains, . . . . .	10 00
" J. Powell & Bro., for carpeting, &c., . . . . .	48 35
" Hart & Love, for stovepipes, lanterns, candlesticks, &c, . . . . .	39 91
" J. D. Temple, for 33 yds merino . . . . .	16 50
" Hutchinson & Watts, for lumber, . . . . .	18 17
" George Andrews, for spittoons, . . . . .	4 20
All of which is respectfully submitted.	

R. BONSON, Chairman.

All of which was concurred in, and the report referred to the committee on expenditures.

Mr. Folsom, with leave, introduced

H. R. file No. 216, a bill for an act to allow Wm. H. Merritt compensation for certain services,

Which was read a first and second time,

And referred to the committee on claims.

Mr. McArthur, with leave, introduced

H. R. file No. 217, a bill for an act to authorize Benjamin S. Bryan, a minor, to sell and convey a lot in the town of Cedar Rapids,

Which was read a first and second time, and

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

Mr. Sharp, from the select committee, to which was referred H. R. file No. 177, a bill for an act to protect the people of Iowa from a fraudulent currency, and

Senate file No. 64, a bill for an act in relation to paper currency, reported the same back, proposing a substitute therefor, which was accepted, and

Read a first and second time, and

On motion of Mr. Taylor,

Referred to a select committee.

Messrs. Taylor, Townsend, Sharp, Ross, and Jessup, were appointed said committee.

Mr. Folsom, with leave, introduced

H. R. file No. 218, a bill for an act authorizing the Secretary of State to purchase one thousand copies of the code,

Which was read a first and second time, and

Referred to a select committee.

Messrs. Folsom, Grimes, and Reeder, were appointed said committee.

Mr. Ross, with leave, introduced,

H. R. file No. 219, a bill for an act to establish a state road from Eddyville to Currier's ferry, on Skunk river,

Which was read the first and second time, and

Referred to the committee on roads and highways.

Mr. Grimes, with leave, introduced

H. R. file No. 220, a bill for an act to repeal a part of the code of Iowa.

Which was read the first and second time.

Mr. Townsend moved that it be referred to the committee on the judiciary.

Lost.

The bill was then ordered to be engrossed and read a third time on to-morrow.

Senate file No. 118, a bill for an act to amend chapter 136 of an act for revising and consolidating the general statutes of the State of Iowa,

Was read a first and second time.

Mr. Grimes moved that the bill be laid on the table until the fourth of March next.

Upon which question,

The yeas and nays being desired, were ordered and were as follows—

Yeas 37,

Nays 22.)

Those gentlemen voting in the affirmative were—

Mr. Alger,	Mr. J. C. Green,	Mr. Sells,
J. M. Anderson,	Geo. F. Green,	Seymour,
Bunker,	Grimes,	Sharp,
Clark,	Hutchinson,	Steadman,
Cleaves,	Jessup,	Walters,
Coffin,	McArthur,	Wasson,
Dillon,	McPherrin,	Whitmore,
Dodge,	Means,	Williams,
Duncan,	Ream,	Witter,
Fordyce,	Rice.	Wright, and
Garber,	Rogers,	Mr. Speaker.
Gilmore,	Ross,	
Goodson,	Russell,	



Those who voted in the negative were,

Mr. Allen,	Mr. Duckworth,	Mr. Ramsey,
A. D. Anderson,	Eaton,	Reeder,
Bonson,	Folsom,	Sears,
Bryan,	Haun,	Stevens,
Bryant,	Mitchell,	Taylor,
Coles,	Montgomery,	Townsend, and
Drake,	Putman,	Washburn.

So the motion was adopted.

Senate substitute for H. R. file No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Des Moines river improvement.

The question being on concurring in the Senate amendment to the House amendment to said bill, by striking out the proviso in the last section of the bill,

The yeas and nays being desired, were ordered and were as follows—

Yeas 34.)

Nays 27.)

Those voting in the affirmative were—

Mr. Allen,	Mr. Gilmore,	Mr. Sharp,
Allison,	Grimes,	Steadman,
J. M. Anderson,	Jessup,	Stevens,
Bonson,	McPherrin,	Townsend,
Bryan,	Means,	Walters,
Bryant,	Putman,	Washburn,
Bunker,	Ramsey,	Wasson,
Coles,	Ream,	Whitmore,
Drake,	Ross,	Williams, and
Duckworth,	Russell,	Wright.
Folsom,	Sears,	
Fordyce,	Sells,	

Those who voted in the negative were—

Mr. Alger,	Mr. Duncan,	Mr. Haun,
A. D. Anderson,	Eaton,	Hutchinson,
Clark,	Garber,	McArthur,
Cleaves,	Goodson,	Mitchell,
Dillon,	J. C. Green,	Montgomery,
Dodge,	Geo. F. Green,	Reeder,

Mr. Rice,

Rogers,

Seymour,

Mr. Taylor,

Wilson,

Witter, and

Mr. Speaker.

So the amendment was concurred in.

Senate substitute for H. R. file No. 146, a bill for an act appointing agents to superintend the making levees and drains to reclaim certain swamp lands in the counties of Muscatine and Louisa;

Was read a first and second time, and

Ordered to be read a third time to-morrow.

Senate substitute for H. R. file No. 178, a bill to amend section 106 of the Code of Iowa;

Was read a first and second time, and

On motion of Mr. Grimes,

The bill was referred to the committee on amendments to the code.

Senate file No. 105, a bill to regulate the practice of medicine and surgery in the State of Iowa;

Was read a first and second time, and

On motion of Mr. Haun,

Was indefinitely postponed.

Senate file No. 113, a bill for an act to amend section 1848 of the Code of Iowa;

Was read a first and second time.

Mr. Townsend moved that it be indefinitely postponed.

Lost.

Mr. Gilmore moved to amend by inserting after the word "abscond" the words "from the county."

Lost.

On motion of Mr. Grimes,

The 42nd rule was suspended, and the bill read a third time, passed and its title agreed to.

Senate file No. 114, a bill for an act to amend section 2122 of the Code of Iowa;

Was read a first and second time, and

On motion,

Ordered to a third reading to-morrow.

Senate file No. 120, a bill for an act to provide for the election of a justice of the peace in Ashland, Wapello county;

Was read a first and second time, and

On motion of Mr. Coles,

The 42d rule was suspended and the bill was read a third time, passed and title agreed to.

Message from the Senate by Mr. Cuming, Secretary.

MR. SPEAKER:—I am directed to inform the House of Representatives that the Senate has indefinitely postponed

H. R. file No. 193, a bill for an act to amend an act entitled an act for revising and consolidating the general statutes of Iowa.

I herewith present for your signature

Senate files Nos. 67, 70, 117, 95, 33 and 32, the same having passed both branches of the General Assembly.

I herewith return

H. R. files No. 172, 166, 79, substitute for substitute for H. R. file No. 36, and substitute for H. R. files Nos. 46 and 70.

The same having received the signature of the President of the Senate.

Also, H. R. file No. 124, a bill for an act for the relief of Solomon Bond, with one amendment.

Also, H. R. file No. 130, a bill for an act regulating the terms of the supreme court;

With three amendments.

Also, H. R. file No. 102, a bill for an act to extend the powers of school districts,

With two amendments.

Also, H. R. file No. 183, a bill for an act to relocate the county seat of Fayette county,

With one amendment.

Also, H. R. file No. 10, preamble and joint resolution of instruction upon the Homestead bill,

With one amendment.

I also return

H. R. file No. 206, memorial and joint resolution, memorializing Congress to cause the line of the half breed tract, in Lee county, to be surveyed and established;

Also, H. R. file No. 161, a bill for an act to create an additional election precinct, in Village township, Van Buren county;

Also, H. R. file No. 95, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution of the State;

Also, H. R. file No. 200, joint resolution appointing a committee of investigation of the affairs of the Des Moines River Improvement;

Also, H. R. No. 173, a bill for an act to appoint a commissioner to perform certain duties in Delaware county;

Also, substitute for H. R. file No. 13, a bill for an act granting to certain officers therein named, a copy of the code of Iowa;

Also, substitute for H. R. file No. 84, a bill for an act requiring county judges to pay to the county treasury all money received by them from the sale of county property;

Also, H. R. file No. 205, a bill for an act to legalize the assessment of Pottawattamie county, for the years 1851 and 1852;

Also, H. R. file No. 201, joint resolution for additional mail facilities.

The same having passed the Senate without amendment.

I am directed to inform the House that the Senate have passed,

Senate file No. 124, joint resolution allowing additional compensation to the judges of the supreme court;

Also, Senate file No. 123, a bill for an act to increase the powers of the trustees of the branch of the state university at Fairfield;

Also, Senate file No. 84, a bill for an act to regulate the proceedings for the recovery of real estate.

Also, Senate file No. 86, a bill for an act in relation to appeals and writs of error;

Also, Senate file No. 125, joint resolution for supplying the congressional library with the code of Iowa.

In which the concurrence of the House is requested.

The House concurred in the amendments made by the Senate to H. R. file No. 172, a bill for an act to dispose of the saline lands.

The House concurred in the amendments made by the Senate to

H. R. file No. 45, a bill for an act to enforce the claims of the county and state against lands and lots, on which the owners have failed to pay the taxes charged thereon, prior to 1851.

The House concurred in the amendments made by the Senate to

H. R. file No. 157, a bill for an act to re-apportion the State into representative districts;

Mr. Sharp amended, by unanimous consent, as follows :

Strike out of section 3, the figures "20" and insert "22"—"29" and insert "28—"36" and insert "35"—and "38" and insert "37."

The House concurred in the amendments made by the Senate to substitute for

H. R. file No. 138, a bill for an act for an additional justice in Washington township, Warren county.

Senate file No. 42, a bill for an act to provide for taking up water crafts found adrift, lost goods and estray animals,

Was read a first and second time, and

Referred to the committee on agriculture.

Senate file No. 76, and H. R. file No. 129, a bill for an act relating to evidence,

Was read a first and second time, and

On motion of Mr. Grimes,

The 4th, 5th, 6th and 7th sections were stricken out.

The bill was ordered to a third reading.

On motion,

The House adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

Mr. Russell presented the claim of H. Mills, publisher of the "Democratic Union;"

Which was referred to the committee on claims.

On motion of Mr. Dodge,

The 42nd rule was suspended, and

H R. file No. 203, a bill for an act to amend the act to incorporate the City of Davenport.

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

Mr. Wright, with leave, introduced

H. R. file No. 221, a bill for an act making additional appropriations for the support of the state government for the fiscal years 1853 and 1854,

Which was read a first and second time, and

Laid on the table.

Senate file No. 104, joint resolution appointing trustees for the State University of Iowa,

Which was read a first and second time.

On motion of Mr. Folsom,

The 42nd rule was suspended, and the bill read a third time, passed and its title agreed to.

Senate file No. 9, an act further to regulate appeals and writs of error in the supreme court,

Was read a first and second time.

Mr. Folsom moved to refer the bill to the committee on the judiciary, with instructions to report upon its meaning.

Lost.

The bill was then ordered to a third reading.

Senate file No. 110, a bill for an act further to regulate appeals to the district court,

Was read a first and second time, and

Referred to the committee on amendments to the code.

Senate file No. 119, a bill for an act to establish an Insane Asylum,

Was read a first and second time, and

On motion of Mr. Grimes,

Referred to the committee on charitable institutions.

Mr. Folsom moved that the committee be instructed to report thereon to-morrow morning.

Lost.

H. R. file No. 207, a bill for an act to allow an appeal in criminal trials before a justice of the peace,

Was read a second time, and

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

Mr. Williams from the committee on enrolled bills, reported that they had examined

H. R. file No. 195, an act submitting to the electors of Iowa the question of a convention to amend the constitution of Iowa,

And found the same correctly enrolled.

The Speaker signed the bill in the presence of the House.

Message from the Senate by Mr. Cuming, their Secretary.

MR. SPEAKER—I am directed to inform the House of Representatives, that the Senate have refused to concur in the House amendment to

Senate file No. 34, a bill concerning fences and trespassing animals.

I also return,

H. R. files No. 190, 197, 198, 202 and substitute for H. R. file No. 106 and 195.

The same having received the signature of the President of the Senate.

H. R. file No. 208, a bill for an act to allow a change of venue in suits pending before justices of the peace;

Was read a second time, and

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

Substitute for H. R. file No. 67, a bill for an act to amend chapter 21 of the code;

Was read a second time,

Accompanied by a report from the committee on amendments to the code, recommending its indefinite postponement.

The House refused to concur in the recommendation of the committee.

Question being put, shall the bill be engrossed?

Was decided in the negative.

H. R. file No. 87, a bill for an act regulating the fees of certain officers therein named;

Was read a second time,

Accompanied by a report of the committee on amendments to the code, asking to be discharged from its further consideration.

Which was agreed to, and the bill laid on the table.

H. R. file No. 109, a bill for an act concerning criminal proceedings;

Was read a second time,

Accompanied by a report from the committee on amendments to the code, asking to be discharged from the further consideration thereof.

Which was agreed to.

Mr. Hutchinson moved to strike out the words "in prison" in the third clause, first section.

Lost.

On motion of Mr. Means,

The bill was laid on the table.

H. R. file No. 153, a bill for an act to amend section 2569 of the Code of Iowa;

Was read a second time,

Accompanied by a report from the committee on amendments to the code, recommending its indefinite postponement.

Which was concurred in.

Yeas 27,

Nays 24.

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. A. D. Anderson,	Mr. Garber,	Mr. Ross,
J. M. Anderson,	Gilmore,	Russell,
Bonson,	Goodson,	Sells,
Bryant,	Geo. F. Green,	Townsend,
Coles,	Haun,	Walters,
Cleaves,	Hutchinson,	Washburn,
Drake,	McPherrin,	Wright, and
Duckworth,	Means,	Mr. Speaker.
Folsom,	Ream,	
Fordyce,	Rogers,	

Those who voted in the negative were,

Mr. Bryan,	Mr. Jessup,	Mr. Steadman,
Bunker,	McArthur,	Stevens,
Coffin,	Mitchell,	Taylor,
Dodge,	Montgomery,	Wasson,
Duncan,	Putman,	Whitmore,
Eaton,	Sears,	Williams, and
J. C. Green,	Seymour,	Wilson,
Grimes,	Sharp,	

Mr. Townsend from the committee on amendments to the code, reported back Senate file No. 58, a bill for an act on the subject of change of venue with a recommendation that the same be indefinitely postponed.

Which report was concurred in by the House, and the further consideration of the bill was indefinitely postponed.

Also, Senate file No. 96, a bill for an act to amend section 1272 of the code of Iowa,

Which was read a second time and ordered to a third reading on to-morrow.

H. R. file No. 180, a bill for an act supplemental and amendatory to chapters 66, 67, 68 69, 70 and 71 of the code.

Was read a second time.

On motion of Mr. Haun,

The fifth line of the tenth section was amended by striking out \$200 and inserting \$150.

On motion of Mr. Anderson, of Lee,

The first line of the eighth section was amended by striking out "March" and inserting "April."

Mr. Green, of Henry, moved to amend the twenty-first section by



striking out all after the word 'him' in the second line, and on this question the yeas and nays being desired, were ordered, and were as follows

Yeas 37,}

Nays 15,}

Those gentlemen voting in the affirmative were,

Mr. A. D. Anderson,	Mr. J. C. Green,	Mr. Sears,
Bryan,	Geo. F. Green,	Sharp,
Bryant,	Haun,	Steadman.
Coles,	Hutchinson,	Stevens,
Coffin,	Jessup,	Taylor,
Dodge,	McPherrin,	Walters,
Duckworth,	Means,	Washburn,
Duncan,	Mitchell,	Wasson,
Eaton,	Ream,	Whitmore,
Folsom,	Reeder,	Wilson, and
Garber,	Rogers,	Mr. Speaker,
Gilmore,	Ross,	
Goodson,	Russell,	

Those voting in the negative were,

Mr. Alger,	Mr. Drake,	Mr. Putman,
J. M. Anderson,	Fordyce,	Sells,
Bonson,	Grimes,	Seymour,
Bunker,	McArthur,	Williams, and
Cleaves,	Montgomery,	Witter.

On motion of Mr. Green of Henry,

The tenth line of the twenty-third section was amended by striking out the words "not exempt from taxation."

On motion of Mr. Green of Henry,

The twenty-seventh section was amended by striking out the words "for district taxes" in the second line.

Mr. Grimes moved that the further consideration of the bill be indefinitely postponed, and upon this question the yeas and nays being desired, were ordered, and were as follows:

Yeas 10,}

Nays 43,}

Those voting in the affirmative were:

Mr. Coffin.	Fordyce,	McPherrin,
Dillon,	Mr. Grimes,	Mr. Ream,

Russell,  
Seymour,

Walters, and

Mr. Speaker.

Those voting in the negative were,

Mr. Alger,

Mr. Garber,

Mr. Ross,

A. D. Anderson,

Gilmore,

Sears,

J. M. Anderson,

Goodson,

Sells,

Bonson,

J. C. Green,

Sharp,

Bryan,

Geo. F. Green,

Stevens,

Bryant,

Haun,

Taylor,

Bunker,

Hutchinson,

Townsend

Coles,

Jessup,

Washburn,

Cleaves,

McArthur,

Wasson,

Dodge,

Means,

Whitmore

Drake,

Mitchell,

Williams,

Duckworth,

Montgomery,

Wilson, and

Duncan,

Putman,

Witter.

Eaton,

Reeder,

Folsom,

Rice,

So the motion was lost.

Mr. Gilmore moved to amend the twenty-third section by inserting after the word "shall" in the second line the words "raise the deficiency by assessment on the taxable property of the district according to the last assessment roll."

Lost.

The bill was then ordered to be engrossed and read third time tomorrow.

Mr. Williams, from the committee on enrolled bills, reported that they had presented to the Governor for his signature,

H. R. file No. 202, joint resolution appropriating money to extend the State Library.

Also, H. R. file No. 190, an act to vacate a part of Ingrams & Ramsey's addition to Agency City, in Wapello county.

Also, substitute to substitute for H. R. file No. 106, an act to amend an act entitled an act for the encouragement of agriculture, approved February 5, 1851.

Also, H. R. file No. 192, an act to change the name of Fremont in Benton county, to Vinton.

Also, H. R. file No. 198, an act to authorize the transcribing so much of the records of Pottawattamie as relates to Mills county.

Also, H. R. file No. 195, an act submitting to the electors of Iowa the question of a convention to amend the constitution of the State.

H. R. file No. 199, a bill for an act to provide for transcribing certain records of Polk county,

Was read a second time, and

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

H. R. file No. 211, a bill for an act for the publication of the laws of the present session,

Was read a second time, and

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

H. R. file No. 212, a bill for an act supplemental to an act to dispose of the swamp and overflowed lands in this State, and to pay the expenses of selecting and surveying the same,

Was read a second time, and

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

Senate file No. 81, a joint resolution to procure certain additional mail facilities,

Was read a second time, and

Ordered to a third reading on to-morrow.

Senate file No. 98, a bill for an act to relocate the county seat of Allamakee county,

Was read a second time, and

Ordered to a third reading on to-morrow.

Bills on their third reading:

H. R. file No. 54, preamble and joint resolution, asking Congress to remove certain restrictions in the act granting lands to aid in the improvement of the Des Moines river;

Senate file No. 44, a bill for an act providing for the further completion of the State House, at Iowa City;

Senate file No. 75, a bill for an act to amend section 649, chapter 42 of the code;

Senate file No. 106, a bill for an act to change the name of South Bentonsport to Vernon;

Senate file No. 107, joint resolution authorizing the Secretary of State to forward the code of Iowa to the public libraries, in the city of Washington;

Senate file No. 116, joint resolution in relation to Greene's reports;

H. R. file No. 113, a bill for an act to alter and amend the code of Iowa;

H. R. file No. 210, a bill for an act to provide for taking the census of a part of Warren county,

Substitute for H. R. file No. 125, a bill for an act in relation to trials by jury;

Substitute for H. R. file No. 196, a bill for an act to authorize Nicholas B. Brown and his associates to construct a dam across Cedar river, in Linn county.

Were severally read a third time, passed and title agreed to.

On motion,

The House adjourned.

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#### HALF-PAST SIX O'CLOCK, P. M.

Senate file No. 99, a bill for an act granting incorporate companies the right of way, being the special order in committee of the whole. The House resolved itself accordingly,

Mr. Dodge in the chair.

Six o'clock and 50 minutes.—The committee rose, by its chairman reported the bill back and recommended its indefinite postponement;

Which was concurred in.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 217, a bill for an act to authorize Benjamin S. Bryan, a minor, to sell and convey a lot in the town of Cedar Rapids;

Also, H. R. file No. 215, joint resolution appointing commissioners of state university;

Also, H. R. file No. 220, a bill for an act to repeal a part of the code of Iowa.

And found the same correctly engrossed.

Mr. Townsend, from the committee on amendments to the code, submitted the following

#### REPORT:

The committee on amendments to the code, have had under con-

sideration H. R. files Nos. 112 and 83, and have directed me to report the same back to the House, and recommend their indefinite postponement. And also,

Senate file No. 93, a bill for an act to amend the law in relation to executors, &c., and ask to be discharged from the further consideration thereof; and also,

Senate file No. 74, a bill for an act to amend chapter 129 of the code, concerning writs of attachment and replevin issued by justices of the peace, and recommend its passage with the following amendments, to-wit :

Strike out the words "either the plaintiff or," in the next to the last line in the first section, and the word "thirty" in the first line of section two, and insert in lieu thereof the word "sixty."

JOHN S. TOWNSEND, Chairman.

Which was read and concurred in.

Senate file No. 74 was then taken up, read a second time and ordered to a third reading to-morrow.

Senate file No. 93, a bill for an act to amend the law in relation to executors, &c., was then

Read a second time, and

On motion of Mr. Grimes,

The 42d rule was suspended, and said bill

Read a third time, passed and title agreed to.

Senate message of to-day was then taken from the table.

Senate amendment to H. R. file No. 10, preamble and joint resolution of instruction upon the homestead bill,

Was read and concurred in.

Senate amendments to H. R. file No. 183, a bill for an act to relocate the county seat of Fayette county, were read, and the House concurred in the second amendment and refused to concur in the first amendment.

Senate amendments to H. R. file No. 130, a bill for an act regulating the terms of the supreme court;

Were read and concurred in.

Senate amendment to H. R. file No. 124, a bill for an act for the relief of Solomon Bond;

Was read and concurred in.

Senate amendments to H. R. file No. 102, a bill for an act to extend the powers of school districts;

Were read and the House concurred in the first, and refused to concur in the second amendment.

Senate file No. 84, a bill for an act to regulate proceedings for the recovery of real estate;

Was read a first and second time, and

On motion of Mr. Folsom,

Indefinitely postponed.

Senate file No. 86, a bill for an act in relation to appeals and writs of error;

Was read a first and second time.

Mr. Drake moved that the bill be indefinitely postponed.

Lost.

On motion of Mr. Ramsey,

Laid on the table till the 27th inst.

Senate file No. 123, a bill for an act to increase the powers of the trustees of the branch of the state university, at Fairfield,

Was read a first and second time.

Senate file No. 124, joint resolution allowing additional compensation to the judges of the Supreme Court,

Was read a first and second time.

Mr. Green, of Henry, moved to lay the bill on the table till Aug. 1st next.

On motion of Mr. Rice,

A call of the House was had, and Messrs. Allen, Allison, Bryan, Gilmore, McArthur, Ramsey, Sells, Taylor and Witter were found to be absent.

On motion of Mr. Haun,

The further call of the House was suspended.

On motion of Mr. Haun,

The bill and accompanying documents were laid on the table and made the special order for 10 o'clock, A. M., to-morrow.

Senate file No. 125, joint resolution supplying the Congressional library with a copy of the code,

Was read a first and second time.

On motion of Mr. Grimes,

The resolution was so amended as to read "two copies for the use of the Congressional library, and two for the use of the Supreme Court.

On motion of Mr. Folsom,

The 42nd rule was suspended, and said joint resolution read a third time, passed and title agreed to.

On motion,

The House adjourned.

SATURDAY MORNING, JANUARY 22, 1853.

The Speaker presented to the House the petition of James D. Wright, asking the Legislature to purchase portraits of Generals Washington and Lafayette, which was,

On motion of Mr. Coles,

Laid on the table until the fourth of July next.

Mr. Rice presented the petition of A. L. Gray and thirty-eight other citizens of Jasper county, on the subject of the practice of medicine and surgery in this State; which,

On motion,

Was laid on the table.

Mr. Folsom offered the following resolution:

Resolved, That the committee on charitable institutions be instructed to report the bill for an act establishing a Lunatic Asylum, at two o'clock this day.

The question being on the adoption of the resolution,

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

Yeas 26.)

Nays 23.)

Those voting in the affirmative were—

Mr. Alger,

Allen,

Allison,

A. D. Anderson,

J. M. Anderson,

Bonson,

Mr. Bryan,

Bunker,

Coles,

Coffin,

Drake,

Eaton,

Mr. Folsom,

Hutchinson,

Mitchell,

Putman,

Reeder,

Rice,

Rogers,  
Steadman,  
Townsend,

Washburn,  
Whitmore,  
Wilson,

Witter, and  
Wright.

Those voting in the negative were—

Mr. Clark,

Mr. Geo. F. Green,

Mr. Ross,

Dodge,

Grimes,

Russell,

Duckworth,

Jessup,

Seymour,

Duncan,

McArthur,

Stevens,

Fordyce,

McPherrin,

Wasson, and

Garber,

Means,

Williams.

Goodson,

Ramsey,

J. C. Green,

Ream,

So the resolution was adopted.

Mr. Folsom, from the select committee, to which was referred H. R. file No. 218, a bill for an act to authorize the purchase of 1,000 copies of the code, made a majority report recommending the passage of the bill.

On motion of Mr. Eaton,

The words "with interest" in the seventh line of the first section were stricken out, and the question being on ordering the bill to be engrossed and read a third time, the yeas and nays being desired, were ordered and were as follows:

Yeas 17,

Nays 35,

Those voting in the affirmative were,

Mr. Alger,

Mr. Folsom,

Mr. Sharp,

Allen,

Gilmore,

Steadman,

Allison,

Hutchinson,

Washburn,

Bryan,

Putman,

Wilson, and

Bryant,

Ream,

Wright.

Eaton,

Reeder,

Those voting in the negative were,

Mr. J. M. Anderson, Mr. Drake,

Mr. Grimes,

Bonson,

Duckworth,

Haun,

Bunker,

Duncan,

Jessup.

Coles,

Fordyce,

McArthur,

Clark,

Garber,

McPherrin,

Cleaves,

Goodson,

Means,

Coffin,

J. C. Green,

Mitchell,

Dodge,

Geo. F. Green,

Montgomery,



Ramsey,  
Rice,  
Rogers,  
Ross,  
Russell

Sears,  
Sells,  
Seymour,  
Stevens,  
Walters,

Wasson,  
Whitmore, and  
Mr. Speaker.

So the House refused to order the bill engrossed.

Senate file No. 124, joint resolution allowing additional compensation to the judges of the supreme court;

Being the special order for 10 o'clock A. M.

On motion of Mr. Folsom,

A call of the House was had, when it appeared that Messrs. Townsend, Williams, Wilson and Witter were absent.

The absentees having taken their seats, a further call was suspended.

On motion of Mr. Bryan,

A call of the House was had, when it appeared that Mr. Wright was absent.

The absentee appearing. a further call of the House was suspended.

The question being on the motion of Mr. Green, of Henry, to lay the joint resolution and accompanying papers on the table until the first day of August next,

Mr. Drake moved the previous question, which was lost.

The question being on postponing the joint resolution until the 1st day of August,

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

Yeas 30,

Nays 30.)

Those voting in the affirmative were—

Mr. Bunker,  
Clark,  
Cleaves,  
Coffin,  
Drake,  
Duncan,  
Fordyce,  
Garber,  
J. C. Green,  
Geo. F. Green,

Mr. Grimes,  
Haun,  
Jessup,  
McArthur,  
McPherrin,  
Means,  
Mitchell,  
Montgomery,  
Reeder,  
Rogers,

Mr. Russell,  
Sears,  
Sells,  
Seymour,  
Stevens,  
Walters,  
Wasson,  
Williams,  
Witter, and  
Mr. Speaker.

Those voting in the negative were—

Mr. Alger,	Mr. Dodge,	Mr. Rice,
Allen,	Duckworth,	Ross,
Allison,	Eaton,	Sharp,
A. D. Anderson,	Folsom,	Steadman,
J. M. Anderson,	Gilmore,	Taylor,
Bonson,	Goodson,	Townsend,
Bryan,	Hutchinson,	Washburn,
Bryant,	Putman,	Whitmore,
Coles,	Ramsey,	Wilson, and
Dillon,	Ream,	Wright.

So the motion was lost.

Mr. Folsom moved that the resolution be made the special order of the House at half-past seven o'clock, P. M., of this day, which was lost.

On motion,

A call of the House was had, when it appeared that all the members were present.

Mr. Folsom moved that the resolution be made the special order for two o'clock this afternoon,

Which motion was lost.

Mr. Taylor moved that the joint resolution be made the special order for half-past seven o'clock, this P. M.

Lost.

On motion of Mr. Duckworth,

The previous question was ordered and put, viz: shall the joint resolution be read a third time?

Which was decided in the negative.

Yeas 26,

Nays 34,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. Bryant,	Mr. Putman,
Allen,	Coles,	Ramsey,
Allison,	Eaton,	Ream,
A. D. Anderson,	Folsom,	Reeder,
J. M. Anderson,	Gilmore,	Rice,
Bonson,	Goodson,	Sharp
Bryan,	Hutchinson,	Steadman,

Taylor,  
Townsend,

Washburn,  
Wilson, and

Wright,

Those who voted in the negative were—

Mr. Bunker,

Mr. J. C. Green,

Mr. Ross,

Clark,

Geo. F. Green,

Russell,

Cleaves,

Grimes,

Sears,

Coffin,

Haun,

Seymour,

Dillon,

Jessup,

Stevens,

Dodge,

McArthur,

Walters,

Drake,

McPherrin,

Wasson,

Duckworth,

Means,

Whitmore,

Duncan,

Mitchell,

Williams,

Fordyce,

Montgomery,

Witter, and

Garber,

Rogers,

Mr. Speaker.

On motion of Mr. Wright,

H. R. file No. 221, a bill for an act making additional appropriations for the support of the state government for the fiscal years 1853 and 1854;

Was taken from the table, and

Re-committed to the committee on expenditures.

Mr. Rogers from the committee on engrossed bills, reported that they had examined

H. R. file No. 207, a bill for an act to allow an appeal in criminal trials before a justice of peace;

Also, H. R. file No. 208, a bill for an act to allow a change of venue in suits pending before justices of peace;

Also, H. R. file No. 211, a bill for an act for the publication of the laws of the present session;

Also, H. R. file No. 212, a bill for an act supplemental to an act to dispose of the swamp and overflowed lands in this State, and to pay the expenses of selecting and surveying the same;

Also, H. R. No. 199, a bill for an act to provide for transcribing certain records of Polk county;

Also, H. R. file No. 180, a bill for an act supplemental, and amendatory to chapters 66, 67, 68, 69, 70 and 71 of the code,

And found the same correctly engrossed.

Message from the Senate by Mr. Cuming, Secretary :

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

Senate file No. 129, a bill for an act to locate the county seats of the counties of Bremer and Butler.

In which the concurrence of the House is requested.

I herewith return,

H. R. file No. 203, a bill for an act to amend the act to incorporate the city of Davenport.

H. R. file No. 187, a bill for an act to amend chapter 83 of the code.

II. R. file No. 185, a bill for an act to incorporate the city of Council Bluffs;

And, H. R. file No. 179, a bill for an act to incorporate Iowa City. The same having passed the Senate without amendment.

I herewith present for your signature the following:

Senate file No. 94, an act to amend the charter of the city of Muscatine.

Senate file No. 70, an act to amend an act to incorporate and establish the city of Dubuque; and

Senate file No. 60, an act to amend an act entitled an act to incorporate the city of Keokuk.

The same having passed both branches of the General Assembly.

I also inform the House that the Senate has refused to recede from its amendment to section one of

H. R. file No. 122, a bill for an act to provide for the election of attorney general, and define his duties;

And ask a committee of conference thereon, and have appointed Messrs. Preston, Fletcher and Browning to conduct such conference on the part of the Senate.

Mr. Townsend from the committee on agriculture reported back to the House, Senate file No. 42, and asked that the committee be discharged from the further consideration of the same.

The report was accepted, and the committee discharged.

On motion of Mr. Grimes,

The 42nd rule was suspended, and the bill was read a third time.

Mr. Folsom moved that the bill be indefinitely postponed.

Which was lost.

Mr. Coles moved that the House adjourn,

Which was lost.

Mr. Grimes moved to reconsider the vote ordering said bill to a third reading,

Which was lost.

On motion of Mr. Hutchinson,  
The House adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

Mr. Grimes, from the committee on charitable institutions, to which was referred Senate file No. 119, a bill for an act to establish an insane asylum, with leave, reported a substitute therefor.

On motion of Mr. Allen,

A call of the House was had, when it appeared that the following gentlemen were absent :

Messrs. A. D. Anderson, Bunker, Rogers, Sharp, Stevens, McArthur and Taylor.

The absentees having appeared and taken their seats, a further call was suspended.

Mr. Witter, from the committee on enrolled bills, reported that they had presented to the Governor for his signature, the following bills, to wit :

Substitute for H. R. file Nos. 46 and 70, an act fixing the boundaries of the several judicial districts, and the times of holding courts therein.

Senate substitute for H. R. file No. 36, an act providing for the election of supervisors and defining their duties.

H. R. file No. 79, an act to amend the charter of the city of Burlington.

H. R. file No. 166, an act to locate the seat of justice of Blackhawk county.

H. R. file No. 172, an act relinquishing an escheat.

H. R. file No. 140, an act to unite the counties of Yell and Risley.

H. R. file No. 17, an act to locate the seat of justice of Decatur county.

Mr. Witter from the committee on enrolled bills, reported that they had examined

Substitute for H. R. file No. 13, an act granting to certain officers therein named, a copy of the code and laws of Iowa.

Also, H. R. file No. 45, an act to enforce the claims of the state and county against lands and lots on which the owners have failed to pay the taxes charged thereon prior to 1851.

Also, substitute for H. R. file No. 84, an act requiring county judges to pay into the county treasury all money received by them from sale of county property.

Also, substitute for H. R. file No. 135, an act to amend chapter 37 of the code in relation to township assessors.

Also, H. R. file No. 161, an act to create an additional election precinct in Village township, Van Buren county.

Also, H. R. file No. 172, an act to dispose of the saline lands.

Also, H. R. file No. 173, an act to appoint a commissioner to perform certain duties in Delaware county.

Also, H. R. file No. 200, joint resolution appointing a committee of investigation of the affairs of the Des Moines River Improvement.

Also, H. R. file No. 201, joint resolutions for additional mail facilities.

Also, H. R. file No. 205, an act to legalize the assessment of Pottawattamie county for the years 1851 and 1852.

Also, H. R. file No. 206, memorial and joint resolution memorializing Congress to cause the line of the half breed tract in Lee county to be surveyed and established.

Also, H. R. file No. 10, preamble and joint resolution of instruction upon the Homestead bill.

And found the same correctly enrolled.

They have also examined

H. R. file No. 124, an act for the relief of Solomon Bond.

Also, H. R. file No. 130, an act regulating the terms of the Supreme Court,

And found the same correctly enrolled.

The speaker then signed said bills in the presence of the House.

Mr. Bonson, from the committee on claims, to whom was referred the claim of James Harlan, former Superintendent of Public Instruction, reported the same back with a recommendation that it be allowed.

On motion,

It was referred to the committee on expenditures.

Mr. Bonson, from the same committee, reported back the claim of N. G. Benton, and recommended that he be allowed the sum of twenty-five dollars; the report was,

On motion, referred to the committee on expenditures.

Mr. Bonson, from the same committee, reported back the claim of Wm. H. Merritt with a recommendation that the blank be filled with "ninety-six," and on this question,

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

Yeas 28,

Nays 27,

Those who voted in the affirmative were,

Mr. Alger,	Mr. Dodge,	Mr. Ross,
Allen,	Eaton,	Sears,
Allison,	Folsom,	Steadman,
A. D. Anderson,	Gilmore,	Townsend,
J. M. Anderson,	Hutchinson,	Walters,
Bonson,	Montgomery,	Washburn
Bryan,	Putman,	Wilson,
Bryant,	Ream,	Witter,
Coles,	Reeder,	Wright, and
Dillon,	Rice,	Mr. Speaker.

Those who voted in the negative,

Mr. Clark,	Mr. J. C. Green,	Mr. Rogers,
Cleaves,	Geo. F. Green,	Russell,
Coffin,	Grimes,	Sells,
Drake,	Hann,	Seymour,
Duckworth,	Jessup,	Sharp,
Duncan,	McPherrin,	Stevens,
Fordyce,	Means,	Wasson,
Garber,	Mitchell,	Whitmore, and
Goodson,	Ramsey,	Williams,

So the report was concurred in.

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I herewith return .

H. R. files Nos. 201, 10, 13, 45, substitute for H. R. file No. 84, H. R. files Nos. 124, 130, 135, 161, 172, 200, 173, 205 and 206, the same having received the signature of the President of the Senate.

I also present for your signature

Senate files Nos. 44, 125 and 75, the same having passed both branches of the General Assembly.

The Speaker then signed the said acts, presented by the Secretary, in the presence of the House.

Mr. Wright moved the indefinite postponement of Senate file No. 119, a bill for an act to establish an insane asylum, together with the House substitute therefor, and upon this question,

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

Yeas 30,

Nays 28,

Those voting in the affirmative were—

Mr. Allison,	Mr. Goodson,	Mr. Russell,
J. M. Anderson,	J. C. Green,	Sears,
Coles,	Geo. F. Green,	Seymour,
Clark,	Grimes,	Stevens,
Coffin,	Jessup,	Townsend,
Dillon,	McPherrin,	Walters,
Dodge,	Means,	Whitmore,
Drake,	Ramsey,	Williams,
Duckworth,	Ream,	Wright, and
Fordyce,	Ross,	Mr. Speaker.

Those voting in the negative were—

Mr. Alger,	Mr. Garber,	Mr. Rogers,
Allen,	Gilmore,	Sells,
A. D. Anderson,	Haun,	Sharp,
Bonson,	Hutchinson,	Steadman,
Bryan,	McArthur,	Washburn,
Bryant,	Mitchell,	Wasson,
Bunker,	Montgomery,	Wilson, and
Duncan,	Putman,	Witter.
Eaton,	Reeder,	
Folsom,	Rice,	

So the bill and substitute were indefinitely postponed.

The question pending on the adjournment this morning was the passage of Senate file No. 42, a bill for an act to provide for taking up-water grafts found adrift, lost goods and estray animals.

On motion of Mr. Grimes,

The bill was referred to the committee on agriculture.

Mr. Folsom moved that the committee have leave to report at the next session of the Legislature.

Which motion was lost.

Mr. Grimes from the committee on agriculture reported with leave, Senate file No. 42.



Which was read the second time.

Mr. Folsom moved the indefinite postponement of the bill; and on this question

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

Yeas 17 }

Nays 38, }

Those voting in the affirmative were—

Mr. Allison,	Mr. Gilmore,	Mr. Steadman,
Bonson,	Haun,	Walters,
Bryan,	Hutchinson,	Washburn,
Coles,	Ramsey,	Witter, and
Eaton,	Ream,	Wright.
Folsom,	Sharp,	

Those voting in the negative were—

Mr. Alger,	Mr. J. C. Green,	Mr. Russell,
Allen,	Geo. F. Green,	Sears,
Bryant,	Grimes,	Sells,
Bunker,	Jessup,	Seymour,
Clark,	McArthur,	Stevens,
Cleaves,	McPherrin,	Townsend,
Coffin,	Means,	Wasson,
Drake,	Mitchell,	Whitmore,
Duckworth,	Montgomery,	Williams,
Duncan,	Putman,	Wilson, and
Fordyce,	Reeder,	Mr. Speaker.
Garber,	Rogers,	
Goodson,	Ross,	

So the motion was lost.

