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JOURNAL

Withdrawn

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

STATE OF IOWA,

AT THE SPECIAL SESSION,

Begun and held at the Capitol, in Iowa City, on Tuesday the
2nd day of July, A. D. 1856.

IOWA CITY.
P. MORIARTY, STATE PRINTER.
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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES,
AT THE EXTRA SESSION
OF THE

FIFTH GENERAL ASSEMBLY OF THE STATE OF IOWA,
Begun and held at Iowa City, on the 2nd day of July A.D. 1856.
TWO O'CLOCK, P. M.

The members convened in the Hall of the House of Representatives in pursuance to the proclamation of the Governor of the State of Iowa, and were called to order by Charles C. Nourse, Clerk heretofore of the House of Representatives, who proceeded to call the roll of the members, whereupon the following members answered to their names.

- 1st. From the counties of Alamakee and Winneshiek—James D. McKay.
- 2nd. From the county of Clayton—Reuben Noble, Lafayette Bigelow.
- 4th. From the counties of Delaware and Buchanan—Thomas E. Turner.
- 5th. From the county of Dubuque—Richard Bonson, John M. Moore, Ben. M. Samuels, W. S. Hall.
- 6th. From the county of Jackson—James P. Edie.
- 7th. From the county of Jones—William H. Holmes.
- 10th. From the county of Clinton—Joseph A. Brown.
- 11th. From the county of Scott—Andrew J. Hyde, Amos Witter
- 12th. From the counties of Cedar, Clinton and Scott—George Smith.
- 15th. From the counties of Louisa and Washington—James N. Young.

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- 16th. From the county of Muscatine—John H. Pigman.
- 17th. From the county of Des Moines—Joshua Tracy, John L. Corse, Geo. S. Albright, T. L. Sargent.
- 18th. From the county of Henry—Willet Dorland, Francis White.
- 19th. From the county of Lee—Robert P. Creel, George Newsam.
- 20th. From the county of Linn—John P. Conkey, Robert Holmes.
- 21st. From the county of Johnson—Samuel H. McCrory.
- 22nd. From the counties of Johnson and Iowa—Rolla Johnson.
- 23rd. From the counties of Poweshiek, Jasper, Tama and Benton—John Connell.
- 24th. From the county of Van Buren—Joseph Barker, Henry Weatherington.
- 25th. From the county of Jefferson—Robert Stephenson.
- 26th. From the county of Davis—O. D. Tisdall.
- 27th. From the county of Wapello—Samuel K. Creamer.
- 28th. From the counties of Wapello and Keokuk—Cyrus Franklin.
- 30th. From the county Appanoose—William Monroe.
- 31st. From the county of Monroe—Mathew A. Goodfellow.
- 33rd. From the county of Mahaska—Samuel Coffin, Micajah T. Williams.
- 34th. From the county of Marion—Green T. Clark.
- 35th. From the counties of Marion, Warren and Madison—Jairius E. Neal, P. Gad Bryan.
- 36th. From the county of Polk—Alfred M. Lyon.
- 38th. From the counties of Boone, Webster, Story, Hardin and Marshall—Samuel B. McCall.
- 39th. From the counties of Fremont, Page, Taylor, etc.—William Dewey.
- 41st. From the county of Pottawattamie—John T. Baldwin.
42. From the counties of Harrison, Shelby, Woodbury, etc.—Thomas B. Neely.

Upon motion of Mr. Corse,

Mr. Bonson, of Dubuque, was elected Speaker *pro tem* of the House.

Upon motion of Mr. Samuels,

Mr. Nourse was elected Chief Clerk *pro tem* of the House.

Mr. Newsam, of Lee county, presented the credentials of S. J. Reid, as a member elect of this House from the 19th district, vice Josiah Hinkle, deceased;

Also, the credentials of W. F. B. Lynch, from the 19th district, vice Horace Dewey, removed from the State;

Also, the credentials of John S. Hamilton, vice William Damon, deceased;

Also, the credentials of J. M. Anderson, vice Samuel Boyles, elected County Judge.

Mr. Pigman presented the credentials of J. Scott Richman as member elect from the 16th district, vice Reasin Pritchard deceased.

Upon motion of Mr. Williams, of Mahaska county,

Messrs. Williams, Corse and Samuels were appointed a committee on credentials, to report upon the qualification of members elect and others formerly members of the House.

Mr. Williams, chairman on the committee on credentials, submitted the following report:

That J. Scott Richman is duly elected to fill a vacancy in Muscatine county, caused by the decease of Reasin Pritchard.

The following named persons were duly elected from the county of Lee, to fill vacancies, to-wit: S. J. Reid, to supply vacancy occasioned by the death of Josiah Hinkle; W. F. B. Lynch in place of Horace Dewey, removed; John S. Hamilton, in place of Wm. Damon, deceased; J. M. Anderson, to fill vacancy by resignation of Samuel Boyles.

M. T. WILLIAMS,

Chairman.

Resolved, That Messrs. Yeoman, of Lucas, and Kinert of Jones, counties, are entitled to seats in this House.

BEN. M. SAMUELS,

J. L. CORSE.

Upon motion of Mr. Brown,

The report was received, and the committee discharged.

Upon motion of Mr. Tracy,

The report of the committee relating to new members, was adopted.

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Upon motion of Mr. Tracy,

The report of the committee relating to the seats of Messrs. Yeoman and Kinert was adopted.

The oath required by the Constitution of the State of Iowa was duly administered to Messrs. Hamilton, Richman, Lynch, S. J. Reid and J. M. Anderson, by the Speaker *pro tem*, and was also by said members duly subscribed.

Mr. Turner offered a resolution, declaring Reuben Noble Speaker of the House.

Mr. Corse offered a substitute as follows:

Resolved, That Reuben Noble be elected Speaker of the House by acclamation.

Mr. Turner withdrew his resolution.

The question recurring upon the resolution of Mr. Corse, offered as a substitute, the same was adopted.

The Speaker *pro tem* appointed Messrs. Witter and Newsam to conduct Mr. Noble to the Chair.

Mr. Noble was conducted to the Chair, and addressed the House as follows:

Gentlemen of the House of Representatives:

In accepting for the second time this station, I return you my sincere thanks for the honor you have again been pleased to confer upon me. I shall endeavor, Gentlemen, by the exercise of attention and impartiality to justify your choice, and to merit your continued confidence and respect, and so discharge the duties of the chair, as to insure to its decisions not merely a reluctant support, but a steady and cheerful acquiescence in their justice and propriety.

Upon motion of Mr. Turner,

The rules of the last session of the House were adopted for the present session.

Mr. Corse moved that Charles C. Nourse be elected by acclamation Chief Clerk of the House.

Which motion prevailed.

Mr. Creamer moved that A. R. Fulton, of Jefferson county, be elected by acclamation Assistant Clerk of the House.

Which motion prevailed.

Upon motion of Mr. McCrory,

Silas Foster was, by acclamation elected Sergeant-at-Arms of the House.

On motion of Mr. McCrory,

A. P. Aylworth was elected Doorkeeper of the House.

Upon motion of Mr. Creamer,

R. B. Cochran was elected Messenger of the House.

Upon motion of Mr. Samuels,

James Hawkins was elected an Assistant Messenger of the House.

Mr. Newsam nominated Jackson D. Seamen, for an Assistant Messenger of the House.

Mr. Conkey nominated C. H. Woods as an Assistant Messenger.

C. H. Woods received thirty three votes for Messenger; Jackson D. Seamen received thirteen votes for the same office.

C. H. Woods was declared duly elected.

The oath of office was administered by the Speaker to the Clerk and Assistant Clerk elect.

The Messengers elect appeared and took the oath of office.

Upon motion of Mr. Neal,

The Speaker appointed a committee of three to wait upon the Senate, and inform them of the organization of the House.

Said committee consisting of Messrs. Neal, Conkey and Dorland.

Upon motion of Mr. Tracy,

The Speaker appointed a committee of three to act in conjunction with a similar committee on the part of the Senate, to wait upon the Governor, and inform him that the House is now organized and ready to receive any communication he may have to make to them.

The Speaker appointed Messrs. Tracy, Williams and Hyde.

Message from the Senate:

Senators Thurston, Needham and Udell announced that the Senate was now organized and ready to proceed to business.

Upon motion of Mr. Homes, of Jones,

The Clerk was directed to provide for Reporters of Newspapers within the bar of the House.

Mr. McKay offered the following resolution:

Resolved, That each member of the House be supplied with twenty-five copies of daily papers during the session, such as he may select.

Mr. Bryan moved to amend by adding:

“Or their equivalent in weeklies, semi or tri-weeklies.”

Mr. McKay accepted the amendment, and the resolution as amended was adopted.

Upon motion of Mr. Neil it was

Resolved, That the Clerk be directed to contract for the payment of the postage of members during the session.

Upon motion of Mr. Corse,

The House adjourned until 9 o'clock to-morrow morning.

THURSDAY MORNING, JULY 3, 1856.

House met pursuant to adjournment.

The Speaker in the Chair.

Upon motion of Mr. Bonson,

The Rev. Mr. Bowman offered prayer.

The Speaker announced that the Standing Committees of the House would be continued, and appointed as during the last Session, and that vacancies which have occurred would be filled by appointment, in due time.

Mr. Greenleaf, of Davis county, and Mr. Meek, of Van Buren, appeared, and were admitted to their seats, as members of the House.

Mr. Dorland offered the following resolution:

Resolved, That all subjects of general legislation, except such as shall be recommended by the Governor, be excluded from this Session of the General Assembly; which was,

Upon motion of Mr. Hamilton,

Laid upon the table.

Mr. Newsam offered the following resolution:

Resolved, That each member of the House be furnished with a copy of the Acts of the last Session of the Legislature, and a copy of the Code of Iowa.

Mr. Samuels moved to amend, by

Providing a Code for the new members, and a copy of the Acts for such members as had not received the laws as provided by the last Session of the Legislature,

Which amendment was adopted.

The question being upon the resolution as amended,

Mr. Samuels called for the yeas and nays, which were as follows:

YEAS—Albright, Anderson, Baldwin, Bonson, Brown, Coffin, Conkey, Connell, Creamer, Creel, Dewey, Dorland, Edie, Goodfellow, Greenleaf, Hall, Hamilton, Holmes, of Jones, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Lyon, Lynch, McCall, McCrory, McKay, Neely, Pigman, Reid, Richman, Sargeant, Samuels, Smith, of Cedar, Stevenson, Tisdale, Turner, White, Williams Witter, Yeoman, Young, *Mr. Speaker*—53.

NAYS.—Baldwin, Barker, Bigelow, Bryan, Clark, Corse, Franklin, Meek, Monroe, Moore, Newsam, Neal, Neely, Pigman, Tracy, Weatherington—13.

Resolution adopted.

Mr. Hamilton offered the following resolution, relating to the death of the late Messrs. Damon and Hinkle, formerly members of this House.

Upon suggestion of Mr. Franklin, the name of the late Reasin Pritchard, formerly member of this House, from the county of Muscatine, was included, and the resolution as amended, were unanimously adopted, and spread upon the Journal.

Whereas, by a dispensation of Divine Providence, he has been pleased to call from our midst, William Damon, Josiah Hinkle, and Reasin Pritchard, honorable members of this House, therefore

Resolved, That we express our deep and heartfelt regret, at the loss from earthly usefulness of our honored members, and hereby extend to their respective families our sympathies in their bereavement.

The Sergeant-at-arms, and Door-keeper elect, appeared, and took the oath of office, and entered upon the discharge of their duties.

Mr. Neal, from the Committee appointed to inform the Senate of the organization of the House, reported that the Committee had performed that duty.

Message from the Senate, by Mr. Bradley, Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate have appointed Senators Coolbaugh, Anderson, and Cleaver, a Committee on the part of the Senate, to act in conjunction with a similar Committee on the part of the House to wait upon his excellency, the Governor, inform him of the permanent organization of the General Assembly, and ask if he has any Communication to make to them.

P. B. BRADLEY,
Sec'y. Senate.

Upon motion of Mr. Edie,

Rev. Mr. Morrison was chosen Chaplain of the House, for the Session.