On motion of Mr. Means,

The word "three" was stricken out and the word "one" inserted in the ninth section.

On motion of Mr. Grimes,

The 42d rule was suspended, and the bill read a third time, passed and title agreed to.

Mr. Townsend, from the committee on amendments to the code, reported back Senate files Nos. 108, 110 and 178, and asked that the committee be discharged from their further consideration.

The report was concurred in by the House, and the committee discharged.

Mr. Wright, from the committee on expenditures, reported back to the House.

Senate file No. 221, a bill for an act making further appropriations for the support of the government of the fiscal years 1853 and 1854, with sundry amendments.

The bill was read a second time, and

On motion of Mr. Taylor,

Was made the special order for this evening at seven o'clock.

H. R. file No. 216, a bill for an act to allow Wm. H. Merritt compensation for certain services,

Was read the second time.

Mr. Folsom moved to referred the bill to the committee on expenditures.

Which motion was lost

The question being on ordering the bill to be engrossed and read a third time, the yeas and nays being desired, were ordered and were as follows:

Yeas 20,

Nays 33,

Those voting in the affirmative were,

Mr. Alger,	Mr. Eaton,	Mr. Taylor,
Allison,	Folsom,	Walters,
A. D. Anderson,	Hutchinson,	Wilson,
Bonson,	Reeder,	Witter
Coles,	Rice,	Wright, and
Dillon,	Sears,	Mr. Speaker.
Dodge,	Steadman,	

Those voting in the negative were,

Mr. Bryan,	Mr. J. C. Green,	Mr. Rogers,
Bunker,	Geo. F. Green,	Ross,
Clark,	Grimes,	Russell,
Cleaves,	Haun,	Sells,
Coffin,	Jessup,	Seymour,
Drake,	McPherrin,	Sharp,
Duckworth,	Means,	Stevens,
Duncan,	Mitchell,	Washburn,
Fordyce,	Putman,	Wasson,
Garber,	Ramsey,	Whitmore, and
Gilmore,	Ream,	Williams.

So the House refused to engross said bill.

Senate file No. 108, a bill for an act regulating set-off in courts of law,

Was read a second time.

Mr. Townsend moved to amend by striking out the words, "and make such order as to the costs, as may be just and equitable," in the last two lines of the first section, and insert in lieu thereof, the words "together with the costs of suit,"

Which motion was lost.

And on motion of Folsom,

The further consideration of said bill was indefinitely postponed.

Senate file No. 110, a bill for an act further to regulate appeals to the district court,

Was read the second time, and

On motion of Mr. Folsom,

Was indefinitely postponed.

Senate substitute for H. R. file No. 178, a bill to amend section 106 of the code of Iowa,

Was read the second time.

Mr. Folsom moved that the bill be indefinitely postponed,

Which motion was lost; when,

On motion of Mr. Grimes,

The 42d rule was suspended, and the bill read a third time, passed and title agreed to.

Senate substitute for H. R. file No. 146, a bill for an act to authorize the county judges of Muscatine and Louisa counties to appoint agents for constructing levees, &c.,

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

H. R. file No. 180, a bill for an act supplemental and amendatory to chapters 66, 67, 68, 69, 70 and 71 of the code,

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

H. R. file No. 199, a bill for an act to provide for the transcribing certain records of Polk county,

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

H. R. file No. 207, a bill for an act to allow an appeal in criminal trials before a justice of the peace,

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

H. R. file No. 208, a bill for an act allowing a change of venue in suits pending before justices of the peace;

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

H. R. file No. 211, a bill for an act for the publication of the laws of the present session;

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

H. R. file No. 212, a bill for an act supplemental to an act entitled an act to dispose of the swamp and overflowed lands in this state, and to pay the expenses of selecting and surveying the same

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

H. R. file No. 215, joint resolution appointing commissioners of the state university;

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

H. R. file No. 217, a bill for an act to authorize Benjamin S. Bryan a minor, to sell and convey a lot in the town of Cedar Rapids;

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

H. R. file No. 220, a bill for an act to repeal a part of the Code of Iowa.

The question being on reading the bill a third time, was decided in the negative.

Senate file No. 74, a bill for an act to amend chapter 129 of the code, concerning writs of attachment and replevin issued by justices of the peace;

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

Senate file No. 76, a bill for an act relating to evidence;

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

Senate file No. 81, a joint resolution to procure certain additional mail facilities;

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

Senate file No. 96, an act to amend section 1272 of the Code of Iowa;

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

Message from the Senate by Mr. Cuming, Secretary;

MR. SPEAKER:—I am directed to inform the House of Representatives that the Senate have concurred in the House amendment to

Senate file No. 125, joint resolution for supplying the congressional library with the Code of Iowa.

Also. that the Senate have passed

Senate file No. 128, an act to organize, discipline and govern the militia of the State of Iowa.

Also, Senate file No. 122, a bill for an act in relation to certain state roads therein named.

Also, Senate file No. 130, joint resolution authorizing the superintendent of public instruction to pay for making out plats and statements of school lands.

In which the concurrence of the House of Representatives is requested.

I also return

H. R. file No. 54, preamble and joint resolution relative to certain Des Moines river improvement lands.

The same having passed the Senate without amendment.

I herewith present for your signature Senate files Nos. 126, 116, 113, 107, 93, 104 and 106, the same having passed both branches of the General Assembly.

Senate file No. 98, a bill for an act to re-locate the county seat of Allamakee county,

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

Senate file No. 109, an act further to regulate appeals and writs of error in the supreme court,

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

Senate file No. 114, a bill for an act to amend section 2122 of the code of Iowa,

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

Senate file No. 123, a bill for an act to increase the powers of the trustees of the branch of the State University at Fairfield,

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

Message from the Senate by Mr. Cuming, Secretary:

MR. SPEAKER--I am directed to inform the House of Representatives that the Senate have passed

Senate file No. 127, a bill for an act providing for the compensation of certain persons therein named;

Also, Senate file No. 49, a bill for an act to repeal chapter number 74 of the code of Iowa.

In which the concurrence of the House is requested.

I also return

H. R. file No. 32, a bill for an act to allow the commissioner of the Des Moines River Improvement to sell certain lands;

Also, substitute for H. R. file No. 196, a bill for an act to authorize Nicholas Brown and his associates to construct a dam across Cedar river, in Linn county;

Also, H. R. file No. 210, a bill for an act to provide for taking the census of a part of Warren county;

Also, substitute for H. R. file No. 125, a bill for an act in relation to trials by jury.

The same having passed the Senate without amendment.

I also inform the House that the Senate insists upon its amendment to H. R. file 102, a bill for an act to extend the powers of school districts, in striking out the fourth section;

Also, that the Senate insists upon its amendment to H. R. file No. 183, a bill for an act to relocate the county seat of Fayette county, viz, that the State shall incur no expense for publication of the law;

Also, that the Senate concurs in the clerical amendments to H. R. file No. 157, a bill for an act to reapportion the State into Representative districts.

The House refused to recede from its amendment to Senate file No. 34, a bill concerning fences and trespassing animals.

Senate file No. 122, a bill for an act in relation to certain state roads therein named,

Was read a first and second time, and

On motion,

It was referred to the committee on roads and highways, with instructions to amend the title.

Senate file No. 130, joint resolution authorizing the Superintendent of Public Instruction to pay for making out plats and statements of school lands,

Was read a first and second time, and

Referred to the committee on schools

Senate file No. 128, an act to organize, discipline and govern the militia of the State of Iowa,

Was read a first and second time, and

Referred to the committee on military affairs.

Senate file No. 127, a bill for an act providing for the compensation of certain persons therein named;

Was read a first and second time; and,

On motion,

Referred to the committee on expenditures.

The House refused to recede from its disagreeing vote on the Senate amendment to

H. R. file No. 102, a bill for an act to extend the powers of school districts; and

On motion,

Messrs. Grimes, Alger and Anderson were appointed on the part of the House to manage the conference.

On motion,

The House receded from its disagreeing vote to Senate amendment to

H. R. file No. 183, a bill for an act to re-locate the county seat of Fayette county.

Senate file No. 129, a bill for an act to locate the county seats of Bremer and Butler counties,

Was read a first and second time,

And the 42nd rule being suspended, the bill was read a third time, passed and its title agreed to.

The Senate insisting on its amendment to H. R. file No. 122, a bill for an act to provide for the election of Attorney General and define his duties, the House refused to recede from its disagreeing vote thereon.

On motion of Mr. Folsom,

A committee of conference was appointed, and

Messrs. Folsom, Haun and Dodge were appointed to manage the conference on part of the House.

Mr. Wright, from the committee on expenditures, to which was referred

Senate file No. 127, a bill for an act providing for the compensation of certain persons therein named,

With leave, reported the same back, recommending that it be added as an amendment to H. R. file No. 221, on the same subject.

Which was concurred in.

On motion,

The House adjourned.

SEVEN O'CLOCK, P. M.

Mr. Whitmore moved to re-consider the vote had this afternoon; by which the House refused to order to a third reading Senate file

No. 124, joint resolution allowing additional compensation to the judges of the supreme court.

On motion of Mr. Allen,  
A call of the House was had, and  
Messrs. Bonson, Cleaves, Dillon, McArthur, Sharp and Walters  
were absent.

The Sergeant-at-Arms reported absentees in their seats.

Mr. Sells, with unanimous consent, introduced  
H. R. file No. 222, joint resolution, appointing a committee to  
receive information in relation to the half breed tract,

Which was read a first and second time, and

On motion of Mr. Grimes,  
Laid on the table until 9 o'clock to-night.

Mr. Reeder, with unanimous consent, introduced  
H. R. file No. 223, joint resolution relative to distribution of the  
laws of the present session,

Which was read a first and second time, and ordered to a third  
reading.

On motion of Mr. Reeder,  
The 42d rule was suspended, and the joint resolution read a third  
time, passed and title agreed to.

Question being put on the re-consideration of the vote refusing to  
order to a third reading Senate file No. 124,

Was decided in the affirmative.

Yeas 31,

Nays 26,

The yeas and nays being desired, and those who voted in the affir-  
mative were,

Mr. Alger,	Mr. Eaton	Mr. Sears,
Allen,	Folsom,	Sharp,
Allison,	Gilmore,	Steadman,
A. D. Anderson,	Goodson,	Taylor,
J. M. Anderson,	Hutchinson,	Townsend,
Bonson,	Putman,	Washburn,
Bryan,	Ramsey,	Whitmore,
Bryant,	Ream,	Wilson, and
Coles,	Reeder,	Wright.
Dillon,	Rice,	
Dodge,	Ross,	



Those who voted in the negative were—

Mr. Bunker,	Mr. Geo. F. Green,	Mr. Russel,
Clark,	Grimes,	Sells,
Cleaves,	Haun,	Seymour,
Coffin,	Jessup,	Stevens,
Drake,	McPherrin,	Walters,
Duckworth,	Means,	Wasson
Fordyce,	Mitchell,	Williams.
Garber,	Montgomery,	Witter, and
J. C. Green,	Rogers,	Mr. Speaker.

On motion of Mr. Reeder,

The words "one thousand" before dollars was stricken out, and "five hundred" inserted.

Yeas 34,

Nays 24,

The yeas and nays being desired, those who voted in the affirmative were,

Mr. Alger,	Mr. Folsom,	Mr. Ross,
Allen,	Gilmore,	Sears,
Allison,	Goodson,	Sharp,
A. D. Anderson,	J. C. Green,	Steadman,
J. M. Anderson,	Geo. F. Green,	Stevens,
Bonson,	Hutchinson,	Taylor,
Bryan,	Jessup,	Townsend,
Bryant,	Putman,	Washburn,
Coles,	Ramsey,	Whitmore,
Clark,	Ream,	Wilson. and
Duckworth,	Reeder,	Wright,
Eaton,	Rice,	

Those who voted in the negative were—

Mr. Bunker,	Mr. Grimes,	Mr. Sells,
Cleaves,	Haun,	Seymour,
Coffin,	McPherrin,	Stevens,
Dillon,	Means,	Walters,
Dodge,	Mitchell,	Wasson,
Drake,	Montgomery,	Williams,
Fordyce,	Rogers,	Witter, and
Garber,	Russell,	Mr. Speaker.

Mr. Clark moved to amend by adding "and \$500 to Geo. H. Wil-

liams for extra services while acting as judge of the first judicial district.

Lost.

Yeas 1,  
Nays 56,

The yeas and nays being desired,

Mr. Coffin voted in the affirmative.

Those who voted in the negative were

Mr. Alger,	Mr. Garber,	Mr. Russell,
Allen,	Gilmore,	Sears,
Allison,	Goodson,	Sells,
A. D. Anderson,	J. C. Green,	Seymour,
J. M. Anderson,	Geo. F. Green,	Sharp,
Bonson,	Grimes,	Steadman,
Bryan,	Haun,	Stevens,
Bryant,	Hutchinson,	Taylor,
Bunker,	Jessup,	Townsend,
Coles,	McPherrin,	Walters,
Clark,	Means,	Washburn,
Cleaves,	Montgomery.	Wasson,
Dillon,	Putman,	Whitmore,
Dodge,	Ramsey,	Williams,
Drake,	Ream,	Wilson,
Duckworth,	Reeder,	Witter,
Eaton,	Rice,	Wright and
Folsom,	Rogers,	Mr. Speaker.
Fordyce,	Ross,	

On motion of Mr. Taylor,

The previous question was ordered and put, viz: Shall the bill be read a third time, and

Was decided in the negative.

Yeas 27,  
Nays 32,

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. J. M. Anderson,	Mr. Coles,
Allen,	Bonson,	Eaton,
Allison,	Bryan,	Folsom,
A. D. Anderson,	Bryant,	Gilmore,

Mr. Goodson,	Mr. Reeder,	Mr. Townsend,
Hutchinson,	Rice.	Washburn.
Putman,	Ross,	Whitmore,
Ramsey,	Steadman,	Wilson, and
Ream,	Taylor,	Wright.

Those who voted in the negative were,

Mr. Bunker,	Mr. Geo. F. Green,	Mr. Sears,
Clark,	Grimes,	Sells,
Cleaves,	Haun,	Seymour,
Coffin,	Jessup,	Sharp,
Dodge,	McPherrin,	Stevens,
Drake,	Means,	Walters,
Duckworth,	Mitchell,	Wasson,
Fordyce,	Montgomery,	Williams,
Garber,	Rogers,	Witter, and
J. C. Green,	Russell,	Mr. Speaker.

On motion of Mr. Anderson, of Lee,

H. R. file No. 221, a bill for an act making additional appropriations for the support of the State Government for the fiscal years 1853 and 1854,

Was taken from the table.

On motion of Mr. Haun,

The item of appropriation to James Harlan for contingent expenses as Superintendent of Public Instruction, was stricken out.

Yeas 27,

Nays 26.

The yeas and nays being desired, those who voted in the affirmative were—

Mr. A. D. Anderson,	Mr. J. C. Green,	Mr. Rogers,
J. M. Anderson,	Geo F. Green,	Sears,
Bryan,	Grimes,	Seymour,
Clark,	Haun,	Sharp,
Dillon,	McPherrin,	Washburn,
Dodge,	Means,	Wasson,
Drake,	Ramsey,	Williams,
Garber,	Ream,	Witter, and
Gilmore,	Rice,	Mr. Speaker.

Those who voted in the negative were,

Mr. Alger,	Mr. Allen,	Mr. Allison,
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Mr. Bunker,	Mr. Goodson,	Mr. Russell,
Coles,	Hutchinson,	Sells,
Cleaves,	Jessup,	Steadman,
Coffin,	Mitchell,	Taylor,
Duckworth,	Montgomery,	Townsend,
Eaton,	Putman,	Walters,
Folsom,	Reeder,	Whitmore, and
Fordyce,	Ross,	Wright.

Mr. McPherrin moved to reconsider the vote just had.

Agreed to.

On motion of Mr. Ramsey,

A call of the House was had.

On motion of Mr. Hutchinson,

The further call of the House was dispensed with.

The question being on striking out the item of appropriation to James Harlan;

Was decided in the negative.

Yeas 25.)

Nays 25.)

The yeas and nays were desired, and those who voted in the affirmative were:

Mr. A. D. Anderson,	Mr. Grimes,	Mr. Sharp,
J. M. Anderson,	Haun,	Steadman.
Bryan,	Means,	Washburn,
Bryant,	Ramsey,	Wasson,
Dillon,	Ream,	Witter,
Dodge,	Rice,	Wright, and
Drake,	Rogers,	Mr. Speaker,
Gilmore,	Sears,	
Geo. F. Green,	Seymour,	

Those who voted in the negative were—

Mr. Alger,	Mr. Folsom,	Mr. Ross,
Allen,	Fordyce,	Russell,
Allison,	Goodson,	Sells,
Bunker,	Hutchinson,	Stevens,
Coles,	Jessup,	Townsend,
Clark,	McPherrin,	Whitmore, and
Cleaves,	Mitchell,	Williams,
Coffin,	Montgomery,	
Duckworth,	Putman,	

On motion of Mr. Grimes,

All that related to the per diem and mileage of officers and members of the Senate, was stricken out.

Mr. Folsom offered the following amendment: To W. H. Merritt ninety-six dollars for folding, stitching and pressing Governor's Message, Auditor's, Secretary's and other reports for the present General Assembly.

Lost.

Yeas 26,

Nays 27.

The yeas and nays were desired, and those who voted in the affirmative were,

Mr. Alger,	Mr. Eaton,	Mr. Taylor,
Allen,	Folsom,	Townsend,
Allison,	Gilmore,	Washburn,
A. D. Anderson,	Goodson,	Whitmore,
J. M. Anderson,	Hutchinson,	Wilson,
Bryant,	Putman,	Witter,
Coles,	Sears,	Wright, and
Dillon,	Sharp,	Mr. Speaker.
Dodge,	Mr. Steadman,	

Those who voted in the negative were—

Mr. Bryan,	Mr. Grimes,	Mr. Rice,
Bunker,	Haun,	Rogers,
Clark,	Jessup,	Ross,
Coffin,	McPherrin,	Russell,
Drake,	Means,	Sells,
Duckworth,	Mitchell,	Seymour,
Fordyce,	Montgomery,	Stevens,
Garber,	Ramsey,	Wasson, and
Geo. F. Green,	Ream,	Williams,

The 42nd rule was suspended, and the bill read a third time, passed and its title agreed to.

Mr. Witter from the committee on enrolled bills, reported that they had presented to the Governor for his signature,

H. R. file No. 201, joint resolution for additional mail facilities;

Also, H. R. file No. 13, an act granting to certain officers therein named, a copy of the code and laws of Iowa;

Also, H. R. file No. 45, an act to enforce the claims of the State

and county against the lands and lots on which the owners have failed to pay the taxes charged thereon prior to 1851;

Also, H. R. file No. 124, an act for the relief of Solomon Bond;

Also, H. R. file No. 135, an act to amend chapter 37 of the code, in relation to township assessors.

Also, H. R. file 161, an act to create an additional election precinct in Village township, Van Buren county;

Also, substitute for H. R. file No. 84, an act requiring county judges to pay into the county treasury all money received by them from the sale of county property;

Also, H. R. file No. 10, preamble and joint resolution of instruction upon the homestead bill.

Also, H. R. file No. 172, an act to dispose of the saline lands.

Also, H. R. file No. 200, joint resolution appointing a committee of investigation of the affairs of the Des Moines river improvement.

Also, H. R. file No. 206, preamble and joint resolution memorializing Congress to cause the line of the half breed tract in Lee county to be surveyed and established.

Also, H. R. file No. 173, an act to appoint a commissioner to perform certain duties in Delaware county.

Also, H. R. file No. 205, an act to legalize the assessment of Pottawattamie county for the years 1851 and 1852.

Also, H. R. file No. 130, an act regulating the terms of the supreme court.

Mr. Alger from the committee on roads and highways, with leave, submitted the following

#### REPORT:

The committee on roads and highways, to which was referred Senate file No. 122, a bill for an act in relation to certain roads therein named, have had the same under consideration, and have instructed me to report the same back to the House, recommending the following amendments, to-wit:

Strike out sections 15, 18, 19, 21 and 22, and also to add 46 sections embracing the report of the various House bills and petitions on the subject of roads and highways—referred to your committee thus—consolidating the Senate bill and House bill, and recommend its passage,

F. ALGER, Chairman.

Which was concurred in.

And the bill read a first and second time.

On motion of Mr. Grimes,

The following was added as an additional section.

Sec. —. The State shall be in no case responsible for any expenses created or growing out of the establishment of any of the foregoing roads and highways.

On motion of Mr. Sells,

The following substitute for section 25 :

Sec. 25. This act shall take effect from and after its publication in the Iowa City papers.

Message from the Senate by Mr. Cuming, Secretary:

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

Senate file No. 131, a bill for an act for the relief of the heirs of Daniel Prout, deceased ;

Also, Senate file No. 132, a bill for an act supplementary to an act regulating the terms of the supreme court ;

Also, Senate file No. 10, a bill for an act to amend chapter 83 of the code of Iowa, concerning the estates of decedents.

In all of which the concurrence of the House of Representatives is requested.

The committee on military affairs, to which was referred

Senate file No. 128, an act to organize, discipline and govern the militia of the State of Iowa,

Reported the same back, recommending its passage.

On motion of Mr. Sells,

The House resolved itself into the committee of the whole thereon, at ten o'clock and 30 minutes,

Mr. Bryan in the chair.

Eleven o'clock, P. M.—The committee rose, and by its chairman, reported the bill back and recommending its passage.

On motion of Mr. Grimes,

The bill was indefinitely postponed.

Senate file No. 48, a bill for an act to repeal chapter 74 of the Code of Iowa,

Was read a first and second time, and

Laid on the table.

Senate file No. 10, a bill for an act to amend chapter 83, of the Code of Iowa, concerning the estates of decedents;

Was read a first and second time, and

The 42d rule was suspended and the bill was read a third time, passed and title agreed to.

Senate file No. 131, a bill for an act for the relief of the heirs of Daniel Prout, deceased;

Was read a first and second time, and

The 42nd rule being suspended, the bill was read a third time, passed and title agreed to.

Senate file No. 132, a bill for an act supplementary to an act regulating the terms of the supreme court;

Read a first and second time, and

The 42d rule being suspended, the bill was read a third time, passed and its title agreed to.

On motion of Mr. Sells,

H. R. file No. 222, joint resolution appointing a committee to receive information in relation to the half breed tract,

Was taken from the table.

On motion of Mr. Coles,

The joint resolution was again laid on the table.

On motion,

The House adjourned to 8 o'clock on Monday morning next.

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#### MONDAY MORNING, JANUARY 24, 1853.

Mr. Haun, from the majority of the committee of conference, on the disagreement of the two Houses relative to H. R. file No. 122, a bill for an act to provide for the election of Attorney General and define his duties, reported that they had agreed on eight hundred dollars as the salary of said officer, and recommend that the same be concurred in.

The question being on concurring in the report of the committee, Was decided in the affirmative.

The yeas and nays being desired, were as follows:



Yeas 20.)

Nays 16.)

Those voting in the affirmative were—

Mr. Alger,	Mr. Goodson,	Mr. Rice,
Allen,	J. C. Green,	Rogers,
Allison,	Geo. F. Green,	Steadman,
Bryan,	Haun,	Whitmore
Dillon,	Hutchinson,	Witter and
Dodge,	Putman,	Mr. Speaker.
Gilmore,	Ream,	

Those voting in the negative were,

Mr. Bunker,	Mr. Grimes,	Mr. Russell,
Clark,	Jessup,	Sears,
Coffin.	McPherrin,	Sells,
Fordyce,	Mitchell,	Walters, and
Garber,	Ross,	Williams.

Mr. Hutchinson, by unanimous consent, introduced

H. R. file No. 224, a joint resolution authorizing the clerk of the supreme court to use a certain room in the state house, for the purpose of a clerk's office,

Which was read a first and second time, and

On motion of Mr. Grimes,

The forty-second rule was suspended, and the joint resolution

Read a third time, passed and title agreed to.

Mr. Witter from the committee on enrolled bills, reported that they had examined

H. R. file No. 211, an act providing for the publication of the laws of the present session.

Also, H. R. file No. 199, an act to provide for transcribing certain records of Polk county.

Also, H. R. file No. 208, an act to allow a change of venue in suits pending before justices of the peace.

Also, H. R. file No. 217, an act to authorize Benjamin S. Bryan to sell and convey a lot in Cedar Rapids, Iowa.

H. R. file No. 212, an act supplemental to an act to dispose of the swamp and overflowed lands in the State, and to pay the expenses of selecting and surveying the same.

Also, H. R. file No. 179, an act to incorporate Iowa City.

Also, H. R. file No. 32, an act to authorize the commissioner of the Des Moines River Improvement to sell certain lands;

Also, H. R. file No. 54, preamble and joint resolution, asking Congress to remove certain restrictions in the act granting lands to aid in the improvement of the Des Moines river ;

Also, substitute for H. R. file No. 125, an act in relation to trials by jury ;

Also, H. R. file No. 157, an act to re-apportion the State into representative districts ;

Also, H. R. file No. 183, an act to locate the county seat of Fayette county ;

Also, H. R. file No. 185, an act to incorporate the city of Council Bluffs ;

Also, substitute for H. R. file No. 196, an act to authorize Nicholas B. Brown and his associates, to construct a dam across Cedar river, in Linn county ;

Also, H. R. file No. 210, an act to provide for taking the census of part of Warren county ;

Also, H. R. file No. 187, an act to amend chapter 83 of the code ;

Also, H. R. file No. 203, an act to amend the act to incorporate the city of Davenport.

And find the same correctly enrolled.

Mr. Taylor from the select committee, to which was referred substitute for H. R. file No. 177, reported the same back with one amendment and recommended its passage.

The Speaker then presented a communication from his Excellency, the Governor, returning with his objections to

H. R. file No. 195, an act submitting to the electors of Iowa the question of a convention to amend the constitution of the State.

Which was read as follows:

*Gentlemen of the House of Representatives:*

I am again compelled to return to you without my approval, an act submitting to the electors of Iowa the question of a convention to amend the constitution of the State.

This act, among other things, provides that at the next general election in August, 1854, a vote shall be taken for or against a convention; and that such election shall be conducted as provided in the 25th chapter of the code; the returns to be made to the Secretary of State, and the Governor is required on or before the 10th day of September, 1854, to issue his proclamation declaring the result of said election.

Should a majority of the votes cast, be in favor of a convention, then an election of delegates is to take place on the first Monday of November following, which election is to be held and returns, are to be made according to the provisions of the code regulating general elections.

The act also requires that the number of delegates shall correspond to the number of Representatives in the General Assembly, as apportioned at the present session, but makes no provision as to who shall be eligible, whether they shall be citizens or residents of the state, or be elected by counties, districts, or by the state at large.

Our laws do not provide for, or contemplate such an election; it is therefore, necessary that any act creating such an emergency should explicitly provide for a full and fair representation of the people in a convention, the most important to their welfare which could ever assemble in the state of Iowa. This by the act under consideration has not been done, nor in my judgment, could its object be carried out without resulting in misunderstanding and confusion in consequence of its indefinite provisions.

In my message, which was communicated to the General Assembly at the commencement of your session, I could not avoid expressing a deep concern at the opinion entertained by some portion of the people, in favor of a revision of the constitution, to authorize the establishment of banks, of special acts of incorporation for pecuniary profit, and of contracting debts without limitation by the General Assembly.

The sentiments which I then entertained have undergone no change, unless it be, that I am more strongly impressed with the belief that it would be suicidal to part with a constitution which throws around the people its protecting arm, and places between them and crafty adventurers, formidable obstacles to the acquisition of influence and power, which places them above the reach of that species of legislation which leads a state to bankruptcy and her citizens to degradation.

I am not unaware that the constitution recognizes the General Assembly as the judge of the necessity of submitting the question of its revision to the people, yet I cannot divest myself of the responsibility which appertains to a co-ordinate branch of the government, nor of the obligations which that position imposes upon me. Feeling as I do, the full weight of that responsibility, and the obligations which the constitution imposes upon me, I cannot, in the absence of a more

marked expression of popular desire on the part of the people than what has heretofore been manifested, approve of any bill, which has for its object the calling of a convention to amend the constitution. The legitimate ends of government have been and can still be obtained by its wise provisions, under which the State of Iowa has thus far been prosperous, and the rights and interests of her citizens been secured and protected.

Believing that the constitution is satisfactory to a majority of the people of this state, and that they have not desired the question of its amendment to be thrust upon them, I have therefore felt it my duty to return the act which was presented for my approval to the House, in which it originated.

S. HEMPSTEAD.

Iowa City, January 24th, 1853.

The question being, shall the bill pass by the constitutional majority, notwithstanding the objections of the Governor,

And the yeas and nays being ordered, it was decided in the negative.

Yeas 29,

Nays 21,

Those voting in the affirmative were :

Mr. Allison,	Mr. J. C. Green,	Mr. Rogers,
Bunker,	Grimes,	Ross,
Clark,	Jessup,	Russell,
Cleaves,	McArthur,	Sells,
Coffin,	McPherrin,	Seymour,
Drake,	Mitchell,	Walters,
Folsom,	Montgomery,	Whitmore,
Fordyce,	Putman,	Williams, and
Garber,	Ream,	Witter.
Gilmore,	Reeder,	

Those voting in the negative were,

Mr. Alger,	Mr. Dodge,	Mr. Sears,
Allen,	Eaton,	Sharp,
A. D. Anderson,	Goodson,	Steadman,
Bonson,	Geo. F. Green,	Taylor,
Bryan,	Haun,	Townsend,
Bryant,	Hutchinson,	Wilson, and
Dillon,	Rice,	Mr. Speaker.

Message from the Senate by Mr. Cuming, Secretary.

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate have passed, without amendment,

H. R. file No. 217, a bill for an act to authorize Benjamin Bryan, a minor, to sell and convey a lot in the town of Cedar Rapids.

Also, H. R. file No. 208, a bill for an act to allow a change of venue in suits pending before justices of the peace.

Also, H. R. file No. 212, a bill for an act supplemental to an act to dispose of the swamp and overflowed lands in this State, and to pay the expenses of selecting and surveying the same.

Also, H. R. file No. 211, a bill for an act for the publication of the laws of the present session.

Also, H. R. file No. 199, a bill for an act to provide for transcribing certain records of Polk county.

Also, that the Senate has indefinitely postponed H. R. file No. 215, joint resolution appointing commissioners of the State University.

Also, H. R. file No. 207, a bill for an act to allow an appeal in criminal trials before a justice of the peace.

Also, that the Senate have passed,

H. R. file No. 213, a bill for an act to alter and amend the code of Iowa, with an amendment :

Striking out all after the enacting clause except the sixth section ;

Also, that the Senate insists upon its amendment to

Senate file No. 76 and H. R. file No. 129, consolidated, in relation to evidence,

And ask a committee of conference thereon, and have appointed Messrs. Browning, Hepner and Love managers on the part of the Senate ;

Also, that the Senate concurs in the House amendment to

Senate file No. 42, a bill for an act to provide for the taking up of water crafts found adrift, lost goods and estray animals ;

Also, in the amendment to

Senate file No. 34, a bill concerning fences and trespassing animals ;

Also, in the House amendment to

Senate file No. 81, a joint resolution to procure certain additional mail facilities.

I herewith present for your signature files Nos. 109, 96, 114 and 74, the same having passed both branches of the General Assembly.

I herewith return H. R. files Nos. 211, 125, 208, 217, 183, 187, 32,

179, 185, 157, 210, 199, 54, 208, 196 and 212, the same having received the signature of the President of the Senate.

Mr. Grimes moved that committee of conference be appointed on the part of the House on the disagreeing vote of the two houses, on Senate file No. 76 and H. R. file No. 129, consolidated.

Which motion prevailed,

And Messrs. Grimes, Folsom and Reeder were appointed said committee.

Mr. Witter from the committee on enrolled bills, reported that they had presented to the Governor for his signature, the following enrolled bills, to-wit:

H. R. file No. 211, an act for the publication of the laws of the present session.

H. R. file No. 212, an act supplemental to an act to dispose of the swamp and overflowed lands in this state, and to pay the expenses of selecting and surveying the same.

H. R. file No. 125, an act in relation to trials by jury.

H. R. file No. 196, an act to authorize Nicholas B. Brown and his associates to construct a dam across Cedar river in Linn county.

H. R. file No. 203, an act to amend the act to incorporate the city of Davenport.

H. R. file No. 32, an act to authorize the commissioner of the Des Moines river improvement to sell certain lands.

H. R. file No. 54, preamble and joint resolution asking Congress to remove certain restrictions, in the act granting lands to aid in the improvement of the Des Moines river.

H. R. file No. 210, an act to provide for taking the census of a part of Warren county.

H. R. file No. 183, an act to relocate the county seat of Fayette county.

H. R. file No. 187, an act to amend chapter 83 of the code.

H. R. file No. 158, an act to reapportion the state into representative districts.

H. R. file No. 179, an act to incorporate Iowa City.

H. R. file No. 185, an act to incorporate the city of Council Bluffs.

H. R. file No. 217, an act to authorize Benjamin S. Bryan a minor, to sell and convey a lot in the town of Cedar Rapids.

H. R. file No. 208, an act to allow a change of venue in suits pending before justices of the peace.

H. R. file No. 199, an act to provide for transcribing certain records of Polk county.

The question being on ordering H. R. file No. 177, to a third reading.

On motion of Mr. Eaton,

The words "knowing the same to be illegal," was inserted after the word issued in the sixteenth line of the first section.

On motion of Mr. Eaton,

The words "knowing the same to be illegal," was inserted after the words "in relation to such bank," in the second section.

Mr. Haun moved to lay the bill on the table until to-morrow.

On motion,

A call of the House was had.

On motion of Mr. Sharp,

The call was suspended.

The question being on laying the bill on the table, was decided in the negative.

Yeas 21.)

Nays 26.)

Those voting in the affirmative were—

Mr. A. D. Anderson,	Mr. Fordyce,	Mr. Russell,
Bunker,	Gilmore,	Seymour,
Clark,	Haun,	Steadman,
Cleaves,	Hutchinson,	Townsend,
Coffin,	McArthur,	Williams,
Drake,	Ream,	Witter, and
Eaton,	Ross,	Mr. Speaker,

Those who voted in the negative were:

Mr. Alger,	Mr. Goodson,	Mr. Reeder,
Allen,	J. C. Green,	Rice,
Bonson,	Geo. F. Green,	Rogers,
Bryan,	Grimes,	Sears,
Bryant,	Jessup,	Sharp,
Dillon,	McPherrin,	Taylor,
Dodge,	Mitchell,	Whitmore, and
Folsom,	Montgomery,	Wilson.
Garber,	Putman,	

Mr. Garber offered the following amendment:

Insert in section two, "if any person be guilty of passing such bank

paper as aforesaid, shall be considered guilty of manslaughter and adultery.

Lost.

Question being on ordering the bill to a third reading, was decided in the negative.

Yeas, 21,

Nays, 24.

Those gentlemen voting in the affirmative were—

Mr. Alger,	Mr. Goodson,	Mr. Rogers,
Allen,	Geo. F. Green,	Sells,
Bryan,	Grimes,	Sharp,
Bryant,	McPherrin,	Taylor,
Dillon,	Mitchell,	Whitmore,
Dodge,	Putman,	Wilson, and
Folsom,	Rice,	Mr. Speaker.

Those voting in the negative were,

Mr. A. D. Anderson,	Mr. Garber,	Mr. Reeder,
Bonson,	Gilmore,	Ross,
Bunker,	J. C. Green,	Russell
Clark,	Hutchinson,	Sears,
Coffin,	Jessup.	Seymour,
Drake,	McArthur,	Steadman,
Eaton,	Montgomery,	Williams, and
Fordyce,	Ream,	Witter.

Mr. Anderson, of Dubuque, moved to take from the committee of the whole House, H. R. file No. 111,

Which was lost.

Yeas, 13,

Nays, 30.

Those voting in the affirmative were—

Mr. Allen,	Mr. Eaton	Mr. Putman,
A. D. Anderson,	Folsom,	Sells, and
Bonson,	Garber,	Taylor.
Bryant,	Hutchinson,	
Dillon,	Montgomery,	

Those voting in the negative were—

Mr. Alger,	Mr. Clark,	Mr. Dodge,
Bryan,	Cleaves,	Drake,
Bunker,	Coffin,	Fordyce,



Mr. Gilmore,	Mr. McPherrin,	Mr. Sharp,
Goodson,	Mitchell,	Steadman,
J. C. Green,	Rice,	Walters,
Geo. F. Green,	Rogers,	Whitmore,
Grimes,	Ross,	Williams,
Jessup,	Sears,	Witter, and
McArthur,	Seymour,	Mr. Speaker.

Mr. Sells moved to take from the table H. R. file No. 222, joint resolution appointing a commissioner to receive information relative to the half breed tract, in Lee county.

Lost.

Mr. Sharp moved to reconsider the vote indefinitely postponing Senate file No. 128, relative to military affairs ;

Which was agreed to.

Mr. Eaton moved that the bill be indefinitely postponed;

Which motion prevailed, and the bill was indefinitely postponed.

The House refused to concur in the Senate amendments to H. R. file No. 213, a bill for an act to alter and amend the Code of Iowa.

Mr. Allen offered the following resolution, which was unanimously adopted:

Resolved, That the Speaker, the Hon. James Grant, is entitled to the thanks of this House for the able, prompt and impartial discharge of his duty as presiding officer during the session, which is hereby unanimously tendered to him.

On motion of Mr. Grimes,

The House adjourned until half-past one o'clock, P. M.

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### HALF-PAST ONE O'CLOCK, P. M.

Mr. Grimes, from the committee of conference on the disagreeing vote of the two Houses, relative to Senate file No. 76, and H. R. file No. 129, a bill for an act relating to evidence, reported, recommending that the House recede from its amendment thereto,

Which was concurred in.

Message from the Senate by Mr. Cuming, their Secretary.

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

Substitute for Senate file No. 33, a bill for an act to amend chapter 80 of the code, and making further provision for the relief of occupying claimants; also,

Senate file No. 133, a bill for an act supplemental and explanatory to an act to re-locate the county seat of Allamakee county,

In which the concurrence of the House is requested.

The Senate has concurred in the amendment by the committee of conference to H. R. file No. 122, in relation to Attorney General.

I herewith present for your signature Senate files Nos. 129, 34, 81, substitute for H. R. file No. 58, and Senate file No. 98, the same having passed both branches of the General Assembly.

I also return

H. R. file No. 224, a joint resolution authorizing the clerk of the supreme court to use a certain room in the State House for the purpose of a clerks office.

Also, H. R. file No. 223, joint resolution relative to the distribution of the laws to members.

The same having passed the Senate without amendment.

I also return,

H. R. file No. 165, an act to amend the several acts in relation to a State Printer;

With one amendment.

Also, H. R. file No. 221, an act making additional appropriations for support of the government for the fiscal years 1853 and 1854;

With sundry amendments.

In which the concurrence of the House is requested.

Substitute for Senate file No. 33, a bill for an act to amend chapter 80 of the code, making further provision for the relief of occupying claimants.

Was read a first and second time.

Mr. Allen moved the suspension of the forty second rule, and that the bill be read a third time now;

Which was decided in the negative.

Yeas 24,

Nays 21,

Those voting in the affirmative were :

Mr. Allen,	Mr. J. C. Green,	Mr. Rogers,
Allison,	Hutchinson,	Ross,
Bryan,	Jessup,	Steadman,
Bryant,	McArthur,	Townsend,
Dillon,	Montgomery,	Whitmore,
Eaton,	Putman,	Wilson,
Folsom,	Ream,	Witter, and
Gilmore,	Reeder,	Mr. Speaker.