Mr. Tracy, from the Committee appointed to inform the Governor of the organization of the House, and to receive any communication he desired to make to the General Assembly, reported that the Committee had performed that duty, and that the Governor would shortly send in his Message.

Mr. Hall offered the following resolution:

Resolved, That when the House adjourn this P. M., it shall be to Saturday, 10 o'clock, A. M., and that the regular Sessions of the House shall hereafter commence at 10 o'clock, A. M., and 2 o'clock, P. M. Which resolution was,

Upon motion of Mr. Witter,

Laid upon the table.

Message from the Governor, by the Secretary of State.

Read by the Clerk, as follows:

Gentlemen of the Senate,

and House of Representatives:

By an act of Congress, approved May 15th, 1856, there was "granted to the State of Iowa, for the purpose of aiding in the construction of Rail Roads, from Burlington, on the Mississippi river, to a point on the Missouri river, near the mouth of the Platte river; from the city of Davenport via Iowa City and Fort Des Moines, to Council Bluffs; from Lyons city, northwesterly to a point of intersection with the main line of the Iowa Central Air Line Rail Road, near Maquoketa; thence on said main line, running as near as practicable to the forty-second parallel, across the said

State, to the Missouri river; from the city of Dubuque, to a point on the Missouri river, near Sioux City, with a branch from the mouth of the Tete Des Morts, to the nearest point on said road, to be completed as soon as the main road is completed to that point, every alternate section of land designated by odd numbers, for six sections in width on each side of said roads."

The act provides, that if it shall appear, when the lines of said roads are definitely fixed, that the United States have sold any sections or parts of sections so granted, or that the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents to be appointed by the Governor of said State, to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections, as shall be equal to such lands as the United States have sold or otherwise appropriated, or to which the right of pre-emption have attached, as aforesaid.

On the 10th of May last, all the lands lying within the probable limits of the grant, were withdrawn from market, and there is now an entire suspension of business in all of the United States Land Offices in the State, except in those at Decorah and Fort Dodge. The interests of the State require that the lands not embraced within the grant, should be opened to purchase and settlement, at as early a day as practicable. Under the construction of the Commissioner of the General Land Office, the title of the State does not vest in the alternate sections until the several lines of roads have been surveyed and maps of their location properly certified and returned to his office. He has therefore urged upon me the necessity, that the State take immediate measures to secure the lands granted, by an early compliance with the provisions of the act of Congress, and with the instructions of his Department.

Hence I have convened you, gentlemen, in special session, that you may determine,

1st. Whether or not the State shall accept the grant made under the 15th of May last, and if so,

2d. Whether the lands granted shall be transferred to any specific railroad companies, and if so, to what companies they shall be transferred, and

3d. Upon what terms shall the transfer be made.

My experience in matters of this kind has been so limited, that

I am not prepared to submit to you any plan for the proper disposal of these lands. Your wisdom will doubtless mature a system which, while it promotes the present material interests of the State by developing its resources and advancing its settlement by the construction of lines of inter-communication, will protect the people against the sometimes oppressive monopolizing tendencies of powerful corporations.

Your session will be limited under the Constitution to a short period, and I shall therefore call your attention to only a few subjects, that seem to me of importance and which will not be calculated to excite debate and thereby protract your session.

I am unable to lay before you a statement of the financial condition of the State. The fiscal year has not expired, and the accounts of the Auditor and Treasurer have not been balanced and rendered.

The bonds of the State issued in 1846, for \$55,000, mature on the 1st January next, in New York, and some provision should be made for their payment.

The introduction of Rail Roads within the State has rendered necessary an act more clearly defining the rights, duties and liabilities of railway companies. The law should declare that where *death* is caused through negligence or misconduct of the agents or servants of such companies, the same remedies shall be open in a suit at law, as for like injuries to the person resulting in disability and not in death. Among other things, the speed of trains passing through cities, and villages and across highways, should be regulated by law, and the disasters that have occurred in a neighboring State, have admonished us of the necessity for a law, prohibiting a company from carrying passengers over a new road, until it has first been examined and pronounced safe by a competent and disinterested Board of Engineers. It is evidently as much the duty of the State to protect the lives and safety of the citizens from accidents, resulting from carelessness, misconduct or cupidity, as from open and premeditated violence.

In the month of August, 1855, the workshops, attached to the State Penitentiary, were consumed by fire. The Inspectors immediately made arrangements for their speedy re-construction, for which they were compelled to contract an indebtedness against the Institution of about \$2,900 00. Provision should be made for dis-

enlarging that indebtedness, as well as for the completion of an additional number of cells. The Penitentiary is now crowded with convicts to its utmost capacity.

The Constitution confers upon the Governor of the State, "the power to grant reprieves and pardons and commute punishments after convictions," for offences against the laws. In a large proportion of cases, the friends of the persons convicted, endeavor to procure the exercise of this power; and as few, if any, of the judges preserve minutes of the testimony taken on the trial of criminal causes, these efforts are, for the most part, based upon *ex-parte* statements, made without the sanction of an oath, and obtained without notice to the Prosecuting Attorney, or other person representing the government. It is frequently alleged that there was error in the trial; that the judge mistook the law; that there was a mistake of fact by the jury; that there is newly-discovered evidence, showing the sentence to be unjust; or that the case, although within the letter of the law, was not within the spirit of it.

The interest of society require that this great power should be exercised with humanity, but at the same time with the greatest discrimination and caution. Justice to the officer who is compelled to investigate each case presented to him, as well as to the parties more immediately interested, requires that every fact proved upon the trial, should be accessible to him, to the condemned and to the prosecutors. I therefore recommend that the judges of the several District Courts, be required to reduce the evidence given in all criminal cases to writing, to be preserved as a permanent record in the county where the trial was held;—and that before any application shall be made to the Governor for pardon, a notice of the time and place, when and where the application will be presented, shall be served upon the Prosecuting Attorney of the county where the offence was committed.

It is to be regretted that the joint resolutions, passed by the House of Representatives, at each of its two last sessions, authorizing a revision, by a Board of Commissioners, of the laws in relation to schools and school lands, failed to receive the approval of the Senate. No one, who gives the subject a moment's consideration, can doubt the necessity for a thorough revision of the whole subject. With a large and constantly increasing school fund, our

school system is without unity and efficiency, and is, in my conviction, discreditable to the State. It reaches so many interests, it runs into so many details, and it is so important in its influences, that it seems to me impossible for the General Assembly to perfect the necessary amendments and reduce them to a harmonious system, in the limited period of fifty days—and I, therefore, recommend that three competent persons be selected to revise all the laws on the subject, and submit their revision to the next General Assembly. Should you, however, not deem this advisable, I then submit, that it is expedient at once to divest the Superintendent of Public Instruction of all control over and responsibility for the school money and school lands. When his office was created, it was never contemplated that the Superintendent should be burdened with the custody of public monies, with the sale of public lands, and with the revision of the acts of eighty School Fund Commissioners. It was designed that he should have charge of the instruction of the State and not of the money of the State; it was intended that he should keep alive the public interest on the subject of education; that he should hold teachers' institutes in the several counties; that he should determine the text books to be used in the public schools, and that he should settle all appeals growing out of the management of the numerous districts. The *legitimate* duties of a Superintendent are sufficiently onerous to engage the attention of one man.

The subject of the Des Moines River Improvement is entitled to more consideration than it has heretofore received.

A contract was made between the agents of the State and a company of gentlemen for the prosecution of the work, by which the navigation of the river was to be completed in the year 1858, and for which the company were to receive Des Moines river lands at \$1,25 per acre. It is reported that this contract has been materially changed during the past year, but by what authority and in what manner, I am not informed. Although the grant to the State has never been finally adjusted by the Department at Washington, yet certificates have been issued to the company by the State officers connected with the improvement, to the effect that the company is entitled to about 200,000 acres of land along the river, which lands the company now proposes to sell. I am informed that many of the tracts, described in these certificates, are claimed

by the State as school lands, and that many others have been already sold and patented by the General Government to actual residents thereon. It will be seen that the issuance of these certificates will entail great trouble, and perhaps litigation, upon individuals and upon the State, and no more should be allowed to issue until the grant is finally adjusted by the Secretary of the Interior, and the title vested in the State.

I have received seventeen hundred and ninety muskets, fifty Colt's revolvers, and two six-pound field pieces from the General Government for the use of the State. The two field pieces I have issued to independent, uniformed, artillery companies, at Keokuk and Davenport, taking approved bonds for their re-delivery to the State authorities in good condition, whenever called for. Some of the revolvers are needed at the Penitentiary, and military companies in the State are anxious to obtain the muskets. There is no law under which they can be issued, and if it is the desire of the General Assembly that they should be distributed to such companies, an enactment to that effect is required. If they are not to be issued in that manner, then some provision should be made for their safe keeping.

Concurring in the general desire that your session may be short, and that your time may be occupied solely by matters relating to the State, I do not deem it proper at present to call your attention at length to the deplorable condition of affairs in Kansas and at our National Capital. It would be an error to suppose that my failure to do so is attributable to any want of sympathy with the patriotic and devoted men, who are struggling to uphold the rights of free speech, free labor, free soil and a free press in that territory, and in the councils of the nation.

JAMES W. GRIMES.

IOWA CITY, JULY 3RD, 1856.

Mr. Turner offered the follow resolution:

Resolved, That so much of the Governor's Message as relates to a Railroad from Dubuque to Sioux City, be referred to a Special Committee, of nine members; for which,

Mr. Samuels offered the following substitute:

Resolved, That a Select Committee, of thirteen, be appointed to act in conjunction with such Committee as may be appointed on

the part of the Senate, to whom shall be referred that part of the Governor's Message relating to Railroads within the State.

The question being upon the substitute of Mr. Samuels,

Mr. Turner called for the yeas and nays, which were as follows:

YEAS—Albright, Anderson, Baldwin, Barker, Bigelow, Bonson, Brown, Bryan, Corse, Coffin, Conkey, Connell, Creamer, Dewey, Dorland, Edie, Franklin, Goodfellow, Greenleaf, Hall, Hamilton, Holmes, of Jones, Holmes, of Linn, Hyde, Johnson, Kinert, Lyon, Lynch, McCall, McCrory, Meek, Monroe, Moore, Newsam, Neal, Neely, Pigman, Reid, Richman, Sargeant, Samuels, Smith, of Cedar, Stevenson, Tisdale, Tracy, Weatherington, White, Williams, Witter, Yeoman, Young, Mr. Speaker—53.

NAYS—Creel, McKay, Turner—3.

Substitute adopted.

Mr. Dorland offered the following resolution:

Resolved, That one thousand copies of the Governor's Message be printed for the use of the House.

Mr. Clark moved to amend by inserting ten thousand; which amendment was,

Upon motion of Mr. Bonson,

Laid on the table.

Mr. Neal moved to amend by adding, also one thousand copies in the Holland language.

Mr. Corse moved to lay the amendment on the table; upon which motion

Mr. Neal called for the yeas and nays, which were as follows:

YEAS—Albright, Barker, Bigelow, Bonson, Brown, Corse, Coffin, Conkey, Connell, Creamer, Creel, Dewey, Edie, Greenleaf, Hall, Hamilton, Holmes, of Jones, Holmes, of Linn, Hyde, Johnson, Kinert, Lyon, Lynch, McCall, McCrory, McKay, Monroe, Moore, Newsam, Pigman, Reid, Richman, Sargeant, Smith, of Cedar, Stevenson, Tisdale, Tracy, Turner, Weatherington, White, Williams, Witter, Yeoman, Young, Mr. Speaker—45.

NAYS—Baldwin, Bryan, Clark, Dorland, Franklin, Goodfellow, Meek, Neal, Neely, Samuels—10.

Motion prevailed, and amendment laid on the table.

Mr. Neal moved to amend the resolution, by adding, also one thousand copies in the German language.

Which amendment,
Upon motion of Mr. Corse,
Was laid upon the table.

Mr. Bonson moved to amend by inserting two thousand, instead of one thousand, which amendment was accepted,
And the resolution as amended was adopted.

Upon motion of Mr. Hamilton,

It was resolved, to print with the Message of the Governor the late act of Congress granting lands to the State of Iowa for Railroad purposes.

[THE FOLLOWING IS THE ACT REFERRED TO.]