Those who voted in the negative were,

Mr. Alger,	Mr. Fordyce,	Mr. Rice,
Bunker,	Garber,	Russell,
Clark,	Goodson,	Sells,
Cleaves,	Geo. F. Green,	Seymour,
Coffin,	Grimes,	Taylor,
Dodge,	Haun,	Walters, and
Drake,	McPherrin,	Williams,

Senate file No. 133, a bill for an act supplemental and explanatory to an act to re-locate the county seat of Alamakee county,

Was read a first and second time, and

On motion,

Ordered to be read a third time to-morrow.

Mr. Witter from the committee on enrolled bills, reported that they have examined

H. R. file No. 122, an act to provide for the election of Attorney General and define his duties,

And found the same correctly enrolled.

Also, H. R. file No. 223, joint resolution relative to the distribution laws to members;

Also, H. R. file No. 224, joint resolution allowing the clerk of the supreme court to use a certain room in the state house for the purpose of a clerk's office,

And found the same correctly enrolled.

On motion of Mr. Alger,

The House receded from its disagreeing vote on the Senate amendments to H. R. file No. 102, a bill for an act to extend the powers of school districts.

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate have made several amendments to

House amendment to Senate file No. 122, a bill for an act in relation to certain state roads therein named, and ask a committee of conference on the same, and have appointed Messrs. Hull, Everson and Preston, managers on the part of the Senate.

Also, that the Senate have appointed Messrs Fletcher, Needham, and Hepner, a committee of conference on H. R. file No. 213.

I herewith present for your signature Senate files No. 42, and substitute for H. R. file No. 146 and 178, the same having passed both branches of the General Assembly.

On motion,

Messrs. Grimes, Townsend and Taylor were appointed on the part of the House, a committee of conference on the disagreeing vote of the two houses on

H. R. file No. 213, a bill for an act to alter and amend the Code of Iowa.

The House refused to concur in the first amendment made by the Senate to

H. R. file No. 221, a bill for an act making additional appropriations for the support of the state government for the fiscal years 1853 and 1854.

The House concur in the second and third.

The question being on concurring in the fourth amendment, fixing the fees of the Secretary of the Senate for indexing the journal of the Senate.

Was decided in the negative.

Yeas 24,

Nays 25,

Those voting in the affirmative were,

Mr. Bunker,

Clark,

Cleaves,

Coffin,

Dodge,

Drake,

Fordyce,

Garber,

Mr. J. C. Green,

Grimes,

Jessup,

McArthur,

McPherrin,

Mitchell,

Ream,

Rogers,

Mr. Ross,

Russell,

Sears,

Sells,

Seymour,

Walters, and

Williams.

Those voting in the negative were—

Mr. Alger,

Allen,

Mr. Allison,

Bryan,

Mr. Bryant,

Dillon,

Mr. Dodge,	Mr. Hutchinson	Mr. Taylor,
Eaton,	Montgomery,	Townsend,
Folsom,	Putman,	Whitmore,
Gilmore,	Reeder,	Wilson, and
Goodson,	Rice,	Mr. Speaker.
Geo. F. Green,	Sharp,	
Haun,	Steadman,	

The question now being on concurring in the amendment, relative to additional compensation to the Supreme Court judges.

Was decided in the negative.

Yeas 19,  
Nays 29,

Those voting in the affirmative were—

Mr. Alger,	Mr. Folsom,	Mr. Rice,
Allen,	Gilmore,	Sharp,
Allison,	Goodson,	Steadman,
Bryan,	Hutchinson,	Taylor, and
Bryant,	Putman,	Townsend
Dillon,	Ream,	
Eaton,	Reeder,	

Those voting in the negative were,

Mr. Bunker,	Mr. Grimes,	Mr. Sears,
Clark,	Haun,	Sells,
Cleaves,	Jessup,	Seymour,
Coffin,	McArthur,	Walters,
Dodge,	McPherrin,	Whitmore,
Drake,	Mitchell,	Williams,
Fordyce,	Montgomery,	Wilson,
Garber,	Rogers,	Witter and
J. C. Green,	Ross,	Mr. Speaker.
Geo. F. Green,	Russell,	

Mr. Sells moved to insert the words "and for the House," and increase the sum to seven dollars in the appropriation to Mr. Lee, agreed to by the House.

The House refused to concur in the Senate amendment to that portion of the bill which relates to the four hundred dollar appropriation for the Secretary of the Senate and the Clerk of the House of Representatives.

The House concurred in the Senate amendment, making an ap-

appropriation for George S. Hampton as Assistant Enrolling Clerk of the House.

The House concurred in the amendments made by the Senate to Senate file No. 122, a bill in relation to state roads.

Message from the Senate by Mr. Cuming, Secretary :

MR. SPEAKER—I am directed to inform the House of Representatives that the Senate insists upon its amendments to H. R. file No: 221, (appropriation bill) and ask a committee of conference thereon, and have appointed Messrs. Hepner, Shields and Sales managers on part of the Senate.

On motion of Mr. Folsom,

A committee of conference were appointed on the disagreement of the two Houses on

H. R. file No. 221, a bill for an act making additional appropriations for the support of the State Government for fiscal years 1853 and 1854,

Messrs. Folsom, Haun and Grimes were appointed on the part of the House.

Mr Folsom asked the unanimous consent of the House to introduce

A joint resolution authorizing Wm. H. Merritt to commence a suit at law against the State of Iowa;

Which was objected to.

On motion of Mr. Eaton,

The following resolution was unanimously adopted :

Resolved, unanimously, that the thanks of this House be tendered to the clerks and other officers of the same, for the very able manner in which they have discharged their respective duties.

Message from the Senate by Mr. Cuming, Secretary :

MR. SPEAKER—I herewith return

H. R. files Nos. 224, 192 and 223, the same having received the signature of the President of the Senate.

I also inform the House that the Senate have appointed

Messrs. Preston and Browning a committee of two to act with a similar committee on the part of the House, to wait upon his Excellency, the Governor, and inform him that the General Assembly is now ready to adjourn, and to ascertain whether he has any further communication to make to them.

Mr. Witter, from the committee on enrolled bills, reported that they have presented to the Governor for his signature,

H. R. file No. 223, joint resolution relative to distribution of laws to members.

Also, H. R. file No. 224, a joint resolution authorizing the clerk of the supreme court to use a certain room in the State House for the purpose of a clerk's office.

Also, H. R. file No. 122, an act to provide for the election of Attorney General and define his duties.

Also, H. R. file No. 165, an act to amend the several acts in relation to State Printers.

And found the same correctly enrolled.

Message from the Senate by Mr. Cuming, Secretary :

MR. SPEAKER—I herewith return

H. R. file No. 165, relative to the State Printer,

The same having received the signature of the President of the Senate.

Mr. Witter from the committee on enrolled bills, reported that they had examined

H. R. file No. 102, an act to extend the powers of school districts.

And found the same correctly enrolled.

Message from the Senate by Mr. Cuming, Secretary :

MR. SPEAKER—I herewith return

H. R. file No. 102, an act to extend the powers of school districts.

The same having received the signature of the President of the Senate

Mr. Folsom, from the committee of conference, relative to the disagreeing votes of the two House on the appropriation bill, recommend that the items allowing \$75 dollars each to the clerk of the House and the Secretary, for indexing the journals of the respective Houses, be concurred in; and that the sum of \$500 be appropriated to them jointly for the distribution of the said journals.

Which was concurred in.

On motion of Mr. Grimes,

The House insisted on its disagreeing vote on the allowance for contingencies to the Judges of the Supreme Court.

Mr. Taylor moved a call of the House, which was had.

On motion of Mr. Sells,

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Those members of the House who had left Iowa City for home, were excused.

On motion,

A further call was suspended.

The vote on insisting was as follows :

Yeas 27,)

Nays 20,)

Those voting in the affirmative were—

Mr. Bunker,	Mr. Geo. F. Green,	Mr. Ross,
Clark,	Grimes,	Russell,
Cleaves,	Haun,	Sears,
Coffin,	Jessup,	Sells,
Dodge,	McArthur,	Seymour,
Drake,	McPherrin,	Walters,
Fordyce,	Mitchell,	Williams,
Garber,	Montgomery,	Witter, and
J. C. Green,	Rogers,	Mr. Speaker.

Those voting in the negative were,

Mr. Alger,	Mr. Gilmore,	Mr. Sharp,
Allen,	Goodson,	Steadman,
Allison,	Hutchinson,	Stevens,
Bryan,	Putman,	Taylor,
Dillon,	Ream,	Townsend,
Eaton,	Reeder,	Whitmore, and
Folsom,	Rice,	Wilson,

Mr. Witter from the committee on enrolled bills, reported that they had presented to the Governor for his signature

H. R. file No. 102, an act to extend the powers of school districts.

Mr. Witter, from the committee on enrolled bills, reported that they had presented to the Governor for his signature,

H. R. file No. 165, an act to amend the several acts in relation to State Printer.

Message from the Senate by Mr. Cuming, their Secretary :

Mr. SPEAKER—I am directed to inform the House that the Senate recedes from its amendment to H. R. file No. 221, appropriating \$2,000 to the supreme judges.

I also present for your signature

Senate file No. —, an act in relation to certain state roads therein



named, the same having passed both branches of the General Assembly.

By unanimous consent, Mr. Folsom introduced

H. R. file No. 225, a bill for an act regulating the terms of the supreme court,

Which was read a first and second time, and

On motion of Mr. Grimes,

The 42d rule was suspended, and the bill

Read a third time, passed and title agreed to.

Messrs. Shields and McKinney, a committee from the Senate, appeared and informed the House that the Senate was ready to adjourn *sine die*.

On motion of Mr. Grimes,

Resolved, That the presiding officers and chief clerks of the two Houses be instructed to prepare a copy of the appropriation bill for publication from the original bill.

Message from the Senate by Mr. Cuming, their Secretary :

MR. SPEAKER—I present for your signature Senate file No. 76, the same having passed both branches of the General Assembly.

Also, that the Senate concurs in the resolution of the House relative to preparing H. R. file No. 221, general appropriation bill for publication.

Also, that the President has signed the said bill.

The Speaker then signed Senate file No. 76, in presence of the House.

On motion of Mr. Grimes,

A committee was appointed to wait on the Senate and inform that body, that this House is now ready to adjourn ; also, to act with the Senate committee to wait on the Governor, and inquire if he has any further communications to make to the General Assembly.

The committee on enrolled bills reported that they had presented H. R. file No. 221, appropriation bill, to the Governor, for his signature.

Mr. Grimes, from the committee to wait on the Senate and the Governor, reported that they had discharged all their duty, and that His Excellency had informed them that he had no further communications to make to the General Assembly.

Mr. Grimes then moved that the House adjourn *sine die*.

Agreed to.

The Speaker addressed the House as follows :

*Gentlemen*—Our duties as Legislators have been brought to a close. We are now about to return to our constituents, and it is their province to judge of our fidelity to the constitution and their interest.

• We met strangers, we part friends, and though our voices may never again mingle together in the halls of legislation, I shall carry with me through life, the remembrance of your confidence and kindness.

I now declare the House adjourned *sine die*.

# APPENDIX.

## AUDITOR'S REPORT.

AUDITOR'S OFFICE Nov. 1st 1852.

*To the Legislature of the State of Iowa:*

The undersigned in compliance of Law has the honor to submit the following report:

The whole amount of Warrants issued from the 2d of December 1850 to the 31st of October 1852 (as per statement A) is \$118,692.76. At the former date there were as shown by the Auditors Report, Warrants outstanding amounting to \$10,865.87. There has been redeemed during the same time Warrants amounting to \$128,089.73, leaving outstanding at this time \$1468.90.

The general account with the State Treasurer (marked B) shows the receipts into the State Treasury from the 2nd day of December 1850, to the 31st of October 1852 to have been

\$139,681.69

There was in the Treasury December 2nd 1850.

1.39

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\$139,683.08

The disbursements during the same time have been

131,631.49

Leaving a Balance in the Treas. on the 31st Oct. 1852

\$8051.29

The estimated expenditures for the next two fiscal years (as shown by statement C) am't to

103,918.90

The present available resources of the State (as shown by statement D) are

76,067.88

Assessment of 1853 estimated at present rate

65,000.00

Cash on hand

8,051.09

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\$149,119.47

Showing an excess of estimated receipts over estimated expenditures, after deducting 10 per cent from the present delinquencies, and the assessment of 1852 and 1853 as unavailable of \$31,093.79, a sum more than adequate to the liquidation of the entire funded debt of the State exclusive of \$55,000 Eastern Loan.

The funded debt of the State now amounts to 81,795.75 as follows:—

Bonds issued under act of February 9th 1847 and payable July 1st 1857	55,000.00
Bonds issued under act of January 12th 1849 (Chapt. 56) due March 17th 1853	2,000.00
Bonds issued under act of January 12th 1849 (Chapt. 58) due May 1st 1854	16,442.05
Bonds issued under act of January 13th 1849 (Chapt. 70) due September 15th 1859	6,000.00
Bonds issued under act of February 5th 1852 (Chapt. 51) and payable January 1st 1856	2,353.70
	<hr/>
	\$81,795.75

All of these Bonds except the first mentioned are redeemable at the dates given or sooner, at the option of the State.

The interest upon the \$55,000 Loan is payable semi-annually at Philadelphia, and upon the others annually at Iowa City, and have all been paid promptly when due.

The total amount of taxable property of the State in 1851 according to the returns of the counties (as shown by statement E) is \$284,645.50

And the total of 1852 (as shown by statement F) is \$384,273.76 showing an increase of \$99,628.26

It will be seen by statement G that the whole number of Codes distributed to the counties under the act of the 5th of February 1851 was 2,919. The number sold is 530 and the amount of money paid over by clerks for the same is \$1324.70. The number distributed by Clerks to township Trustees is 218.

It is proper to add that this statement shows the state of that account up to the 1st of December 1851 the report for this year not being due until the first of December next.

Under the Tenth clause of Section 50 of the Code, I am required among other things to suggest plans for improvements in the management of the revenue &c.

The present prosperous condition of our financial affairs, and the promptness with which the revenue is collected and paid over under the present law, admonishes that but few, if any alterations are necessary or called for. Under the old law, three years were given for the

collection of delinquent taxes, in consequence of which but a small amount of the assessment of one year was available until from two to four years after it was made, and the amounts now due under the "former assessment" (as shown by statement C) have accumulated in that way, whereas the assessments of 1851 the 1st under the present law, were collected very closely, the accounts for that year showing but small balances due. So far therefore as regards the collection and paying in of the revenue, but few and slight alterations are, in the opinion of the undersigned advisable or necessary. It would probably be well to give authority to the Auditor to require the County Treasurers of some of the remote counties, to make their payments to the District Judge of their District or other persons having claims upon the State.

The present law requires County Treasurers to make payments into the State Treasury on the 15th days of December, January and July I would respectfully recommend that the December payment be omitted and that the July payment be altered to the 15th or 20th of August, or immediately after the County Treasurers are superceeded in office, so that at that time they can make full and final settlements of their accounts with the State.

The accounts between the State and some of the Counties, show large balances against the latter upon old assessments, and are in such a confused and undefined condition (there having been no settlements with them in the last four to eight years) that is impossible to get at a proper understanding of them, by correspondence, and no fund at the disposal of the undersigned has enabled him to visit personally, the several counties referred to although by that means only, can an equitable settlement be made.

The former Treasurer of Linn County (W. M. Harris) failed to make settlement of his account at the proper time, and has left the country, in debt to the State to the amount of \$498,16. A probability of an amicable adjustment of the matter with his securities delayed commencement of a suit until too late to bring it at the last term of the court, it will however be attended to at the earliest possible day. The former Treasurer of Jefferson County (A. Ford) also failed to make a proper settlement of his account, and suit was commenced against him in October 1851 and a trial had at the last October Term in Jefferson County when a judgment was obtained against

him for the whole amount claimed \$930 00, the defendants have taken the case to the Supreme Court.

The Commissioner appointed by the Governor under Joint Resolution Nov. 20 1851 settled all of the accounts of the Penitentiary up to the time that George Griggsby took charge of it as Superintendent and the claims amounting to \$1139,43 were audited as provided for by the Resolution referred to. At the time that Mr. Griggsby took charge of the prison it was entirely destitute of means of every sort for the maintenance of the prisoners or the conducting of the prison and he was therefore compelled to buy all of the necessary supplies and stock on credit:—a very difficult task, as those who had formerly been supplying the establishment upon those terms had been compelled to wait from one to two years for their money.

Several liberal citizens of Ft. Madison however came to his relief and furnished the necessary supplies at a sacrifice of their own interest, and upon Mr. G. being superceeded by the present Warden under the Code, acting by the advice of the Executive, I made a full settlement with all claimants including Mr. Griggsby, and audited their accounts amounting to \$892,37 out of the \$1000 appropriation made for defraying the expenses of settling the accounts of the Penitentiary by Chapter 91, Section 7, laws of 1851.

It is believed that now for the first time there are no claims against the State on account of the Penitentiary, except for the salaries of its officers; no appropriation having been made for that purpose and for which an appropriation should be made in justice to the parties concerned at the earliest possible day.

The \$10,000.00 appropriation made by Chapter 87, laws of 1851 has all been drawn as provided for and the vouchers therefor filed in this office.

In closing this report, the undersigned would beg leave to assure the Hon. the General Assembly that it will be his pleasure as well as duty to second and carry out any course they may prescribe, and that no effort shall be spared on his part, to insure a just and frugal administration of the affairs committed to his charge.

Very Respectfully,

WM. PATTEE, Auditor of State.

STATEMENT A—Showing the amount of Warrants and upon what account drawn, from the 2d of December 1850 until the 31st of October 1851.

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State Officers Contingent Fund	2300 00
Blind Account	1350 00
Library Contingent Fund	55 95
Deaf & Dumb	1950 00
General Contingent Fund	1404 66
Interest Account	15278 56
Monroe City Account	236 88
Com. of Revision	3000 00
“ “ “ Contingent Fund	87 15
District Judges Salary Account	10582 97
Penitentiary as provided for by Chapt. 87 Laws of 1851	10000 00
Joint Resolution No. 20	1139 43
Chapter 91, Section 7, Clause 9	892 37
Chapter 70, Section 11, Laws of 1849	286 57
Public Printing	18405 07
Public Building (S. H.)	2500 00
Supreme Court Expenses	1984 00
Governor's Salary	2000 00
Secretary's “	1000 00
Auditor's “	1200 00
Treasurer's “	800 00
Superintendent of Public Instruction	2200 00
Supreme Judges	6000 00
Librarian salary account	262 50
Contingent expenses of Supreme Court	1000 00
Agricultural Societies	200 00
Miscellaneous Disbursements	5581 10
General Appropriation	26995 66
<hr/>	
Total	\$118692 76

I. KISTER, Treasurer of State, in account with the State of Iowa.  
1850. 1st quarter.

December 2,	To amount from M. Reno, ex-Treasurer	1 36
" "	" " Treasurer of Lee county	1426 34
" "	" " Jefferson county	360 00
" "	" " Keokuk county	100 00
" "	" " Mahaska county	224 18
" 3	" " Delaware county	90 24
" "	" " Davis county	238 33
" "	" " Polk county	135 20
" "	" " Louisa county	393 00
" "	" " Muscatine county	504 18
" 4	" " Cedar county	165 00
" "	" " Jackson county	255 00
" 5	" " Jones county	109 00
" "	" " Marion county	265 00
" "	" " Des Moines county	821 67
" "	" " Poweshiek county	40 00
" "	" " Washington county	162 60
" 6	" " Linn county	211 70
" "	" " Henry county	300 00
" 11	" " Pottawattamie co	228 85
" 21	" " Wapello county	500 00
" 27	" " Van Buren county	401 96
1851.		
January 2	" " Scott county	500 00
" 3	" " Scott county	515 00
" "	" " Iowa county	88 42
" 4	" " Jones county	239 14
" 7	" " Dallas county	35 88
" "	" " Polk county	72 24
" "	" " Warren county	104 50
" 8	" " Lee county	1000 00
" 14	" " Dubuque county	723 79
" 15	" " Iowa county	27 34
" 20	" " Appanoose county	99 55
" 22	" " Keokuk county	850 65
" 24	" " Des Moines county	3260 00



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January 2	To amount from Treasurer of Mahaska county	781 46
" 27	" " " Dubuque county	1162 26
" 28	" " " Clinton county	565 66
February 1	" " " Clayton county	702 87
" 5	" " " Davis county	880 18
" "	" " " Jones county	300 00
" "	" " " Henry county	1205 56
" 6	" " " Wapello county	1150 00
" "	" " " Monroe county	357 30
" "	" " " Cedar county	919 00
" 8	" " " Washington co.	1200 00
" 10	" " " Jasper county	226 86
" "	" " " Johnson county	801 17
" 11	" " " Jefferson county	1204 39
" 12	" " " Louisa county	622 00
" 13	" " " Delaware county	258 56
" "	" " " Marion county	764 90
" 14	" " " Marshall county	27 39
" "	" " " Mahaska county	313 11
" "	" " " Poweshiek county	57 00
" "	" " " Benton county	122 36
" 14	" " " Muscatine county	1939 28
" "	" " " Polk county	935 22
" 22	" " " Lee county	1554 39
" "	" " " Lee county	255 00
" "	" " " Linn county	1506 79
" 25	" " " Linn county	272 00
" "	" " " Buchanan county	107 78

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\$34643 14

CR.

Nov. 3.	By State Warrants redeemed and filed in the Auditor's office	\$21813 95
	By interest paid on the same	444 01
	By amount carried to second quarter	12385 18
		<hr/>
		\$34643 14

## APPENDIX.

I. KISTER, in account with the State of Iowa,  
1851 2nd. Quarter.

## To Cash received as follows:

March	3,	Amount from last quarter,	\$12,385 18
"	7,	from treasurer of Van Buren co.	2,066 08
"	12,	" " Madison county	83 16
"	24,	" " Jackson county	1,010 88
April	1,	" " Lee county	234 82
"	2,	" " Iowa county	5 05
"	"	" " Jefferson county	123 72
"	4,	" " Marion county	100 00
"	7,	" " Appanoose co.	20 00
"	9,	" " Henry county	244 02
"	21,	" " Johnson county	715 88
"	23,	" " Warren county	11 20
"	30,	" " Scott county	1457 13
May	7,	" " Boone county	65 00
"	8,	" " Iowa county	48 06
"	11,	" " Davis county	220 97
"	"	From H. B. Hendershott on account of solar compass	75 00
"	14,	" Treasurer of Louisa county	833 43
"	"	" " Fremont county	77 45
			<hr/>
			\$19,777 03

## CR.

June	2,	By State Warrants redeemed and filed	14,777 87
"	"	" Interest paid on same	245 96
"	"	" Carried to 3d quarter	4,753 20
			<hr/>
			\$19,777 03

I. KISTER in account with the State of Iowa,  
1851 3rd. Quarter.

June	2	To amount from last quarter	\$4,753 20
"	13	" " " treasurer of Johnson county	318 29
July	1	" " " " Lucas county	29 59
"	"	" " " " Monroe county	15 00

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July	24	To amount from treasurer of Henry county	1,210 16.
"	25	" " " " Des Moines county	1,805 70
"	"	" " " " Johnson county	143 82
"	27	" " " " Wapello county	138 81
"	"	" " " " Washington co.	280 21
August	28	" " " " Muscatine county	463 67
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			9,158 36

CR.

September 1	By State Warrants redeemed and filed in Auditor's office	4,349 65
	By interest paid on same	106 85
	" amount carried to 4th quarter	4,701 86
		<hr/>
		\$9,158 36.

## I. KISTER, in account with the State of Iowa,

1851

4th Quarter.

September 1	To amount brought from 3rd quarter	\$4,701 86.
"	" " " from treasurer of Iowa county	40 00
"	3 " " " Poweshiek county	15 00
"	4 " " " Lee county	2,887 21
"	" " " " Benton county	25 96
"	5 " " " Mahaska county	266 89
"	9 " " " Lucas county	62 71
"	16 " " " Van Buren county	759 04
"	18 " " " Clayton county	696 04
"	" " " " Keokuk county	349 94
"	19 " " " Marion county	199 73
"	22 " " " Marshall county	1 48
"	23 " " " Lee county	187 67
"	25 " " " Jones county	53 45
"	30 " " " Appanoose county	41 70
October 4	" " " " Davis county	65 00
"	8 " " " Dallas county	20 00
"	" " " " Lucas county	4 30
"	11 " " " Warren county	36 88
"	17 " " " Jefferson county	2 77

October 18	To amount from treasurer of Dubuque county	2,664 30
" 27	" " " " " Clinton county	372 00

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13,453 93

CR.

November 3	By State Warrants redeemed and filed in Auditor's office	7,416 36
	By interest paid on same	198 97
	" amount carried to next quarter	5,838 60

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\$13,453 93

## I. KISTER, in account with the State of Iowa.

1851

5th quarter.

November 3	To amount brought from last quarter (4th)	5838 60
13	" " " " from Treasurer of Davis county.	30 80
Dec. 11	" " " " Scott county,	200 00
15	" " " " Page county,	22 94
16	" " " " Mahaska county,	600 00
16	" " " " Muscatine county,	425 00
16	" " " " Wayne county,	25 85
17	" " " " Keokuk county,	600 00
17	" " " " Fremont county,	80 00
18	" " " " Jackson county,	1,000 00
"	" " " " Cedar county,	437 83
27	" " " " Lee county,	605 50
1852.		
Jan. 3	" " " " Polk county,	250 00
8	" " " " Marshall county,	80 28
10	" " " " Dallas county,	175 00
12	" " " " Wineshiek county,	58 26
14	" " " " Scott county,	2,500 00
"	" " " " Jasper county,	402 78
"	" " " " Appanoose county,	376 97
"	" " " " Keokuk county,	1,000 00
"	" " " " Benton county,	176 49
15	" " " " Clinton county,	600 00
"	" " " " Johnson county,	979 46

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January 15	To amount from Treasurer of Buchanan county,	257 14
" "	" " " Jones county,	740 00
" "	" " " Madison county	225 00
" "	" " " Warren county,	286 88
" "	" " " Polk county,	785 98
" "	" " " Washington co.	1,668 86
" "	" " " Louisa county,	1,490 00
" "	" " " Marion county,	1,400 00
" "	" " " Henry county,	1,829 78
" "	" " " Muscatine county	2,191 12
" "	" " " Mahaska county,	1,403 24
16 "	" " " Delaware county,	532 58
" "	" " " Iowa county,	197 30
" "	" " " Van Buren county,	2,402 22
" "	" " " Boone county,	142 00
" "	" " " Davis county,	1,173 49
" "	" " " Wapello county,	1,426 16
" "	" " " Cedar county,	1,088 00
" "	" " " Jefferson county,	1,897 85
" "	" " " Polk county,	4 90
" "	" " " Monroe county	737 50
" "	" " " Decatur county,	60 00
" "	" " " Desmoines co.,	5,195 60
21 "	" " " Jackson county,	1,460 66
26 "	" " " Poweshiek county,	197 00
29 "	" " " Lee county,	5,662 62
30 "	" " " Fayette county,	126 31
31 "	" " " Linn county,	2,145 38

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\$53,143 33

Cr.

Feb. 2	By amount State Warrants redeemed and filed	
	in Auditor's office	33,019 43
	" Interest paid on the same,	1,027 25
	" Amount carried to 6th quarter	1,996 65

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\$53,143 33

## I. KISTER, in account with the State of Iowa.

1852

*6th quarter.*

Feb.	2	To amount from last quarter (5.)	1,096 65
	4	" " " Treasurer of Clayton county,	1,555 68
	10	" " " " Cedar county	200 00
	12	" " " Secretary of State for Codes	135 00
	14	" " " Treasurer of Dubuque county	3,145 00
	"	" " " " Polk county	134 72
	24	" " " " Warren county	23 80
March	1	" " " " Lucas county	183 62
	5	" " " " Iowa county	7 50
	"	" " " " Clayton county	57 21
	13	" " " " Iowa county	7 94
	25	" " " " Warren county	12 74
April	1	" " " " Polk county	250 00
	28	" " " " Davis county	639 35
	"	" " " " Scott county	633 86
	"	" " " " Clarke county	23 61
	"	" " " " Des Moines county	2,106 19
May	14	" " " " Johnson county	1,544 25
			\$29,757 12

CR.

1852.

June	1	By amount State warrants redeemed and filed in Auditor's office	26,206 14
	"	Interest paid on the same	1,291 35
	"	Amount carried to 7th quarter	2,259 63
			\$29,757 12

## I. KISTER, in account with the State of Iowa.

1852.

*7th quarter.*

June	1,	To amount brought from last quarter, (6th)	2256 63
"	2,	" " received from treasurer of Marshall co.	30 00
"	8,	" " " " Pottawattamie,	174 92
"	11,	" " " " Muscatine,	250 00
"	30,	" " " " Washington,	500 00

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July	5,	To am't rec'd from Treasurer of Jefferson	215 00
"	7	" " " " " Polk	350 00
"	7,	" " " " " Muscatine	1145 38
"	7,	" " " " " "	233 50
"	10,	" " " " " Louisa	648 50
"	13,	" " " " " Jasper	157 00
"	14,	" " " " " Clinton,	857 00
"	15,	" " " " " Jefferson,	1109 65
"	15,	" " " " " Wapello,	1528 80
"	15,	" " " " " Mahaska,	1028 68
"	15,	" " " " " Monroe,	264 34
"	15,	" " " " " "	70 00
"	15,	" " " " " Marion,	826 30
"	15,	" " " " " Warren,	80 00
"	15,	" " " " " Buchanan,	52 23
"	16,	" " " " " Delaware,	338 57
"	16,	" " " " " Jones,	380 00
"	16,	" " " " " Iowa,	115 61
"	16,	" " " " " Washington	220 28
"	16,	" " " " " Keokuk,	524 63
"	16,	" " " " " Linn,	623 38
"	16,	" " " " " Benton,	70 00
"	20,	" " " " " Cedar,	342 18
"	20,	" " " " " Boone	27 00
"	21,	" " " " " Van Buren,	2127 51
"	21,	" " " " " Des Moines	1284 00
"	21,	" " " " " Muscatine	100 00
"	17,	" " " " " Henry	2583 82
"	23,	" " " " " Poweshiek	42 00
"	23,	" " " " " Madison	68 00
"	26,	" " " " " Lee	4204 29
"	28,	" " " " " Appanoose	150 00
"	31,	" " " " " Davis,	12 90
"	31,	" " " " " Wayne	10 50
Aug.	18,	" " " " " Jackson	1094 00

**\$26099 60**

CR.

Sept. 1. By amount of State Warrants redeemed and  
filed in Auditor's office,

**\$13040 02**

Sept. 1	By interest paid on the same	131 71
" "	By amount carried to 8th quarter,	12927 87
		<hr/> \$26099 60

I. KISTER, in account with the State of Iowa.

1852

September 1,	To am't brought forward from 7th quarter,	\$12927 87
" 1,	" received from treasurer of Davis co.	232 83
" 11,	" " " Dubuque county,	2443 93
" 14,	" " " Pottawattamie co.	10 00
		<hr/> \$15614 63

Cr.

November 1,	By amount of State Warrants redeemed and filed in Auditor's Office,	7466 31
" "	By interest for same,	96 73
" "	By cash on hand in Treasurer's office,	8051 59
		<hr/> \$15614 63

STATEMENT C—Showing an estimate of the necessary expenses for the two fiscal years beginning November 1st, 1852, and ending October 31st, 1854.

Salary of Governor, Secretary, Treasurer, Librarian and Superintendent of Public Instruction.....	\$ 7700 000
Salary of Judges,.....	18000 00
Interest on State debt,.....	16000 00
Supreme Court expenses.....	2500 00
State Printing,.....	13000 00
Deaf, dumb, and blind,.....	3500 00
Interest on warrants and milage of County Treasurer's,	2000 00
Agricultural Society,.....	1000 00
Outstanding warrants,.....	1468 90
Contingent fund of State officers,.....	2500 00
do Supreme Court.....	2000 00



Members of General Assembly and Officers,.....	13000 00
Stationary and incidental expenses of Legislature.....	3500 00-
Indebtedness for repairs and fitting up of the State House,	1000 00
Salary of officers of Penitentiary, 3 years,.....	3750 00
For the further completion of State House,.....	5000 00
Miscellaneous disbursements.....	6000 00
	<hr/>
	\$103,918 90

The first nine items are provided for by existing laws—the others require appropriations.

STATEMENT D—Showing the present resources of the State:

COUNTIES.	Amount due prior to assessment of 1852.	Amount of assessments of 1852.
Alamakee, .....	248 34	292 27
Appanoose.....	476 39	579 74
Benton, .....	17 74	362 15
Boone, .....	29 48	154 48
Buchanan.....	13 34	306 01
Cedar, .....	448 78	1530 74
Clinton, .....	149 05	950 15
Clayton, .....	577 29	1751 44
Clark, .....	14 35	77 70
Desmoines, .....	1122 25	4757 07
Dubuque, .....	1662 69	3849 18
Davis, .....	457 88	1433 23
Delaware, .....	2 44	608 59
Decatur, .....	7 55	52 62
Dallas, .....	94 16	167 40
Fayette, .....	225 70	320 01
Fremont, .....	151 18	226 23
Guthrie, .....		19 69
Henry, .....	99 18	3488 50
Iowa, .....	12 78	305 87
Jackson, .....	2004 12	1747 30
Johnson, .....	300 00	1781 20
Jones, .....	665 53	936 54
Jefferson, .....	284 23	1899 82
Jasper, .....	52 64	465 07
Keokuk, .....	248 10	944 84
Lee, .....	2299 35	5857 20
Linn, .....	250 50	1893 98

Louisa, .....	742 73	2122 45
Lucas, .....	42 71	138 36
Mahaska, .....		1487 57
Muscatine, .....	669 24	2682 31
Marshall, .....	7 96	97 62
Marion, .....	206 94	1120 45
Monroe, .....	189 62	550 48
Madison, .....	50 70	315 84
Mills, .....		96 40
Pottawattamie, .....	279 31	233 79
Polk, .....	784 81	1691 92
Poweshiek, .....	35 89	210 34
Page, .....		53 99
Scott, .....		2832 54
Taylor, .....	19 56	26 77
Van Buren, .....	1096 59	2840 49
Wapello, .....	2113 54	2230 46
Washington, .....	155 03	1439 05
Warren, .....	120 14	318 67
Wineshiek, .....	24 51	170 31
Wayne, .....	16 42	187 42
	\$18460 83	\$57607 05
		18460 83
		\$76,067 88



**STATEMENT E.**—Showing the number of Polls, Acres of Land, with the value of Town Lots and their improvements, with the value of all other property assessed in the several counties in the year 1851.

COUNTIES.	No. of Polls.	Acres of Land.	Value of land with improvements.	Value of town lots and improvements.	Value of capital employed in merchandize.	Value of mills, manufactories, distilleries, carding machines and tan-yards, &c.	Horses over 2 years old.	
							No.	Value.
Alamakee .....	233	16,733	34,129	.....	2,985	3,750	106	4,770
Appanoose .....	648	88,404	204,760	9,522	12,800	2,540	742	26,517
Benton .....	157	27,082	54,200	1,000	.....	.....	150	7,630
Boone .....	153	14,667	48,094	.....	2,475	2,000	167	6,735
Buchanan .....	213	23,695	37,807	2,917	1,750	6,300	208	10,265
Cedar .....		142,750	433,895	44,370	.....	.....	1,238	56,610
Clinton .....	662	95,608	350,424	27,187	6,625	14,735	704	35,370
Clayton .....	723	154,759	455,322	88,181	19,550	21,290	685	32,137
Clarke .....	24	7,483	8,917	.....	.....	.....	33	1,300
Des Moines .....	2,357	229,942	1,350,449	780,475	142,975	11,985	2,589	97,782
Dubuque .....	1,995	317,344	906,615	570,911	132,725	32,000	1,500	71,413
Davis .....	1,392	200,716	472,041	34,703	21,165	8,700	1,839	68,890
Delaware .....	497	80,087	213,122	7,865	9,630	with land	487	24,154
Decatur .....	147	4,840	7,997	.....	1,500	250	215	8,542
Dallas .....	229	20,791	53,139	831	.....	.....	270	11,045
Fayette .....	201	30,807	78,551	2,583	2,500	10,600	160	8,213
Fremont .....	223	3,340	6,680	.....	4,958	3,550	364	14,970
Henry .....	1,705	215,090	866,670	109,211	52,138	10,655	2,338	91,615
Iowa .....	188	37,020	66,241	1,164	4,000	238	238	9,675
Jackson .....	1,587	225,431	712,863	87,103	21,810	56,692	1,461	71,027
Johnson .....	1,022	160,132	493,027	164,159	33,650	8,125	1,103	51,444

Jones .....	692	100666	318787	21647	265	4150	909	40958
Jefferson .....	1603	253921	526313	75486	29050	20929	2627	81249
Jasper .....	270	54263	145276	4249	1500	4050	373	15763
Keokuk .....	885	132639	461960	25000	16900	11875	1372	57465
Lee .....	3431		2066221	879612	152470	19510	3537	154528
Linn .....	1209	176234	578387	101777	28135	23464	1529	72955
Louisa .....	966	162006	474660	28646	31800	11633	1377	58928
Lucas .....	132	27985	54803	2674	1200		156	5985
Mahaska .....	1258	179544	506815	62958	30800	20700	1763	73641
Muscatine .....	1209	172603	674693	485901	100324	26400	1485	66524
Marshall .....	67	8879	20060		95	500	92	3825
Marion .....	1162	145151	428919	36567	26205	12400	1269	49125
Monroe .....	574	95700	322145	10920	7500	2351	656	33958
Madison .....	246	35315	69727	3069	4152	1550	352	14235
Mills .....	107				1000	1600	110	3750
Pottawattamie .....	968				45390	4095	634	29643
Polk .....	754	144781	473461	81122	20729	12000	988	42176
Poweshiek .....	147	24488	58932	1529	1600	800	195	8237
Page .....								
Scott .....	1419	163142	606152	289800	52725	26650	1342	55310
Taylor .....	53							
Van Buren .....	2382	262809	897084	223706	55525	23228	3071	100692
Wapello .....	1342	213491	919545	124807	48161	16950	2116	83801
Washington .....	1036	134127	426030	56719	11000	12410	1402	61328
Warren .....	230	47428	127954	5015	4900	1000	265	11450
Winneshiek .....	177	10113	13051		663	1250	92	3652
Wayne .....	109	15134	19242		2040		127	4520
Total .....	36,774	4,656,640	\$16,945,179	\$4,453,386	\$1,147,365	\$452,905	44,436	\$1,846,802

## STATEMENT E.—Continued.

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APPENDIX.