A BILL making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain Railroads in said State.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there be, and is hereby, granted to the State of Iowa, for the purpose of aiding in the construction of railroads from Burlington, on the Mississippi river, to a point on the Missouri river, near the mouth of the Platte river; from the city of Davenport, via Iowa City and Fort Desmoines to Council Bluffs; from Lyons City, northwesterly to a point of intersection with the main line of the Iowa Central Air Line Railroad, near Maquoketa; thence on said main line, running as near as practicable to the forty-second parallel, across the said State of Iowa to the Missouri river; from the city of Dubuque to a point on the Missouri river, near Sioux City, with a branch from the mouth of the Tete Des Morts, to the nearest point on said road, to be completed as soon as the main road is completed to that point, every alternate section of land, designated by odd numbers, for six sections in width on each side of said roads. But in case it shall appear that the United States have, when the lines or routes of said roads are definitely fixed, sold any sections or any parts thereof, granted as aforesaid, or the right of pre-emption has attached to the same, then it shall be lawful for any agent or agents to be appointed by the governor of said State to select, subject to the approval of the Secretary of the Interior, from the lands of the United States nearest to the tiers of sections above specified, so much land in alternate sections or parts of sections, as shall be equal to such lands as the United States have sold, or otherwise appropriated, or to which the rights of pre-emption have attached as aforesaid; which lands (thus se-

lected in lieu of those sold and to which pre-emption rights have attached as aforesaid, together with the sections and parts of sections designated by odd numbers as aforesaid, and appropriated as aforesaid) shall be held by the State of Iowa, for the use and purpose aforesaid: Provided, That the land to be so located shall in no case be further than fifteen miles from the lines of said roads, and selected for and on account of each of said roads: Provided further, That the lands hereby granted for and on account of said roads, severally, shall be exclusively applied in the construction of that road for and on account of which such lands are hereby granted, and shall be disposed of only as the work progresses, and the same shall be applied to no other purpose whatsoever: And provided further, That any and all lands heretofore reserved to the United States by any act of Congress, or in any other manner by competent authority, for the purpose of aiding in any object of internal improvement, or for any other purpose whatsoever, be, and the same are hereby reserved to the United States from the operations of this act, except so far as it may be found necessary to locate the routes of said railroads through such reserved lands; in which case the right of way only shall be granted, subject to the approval of the President of the United States.

SEC. 2. *And be it further enacted,* That the sections and parts of sections of land, which by such grant shall remain to the United States within six miles on each side of said roads, shall not be sold for less than the double minimum price of the public lands when sold; nor shall any of said lands become subject to private entry, until the same have been first offered at public sale at the increased price.

SEC. 3. *And be it further enacted,* That the said lands hereby granted to the said State shall be subject to the disposal of the legislature thereof for the purpose aforesaid, and no other; and the said railroads shall be and remain public highways for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States.

SEC. 4. *And be it further enacted,* That the lands hereby granted to said State shall be disposed of by said State only in manner following: that is to say, that a quantity of land not exceeding one hundred and twenty sections for each of said roads, and included

within a continuous length of twenty miles of each of said roads may be sold ; and when the Governor of said State shall certify to the Secretary of the Interior, that any twenty continuous miles of any of said roads is completed, then another quantity of land hereby granted, not to exceed one hundred and twenty sections for each of said roads having twenty continuous miles completed as aforesaid, and included within a continuous length of twenty miles of each of such roads, may be sold ; and so from time to time until said roads are completed ; and if any of said roads are not completed within ten years, no further sale shall be made and the lands unsold shall revert to the United States.

SEC. 5. *And be it further enacted,* That the United States mail shall be transported over said roads, under the direction of the Post Office Department, at such price as Congress may, by law, direct: Provided, That until such price is fixed by law, the Postmaster General shall have the power to determine the same.

Upon motion of Mr. Hall so much of the Governor's message as relates to the construction of workshops for the Penitentiary, was referred to the Committee on Public Building.

Mr. Bonson offered the following resolution :

Resolved, The Senate concurring, that this General Assembly will not at this session entertain any bill or legislative business upon subjects other than those referred to in the message of the Governor and such as relate to the business of the session except by the unanimous consent of the House.

Which,

Under the rules was,

Laid over until to-morrow.

On motion of Mr. Corse,

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

TWO O'CLOCK, P. M.

The Speaker laid before the House the following communication:

Hon. Reuben Noble,

Speaker of the House of Representatives:

Understanding that your House is to adjourn over the 4th, I would respectfully extend an invitation to the members and officers of the House in behalf of the Mississippi and Missouri, and Chicago and Rock Island Rail Road Companies, to ride over their roads to Chicago and return. The trains leave at half past three this afternoon, and Rock Island at 9 this evening, and arrive at Chicago at 5 to-morrow morning. Will you communicate this to the House?

Very respectfully yours,

HENRY FARNAM.

Mr. Richman moved that the invitation be accepted, and that when the House adjourned, they shall adjourn to Monday 10 o'clock, A. M.

Mr. Bonson moved

To amend by striking out the time and inserting Saturday 2 o'clock, P. M.,

Which amendment, was,
On motion of Mr. Bigelow,
Laid upon the table.

Mr. Dorland moved

To insert 9 o'clock Monday,

Which amendment was accepted, and the motion agreed to.

The Speaker announced the following appointment of Committee on Rail Roads:

Messrs. Samuels, Hamilton, Edie, Williams, Holmes, Hyde, Tracy, M'Crory, Neal, Neely, Richman, Turner and Yeoman.

Mr. Samuels presented the following resolutions, which were unanimously adopted, and,

Ordered to be spread upon the Journals.

Resolved, That the House has learned with deep regret of the de-

cease of John G. Shields, a member of this General Assembly.

Resolved, That in his death the State has lost a wise Legislator, society a man of unyielding integrity, and ourselves a warm hearted and generous friend.

Resolved, That the members of the House wear the unusual badge of mourning during the session.

Mr. Conkey offered a resolution granting to the Presbyterian and Methodist Episcopal Congregations, of Iowa City, the use of the Hall of the House of Representatives for the purpose of public worship during the session.

Which resolution was adopted.

Upon motion of *Mr. Samuels*,
The House adjourned.

MONDAY, JULY 7, 1856.

House met pursuant to adjournment.

Prayer by Rev. Morrison, Chaplain.

Journal of 3rd inst. read and approved.

Mr. Yeoman presented the petition of Wear and eighty-one others, citizens of Woodbury county, asking certain provisions in their favor in the disposition of the grant of land to Iowa for rail road purposes, to be made by the General Assembly, which was,

Upon his motion,

Referred to Committee on Railroads.

Mr. McKay presented the credentials of Mr. C. E. Noble, member elect from the 25th district; vice Edmund Meechem, removed from the district.

Also,

The credentials of William Beckford member elect from the 25th district; vice James Wamsley, removed from the district.

The credentials were read, and,

Upon motion of Mr. McKay,

They were admitted to seats in the House, and took and subscribed to oath of office, provided by the Constitution.

Mr. Jackson presented the credentials of Mr. Joseph W. Russel, member elect from the 40th district; vice Richard Tutt, deceased.

Upon motion,

Mr. Russell, was admitted to his seat, and took and subscribed the oath of office, as prescribed by the Constitution.

Notice of the introduction of bills.

By Mr. Tracy,

Notice of a bill for an act to repeal an Act entitled "An Act for the suppression of intemperance;" approved January 22d, 1855.

By Mr. Creel,

Notice of a bill for an Act to amend the charter of the city of Keokuk.

The following members appeared and were admitted to seats in the House:

Mr. Jackson, of Pottawattamie county;

Mr. Poston, of Wapello county;

Mr. Russell, of Washington county;

Mr. Smith, of Jackson county;

Mr. Hamilton gave notice of a bill for an Act to amend the charter of the town of Ft. Madison.

Upon motion of Mr. Dorland,

So much of the Governor's Message as referred to Schools and School lands, was referred to the Committee on Schools and State University.

Mr. McFarland gave notice of a bill for an Act to incorporate the city of Mount Pleasant,

Mr. Creamer offered the following resolution:

Resolved, That a committee of five be appointed to act in conjunction with a like committee upon the part of the Senate to consider so much of the Governor's Message as relates to the Des Moines River Improvement, and that they have power to investigate said matters and confer with the officers of said improvement, and report as soon as practicable, what legislative action the interests of the State demand.

Mr. Neal moved to amend by substituting the following:

Resolved, That this House, with the concurrence of the Senate, appoint three commissioners, whose duty it shall be to make a thorough investigation of all the affairs of the Des Moines River Improvement, and report to the next General Assembly; which amendment was,

Upon motion of Mr. Poston,

Laid on the table.

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

Which motion failed.

The question recurring upon the resolution, the same was adopted.

Mr. Dorland offered the following resolution:

Resolved, That all subjects of general legislation, except such as has been recommended by the Governor, and those of a special character, shall not be entertained by this House.

Mr. Tracy moved to amend, by excepting a bill for an act to repeal the Prohibitory Liquor Law, passed at the last session of the General Assembly.

Mr. Edie required a call of the House, which being seconded, the roll was called.

Messrs, Conkey, Franklin, Holmes, of Linn, Hyde, Pigman, Reid, Richman and Weatherington absent.

Mr. Young was, upon motion of Mr. Neal, excused.

Upon motion of Mr. Russell,

Further proceedings under the call were dispensed with.

Mr. Holmes, of Jones, moved to indefinitely postpone the further consideration of the amendment; upon which motion,

Mr. Tracy called for the yeas and nays, which were as follows:

YEAS.—Baldwin, Barker, Bickford, Brown, Bryan, Coffin, Connell, Creamer, Creel, Dewey, Dorland, Edie, Greenleaf, Holmes, of Jones, Johnson, Kinert, Lyon, McCall, McCrory, McFarland, McKay, Noble, Rogers, Russell, of Washington, Smith, of Cedar, Smith, of Jackson, Turner, White, Williams, Witter—30.

NAYS.—Albright, Anderson, Bigelow, Bonson, Clark, Corse, Goodfellow, Hall, Hamilton, Jackson, Lynch, Meek, Monroe, Moore, Newsam, Neal, Neely, Poston, Russell, of Mills, Sargeant, Samuels, Stevenson, Tisdale, Tracy, Yeoman, Mr. Speaker—26.

Motion prevailed.

Mr. Russell moved to amend by excepting such local legislation as could be passed with general consent.

Upon motion of Mr. Corse,

The resolution and amendment were laid upon the table.

Mr. Russell, of Washington, offered the following resolution:

Resolved, The Senate concurring, that the General Assembly of Iowa do adjourn *sine die* on Monday, the 14th inst.

Which resolution was agreed to.

Upon motion of Mr. Edie,

It was resolved that Railroad business have precedence of all other business in this House.

Upon motion of Mr. Holmes, of Jones,

It was resolved, that the Governor of the State be requested to inform the House whether the improvements contemplated by the appropriations of the last General Assembly for the State Penitentiary, have been completed.

Mr. Turner had leave to present the petitions of certain of the citizens of Deleware county, Iowa,

Also,

The proceedings of a meeting of certain citizens of Delhi, Iowa, relating to the location of a Railroad from Dubuque to Sioux City, which were, upon his motion, referred to the Railroad Committee.

Mr. Dewey, of Fremont, presented the petition of certain citizens of Fremont county, relating to swamp lands, which was, upon his motion, referred to a select committee.

The Chair appointed Messrs. Dewey, of Fremont, Russell, of Mills, and Richman, said committee.

Upon motion of Mr. Holmes, of Jones,

So much of the Governor's Message as relates to the Arms of the State, was referred to the Committee on *Military Affairs*.

Mr. Neal, of Marion, moved that the House appoint a Standing Committee of five, on Territorial affairs, to whom shall be referred so much of the Governor's *Message*, as refers to the Affairs of Kansas.

Upon motion of Mr. Russell,

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

TWO O'CLOCK, P. M.

Mr. Pigman presented the credentials of Lewis Kinsey, member elect from the 14th district.

Upon motion,

Mr. Kinsey was admitted to a seat, and took and subscribed the oath required by the Constitution.

The Speaker announced the appointment of the following gentlemen to fill the vacancies upon the several Standing Committees.

Mr. Kinsey, to the Committee of Ways and Means; vice Mr. Lockwood.

Mr. Lynch was appointed upon the Committee on Claims; vice Mr. Damon.

Mr. Hamilton to the Committee on Enrolled Bills; vice Dewey, of Lee.

Mr. Noble to the Committee on Engrossed Bills; vice Mr. Meechem.

To the Committee on Expenditures, Mr. Richman; vice Mr. Pritchard.

To Committee on Public Buildings, Mr. Anderson; vice Mr. Boyles.

To the Committee on Internal Improvements, Mr. Bickford; vice Mr. Wamsley, also, Mr. Reid, vice Mr. Hinkle.

To the Committee on Public Lands, Mr. Clark; vice Mr. Walters.

Mr. Bonson monson moved to take up the resolution offered yesterday, relating to legislative business.

Motion withdrawn:

On motion of Mr. Samuels.

House adjourned until to-morrow morning, 10 o'clock.

TUESDAY, JULY 8th, 1856.

House met pursuant to adjournment.

Prayer by the Chaplain.

The Journal of yesterday was read and corrected.

The Speaker announced the following communication from the Governor:

EXECUTIVE OFFICE, IOWA CITY, }
July 8th, 1856. }

To the Speaker of the House of Representatives:

Sir—I have the honor to acknowledge the receipt of a copy of a resolution adopted by the House of Representatives, asking “the Governor to inform the House whether the improvements contemplated by the appropriation of the last General Assembly for the State Penitentiary, have been completed;” and to say in reply, that the improvements were made, the appropriation expended and the cells occupied before the close of the year 1855.

Your Obedient Servant,

JAMES W. GRIMES.

Mr. Jackson presented the memorial of certain citizens of Council Bluffs, Iowa, upon the subject of Rail Road; which was,

Upon his motion,

Referred to the committee on said roads.

Mr. Bonson moved that the Joint Resolution relating to legislative business, be taken up and read a third time.

Motion withdrawn.

Mr. Dewey, of Fremont, from the committee to whom was referred a memorial relating to swamp lands, reported House file, No. 1, joint resolution and memorial to Congress.

Which was read a first time.

Upon motion of Mr. Anderson,

The 42nd rule was suspended, and the resolution read second and third time and passed, and the title thereof agreed to.

Upon motion of Mr. Russel, of Washington, so much of the Governor's message as referred to Bonds of the State, issued in 1846 for \$55,000, was referred to the Committee on Ways and Means.

By leave of the House,

Mr. Russel, of Mills, introduced House file No. 2., a bill for an act to amend chapter 139 of the laws of the fifth General Assembly.

Which was read a first time.

Upon motion of Mr. Jackson,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title aged to.

Mr. Dewey, of Fremont, renewed the motion of Mr. Bonson, to suspend the rule, and that the resolution relating to legislative business be read a third time.

Motion lost.

Upon motion of Mr. Russell, so much of the Governor's message as relates to accidents on Railroads, was referred to the Committee on the Judiciary.

Mr. Russell, of Washington, offered the following:

WHEREAS, the Congress of the United States, by an act approved May 15th, 1856, granted to the State of Iowa certain lands to aid in the construction of rail roads in said State; therefore,

Resolved, That in the opinion of this House the Legislature ought to accept said lands, subject to the conditions of said grant.

Which resolution was adopted.

Mr. Hamilton, by leave, introduced House File No. 3, an act to amend the charter of the town of Ft. Madison.

Which was read a first time.

Upon motion of Mr. Moore,

The 42nd rule was suspended, and the bill read second and third time, and passed, and title thereof agreed to.

Mr. Creel presented House File No. 4, a bill for an act to amend an act, to incorporate the City of Keokuk; which was,

By leave,

Read a first time; and,

Upon his motion,

The 42nd rule was suspended, and the bill read a second time, and referred to a special committee, composed of the members from Lee county.

Upon motion of Mr. Russell, so much of the Governor's message

as relates to the pardoning power, was referred to the Committee on the Judiciary.

Upon leave of the House, *Mr. Richman* introduced House File No. 5, a bill for an act to amend an act to fix the boundaries of the Judicial Districts, and the times of Courts therein.

Which was read a first time; and,

Upon his motion,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title thereof agreed to.

Mr. Russell, of *Mills*, gave notice of the introduction of a bill for an act to form a Judicial District, to be called the Eleventh Judicial District.

Upon motion of *Mr. Anderson*, it was

Resolved, That the Secretary of State be authorized to furnish each member of this House with a copy of the sectional and geological map of Iowa, published by N. H. Parker.

Upon motion of *Mr. Dorland*, it was

Resolved, That the kindness and attention of the Presidents and officers of the Chicago and Rock Island, and Mississippi and Missouri Rail Roads, to the members of this House, on their recent excursion to Chicago, in accordance with the liberal invitation of the President, merit and hereby receive our warmest thanks.

Resolved, That the Clerk of the House be directed to furnish the Presidents of those roads with a copy of the above resolution.

Mr. Dewey had leave to introduce House File No. 6, a bill for an act to amend an act to dispose of the swamp and overflowed lands, &c.

Which was read a first time; and upon

Motion of *Mr. Dewey*,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title thereof agreed to.

Upon motion of *Mr. Corse*,

The House adjourned to 2 o'clock, *P. M.*

TWO O'CLOCK, P. M.

Mr. Bryan had leave to introduce House File No. 7, a memorial to Congress to extend the boundary line of the State.

Which was read a first time ; and,

Upon motion,

The 42nd rule was suspended, and the same was read a second and third time, and passed, and the title thereof agreed to.

The Speaker announced the following special committee upon Desmoines River Affairs, in pursuance of the resolution of *Mr. Creamer*, to-wit: *Messrs. Creamer, Creel, Baldwin, Corse and Neal.*

Mr. Rogers had leave to introduce House File No. 8, a bill for an act to legalize the acts of township assessors of Howard county.

Which was read a first time ; and upon

His motion,

The 42nd rule was suspended, and the bill read the second and third time, and passed, and the title agreed to.

Mr. Rogers had leave to introduce House File No. 9, an act authorizing District Courts in the counties of Howard, *Mitchell*, Cero Gordo and Worth.

Which was read a first time, and passed to a second reading to-morrow.

Mr. Creel, from the special committee to whom was referred House file No. 4, a bill for an act to amend the Charter of the City of Keokuk, reported the same back to the House, and recommended its passage ; and,

Upon motion,

The rule was suspended, and the bill read a second and third time, and passed, and the title thereof agreed to.

Upon motion,

The House adjourned to 9 o'clock to-morrow.

WEDNESDAY, JULY 9, 1866.

House met pursuant to adjournment.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

On motion,

The Secretary was requested to furnish the members of the House with Henn, Williams & Co's. maps, instead of N. H. Parker's, as the latter cannot be procured in this place.

Mr. Reid, having been absent, requested that his vote be recorded in the affirmative on an amendment to a resolution offered by Mr. Dorland, by a member from Desmoines, relating to the Prohibitory Liquor Law.

Mr. Richman introduced House File No. 10; An Act to amend the Act to incorporate the city of Muscatine, which was read a first time, and,

On his motion,

The 42d rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

The following message was received from the Senate, by Mr. Bradley, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate have refused to concur in the resolution passed by the House, "that the Legislature adjourn *sine die* on the 14th instant."

I am also instructed to inform the House that the Senate have passed without amendment,

House file No. 4; a bill for an Act to amend the Charter of the city of Keokuk.

Also,

That the Senate have passed Senate file No. 6; a bill for an Act to amend the Charter of the town of Bentonsport, in Van Buren county, in which they ask the concurrence of the House of Representatives.

B. P. BRADLEY,
Sec'y Senate.

The Speaker announced the following communication of the Secretary of State.

SECRETARY'S OFFICE, }
IOWA CITY, July 8, 1856. }

HON. REUBEN NOBLE,

Speaker of the House of Representatives:

SIR—A resolution of your House, which passed this morning, authorizing me to furnish each member with a copy of the map of Iowa, published by N. H. Parker, was transmitted to me by the Chief Clerk.

I have made diligent search, but have been unable to find a copy of Mr. N. H. Parker's maps for sale in this city.

I can furnish a sufficient number of the maps of Messrs. Henn, Williams & Co., (late edition—1856,) to supply each member.

With great respect,

Your obedient Servant,

GEO. W. McCLEARY,

Sec'y of State.

Mr. Poston had leave to introduce House File No. 11; a bill to enable the County Judge of Wapello county to change the boundaries of certain lots in Chillicothe, which was read a first time, and,

On his motion,

The 42d rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

Mr. Newsam had leave to introduce House File No. 12; joint resolution for the relief of Wm. H. Leech, which was read a first and second time, and,

On motion of Mr. Creel,

Was referred to the committee on Claims.

Mr. Richman had leave to introduce House File No. 13; a bill for an Act in relation to the disposition of Taxes levied upon the stock of the Mississippi and Missouri River Railroad Company, which was read a first time, and,

On his motion,

The 42d rule was suspended, the bill read a second and third time, and passed and the title agreed to.

Mr. Reid presented the petition of James Richey, and twenty-

eight other citizens of Lee county, praying for an Act to change the location of a State road in said county, which was,

On his motion,

Referred to the Committee on Roads and Highways.

Mr. Williams had leave to introduce House File No. 15; joint resolution in relation to paying over certain moneys to the Warden of the Penitentiary, which was read a first time, and,

On his motion,

The 42d rule was suspended, and the bill read a second and third time, and passed and the title agreed to.

Mr. Noble, of Jefferson, moved to adopt the following resolution:

That the members and lobby members be, and are hereby requested to attend to their lobby business, outside of the Hall, during the session of this House, which was,

On motion of *Mr. Tracy*,

Laid on the table.

Mr. Samuels presented the petition of 600 citizens of Dubuque on the subject of Railroads, which was referred to the Committee on Railroads.

Mr. McFarland had leave to introduce House File No. 16; an act to incorporate the city of *Mt. Pleasant*, which was read a first time, and,

On his motion,

The 42d rule was suspended, the bill read a second and third time, and passed and the title agreed to.

On motion of *Mr. Williams*, of *Mahaska* county,

Mr. Francis A. Barker, was elected Enrolling Clerk, by acclamation. *Mr. Barker* afterward came forward and took the oath of office.

Mr. Russell, of *Mills*, gave notice that on to-morrow, or some future day, he would introduce a bill for an Act fixing the boundaries of the 11th Judicial District of the State, and the times of holding the Courts therein.

Mr. Bryan had leave to introduce House File No. 17; an Act to enlarge School District No. 2, Bloomington township, *Muscatine* county, Iowa, which was read a first time, and,

On his motion,

The 42d rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

Mr. Bonson's resolution relative to restricting the action of the Legislature, was taken up, and,

On motion of Mr. McKay,

Was laid on the table.

Senate File No. 6; a bill,

For an Act to amend the Charter of the town of Bentonsport, Van Buren county, was read a first time, and,

On motion of Mr. Weatherington,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

On motion of Mr. Brown,

The House adjourned to 2 o'clock.

TWO O'CLOCK, P. M.

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

MR. SPEAKER:

I am directed to inform the House that the Senate have passed, without amendment,

H. R. File No. 2; a bill,

For an Act to amend chapter 139 of the Laws of the State of Iowa, passed at the regular session of the Fifth General Assembly.

Also,

H. R. File No. 5; a bill,

For an Act to amend an Act fixing the boundaries of the several Judicial Districts, and the time of holding Courts therein,

Also,

H. R. File No. 7;

Memorial and joint resolution for the extension of the Western boundary line of the State of Iowa to the Missouri River.

Also,

With one amendment, H. R. File No. 3; a bill,

For an Act to amend section 1st of an Act to amend the Charter of the town of Ft. Madison, approved January 22nd, 1855, in which they ask the concurrence of the House of Representatives.

I am also instructed to inform the House that the Senate have passed the following bills, in which they respectfully ask the concurrence of the House of Representatives.

Senate File No. 2; a bill,

For an Act for a further appropriation for the State Insane Assylum.

Senate File No. 3; a bill,

For an Act to locate the county seat of Cerro Gordo county.