COUNTIES.	Neat cattle over two years old.		Mules and horses		Sheep over 6 months		Hogs over six months old.		All other property.	Total.
	No.	Value	No.	Value	No.	Value	No.	Value		
Allamakee...	769	11535	.....		138	212	240	740	7100	65121
Appanoose ..	2112	26500	9	420	2583	2597	2920	3479	21824	310978
Benton .....	503	7474	.....		380	423	858	1984	4950	77681
Boone .....	449	6734	.....		551	883	461	938	9419	76878
Buchanan....	648	9800	.....		616	699	638	1331	12765	88653
Cedar .....	2559	29729	.....		3441	3441	4065	4100	30017	602142
Clinton .....	2713	31452	.....		1852	2278	1444	1520	12310	454714
Clayton .....	2065	32889	8	42	855	1320	1687	3059	9213	701939
Clarke .....	216	3195	.....		92	92	107	200	2824	16655
Des Moines ..	7312	65662	48	2310	8955	8955	9598	10421	61267	2685223
Dubuque ....	4691	61137	8	450	2599	2673	3542	4972	191416	1974707
Davis .....	3801	46510	21	1135	7432	7715	9173	12803	44900	718562
Delaware ....	1526	23902	.....		1392	1665	1327	2630	14889	297865
Decatur .....	812	10210	2	190	958	967	1415	1913	10415	38019
Dallas .....	858	12137	3	110	651	651	1221	2015	15302	95230
Fayette .....	776	13741	4	125	274	394	314	711	10853	123171
Fremont .....	1518	19826	20	983	1129	1129	1655	1955	15924	69785
Henry .....	5575	69194	14	860	8506	8206	8143	8143	88924	1128472
Iowa .....	628	8163	1	50	667	825	1427	1787	11686	103574
Jackson .....	3906	57441	5	180	3489	4591	4357	7296	54178	1073181
Johnson .....	3235	38793	9	470	4430	5010	4647	7334	49028	851040
Jones .....	2272	30285	1	80	2745	2856	2826	19619	22896	469544
Jefferson ....	6566	62044	34	1465	10773	10773	10564	10564	53599	978840
Jasper .....	899	13013	3	525	1079	1605	2067	3215	15349	202744

Keokuk.....	3582	42152	21	1315	4821	5960	6615	13412	59030	705075
Lee.....	8407	109554	52	3161	10841	11340	9170	17913	79620	3482113
Linn.....	3697	41300	8	610	5346	4346	5638	10819	47126	910219
Louisa.....	3955	46642	7	415	3992	3992	5588	8854	60653	726073
Lucas.....	574	7963	16	575	327	482	393	748	4336	78766
Mahaska.....	3855	51401	29	1415	6319	8361	7144	13638	88062	857791
Muscatine...	3251	37762	26	1585	2657	2657	3858	4945	49487	1450248
Marshall.....	356	5037	1	35	316	453	689	1038	11054	42280
Marion.....	3426	43007	8	330	3906	5403	4672	6538	57862	666356
Madison.....	2067	26503	3	160	1869	1869	3712	6513	16236	428155
Mills.....	1073	14787	31	1460	938	1286	1262	1830	17243	129359
Monroe.....	415	4992	.....	.....	245	245	207	207	1102	12896
Poattwattamie	3557	49543	13	554	851	900	1065	2296	28801	157513
Polk.....	2645	30717	11	680	2311	3225	3813	5971	25449	695530
Poewshiek...	528	7408	.....	.....	535	695	964	1852	8778	89838
Page.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15147
Scott.....	3554	39420	24	935	2377	2377	3191	3430	53820	1130619
Taylor.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6522
Van Buren...	7326	63751	54	2140	14862	14815	11495	12719	88883	1510943
Wapello.....	4640	33466	26	1126	7439	7517	10112	16506	127685	1229562
Washington..	4093	47145	5	290	5781	7423	6469	12211	63827	698383
Warren.....	916	11434	3	150	836	904	1078	1767	6228	171880
Winneshiek..	658	9579	.....	.....	154	166	210	483	4267	33424
Wayne.....	517	6498	2	250	436	427	463	545	2887	36139
Total.....	119,501	\$1,381,427	530	\$26,959	142,746	\$155,808	162,504	\$255,964	\$1,673,514	\$28,464,550

**STATEMENT F.**—Showing the number of polls, acres of land, with the value of the same with the improvements thereon; the value of town lots and their improvements; with the value of all other property assessed in the several counties, in the year 1852.

COUNTIES.	No. of Polls.	Acres of Land.	Value of Land with improvements.	Value of town lots and improvements.	Value of capital employed in Merchandise.	Value of Mills, Manufactures, Distilleries, &c	Horses.	
							No.	Value.
Allamakee, . . . . .	336	70,523	134,075	10,795	6550	1500	190	8579
Appanoose, . . . . .	538	113,760	239,098	17,808	12398	1538	898	28920
Benton, . . . . .	234	75,585	180,777	2,625	200	.....	350	18044
Boone, . . . . .	177	15,440	41,759	1,718	3676	2300	215	9035
Buchanan and . . . . .	213	37,408	80,385	8,146	3400	1575	232	11815
Counties attached, . . . . .	160	15,913	23,212	.....	1525	1000	119	8539
Cedar, . . . . .	933	175,913	702,822	53,752	20344	672	1920	86288
Clinton, . . . . .	721	118,488	381,089	56,023	19316	18920	1090	47965
Clayton, . . . . .	1,265	318,581	707,323	156,146	.....	.....	1227	52875
Clarke . . . . .	89	17,420	30,315	671	1528	.....	49	1847
Des Moines, . . . . .	2,090	232,033	158,822	931,610	175520	16750	2720	104327
Dubuque, . . . . .	2,326	.....	.....	.....	.....	.....	.....	.....
Davis, . . . . .	1,149	226,297	597,635	44,899	27830	11616	2516	81529
Delaware, . . . . .	548	125,566	265,272	13,704	.....	.....	751	31498
Decatur, . . . . .	113	5,267	99,112	.....	2208	.....	151	6032
Dallas, . . . . .	172	26,404	60,476	2,739	1805	.....	320	12410
Fayette, . . . . .	337	72,726	131,477	5,757	3350	8477	311	13945
Fremont, . . . . .	388	5,357	14,101	.....	15570	28582	651	26123
Guthrie, . . . . .	49	1,360	3,200	.....	170	.....	48	1795
Henry, . . . . .	1,715	236,798	1,512,694	209,042	82324	5775	2904	114267
Iowa, . . . . .	210	51,965	143,190	3,152	2665	1030	388	15590
Jackson, . . . . .	1,479	251,220	735,280	98,664	28881	5165	2255	91772



Johnson, .....	1020	184838	625784	199321	51138	6971	1623	71328
Jones, .....	836	172197	437545	155578	6245	550	1287	53957
Jefferson, .....	.....	255473	802761	108395	38540	3630	2901	87289
Jasper, .....	326	66624	200314	8257	7525	3052	566	23615
Keokuk, .....	.....	147253	400016	23852	5981	2680	1606	56848
Lee, .....	3541	326576	1787498	986445	202956	34051	4840	180026
Linn, .....	1314	214028	709543	129825	35962	8630	2462	118176
Louisa, .....	1013	168089	990859	47980	48550	21867	1931	85159
Lucas, .....	169	34809	57245	7378	700	.....	216	7463
Mahaska, .....	1190	177117	592082	76475	32449	8662	2239	82695
Muscatine, .....	938	193891	748793	637244	124829	12263	1761	74873
Marshall, .....	111	12788	28028	289	1100	.....	147	7413
Marion, .....	1172	140335	444000	41028	25820	4121	1693	38933
Monroe, .....	336	79848	266659	10506	28000	910	668	12047
Madison, .....	291	54048	128395	6670	4412	.....	470	16008
Mills, .....	.....	.....	.....	.....	1820	200	419	15345
Pottawattamie, ....	578	.....	.....	.....	21801	3875	3597	22342
Polk, .....	972	169556	762926	94251	21840	3655	1632	67499
Poweshiek, .....	179	30035	85101	2641	1000	400	283	12102
Page, .....	98	.....	.....	.....	1150	1590	192	8672
Scott, .....	1662	201492	930849	488600	.....	.....	2075	85500
Taylor, .....	74	.....	.....	.....	3913	.....	99	553
Van Buren, .....	2161	280552	1397305	with land	46795	32964	3795	129566
Wapello, .....	1388	236581	907875	169906	52936	10537	2474	90752
Warren, .....	253	57860	140785	9196	3840	.....	416	1569
Washington, .....	1054	157668	537983	74306	18814	15520	1930	69559
Winneshie, .....	327	40969	56007	.....	2726	300	204	8701
Wayne, .....	140	21458	38273	210	1430	110	197	6570
Total Amounts.	36 395 5 618 207	\$20,658,180	\$4,745,604	\$1261532	\$280 438	\$61028	\$2211755	23

STATEMENT F--Continued.

COUNTIES.	Neat cattle and value.		Mules and Assos		Sheep.		Swine		All other property.	Total.
	No.	Value.	No.	Value.	No.	Value.	No.	Value.		
Allamakee,....	1120	19942			287	396	621	1419	11600	194858
Appanoose,....	3591	33095	29	917	3065	3079	4623	4349	45294	386496
Benton,.....	1158	14598			776	820	1914	2311	22596	241971
Boone,.....	565	8348	1	50	763	1204	1062	1563	33349	102992
Buchanan and counties atta'ed	944	11515			530	632	1453	1869	28886	148133
Cedar .....	798	10502			406	525	680	853	9720	55876
Cedar .....	5530	50143	10	740	3939	3993	9281	11658	90087	1020499
Clinton,.....	4772	46682	7	592	1934	2443	3316	5736	54687	633433
Clayton,.....	5060	63520	15	634	1630	2318	6019	9896	171207	1167630
Clarke,.....	368	6012	1	25	164	201	144	247	11608	51806
Desmoines,....	7812	74396	119	4646	7750	7384	7679	7365	271221	3171381
Dubuque.....										2566120
Davis,.....	6839	57653	115	3620	8757	7528	12153	11808	116369	955487
Delaware,.....	2843	35591			1729	2123	3627	4724	52822	405734
Decatur,.....	611	6620	8	350	609	613	716	795	9358	35088
Dallas,.....	1359	14134	4	130	1192	1357	2130	1935	16621	111608
Fayette.....	1574	20013	7	325	473	669	1326	2321	27015	213349
Fremont,.....	3670	38213	36	1855	1711	1860	3279	3816	43898	150823
Guthrie.....	284	3214			108	134	406	345	4259	13128
Henry,.....	9476	86359	109	5040	9178	8582	12726	12638	288958	2325679
Iowa,.....	1420	14632	3	120	1248	1496	2950	3406	18632	203918
Jackson.....	8264	89379	38	960	4746	5494	9885	12488	112272	1163391
Johnson,.....	6027	57034	18	990	5536	6696	8626	11456	156757	1187475
Jones.....	4264	45550	3	175	3437	3904	6436	8794	52062	624361

Jefferson .....	10621	71367	119	3800	12260	8104	17697	10225	136689	1266550
Jasper .....	1954	20983	12	565	1757	2067	3669	3803	45229	310057
Keokuk .....	8699	42741	25	970	5640	5658	9806	6997	84152	629895
Lee .....	17347	144480	188	6582	10658	8855	18209	17048	476977	3904807
Linn .....	7436	81796	23	1122	8687	8458	9866	112510	158001	1262723
Louisa .....	7444	73201	29	1325	5077	6849	10942	13905	125273	1414969
Lucas .....	548	7370	12	211	549	630	310	727	10520	92245
Mahaska .....	6176	56974	157	2409	7402	7796	10457	12054	120123	991719
Muscatine .....	5090	50330	49	2485	2869	3067	6450	8382	125943	1788211
Marshal .....	701	8179	5	250	494	640	1242	1640	17752	85083
Marion .....	6880	72623	23	1680	5272	3824	10661	9010	95924	746965
Monroe .....	2841	30570	21	830	3141	4063	4702	4318	34315	366992
Madison .....	1880	18681	38	1570	1522	1639	2633	2327	30865	210567
Mills .....	2285	24759	12	452	1046	1046	1023	1430	20217	64269
Pottawattamie ..	5138	67329	95	1980	811	966	1243	2330	35062	155866
Polk .....	4009	54058	15	830	4349	6418	7389	9128	104841	1125446
Poweshiek,....	1043	10686	6	246	731	881	1984	2310	24862	140229
Page .....	892	10062	11	544	822	857	1422	1898	11226	35999
Scott .....	7560	66726	39	1720	2661	3011	6757	7306	304655	1888367
Taylor .....	345	4939	2	90	571	597	600	914	1443	17852
Van Buren....	12718	96592	140	4867	15903	13863	17628	14073	230660	1966687
Wapello .....	8277	66545	64	2971	10183	10610	13996	13168	161677	1486977
Warren .....	1511	16700	13	337	1289	1735	2055	2549	35738	212451
Washington ...	7104	68482	15	790	6626	6220	10267	10463	136423	959379
Wineshiek ....	1675	24053			259	380	854	1518	19861	113546
Wayne .....	110	1118	10	486	778	782	1185	1162	7939	78289

\$1,988,489 1644 \$60,281 171,325 \$172,467 277,099 \$291,687 \$4,205,655 \$38,427376

STATEMENT G.—Showing the number of copies of the Code sent to each county by the Secretary of State, the number sold by clerks, the amount paid over therefor, and the number distributed by clerks to townships.

COUNTIES.	No. sent to clerks.	No. sold.	Amount paid over.	No. distributed by clerks.
Aalmakee	25	No report.		
Appanoose	50	do		
Benton,	25	do		
Boone,	25	do		
Buchanan	25	15	37 50	6
Cedar,	50	No report.		
Clinton,	50	13	32 50	10
Clayton,	50	17	42 50	
Clarke,	20	No report.		
Des Moines	150	27	67 50	11
Dubuque,	150	72	180 00	
Davis,	100	31	77 50	13
Delaware,	45	4	10 00	7
Decatur,	20	7	17 50	4
Dallas,	25	2	5 00	3
Fayette,	25	1	2 50	2
Fremont,	45	11	27 50	1
Guthrie,	20	No report.		
Henry,	125	No report.		
Iowa,	25	2	5 00	4
Jackson	100	No report.		
Johnson	65	9	22 50	11
Jones,	73	18	45 00	10
Jefferson	130	22	55 00	11
Jasper,	20	No report.		
Keokuk,	54	4	10 00	9
Lee,	200	96	240 00	20
Linn,	75	No report.		
Louisa,	70	7	17 50	6
Lucas,	25	No report.		
Mahaska,	90	18	45 00	14
Muscatine,	90	28	70 00	8
Marshall,	25	No report.	7 50	11
Marion,	50	3	47 50	12
Monroe,	50	19	20 00	8
Madison,	25	8	5 00	4
Mills,	20	2		
Pottawattamie	80	No report.		

## APPENDIX.

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Polk,	55	19	47 50	9
Poweshiek,	25	No report.		
Page	20	3	7 50	
Scott,	100	20	50 00	
Taylor	20	No report.		
Van Buren,	150	37	92 20	10
Wapello,	100	No report.		
Warren,	25	4	10 00	
Washington	87	7	17 50	12
Winneshiek,	25	3	7 50	
Wayne.	20	1	2 50	2
Total,	2919	530	1324 70	218

## ABSTRACT OF LANDS SOLD IN 1850.

COUNTIES.	ACRES OF LAND.	COUNTIES.	ACRES OF LAND.
Alamakee	15234	Keokuk	19053
Appanoose	61818	Lee	302
Boone	2605	Lucas	8082
Benton	7989	Louisa	6685
Buchanan	5740	Linn	21579
Blackhawk	2389	Marshal	5867
Clayton	46285	Muscatine	11355
Clark	5116	Mahaska	29337
Cedar	15421	Madison	35237
Clinton	27997	Marion	41876
Delaware	22062	Monroe	24992
Dubuque	33172	Poweshiek	4924
Dallas	15839	Polk	34286
Decatur	3679	Scott	19137
Davis	48860	Story	965
Desmoines	4738	Tama	1548
Fremont	697	Van Buren	4380
Fayette	26276	Warren	19703
Henry	9404	Wapello	29845
Iowa	11109	Wayne	9560
Johnson	19547	Washington	14679
Jackson	42082	Wineshiek	10635
Jefferson	7830		
Jasper	16801	Total	826,846
Jones	19531		

## ABSTRACT of Lands entered in 1851.

COUNTIES	ACRES OF LAND.	COUNTIES.	ACRES OF LAND.
Alamakee	55336	Jones	39505
Appanoose	44804	Keokuk	22688
Adair	480	Lee	720
Boone	994	Lucas	10002
Benton	14850	Louisa	17228
Buchanan	15396	Linn	48953
Blackhawk	7161	Marshall	4660
Clayton	30231	Muscatine	29075
Chickasaw	20000	Mahaska	23307
Clark	10855	Madison	18629
Cedar	25827	Marion	29264
Clinton	32377	Monroe	19916
Delaware	34960	Poweshiek	5028
Dubuque	35361	Polk	16923
Dallas	10112	Scott	50723
Decatur	4530	Tama	5025
Davis	25835	Van Buren	3639
Des Moines	8055	Warren	11409
Fayette	29762	Wapello	15707
Guthrie	1040	Wayne	7627
Henry	18770	Winneshiek	26946
Iowa	13151	Washington	28136
Johnson	26470	Story	2363
Jackson	65166		
Jefferson	5037	Total	989368
Jasper	12733		

## REPORT OF THE COMMISSIONER AND REGISTER OF THE DES MOINES RIVER IMPROVEMENT.

OFFICE OF DES MOINES RIVER IMPROVEMENT,  
OTTUMWA, Nov. 30, 1852. }

*His Excellency Stephen Hempstead,*

*Governor of Iowa:*

SIR: In the Report of the undersigned, of the first of December last, we were enabled to communicate the gratifying fact of the final settlement of the question as to the extension of the Des Moines River Congressional Grant, from the Racoon Fork to the source of the river, whereby a million of acres more of land were secured for the use of its improvement.

We have now the satisfaction of announcing the re-opening of the river for navigation after its obstruction, by dams and other obstacles, during several years past.

Thus, two points of great importance to the work under our charge, as well as to the public interests generally, have been attained. The Congressional Grant—limited to the 321,800 acres lying below the Racoon Fork, when the undersigned took charge of the work as Commissioner and Register, in March, 1851—has been made to embrace more than quadruple that amount; while the river—then and for several years previously, wholly useless for all purposes of navigation, in consequence of the dams and locks put into it prior to the commencement of the Improvement, and the unfinished condition of those undertaken to be erected by the State—is again open for the passage of boats, from its mouth to the Racoon Fork.

The results accomplished by the attainment of the two points mentioned are; first, a channel is opened through which a market may be reached, during a portion of each year, for the surplus products of the entire valley, and articles of merchandise supplied to its inhabitants at a cost reduced many fold below the rate of transportation by ordinary land carriage; and, secondly, the magnificent acquisition of a million of acres of land secures the certain basis through which the entire work can be completed, if the people of the State, through their own action, and that of their Representatives in the Legislature, will that it be done.

Having, in our last report—200 surplus copies of which, procured to be printed for circulation at the time it was made, are now herewith furnished for the use of the Legislative assembly—gone into a history of the condition and progress of the work, from the period when the undersigned became connected with it until the date of that Report, it is deemed unnecessary to do more at present than make a general reference to its contents. It embraces a full statement of the settlement of the vexed question in regard to the extent of the Congressional Grant, together with the opinions of the eminent men who acted as counsel in this case, and every other matter of any interest connected with the work between the periods referred to, and which need not, therefore, be repeated here.

### CONTRACT WITH BANGS, BROTHERS & CO.

Frequent reference is made, in that Report, to the contract entered into by the undersigned, on the 9th of August 1851, with the firm of Bangs, Brothers & Co. of New York, which provided for the completion of the entire work, from the mouth of the river to Fort Des Moines, within four years from the time when a confirmation should be secured of the extension of the grant above the Raccoon Fork; and, to the making of which contract was attributed, mainly, the obtaining of such confirmation when it occurred. The undersigned reiterate that opinion now, and confidently state that, but for the making of the contract referred to, at the particular time when it was made, the grant of lands for the improvement of the Des Moines River would still have been limited, this day to the Raccoon Fork as its northern terminus; and, in all reasonable probability, would not have been extended beyond that point for years to come—if ever. Events that have subsequently transpired have given renewed strength to this conviction.

By the terms of the contract of Bangs, Brothers and Co., they were to furnish the money to pay for all work done on the three jobs at Croton, Bonaparte and Bentonport after the date of the contract, on monthly estimates of the Engineer, commencing on the 1st of October, 1851. This they failed to do, on the first estimate that was made, which amounted to over \$12,000; whereas the amount remitted by them to meet it was but \$5,000—for which an agent had to be sent, first to St. Louis, and afterwards to Ottumwa, before the money was procured. They made no subsequent remittance, to the amount of a



dollar, to meet the monthly estimates, nor have any of the firm been in the State, to bestow the attention upon the work, or for any other object, until the arrival of one of their number here some few weeks since. Their contract requires, not only that the whole work, from the mouth of the river to Fort Des Moines, shall be completed within four years from the time when the lands above the Raccoon Forks are secured—to wit: four years from the 29th October 1851, when they were secured, by the rescinding of the adverse decision of the Secretary of the Interior—but it requires, further, that not less than one fourth of the aggregate of work to be done, shall be expended in each year, until the completion of the whole improvement. Yet upwards of a year has elapsed, and nothing has been done by Messrs. Bangs Brother & Co. Letters and Telegraphic despatches received from this firm, or some of its members, in December last, authorized the Register to draw on them for any amount sufficient to meet the estimates for work done on the Croton, Bonaparte and Bentonsport jobs, payable at the American Exchange Bank in the City of New York; which was done accordingly, and the drafts sold, mostly in Keokuk and St. Louis, as became indispensably necessary, in order to make payments on the work referred to; and thus to carry them forward, that they might at last be placed in a condition to admit of the passage of boats. This was expressly required to be done by the 1st of February, 1852, under the terms of the contracts with Bangs Brother & Co., and would have been done unquestionably, had they complied with those terms, in furnishing the money to meet the estimates. Having failed to do so, it was not accomplished until during the month last past, when, by the same terms, the jobs at the three points mentioned were to have been, and should have been, not merely passable for boats, at all times, but *entirely completed*.

The drafts drawn by the Register on Bangs, Brothers & Co., in conformity with the authority given by them so to do—and which were sold by the Commissioner, as above stated—were not paid at maturity, but suffered to be protested, and sent back here for collection.—Hence it became necessary, for the double purpose of meeting the payment of those drafts, and proceeding with the works above mentioned, to resort to a sale of lands to effect those objects. Bangs, Brothers & Co. in wholly failing to make any arrangements to carry forward the works, with a view to their completion within the four years, or to do one one-fourth of the aggregate amount of what had to

be done, within the first year, as well as in failing to meet the payment of the monthly estimates of each month, from October to February, had most clearly forfeited their contract; and, at a meeting of the undersigned, at Ottumwa, on the 18th of February, 1852, a declaration to that effect was formally made, and entered of record, a copy of which, marked (A) accompanies this report.

There are two provisions in the contract with Bangs, Brothers & Co., which were strongly objected to by the undersigned at the time it was made, and as strongly urged by the person acting for that firm. Those provisions, in fact, were made by him *a sine qua non*—without which no contract could be made; and, as stated in our former report, it was, upon mature deliberation, after a full view of the condition of the work—then as unpromising as it well could be—deemed advisable, upon the whole, to accept the obnoxious terms, rather than make no contract at all, and permit the works to stand unfinished, with no reasonable prospect of doing anything further upon them. The provisions referred to are those permitting an increased price to be placed upon the lands, beyond \$1.25 per acre, and the condition of twenty per cent, on the aggregate amount to be paid to the contractors, over and above the prices specified for all the different items named in the contract. The latter of those provisions, however, seemed less objectionable than the former; because, fully aware of the impossibility of selling lands fast enough to carry the work forward with any degree of vigor and rapidity, some such step was obviously necessary, to the minds of the undersigned, in order to enable the contractors to raise the large amount of funds required; and it was with that object, chiefly if not wholly, that the twenty per cent clause was permitted to become a part of the contract. The person with whom the negotiations, with the undersigned, on the part of Bangs, Brothers & Co. were conducted—Mr. Anson Bangs—insisted repeatedly, and most earnestly, in the progress of those negotiations, that this clause with regard to the additional twenty per cent, would, *most certainly*, enable them to raise all the money necessary to prosecute the work vigorously to a completion, in accordance with the terms of the contract, by selling the certificates of Indebtedness, or “Bonds” to be issued to them, that much under par, if it became necessary; and the undersigned were led to suppose that, with the lands above the Raccoon Fork once secured as a basis for the security of the payment of such certificates, the requisite funds might very probably thus be procured. This,

then, as already stated, was the great leading, and controlling object, with which the clause allowing the additional twenty per cent was permitted finally to find a place in the contract—as its terms go clearly to show. In very truth, it may be said to have been almost the sole object; the other considerations mentioned therein being of entirely secondary importance, and so regarded and treated, during the whole pendency of the negotiations. The forfeiture of the contract, on the part of Bangs, Brothers & Co., rids the improvement of all liability to that firm, the payment of the twenty per cent of course included, and the lands from subjection to a rise of price beyond \$1 25 per acre.

#### NEGOTIATIONS AND CORRESPONDENCE WITH CAPITAL-ISTS AND CONTRACTORS.

When, after having waited some two or three months to ascertain the result, it was perfectly obvious that Bangs, Brothers & Co. would not proceed under their contract, agreeably to its terms, and after the undersigned had accordingly declared that contract forfeited, it became necessary to take some new step, to progress with the Improvement. It was quite certain that, even with the grant confined above the Raccoon Fork, the sales of lands would be to so limited an extent that comparatively little could be done towards paying off the large debt already incurred, and at the same time undertaking several new jobs, in addition to completing the old ones already under construction. It was thought, therefore, by the undersigned, after a consultation between them upon the subject, that the interests of the work imperatively demanded renewed efforts, on their part, to engage other parties to undertake its completion, who might prove competent to the task. The securing of the extension of the grant was a new element of strength, in any future negotiations having that object in view, and which it was reasonably supposed would ensure its accomplishment. Accordingly, it was decided that the commissioner should visit some of the Eastern States for the purpose mentioned; which he did, leaving home early in March last, and not returning until towards the last of June. During his absence he was in almost daily communication with individuals and companies in the states of Ohio, Pennsylvania, and New York, who either were then, or had been previously engaged extensively in Internal Improvement operations, in

those and other states—and several of whom evinced an earnest wish to become connected with our works. Some of those parties gave promises that they would visit Iowa, during the summer or fall, to examine the county with a view to becoming engaged on the Des Moines River Improvement. Perhaps the best known of those companies, to the people of Iowa, is one composed of Messrs. Sturges, Forrer and Hosmer, of Ohio, whose large operations, and energy and success, in whatever they undertake, have given them a widely extended reputation. They have been recently engaged upon a job in Indiana—the construction of a canal from Evansville, on the Ohio river, into the interior of the state—which was commenced by them only a year ago last spring, and is probably now completed, at a cost of some \$700,000. The employment of that company upon our work, could it be accomplished, would, it is confidently believed, ensure its speedy completion; and hence the Commissioner was most desirous of effecting it. For that purpose he made a visit of some time in Ohio, and subsequently met one of the members of the firm in the city of New York, where several interviews were had between them. The reasons why those gentlemen were not enabled to make their promised visit to Iowa, this, season, as well as the views entertained by them in regard to our Improvement, and the course best, in their opinion, to be adopted to secure its completion, will be found stated in two letters each from Mr. Forrer and Mr. Sturges, received by the Commissioner since his return home last summer, and copies of which accompany this Report, marked (B.)

The Commissioner saw also, and conferred with, numerous other parties in Pennsylvania and New York, several of whom expressed a determination to visit Iowa in the course of the summer—but none of whom have done so. One company especially, with whom he met in Harrisburg, composed of a number of prominent citizens of Pennsylvania, had just made a formal proposition to its Legislature to lease the whole public works of the state for a period of ten years, at an annual rent of a million of dollars. Some of the more active of the members of this company, having given a careful examination to the Des Moines Improvement project, and all the papers in the case, which were submitted to them by the Commissioner for that purpose, stated that, in the event of the failure of their proposition, then pending before the Pennsylvania Legislature, they would very probably make one for our work, after having first visited Iowa, du-

ring the summer, for the purpose of examining it and the country.— Yet they have not come, nor has aught further been heard from them upon the subject.

While in the city of New York, it was deemed by the Commissioner well worth while to endeavor to ascertain what might possibly be done in regard to raising funds, through the capitalists there—the great focus of all the monetary transactions of the country—for constructing our work; and he accordingly opened negotiations, looking to that end, with a number of the longest established, and best known houses in that city. Those negotiations were, in their earlier stages, of quite a highly encouraging character; and there were strong grounds for belief by the Commissioner that he should be enabled, before leaving New York, to lay the certain foundation for obtaining, if not all that would have been desirable, an amount sufficient at least to carry the work ahead vigorously for a year or two to come. Difficulties and objections were of course raised, from time to time, by those to whom the subject was presented, but these were, in many instances, overcome by explanations, in repeated interviews, and the matter seemed in a fair way of complete consummation, when the reported passage, through the U. S. House of Representatives, (then in session) of the “Homestead,” or “Free Farm” bill, by a vote of more than 2 to 1, and its consequent probable passage through the Senate also, put a stop at once to further proceedings. The ground was then taken, by all those with whom such negotiations had been pending, as it had been previously by some of their number, that, in order to raise the required amount to carry forward our work, the lands—most mistakenly conceived by them to be rendered less valuable in consequence of the probability of the “Homestead” bill becoming a law—*were not a sufficient security* on which to base a large loan; and that nothing short of the credit of the state, to back it, would then do for that purpose. The commissioner sought earnestly to explain, and to demonstrate, that the effect of the passage of the “Free Farm” bill, on the value of the Des Moines river lands, would not, and from the facts of the case as they plainly stood, could not, be such as seemed to be apprehended—but exactly the reverse; as the “giving away” of the alternate sections belonging to the United States, and the consequent immediate *settlement and improvement* of those lands—most certain to follow such “giving way”—would, as a matter of course, greatly enhance the value of the other alternate sec-

tions, granted to Iowa, which would thus become, the more speedily, surrounded by improved farms; nor did the Commissioner omit to urge his personal experience in land operations in the west, for a long series of years, while acting as a public land officer, to establish this point—but all to no purpose. The unfounded idea appeared to have gained complete control of the minds of the money lenders and their agents, that the “giving away” of fourteen hundred millions—that is the amount still owned by the U. S.—of acres of land, through the operation of the “Homestead bill, was certainly going to render all other unimproved lands in the West, those granted for the Des Moines Improvement included, unsaleable for years and years to come—and this impression it seemed impossible wholly to remove.

The Commissioner, having spent some six weeks in New York, engaged in such negotiations, thus brought to a close, addressed a communication to some two or three of the houses with whom he had been negotiating, in order to elicit their views of the subject, in writing, under the turn which the matter had taken; and, submitted herewith, marked (C) will be found copies of his letter, with the answers of the houses referred to, to-wit: Messrs. Duncan, Sherman & Co.; James G. King & Sons; and Simeon Draper—all of eminent standing, both at home and abroad, among dealers in American stocks and securities.

#### DECISION UPON THE GRANT ABOVE RACCOON FORK.

Shortly after the action of the Cabinet at Washington, in reference to the extent of the Congressional grant, the result of which was communicated to the Commissioner by the Secretary of the Interior, in his letter of October 29, 1851—unfortunately misprinted, with an important omission, as it first appeared in the newspapers—a question was raised, through the public press, whether that action was, in fact, a *final* settlement of the matter; or whether Congress, or the judicial tribunals of the country, might not yet have to take some further step before it could be reduced to a finality. Immediately on observing this mistaken suggestion. the Commissioner in a letter addressed by him to the public, in regard to that and other points of interest, connected with the work remarked: “By the way, I observe that the letter of Mr. Stuart, making this decision (a copy of which was enclosed in one to me, at Washington, as soon as it was placed in the hands of

Mr. Butterfield, the Commissioner of the General Land Office, is published in several of the papers in this State, and pointed to by some of them as evidence that the question as to the extension of the Desmoines grant above the Racoon Fork, is not yet settled; and that we shall have yet to go to Congress or the Courts, before it can be settled." \* \* \* \* \*

"The prevalence of any such impression as this, is, of course, well calculated greatly to embarrass the work; and I, therefore, think it my duty to say, and I do say promptly, and most confidently, that the recent action of the Cabinet, as communicated through the letter of the Secretary of the Interior, *does* settle the question hitherto in controversy. That they themselves so regarded it, I have the best reasons for knowing—better, I think, than any here can have for a different opinion—an so it was regarded by every body in Washington, enemies as well as friends of the grant."

"In the first place, Mr. Stuart's letter—transmitted for publication first in another portion of the State, and copied here—is *not a true copy*, as it was so communicated to me within the walls of the Interior Department, immediately after it was written; and I now furnish, herewith, a correct copy for publication. It will be seen, on comparing this true copy with that which has been published, that the words '*I am willing to recognize the claim of the State,*' contained in the former, are wholly omitted from the latter—a most important omission!" \* \* \* \* \*

"Apprehensive that wrong constructions might be put upon this letter, even if given to the public correctly, without some explanations accompanying it, I refrained from sending it from Washington for publication; but kept it until I could return home to make those explanations; and I particularly regret that it has found its way into the press, in its mutilated shape, with the very important omission above mentioned. The result has been precisely as was anticipated—the letter is improperly construed—the true character and scope of the decision are perverted—the public mind thereby disturbed anew, with doubts and misgivings—and an explanation thus rendered the more necessary as to what the decision was designed to be, and, in fact is."

"It is true, that in his letter, Mr. Stuart—as stated in that I wrote home from Washington, immediately on receiving it—says, that his '*own* opinion as to the construction of the grant is unchanged,' and

adds some superfluous remarks about leaving that construction '*open to the action of the judiciary.*' It is to be regretted, and I know was regretted, by some of Mr. Stuart's best friends, that he seemed to lack the firmness to make a perfectly clean decision, by leaving out of his letter the introductory remarks referred to, which appeared to be both uncalled for, and inappropriate; and whereby the beauty of the act was marred, and his credit for its performance somewhat damaged. It is due to Mr. Stuart to say, however, that two reasons were assigned by his friends for the apparent inconsistency between the opening remarks of his letter, and its conclusion—*wherein he decides the whole matter*; the first, his very natural desire to release Mr. Crittenden, (the Attorney General) as gently as possible, from the wholly untenable position in which he had placed himself—as overwhelmingly demonstrated by the written arguments of counsel in the case—and, secondly, his wish not to commit himself with regard to the 25,000 acres of land, embraced in the grant, but sold, under a proclamation of the President, in 1848. The lists of those lands—but 25,000 acres, out of a million, or thereabouts, the State is entitled to receive by the decision—have not been furnished to me. They are, nevertheless, *legally* the property of the State, and *their equivalent* will yet be procured for the benefit of the Improvement, through the action of 'Congress or the Courts.' As to *the decision* actually made by Mr. Stuart—contained in the *last clause of his letter*—it is all that the friends of the grant ask, or have ever contended for. In that clause he orders to be made out, *for his approval*, lists of the lands above the Racoon Forks, *as far as the surveys have progressed*—OR MAY HEREAFTER BE COMPLETED AND RETURNED; and I remained at Washington until I procured lists of those lands, so far as they could then be made out (embracing 81,707.93 acres;) which lists, *with the approval endorsed, and Mr. Stewart's signature thereunto annexed*, I brought home, with the promise of others as fast as they could be prepared, keeping pace with the progress of the surveys. This is precisely all the Secretary has to do with the business, to comply with the provisions of the law of Congress making the grant, and to carry that law into effect. With the lists and plats in our possession, approved by him, we ask and need nothing further, as the whole matter is finally settled. As to the suggested '*action of the judiciary*'—who will invoke it? Not the authorities of Iowa, certainly. Nor her citizens who purchase lands from those authorities, which are embraced in the



grant. Nor yet the authorities of the General Government—in the face of their recent deliberate action. They could not do so, if they would. The matter is beyond their reach. But they cherish, I am sure, no such design, or desire. The vexed question, so long pending, and involving a million acres of land, is at length settled beyond any further controversy.”

Such was the language in which the Commissioner—then direct from Washington City, where the question, after much discussion and deliberation, had just been decided—conceived it to be his duty to meet the suggestion carelessly, not to say recklessly, thrown out, that it might, not improbably, prove not to be a *final* decision.

But the public are not left to rely upon the mere naked opinion, or assertion, of the Commissioner as to this point. The further action subsequently had by the Secretary of the Interior himself, as regards the lands above the Raccoon Fork, furnishes the most satisfactory and conclusive evidence that the over-cautious language used by him, in his letter of October 29th, 1851, was designed to apply to the 25,000 acres already sold by the government, and nothing more. The undersigned are now in possession of certified lists, (with the plats, or maps, corresponding thereto,) approved by the Secretary of the Interior, over his signature, of 225,616.30 acres of these lands above the Raccoon Forks, some few of which have been already sold by them, and others offered. The last of such certified lists, for 143,908.37 acres, bears date March 10th, 1852, and is in these words and figures :

“ A. List”

“ Showing the vacant lands, in the odd numbered sections *above* the Raccoon Forks, and within five miles of the Des Moines River, *so far as the surveys have progressed*, falling to the State of Iowa, under the Act of the 8th of August, 1846, as construed *by the Secretary of the Treasury, in his letter of 2nd March 1849* ; AND OF THE SECRETARY OF THE INTERIOR OF THE 29th OCTOBER, 1851, *which have not heretofore been approved.*”

[Here follows the list of the sections, Townships, and Ranges, embracing 143,908.37 acres, and then follows the certificate—thus :

“DEPARTMENT OF THE INTERIOR,  
Washington, March 10, 1852.” }

“The selections embraced in the within list *are hereby approved*, in accordance with the views expressed in my letter of the 29th of October last, to the Commissioner of the General Land Office, subject to

any rights which may have existed at the time the selections were made known to the Land Office by the Agents of the State, it being expressly understood, that the approval conveys to the State no title to any tract which may have been sold, or otherwise disposed of, *prior to the receipt by the local Land Officers of the Commissioners of the General Land office, communicating the decision of Mr. Secretary Walker, to the effect that the grant extended above the Raccoon Fork.*"

[Signed.]

"ALEX. H. H. STUART, Secretary."

Now, can anything be more clear than that the above certificate of the Secretary goes, and was expressly designed to go, to the full extent of covering, by his decision, all the lands in the odd sections, within five miles on either side of the Des Moines River—save and except *only the 25,000 acres which had been sold "prior to the receipt by the local Land Officers, of the letter of the Commissioner of the General Land office, communicating the decision of Mr. Secretary Walker," &c.*—and which said letter, written June 1st, 1849, was thus received during that month? It seems to us not. Why else was *that* limitation "expressly" made? and why, furthermore, is the "List" given by Mr. Stuart, as "showing the vacant land," &c.; "falling to the state of Iowa" &c.; "under the act" &c.; "AS CONSTRUED"—mark the language—not alone by "the Secretary of the Treasury (Mr. Walker) in his letter of 2nd March, 1849;" but *also* by "the Secretary of the Interior" (*Mr. Stuart himself*) in his letter, of the 29th October, 1851? We have already stated that the letter referred to by Mr. Stuart, in the above certificate, as having been received by the local Land Officers, from the Commissioner of the General Land Office, bore date June 1st, 1849, and was received during that month. The local Land officers had then sold only the 25,000 acres above the Raccoon Fork—and they have never sold any more. Most clearly and indisputably, then, as before remarked, if there was room for any question whatever as to the scope, and true extent of the decision of Mr. Stuart—which we maintain that there was not—prior to the giving of the above certificate, that certificate, of itself, must necessarily remove every possible vestige of doubt from the minds of all men of common understanding.