Senate File No. 4; a bill,

For an Act for an appropriation for the Penitentiary.

Senate File No. 7; a bill,

For an Act authorizing the Register of the State Land Office to close the Saline Grant.

Senate File No. 8; a bill,

For an Act to amend an Act to incorporate the city of Lyons, approved January 24th, 1855.

Also,

Senate File No. 12; a bill,

For an Act to amend an Act to incorporate the town of Bloomfield.

Also,

Senate File No. 13; a bill,

For an Act to enable the Governor to distribute the State arms.

Also,

Senate File No. 14; a bill,

For an Act to amend an Act regulating the issue of county and corporate bonds, approved January 25th, 1855, so as to exempt the town of Ft. Madison from its operations.

P. B. BRADLEY,

Sec'y Senate.

House File No. 3 returned from the Senate with amendment, providing for its special publication.

The amendment was concurred in, the bill passed, and the title agreed to.

Mr. Samuels, from the Special Committee on Railroads, reported House File No. 18; a bill,

For an Act to accept the grant and carry into execution the trust conferred upon the State of Iowa, by an Act of Congress entitled an Act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of Railroads in said State, approved May 15th, 1856.

The bill was read a first time, and,

On motion of Mr. Bonson,

It was laid on the table, and,

500 copies ordered to be printed.

Upon motion of Mr. Samuels,

House File No. 18 was made the special order for to-morrow afternoon at 2 o'clock, and from day to day until disposed of.

On motion of Mr. Tisdale,

Senate File No. 12; a bill,

For an Act to amend an Act to incorporate the town of Bloomfield, was taken up and read a first time, and,

On his motion,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title agreed to.

Senate File No. 3; a bill,

For an Act to locate the county seat of Cerro Gordo county, was read a first time, and,

On motion of Mr. Corse,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title agreed to.

Senate File No. 2; a bill,

For a further appropriation for the Insane Assylum, was read a first time, and,

On motion of Mr. McFarland,

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

On motion of Mr. Bryan,

It was referred to the Committee on Charitable Institutions, with instructions to report at an early day.

Senate File No. 4; a bill,

For an Act for an appropriation for the Penitentiary, read a first time, and,

Upon motion of Mr. Hall,

The 42nd rule was suspended and the bill read a second time, and referred to the Committee on Public Buildings.

Senate File No. 7; a bill,

For an Act authorizing the Register of the State Land Office to close the Saline Grant, was read a first time, and,

On motion of Mr. Tisdale,

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

Mr. Samuels moved to strike out the words, "his excellency, Governor Grimes," and insert the words, "Governor of the State of Iowa."

Amendment adopted, and the bill was read a third time, and passed, and the title thereof agreed to.

Senate file No. 8; a bill,

For an Act to amend an Act to incorporate the city of Lyons, read a first time, and,

On motion of Mr. Brown,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

Senate File No. 13; a bill,

For an Act to enable the Governor to distribute the State arms, was read a first time, and,

On motion of Mr. Edie,

The 42nd rule was suspended, the bill read a second time.

Mr. McFarland moved to strike out the word "fifty" in the bill, and to insert the word "thirty."

On motion of Mr. Samuels,

The bill and amendment was referred to the Committee on Military Affairs.

Senate File No. 14; a bill,

For an Act to amend an Act regulating the issue of county and corporate bonds, was read a first time, and,

On motion of Mr. Corse,

The bill was read a second time, and referred to the Committee on the Judiciary.

Mr. Reid had leave to introduce House File No. 19; a bill,

To repeal the Prohibitory Liquor Law, and to enact a license law, which was read a first time, and,

On motion of Mr. Corse,

Was laid on the table.

Mr. Russell, of Mills, had leave to introduce House File No. 20.

An Act fixing the boundaries of the 11th Judicial District, which was read a first time, and,

On motion of Mr. Russell,

The 42nd rule was suspended, the bill read a second time, and referred to a committee composed of the members from the 6th and 7th Judicial Districts.

Mr. Turner had leave to introduce House File No. 21.

An Act to authorize the appointment of Commissioners to revise the School Laws of the State of Iowa, and,

On motion of Mr. Turner,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title thereof agreed to.

Mr. McKay had leave to introduce House File No. 22.

A joint resolution and memorial to Congress for grant of land to aid in the construction of certain Railroads, was read a first time, and,

On motion of Mr. McKay,

The 42nd rule was suspended, the bill read a second time, and referred to a Select Committee, consisting of Messrs. McKay, Neal, and Bigelow.

On motion,

House adjourned until 10 o'clock to-morrow morning.

THURSDAY MORNING, JULY 10, 1856.

House met pursuant to adjournment.

Journal of yesterday read and approved.

Mr. Conkey had leave to introduce House file, No. 23, a bill,

For an act amendatory of the act incorporating the town of Cedar Rapids;

Which was read a first time ; and,

On his motion,

The 42d rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

Mr. Bigelow had leave to introduce House file, No. 24, a bill, For an act to authorize the re-survey of certain highways in the county of Clayton ;

Which was read a first time ; and,

On his motion,

The 42d rule was suspended, the bill read a second and third time, and passed and the title agreed to.

Mr. Dewey, from Standing Committee on Military Affairs, to whom was referred Senate file No. 13, a bill,

For an act to enable the Governor to distribute the State arms, reported the same back to the House with a substitute therefor, accompanied with the following report :

The Committee on Military Affairs, to whom was referred Senate file, No. 13, "A bill for an act to enable the Governor to distribute the State Arms," have had the same under consideration. There exists much diversity of opinion among the members of the Committee, in relation to the proper method of disposing of the arms ; and I have been instructed by a portion of them to report back to the House the Senate bill without amendment. Another portion has directed me to report a substitute for that bill, containing more stringent enactments.

Some of the Committee are in favor of giving these arms to the people, and permitting them to be used, not only for the purposes of drill and parade, but for hunting and fishing ; while others are in favor of distributing them only to organized companies, to be employed in military operations.

Doubtless, at the present crisis in political affairs, much might be said on both sides. While it will be universally admitted that a free people, properly armed and fighting in a just cause, are invincible ; yet it will not be denied that, organized into independent volunteer companies, and equipped with muskets or Sharpe's Rifles, they would be much more efficient on the battle field. The only question is, shall the people be permitted to hunt with the

State arms, until war is declared? The great danger to be apprehended from such a course is, that some of the arms might fall into the hands of Kansas emigrants and thus be carried out of the State. The Committee do not feel disposed to argue the question at length, but have agreed to instruct me to report the two bills above alluded to, and leave the matter to the wisdom of the House.

The only part of the subject upon which the Committee was unanimous, is contained in the accompanying resolutions, which I have been instructed to report.

WM. DEWEY.

Resolved, That the Governor of the State be required to furnish each member of this House with one musket and one revolver, out of the arms belonging to the State.

Resolved, That any deficiency in the muskets and revolvers shall be supplied by Sharpe's Rifles, to be procured from Kansas.

Mr. Lynch moved

To lay the resolutions on the table.

Motion withdrawn.

Mr. Samuels moved

To refer the report and resolutions to the Committee of the Whole;

Which motion failed.

Mr. Russell, of Washington, moved

To indefinitely postpone a further consideration of the report.

On this question,

Mr. Tracy called for the yeas and nays,

Which were as follows:

YEAS.—Anderson, Baldwin, Barker, Bigelow, Bickford, Bonson, Brown, Corse, Conkey, Connell, Creamer, Creel, Dewey, Dorland, Edie, Franklin, Goodfellow, Greenleaf, Hamilton, Holmes, of Jones, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Lyon, Lynch, McCall, McCrory, McFarland, McKay, Meek, Monroe, Moore, Newsam, Neely, Noble, Pigman, Poston, Reid, Rogers, Russell, of Washington, Russell, of Mills, Samuels, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Turner, Van Fossen, Weatherington, White, Williams, Witter, Young, Mr. Speaker—56.

NAYS.—Albright, Neal, Sargeant, Tracy—4.

Carried in the affirmative.

House File No. 25, Substitute for Senate File No. 13, was read a first time.

On motion of Mr. Dewey,

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

Mr. McFarland moved to lay the substitute on the table.

Which motion was adopted.

Senate File, No. 13, a bill,

For an act to enable the Governor to distribute the State arms,
Was then taken up.

Mr. Holmes, of Jones, moved to amend as follows :

“That so many of the arms of the State as are required at the Penitentiary, shall be delivered to the Warden for said use.”

Which amendment was agreed to.

Mr. McFarland moved to amend by striking out “50” and inserting “30.”

Which amendment was also agreed to.

On motion of Mr. McFarland,

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

Mr. Williams, from the Committee on Public Buildings, to whom was referred Senate File No. 4, a bill,

For an appropriation for the Penitentiary,

Reported the same back with the following amendment :

“That the money so appropriated shall be paid to the Wardens on the order of the inspectors, when needed.”

Which amendment was agreed to.

On his motion,

The 42nd rule was suspended, the bill read a third time, and passed, and the title agreed to.

Mr. McFarland, from the Committee on Charitable Institutions, to whom was referred Senate File No. 2, a bill,

For a further appropriation for the State Insane Asylum,

Reported the same with the following amendment :

“That so much of all acts as are inconsistent with this act are hereby repealed.”

Which was adopted.

On motion of Mr. Holmes, of Jones,

The bill was made the order for two o'clock, to-morrow.

Mr. Neal had leave to introduce House File No. 26,

A joint resolution asking for a grant of land to aid in the construction of a certain railroad.

On motion of Mr. Clark,

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

Mr. Williams moved to insert the word "Oskaloosa" before the word "Knoxville."

Mr. Franklin moved to adjourn.

On which motion Mr. Neal called for the yeas and nays, which were as follows:

YEAS—Brown, Corse, Holmes, of Jones, Kinsey, Poston, Sargeant and White—8.

NAYS—Albright, Barker, Bigelow, Bickford, Bonson, Clark, Conkey, Connell, Creel, Dewey, Dorland, Edie, Goodfellow, Greenleaf, Hamilton, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Lyon, Lynch, McCall, McCrory, McFarland, McKay, Meek, Monroe, Moore, Newsam, Neal, Neely, Noble, Pigman, Reid, Rogers, Russell, of Washington, Russell, of Mills, Smith of Cedar, Smith of Jackson, Stevenson, Tisdale, Turner, Van Fossen, Weatherington, Williams, Young, Mr. Speaker.—47.

So the motion to adjourn was lost.

On motion of Mr. Connell,

The amendment of Mr. Williams was laid on the table.

Mr. Williams moved to refer the bill to the Committee on Internal Improvements.

Which motion was lost.

On motion of Mr. Neal,

The 42nd rule was suspended, the bill read a third time, and passed, and the title agreed to.

Mr. McKay, from the special committee, to whom was referred House File, No. 22,

Joint resolution and memorial for Railroad Grant,

Reported the same back to the House without amendment, and recommended its passage.

On motion of Mr. Rogers,

The 42nd rule was suspended, the bill read a third time, and passed, and the title agreed to.

Mr. Goodfellow had leave to introduce House File No. 27,

A bill for an act to establish a State road in the counties of Monroe and Wayne.

Which was read a first time.

On his motion,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

Mr. Coise moved to adjourn.

On which motion, Mr. Franklin called for the yeas and nays, which were as follows :

YEAS—Albright, Barker, Brickford, Coise, Conkey, Greenleaf, Hyde, Kinsey, Neely, Noble, Pigman, Poston, Russell, of Mills, Sargeant, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Moore, Weatherington and Young—21.

NAYS—Bigelow, Brown, Clark, Edie, Franklin, Creel, Dewey, Goodfellow, Holmes, of Jones, Jackson, Johnson, Kinert, Lyon, Lynch, McCall, McCrory, McFarland, McKay, Meek, Monroe, Neal, Reid, Rogers, Russell, of Mills, Turner, Van Fossen, White and Mr. Speaker—28.

Motion to adjourn lost.

Mr. Jackson had leave to introduce House File, No. 28, a bill, For an act to to locate a State road from Bear Grove, in Guthrie county, to the Missouri river.

Which was read a first time.

On motion of Mr. Edie,

The 42nd rule was suspended, the bill read a second time, and referred to the Committee on Roads and Highways.

Mr. McKay introduced a memorial of Donald Mann, in relation to alleged abuses on the part of the Desmoine Navigation and Rail Road Company.

To the General Assembly of the State of Iowa :

Your memorialist respectfully represents to your Honorable body, that the managers of the Demoine Navigation and Railroad Company, a corporation under the laws of Iowa—in which your memorialist is a stockholder—have, as hereinafter stated, and in various other ways, corruptly and for corrupt purposes, violated, and that they do for such purposes continue to violate, the laws of the State, greatly to the injury of the people thereof, and to the great loss and damage of the stockholders in the Corporation.

The 680th section of the Code of Iowa, as well as the Charter of

Incorporation, has been violated by the managers of the "Des Moines Company," in this among other particulars:—Their Charter of Incorporation declares that "the officers and persons who shall conduct the affairs of the Company, shall be the President and Board of Directors;" yet those managers have, by their By-Laws, and in practice, transferred to an "Executive Committee" of five persons all the powers of the Board of Directors, without giving the public notice required by the Code of Iowa; the Code declaring that no change in the provisions of the Charter shall be legal, unless published formally in the same manner as the Charter was originally published. An examination of the proceedings of this "Executive Committee," under the authority of the Legislature or the Courts, will show that this *unpublished* and *illegal* change in the management of the Company was influenced by no such "*honest purpose*" as is contemplated by the Code of Iowa.

The 685th section of the Code has been violated for more than two years, notwithstanding the attention of the managers of the Company has been repeatedly called to the matter by certain officers of the State of Iowa, and by some of the Directors of the Company, as must appear by the records and correspondence of the Company. That section requires that

"A statement of the amount of the *capital stock subscribed*, the amount of capital *actually paid in*, and the amount of indebtedness of the company in a general way, must also be kept *posted up in like manner*, (at "the principal place of business," and "be subject to inspection,") which statement must be *corrected as often as any material change takes place* in relation to *any part* of the subject matter of such statement."

There never has been *any* "statement" exhibited, notwithstanding this requirement of the Code, and the managers of the Company refrain from making such "statement," for the purpose of "deceiving the public and individuals in relation to their means;" inasmuch as the Company represent to "the public and individuals," that there has been paid into their treasury "enormous sums of money" on account of stock sold—say seven or eight times more money than has been actually received; and the better to accomplish and maintain such deception, the managers (or a majority of them) caused to be issued certificates of stock to the amount, *nomi-*

nally, of \$630,000, or 6,300 shares of \$100, for each of which shares they represent to the "public and individuals" that the holder paid into the Company's treasury the sum of \$100, amounting in all to \$630,000—when in truth they never received, or expected to receive, but 5 (five) per cent. of that amount. And "the public and individuals" were and are thus grossly "deceived" in regard to the value of the stock, and in regard to the Company's "means."

Still further. They issued about \$1,470,000, or 14,700 shares of stock, on which the sum of \$20 on each share was "acknowledged to have been paid"—amounting in all to \$314,000—when in truth no such amount had been, or was expected to be, received, there having been only 5 per cent. paid for the stock instead of 20 per cent., and but \$73,500 received, instead of \$314,000, as represented to "the public and to individuals." Even the "5 per cent. said to have been paid in" when the Charter or Certificate of Incorporation was filed and published at the organization of the Company, was not *actually paid in by some of the managing Directors and members of the Executive Committee for many months* after that period—which state of things prevented the Company, for nearly a year, from paying off the balance of indebtedness, due from the improvement, to its former creditors.

Thus were "the public and individuals" grossly deceived as to the value of the stock and the means of the Company, and thus was the progress of the Improvement seriously retarded, notwithstanding the "enormous" assertions of the President of the Company in his letter or manifesto to the Iowa Delegation in Congress, in which he speaks of vigorous prosecution of the work and "enormous advances" of money made, or to be made, to the Company, by some unheard of money kings or princes. When in truth, as all in Iowa know, no "enormous advances" were made or required, and the work, from the beginning to this time, has been most shamefully neglected and procrastinated.

The 692d Section of the Code has also been persistently violated for more than two years by the "Managers" of the Company—notwithstanding the warnings given by some of the public officers and by *some* of the Directors of the Company. The conclusion of that section requires that

"The books of the company *must* be so kept as to *show intelligi-*

by the *original stockholders*, their *respective interests*, the amount which has been *paid in* on their shares, and all transfer thereof; and *such books*, or a *correct copy thereof*, so far as the items mentioned in this section are concerned, shall be subject to the inspection of any person desiring the same."

Yet *no* "such book" nor "copies" thereof, whether "correct" or "incorrect," *have ever been kept* at the "principal place of business," or at any other place, *as required by law*. Thus has been set at defiance another provision of the Iowa laws designed for the protection of the Stockholders and the People of the State.

A correct "Statement" of the financial operations of the *Managers* of the Des Moines Company, and of the mismanagement of the vast interests of the enterprise under their charge, *would*, were it, (as the law requires,) accessible to and "subject to the inspection of" the people and public officers of Iowa, present such a spectacle of laws violated and frauds practised, (for the benefit of the managers aforesaid, and to the great injury and loss of the State and people of Iowa, and the stockholders of the Company,) as would have immediately called for the peremptory interference of the proper authorities to protect the interests of the State and its citizens, and punish the corrupt violators of the laws of the State, and of the charter of the Company. The *accuracy* of the statements of the President of the Company, in his late published letter to the Iowa Delegation in Congress, could be readily tested, were the accounts of the Company accessible for public inspection, as the law requires; as those accounts would show an "enormous" disproportion between the "enormously *large* sums of money" *said* to have been raised and expended by the Company, instead of the "enormously" *small* sums actually disbursed by that Company during the two years and upwards since it was organized, as shown in the published statement of Mr. Blackwell, the late Chief Engineer of the Des Moines Company and of the State of Iowa; for the Chief Engineer of that *Company* holds also the (somewhat incompatible) office of Chief Engineer of the *State of Iowa*.

Section 687 of the Iowa Code, as well as the charter of the Company, has been violated persistently by certain managers of the Des Moines Company, constituting a majority of the Executive Committee, by collusion with its Treasurer in various ways; of which

operations a specimen may be mentioned. The Treasurer, Mr. Alvah Hunt, who gives no security for the safe keeping of the Company's money, and whose duty it was to have deposited the money for safety in the banks designated by the Board of Directors, has, at various times, taken the checks or due bills of members of the Executive Committee for large sums in payment for stock which they bought of the Company, agreeing to pay cash therefor—thus perilling the interests of the stockholders and the people of Iowa in reference to the Demoiné Improvement, by colluding with *some* persons for their and his benefit, to the injury as aforesaid, while *properly* requiring *cash* from others, as it was his duty to do from *all* who were indebted to the Company for stock. By collusion with some of the managers of the Company, the Treasurer has also loaned to members of the Executive Committee, (such as Messrs. Edwin C. Litchfield, Elisha C. Litchfield, and John Styker, who form a majority of the said Committee,) large sums of money paid in by the "*outsiders*,") being the largest portion of the funds) that should at the time have been in the deposit banks for safe keeping, to the credit of the Company. These loans, by the Treasurer, to members of the Executive Committee, were corruptly made, without the shadow of authority or legal right, to the great danger of the property of the stockholders and to the detriment of the Demoiné Improvement, for the sole profit and benefit of the said Treasurer and members of the Executive Committee.

Thus have the books and accounts of the Demoiné Company been falsely kept; and, *in order to avoid exposure*, those books and accounts have *not been kept in the office of the Company as required by law*, and thus have individuals been deceived and subjected to loss in buying the stock of the Company, not being aware of the fraudulent manner in which it was issued, nor of the condition of the Company's finances—a large portion of whatever funds it possessed having been loaned without authority, by collusion between the Treasurer and some other officers of the Company. Soon after the before-mentioned fraudulent issue of stock, the President of the Company and some of the principle Directors, sold large amounts *at par*, to innocent parties, who supposed that the sum specified on the face of the scrip had been *actually paid in* upon it, thus losing 15 or 95 dollars on each share, according as

they bought the "full paid" or "20 per cent. stock," so called, both being fraudulent.

Thus has the course pursued by those who "*manage*" the Demoiné Company, seriously injured the rights and interests of the stockholders, perniciously affected the interests of the people of Iowa in the Demoiné Improvement, and actually destroyed the legal existence of the Corporation, as well as subjected "all concerned therein," to an individual liability of the most stringent character, as will be seen by the following sections of the Code, viz: 686, 689, 690, and 691.

8. [686.] Intentional fraud in failing to comply substantially with the articles of incorporation, or in deceiving the public or individuals in relation to their means or their liabilities, shall subject those guilty thereof to fine or imprisonment, or both, at the discretion of the Court. Any person who has sustained injury from such fraud, may also recover damage therefor against those guilty of participating in such fraud.

9. [689.] A failure to comply substantially with the foregoing requisitions in relation to organization and publicity, renders the individual property of all the stockholders liable for the corporate debts.

11. [691.] The intentional keeping of false books or accounts by any corporation, whereby any one is injured, is a misdemeanor on the part of those concerned therein, whose duty it was to see that the books and accounts were correctly kept.

The spirit and letter of the Code of Iowa respecting Corporations, of the laws of Iowa concerning the Demoiné Improvement, and of the Charter of the Company, have also been violated in *various other ways*, in the manner in which the business of the Company has been mismanaged in numerous details. But, deeming it unnecessary, at present, to show further violations of law on the part of the managers of the Demoiné Navigation and Railroad Company, I will only add that a *legislative or judicial* examination of their proceedings will show unexampled looseness and recklessness in their business, accompanied by duplicity and fraud towards the public and the stockholders, of the most aggravated character; some faint idea of which may be obtained from the letter of the late Chief Engineer of the Company, Mr. Edward R. Blackwell,

recently published in Iowa newspapers, and from the numerous protests filed by Henry O'Rielly against the illegal operations of the controlling majority in the Board of Directors and in the Executive Committee.

The hopelessness of any attempt by individual stockholders to obtain a correction of these manifold abuses, renders it necessary now to submit the matter to the authorities of Iowa; that such measures may be taken by the Legislature or the Courts, or by the Governor, or other officers specially charged with the execution of the laws of Iowa, as may appear to be demanded by the exigencies of the case.

All of which is respectfully submitted.

DONALD MANN.

June 27th, 1856.

On motion of Mr. McKay,

It was referred to the Joint Committee on the Des Moines River Improvement.

On motion,

The House adjourned.

TWO O'CLOCK, P .M.

Mr. Hamilton moved to suspend the special order, until 10 o'clock to-morrow morning.

Mr. Samuels moved to lay the motion on the table.

Pending this motion, Mr. Samuels asked a call of the House.

Call sustained.

Absent, Messrs. Connell, Dorland, Hall, Tracy, White and Witter.

Mr. Witter was excused.

Mr. Corse moved that further proceedings under the call be dispensed with.

Motion failed.

Mr. Tracy appeared in his seat.

On motion of Mr. Bonson,

Further proceedings under the call was dispensed with.

The question being on the motion to lay on the table Mr. Hamilton's motion to suspended the special order until 10 o'clock to-morrow morning, Mr. Hamilton called for the yeas and nays, which were as follows:

YEAS—Albright, Baldwin, Barker, Bickford, Bonson, Brown, Bryan, Corse, Coffin, Conkey, Creamer, Dewey, Edie, Franklin, Goodfellow, Hall, Holmes, of Jones, Holmes of Linn, Hyde, Jackson, Johnson, Kinert, Lyon, McCall, McCrory, McFarland, Meek, Neely, Noble, Pigman, Poston, Richman, Sargeant, Samuels, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Tracy, Van Fossen, Weatherington, Williams, Yeoman and Mr. Speaker—44.

NAYS.—Anderson, Bigelow, Creel, Clark, Greenleaf, Hamilton, Kinsey, Lynch, McKay, Monroe, Moore, Newsam, Neal, Reid, Rogers, Russell, of Washington, Turner and Young.—18.

Motion to lay on the table prevailed.