#### INDEBTNESS OF THE WORK, AND EMBARRASMENTS RESULTING THEREFROM.

The present ascertained indebtedness of the work, in charge of the

undersigned, exclusive of interest, will not vary far from \$108,000, embracing the following items, to wit:

Amount due on Certificats issued *July 1st, 1851, for work done below Bonaparte, prior to that date,.....	\$18,858 37
“ “ “ Certificates issued Dec. 5th, 1851, for “damages” to contractors, in accordance with decision of Board of Arbitrators, of that date,.....	23,796 89
“ “ “ Drafts for \$20,000, drawn by Register, Dec. 20, 1851, on Bangs, Brothers & Co., which were sold by Commissioner—and protested for non payment,.....	9,834 00
“ “ “ to Wm. Meek & Sons, Contractors at Bonaparte, for labor and materials on work at that point,.....	17,195 20
“ “ “ Brown & Sanford, contractors on job at Bentonsport do do.....	5,795 31
“ “ “ J. C. Walker & Co., contractors on job at Croton do do.....	14,116 90
“ “ “ J. C. Walker & Brothers, contractors on job at Belfast, do do.....	4,386 08
“ “ “ on Certificates, or “Bonds,” issued to Bangs, Brothers & Co., for money advanced, under contract.....	5,000 00
“ “ “ Certificates issued to Bonney and Whittlesey, for labor and materials on job at Keosauqua, under contract of July 8, 1852,.....	2,500 00
“ “ “ to J. C. Allender & Co., mill owners &c at South Bentonsport, under verdict and decree of October, 1852,.....	3,500 00
“ “ “ on all other items not above enumerated estimated at, say .....	3,017 25
Total,	\$108,000 00

\*The aggregate amount of these certificates, was \$30,984.10, of which amount \$12,125.73 has been paid. No certificates of that date were issued for work on jobs at Croton and Belfast, but payments were made thereon, from time to time, until operations

To make payments from month to month, on the indebtedness of the work, as above indicated—and to undertake to say that it would not be met, but *the whole* incoming fund applied to its further prosecution, was of course totally out of the question—while at the same time, constantly struggling to reserve means enough, out of the comparatively small amount of proceeds of sales of lands that were being made, to apply on the Bentonsport, Bonaparte and Croton works, in order to put them in a condition to pass boats; and, furthermore to open the “old dams” at Plymouth and Keosauqua, and a channel through the sand bars and the forests of snags below St. Francisville—to do all this, we say, under the existing difficulties, may perchance seem to those who have not undertaken it a trifling and easy task; yet experience teaches a very different lesson! The embarrassments under which the Commissioner has constantly labored, as the disbursing officer on the work, in consequence of the numerous and perpetually increasing demands against it, have been of a most harassing character. With much to pay, and much to do, and but little money, it has not been “a fire in the rear” alone to which he has been subjected, daily, but in front also—and upon either flank!

#### RIVER OPEN FOR NAVIGATION—THE “OLD DAMS.”

The next great object, however, with the undersigned, after the securing of the grant above the Racoon Fork—followed by the failure of Bangs, Brothers & Co., to fulfil their contract—has been achieved, in the face of every obstacle. The opening of the river for navigation, during the present season, was all that could reasonably have been expected to be accomplished, under such circumstances—and that has been done. The opening of the obnoxious “old dams” has taken place too, when the proper time arrived, but not before—and they no longer constitute an obstruction to navigation. If they had been removed three years ago, or even three months ago, as was strongly and incessantly urged, nobody in the world would have profited by it, while large numbers of people would have been harmed materially. Until quite recently these much talked of “old dams,” were, really, no obstruction to navigating the river; because the state works were impassable for boats; and hence the latter could have gone neither up or down, if there had been no such thing as an “old dam” in the river. The state works once in a condition

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had wholly ceased at Croton, when certificates were issued for the whole amount due on jobs at both points, dated September, 1852.

for the passage of boats, it became not only proper, but a duty, peremptorily required of the Commissioner by law, to have the old dams opened—and therefore it was done.

### CHANNEL BELOW ST. FRANCISVILLE.

In clearing out a channel below St. Francisville, where the bottom of the river is sand and mud, instead of the rock found, invariably, above the point, it became necessary to get rid, as far as practicable, of the hundreds of snags and stumps that had become deeply embedded there. Some of these were of large size—huge trees, torn down and thrown into the channel of the river, during the great flood of 1851. To remove, entirely, all the trees, was a matter utterly impossible to be accomplished, short of the use of power not at the command of the Commissioner—to wit: a “Snag Boat,” propelled by steam, such as are used on the large rivers, and which would cost some thousand of dollars; but the next best thing to that was done. All the snags that could possibly be taken out, with the power called into requisition, to wit, windlasses, takles and pulleys, with boats manned by some twenty men, were wholly removed; while others, that could not be thus removed, were cut down as low as possible in the water. This, there can be no question, will make a channel (200 feet in width) that can be passed without difficulty, at all times when the river can be navigated above, until the dams and locks are completed. This job was undertaken at the round sum of \$900, by R. J. German, who finished it, and received his money.

If the canal below St. Francisville is not to be completed—as it cannot be, for some years to come, except by the making of a new contract, to cover the whole Improvement, and sustained by a large loan of money—while the construction of the works above continues to progress—the idea has suggested itself to the minds of the undersigned that a dredge boat, as well as a snag boat, both to be propelled by steam power, might ere long be used to much advantage, in keeping the channel open through the snags and sand bars below St. Francisville—both of which, though entirely removed one year, would always be found obstructing it again in the next, to some extent.

### CHANNEL ABOVE ST. FRANCISVILLE.

A wish has been frequently expressed to the undersigned that the

channel of the river, from Fort Desmoines to St. Francisville, might be cleared of the granite boulders, trees, &c., which are represented as obstructing it, at a low stage of water—such as has occurred during the present season. The subject is one that has received the attention of the undersigned ever since their connexion with the work, and been well considered. The difficulties in the way of such an arrangement hitherto, have been various, some of which are as follows: The high stage of the water during the whole of the summer of 1851, and the making of the contract, in August, with Bangs, Brothers & Co., which, had it been fulfilled on their part, would have dispensed with all necessity of any clearing of the channel. Again, during the early part of the present season the water remained too high, for a long time, to do any thing in that way; and, when it became low enough to do it, the engineers, under whose personal supervision it should have been done, were engaged on other parts of the work—getting the locks at Bonaparte and Bentonsport in a passable condition—opening old dams, &c., and could not be spared for that purpose. Besides, with the great number of demands already existing against the work, constantly and urgently pressed for payment, the money to do it could not be spared either, without giving rise to a new, and to some extent a well founded clamor, on the part of those holding such demands. But, above all, if, as the undersigned confidently persuaded themselves would be the case, such action was taken by the Legislature, at its coming session, as would result, certainly, in carrying the whole work forward vigorously, to a speedy completion, the expenditure of not less than twenty-four hundred dollars—an estimated cost for clearing the natural channel of the river—would, it seems to the undersigned, be just so much money expended uselessly; for, with the dams and locks once completed, the obstructions complained of would of course be deep under water, and not in the way at all. Those obstructions, at any rate, are not, it is believed, an obstacle to the navigation of the river when the water has attained any considerable height, during the spring of the year—the only season, usually, when the river can be navigated to much purpose, until the whole work shall be completed. Still, in order to ensure the passage of boats out of it, at a lower stage of water, it might be well to remove the obstacles complained of; and, should the Legislature take no further action to ensure the more vigorous prosecution of the entire work the coming year, the undersigned are of the opinion that it should be done.

## WORKS AT KEOSAUQUA AND FARMINGTON (PLYMOUTH.)

After the total failure of Bangs Brothers & Co., to comply with the terms of their contract; and when the Commissioner had returned from his visit to the East, without having engaged, positively, other parties to undertake the work; and the fact being, as was then believed, clearly established, that no funds, other than those derivable from sales of lands, were to be relied upon, even to pay off the existing debt; the prospect seemed almost hopeless of accomplishing, for the time being, anything further upon the work, beyond the finishing up, as far as practicable, what was already commenced, and then under headway. Still, there were two points where it was especially important that something should, if possible, be done, to-wit: at Keosauqua, and Plymouth (Farmington,) where mills were erected, and old dams existed in the river. The latter it was determined should be thrown open, just as soon as the state works at Bentonsport and Bonaparte were in a condition to permit boats to pass; and hence the water power, at the two points first mentioned, would be wholly destroyed. To obviate, as far as possible, this difficulty, the undersigned, on receiving a proposition to that effect, from Messrs. Bonney and Whittlesey, of Keosauqua, in the early part of July, entered into a contract with those gentlemen, on the 8th of that month, to construct the lock and dam at that point, upon the same terms as those contained in the contract with Bangs, Brothers & Co.—no money being required to be paid for the present, but certificates, or “bonds,” to be issued to them as the work progresses, payable five years hence. A written proposition was also made for this work by E. Manning, Esq., of Keosauqua, but upon much less favorable terms for the state than those on which it had previously been offered to be done, and was finally taken by Messrs. Bonney and Whittlesey. Those gentlemen went to work a short time thereafter, under their contract, and have made good progress since. A large amount of rock has been gotten out by them, and delivered at the work, and a good commencement made on the building of the lock walls. Their contract contains an express provision, that the lock shall be first so far completed as to admit of the free and uninterrupted passage of boats through the same, before the construction of the dam shall be commenced.

About the time of entering into the contract for the work at Keosauqua, the job for building the lock and dam at Farmington (Ply-

month,) was also offered, upon the same terms—first to John McCune & Co., the former contractors there, and then to the Messrs. Houghton, by both of whom it was declined. Subsequently an additional thousand dollars was offered, to meet the greater expense of excavating for the lock pit, and dam foundation, at that point than perhaps any other on the river, from the fact that the rock is covered to the depth of some four or five feet, entirely across it, with mud and gravel. This offer was also declined. Recently, the Messrs. Houghton have proposed to take the job; but, in consequence of the near approach of the session of the Legislature, and the anticipation of some action by that body, by which the work may be carried forward with cash payments, instead of upon a credit, and consequently upon much more favorable terms, no contract has been made with them.

#### COMPLETION OF LOCK AND DAM AT BONAPARTE—COST COMPARED WITH OTHER WORKS.

The entire completion of the lock and dam at Bonaparte, which the undersigned are gratified to be enabled to announce—with the near approach to completion of the one at Bentonsport—affords a proper occasion, of which they accordingly avail themselves, to speak of the work, and its cost, as compared with others.

All persons who have seen that work, and are possessed of any knowledge and experience upon such subjects, freely admit that it is one that does credit to the State, being a truly beautiful structure, and built with strict reference to durability, from its foundation up. Very few works of the same character, probably, yet built in any of the States, surpass it in either of the particulars mentioned—if indeed there be any. The cost of this work, as shown by the payments made and balance yet due to the contractors, falls below the estimate, being out \$35,300. Add to this all incidental expenses connected with it including articles furnished and labor performed on the job, not embraced in the contract, and the amount, it is believed, will not reach \$5,000 more—say \$40,000 in all. Now, compare this with the actual cost of the Monongahala Improvement in Pennsylvania, as exhibited by their reports. The works on that Improvement, between Pittsburgh and Brownsville, consist, says the report of 1846, of “four Dams and as many Locks”—an additional Lock has since been added at the Dam near Pittsburgh. “The dams,” says the same report



"vary in length from 605 to 1,100 feet, averaging 825 feet each." The width of the Des Moines, from its mouth to Keosauqua, varies from 750 to 800 feet. The Locks on the Pennsylvania work are 190 feet by 50, within the chamber; while ours are 175 by 44 feet—exceeding, in this respect, those on both the Kentucky river, and the Muskingum, in Ohio—the former of which are 175 by 38, and the latter still less, 175 by 36. In the report of the Monongahala company, made by its President in January, 1848, it is stated that that improvement (from Pittsburgh to Brownsville) "cost for construction, engineering, damages, &c., \$517,225, 21" which gives an *average*, for each of the four points where locks and dams are built, of but a shade less than \$130,000—or more than treble the probable cost of the lock and dam, at Bonapart, everything included. It is confidently submitted then, that—judging from this comparison—and, could one be instituted with any other work, of a similar description, that has yet been built, we should rely, as confidently, upon a result still favorable to our own—the cost of our locks and dams has not been, thus far, of that extravagant character that has been so frequently and so boldly charged by many, and possibly believed by some; but that, on the contrary—taking into account, as a proper regard for simple justice would seem to require should be done, the circumstances of extraordinary disadvantage under which they have been prosecuted, through disastrous floods, and the still more crushing effects of almost constantly harassing pecuniary embarrassments—they may safely be claimed to have been managed with a due regard to economy, no less than to durability.

#### PROBABLE DURABILITY OF THE WORKS.

And here let us say a word upon this latter subject, as to the probable relative durability of the Monongahala works and our own. The Des Moines does not usually rise, by the spring freshets, over ten or a dozen feet; and went up, by the GREAT FLOOD of 1851—the like of which was never known before in its history—only 25 feet; while we are told, officially, that "in ordinary freshets" the Monongahala rises from 20 to 24 feet—in "very high floods 30 feet—and at one time, in 1824, the water rose "at several points, to the height of 40 feet!" The Kentucky river too, and Green river, in Kentucky—both of which are improved by Locks and dams, as proposed with the Des Moines—it

may here be remarked, still surpassed the Monongahala in their extraordinary floods—the latter rising “from 40 to 50 feet,” and the former “from 30 to 55!”

By the report of the Engineer of the Monongahala company, made in January 1848, we learn that, using his own language, the “Locks and Dams” composing that improvement “enjoy no superior advantages in point of location, and are *not even based upon a rock foundation*”—except in a single specified instance; while ours are all based upon rock foundation. And we learn further, from the Report of the President of that company, of January, 1851, that “during the period of more than six years,” that had then elapsed, “since your (their) navigation was *completed*, it has been subjected to the severest tests of floods and ice without suffering any material injury, or requiring any extraordinary repairs, and is now in good order, thus giving the strongest demonstration of the strength and durability of the work.” May not we, then, taking *their* experience, with a work *not* founded on rock, as ours *is* so founded, calculate, with a reasonable degree of confidence, upon the durability of ours, when it shall be *completed*?

### HOW EFFECTED BY LOW WATER.

Another point established by the completion of the Bonaparte and Bentonsport dams may be appropriately referred to here, as illustrative of the character of the works. The present season, as is known to all, has been one of remarkably low water in the rivers of the west. The Des Moines—to apply a phrase often heard upon its banks, during the fall—has come a good deal nearer than ever was known before to “running dry.” Much of its wide bed has been exposed naked for months, cut up by narrow rivulets, presenting a net-like appearance—as of silver traced through an iron ground—when one rode along its banks. Yet, notwithstanding this very low stage of the river, the Dam at Bonaparte has been full to the crest, and overflowing, throwing back the water, in full pool, to the Bentonsport works; while at the latter point also, the mills on either side of the river are now fully supplied, and a surplus afforded amply sufficient for the passage of boats.

### CLAIMS OF MILL OWNERS FOR DAMAGES.

At Bentonsport was located one of the old dams, with mills on the

north side of the river owned by James A. Brown, and on the south side by George C. Allender & Co. The parties last mentioned, having come into possession of a charter granted by the Terretorial Legislature of Iowa, in 1839, for the erection of a dam in the Des Moines at that point—which charter ran for the term of 50 years, and 13 years of which term, consequently, have now expired—presented to the undersigned a claim for damages amounting to \$24,150, for the alleged destruction of their dam, and stoppage of their mills, among other things, in consequence of the construction of the State works at the same place. In conformity with the 28th section of the act of the Legislature, of the 5th of February, 1851, it was agreed between the undersigned and said Allender & Co., to let the case go to trial before a jury at the Jefferson county court, in the following October. A postponement was had until the next March term, when the trial took place; but, the jury having failed to return their verdict until after the adjournment of the court, it was not announced and docketed until the late October term, when a decree was entered up, and the whole matter finally disposed of. Copies of the agreement of the undersigned with said Allender & Co., to try the case, the finding of the jury therein, and the decree entered up, will all be found herewith submitted, in the accompanying paper, marked (D.) An arrangement, it may be mentioned, verbally made by a former Board of Public Works, had, it is understood, guarantied to them (said Allender & Co.)—on the condition of their conveying to the State certain lands necessary for its use, at the point mentioned—the same amount of water power of which they were in possession at the time of the commencement of the state work there, for a period of fifty years from its completion.

A similar claim for damages to that of said George C. Allender & Co., was presented to the undersigned in the month of October last, by James A. Brown, the mill owner on the north side of the river, amounting to \$15,000. No satisfactory arrangement of this claim having been effected, between the undersigned and said Brown, notice of petition for the commencement of a suit has recently been served by the attorneys of said Brown on the undersigned.

#### THE ACCOUNT OF PAUL BRATTON, FORMER TREASURER OF BOARD OF PUBLIC WORKS.

The late Board of Public Works, in their Report of Dec. 2d, 1850,

called attention to a deficit in the account of Paul Bratton, former Treasurer of the Board, amounting, as shown by the books of the office, to \$4,841.75 ; and recommended the necessary steps to be taken for the collection of the money—or such portion of it as might, upon an investigation, be found to be actually due. No such steps, however, were taken by Legislative enactment ; nor have the undersigned been able to discover any authority, contained in the laws, requiring or authorizing them to proceed and collect this money. The most, therefore, they have conceived it to be their duty to do in the matter, has been to receive from the securities on the bond of Mr. Bratton, whatever amount they might feel disposed to pay over voluntarily, on the account ; and the sum of \$3,551.81 was accordingly receipted for by the Register, on the 30th of June last. The balance of \$1,289.94, it is maintained by the securities, who have given the matter their attention, will be materially reduced on a thorough investigation of the accounts. Mr. Bratton has left the State for Oregon, having, prior to his departure from it, sold his small property, and paid, as it is understood, to his securities, the amount since handed by them to the Register, as above stated.

#### EFFECTS OF THE WORK, PRESENT AND PROSPECTIVE, ON THE DESMOINES VALLEY.

Still another point than those already alluded to, which the completion of the works at Bonaparte and Bentonsport serves to illustrate, deserves to be mentioned here, to wit : the pleasing scene of renewed life and animation thrown into those places, and which can not fail to be observed by every one visiting them, as prevailing there, in strong contrast with the condition of things at other points where nothing has been done. Already, in addition to the extensive mills (among the most valuable in Iowa) of Messrs. Meek and Sons, built some years since at Bonaparte, and those of Messrs. Allender & Co., and J. A. Brown, at Bentonsport, above referred to, a large and expensive brick building has been erected the present season, by the mill owners at the point first named, to be used as a woollen manufactory ; while that put up last year at Bentonsport, by Messrs. Green & Brothers—and which is also a costly and highly valuable building—to be used as a paper manufactory—the only one yet built for that purpose any where west of the Mississippi—is now in “ the full tide of successful experiment.”

The enterprise of Messrs. Meek & Sons, and Messrs. Greene & Brothers, in thus leading off as pioneers, in the manufacturing business on our beautiful river, is commendable, and entitles them to the thanks of the people. Their efforts are the first infant steps, the mere faint glimmering of the foreshadow of what, at some future, and no very remote day either, with water power created at intervals of but a few miles all along the Des Moines, by the erection of dams like those at Bonaparte and Bentonsport, may be confidently predicted of the future of its noble valley—a valley, than which there is not perhaps, in the wide world one more capable—when its almost incalculable resources, of unsurpassed fertility of soil, (with no waste lands in its whole length and breadth,) and inexhaustable beds of coal, shall come to be fairly and fully developed—of sustaining in affluence, and surrounded by all the comforts and luxuries of life, a teeming population!

Then will the almost disheartening stagnation which now—for the want of an outlet for its products, and the absence of any considerable manufacturing power—pervades this magnificent valley, be changed, as if by the magician's wand, into one of unsurpassed activity; then will the drooping villages, some of which seem now as if struggling for existence, be converted into busy, beautiful towns, like the hundreds brought into being, from like causes, throughout all New England, New York, Ohio and other states; then will the farmer, the artisan, and every class of men, find a just reward for the enterprise and energy which they may put forth in their various pursuits in life; and then will labor, and honest industry, no longer ask as a favor adequate compensation for employment, which is now sometimes sought in vain! This is no fancy sketch—no mere idle, glowing picture, drawn simply to please the imagination; but the TRUTH, as the undersigned believe, sincerely and earnestly, it will develop itself within less than twenty years from the day when these lines are written.

#### REVENUES FROM CANALS, AND RIVERS IMPROVED BY LOCKS AND DAMS.

In what has been said by the undersigned, in the preceding remarks, it must not be supposed that they have been unobservant of the new direction given to public sentiment, of recent years, compar-

atively speaking; in favor of projects of a different description from that not under their charge—any more than they have been of the disfavor, so to speak, in which works like ours have come to be regarded by many persons, who have perhaps given the subject no serious examination, but thoughtlessly repeat, as is so often the case, what they hear from others, without stopping to inquire whether it be true or false. The question arises, then, is the sentiment adverted to, a just sentiment, and one by which it will do to be governed in the management of great and important interests of a State? Will, in other words, the construction of railroads—rapid as is the progress now being made in that respect, outstripping all the calculations made by their most sanguine friends and advocates, but a few years since—and eminently important, and desirable, as they are conceded to be—supersede entirely the use of canals, or lead to the abandonment of any of our important rivers, as channels for the transportation of products, when they are of a character that can be so used, or made, by improvement, to answer that great purpose? Warmly as the undersigned are, and ever have been, the friends and advocates of railroads, and truly desirous as they are of seeing them introduced immediately into Iowa, and made to cover it like net work, if you please, at an early day; yet they do not believe one word of the proposition above stated, but, on the contrary, know it to be one not founded in truth, and experience—but utterly fallacious! Why, what do well established facts prove, beyond a contradiction? The great State of New York has a canal connecting Lake Erie, at Buffalo, with the Hudson river, at Albany, over 300 miles in length, and completed more than a quarter of a century ago. Along the line of this canal a rail-road has been built, while another upon its opposite side is in serious contemplation. Yet the public voice of that great State demands loudly, even now, the enlargement of the Canal—which will certainly be done—at an estimated expense of *nine millions of dollars*, to permit of the carrying of the products of the “Great West,” of which our own young State constitutes a part, to the commercial metropolis of the Union.

Nay, further, notwithstanding the existence of the railroad referred to, running along the bank of the Canal, or at least connecting the same points, and another in the more southern part of the state, linking Lake Erie, at Dunkirk, with the Hudson opposite the City of New York—built at an expense of many millions of dollars, and now also

in full operation—notwithstanding, we say, the existence of these two great parallel rail roads, the Hudson and Erie Canal is a source of large revenue to the “Empire State.” What the precise amount of that revenue is, the undersigned are unable now to state; but some idea of its extent may be drawn from the facts that, as we are creditably advised, it not only pays the annual expenses of the government of that great State, but contributes besides to the creation of a sinking fund, an amount which is calculated to be sufficient to the ultimate liquidation of the entire State debt. So reliable a security is the revenue from the work referred to regarded by capitalists, that when, within year past, the nine million loan above spoken of, was actually authorized to be made, and its redemption based upon that revenue, by an Act of the Legislature of New York—since declared by her courts to be in violation of her constitution, and hence treated as a nullity—the whole amount of that great loan was taken by those capitalists, at rates varying, in the aggregate, little if any from par.

But again, allusion has been made, in a preceding part of this Report, to a proposition submitted only last spring, to the Legislature of Pennsylvania—New York’s great and worthy rival for the trade of the West—by a number of her prominent citizens, to lease her public works for a term of ten years, at an annual rent of the large amount of a million of dollars! Now, these public works of Pennsylvania consist almost wholly of canals, and some of the men who made the proposition referred to have been much in charge of those works—and know their value. But the Legislature of Pennsylvania knew it also, it would seem; and declined the offer. Along, or parallel with, some of the most important of these Canals of Pennsylvania too, run rail-roads, like those of New York along hers. Need any thing more be said, then, to show that Canals and water transportation, for heavy articles especially, are *not* “out of date, and behind the spirit of the age,” as we frequently hear inconsiderately remarked; nor likely to become so?

But we shall be told perhaps—indeed the remark is one often heard—that although Canals may pay well, Rivers improved by Locks and Dams do not; and that the latter have proven a failure. That instances of such failures have occurred may be true; but is it not also true with regard to canals; nay even rail-roads themselves, some of which, from peculiar circumstances, have turned out not the

most productive investments? Unquestionably such is the fact; and were it necessary to establish it, cases would not be found wanting to do so. What river, however, improved as we propose doing with the Des Moines, can be justly compared with it, as regards either its admirable adaptation to that kind of improvement; in consequence of the combination it presents of rock bottom with firm banks, and the comparatively slight rises to which it is subject—or the almost boundless capacity of the fertile valley through which it runs, for agricultural production, to say nothing of the great coal bed which underlays it, from one extremity to the other? Not one, in all the Union! The rivers of Kentucky, besides being subject, as has been already shown, to a rise of 50 feet and upwards, pass, as is well known, through a country generally as far inferior to the Des Moines valley as scarcely to deserve a comparison with it, and the same may be said with equal truth as regards the Muskingum in Ohio, and the Monongahala in Pennsylvania, both of which are bordered, to no inconsiderable extent either by mountains or what would be regarded here as barren hills, unfit for cultivation, with narrow valleys interspersed, affording a small portion of soil suitable for tillage, as compared with ninety-nine acres out of an hundred, throughout Iowa. It is believed to be safe to say, that the country within any given distance, from five to twenty-five miles, on either side of the Des Moines, is capable of double the agricultural production at least, to speak within moderate bounds, that the valleys of either of those rivers are, within a like distance. Yet have the Improvements on the Muskingum and the Monongahela begun to pay quite well, as we learn by official reports before us. Thus, the nett revenue from the Muskingum work, for the year 1851, as appears from the Report of the Board of Public Works of Ohio, was, \$35,056 45. The Monongahela Improvement was completed in November, 1844, after passing through a series of disasters far more discouraging than any that have yet overtaken our own, as its history, embodied in the reports of its officers, and now lying before us, abundantly demonstrates. Its receipts from tolls for the first year, (1845) were \$28,579.70, since which time they have gone on increasing gradually, but surely; until 1850, (the last report before us) when they reached the very handsome amount of \$65,318.31, being over 12½ per cent on \$517,225.21, which was the entire cost of the work.—What the “*nett income*” has been for each separate year, the reports do not show; but for the year 1848 it is stated to have been \$44,224,



"after payment of expenses and repairs," or an average of \$11,056 for each one of the four points where dams are located. One of the chief articles of transportation on this work is coal, the receipts for toll on which, for the year 1850, were \$17,023.57, out of a total of \$64,313.81, as above stated; and yet this important article is carried over *its entire length*, at the almost nominal rate of  $2\frac{1}{2}$  mills per bushel, being "less than 7 cents per ton," or \$2.46 $\frac{1}{2}$  per thousand bushels!

### UNINTERRUPTED NAVIGATION OF THE MONONGAHELA RIVER.

We learn further, from the reports for this work, [that during four years out of the six since its completion, navigation was not suspended on it a single day between Pittsburg and Brownsville, even when the river was ice bound above the point last named! Says the President of the company, Gen. J. K. Moorehead; in his Report of January 1, 1849: "The stockholder will no doubt be gratified to learn, as the board are to inform them, that, as in former years, no interruption has occurred in the navigation for a single day, from any of those causes to which this improvement was supposed to be so peculiarly exposed; high and low water have proved alike harmless; while the favorite idea of a long obstruction from the formation of ice upon its deep and quiet pools has been exploded by the fact that for the last three winters, the boats employed in the trade have been making their daily trips to Brownsville, while the river was "locked up by ice beyond that point;" and again, in his report of January 6, 1851, he says: "It is gratifying to be able to state, that during the year 1850, the navigation was not suspended a single day "by ice or any other obstruction."

Much more interesting matter might still be gleaned from the reports before us, in relation to the works of other states, and a good deal remains to be said with reference to our own; but the great length to which this report as already attained admonishes us to bring it to a close. Sufficient, it is hoped, has been shown to demonstrate the points we have sought to establish; to-wit, first: the entire practicability, and perfect ease of constructing such a work as the Des Moines River improvement, provided the money is had with which to do it; second: its certain durability, after completion, if it be properly and substantially constructed; and third: its undoubted utility, notwithstanding the idle prejudices existing, to some extent, against

works of that character, by those who have evidently given the subject little or no attention.

### CAN AND SHALL FUNDS BE RAISED TO CARRY THE WORK FORWARD TO A COMPLETION?

It only remains to enquire whether means can, and should be raised, for the continued prosecution of the work, beyond a reliance upon the proceeds of sales of lands embraced in the grant; for, it is now a clearly ascertained fact, about which a doubt can no longer exist, that with the large debt hanging over the work—which should and must be paid—and the slow sales of lands, it is folly to expect to carry the Des Moines improvement to a completion in many a long year—if ever! The most that can be done under the present state of things is to let contracts entirely on credit, at a great additional cost, as well as a loss of that vigor and efficiency which a system of cash payments bring with it. It is hardly too much to say that the work can never be completed, unless some step be taken, by Legislative enactment, to infuse new life into it; and, to permit it to droop and die, now that a certain foundation is laid—on which to place it, and carry it through, would be, as it seems to the undersigned, a proceeding almost as fatal to the credit and honor of the State, as it surely would be to the interests of her citizens. It is hoped that not one of the latter could witness with feelings of indifference, or any other than those of mortified pride, as an Iowan, the occurrence of such a disaster!

Were matters now as they stood when the work was commenced, with the grant below the Racoon Fork intact, and no money expended, or debt created, a system might, it is thought, be adopted that would lead to its completion in ten or a dozen years, to-wit: by commencing at St. Francisville, and proceeding to build, up stream, some two or three locks and dams a year—leaving the canal below St. Francisville until the work was well advanced to completion, and should become a source of revenue, as it doubtless would; when it is believed that it might have been built with little or no difficulty.—Without that canal, however, the improvement can never be regarded as completed. Under the adoption, from the outset, of some such plan as this, the whole work might probably, we say, have been built in a dozen years—or fifteen at furthest. What has been done, how-

ever, cannot be recalled, and we must now look matters plainly in the face—and meet them as they exist!

In the earlier pages of this report, where an account was given of the visit of the Commissioner to the East, last spring and summer, and his negotiations with capitalists in New York referred to, the ground was finally taken by the latter, as their letters show, that nothing short of the credit of the State of Iowa, or—to use the language of one of them—the creation of “a *direct and constitutional debt*,” on the part of the State, would be sufficient to ensure the raising of funds with which to carry forward our work; and the same idea occurs in a letter to the commissioner from Mr. Forrer of Ohio. Now if the people of Iowa were willing, and ready, to sanction the creation of such a debt, reserving the lands for its ultimate payment, there is of course no doubt that money could be saved by it, in the aggregate cost of the work; because the Bonds of the State, bearing an interest of six per cent., would unquestionably find a ready sale, in the present condition of the monetary affairs of the country, and probably at quite a handsome premium. The State of Missouri sold her bonds in New York, last summer, at 105, and some of them as high as 109. The difference between such a sale, and one at a considerable discount without the state credit, would amount of course, in the aggregate, to a very large sum. Probably, however, it would not do to anticipate the receipt of very much of a premium on the sale of our bonds, as a change may occur in the money market to prevent their being sold for more than par. It is still hoped too, that a resort to the expedient suggested, may not become necessary, even should it meet with the ready concurrence of the people of the state; and that the sound, non-debt-creating policy of Iowa—except in case of an important emergency, calling imperatively for a deviation from it—which has hitherto prevailed, may thus continue to be adhered to.

#### NEGOTIATIONS AND CORRESPONDENCE OF COMMISSIONER WITH MESSRS. PAGE & BACON—THEIR PROPOSITION.

While on his way to the East, in March, the Commissioner, in passing through St. Louis, sought an interview with Messrs. Page & Bacon, bankers in that city, through whose agency, it is understood, her loans, and those of recent date, for the State of Missouri, have been

negotiated. They were not then inclined to take hold of our work. Some time in October, on again visiting St. Louis, the Commissioner obtained another interview with that firm, when a confident opinion was expressed by them that, with the requisite power for the Commissioner to act in the matter, to be obtained from the Legislature of Iowa, all the money necessary to complete our work could be readily procured from them, or through their agency, provided the details of the transaction could be agreed upon. Out of this last mentioned interview grew a correspondence between the Commissioner and Messrs. Page & Bacon, a copy of which is herewith submitted, marked (E.) On receiving their letter of the 13th of the present month, (which did not come to hand until the 18th,) expressing a wish to be put in possession of more full and minute information, in regard to the probable cost of our work; how long it would take to complete it; and what the revenue derivable from the same would be likely to be; the Commissioner was so much engaged in the preparation of this report, and other matters connected with his official duties, that it was found to be wholly out of his power to visit St. Louis in person, at that time. He immediately, however, instructed the Chief Engineer upon the work, Guy Wells, Esq.,—whose connexion and intimate acquaintance with all its details, since its very commencement, fitted him well for the task—to proceed at once to St. Louis, and lay before Messrs. Page & Bacon, verbally, a full statement of the history of the work, and its future prospects, so far as lay in his power. This he did, and returned home on the 26th inst. bringing with him the letter of Messrs. Page & Bacon of the 23d, addressed to the Commissioner, wherein they make a distinct proposition to furnish the funds necessary to complete the Des Moines river improvement within five years from the first of January next, provided the amount so required shall not exceed one million three hundred thousand dollars, inclusive of the present debt, with interest, and any other liabilities of the work—which is named by them at an aggregate sum of one hundred and twenty thousand dollars; or, in other words, leaving, beyond the present assumed indebtedness and liabilities of the work, one million one hundred and eighty thousand dollars, to be applied to its further prosecution and completion.

This proposition of Messrs. Page & Bacon is based upon the requirement, from them, of the State to convey to them, in fee simple, all the unsold lands embraced in the Des Moines grant; and further,

that they shall have the exclusive use and control (should they so desire) of the Improvement, with its profits from tolls and water rents—except rights and privileges, with reference to the latter, already granted to others, the holders of which shall make payment to them—for the term of 25 years from the completion of the work—say 30 years from the first of January next. These are the great, leading features of the proposition of Messrs. Page & Bacon. There are numerous other provisions and details, embraced in thirteen separate articles, some of which at least, would, it is thought, require essential modification before they could be assented to by the State—that, for instance, giving to them the privilege of making contracts for the work to be done on the improvement, which, as it now reads in their proposition, could be construed into permitting them to fix the prices as well as to designate the contractors—and some other items hardly less objectionable. It is supposed, however, that such was not the construction designed to be put upon the second article of their proposition, which was hastily prepared and copied, for Mr. Wells to bring home with him; and the hope is entertained that a further personal conference upon the subject, with Messrs. Page & Bacon, if the agents of the State were clothed with the requisite power to act in the matter, could be brought to result in a contract that would be acceptable to the State.

#### GREAT IMPORTANCE OF THE WORK—SHALL IT BE COMPLETED OR ABANDONED?

At any rate, after the repeated and persevering efforts, unsuccessfully made to carry the work forward to a completion, by other means, and through other channels, this would seem now to be the only one left open to secure its accomplishment, short of a loan from the State of her credit to the work; and, in the possible event of a failure to consummate a satisfactory arrangement, under this proposition of Messrs. Page & Bacon, it will be for the representatives of the people fresh from their respective constituencies, to decide whether or not provision should be made, in advance, for obtaining from the people of Iowa, if they are willing to give to it, the credit of the State, or her endorsement of the work, rather than that it should be permitted to prove an entire failure.

She has now, beyond dispute, a million of acres of land applicable

to the great object mentioned, which, if held in reserve, and sold at their actual value, would probably, in the end, pay for the improvement twice over; besides work already done upon it to the amount of \$300,000; and to suffer it now in this condition of things—with a solid and perfectly reliable foundation on which to rest, and so much progress made in its construction—to go down to ruin and decay, would be impolitic, and unwise in the last degree; nay, a permanent discredit to the State! So at least it seems to the undersigned, with the views entertained by them in regard to the high importance of the work. The Des Moines river improvement is the only public work the young State of Iowa has yet undertaken. It will be, if carried to a *completion*, her great work, as long as she remains a member of our glorious Union, or time itself lasts. Railroads may be built, and will be built rapidly when once commenced—which will be ere long; and by the score in after years—probably within this 19th century; possibly before the half of what remains of it shall have passed away! and, when so built, they will be productive of noble benefits to the people, and advance, with giant strides, the wealth and power of the State. Yet, build as many railroads as we may, the Des Moines River Improvement, *once finished*, from the mouth of the river to Fort Des Moines, will, we repeat, remain forever Iowa's great work, occupying the position which the great Hudson and Erie Canal does to New York, and the Baltimore and Ohio rail road to Maryland.—Passing diagonally through the State, *fully four hundred miles*, and by its centre, where her future *CAPITOL* will be reared, and her greatest inland town grow up around it, upon the bosom of the beautiful Des Moines, when once permanently improved for uninterrupted navigation, as is contemplated, will float to the “Great Father of Waters,” much the largest portion of the products of her entire valley—nay, probably, of the entire State itself, of which that valley is the great heart and center; while upon her banks will spring rapidly into existence numerous thriving manufacturing towns, finding, in the vast water power created by the works, perpetual food upon which to found a growth as substantial, and durable, as it will be gratifying and surprising!

#### REPORT OF ENGINEER, AND ACCOUNTS OF REGISTER AND COMMISSIONER.

The annual Report of the Chief Engineer, Guy Wells, Esqr., which

is herewith submitted (marked F) embraces an account of the work done on the Improvement during the last year, with valuable suggestions in regard to several points connected with it. The undersigned find pleasure in reiterating the expression of their approbation of the faithful and zealous manner in which Mr. Wells, as well as his assistant M. M. Hayden, Esqr, have discharged the duties of their respective stations, and the warm interest constantly manifested by them in the success of the work. The same testimony is cheerfully borne also with reference to Mr. J. B. Knight, whose services, as superintendent of masonry, and in the discharge of every duty to which he has been assigned, have been at all times promptly and faithfully rendered. Now that the river is again open for navigation, the services of Mr. King are wholly dispensed with, and the salary of the Chief Engineer reduced to the rate of six hundred dollars per annum. The accounts of the Commissioner and Register also accompany this Report, respectively marked G, and H.

All of which is respectfully submitted.

V. P. VAN ANTWERP, Commissioner.  
GEORGE GILLASPY, Register.

## DOCUMENTS ACCOMPANYING THE REPORT.

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[A.]

OFFICE OF THE DES MOINES RIVER IMPROVEMENT,  
Ottumwa, Iowa, February 18, 1852. }

At a meeting, this day held, of the Commissioner and Register of said Improvement, the following Resolution and Order were adopted:

*Whereas*, Messrs. Bangs, Brothers & Co., Contractors on the Des Moines River Improvement, have failed to comply with the terms of the contract entered into by them with the Commissioner and Register of said Improvement, on the 9th day of August, A. D. 1851; in this: that they, said Bangs, Brothers & Co., have not furnished the money required to be paid for the work done, and the materials necessary to be used, on the three jobs at Croton, Bonaparte and Bentonsport, according to the terms of said contract; in consequence of which failure, on their part, the works at those points are not yet in a condition to admit of the passage of steam boats—nor made the provisions indispensibly necessary for carrying forward the works at other points, in compliance with the terms of said contract, as provided more particularly in the ninth section thereof; *and whereas*, the interests of said improvement, as well as those of the public, are suffering greatly in consequence thereof; *and whereas*, by such failure, said Bangs, Brothers & Co. have forfeited said contract on their part; *and whereas*, it is absolutely necessary that money be procured, with the least possible delay, for the purposes above mentioned, and most especially to pay for the work done, and yet to be done, on the three jobs at Croton, Bonaparte and Bentonsport, to put them in a condition to pass steam boats up and down the river. *Therefore*:

*Resolved*, That the subjoined order for the opening of this office, on the first day of March next, for the sale of lands at private entry, and for a public sale, to be held at Fort Desmoines, and to commence on the 25th day of March next, be and the same is hereby adopted.

V. P. VAN ANTWERP, Commissioner,  
GEORGE GILLASPY, Register,



## DESMOINES RIVER LAND SALES.

OFFICE OF DESMOINES RIVER IMPROVEMENT,  
Ottumwa, Iowa, February 18, 1852. }

Notice is hereby given that a public sale of lands embraced in the grant made by the act of Congress of August 8th, 1846, to aid in the improvement of the Des Moines river, will be held at Fort Des Moines, on Thursday the 25th of March, 1852, when and where all of said lands contained in the following described townships, and ranges, will be offered for sale, to wit : Township 80 north, in range 23 west; townships 78, 79, 80, 81, 82, and 83 north, in range 25 west; townships 80 and 81 north, in range 24 west; townships 80 81, 82, and 83 north, in range 26 west; Also, all that portion of township 78 north, in range 24 west, and township 79 north, in ranges 22, 23, and 24 west, that has not heretofore been offered at public sale. The above described lands will not be sold at a less price than \$1.25 per acre. The sale above mentioned will continue for one week, or until all the townships named shall have been offered. And further notice is hereby given, that on *Monday the first day of March* next, this office will be open, at *Ottumwa*, for the entry, at private sale, and at a price not less than \$1.25 per acre, of all lands in said above described grant which have heretofore been offered at public sale; and still remain unsold; and that it will be kept open for that purpose until Saturday the 20th day of March, 1852.

The Townships above described will be offered in the following order, to-wit: On Thursday, March 25th, township 78; range 24, and township 79, in ranges 22, 23 and 24; on Friday, March 26th, township 80, range 23, and townships 80 and 81, in range 24; on Saturday, March 27th, townships 78, 79, 80, in range 25; on Monday, March 29th, townships 81, 82 and 83 in range 25; on Tuesday, March 30th, townships 80 and 81 in range 26; on Wednesday, March 31st, townships 82 and 83, in range 26.

GEORGE GILLASPY, Register.

V. P. VAN ANTWERP, Commissioner.

[B and C.]

## LETTER FROM COMMISSIONER TO BANKERS IN N. YORK.

NEW YORK, May 24, 1852.

*Messrs Duncan, Sherman & Co., Bankers, N. Y.*

In the course of the several interviews I have had with you, since my arrival here in April, with reference to a sale of the "Des Moines River Improvement" Certificates of Indebtedness, or "Construction Stock," I have stated that, to secure the payment of such certificates, the lands *granted by Congress*, for said Improvement, and still remaining unsold—*amounting to over a million of acres*—might be pledged, together with the profits to accrue from the works when constructed, to wit: *the water rents and tolls*, for such number of years as might be agreed upon; and I have, besides placing in your hands, for examination, all the Reports, and other documents in my possession, having any reference to the matter, explained to you, as fully as I was able to do, the progress and condition of the work, with the future prospects in regard to it.

Having given the subject your careful attention, you have stated to me verbally, as the result of your deliberations upon it, the difficulties that present themselves in the way of such a loan, and the present impossibility, as you believe, of effecting it.

Will you please, gentlemen, to give me a statement of those reasons in writing, and to furnish me, furthermore, with an expression of your views as to the course best and necessary to be pursued, in order to raise funds for the vigorous and speedy prosecution of the work referred to.

You have repeatedly suggested the pledging of the faith of the State to redeem the Bonds. Could funds be raised, probably, for the vigorous and speedy prosecution of the work, upon favorable terms, with the lands, or their proceeds, set apart to create a sinking fund, backed by the pledge of the faith of the State of Iowa, as you suggest, to secure the payment of the debt?

The "Certificates," or "Construction Stock," now proposed to be issued, were to bear an interest of *eight* per centum per annum.

Would, or would not, a *six* per cent stock, of the character suggested, probably find a ready sale, upon favorable terms?

By replying to this communication, at your earliest convenience you will oblige

Yours, Very Respectfully,

V. P. VAN ANTWERP, Com'r, &c.

# ANSWERS--FROM MESSRS. DUNCAN, SHERMAN & CO.

OFFICE OF MESSRS. DUNCAN, SHERMAN & COMPANY,  
BANKERS, New York, May 27, 1852. }

*Genl. V. P. Van Antwerp, Com'r Public Works of Iowa:*

DEAR SIR: In reply to your note of the 24th inst., we beg to observe that, in the various personal interviews we have had the pleasure to have with you, relative to the sale of the "Des Moines River Improvement Certificate of Indebtedness," or "Construction Stock," we have expressed to you our opinion of the impossibility of negotiating a security of that character, carrying with it, as it does, no promise of payment, or pledge of faith, on the part of the State, of the nature of a debt, but a simple obligation on its part, as *Trustee*, to apply the proceeds of the land, dedicated to that object, and the revenues that may be derived from the proposed works. Such a basis of security we feel sure, will not command enough of confidence to induce capitalists to invest in it; and we are unable to say to you that we see any prospect in the future, such as to afford the least encouragement that securities of this character may be hereafter negotiated.

The inducement of an extravagant rate of interest, such as the certificates referred to present, will not as we think, be strong enough to overcome the doubt which will exist as to their sufficiency, and the want of confidence in their being adequate to the prompt payment of interest, and reimbursement of principal, at maturity.

In view of such an appropriation of the public lands as is suggested by the "Homestead Bill," now pending before Congress, you can not fail to perceive that the chief basis on which your certificates will rest may be rendered very insufficient, and possibly almost valueless.

In view of these facts, the only suggestion we are enabled to make in answer to your request, is to recommend such action on the part of the people and Legislature of your State (if it is their desire to borrow money for the improvements referred to) as will create a *direct*

and *constitutional debt*, making such provision, if you please, as will set apart the land donated by the government, for the creation of a sinking fund, and pledging the faith of the State of Iowa for the prompt payment of interest and principal.

Such a debt, legitimately created, we have little doubt, could be advantageously negotiated, through proper channels, at a rate of interest not exceeding 6 per cent.

We are, respectfully,

Your obedient servants,

DUNCAN, SHERMAN & CO.

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FROM SIMEON DRAPER.

NEW YORK, May 25, 1852.

*Gen. V. P. Van Antwerp,*

DEAR SIR: Your favor of yesterday is received. In reply, I beg to say, that I have been zealous in my efforts to negotiate the securities you refer to, but find it quite out of the question to do so, in their present shape.

I have endeavored to impress upon capitalists the perfect security of the Bonds, and urged the high character of the parties officially connected with the Trust, but have, notwithstanding, been unable to place them.

I know of no other way which will make your negotiations take the position of a first class security, except by engaging the faith of your State, by a pledge of the lands already ceded by the United States Government. If this can be obtained, and Bonds be issued, with some 20 years to run, bearing an interest of 7 per cent., with coupons payable semi-annually, in this city, I am sure the high character of the security will enable you to obtain the money at once, at rates as favorable as most of the other States. Perhaps 6 per cent. would be as well as seven, but my views are rather favorable to an interest which is general with us during a series of years.

I am, with great respect,

Your obedient servant,

S. DRAPER.

## FROM JAMES G. KING &amp; SONS.

NEW YORK, May 27, 1852.

*V. P. Van Antwerp, Esq., Commissioner of Public Works of Iowa:*

DEAR SIR—We beg to state, in answer to your favor of the 25th inst., asking us to give you, in writing, the reasons which we have stated verbally for our opinion that the “Construction Stock” could not, under present circumstances, be negotiated in our market; that the chief objection to such a security arises from the want of a general knowledge in regard to the value, and probability of sale of the lands, or of the amount of tolls from the slack water navigation proposed to be created, in a region so far distant, and so little known, to our money lenders; these considerations being of paramount importance, before any negotiation of such a character could be successfully undertaken.

It is not easy for us to state what should be “the course best and necessary to be pursued, in order to raise funds for the vigorous and speedy prosecution of the work referred to”—but, to the question, whether this could be done, probably, upon favorable terms, with the lands, or their proceeds, set apart to create a sinking fund, backed by the pledge of the credit of the State of Iowa to secure the payment of the debt; we should now readily give an affirmative answer—especially if the law creating such a loan should authorize the Commissioner of Public Works, or other proper officer, to levy, without further legislation, as the necessity arose, a state tax, to be applied to the punctual payment of the interest, and to the establishment of a sinking fund for the redemption of the principal, in case the tolls and revenues, from the Improvement to be made, and the proceeds of the lands pledged, should prove insufficient for the annual amount needful for those purposes.

This course was adopted by the State of Ohio, when putting forth her first loans, for Public Improvements; and to that provision may be ascribed the facility of borrowing, and the high credit which have been enjoyed by that state.

Whether a 6 per cent stock, of this character, would command a ready negotiation, when it shall hereafter be proposed, must depend upon the general value of money, in this country and abroad—which cannot be foretold now.

We shall be glad if these suggestions prove of service to you; and we now remain,

Dear Sir, Respectfully yours,  
JAMES G. KING & SONS.

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# LETTERS FROM MESSRS. STURGES AND FORRER, OF OHIO.

PRINCETON, Indiana, June 8, 1852,

*Dear Sir:* When I parted with you at Zanesville, in March last, I promised to write you about the first of May, if I found that I could visit you in that month. I have delayed, that I might see my way clear before this time. The weather has been so unfavorable to our progress here that it will require the greatest exertions of Mr. Hosmer and myself both, to complete our work by the close of our time (1st November.) I cannot, therefore, promise myself the visit for some time to come.

Did you find a contractor East? and is your work likely to progress, either under your former, or a new arrangement?

Please write me either here or at Dayton, Ohio. I shall be here until 1st July.

Yours truly,

SAML. FORRER.

GEN. VER PLANCK VAN ANTWERP, Keokuk.

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SOUTH BEND, Indiana, July 5, 1852.

*My Dear Sir:* I am on my way to Fund du Lac, on some business, and can not *now* visit you, as I had hoped I should be able to do about this time. My friend T. Dowling, of Terre Haute, with whom I have had some conversation, about your Iowa public improvements, thinks he would be glad to accompany me to your place about the 1st of October, and thence to Fort Des Moines, and the "sources" of the *River*. Will that period be a favorable season of the year for such a tour? If not, what time will be best?

If Congress gives your state lands—her proportion, as proposed—can she do better with them than to make such liberal grant, to a company of men strong enough to contract a rail road from the "Fort"

to the "source of the River?" If such a project could be carried out I should be glad to be interested, and have little doubt the men and money can be found, *if the lands, in sufficient quantity, can be had.* When does your Legislature meet, and what do you think of this matter? Of course this would be *connected* with a contract to take your present "river improvement lands," and finish that work first.—I should be glad to find a letter from you at Zanesville, on my return there about the 15th instant.

Yours, truly,

SOLOMON STURGES.

GEN. VER PLANCK VAN ANTWERP, Keokuk, Iowa.

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PRINCETON, IND., Sept. 13, 1852.

*My Dear Sir:* I have yours of August 30, *via Dayton.* Mr. Sturges left me on the 8th inst. He came here more than half inclined to visit your country now, but, finding that it would be fatal to our prospects of finishing here in time, if I should leave, and desiring that we should, together, not only see your country, but your work also, he concluded to postpone his contemplated visit for the present. In July and August our work suffered severely from Cholera. 100 men died out of 800. Until then we had the work completely under our control, and could have finished within the time required by our agreement, with so much ease that I could have spared a month to visit you. Now it will require extraordinary exertions and my constant attention, to enable us to finish by the middle of November—half a month over our time. We have, however, a promise from William J. Ball, Esqr., with whom, I believe, you are acquainted, to go to Keokuk some time in October. As soon as we can fix a time certain, I will advise you. In the meantime allow me to suggest that you look forward to an early provision, by your Legislature, for authority to issue bonds, with a pledge of the faith of the State for something like the amount you think would be required to complete your Improvement. This would *ensure the early completion of the work, at a fair rate of cost.*

I think Mr. Sturges will write you from Zanesville.

Yours Truly,

SAMUEL FORRER.

P. S. I shall be glad to hear from you here, or at home.

ZANESVILLE, OHIO, Sept. 14, 1852.

*Dear Sir:* On returning home from the Wabash and Erie Canal, two days ago, I found your letter of August 30th. We have suffered dreadfully by Cholera on our Canal job—have lost 100 men, out of a force of 800. We hope still to finish in November, if the weather prove favorable for work. I left Mr. Forrer on the line, where he will remain until the job is finished—or until the finishing, *this fall*, is hopeless. We came to the conclusion that it would be *so late before he could leave* that a visit to your State this fall would probably be impossible. We will endeavor to make it as soon as the weather shall be suitable in the spring.

On looking over a map of your state, and with the Des Moines Improvement in view, I have thought it would be desirable to have a rail road from the “Fort” northerly to the sources of the Des Moines, (through the lands granted for the River Improvement) and from the “Fort” west, to some point on the Missouri—say Council Bluffs, or near it. I think there will ultimately be two or three roads from the “Fort” to different points on the Mississippi—perhaps one to Keokuk, Burlington, and Davenport each—the latter through Iowa City.

Now, I think you should, the coming session of Congress, get grants of lands for these objects, as liberal as possible. If the inducements are of a favorable character, I believe my friends (who have ample means) would make the roads from the “Fort” west and north, and finish the River Improvement.

Very Truly Yours, &c.

SOLOMON STURGES.

GEN. V. P. VAN ANTWERP, Keokuk, Iowa.

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[D.]

#### AGREEMENT.

George C. Allender & Co.	}	District Court of Jefferson county, at the October term A. D. 1851.
<i>vs.</i>		
Ver Planck Van Antwerp, Com-		
missioner of the Public Works of the State of Iowa.		

It is agreed between George C. Allender & Co., of the first part,



and Ver Planck Van Antwerp, Commissioner, and George Gillaspv, Register of the Des Moines River Improvement, of the second part, as follows: That when this agreement is filed in the office of the Clerk of said court, the above entitled cause shall be forthwith docketed by said clerk, and become one of the suits in said court; and the filing of this agreement, as aforesaid, shall constitute an appearance, by both parties, in said court, without any other or further notice, or process. Said parties of the first part agree to file their petition, in said court, by the 10th day of September next, and also serve a copy on said Van Antwerp, at Keokuk, and said parties of the second part agree to file their answer within fifteen days from the time such copy is served on said Van Antwerp.

Said petition shall set forth all the claims of every description, which said parties of the first part have, growing out of said Des Moines River improvement, and which might be set up and demanded, in the above entitled cause. Said petition shall also offer to convey to the State the north half of Lots one, (1) two, (2) three, (3) and four, (4.) in Block two (2.); and north half of lot one, (1.) in Block three (3.) in the town of South Bentonsport, Van Buren county; and the Court, or Court and Jury, or Referees, as the case may be, shall have the right to decide that said parties of the first part shall convey said lands to the State; and shall also have the right to decide for what considerations, and upon what terms, such conveyance shall be made, not going beyond matters connected with said Des Moines River Improvement.

The said parties of the second part shall file their answer, as aforesaid, containing such claims, demands, and allegations, as they may deem proper and expedient; and when said petition and answer are filed, as aforesaid, the case shall proceed to judgment like any other case in said Court; and all questions therein shall be finally adjudicated in said Court, without the right of appeal in either party.

Each party shall have the right to plead and conduct the case by attorney.

GEORGE. C. ALLENDER & Co.  
VER PLANCK VAN ANTWERP, Com'r  
GEORGE GILLASPY, Register.

August 29, 1851.

George C. Allender & Co. }

*vs.*

Commissioner of Board of  
Public Works of the State  
of Iowa. }

In District Court of Jefferson County,  
Iowa.

The agreement of submission in the above case is hereby so far changed as to authorize either party, plaintiff or defendant, to take exceptions and appeal to the Supreme Court, as fully and perfectly as though no prohibitory clause was contained in the original agreement of submission, and so much of said original agreement as prohibits either party from appealing is hereby rescinded.

March 10, 1852.

Wright & Hall, attorneys for  
George C. Allender & Co.  
Reeves & Miller, for the  
Defendants.

# INSTRUCTIONS OF THE COURT AND FINDING OF THE JURY

George C. Allender & Co. }

*vs.*

Board of Public Works. }

The jury will ascertain and report to the court:

1. Are the plaintiffs entitled to damages? *Answer:* Yes.
2. Did the location and erection of the state dam, by the board of public works, damage the plaintiffs? *Answer:* Yes.
3. How much damage from the loss of the use of water power?—  
*Answer:* Thirty-six hundred dollars.
4. How much was the value of labor and materials furnished by plaintiffs, in repairing their dam. *Answer:* One hundred and fifty dollars.
5. How much are the N.  $\frac{1}{2}$  of Lots 1, 2, 3 and 4, in Block 2, and the N.  $\frac{1}{2}$  of Lot 1, in Block 3, in South Bentonsport, worth? *Answer:* Four hundred dollars.
6. What was the entire value of the plaintiffs mill property, including half of the dam, at the time of the commission of the act complained of? *Answer:* Thirteen thousand two hundred dollars.
7. What would it cost plaintiffs to take the water from the state dam to their mill, where it stood at the time of the stopping? *Answer:* Twenty-seven hundred and seven dollars.

8. What would it cost to bring all of plaintiffs mills and machinery, saw-mills inclusive, up to the state dam? *Answer:* Four thousand nine hundred dollars.

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DECREE.

George C. Allender & Co. }  
*vs*  
 V. P. Van Antwerp com'r & }  
 George Gillaspay, Register, }  
 Des Moines River Imp't.

This day this cause came on to be heard for final judgment; and it appearing from the verdict of the jury in this case, that it would cost the sum of twenty-seven hundred and seven dollars to carry the water power from the new dam erected by the defendants, to the old mills of plaintiffs, and it being admitted that the saw mill of plaintiffs could not be used in its position at the time of the interruption of defendants water power; and the sum of four hundred dollars being agreed on by the parties as an amount for adjusting that difficulty, which was not included in the aforesaid sum of twenty-seven hundred and seven dollars; and the jury having assessed the value of the lots hereinafter mentioned at the sum of four hundred dollars; and it also being agreed by the parties that plaintiffs were using, at the time above mentioned a water power, at the ordinary stage of the river, sufficient to run six pair of burr stones of four feet and a half diameter; *It is therefore, ordered, adjudged, and decreed by the court,* That the plaintiffs shall have of the water power to be furnished by the new dam of the said board of public works, sufficient, at the ordinary stage of the river, to run six pair of burr stones, of the diameter of four feet and a half, for the period of thirty-seven years from the rendition of this judgment; and that the defendants execute a lease therefor, accordingly; and that they recover of the defendants the sum of twenty-seven hundred and seven dollars; and also the further sum of four hundred dollars as aforesaid, with interest thereon from the day of the rendition of the judgment, payable out of the Des Moines River improvement fund; and also the sum of four hundred dollars for the north half of Lots 1, 2, 3, and 4, in block 2, and the north half of Lot 1, in block 3, in South Bentonsport, with interest

in like manner; and it is further ordered and decreed, that the plaintiffs shall convey to the defendants the lots aforesaid, by deed of general warranty, reserving such use of them as is necessary to the use of the water power above decreed to them; and, by consent of parties, this decree is in full of claims of plaintiffs against defendants up to the rendition of this decree, and is a final settlement of the whole matter; and it is ordered that defendants pay the costs of this suit.

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## [ E ]

OFFICE OF COMMISSIONER OF THE DES MOINES RIVER IMPROVEMENT,  
KEOKUK, IOWA, Nov. 8, 1852. }

*Messrs. Page & Bacon, Bankers, St. Louis, Mo.,*

While in St. Louis, a few weeks since, I had some conversation with one of your firm in reference to a loan for the Des Moines River Improvement, to be based upon the lands granted for that object by an act of Congress, together with the profits of the work; and you assured me that if the power already existed, by law, of placing the lands in the hands of trustees, or if such power could be procured by an act of the Legislature of Iowa, you had no doubt the money could be obtained for carrying the work forward.

Not having my official papers—laws, reports, &c.,—with me at that interview, and expecting then that I should have visited your city again ere now, I did not procure from you a statement of the *amount* of the loan that could, in your opinion, be had upon the lands, &c. referred to—nor the *terms* on which it might be made.

The situation of my business is such, at present, that I find it will be impossible for me to visit St. Louis again before the closing of navigation this fall, and the time is very near at hand when I am required by law to make my annual report to the Governor, to be laid before the Legislature. I would be glad, therefore, to have you reply to this communication, at your earliest convenience, and give me, in writing, your views upon this subject.

If you would make a *distinct and specific proposition* that if, with authority, to be obtained by legislative enactment—say by the first or middle of January next—the lands could be placed in the hands of trustees to secure the loan—or such other proposition as you may

have to make—you would *guaranty* that any certain amount, to be named, should be advanced by you, *within some specified time, and upon what terms*, it would of course enable me to present the matter in a much more tangible shape before the Legislature, and one correspondingly more likely to receive some definitive action from that body. Indeed, without some such distinct proposition, it may well be doubted whether any *effective* legislation will be had upon the subject the approaching session.

I send, herewith, several printed pamphlets, for your perusal and examination. They embrace full information in regard to the condition of the work, and the fund, up to the date of the report made to the Governor, by the Commissioner and Register on the first of December last—since which time the only very material change that has taken place, in reference to either, is the fact that the river has been opened for navigation, by the completion of some of the state works, and the opening of the “old dams.”

The present indebtedness of the work will reach something upwards of \$100,000, while the amount of lands embraced in the grant, and remaining unsold, can be very little, if any, less than 1,000,000 (one million) of acres, as the sales have been quite light during the past spring and summer. Those sales, however, are improving considerably within the last few weeks, as I am recently advised in a letter from the Register.

One point I desire to mention, that would probably have to be provided for, in any arrangement of the kind referred to that might be made. It is this: a portion of the lands—comparatively a small portion—perhaps not 30,000 acres; certainly, I think, not double that quantity—are already occupied by actual settlers, who have parts of them improved, and under cultivation.

Now, the provision to which I refer is that such lands, *so already occupied*, shall continue to be subject to sale at \$1.25 per acre. With this provision, if a loan can be effected to ensure the carrying the work forward to a probable completion, and upon terms sufficiently favorable to the state, and the work, to justify its being made, I think the matter may be arranged when the Legislature meets four weeks hence.

Very respectfully,

Your obedient servant,

V. P. VAN ANTWERP, Com'r.

## ANSWER OF MESSRS. PAGE &amp; BACON.

ST. LOUIS, Nov. 13, 1852.

*Gen. V. P. Antwerp, Commissioner, &c., Keokuk :*

DEAR SIR: We are in receipt of your favor of 8th inst., and note contents. We have also examined, as far as our limited time and freedom from indispensable business would permit, the documents accompanying your favor.

From the investigation given to the subject, we find there are so many collateral questions and issues involved, that we are much embarrassed in arriving at a definite conclusion. In fact we do not think we have sufficient information, of the right kind, to enable us to give a very intelligent opinion, or one that you could with perfect safety act upon. We had overlooked, when you were here, the somewhat embarrassing position of the grant of lands, above the Racoon Fork, in consequence of the decision of the Department, both for and against. We incline to the opinion expressed by yourself, that the decision of Mr. Walker is the correct and legitimate one; but the existence of a doubt as to what will be the final decision of the question, would, as we fear, prejudice the security.

We regret much that you could not visit us, and explain in person the issues involved, as you would have been able, doubtless, to relieve us of much that now perplexes us.

We are of opinion that the lands claimed can be so used as to enable you to clear off the present debt against the works, and give you a fund adequate to complete the same; but our opinion in relation to this is not so valuable, or reliable, as it would be, if we were better informed as to the estimated cost of the proposed improvements; how long it would take to complete them; what would be the revenue derivable from the same when completed, &c.—all, you will observe, questions of importance, in relation to the manner of raising means, and providing for ultimate payment of principal and interest. But we will venture to give you the result of our speculations, which would doubtless be much modified, or changed, if we were in possession of data desired.

First: We assume that you are entitled to, and have, 1,000,000 acres of land; and, second: that you can give or convey to Trustees an unquestioned title, as a basis upon which to issue bonds. Of these lands we would set apart, for the aforesaid purpose, 800,000

acres, which, at a valuation of 1.25 per acre, would furnish a basis of \$1,000,000—on which to issue your securities for a like amount, having 20 years to run, and bearing 7 per cent semiannual interest—both principal and interest payable in the city of New York. Probably these securities would sell so as to nett you a like amount, or in no event less than \$950,000—and also meet with such ready sale as to enable you to prosecute with vigor the work. You still have 200,000 acres left, untrammelled by trusts or otherwise, which, we think, could be managed—reserving them from the trust, in such situations as to have a present additional value, over those embraced in said trust, and at the same time enhance the value of last named, from the proximity to improved lands—so that they would pay equal to \$2.00 per acre (being scaled above and below this, as situations and locations would warrant) or, in the aggregate, \$400,000—which, added to the loan, gives you \$1,350,000. We have supposed that your present debt, and the works complete, would amount to \$1,100,000. You then have \$250,000, to pay your annual interest for *three* years, leaving a small balance. After three years we have supposed your works would be in so complete a state as to be a source of revenue, and from that time forward, would pay all your interest, and leave you a surplus to apply to a sinking fund, for the ultimate redemption of your bonds, and eventually leave you with your works, and your 800,000 acres of land free of all incumbrance; a very valuable source of revenue to your State.

We have, we think, made our figures on low estimates of the value of the lands; and if it were desirable to raise more means than \$1,000,000, the lands might be scaled, commencing at 1.25 and running up to 2.50 or \$3; but we have not thought that this would be necessary.

You will probably have time, before any action could be taken on your Report to the Legislature, to communicate fully to us all the facts and circumstances connected with the subject, so that we could make you a definite proposition. From this you can learn our general idea, and something near what we would be likely to propose, if your statements corroborate our suppositions. If we were to have any thing to do with the negotiations, we should wish to consult with you as to the best way of arranging the Trust, Trustee form of Bonds, &c., as it would facilitate, probably, our negotiations, by attending in advance to these particulars. If your grant is all right, and you can get your

Legislature to act liberally with you, in granting adequate powers for the proper control of the lands, we would have no trouble in providing for you adequate means to push forward, with great rapidity, the works.

Yours, Very Respectfully,

PAGE & BACON.

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## SECOND LETTER FROM MESSRS PAGE & BACON.

ST. LOUIS, Nov. 23, 1852.

*Gen. V. P. Van Antwerp, Commissioner, &c. Keokuk.*

We have had the pleasure of an interview with Guy Wells, Esq., chief engineer of your improvement, in relation to the manner of conducting the work on the Des Moines river improvement, and the course to be pursued to raise the means for completing of same; and we have finally determined on making through you, to the State, the following proposition.

1st. We will agree to furnish the funds necessary to complete the work within five years from the first day of January 1853, provided said funds shall not exceed in amount the sum of one million three hundred thousand (1,300,000) dollars, including the present debt, of not exceeding one hundred and twenty thousand (120,000) dollars, inclusive of interest, damages on contract, &c.

2nd. We are to have the privilege of making the contracts for the work to be done on the Improvement, under the supervision of the Commissioner of the State, whose powers shall extend to seeing that the work is done in accordance with the plans and specifications most recently adopted, and on which the work is now progressing on dam No. 8.

3d. In consideration of the above agreement, and others which may follow in this instrument, the State of Iowa agrees to convey to us, in fee simple, all of the unsold lands granted to her under an act of Congress approved August 8th, 1846; and the State hereby agrees that said lands, remaining unsold on the 1st day of January 1853, shall not be less than nine hundred thousand (900,000) acres in quantity. And the State further agrees that she will continue to urge upon Congress, or the Department having charge of these matters, her claim for the land sold (about 25,000—say twenty-five thousand—acres) sub-



sequent to the grant, and prior to the Department notifying the local Land Officers to withhold said lands from sale; and that the lands, when obtained, shall be conveyed to us as aforesaid.

4th. The state agrees that we shall have the exclusive use and control (if we so desire) of the improvement for twenty-five (25) years from the time named for its completion, with power to collect and levy tolls and water rents for the use of the same, as we may deem best, providing the charge on pound freight shall not exceed (4) four mills per thousand pounds, per mile, and other freight in proportion.

5th. The state agrees that she will not grant a charter for a Rail road or canal within ten (10) miles on each side of said improvement, running parallel with, or nearly so, with same, for a distance exceeding (40) forty miles, during the full term of time in which the use of the improvement is guaranteed to us, or authorize, by any general law, such improvements, or construct herself such improvements, within the distance named.

6th. The State agrees not to tax the lands until they pass out of our hands by sale (none being exempt for over 20 years,) or the improvement for the term of this agreement, and to pass such laws, from time to time, as shall be necessary to enable us to enforce our claims on parties doing business with us in connexion with the Improvement; and to protect us in our rights growing out of the contract which may be made in accordance with these propositions.

7th. The State agrees that all creditors of the Improvement holding Scrip, Bonds, or liens, to be paid out of the sale of lands appropriated for this Improvement, shall file a relinquishment of said claim with the Commissioner, and agree to receive, in lieu thereof, payment out of moneys which we have agreed to deposit as security for the faithful performance of the contract and stipulations in connexion therewith.

8th. The State agrees that we shall have the exclusive control of the waters of the Des Moines River, from Fort Des Moines to the mouth of same (with the exception of rights and privileges heretofore granted—and the water rents from said parties, now holding privileges to be paid to us) and authorize us to sell and dispose of the privilege of using same as we may deem best, provided no contract shall extend beyond the term of this agreement, by which we are to receive the rents after such time.

9th. The State reserve the right to require of us that the bona fide

settlers on the lands, now conveyed, prior to the act granting the same to the State, shall have the right to purchase of us, within twelve months from the 1st of January, 1853, to the extent of 25,000 acres, at one dollar and a quarter per acre.

10th. We agree to deposit with the Commissioner (he giving us Bond, with good and sufficient security, for the faithful disbursement of the same, in accordance with the agreement) to be paid to present creditors, as before stipulated, one hundred and twenty thousand (120,000) dollars, within sixty days from the passage of the act authorizing this agreement, and on proper transfer of the lands, and relinquishment of creditors, as aforesaid, and the placing at our disposal and control the Improvement aforesaid.

11th. It is agreed that not less than \$200,000 a year shall be expended in prosecuting the work after the first year.

12th. The State to have the power of appointing the Chief Engineer, subject to our approval and removal, for good and sufficient cause.

13th. The State agrees that we may issue, at any time within (20) twenty years, Bonds based on the Lands hereby conveyed, and the Lease of Improvement and River, heretofore spoken of, bearing interest at not exceeding 8 per cent per annum, payable semi-annually.

Very Respectfully,

Your Obedient Servants,

PAGE & BACON.

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[F.]

ENGINEER'S OFFICE, KEOKUK, IOWA,  
November 20th 1852. }

To Gen. V. P. Van Antwerp, Commissioner

*Of the Des Moines River Improvement.*

SIR: I have the honor to present to you my annual report, of the condition and progress of the Des Moines River Improvement.

The work has not been resumed on any portion of the original line of improvement, from the terminus of the Canal at Motts Ferry to Dam No. 2 at Belfast; and as it was contemplated by the Legislature that the Canal should be suspended, until the State dams and

locks were completed between St. Francisco and Keosauqua, it was thought advisable to remove some of the obstructions in the natural channel of the river between the head of the canal and the mouth of the Nassau Slough. The extreme low water in July presented a favorable opportunity to examine the nature of those obstructions, and they were found to consist chiefly of snags, stumps and large trees partially embedded in the sand, or collected in large drifts, so as to render the navigation extremely hazardous and difficult at any stage of water. (I would here remark that deposit of this kind are rarely if ever found in any other portion of the Des Moines River.) Accordingly, a contract was entered into on the 21st day of July to open a channel not less than two hundred feet wide in this portion of the river, so as to admit the free passage of boats of all classes. This was done by raising and removing all the snags, stumps, and trees that could be raised, with the machinery at command, or that could be procured with our limited means; and those that could not be raised entire were cut off below the surface of low water, so that they will not endanger the navigation at a medium stage of water, i. e. when the water is high enough for boats to pass over the bars and ripples in other portions of the river. The removal of these obstructions will be of essential service to the navigation, and was done at a cost of only nine hundred dollars.

*Belfast Work. Dam No. 2.*—Nothing has been done at this job, except the furnishing five hundred and fifty dollars worth of timber, since the date of my last report.

*Croton Work. Dam No. 3.*—The work at this point, so far as it has progressed, has been done in the most substantial and durable manner. The lock and lock gates, are completed, and a pier 60 feet long below; and a pier and ice breaker 90 feet long above the lock, have been constructed to protect the lock walls, and guide the entrance of boats into the lock in times of high water. The side walls, with openings for the passage of water around the lock, for hydraulic purposes, is also completed; and the bank is well protected with a good slope wall so that the water power can now be leased at this point. In order to pass this lock with boats before the State dam is completed, a connexion has been formed between the head of the upper pier and Messrs. Thom & Colton's mill dam, which raises a head of water sufficient to admit the passage of boats over the breast wall of the lock, and will answer all purposes for navigation, so long as the im-

provement between this point and the mouth of the river remains unfinished. The materials for the dam at this point are all delivered and the timber and plank which have been furnished at this place and along the line of the improvement, at a cost to the State of 10,570 dollars will soon be rendered useless by decay, unless means are furnished to prosecute the work.

The damage to the canal, and the loss of timber and plank caused by the great flood in 1851, amounting to seventy thousand dollars, as mentioned in my last report, would not have occurred had the works been completed; which would have been the case had the necessary funds been furnished at the proper time; and the further prosecution of the work, under such embarrassing circumstances, will always more or less, subject it to the same periodical losses.

*Bonaparte Work, Dam No. 5.*—This lock and dam is completed, and the efficiency of the work thoroughly tested. Several boats have passed through this lock, and the time employed for that purpose has not exceeded ten minutes. The pool formed by this dam flows four feet of water on the lower mitre sill of the lock at Bentonsport, and that too, during the extraordinary low water of the past season.—This work, completed, has only cost \$35,300, being \$340 less than my estimated cost.

*Bentonsport, Dam No. 6.*—Has also progressed nearly to completion, notwithstanding the difficulties and embarrassments that the contractor has labored under for the want of means; so that it will be in a condition to pass boats at the opening of navigation in the spring.

The effect resulting from the completion of the two dams last mentioned, aside from purposes of navigation, may be estimated by noting the fact that some six or eight mills are now in successful operation, and several large permanent buildings have been erected for the reception of much additional machinery.

*Keosauqua, Dam No. 8.*—Is located near the site of the old mill dam and the contractor has progressed rapidly with the lock foundation, and has raised one of the lock walls above an ordinary stage of water so that he will be enabled to commence operations early in the spring.

As soon as it was ascertained that the state works at Croton, Bonaparte and Bentonsport, were so far advanced as to admit boats to pass, I proceeded, according to your instructions, to remove a portion of the old mill dams, at Plymouth and Keosauqua, that there might be an uninterrupted navigation for all classes of boats during the season of

high water. At each of the points above named a channel was opened through those dams one hundred feet wide, and everything removed down to the bed of the river, which, in my opinion, will admit the passage of boats without detention or risk.

The Des Moines River being once more opened, it should be the object of those having charge of the improvement to so conduct the new works, that the navigation in times of high water shall not again be interrupted.

Work has been done on the improvement, during the past season, to the amount of 30,190 dollars. The cost of the whole work, when fully completed, will not exceed 1,500,000 dollars, or 7,500 dollars to the mile, which is only about one half of the cost of a good rail-road.

Much has been said about canals and slackwater navigation being behind the age; that railroads must take their place. Let us examine the comparative cost of transportation.  $3\frac{1}{2}$  cents per mile on a ton of freight is less than the average cost of rail-road transportation. Assuming it to be 180 miles from Fort Des Moines to Keokuk, the transportation of a ton of freight, between those points, would cost six dollars and thirty cents, or  $31\frac{1}{2}$  cents per 100 lbs. Freight can be transported on the Des Moines River Improvement, between the same points, including tolls, for four dollars per ton, or twenty cents per 100 lbs., making a difference of two dollars and thirty-one and one-third cents per ton, in favor of slackwater navigation.

Assuming the transportation to be 10,000 tons of up freight, and 50,000 tons of down freight, making in all 60,000 tons per annum (which I think is not an over estimate, when our coal, plaster and hydraulic lime beds, and agricultural resources are fully developed) this, at two dollars and thirty-one and one-third cents per ton, amounts to 138,800 dollars in favor of the river improvement. The down freight on flat-boats would cost but a little more than one-half of the above sum.

It is due to M. M. Hayden, Esqr, my principal assistant, and to Jno. B. Knight, Esq., Superintendent, to say that they have performed all the duties assigned them with skill, energy and fidelity, and they have always manifested a deep interest in the progress and final completion of the work. I therefore recommend them to your kind considerations.

It is unnecessary to add that the delay in improving the navigation of the river, is attended with very serious evils to the thousands who

have settled along its fertile valley, and who have depended upon it as a means of communication with their market. The unparalleled increase of population of this portion of our State, and the strong inducements that will, for many years, still be afforded for augmenting it, make it necessary, and their real wants and requirements demand, and abundantly justify, that liberal policy, at the hands of our legislators, which has characterized the legislative action of other States in relation to internal improvements; and to recede or even to falter, would be to violate good faith, disappoint the hopes, and dampen the energies of the people of that portion of our young and enterprising State.

Respectfully submitted,

GUY WELLS, Chief Engineer.

[G]

*The Des Moines River Improvement Fund, in account with V. P. VanAntwerp, Commissioner of said Improvement.*

1852.					Dolls.	cts.
Oct 31.	To am't paid (by instalments) since Dec. 1, 1851,					
	on certificates of indebtedness issued July 1, 1851, for work done on improvement prior to that date....				9494	73
" "	" " " (by instalments) on certificates issued to J. C. Walker & Co., contractors.....				1285	00
" "	" " " on drafts drawn by George Gillaspay Register, &c. on Bangs, Brothers & Co, dated Dec. 20, 1851, payable to my order as Commissioner, &c., 30 days after date; by me endorsed and sold—and subsequently protested for non-payment.....				10166	00
" "	" " " contractors and others, for labor and materials on works at Croton, Bonaparte and Bentonsport,.....				27639	34
" "	" " " R. J. German, on contract, for clearing out snags, and opening channel, below St. Francisville.....				900	00
" "	" " " for opening "old dam" at Plymouth				110	95
" "	" " " to owners of land, for right of way, per agreement with late board of public works,.....				200	00
" "	" " " for hauling together, and piling timber drifted by the flood of 1851....				400	00
" "	" " " late president of board of Public works, a bal. due him on his acc't.				100	00
" "	" " " on order drawn on late President &c., and by him accepted.....				28	30
" "	" " " on bills for printing 500 copies annual report of Com'r and Register, with other blanks and stationery for office,.....				174	26
" "	" " " fees to arbitrators, counsel, officers, and witnesses, in arbitration cases with contractors in 1851, and with Allender & Co., mill owners,.....				946	91
" "	" " " on salaries of com'r an engineers, interest on certificates, or bonds, issued to Bangs, Brothers & Co....				2891	29
" "	" " " 201 00				1274	48
" "	" " " Balance in hand.....					
Total,.....					\$55812	62

*The Des Moines River Improvement fund, in account with V. P. Van Antwerp, Commissioner of said Improvement*

		No. of Drafts.	Dolls.	Cts.
1851.				
Dec. 1.	By balance in hand, per last acc't .....	...	535	17 <sup>3</sup> / <sub>4</sub>
" 22	" Cash received on 10 drafts, for 500 dolls each, dated Dec. 20, 2851, drawn by Geo. Gillaspv, Register &c. on Bangs, Brothers & Co., payable to my order as Com'r &c., in New York, 30 days after date, and by me endorsed and sold—discount and interest off, .....	...	4934	17
" "	" do. on <i>two</i> drafts—same as those above described—discount and interest off. ....	...	987	50
" "	" do. on <i>two</i> other drafts—same as above—discount and interest off. ....	...	987	50
" 23	" do. on <i>one</i> draft—same as above. ....	...	500	00
1852.				
Jan'y 5	" do. on <i>two</i> drafts for 5000 dollars each, same as above described, except as to amount—discount and interest off. ....	...	9870	00
" 8	" do. on <i>three</i> drafts for 500 dolls. each—same as above. ....	...	1500	00
Feb'y 4	" do. on two drafts for 500 dolls each do. ....	...	1000	00
" 27	" do. on draft on Geo. Gillaspv, Register &c., payable 10 days after sight. ....	10	500	00
" 28	" do. do. do. do. do. ....	11	500	00
March 1	" do. do. do. payable at sight. ....	12	250	00
April 3	" do. do. do. do. do. ....	13	18552	67
June 30	" do. do. do. do. do. ....	14	3551	81
Aug 13	" do. do. do. do. do. ....	15	7403	95
Sept. 3	" do. do. do. do. do. ....	16	2138	25
" 23	" do. do. do. do. do. ....	17	500	00
Oct. 14	" Cash received on draft on Geo. Gillaspv Register, &c. ....	18	2110	70
Total .....			\$55812	26 <sup>3</sup> / <sub>4</sub>

Office of Commissioner, Des Moines River Improvement, Keokuk,  
Iowa, Nov. 1, 1852.