On motion of Mr. Turner,

The House resolved itself into committee of the whole, on H. File No. 18, a bill for an act to accept of the grant and to carry into execution the trust conferred upon the State of Iowa, by an act of Congress, entitled "an act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of Railroads in said State, approved, May 15th, 1856.

Mr. Hamilton in the Chair.

Committee rose at half past five o'clock, and reported progress.

On motion of Mr. Corse,

The House adjourned to 9 o'clock to-morrow morning.

FRIDAY MORNING, JULY 11, 1856.

House met pursuant to adjournment.

Chaplain absent.

Journal of yesterday read and approved.

Mr. Samuels, from the Committee on the Judiciary, had leave to report back to the House Senate File No. 14, without amendment, and recommended that the same do pass.

Report concurred in, and bill passed, and title agreed to.

On motion of *Mr. Rogers*,

House File No. 9 was taken up and read a second time, and,

On his motion,

The 42nd rule was suspended, and the bill read a third time, and passed, and the title thereof agreed to.

Mr. Turner presented three petitions from certain citizens of Buchanan County relating to Railroad locations, which were,

Upon his motion,

Laid upon the table.

Mr. Lynch had leave to introduce House File No. 29;

Memorial to Congress for Railroad purposes which was read a first time and,

Upon his motion,

The 42d rule was suspended and the bill read a second and third time, and passed, and the title thereof agreed to.

Mr. Hamilton had leave to introduce House File No. 30;

Joint resolution and memorial to Congress for grant of lands to aid in the construction of Railroads from Ft. *Madison*, &c., which was read a first time, and,

Upon his motion,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title thereof agreed to.

Mr. McCrory had leave to introduce House File No. 31; a bill,

For an Act to define the boundaries of School District No. 4, Scott township, Johnson county, which was read a first time, and,

Upon his motion,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title agreed to.

Message from the Senate, by *Mr. Bradley*, the Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate have concurred in the House amendment to

Senate File No. 7; a bill,

For an Act authorizing the Register of the State Land Office to close the Saline Grant.

The Senate have passed with one amendment,

H. R. File No. 6; a bill,

For an Act to amend an Act entitled an Act to dispose of the swamp and overflowed lands, within this State, and to pay the expenses of selecting and surveying the same, approved February 2, 1853.

In which they ask the concurrence of the House.

The Senate have also passed without amendment,

H. R. File No. 23; a bill,

For an Act amendatory of the Act incorporating the town of Cedar Rapids.

Also, with one amendment,

H. R. File No. 10; a bill,

For an Act to amend an Act to incorporate the city of *Muscatine*.

In which they ask the concurrence of the House.

I am also instructed to inform the House that the Senate have passed

Senate File No. 18; a bill,

For an Act to restrain swine from running at large, in Jackson county.

Also,

Senate File No. 11; a bill,

For an Act to vacate an alley in block 14 in the town of Grandview, in Louisa county, Iowa.

Also,

Senate File No. 5; a bill,

For an Act to repeal an Act for the suppression of intemperance.

Also,

Senate File No. 9; a bill,

For an Act to incorporate the city of Wapello, in Louisa county.

Also,

Senate File No. 17, a bill,

For an act to locate a State road from Sidney, Fremont county, Iowa, to Glenwood, Mills county.

Also,

Senate File No. 18; a bill,

For an Act to amend an Act entitled "An Act to amend an Act entitled an Act to incorporate Iowa City," approved January 18, 1855.

In all of which they respectfully ask the concurrence of the House of Representatives.

P. B. BRADLEY,

Secretary Senate.

Mr. Noble, of Jefferson, had leave to introduce,

House File No. 32; a bill,

For an Act to locate a State Road from Bloomfield to Richland, Keokuk county, which was read, and,

Upon his motion,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title agreed to.

Mr. Bigelow, from the Committee on Roads and Highways, to whom was referred House File No. 28, reported the same back to the House, and recommended its passage.

Upon motion of *Mr. Creel*,

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

The Committee further reported, by bill,

House File No. 33; a bill,

For an Act to relocate the State Road from Primrose to the city of Keokuk, in Lee county, which was read a first time, and,

Upon motion of *Mr. Lynch*,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title agreed to.

Mr. Greenleaf, from the Committee on Enrolled Bills, reported that the Committee had examined House File No. 4, an Act to amend the Charter of the city of Keokuk, and found the same correct.

Mr. Mills, of Pottawattamie, had leave to introduce,

House File No. 34; a bill,

For an Act to repeal chapter 46 of the Acts passed at the regular session of the Fifth General Assembly, 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 township and County organizations.

Mr. Neely had leave to present,

House File No. 35;

An Act to locate certain State Roads;

Which was read a first time; and,

On his motion,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title thereof agreed to.

Upon motion of Mr. Bryan,

A committee of five were appointed to report to this House the *per diem* and mileage of members and officers of this House.

The Speaker appointed Messrs. Bryan, Conkey, Lynch, Connell, and Yeoman.

Upon motion of Mr. Lynch,

It was resolved that five hundred copies of the memorial of Donald Mann, relating to the abuses of the Demoiné Navigation and Railroad Company, were ordered to be printed for the use of the House.

Message from the Senate, by Mr. Bradley, the Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate have passed without amendment,

H. R. File No. 11; a bill,

For an Act to enable the county Judge of Wapello county to change the boundaries of certain lots in Chillicothe.

H. R. File No. 15;

Joint resolution in relation to paying over money for the use of the Iowa Penitentiary.

Also, with one amendment,

H. R. File No. 14; a bill,

For an Act to provide for the necessary expenses of the District Court held at Keokuk, in Lee county.

In which amendment they ask the concurrence of the House.

P. B. BRADLEY,
Secretary Senate.

Mr. McKay presented the memorial of the Great North Western Railroad Company, which was,

On his motion,

Referred to the Committee on Railroads.

The special order being the consideration of House File No. 18; the same was taken up and read a second time.

Mr. Russell, of Mills, moved to amend section 2, by striking out in the third line the word "near," and insert "within five miles of."

Motion to amend lost.

Mr. Bryan moved to amend the 2nd section of the bill by striking out the words, as "may be."

Upon which motion Mr. McKay called for the yeas and nays.

Which were as follows:

YEAS—Barker, Bryan, Clark, Conkey, Dorland, Lyon, McKay, Meek, Monroe, Newsam, Neal, Rogers, Russell, of Washington, Tisdale, Turner, Van Fossen, Weatherington, Williams, Young,
—20.

NAYS—Albright, Anderson, Baldwin, Bigelow, Bickford, Bonson, Brown, Corse, Coffin, Connell, Creamer, Dewey, Edie, Franklin, Goodfellow, Greenleaf, Hall, Hamilton, Holmes, of Jones, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Lynch, McCall, McCrory, McFarland, Moore, Neely, Noble, Pigman, Poston, Reid, Richman, Russell, of Mills, Sargeant, Samuels, Smith, of Cedar, Smith, of Jackson, Stevenson, Tracy, White, Yeoman,
Mr. Speaker—45.

Amendment lost.

Mr. Bryan moved further to amend section second of the bill, by inserting in the second line, after the words "granted and conferred," the words "in pursuance of the act of Congress aforesaid," upon which motion Mr. Samuels called for the yeas and nays.

Which were as follows:

YEAS—Anderson, Barker, Bryan, Clark, Coffin, Conkey, Connell, Creamer, Creel, Dewey, Dorland, Greenleaf, Hamilton, Holmes, of Jones, Kinsey, Lyon, Lynch, McCrory, McFarland, McKay, Meek, Monroe, Newsam, Neal, Noble, Rogers, Russell, of Washington,

Smith, of Cedar, Smith, of Jackson, Tisdale, Turner, Van Fossen, Weatherington, White, Williams, Young, Mr. Speaker—37.

NAYS—Albright, Baldwin, Bigelow, Bickford, Bonson, Brown, Corse, Edie, Franklin, Goodfellow, Hall, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, McCall, Moore, Neely, Pigman, Poston, Reid, Richman, Sargeant, Samuels, Stevenson, Tracy, Yeoman—28.

Amendment adopted.

Upon motion of Mr. Bryan,

Section three, four, and five, of the bill, were amended as the second section.

Mr. Turner offered the following amendment, to section five of the bill,

Provided, That the said Railroad Company shall locate their Road within one mile of the town of Delhi, in Delaware county, and Quasqueton, and Independence, in Buchanan county.

Upon which amendment Mr. Turner called for the yeas and nays.

Which were as follows:

YEAS—Barker, Bigelow, Clark, Conkey, McKay, Newsam, Neal, Pigman, Rogers, Russell, of Washington, Turner, Weatherington, Williams, Young—14.

NAYS—Albright, Anderson, Baldwin, Bickford, Bonson, Brown, Bryan, Corse, Coffin, Connell, Creamer, Creel, Dewey, Edie, Franklin, Goodfellow, Greenleaf, Hall, Hamilton, Holmes, of Jones, Holmes of Linn, Hyde, Jackson, Johnson, Kinert, Kinsey, Lyon, Lynch, McCall, McCrory, McFarland, Meek, Monroe, Moore, Neely, Noble, Poston, Reid, Richman, Russell, of Mills, Sargeant, Samuels, Smith, of Cedar, Smith of Jackson, Stevenson, Tisdale, Tracy, Van Fossen, White, Yeoman, Mr. Speaker—50.

Amendment lost.

Mr. Turner offered further amendment to section five of the bill.

Provided, The said Railroad Company shall locate their Road so as to run to Delhi, in Delaware county, and thence westward, as near as practicable, on the same parallel, to a point at, or near Sioux city, and,

Upon which amendment, Mr. Turner demanded the yeas and nays,

Which were as follows:

YEAS—Barker, Conkey, McKay, Newsam, Neal, Rogers, Russell, of Washington, Turner, Weatherington, Young—10.

NAYS—Albright, Anderson, Baldwin, Bigelow, Bickford, Bonson, Brown, Bryan, Corse, Coffin, Connell, Creamer, Creel, Dewey, Edie, Franklin, Goodfellow, Greenleaf, Hall, Holmes, of Jones, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Kinsey, Lyon, Lynch, McCall, McCrory, McFarland, Meek, Monroe, Moore, Neely, Noble, Pigman, Poston, Reid, Richman, Russell, of Mills, Sargeant, Samuels, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Tracy, Van Fossen, White, Williams, Yeoman, Mr. Speaker—52.

Amendment lost.

Mr. Rogers offered the following amendment to section fifth of the bill, to said section, the following:

Provided, said Road shall be located and constructed as near as practicable on the line of 42 degrees and 30 minutes of North latitude.

Upon which amendment, Mr. Rogers called for the yeas and nays,

Which were as follows:

YEAS—McKay, Neal, Noble, Rogers, Russell, of Washington, White, Young—7.

NAYS—Albright, Anderson, Baldwin, Barker, Bigelow, Bickford, Bonson, Brown, Bryan, Clark, Corse, Coffin, Conkey, Connell, Creamer, Creel, Dewey, Dorland, Edie, Franklin, Goodfellow, Greenleaf, Hall, Hamilton, Holmes, of Jones, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Kinsey, Lyon, Lynch, McCall, McCrory, McFarland, Meek, Monroe, Moore, Newsam, Neely, Pigman, Poston, Reid, Richman, Russell, of Mills, Sargeant, Samuels, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Tracy, Van Fossen, Weatherington, Yeoman, Mr. Speaker—54.

Amendment lost.

Mr. Neal offered the following as section 6 of the bill:

SECTION 6. And be it further enacted, that the Companies receiving the benefit of this Grant, shall each, in proportion to the amount received by such Company, subscribe stock (not to exceed in amount one fifth of the value of the land received by such Company under this Grant,) to the Mississippi and Missouri Railroad Company, to construct and put in operation a Railroad commencing at Muscatine, on the Mississippi River, thence via Knoxville,

in Marion county, to some point on the Missouri River, and that whenever 30 miles of Railroad from Iowa City west, is finished, on the Railroad from Davenport via Iowa City and Ft. Des Moines, 30 miles of said Railroad from Muscatine west, shall be finished, and so on alternately, until said Railroads are completed to the Missouri River.

Provided, the right of way 100 feet wide for said Road shall be procured without expense to said Company.