V. P. VAN ANTWERP,

Commissioner.



[H]

## REGISTER'S ACCOUNT.

GEORGE GILLASPY, *Register,**In account with the Des Moines River Impronement* Dr.

DATE.	TO WHOM PAID.	No. of Drafts	Dolls.	Cts.
1852.				
Feb. 27	V. P. Van Antwerp, Com'r. &c. &c. ....	10	500	00
" 28	" " " " " " .....	11	500	00
Mar. 1	" " " " " " .....	12	250	00
April 3	" " " " " " .....	13	18552	67
June 30	" " " " " " .....	14	3551	81
Aug. 13	" " " " " " .....	15	7403	95
Sept. 3	" " " " " " .....	16	2138	25
" 23	" " " " " " .....	17	500	00
Oct. 14	" " " " " " .....	18	2110	70
Nov. 25	" " " " " " .....	19	600	00
	Balance on hand, Nov. 30th, .....		7394	62
	Paid for office rent, blanks, printing, fuel and other incidental expenses; which is shown by books and vouchers on file in this office, ...		260	05
	Paid Jesse Williams, late secretary of Board of Public Works, in lands at \$2,00 per acre. <i>See Law, Feb. 5th, 1851.</i> .....		800	00
	Paid self on account of salary for the year 1852, ending Dec. 1st. 1852 .....		1000	00
	Paid V. P. Van Antwerp, Com'r &c., Dec. 20th, 1851, drafts on Bangs, Brothers & Co., New York, for the sum of .....		45562	30
			20000	00
	Total .....		\$65562	30

## REGISTER'S ACCOUNT.

GEORGE GILLASPY, *Register,**In account with the Des Moines River Improvement, Dr.*

Sale of Lands and Date thereof.	REMARKS.	Acres.	100ths	Dolls.	Cts.
Dec. 1852.	.....	40	...	120	00
Jan. "	.....	40	...	120	00
March, "	.....	16575	83	21019	78
July, "	.....	5253	21	6566	53
August "	.....	2408	6	3010	07
Sept. "	.....	1792	19	2240	23
Oct. "	.....	4453	12	5566	40
Nov. 30th "	.....	2693	99	3367	48
Total amount of Lands and money.....		33256	40	\$42010	49
Received from Paul Brattain, late Treasurer Board of Public Works, by John M. Whittaker and John Alex- ander, his sureties, June 30th, 1852. <i>See draft No. 14</i> <i>of Com'r &amp;c.</i> .....				3551	81
Total,.....				\$45562	30
P. S. 80 acres of the above lands was sold at \$3,00, per acre, and 400 acres sold to Col. Jesse Williams, in pursuance of law, at \$2,00 per acre, Dec. 20th, 1851, to drafts drawn by me on Bangs, Broth- ers & Co. of New York, for the sum of.....				20000	00
Total,.....				\$65,562	30
Office of Register of Des Moines River Improvement, Ottumwa, Nov. 30th, 1852.					
				GEORGE GILLASPY, Register, &c.	

# BIENNIAL REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

OFFICE OF SUPERINTENDENT PUBLIC INSTRUCTION  
Iowa City, Iowa, Dec. 6, 1852. }

*Gentlemen of the Senate and House of Representatives:*

As required by law, I beg leave to lay before you my third biennial Report.

In obedience to a joint resolution of the General Assembly, passed February 5, 1851, I compiled and arranged the University and School laws then in force, and they were assigned their appropriate place in the Code. In October following, I had five thousand copies of the laws thus arranged printed, and have subsequently distributed a sufficient number of copies to meet the present demand, which, it is proper to add, has been greatly increased by the subdivision of districts and the organization of new counties.

The first subject of importance contemplated in this report, to which your attention is respectfully directed, is the condition of the

## STATE UNIVERSITY.

The agent has completed the selection of the University Lands, and the selections have been approved by the Secretary of the Interior. By the terms of the grant the State is entitled to 46,080, acres but owing to the fact that each selection was to embrace not *less* than one section, and that many of the sections selected were fractional, we lost 48.74 acres in the final adjustment of the matter with the government. So that the actual number of acres received by the State, is 46,031.24, to-wit:

In the Dubuque district,	10,352.24	acres.
“ Iowa City, “	22,793.80	“
“ Fairfield, “	12,885.20	“

---

Total.....46,031.24 “

By a resolution of the Board of Trustees, I was instructed, in the fall of 1851, to offer at public sale all the lands then approved, with the condition that no sale should be made for less than five dollars

per acre. Such of the lands as were not disposed of at public sale, were to be sold subsequently at private sale, at the minimum valuation. In accordance with the foregoing instructions, I offered at public sale at the Capitol, on the first day of November, 1851, 35,679 acres, in forty acre tracts, being the total of the selections in the Iowa City and Fairfield Land Districts. There were only two bidders present, who purchased between them 482,74 acres, and on the first day of December following, the same individuals purchased at private sale the remainder of the section, making in all 645,14 acres, for which they paid \$3257,80, one fourth in cash, and the balance on a credit of ten years. The maximum price per acre of these sales was \$5,25, and the minimum \$5,00. The cash payments were deposited with the Treasurer of State, who subsequently loaned the amount on real estate security. The above section was located in Scott county, near Davenport. The interest due and paid on the first day of January, 1852, was \$42,72, which amount, with a small additional sum, has been expended by the Board for books, stationary and printing. A forty acre tract has since been sold in Davis county, at the minimum price per acre. The total number of acres, therefore, sold up to the present date, is 685.14, and the aggregate amount of the fund now invested, is \$3457,80. The interest due on the first day of January, 1853, is \$327,11. On the 28th of February, 1852, the Board raised the minimum price of the lands to ten dollars per acre, and appointed Mr. Anson Hart agent to dispose of them.

The Board have considered the organization of the Literary Department of the University inexpedient, from the fact that as yet they have had no funds at their disposal for that purpose.

From the Branch at Dubuque, I have never received any communication, and am informed that the trustees have taken no steps for an organization. The trustees of the Branch at Fairfield, have made considerable progress with their college edifice. Owing to the almost total destruction of the building by a hurricane some year and a half since, they have been very much embarrassed in their operations.—The building has been reconstructed, and is now nearly completed a second time. The Board have expressed a wish to have a definite part of the fund set apart for their benefit, and their connection with the parent Institution terminated. They propose to take the two sections of land located in Jefferson county as their proportion of the fund and upon condition that they shall have the exclusive control of it,

they will release the parent Institution from all further responsibility. This proposition is equitable and just, and its acceptance is therefore recommended. In case this is done, however, it is desirable that some general and similar plan should be devised at the same time, by which to terminate the connection existing between the parent institution, and the branch at Dubuque and Normal Schools. The undersigned can but regard the concentration of the University fund, as a matter of vital importance. The folly of attempting to establish so many institutions under the patronage of the State, at so early a period of our history, and with such limited means, it is believed is now obvious to all, and even the friends of the measure are at length satisfied, that their expectations cannot be realized. Communications are almost daily addressed to the Superintendent in reference to the progress of the State University, and it is with deep regret that he is compelled to return the uniform answer—that our University exists only on the statute book. Give to the branches and schools an equitable portion of the fund, or an equivalent from some other source, and then, by uniting our efforts, we may hope to endow an institution that will reflect honor upon the State, and in which we will all have and feel a common interest.

The report of J. F. Sanford M. D., Dean of the Faculty, given below, exhibits the condition of the medical department. By an act of the last session of the General Assembly, the sum of 5000, was appropriated from the proceeds of the sales of the saline lands, for the benefit of this department. In June following, I gave my assent to the prospective expenditure of the appropriation in the following manner :

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OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,  
IOWA CITY, IOWA, June 6, 1851, }

*Whereas*, by an act of the General Assembly of Iowa, entitled, "An act to dispose of the saline lands belonging to the state, and to appropriate the proceeds thereof," approved February 5, 1851, the sum of *five thousand dollars* has been appropriated and placed at the disposal of the Superintendent of Public Instruction for the use of the College of Physicians and Surgeons at Keokuk, to be paid over as he may from time to time deem advisable.

Therefore, I, Thomas H. Benton, Jr., Superintendent of Public Instruction, hereby assent to the application of said appropriation, and bind myself, and my successors in office, to pay the same over to the order of the Medical Faculty of the College of Physicians and Surgeons above referred to, as soon as the money is realized as contemplated, by the aforesaid act, for the following objects, to-wit:

To meet the debts already incurred in the erection of the present college building and the improvements made..	\$700
To complete said building.....	300
For building and furnishing an addition in front of the present edifice for cabinet, museum and library rooms for public and private collections.....	2,000
For purchasing appliance, illustrations and chemical and philosophical apparatus, &c., for the use of the various chairs.....	2,000

In testimony whereof, I have hereunto set my hand and seal, the day and year first above written.

THOMAS H. BENTON, Jr.

Sup Pub. Instruction.

As yet the Register of the Des Moines River Improvement has taken no steps for the disposition of the saline lands, from the fact, that a portion of the selections have been rejected, and others suspended by the Secretary of the Interior. Under these circumstances, the Register deemed it proper to await the final adjustment of the matter with the department at Washington. The report of the Medical Faculty, here presented, renders it unnecessary to extend this notice.

To the Hon. Thomas H. Benton, Jr.,

*Superintendent of Public Instruction :*

SIR: In compliance with your instructions, the undersigned, Dean of the Medical Department, of the Iowa State University, submits the following report of the Scientific and financial condition of said department.

Every effort has been made by the Faculty to maintain the reputation of the Institution at home and abroad. With this view, it has

been their aim to make the Courses of Instruction in the different departments of Medical Science thorough and complete, and to present to the students entering the school, all the facilities, which are found in older institutions, and which are regarded by the profession as essential to the successful prosecution of Medical Studies.

The zealous competition now existing, in various parts of the country, between institutions devoted to the cultivation of Medical Science—the ease and cheapness with which every point may be reached by the Medical Student, render it essential for those wishing to achieve permanent success in an enterprise of this character, to accumulate every appliance possessed elsewhere, as well as in their use, to meet expectations naturally associated with them. Propitious locations, although in some respects beneficial, have but little to do in determining the perpetuity or prosperity of Institutions of Medicine, and the same is true respecting all other considerations, which do not immediately relate to the intrinsic merits of such establishments. It may therefore be said, that when a Medical School has sustained itself, through several prosperous sessions and established a fair reputation with those who have had opportunities to investigate its claims, that its capacity for continued existence is sufficiently demonstrated, and that it is a suitable object for public encouragement. By the fostering care of the profession, in the more immediate vicinity of the School, a Medical Journal, which was intended to be the exponent of its principles, as well as the medium of our local Medical literature, has been well sustained, and has done much, as the undersigned flatters himself, to secure for us the friendship and attention of the profession abroad. More than thirty Journals published in Europe and America have favored this periodical with a regular exchange, and from these repositories of valuable Medical truth, the Faculty have been enabled to notice the progress of Medical science, together with the recent acknowledged improvements in the methods of teaching.

No material change have been made in the curriculum of Collegiate studies, since the last report from this department. The American Medical Association, whose labors in the cause of Medical Education it is a primary object of this school to promote, and whose recommendations it desires to carry out, seemed to recognize, at its last meeting, in Richmond, Virginia, Six Professorships or Chairs as sufficient to carry out all the legitimate objects of Public Medical In-

stitutions; acting upon this sanction, and desiring to bring their facilities as much within reach of the pecuniary abilities of Physicians and students as possible, the Faculty consolidated two of the Chairs previously existing, into one, and thus reduced the number of the Professorships into six. In this respect they have followed the example of other schools in the country, and as far as they can observe, the change is generally sanctioned. A further slight modification relates to the time of opening the course of lectures. Heretofore the regular annual session has opened on the first Monday in November. The storms and breaking up of the roads occurring about this time, rendered a journey from many parts of the country to this city difficult or impossible, and induced the Faculty to announce the opening of the present course, two weeks earlier than usual. The objects of this change have been realized, and our present session opened under pleasant and agreeable circumstances.

Although our classes have undergone no very sensible augmentation in respect to number, their enthusiasm and confidence seem to increase with each succeeding session. The present class, numbering over twenty Matriculants, with a certain prospect of a considerable addition to that number as the session advances, are highly respectable in their preliminary acquisitions, and will represent the Institution creditable at home or abroad. Amongst them are several who have attended a course of lectures in some of the older Institutions in the United States, and whose selection of this School as their final *Alma Mater* encourages us to claim a favorable comparison with the older schools.

At the last annually commencement, held on the 25th of February, 1852, the degree of Doctor of Medicine was duly conferred upon seven Gentlemen, who had fully complied with the regulations of the College, and passed an examination before the Faculty. At the same time the *Ad Eundem* degree was conferred upon two, and the Honorary degree upon one—all of whom had deposited with the Faculty satisfactory evidences of good standing in the profession. These Degrees were conferred by Professor A. S. Hudson, by authority of the Hon. President of the University, Thos. H. Benton, Jr., whose public duties prevented his attendance upon the occasion.

It gives the undersigned pleasure to say, that the principal basis upon which the Faculty predicate their hopes of success and usefulness, has been afforded by the liberality of our General Assembly.



The application of \$5000, which constitutes their generous response to our application for aid although inadequate to the full development of this department, has enabled us to accumulate resources almost essential to our continued existence. It would also be an uncalled for suppression of grateful feeling, if we did not, before proceeding to exhibit the financial condition of this department, express our heartfelt acknowledgments to the Honorable Superintendent of Public Instruction, who, in any stage of its progress, since it came under his enlightened supervision, has given it his most friendly and valuable attention. Such views as he has illustrated in the encouragement of a liberal profession, can only exist in a mind which is full of generous virtues, and swayed by benevolent impulses toward all the world.

The report of the finances which it becomes the duty of the undersigned to make in connection with this department, relates to the application of the \$5000 appropriated by the General Assembly. This appropriation having been made in the Saline Lands belonging to the State, to the sale of which, the consent of Congress was necessary, the undersigned with the advice and consent of the medical Faculty, made an arrangement with the City of Keokuk, by which, the money could be obtained until this consent was given, and the Lands disposed of according to Law. The sanction of the Superintendent of Public Instruction to such an application of the fund as was desired by the College, was also previously obtained. The consent of Congress to the sale of the Saline lands belonging to this State, was given during the last session of that body, and the act forwarded to the undersigned, and also, as he learned, to the Superintendent of Public Instruction, by both of whom, it was immediately sent to the Register of the Des Moines River Improvement, whose duty it was to sell these lands. Owing to the obligations of certain contracts that rested upon the Medical Department of the University and which became more onerous every day, it was sincerely hoped, that the officer referred to, would make the sales of the Lands as soon as possible. Although several months have elapsed, since the copy of the act of Congress authorizing the sale was placed in his hands, nothing has yet been done, and the Faculty would earnestly ask your attention to this matter in such a way as will facilitate the sale of the Lands, and release them from the embarrassment which his delay has occasioned.

The contract for the sale of the City Bonds, issued for the benefit of the College, was made with Messrs. Bangs & Brother of New York, who failed to meet their contract except to the amount of \$1600,00. The *remaining bonds* were deposited with the House of Cox & Shelley of this city, by whom payments as shown below, were made for the Institution. A part of the indebtedness, of the College, yet remain unpaid, and will not probably be met until the sale of the Saline Lands.

#### TABULAR EXHIBIT.

Amount paid by Messrs Bangs & Brother.....\$1600 00

The account of the expenditure of this money, was kept by the Hon. Mayor of this city with whom the principal portion was deposited, and to whom vouchers for the whole was exhibited and approved. The following is an exact copy of the account rendered by him,

Amount paid R. P. Gray, contractor on College building.	\$761 00
" " Boatmen for lumber.....	15 00
" " J. A. Graham, cash advances,.....	81 25
" " Shepherd & Volantine,.....	60 00
" " Cleghorn & Harrison,.....	50 61
" " Edward Tarbrel,.....	4 60
" " Benjamin Pike, Jr. New York, chemical apparatus,.....	127 00
" " do do microscope.....	148 00
" " Joseph Brano wax specimens,.....	54 00
" " C. E. Isaacs,.....	125 00
" " J. L. Hatch (agent).....	9 37
" " George Frimann,.....	100 00

Bill of expenses incurred in trip, from Keokuk to New York and return as per bill of particulars giving the items, &c.,.....	132 25
Drayage, Porterage, &c.,.....	4 60

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\$1,672 89

#### COPY OF MAYOR'S CERTIFICATE.

I hereby certify, that John F. Sanford, Dean of the Medical Institute &c., of the city of Keokuk, Iowa, produced to me full and satis-

factory vouchers for the payments made by him as Dean as aforesaid to the amount stated, say \$1672.89, which will overpay the amount which was deposited in my hands as Treasurer the sum stated, seventy-two dollars and eighty-nine cents.

(Signed)

JOHN A. GRAHAM.

February 6th, 1852.

The principal part of the sum specified above was paid on the contract for building the new College edifice, and to liquidate debts of the Institution previously incurred. The remainder was expended in the purchase of Chemical Apparatus, an Achromatic Microscope, Pathological Preparations and other appliances for teaching. It is a source of much regret to the undersigned, that a number of very fine wax preparations, purchased of Mr. Joseph Brano, New York, were nearly all broken on the way. They were shipped late in the fall and did not reach Keokuk until the following Spring, and the frequent moving of the boxes in a rough manner in the Warehouses where they were detained; was the probable cause of the loss.

The money expended as above, was paid by Messrs. Bangs & Brother, upon two bonds issued by the city of Keokuk, of one thousand dollars each, and there remains unpaid upon these bonds about three hundred and fifty dollars, which is due from Messrs. Bangs & Brother.

The remaining three Bonds, of one thousand dollars each, were deposited with the house of Cox & Shelley of this city, some time in last June, to release a judgment upon the College buildings held by the contractor R. P. Gray, and to pay certain demands held by different persons against the institution.

The following memorandum rendered by said house, will show the amount which they have paid on this account.

(COPY.)

*College of Physicians and Surgeons, of the Iowa University;*

*In account with Cox & Shelley.*

1851, Sept. 15th, Amount of order from Doct. Hudson, ..	22 71
Dec. 12th; To amount paid Shepherd & Volantine for	
Lumber .....	103 75
1852. Interest on the above after 4 months .....	4 41
Sept. 13th, For an acceptance in favor of J. M. Kershaw	86 25.
“ 27th, “ “ “ “ J. Wickersham	88 50.
Oct. 1st “ “ “ “ R. L. Wilson..	128 00.

Judgment against said College obtained by R. P. Gray on Jan. 31st, 1852, and assigned to us by said Gray.....	1352 66
Interest to date.....	104 79
Bonus given us for taking Judgment.....	10 00
Nov. 8th, Order from C. F. Conn.....	79 80
From A. Hamlen & Co.,.....	60 00
“ Schirffelin Haines & Co.....	73 25

Amount paid by Cox and Shelley.....\$2203 32

The amount of indebtedness for the payment of which no definite arrangement has been made, is a part of what was incurred before the appropriation was made to the College of Physicians and Surgeons, and is embraced in the amount which the Superintendent of Public Instruction authorized to be paid out of this fund: See Document in Superintendent's office, dated June 6th, 1851.

Amount paid by Messrs. Perkins & Pitman to L. J. Zwart interest to date,.....	33 56
Paid by C. Garber & Co. with interest to date,.....	182 50
“ “ J. E. Burke “ “ .....	61 83
Balance due Messrs. Curtis & Gilmore,.....	78 51
Amount due Mr. Dewey, (about) .....	75 00
“ “ J. F. Sanford for money paid for chemical apparatus and other purposes.....	297 00
“ paid by Wm. Anderson to Zwart.....	41 38
“ “ “ Bridgeman & Reed,.....	125 00

Total,.....\$894 78

#### RECAPITULATION.

Amount paid out as per certificate of J. A. Graham Mayor	1672 89
Of which 72,89 is embraced in J. F. Sanford's claim,....	72 89

1600 00

Amount paid by Cox & Shelley.....	2203 32
Debts remaining unpaid,.....	958 07

Whole Indebtedness .....\$4761 39

If the Saline Lands belonging to the State could be sold at an early

day, so as to realize the interest which the Medical College has in the proceeds of the sale, by virtue of an act of the General Assembly, the Institution could pay the debts as well as the constantly accruing interest and thus easily maintain their solvency and credit.

JOHN F. SANFORD, Dean.

#### NORMAN SCHOOLS.

Under the provisions of the supplemental act of February 5th, 1851, the undersigned proceeded, immediately after the adjournment of the General Assembly, to appoint the trustees of the Normal Schools located respectively at Mount Pleasant and Oskaloosa. No report has been received from either of those institutions, except the one at Oskaloosa. The report presents in a specific form, all necessary information respecting the progress of the school, and is therefore laid before you without comment.

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*"To the Hon. Thomas H. Benton, Jr.,*

*Superintendent of Public Instruction:*

In accordance with chapter 72, of the Code of Iowa, which provides, that the Board of Trustees of the Normal Schools shall meet on the first Wednesday in April of each year, pursuant to notice, the Trustees of the Oskaloosa Normal School, met at the court house, in Oskaloosa, on said first Wednesday of April, 1852. A quorum being present, the board proceeded to elect their officers and the result of said election was, that Micajah T. Williams was elected President, Henry Temple, Vice President, and Henry Blackburn, Secretary, Treasurer and Librarian. Vacancies from removal, inability and other causes have occurred, and have been at different times filled by the Superintendent of Public Instruction.

On the 8th day of January, 1852, subscriptions were opened and circulated through the county, by the trustees and friends of education, and up to this date, the sum of \$2473.60 has been subscribed. On the 17th day of April following, the board selected a site on which to erect the building. Four acres of land adjacent to the town was selected, and a deed in fee simple for the same was procured. A plan of the building was procured from Mr. Harris, an experienced builder,

and on the 23rd of June, the board met and received sealed proposals for the masonry, brick and carpenter's work. Messrs. Harbour and Harris, being the lowest and best bidders for the former, and Messrs. Leighton & Houts for the latter, they were respectively contracted with for the different portions of the work. On the 3rd of July, 1852, the corner stone of the edifice was laid in due form, and appropriate addresses were delivered on the occasion.

The building is 52 by 34 feet, and two stories high—each story 12 feet in the clear. It is constructed of brick, with a stone foundation 4 feet high, and a flat cement roof. The height, from the rock foundation, is 30 feet. There are two rooms on each floor, with a hall in the centre, 10 feet wide. The work has been somewhat retarded in consequence of the difficulty of obtaining lumber, the Mississippi being the nearest point at which pine lumber could be procured. Great credit is due to the contractors, each having manifested a desire to complete their engagements as early as practicable. The walls are now raised to the height of 20 feet, and the contractors give us the most positive assurance that the building will be covered by the 20th day of November next, and the board are making arrangements for furnishing it, with the view of occupying it the coming winter. Out of the above sum of \$2473,60 subscribed, half of which became due on the first day of July last, \$1147,35, up to this time, has been collected and expended. The residue of the subscription, amounting to \$1326,25, falls due on the first of November next, at which time we are assured it will be promptly paid.

The Oskaloosa Normal School commenced its first session on the 13th day of September 1852, in the court house, under the charge of Prof. G. M. Drake and lady, and up to the present time 47 pupils have been admitted to the various branches of Reading, Writing, Arithmetic, Geography, English Grammar, Algebra, Geometry, Philosophy, Latin and French, and taught at the following rates of tuition for the term of 12 weeks, to-wit: first class students \$3,00, second class, \$4,00 and third class \$5,00.

All of which is respectfully submitted.

STEPHEN ROACHE, Prest. pro. tem.

HENRY BLACKBURN, Secretary.

Oskaloosa, October 6, 1852.

As recommended in a former, and intimated in another part of this report, I am still of opinion that some plan should be adopted

for the separation of these schools from the State University. By the terms of the act establishing them, each school is to receive annually the sum of five hundred dollars from the University fund. The school at Andrew has been in operation since the 21st of November, 1849. The citizens at that place have raised the necessary amount for the erection of buildings, to entitle them to the annual appropriation from the University fund, and yet they have received nothing from that source, and cannot until a much larger amount of the fund has been invested. The school at Oskaloosa, as shown by their report, has far exceeded the requisitions of the law in raising means for the erection of buildings, but it is not likely to receive any aid from the University fund for years to come. Under these circumstances it would certainly be better to assign them a definite portion of the fund, and let their connection with the University cease, and thus free them from the embarrassments naturally growing out of that connection.

#### DEAF, DUMB AND BLIND.

By a conference with the Auditor of State, it was deemed necessary to require new certificates from those wishing to avail themselves of the appropriation made, by the act of the last session, for the relief of the deaf, dumb and blind. The annexed statement shows the amount received by each under the new law.

NAMES.	Impediment.	Age.	County.	Date of Certificates.	Amount.
Dennis A. Dewey,.....	deaf and dumb,	13 years	Johnson,	July 12, 1851	200 00
Nancy Walters,.....	blind,	18 "	Iowa,	Aug. 5, "	100 00
Rhoda Bowen,.....	do	25 "	Johnson,	" 9, "	100 00
Josephine Porter,*.....	do	11 "	do	" 16, "	50 00
Elizabeth Ann Beall,.....	deaf and dumb,	12 "	do	" 16, "	100 00
Helen A. Brabrook,.....	do	12 "	Scott,	" 21, "	200 00
Susannah McClure.....	do	11 "	Louisa	Sept. 21 "	100 00
William Bryan,.....	do	16 "	Iowa,	" 25 "	100 00
Samuel Houston Black,.....	do	10 "	Marion,	Oct. 23, "	100 00
William Gunn,.....	blind,	15 "	Clinton,	" 27, "	100 00
James A. Gilliland,.....	do	21 "	Johnson,	Nov. 11, "	100 00
Milton Vandyke.....	deaf and dumb,	18 "	Lee,	Dec. 8, "	100 00
Sophrona Wellington.....	do	25 "	Louisa,	" " "	200 00
Peter Moore.....	blind,	17 "	Van Buren,	" " "	100 00
Fanny Whait.....	deaf and dumb,	13 "	Buchanan,	" " "	100 00
William Fell, Jr.....	do	21 "	Muscataine,	" 13 "	100 00
David Fell,.....	deaf, dumb and blind,	26 "	do	" " "	100 00
Elizabeth Thomas.....	blind,	21 "	Page,	" 15 "	100 00
Eliza Jane Plott.....	deaf and dumb,	10 "	Davis,	" 24 "	100 00
James Kemp,.....	do	11 "	Johnson,	Jan. 14, 1852	100 00
Sarah Davison,.....	blind,	28 "	Louisa,	" " "	100 00
Alesephe Witham,.....	deaf and dumb,	11 "	Jefferson,	Feb. 7 "	100 00
Elizabeth Matthew,.....	do	18 "	Wapello,	" 7 "	100 00
William F. Hoover.....	do	29 "	Madison,	March 1 "	100 00

\*Fifty dollars drawn for the same year under former law.



Angeline Packwood,.....	deaf and dumb,	13 years,	Wapello,	March 27, 1852,	100 00
Elin C. Johnson, .....	do	22 "	Appanoose,	" " "	100 00
John F. Wendel.....	blind,	15 "	Jackson,	" " "	100 00
Matilda C. Bayles,.....	deaf and dumb,	13 "	Henry,	April 12, "	100 00
Rebecca Cameron,.....	blind,	11 "	Jackson,	May 4, "	100 00
Total .....					<u>\$3,150 00</u>

The following is a statement of the amount drawn under the first law since the date of my last report:

Andrew Ensinger.....	dumb,	21 years,	Johnson,	Jan'y 4, 1852.	50 00
Isaac M. Easley,.....	blind,	16 "	Wapello,	" 14, "	50 00
Rhoda Rowen,.....	do	25 "	Johnson,	" 16, "	50 00
Josephine Porter,.....	do	11 "	do	" 22, "	50 00
John F. Wendell,.....	do	14 "	Jackson,	" " "	50 00
Total .....					<u>\$250 00</u>

Thus it will be seen that the total amount drawn under both acts, since the date of my last report, is \$3,400 00.

## FIVE PER CENT FUND.

In November last, I received from the Comptroller of the Treasury of the United States, the sum of \$6464.36, the amount of the five per cent fund due the State of Iowa, for the year 1850. This sum, with \$7.00 premium on draft, \$6471.36, I apportioned among the several counties as follows:

Alamakee.....	\$ 30 00
Appanoose.....	105 57
Benton.....	25 00
Boone.....	35 00
Buchanan.....	35 54
Cedar.....	130 00
Clayton.....	138 18
Clinton.....	82 71
Dallas.....	35 00
Davis.....	273 06
Decatur.....	37 17
Delaware.....	70 94
Des Moines.....	415 26
Dubuque.....	316 69
Henry.....	334 47
Iowa.....	50 00
Jackson.....	209 08
Jasper.....	40 68
Jefferson.....	367 20
Johnson.....	203 27
Jones.....	200 00
Keokuk.....	165 33
Lee.....	546 75
Linn.....	248 00
Louisa.....	218 88
Lucas.....	25 00
Madison.....	50 00
Mahaska.....	265 00
Marion.....	159 12
Marshall.....	30 00
Monroe.....	120 00
Muscatine.....	200 78

Polk, .....	130 00
Poweshiek, .....	35 00
Scott, .....	196 22
Van Buren, .....	425 61
Wapello, .....	290 26
Warren, .....	30 00
Washington, .....	200 59

Total,..... \$6471 36

The annexed statement exhibits the condition of the five per cent. fund, so far as the undersigned has had any connection with it.

## DR.

To dividend for 1847 (including \$20,00 premium).....	\$16,442,05
“ “ “ 1848 .....	9,105,52
“ “ “ 1849 (including \$10,98 premium).....	5,708,44
“ “ “ 1850 (including \$7,00 premium).....	6,471,36

Total amount received,.....\$37,727,37

## CR.

By loan to State, per act of Jan. 12, 1849,.....	\$16,442,05
“ “ “ “ 13, “ .....	6,000,00
“ Amt. paid Fund Com'rs, in lieu of tax &c.,.....	751,82
“ “ “ “ in Monroe county,.....	162,26
“ “ apportioned to Fund Com'rs, Nov. 19, 1850,.....	5,566,18
“ Loan to State, per act of Feb. 5, 1851,.....	3,353,70
“ Amt. apportioned to Fund Com'rs, Dec. 24, 1851,....	6,471,36

Total amount disbursed,.....\$37,727,37

I learn from His Excellency, the Governor, that he has recently been notified by the Comptroller of the Treasury that the amount of this fund due the State for the year 1851, is \$11,901,90. So soon as the money comes into the hands of the undersigned, it will be apportioned among the several counties as heretofore.

## SCHOOL LANDS.

The agents appointed to select the lands donated to the State, under the act of Congress of the 4th of September, 1841, familiarly known as "the five hundred thousand acre grant," have reported to this office, 498,101,84 acres, namely:

From the Dubuque District.....	292,290,02	acres
"    Iowa City,    "    .....	81,821,27	"
"    Fairfield,    "    .....	100,335,64	"
Add to the above, selections made by the Fund Commissioners under former law,.....	23,654,91	"
		<hr/>
Total amount selected,.....	498,101,84	

On the 3d of September, 1851, I ordered into market, at the appraised value, all of the lands in the organized counties which had been approved by the Secretary of the Interior, except those in the counties of Wayne and Winneshiek. These two counties were excepted in consequence of some doubt as to the election of Fund Commissioners. The lands in the former county, were ordered into market on the 17th of May, 1852, and those in the latter, will be attended to at an early day.

A large portion of these lands are located in the unorganized counties, and are consequently beyond the jurisdiction of the Superintendent, his authority to order sales being limited to the *organized* counties. Most of the tracts are occupied by settlers, and some of them in a high state of cultivation. They are constantly exposed to the depredations of the lawless, and the school fund is deprived of the revenue that might be derived from them. Thus it is essential that some additional provision shall be made to protect them from waste, and also to bring them into market without further delay.

## SCHOOL FUND.

Subsequent to the close of the last session of the General Assembly, I had a uniform set of books prepared, in the City of New York, for the use of the Fund Commissioners. In doing so, I adopted the simplest arrangement by which the accounts may be *accurately* and *uniformly* kept. They cost, delivered at my office, \$9,50 per set, and are sufficiently comprehensive to embrace all the financial affairs

pertaining to the management of the School fund. They consist of a register for the sale of lands, with appropriate columns for the name of the purchaser, date, description of land, the number of acres (designating the grant to which each tract belongs,) price per acre, amount in cash, and amount on credit of each sale.

A record of mortgages, showing the name of the mortgageor, date of the mortgage, value of the property mortgaged, amount of loan, and renewal or canceling of mortgage.

An interest record, showing the amount of interest due annually from each loanee or purchaser, the amount paid, and the amount delinquent.

An apportionment record, for the annual apportionment of school money, exhibiting the character of the funds apportioned, the number of children, the amount apportioned to each district, and the date of payment to the district treasurer.

A blank record, for recording contracts and certificates of final payment.

It is believed that these books, with the occasional addition of a blank record, are sufficiently extensive to embrace all the school lands in the State. The simplicity of the arrangement, renders it comparatively easy to transfer the business from one officer to another and the affairs of the office may hereafter be examined with one hundredth part of the labor now required.

My design was to deliver these books in person, and at the same time to examine minutely the affairs of the office, and transcribe the financial business into them. With this view, I commenced a tour through the State last spring.

The task proved to be much more arduous than at first supposed requiring from one to three weeks in each county. The labor was greatly increased, where the business had passed through the hands of several officers. It soon became obvious, that I could not complete the work as contemplated prior to the commencement of your present session. I proceeded however with my original plan, and succeeded in examining the offices of ten counties, in the manner above indicated, and should have accomplished much more had not the sickness of my family rendered my return home imperiously necessary.

I am happy to state, that so far as these investigations were extended, no defalcations were discovered. The business of the respective officers, though in some instances much confused and garbled, was

found to be correct, so far as the investment of the school fund was concerned, when arranged in a manner to render it intelligible.— There were no developments calculated to impeach the honesty of the officers. Omissions, erroneous calculations and entries, however, were frequent, and served to confirm the convictions of the undersigned, that many of the reports heretofore made to this office were incorrect. Commissioners have generally been able to render a correct statement of the business transacted by themselves, but in attempting to present that of their predecessors, it has been about half guess work.

I purpose resuming my labors early in the coming spring, unless otherwise ordered, and shall extend them to the entire State. When through with the examination, I design presenting a full statement of the condition of the school fund in a supplemental report, at the close of my official term, for which I shall be prepared to vouch. For the present I beg leave to refer you to the abstract of the reports of the Fund Commissioners hereto annexed.

Before dismissing this subject, it is proper to invite your special attention to the fact, that under the act of February 25, 1847, by which the office of Fund Commissioner was created, some of these officers paid their salary out of the *principal* of the school fund. This matter was presented in my former Reports, but without eliciting any definite action on the part of the General Assembly. A portion of these payments were made before the undersigned sustained his present relation to the school system, and all of them without his knowledge. Under the act above referred to, the Commissioners, without consulting the Superintendent, were authorized to pay themselves, with the approval of the County Commissioners, "*out of the School Fund.*" The ambiguity of the law led to different constructions, and the result was that some of the Commissioners deducted their salary from the interest, and others from the principal of the fund. In my examination of the offices thus far, I have ascertained definitely the amount of the fund thus appropriated, and shall be careful to do so in all future investigations. If therefore, it is deemed advisable to reimburse the principal out of the interest, the undersigned will cheerfully conform to your instructions. Without such instructions, however, he does not feel himself authorized to act.

In travelling through the State, I have lectured whenever opportunity offered, and regret that I have had repeated calls from various

quarters that could not be answered, in consequence of the multiplicity of other engagements. At a majority of the places at which I had the pleasure of lecturing, a degree of interest was manifested by the people which augers well for the future prosperity of our school system.

## AMENDMENTS.

A few amendments to the school law have been suggested, to which your attention is respectfully invited.

The Secretary of State should be authorized to procure duly authenticated plats of all State lands, and also a set of tract books in which to make his entries when patents are issued. Without them it is impossible to detect errors made in the sale of lands by subordinate officers. Certificates of final payment are frequently issued, in part or in whole, for the same land to different persons. Such an error would be readily perceived by reference to the plats and tract books. The Secretary has issued 1061 patents for school lands alone, and unless he is furnished with the necessary records to keep a correct statement of them, it will become exceedingly difficult in future time to trace the title of lands sold by the State. The undersigned flatters himself, that a matter of so much importance will be neglected no longer.

The provision, if made, would belong more properly to the law regulating the Secretary's office.

When it becomes necessary for school districts to raise money by taxation, the Secretaries should be empowered to list and assess the taxable property, without reference to the assessment roll of the county. It is often more difficult for them to correct the transcript furnished by the county assessor, than it would be to list the property themselves.

District officers are required to take the oath of office before a "justice of the peace." It would suit their convenience better to permit them to qualify before any one authorized to administer oaths.

Some more specific method of admitting non-resident pupils to the public schools is required. For instance, a gentleman having in his employ a boy residing in an adjoining district, desired to send him to school in the district in which he himself resided, and paid tax for the erection of the school house, upon the condition that he should pay

the full amount of tuition required, without availing himself of the benefit of the public money; but the directors refused to admit the pupil upon any terms, on the ground that he was not a resident of the district. Express provision should be made to prevent such flagrant injustice.

Some of the larger towns have expressed a desire, that the law should be so amended as to enable them to continue their schools through the years. Such, I would remark, is the practice of other States. The Cities and larger Towns are provided for by special laws, suited to their circumstances. They receive their proportion of the public money under the general law, and are then empowered to raise such additional means and make such additional regulations for the benefit of their schools as they may think proper. It is upon this principle that the schools of the Atlantic Cities have attained their present high degree of perfection and while the plan proposed is of great utility to the larger towns, it is not at all detrimental to the districts in the country. An amendment, therefore, applicable to the case, is respectfully recommended.

The passage of a *rate bill*, is also recommended. The rate bill has been adopted by nearly all the States that have made any considerable progress in popular education. It provides for the collection of the balance due on tuition after the expenditure of public money.—For instance, the district meeting may vote to continue their school for a term of six months. The directors accordingly employ a teacher for the term, at \$20,00 per month, making the amount due for tuition at the end of term \$120,00. To meet this demand, they have only \$50,00 of public money, leaving a balance of \$70,00 to be met from some other source. The rate bill simply authorizes the directors to assess and collect this balance from persons who patronize the school, in proportion to the number of children sent by each.

It is also a matter of importance that it should be made obligatory upon school districts to divide the public money between the summer and winter terms. Some districts appropriate the whole amount to the summer term, thus excluding that class of pupils who can only attend school during the winter term. Others appropriate the whole amount for the winter term, when the effect is *vice versa*.

The present law requires the Fund Commissioners to report the names of persons delinquent in the payment of interest, to the Prose-



cuting Attorneys. The Prosecuting Attorneys are often tardy in making collections, and generally charge pretty liberal fees for their services. This duty may just as well be performed by the Fund Commissioners. The costs and fees of collection, should in all cases be paid by the delinquent, and not by the school fund.

Some definite action should be had in reference to the compensation of township trustees, for allotting and appraising section sixteen. Bills are constantly presented for such services, and some of them very extravagant—amounting to thirty or forty dollars for one section. I have uniformly given it as my opinion that the law makes no provision for expenses of this character incurred since the 12th of January, 1849. At that time a law was passed for the payment of trustees and surveyors, but it was simply *retrospective* in its operation.

The act above referred to, may be found on page 73, of the Statutes of 1849. It is essential that you settle this vexed question by some express enactment. I am disposed to regard this expense a needless one, as the duty would be as well and perhaps better performed by the Fund Commissioners themselves.

Some Commissioners have felt themselves authorized to purchase school lands and borrow school money of themselves. In this view the undersigned has felt himself compelled to differ with them, from the fact that it seems to be at variance with the spirit, and not authorized by the letter of the law. The question is therefore presented for your investigation, as your decision will settle the issue.

Sundry amendments have been suggested to the Superintendent relative to the present mode of forming and altering schools districts, but he has no recommendations to make on the subject. His views heretofore expressed, are unchanged. I have uniformly advocated *large districts and permanent boundaries*, and if such a policy will not obviate the confusion and discord growing out of the formation and alteration of districts, I know of no plan that will. It is a matter of but little moment as to what officer the performance of this duty is entrusted, for the difficulty will be perpetuated just so long as that officer is authorized to alter the boundaries of districts at pleasure.

The propriety of abolishing the office of School Fund Commissioner, has excited considerable interest in the public mind during the past year. For myself, I am satisfied that the present system for the management of the School fund is by no means the best, and it is a

matter of regret that it was ever adopted. The undersigned has always advocated and is still in favor of a State Land Office, for the disposition of all State lands and the funds arising therefrom. It may be urged with propriety that it would be much more difficult to effect the proposed reformation now, than it would have been when the subject was first presented by the Superintendent, in his report of December 4th, 1848. But when the future advantages to be derived from it are deliberately considered, the argument is still in favor of attempting it, even at this late day. Under such a system the expenditures would doubtless be diminished, and the school fund might still be loaned in the several counties, in proportion to population.—Indeed the distribution would be much more equal, than it now is.—For instance, in Alamakee County, with a population of 2000, the amount of the fund invested, is 27,407.65; in Fayette, with a population of 2065, it is 29,882.89; in Cedar, with a population of 4971, it is 10,081.60; and in Linn, with a population of 6890, it is 19,951.77. So the argument of equality in loaning the money, in favor of the present system, amounts to nothing.

The amount paid Fund Commissioners for salary for the year commencing April 1, 1851, and ending March 31, 1852, is \$8,458.50, and for contingent expenses for same period \$842.90—total \$9,301.40. The amount reported to this office up to date (several counties not heard from) for salary for the year commencing April 1, 1852 and ending March 31, 1853, is \$8,593.30, and for contingent expenses for same period \$724.77—total \$9,318.07. See annexed statement of apportionment for the year 1851.

It should be borne in mind that any plan for the management of the school fund, must be attended with more than ordinary expense, until the school lands are disposed of. The great end to which my efforts have always been directed, will be attained when we succeed in devising the safest, most accurate and economical method of carrying into effect the educational provisions of the constitution. In case any further change is considered inexpedient, the expenses of the present system may be decreased by blending the office of Fund Commissioner with some one of the county offices, in which event the salary might be regulated by the county Judge and reported by him to the Superintendent. If a more radical change is determined upon, it may not be improper for the undersigned to suggest that it should

be *prospective* in its operation. Thus the facts have been briefly presented for your consideration and without further comment, I beg leave to commit the matter to your hands, feeling assured that, whatever may be your action, your purpose will be to husband the fund and provide for its faithful application.

I have the honor to be

Very Respectfully,

Your Obedient Servant,

THOMAS H. BENTON, Jr.,

Sup. Pub. Inst.

AN ABSTRACT of the Reports of School Fund Commissioners, for the period commencing October 15, 1850, and ending October 31, 1851—embraced in statements A. and B.

## A.

COUNTIES.	No. of organized Districts.	Number of persons between 5 and 21 years.	Number of district schools.	Number of pupils in schools.	No. of teachers employed.		Compensation of teachers per month.		Number of days schools have been taught.	Number of volumes in Library.
					Male.	Female.	Male.	Female.		
Alamakee .....	14	616	6	91	4	6	59 33	\$36 33	777	
Appanoose .....	30	1,615	16	397	14	2	159 66	15 50	981	
Benton .....	10	239	1	28	.....	1	.....	11 35	234	
Buchanan .....	11	259	3	95	2	1	.....	14 08	176	
Boone .....	7	362	6	160	4	.....	50 83	.....	317	
Cedar .....	32	1,503	26	605	16	9	261 20	48 00	1,174	
Clayton .....	40	1,558	23	530	11	14	231 33	89 25		
Clinton .....	27	1,239	20	547	14	10	167 66	69 75	7,714	
Dallas .....	12	437	2	41	1	1	15 00	8 64	120	
Davis .....	64	3,750	51	1,321	34	7	519 33	80 66	2,013	
Decatur .....	7	500	2	.....	.....	.....	.....	.....	.....	
Delaware .....	28	938	22	511	11	11	152 66	82 50	1,505	
Des Moines ...	56	4,776	50	1,910	41	16	693 72	126 56	1,270	
Dubuque .....	44	3,854	118	1,017	23	23	422 09	161 50	2,246	
Fayette .....	4	234	3	87	.....	2	.....	16 00	147	
Fremont .....	4	569	.....	.....	.....	.....	.....	.....	.....	
Guthrie .....	1	76	.....	.....	.....	.....	.....	.....	.....	
Henry .....	59	3,877	62	2,190	40	23	510 11	258 31	3,152	262
Iowa .....	12	426	2	51	1	2	15 10	17 30	294	

Jackson.....	60	2,835	40	1,413	24	36	349 18	234 23	3,999	
Jasper .....	13	614	11	211	8	4	96 33	20 82		
Jefferson .....	65	4,463	88	2,869	51	23	849 70	186 83		
Johnson.....	42	1,765	38	782	18	19	322 22	111 66	2,668	
Jones.....	31	1,459	25	689	9	17	116 53	13 90	1,180	
Keokuk.....	26	2,098	27	811	21	5	45 38	35 40	886	
Lee .....	96	7,278	98	3,293	61	44	909 50	254 30	2,368	10
Linn .....	46	2,413	45	1,391	31	23	481 43	167 21	3,410	
Louisa.....	45	2,287	37	2,104	28	12	470 33	100 00	2,060	120
Lucas .....	3	129	1	42	1	.....	16	.....	75	
Madison .....	14	577	3	120	3	.....	47	.....	905	
Mahaska.....	52	2,662	31	898	23	8	266 83	36 00	1,467	
Marshall .....	3	188	.....	.....	.....	.....	.....	.....	.....	
Marion .....	48	2,497	31	769	18	15	237 48	86 81	2,107	
Monroe .....	34	1,353	23	513	15	6	183 57	46 50	1,221	
Muscatine....	36	2,170	32	1,001	17	13	202 99	165 66	1,231	
Polk.....	30	1,554	21	585	17	4	246 55	53 00	1,010	
Poweshiek ....	9	264	2	25	1	.....	13 00	.....	165	
Scott .....	38	2,412	36	1,052	25	20	432 00	192 00	90	84
Van Buren ....	84	5,115	82	2,065	54	28	856 73	209 77	5,180	
Wapello .....	64	3,627	57	1,779	42	13	14 88	10 41	2,892	
Warren .....	9	306	1	30	1	.....	17 50	10 00	100	
Washington ..	45	2,137	39	1,016	22	13	332 15	108 40	1,598	
Wayne .....	3	174	.....	.....	.....	.....	.....	.....	.....	
Total amounts.	1,358	77,154	1,181	33,040	706	432	9,765 30	3,068 63	44,466	476

## B.

COUNTIES.	Aggregate amount paid teachers during the year, and the source from which the same was received.		Amount of teachers fund in hands of Treasurers.	Number of district school houses and of what material constructed.			Cost of district school houses.	Amount raised in the districts during the year by tax and for what purpose.		
	Teacher's fund.	Voluntary subscription.		Brick	Stone	Frame		Erection of school houses.	Contingent expenses.	Library.
Alamakee, ..	57 81	97 54	29 20	.....	.....	4	280 75	.....	.....	.....
Appanoose, ..	370 53	264 69	279 88	.....	.....	11	696 00	35 00	55 24	.....
Benton, .....	26 25	.....	8 70	.....	.....	3	280 00	70 00	.....	.....
Buchanan, ..	72 87	39 36	47 13	.....	.....	1	50 00	.....	.....	.....
Boone, .....	137 55	150 46	17 68	.....	.....	4	51 00	175 00	30 00	.....
Cedar, .....	438 61	566 40	30 26	.....	.....	14	1,701 00	1,042 97	25 20	.....
Clayton, ....	412 59	272 18	103 47	.....	.....	15	1,402 85	775 05	25 94	.....
Clinton, .....	476 63	268 98	15 43	2	.....	12	3,620 00	770 50	45 00	.....
Dallas, .....	56 00	225 00	99 55	.....	.....	1	25 00	.....	.....	.....
Davis, .....	1,136 50	786 22	293 16	1	.....	24	2,453 29	58 00	284 00	.....
Decatur, .....	.....	60 00	.....	.....	.....	2	20 00	.....	.....	.....
Delaware, .....	411 29	321 93	82 21	.....	.....	9	1,430 00	349 00	.....	.....
Des Moines, ..	1,159 80	1,013 39	66 10	5	3	12	9,366 22	5,371 57	.....	.....
Dubuque, .....	981 90	703 45	167 17	6	.....	14	.....	3,168 97	.....	.....
Fayette, .....	.....	37 47	.....	.....	.....	2	100 00	.....	.....	.....
Fremont, .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Guthrie, .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Henry, .....	1,840 97	870 66	554 59	3	.....	21	4,413 50	1,313 07	189 40	89 78
Iowa, .....	86 67	67 34	33 45	.....	.....	4	60 00	73 07	.....	.....
Jackson, .....	994 88	1,482 66	157 67	2	.....	28	.....	872 90	161 77	5 00

Jasper,.....	193 31	152 68	178 65	.....	5	95 00	50 00	33 31	.....	
Jefferson,...	2,122 55	2,131 39	315 55	3	37	4,251 54	1,799 44	159 44	.....	
Johuson,....	1,063 07	474 34	99 00	.....	12	784 75	294 93	61 25	.....	
Jones, .....	357 99	518 04	91 76	.....	12	1,035 75	338 65	75 45	15 00	
Keokuk, ....	219 29	590 04	163 50	.....	12	1,170 00	.....	.....	.....	
Lee,.....	2,716 58	1,753 39	403 58	9 1	36	7,366 11	1,403 54	359 40	47 15	
Linn,.....	1,159 12	1,244 25	181 52	1	28	2,538 00	505 00	129 30	.....	
Louisa, .....	1,415 93	677 69	162 22	3	15	3,018 00	927 89	79 69	.....	
Lucas,.....	.....	40 00	.....	.....	.....	.....	.....	.....	.....	
Madison,....	38 00	39 00	86 88	.....	3	.....	.....	533 00	.....	
Mahaska,...	844 76	257 30	358 38	.....	8	647 00	632 31	.....	.....	
Marshall,....	.....	.....	54 78	.....	.....	.....	.....	180 00	.....	
Marion,.....	641 70	681 88	151 20	.....	15	1,379 75	222 77	80 90	.....	
Monroe, ....	591 28	281 69	104 79	.....	8	695 00	245 00	26 98	.....	
Muscatine, ..	842 95	256 75	82 00	4	10	4,000 00	3,700 00	101 20	2 00	
Polk, .....	383 90	210 14	241 51	.....	14	773 40	355 00	31 20	.....	
Poweshiek, ..	62 51	32 74	76 82	.....	1	40 00	.....	.....	.....	
Scott,.....	1,210 40	697 50	54 20	5	9	2,597 00	358 95	660 85	.....	
Van Buren, ..	1,776 80	1,777 68	286 59	4	43	6,769 68	1,475 17	26 60	.....	
Wapello,....	1,437 35	817 03	329 45	.....	33	4,025 22	1,667 28	71 88	.....	
Warren, ....	84 00	53 13	24 25	.....	2	225 00	225 00	21 37	.....	
Washington, .	830 04	811 02	55 41	1	23	2,739 00	509 00	26 75	.....	
Wayne,.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
	26,676 18	20,825 41	5,487 69	49	4	504	63,412 08	25,619 95	3,475 12	158 93

An Abstract of the reports of School Fund Commissioners, for the period commencing November 1, 1851,  
and ending October 31, 1852—embraced in statements C and D.

C.

COUNTIES.	No. of organized districts.	No. of persons between 5 and 21 years.	Number of district schools.	Number of pupils in schools.	No. of teachers in schools.		Compensation of teachers per month.		Number of day schools have been taught.	Number of volumes in library.	Average number of pupils who have attended school.
					Male.	Female.	Male.	Female.			
Alamakee . . . . .	18	691	4	96	4	2	\$50 00	\$16 00	304		50
Appanoose, . . . .	37	1,928	17	477	13	4	150 32	56 50	910		331
Benton, . . . . .	10	398	4	97	1	3	16 66	19 00	261		45
Buchanan . . . . .	14	407	3		2	1	19 00	6 00	193		11
Boone, . . . . .	9	374	6	151	5	2	65 00	13 00	395		61
Cedar, . . . . .	29	1,507	32	329	16	15	267 78	92 73	1032		256
Clark, . . . . .	1	44									
Clayton . . . . .	55	2,219	19	237	8	11	102 66	64 66	999	20	287
Clinton, . . . . .	29	1,533	30	714	15	19	216 32	142 50	1729	75	583
Dallas, . . . . .	18	436	3	14	2		20 00		99		19
Davis . . . . .	70	3,764	58	1033	35	15	508 97	121 85	2685	5	488
Decatur, . . . . .	8	474									
Delaware, . . . . .	32	1,126	25	602	15	18	214 97	107 50	2161		275
Desmoines, . . . .	61	5,111	59	2389	50	35	986 22	290 16	5414	80	1790
Dubuque . . . . .	56	4,081	38	1324	26	22	536 68	273 26	3693	204	591
Fayette, . . . . .	13	519	8	241	2	7	25 11	47 66	757		172
Fremont, . . . . .	4	593	4	128	3	1	91 66	20 00	189		50
Guthrie, . . . . .	3	117									
Henry, . . . . .	67	3,859	78	2380	50	29	743 61	274 50	2903		1253



Iowa, . . . . .	17	143	5	148	2	4	30 00	28 75	491		49
Jasper, . . . . .	17	751	12	417	10	4	148 62	32 83	684		189
Jackson, . . . . .	62	2,964	55	1380	28	33	459 88	269 81	4228		1075
Jefferson, . . . . .	66	4,495	83	3041	60	24	971 25	210 41	5254		1571
Johnson, . . . . .	41	2,106	47	921	23	22	420 00	167 66	2533		379
Jones, . . . . .	37	1,738	31	604	15	17	211 76	118 53	1626		320
Keokuk, . . . . .	28	2,067	25	720	13	6	233 65	54 16	1497		506
Lec, . . . . .	94	7,483	93	2555	55	49	918 71	444 53	6433	150	1508
Linn, . . . . .	58	2,768	46	1291	33	18	482 68	129 43	2695		801
Louisa, . . . . .	51	2,383	57	1377	33	23	627 06	240 40	3744	120	923
Lucas, . . . . .	8	303	2	44	1	1	21 50	5 00	118		23
Madison, . . . . .	22	803	4	204	3	2	83 00	19 00	477		138
Mahaska, . . . . .	57	2,926	41	1070	24	12	335 22	111 72	2292		559
Marion, . . . . .	52	2,613	38	853	25	10	360 48	74 16	2848		613
Marshall, . . . . .	4	186	2	51	2		30 00		107		36
Mills, . . . . .	2	235	1	30	1		25 00		20		
Monroe, . . . . .	36	1,402	19	409	11	1	226 00	10 00	1091		128
Muscatine, . . . . .	39	2,454	35	1041	21	15	395 50	199 01	1498		594
Page, . . . . .	8	255									
Polk, . . . . .	32	1,561	19	442	6	5	261 15	52 30	1029		280
Pottawattamie, . . . . .	6	370	4		3	3	36 00	13 00			
Poweshiek, . . . . .	12	337	4	71	2	2	26 33	10 55	197		50
Scott, . . . . .	38	2,948	34	890	22	19	422 99	189 00	2753	40	481
Taylor, . . . . .	1	69									
Van Buren, . . . . .	93	5,363	100	2879	69	31	1,129 92	223 45	6222		1737



## D.

COUNTIES.	Aggregate am't paid teachers during the year, and the source from which the same was received.		Amount of teacher's fund in the hands of treasurers.	Number of district school houses and of what materials constructed.				Cost of district school houses.	Amount raised in the districts during the year by tax, and for what purpose.	
	Teacher's fund	Voluntary subscriptions.		Brick	Stone	Frame	Log		Erection of school houses	Contingent expenses.
Allamakee...	\$54 21	\$80 29	\$168 68				4	110 00		
Appanoose...	284 67	306 37	399 84				18	867 00	92 00	7 80
Benton .....	54 35	46 65	32 50				2	20 00		
Buchanan...	26 74	72 53					2	150 00	100 00	16 96
Boone.....	182 15	22 13	28 29			1	5	45 00		
Cedar .....	461 96	433 20	174 65	3		10	5	5,023 00	1,953 18	17 58
Clarke.....							1	25 00		
Clayton.....	331 71	262 59	65 75			3	7	1,055 00	340 57	15 00
Clinton.....	596 14	429 43	51 31	4	1	7	9	4,646 50	404 00	37 25
Dallas.....	36 76	26 74	113 65				3	150 00	150 00	
Davis.....	852 20	1,048 19	320 73		2	10	21	4,232 54	37 00	370 50
Decatur.....			30 00							
Delaware...	450 46	644 42	64 82			2	12	755 55	310 43	34 00
Des Moines..	2,597 54	1,784 31	845 57	13	5	25	20	13,251 76	4,581 40	155 27
Dubuque.....	1,265 76	660 75	360 25	3		8	7	3,121 47	77 03	692 70
Fayette.....	128 00	124 00	20 36				5	100 00		38 23
Fremont.....		310 00					3	80 00	59 65	
Guthrie.....										
Henry.....	2,241 76	1,502 06	519 65	1		10	23	3,911 41	491 74	97 61
Iowa.....	97 81	106 69	88 67			1	3	84 15	58 00	55 35
Jasper.....	289 06	277 54	50 13			1	6	603 50	236 00	52 00

## D.—Continued.

COUNTIES.	Aggregate amt paid teachers during the year, and the source from which the same was received.		Amount of teacher's fund in the hands of treasurers.	Number of district school houses; and of what material constructed.				Cost of district school houses.	Amount raised in the districts during the year by tax, and for what purpose.	
	Teacher's fund.	Voluntary subscription.		Brick	Stone	frame	Log		Erection of school houses.	Contingent expenses.
Jackson .....	\$1,108 76	\$1,711 67	\$169 61	3		17	23	5,718 72	788 15	159 50
Jefferson .....	1,903 04	1,849 55	254 61	4		14	35	1,861 25	392 16	227 40
Johnson, .....	750 44	718 39				5	12	1,153 50	439 77	170 00
Jones .....	544 33	376 20		1		7	11	2,261 54	136 00	10 00
Keokuk .....	627 45	469 73	134 37			1	16	1,280 49	196 29	30 00
Lee .....	3,178 77	2,366 10	325 42	11	5	21	12	10,587 96	800 75	443 44
Linn .....	838 44	1,141 74	183 24	2		5	25	3,057 45	1,344 45	103 36
Louisa, .....	1,322 64	1,671 33	240 08	6		14	13	5,841 60	1,641 78	175 25
Lucas .....	44 18	31 87	28 40							
Madison, ....	131 59	162 41	129 29			1	3	327 90	204 00	16 00
Mahaska ....	754 54	642 19	617 94	1		5	19	2,054 50	649 17	127 70
Marion .....	897 24	949 18	105 38	1		2	23	2,249 25	251 16	76 58
Marshall ...	50 87	17 12	129 60				1			
Mills .....							1			
Monroe .....	289 28	238 72	89 49			1	9	609 00		
Muscatine, ...	1,181 37	899 98	183 95	3		12	8	144 60		
Page, .....										
Polk, .....	395 28	477 72	101 37			3	14	1,304 40	160 50	140 75
Pottawattame		878 25					1	75 50		200 00
Poweshiek, ..	64 90	13 60	121 42				4	190 00	29 40	3 00
Scott, .....	1,631 46	963 17	163 75	6		9	5	4,119 40	579 00	252 48

Taylor.....										
Van Buren..	2,390 68	2,373 90	450 35	8		33	33	13,545 71	1,107 56	345 07
Wapello....	1,239 84	1,439 84	245 42	2	1	6	25	932 28	510 91	284 24
Warren.....	108 58	201 15				1	4	165 00	165 00	7 50
Washington .	1,173 76	1,018 26	303 95	2		10	18	4,015 70	546 64	62 50
Wayne .....			73 08							
Winneshiek..										
	25,913 72	28,739 55	7,845 57	74	14	245	471	99,708 70	18,821 69	4,425 12

A STATEMENT of the annual apportionment of the interest of the permanent school fund among the several counties of the State, made by the Superintendent of Public Instruction, on the 25th day of January, 1851, as required by law:

COUNTIES.	Amount un- paid.	Amount re- ported.	No. of children.	Amount appor- tioned.
Alamakee,			328	119 72
Appanoose,		147 44	1,173	428 14
Benton,		26 77	99	36 13
Boone,			250	91 25 $\frac{1}{2}$
Buchanan,		7 08	185	67 52 $\frac{1}{2}$
Cedar,		488 32	1,111	405 51 $\frac{1}{2}$
Clayton, (estimated)		664 37 $\frac{1}{2}$	1,202	438 73
Clinton,		92 09	919	335 43 $\frac{1}{2}$
Dallas,		4 16	204	74 46
Davis,		747 86	3,034	1,107 41
Decatur,			413	150 74 $\frac{1}{2}$
Delaware,	9 75	155 20	766	279 59
Des Moines,		1,550 00	4,614	1,684 11
Dubuque,	478 34	1,251 38	3,445	1,257 42 $\frac{1}{2}$
Fayette, (no fund com- missioner, do. do.)				
Fremont,				
Henry,	343 45	1,063 77	3,583	1,307 79
Iowa, (estimated)		20 00	238	86 87
Jackson,	57 00	493 18	2,212	807 38
Jasper,		55 10	452	164 98
Jefferson,		1,159 61	4,080	1,489 20
Johnson,	21 00	655 81	1,603	585 09
Jones,	227 82	516 94	1,092	398 58
Keokuk,		575 04	1,837	670 50 $\frac{1}{2}$
Lee,		1,768 78	6,144	2,242 56
Linn,	6 75	858 03	1,990	726 35
Louisa,		841 57	1,932	705 18
Lucas,			34	12 41
Madison, (estimated)		5 00	472	172 28
Mahaska,	117 67	1,211 92	2,819	1,028 93 $\frac{1}{2}$
Marion,	87 20	705 98	1,768	645 32
Marshall,			134	48 91
Monroe,	85 26	476 29	1,118	408 07
Muscataine,		727 30	1,897	692 40 $\frac{1}{2}$
Polk,		308 95	1,301	474 86 $\frac{1}{2}$
Pottawattamie, (no fund commissioner)				

Poweshiek,		82 77	192	70 44½
Scott,		778 85	1,958	714 67
Van Buren,	15 00	1,516 26	4,729	1,726 08½
Wapello,	137 77	1,667 03	3,114	1,136 61
Warren,		21 62	115	41 97½
Washington,	142 50	449 75	1,951	712 11½
Interest on State Loan from Jan. 1, 1850, to Jan. 1, 1851,		1,644 20		
Interest on Penitentiary loan, from Jan. 1, 1850 to Jan. 1, 1851,		600 00		
Interest on State boun- dary loan, from Jan. 1, 1850, to Jan. 1, 1851.		297 36		
	1,730 51	23,545 78½	64,509	23,545 78½

Sales of School Land reported by the School Fund Commissioners  
since the 15th day of October, 1850.

COUNTIES.	NO. OF ACRES.		CASH.	CREDITS.
	16th section	500,000 acres		
Alamakee,	560.00	9813.99	4512 65	8442 45
Appanoose,	3,340.00	1480.00	2981 70	3137 50
Benton,	648.75	4691.34	2719 75	4641 62
Boone,	40.00	400.00	137 50	412 50
Buchanan,	560.00	1136.80	539 72	1517 81
Clayton,	1290.00	8497.92	4279 22	8599 66
Clinton,	4343.81	7497.18	6828 77	13459 15
Dallas,	920.00	8577.18	6794 65	6201 42
Davis,	1040.00	320.00	474 15	995 85
Decatur,	440.00	3779.64	3534 57	1772 69
Delaware,	1568.98	3591.47	2010 14	5380 45
Des Moines,	1280.00		600 00	1080 00
Dubuque,	1080.00	2746.49	1508 28	4284 88
Fayette,	840.00	22,514.90	12336 62	18134 24
Fremont,	560.00		340 00	660 00
Henry,	120.00		115 00	75 00
Iowa,	120.00	2940.00	1687 50	2162 50
Jackson,	1400.00	80.00	1032 50	1522 50
Jasper,	520.00	760.00	490 00	1170 00
Jefferson,	1160.00		857 50	842 50
Johnson,	1580.00		656 41	1939 21
Jones,	2637.25	9828.40	6249 48	11010 40
Keokuk,	580.00	415.26	349 77	959 30
Lee,	494.12		1426 40	1610 40
Linn,	3020.00	1123.63	2253 72	5147 74
Louisa,	1176.41		696 02	1076 18
Lucas,	540.00	40.00	642 40	937 50
Madison,	2000.00	2240.00	2515 75	4275 25
Mahaska,	1340.00	1781.80	1955 10	2085 00
Marion,	1600.00	320.00	1167 65	1518 45
Marshall,	880.00	2855.18	2458 27	2699 31
Monroe,	520.00	1021 58	905 45	1100 12
Muscatine,	1063.00		1104 91	758 77
Polk,	2448.00	1672.82	1754 01	4504 52
Poweshiek,		1700.00	1487 50	762 50
Scott,	850.00		655 00	765 00



## APPENDIX.

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Van Buren,	1567.13		1249 23	2390 09
Wapello,	860.00	80.00	410 95	921 00
Warren,	960.00	1638.13	1438 91	2182 75
Wayne,	440.00	1124.14	1365 42	840 75
Total,	46,387.45	104,677.85	83,422 22	131,979 97
Add sales reported by fund com'rs prior to Oct. 15., 1850.	110,369.40	24,977.21	94,317 52	146,284 66
Grand Total,	156,756.85	129,355.06	177,739 74	278,225 62

COUNTIES.	As allowed by county officers.		As approved by Superintendent.		Interest of the School Fund for the year 1851, apportioned on the 25th day of January, 1852.			
	Salary.	Contingent expenses.	Salary.	Contingent expenses.	Amount reported.	No of children.	Amount apportioned.	Total amt due each county.
	No. 1.	No. 2.	No. 3.	No. 4.	No 5.	No. 6.	No. 7.	No. 8.
Alamakee,	500 00	20 00	350 00	20 00		616	164 47.2	534 47.2
Appanoose,	200 00	25 00	200 00	25 00	576 56	1,615	431 20.5	656 20.5
Benton,	86 00	2 00	86 00	2 00	156 28	239	63 81.3	151 81.3
Booone,	50 00	8 00	50 00	8 00	15 00	362	96 65.4	154 65.4
Buchanan,	19 00	1 00	50 00	1 00	72 45	259	69 15.3	120 15.3
Cedar,	150 00	10 00	175 00	10 00	696 31	1,503	401 30.1	586 30.1
Clayton,	275 00	25 00	275 00	25 00	675 31	1,558	415 98.6	715 98.6
Clinton,	350 00	50 00	300 00	50 00	954 29	1,239	330 81.3	680 81.3
Dallas,	144 00	13 00	100 00	13 00	82 60	437	116 67.9	229 67.9
Davis,	175 00	25 00	200 00	25 00	1,109 06	3,750	1,001 25.0	1,226 25.0
Decatur,	150 00		100 00			500	133 50.0	233 50.0
Delaware,	144 00	6 00	144 00	6 00	318 64	938	250 44.6	400 44.6
Des Moines,	200 00	50 00	225 00	50 00	1,654 58	4,776	1,275 19.2	1,550 19.2
Dubuque,	500 00	25 00	400 00	75 00	1,616 79	3,854	1,029 01.8	1,504 01.8
Fayette,	300 00	50 00	300 00	50 00	180 07	234	62 47.8	412 47.8
Fremont,	40 00	15 00	40 00	15 00		569	151 92.3	206 92.3
Guthrie,	15 00	3 00	15 00	3 00		76	20 29.2	38 29.2
Henry,	150 00	10 00	200 00	10 00	1,302 33	3,877	1,035 15.9	1,245 15.9
Iowa,	45 50	4 25	50 00	4 25	59 64	426	113 74.2	167 99.2
Jackson,	400 00	15 00	350 00	15 00	1,054 75	2,834	756 67.8	1,121 67.8
Jasper,	40 00	2 36	40 00	2 36	79 13	614	163 93.3	206 29.8
Jefferson,	500 00	86 53	400 00	86 53	1,481 07	4,463	1,191 62.1	1,678 15.1
Johnson,	175 00	25 00	175 00	25 00	625 99	1,765	471 25.5	671 25.5

Jones,	300 00	20 00	300 00	20 00	981 48	1,459	389 55.2	709 55.3
Keokuk,	210 00	40 00	190 00	40 00	666 51	2,098	560 16.6	790 16.6
Lee,	350 00	3 55	350 00	3 55	1,615 86	7,278	1,943 22.6	2,296 77.6
Linn,	287 50	2 50	287 50	2 50	1,093 34	2,413	644 27.1	934 27.1
Louisa,	200 00	10 68	200 00	10 68	973 58	2,287	610 62.9	821 30.9
Lucas,	6 00	2 00	6 00	2 00	19 85	129	34 43.3	42 44.3
Madison,	209 60		175 00	14 62	363 83	527	140 70.9	330 32.9
Mahaska,	350 00	10 00	350 00	62 40	1,426 52	2,662	710 75.4	1,123 15.4
Marion,	200 00	25 00	200 00	25 09	922 27	2,497	666 69.9	891 69.9
Marshall,	145 00	10 00	75 00	10 00	22 85	188	50 19 6	135 19.6
Monroe,	200 00	10 00	250 00	10 00	773 62	1,353	361 25.1	621 25.1
Muscatine,	250 00	20 00	200 00	20 00	920 38	2,170	579 39.0	799 39.0
Polk,	300 00	56 01	275 00	56 01	392 08	1,554	414 91.0	745 92.8
Pottawattamie,	No Report,							
Page,	"							
Poweshiek,	30 00		40 00			264	70 43.8	110 48.8
Scott,	330 00	25 00	300 00	25 00	*49 68	2,412	644 00.4	969 00.4
Van Buren,	400 00		400 00		1,145 64	5,115	1,365 70.5	1,765 70.5
Wapello,	335 00	15 00	335 00	15 00	*1,500 00	3,627	968 40.0	1,318 40.9
Warren,	75 00	5 00	75 00	5 00	1,600 04	306	81 70.2	161 70.2
Washington,	150 00		275 00		64 69	2,137	570 57.9	745 57.9
Wayne,	125 00		50 00		659 91	174	46 45.8	96 45.8
Winneshiek,	No Report,							
Interest on State								
Loans.					1,909 57			
	\$9,052 00	\$725 88	8,458 50	\$842 90	\$29,901 52	77,154	20,600 11.8	\$29,901 51.8

## MESSAGE OF THE GOVERNOR IN RELATION TO SALINE LANDS.

---

*Gentlemen of the House of Representatives:*

Your resolution requesting me to furnish at the earliest practicable opportunity, all information in my possession relative to the saline lands of the state, their location, &c., has been laid before me, and in reply thereto, I would say that by an act of Congress, approved March 3, 1845, there was granted for the use of the State, all salt springs within its limits, not exceeding twelve in number, with six sections of land adjoining or contiguous as might be to each.

Under the provisions of this act, the General Assembly, by a law approved February 24, 1847, authorized the Governor to appoint an agent to select and report such lands; which duty was performed by Mr. John Brophy, whose selections were approved by His Excellency, Governor Briggs; a list of which, together with a communication from the Register and Receiver of the Land Office, at Fairfield, in this State, is herewith transmitted.

By an act of the General Assembly, approved February 5th, 1851, it was provided that as soon as the Congress of the United States should give their consent, the saline lands belonging to the State might be sold, and the proceeds thereof constitute a fund for the founding and support of a lunatic asylum, and that five thousand dollars of the principal thus obtained, should be applied under the direction of the Superintendent of Public Instruction, for the use of the College of Physicians and Surgeons at Keokuk.

By an act of Congress, approved May 27, 1852, these lands were granted to the State in fee simple, to be disposed of and the proceeds to be applied as the General Assembly might direct.

Steps will be taken at an early day to produce the proof necessary to establish the right of the State to the lands which have been selected, and in case this cannot be done, an agent will be appointed to select otherlands in accordance with the provisions of the act of Congress.

S. HEMPSTEAD.

EXECUTIVE DEPARTMENT, Iowa City, January 11th, 1853.

LAND OFFICE, Fairfield, Iowa, }  
November 16th, 1852. }

*Sir:* We have the honor to transmit you herewith, copy of a list of lands selected for salt springs in this state, under act of 3d March, 1845, which have been approved, suspended or rejected by the Secretary of the Interior, (August 27, 1852,) and to advise you that we are ready to receive and report such selections as may be legally made in lieu of any of the rejected selections referred to in the list, and of any of the suspended ones to which the State cannot show a valid claim. The new selections are expected to be made upon the same principle which govern the approved selections—that is they are to be the nearest vacant public land to the particular salt spring for which they shall be selected, suitable for the purpose contemplated by the law.

In reference to the suspended tracts, we are directed to request that you will cause this office to be furnished with the requisite evidence to enable the department to settle the claim of the State to those tracts.

The evidence in reference to the suspended tracts in Sec. 31, T. 70, R. 16, is required to be such as to show that prior to the sales on the 4th October, 1847. The fact of the existence of the salt springs on said tract was notorious, the two sold are suspended to await such testimony.

The lands selected as contiguous to salt spring No. 1, No. 2, and No. 8, which are enumerated in the suspended list, must be shown to have been the vacant public land to those respective salt springs, suitable for the purpose contemplated by the law of 1845.

The selections of the N.  $\frac{1}{2}$  of S. E.  $\frac{1}{4}$  and N.  $\frac{1}{2}$  of S. W.  $\frac{1}{4}$  Sec. 29, 70, 16, (as contiguous to salt spring No. 4,) is suspended on account of a pre-emption claim—should the pre-emptor succeed in proving up his claim, the state will be entitled to select other land in lieu of those tracts—otherwise the selection will be confirmed.

We are very respectfully,

Your obedient serv'ts,

FRANCIS SPRINGER, Register,

W. H. WALLACE, Receiver.

HON. STEPHEN HEMPSTEAD, Governor of Iowa.

(COPY.)

List of land selected for salt springs, in the State of Iowa, under act of third March, 1845, which have been approved, suspended and rejected, by the Secretary of the Interior, August 27, 1852.

## APPROVED SELECTIONS.

	Sec.	Town.	Range,	
Salt Spring No. 1,	20	68N	10W	Contiguous selections, sections suspended.
Salt Spring, No. 2,	10	70	12	one contiguous sec. rejected, the other four suspended.
Salt Springs No. 3,	1	70	17	All approved except s.e.
	2	"	"	$\frac{1}{4}$ s. e. $\frac{1}{4}$ 2, T. 70, R. 17 &
Five selections contiguous thereto,	11	"	"	s.e. $\frac{1}{4}$ s. w. $\frac{1}{4}$ w. $\frac{1}{2}$ s. e. $\frac{1}{4}$
	12	"	"	and n. e. $\frac{1}{4}$ s. e. 35 T. 71
	35	"	"	R. 17
	36	"	"	They are excluded because sold prior to the selections.
Salt Spring, No. 4.	31	70	16	All approved except n.e.
	29	"	"	$\frac{1}{4}$ s.e. $\frac{1}{4}$ and n.w. $\frac{1}{4}$ s. w.
	30	"	"	$\frac{1}{4}$ 31 T. 70. R. 16 and n.
	24	"	"	$\frac{1}{2}$ s. e. $\frac{1}{4}$ and n. $\frac{1}{2}$ s. w. $\frac{1}{4}$
	25	"	"	29 T. 70, R. 16 which
	26	"	"	are suspended, former because sold on 4 Oct, 1847, latter because claimed by pre-emption See instructions of 31st Aug. 1852.
Salt Spring, No. 5,	28	69	24	All approved.
	29	"	"	
Five sections contiguous thereto.	33		"	
	6		23	
	7		"	
	34	70	24	
Salt Spring, No. 6.	10	72	21	All approved.
	9	"	"	
Five sections contiguous thereto.	11	"	"	
	14	"	"	
	15	"	"	
	22	"	"	

	Sec.	Town.	Range.	
Salt Spring, No. 7.	21	72N	21W	All approved.
	27	"	"	
Five sections contiguous thereto.	28	"	"	
	34	"	"	
	35	"	"	
	36	"	"	
Salt Spring, No. 8.	1	71	21	All approved.
	6	"	"	
	2	"	22	
Four of the five sections contiguous thereto.	35	72	"	
	36	"	"	
Salt Spring, No. 9.	10	71	22	All approved.
	11	"	"	
	14	"	"	
	15	"	"	
	21	"	"	
	22	"	"	
Salt Spring, No. 10.	1	70	22	All approved.
	6	"	21	
	31	71	"	
Five sections contiguous thereto.	26	"	22	
	27	"	"	
	35	"	"	
Salt Spring, No. 11.	9	71	21	All approved.
	10	"	"	
	11	"	"	
Five sections contiguous thereto.	15	"	"	
	22	"	"	
	26	"	"	
Salt Spring, No. 12.	13	71	21	All approved.
	27	"	"	
	28	"	"	
Five sections contiguous thereto.	29	"	"	
	30	"	"	
	32	"	"	

## SUSPENDED SELECTIONS.

	Sec.	Town.	Range.	
Contiguous to salt spring No. 1.	1	69N	15W	Except e. $\frac{1}{2}$ , s. w. $\frac{1}{4}$ , 26, 70, 17, which is rejected because sold prior to the selection, the Governor or state authorities must show that the sections selected were the <i>nearest vacant ones</i> to Sec. 20, T. 68, R. 10 w, suitable for the purposes contempla- ted by the law.
	2	"	"	
	22	"	"	
	23	"	"	
	26	"	"	
Four of the five selected as contiguous to salt springs, No. 2.	20	70	16	Testimony in relation to these is requisite of a similar character neces- sary above.
	21	"	"	
	22	"	"	
	35	"	17	
Salt Spring, No. 4, n. e. $\frac{1}{4}$ , s. e. $\frac{1}{4}$ ; n. w. $\frac{1}{4}$ , s. w. $\frac{1}{4}$ .	31	70	16	Evidence must be furn- ished that the salt spring was notorious prior to the sales per certificate 15403 and 15404. If the declaration filed by pre-emptor was <i>bona fide</i> and the claim good, these tracts must be va- cated.
Contiguous to the same, n $\frac{1}{2}$ , s. e. $\frac{1}{4}$ ; n. $\frac{1}{2}$ , s. w. $\frac{1}{4}$ .	29	"	"	
Contiguous to salt spring No. 8.	31	72	22	Similar testimony requi- red as in first case above.
Contiguous to salt spring No. 1.	26	70	17	Sold before selection and sale valid.
Contiguous to salt spring No. 2.	29	70	16	Selected twice.
Contiguous to salt spring No. 3, s. e. $\frac{1}{4}$ , s. e. $\frac{1}{4}$	2	70	17	Sold before selection and sale valid.
S. w. $\frac{1}{2}$ , s. w. $\frac{1}{4}$ , w. $\frac{1}{2}$ , s. e. $\frac{1}{4}$ , n. e. $\frac{1}{4}$ , s. e. $\frac{1}{4}$	35	71	17	



# INDEX.

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