Upon which amendment Mr. Neal called for the yeas and nays,

Which were as follows:

YEAS—Clark, Coffin, McKay, Neal, Pigman, Richman, Williams, Young—8.

NAYS—Albright, Anderson, Baldwin, Barker, Bigelow, Bickford, Bonson, Brown, Corse, Conkey, Creamer, Creel, Dewey, Dorland, Edie, Franklin, Goodfellow, Greenleaf, Hall, Holmes, of Jones, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Kinsey, Lynch, McCrory, McFarland, Meek, Monroe, Moore, Neely, Noble, Poston, Reid, Rogers, Russell, of Mills, Sargeant, Samuels, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Tracy, Van Fossen, Weatherington, White, Yeoman, Mr. Speaker—50.

Amendment lost.

On motion of Mr. Tracy,

The House passed the consideration of section one, to section five inclusive, of the bill.

On motion of Mr. Bryan,

Section 6, of the bill, was amended by striking out the words, "may donated by the acts of Congress," and inserting, "donated by the act of Congress aforesaid."

Mr. McKay offered the following amendment to section 8 of the bill:

"Strike out the word three and insert the word two in the fourth line. Strike out the word five and insert the word three in the fifth line, and strike out 1865, and insert 1862 in the 7th line."

Which amendment, was,

On motion of Mr. Tracy,

Laid on the table.

Mr. Hamilton offered the following amendment to section 8 of the bill:

“ And in case of failure of said Company to fulfill the provisions of this act, they shall pay or cause to be paid to the State an equivalent, by them to be distributed to other roads built or to be built, subject to distribution by the Legislature of the State of Iowa.”

Pending which,

On motion of *Mr. Dorland*.

The House adjourned to 2 o'clock, *P. M.*

TWO O'CLCOK, *P. M.*

Mr. Greenleaf, from the Committee on Enrolled Bills, made the following report :

Committee on Enrolled Bills report that they have examined, House File, No 3 ;

An act to amend section first of an act to amend the Charter of the town of *Ft. Madison*, approved January 22nd, 1855 ;

Also,

House File, No. 2,

An act to amend chapter 139 of the laws of the State of Iowa, passed at the regular session of the fifth General Assembly.

Also,

House File, No. 5,

An act to amend an act, entitled “ an act fixing the boundaries of the several Judicial Districts, and the time of holding Courts therein,” approved January 22nd, 1853 ;

Also ;

House File, No. 11,

A law to enable the County Judge, of *Wapello* county, to change the boundaries of certain lots in *Chillicothe* ;

Also,

House File, No. 7,

Memorial and joint resolution for the extension of the western boundary line of the State of Iowa to the *Missouri* river ;

Also,

House File, No. 15,

A joint resolution in relation to paying over money for the use of the Penitentiary.

And find them correctly enrolled.

GREENLEAF,
Chairman.

On motion of Mr. Lynch,

House File, No. 14;

An act to provide for the necessary expense of the District Court, held at Keokuk, in Lee county,

Was taken up and the amendment of the Senate concurred in.

The following message was received from the Senate, by Mr. Bradley, their Secretary :

MR. SPEAKER :

I herewith present for your signature,

Senate File, No. 3;

An act to locate the county seat of Cerro Gordo county ;

Also,

Senate File, No. 6 ;

An act to amend the charter of the town of Bentonsport, in Van Buren county, Iowa;

Also,

Senate File, No. 7 ;

An act authorizing the Register of the State Land Office, to close the Saline Grant ;

Also,

Senate File, No. 8;

An act to amend an act to incorporate the City of Lyons, approved January 24th, 1855;

Also,

Senate File, No. 12;

An act to amend an act to incorporate the town of Bloomfield, Iowa.

The same having passed both branches of the Legislature.

P. B. BRADLEY,
Sec'y of the Senate.

On motion of Mr. Hyde,

Mr. Witter was granted leave of absence.

On motion of Mr. Dewey,

House File No. 6;

An act to amend an act, entitled an act to dispose of the Swamp and overflowed lands,

Was taken up, the amendment of the Senate concurred in, and the bill passed.

House File, No. 10;

An act to amend the act to incorporate the City of Muscatine,

Was also taken up, the amendment of the Senate concurred in, and the bill passed.

Mr. Conkey had leave to introduce House File, No. 36;

Joint resolution, asking Congress for a grant of land to aid in the construction of a certain Railroad.

Which was read a first time; and,

On his motion,

The 42nd rule was suspended, the resolution read a second and third time, passed and the title agreed to.

Mr. Kinsey had leave to introduce House File, No. 37;

Joint resolution furnishing the Code and laws to officers entitled to them.

Which was read a first time, and,

On his motion,

The 42nd rule was suspended, the resolution read a second and third time, passed, and the title thereof agreed to.

On motion of Mr. Dewey,

The vote by which the House File, No. 6, was passed, was reconsidered.

Mr. Dewey, of Fremont, offered the following amendment:

“This bill to take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa City Republican.”

Which amendment was adopted.

House File, No. 18, being the special order for the day, was taken up.

The question being upon the amendment of Mr. Hamilton of Lee, the same was lost.

Upon motion,

The House passed to the consideration of section nine of the bill.

Upon motion of Mr. Lynch,

The following amendments were adopted to section nine of the bill:

The word crossing added after the word necessary in the seventh line.

The word either or any added after the word over in the ninth line.

After the words road or roads, the words hereby mutually accommodated, whether such freight or passengers are brought by the roads benefited by this act, or any other road or roads—add at the conclusion of the section the words or roads.

On motion,

The House passed to the consideration of section eleven of the bill.

Mr. Russell, of Mills, offered the following amendment to section eleven:

“Strike out of the second line the words ‘of the passage thereof’ and insert the words ‘after the location of the several roads, described in this bill, and the filing of the maps and plats in the office of the Governor of this State.’”

Upon which amendment, Mr. Samuels called for the yeas and nays, which were as follows:

YEAS—Bickford, Bryan, Clark, Coffin, Connell, Creamer, Creel, Dewey, Dorland, Greenleaf, Hamilton, Johnson, Kinert, Kinsey, Lyon, McCall, McCrory, McKay, Meek, Monroe, Moore, Newsam, Neal, Neely, Pigman, Rogers, Russell, of Washington, Russell, of Mills, Smith, of Cedar, Tisdale, Turner, Van Fossen, White, Weatherington, Yeoman, Young—36.

NAYS—Albright, Anderson, Baldwin, Barker, Bigelow, Bonson, Brown, Corse, Conkey, Edie, Franklin, Goodfellow, Holmes, of Jones, Holmes, of Linn, Hyde, Lynch, McFarland, Noble, Poston, Reid, Richman, Sargeant, Smith, of Jackson, Samuels, Stevenson, Tracy and Mr. Speaker—26.

Amendment adopted.

Mr. Russell, of Washington, moved a reconsideration of the vote, by which the amendment to section eleven was adopted.

Motion to re-consider prevailed.

The question recurring upon adopting the amendment, **Mr. McKay** called for the yeas and nays, which were as follows:

YEAS—Anderson, Clark, Coffin, Connell, Dorland, Greenleaf, Jackson, Johnson, Kinert, Kinsey, Lyon, McCall, McCrory, McKay, Meek, Monroe, Moore, Newsam, Neal, Neely, Pigman, Rogers, Russell, of Washington, Russell, of Mills, Smith of Cedar, Tisdale, Turner, Van Fossen, Weatherington, White, Yeoman, Young—32.

NAYS—Albright, Baldwin, Barker, Bigelow, Bickford, Bonson, Brown, Bryan, Corse, Conkey, Dewey, Edie, Franklin, Goodfellow, Holmes, of Jones, Holmes of Linn, Hyde, Noble, Poston, Ried, Richman, Sargeant, Samuels, Smith, of Jackson, Stevenson, Tracy, **Mr Speaker**—25.

Motion prevailed.

Upon a motion to pass section eleven of the bill, the yeas and nays were called, which were as follows:

YEAS—Anderson, Baldwin, Barker, Bickford, Brown, Bryan, Clark, Coffin, Conkey, Connell, Dewey, Dorland, Greenleaf, Holmes, of Jones, Holmes, of Linn, Jackson, Johnson, Kinert, Kinsey, Lyon, McCall, McCrory, McKay, Meek, Monroe, Moore, Newsam, Neal, Neely, Noble, Pigman, Poston, Reid, Rogers, Russell, of Washington, Russell, of Mills, Smith of Cedar, Smith of Jackson, Stevenson, Tisdale, Turner, Van Fossen, Weatherington, White, Witter, Yeoman, Young, **Mr. Speaker**—47.

NAYS—Albright, Bonson, Corse, Edie, Franklin, Goodfellow, Hyde, Richman, Sargeant, Samuels, Tracy—11.

Motion prevailed.

Mr. Edie moved to adjourn.

Motion lost.

Mr. Samuels moved to postpone the further consideration of the bill to 10 o'clock to-morrow.

Upon motion of **Mr. Russell**, of Washington,
The House adjourned to 9 o'clock to-morrow morning.

SATURDAY MORNING, JULY 12, 1856.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

The following message was received from the Senate, by Mr. Bradley, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following bills :

Senate file, No. 16, a bill,

For an act to incorporate the city of Ottumwa in Wapello county.

Also,

Senate File No. 19; a bill,

For an Act to define the manner of bringing actions against rafts of logs, lumber, boards, and shingles.

Also,

Senate File, No. 21, a bill,

For an Act to enlarge School Districts No. one and two, (1 and 2) in Bloomington township, Muscatine county, and define their boundaries.

Also,

Senate file, No. 22, a bill,

For an act requiring evidence in criminal cases to be reduced to writing.

Also,

Senate file No. 23; a bill,

For an act to extend the time of locating a State Road.

Also,

Senate file No. 20, a bill

For an act to accept of the grant, and carry into execution the trust conferred upon the State of Iowa, by an act of Congress, entitled an act making a grant of lands to the State of Iowa in alternate sections, to aid in the construction of Railroads in said State, approved May 15th, 1856.

In which they respectfully ask the concurrence of the House of Representatives.

I am also directed to inform the House, that the Senate have passed the following bills without amendment :

H. R. File, No. 1, memorial and joint resolution.

H. R. File, No. 24, a bill,

For an act to authorize the re-survey of certain highways in the county of Clayton.

House File, No. 29;

Joint resolution, asking a grant of land to construct a Railroad from Keokuk, to the South Bend of the Minnesota river, with a branch to the North West corner of the State.

H. R. File, No. 30;

Joint resolution, asking a grant of lands to aid in the construction of a Railroad from Ft. Madison, to a point at or near Nebraska City.

House File, No. 31, a bill,

For an act to create and define the boundaries of School District No. 4, Scott Township, Johnson county.

House file No. 32, a bill;

For an act to locate a State Road, from Bloomfield, Davis county, *via* Ashland, Wapello county; Batavia and Brookville, Jefferson county, to Richland, Keokuk county.

House File No. 33; a bill,

For an act to re-locate a part of the State road from the town of Primrose to the City of Keokuk, in Lee county.

House File, No. 35, a bill,

For an act to locate certain State roads.

H. R. File, No. 36,

Joint resolution, asking for a grant of land to aid in the construction of a certain Railroad.

H. R. File, No. 37, a bill,

Joint resolution, furnishing the Code and laws to officers entitled thereto by law.

Also,

With one amendment,

H. R. File No. 16, a bill,

For an act to incorporate the city of Mt. Pleasant.

In which they ask the concurrence of the House.

P. B. BRADLEY,

Secretary Senate.

Mr. Rogers presented petition, and also had leave to introduce House file, No. 38, a bill,

For an act to change the name of the town of Norway, in Fayette county, to Clermont.

Which was read a first time, and,

On his motion,

The 42nd rule was suspended, and the bill read a second and third time, passed, and the title agreed to.

Mr. Richman had leave to introduce House file No. 39, a bill,

For an act authorizing the levy of a tax upon the lands upon Muscatine Island and upon adjoining lands, to construct levees to preserve said lands from overflow.

Which was read a first time; and,

On his motion,

The 42nd rule was suspended, the bill read a second and third time, passed and the title agreed to.

Mr. Bryan had leave to present the following report:

The committee to whom was referred the subject of per diem and mileage of the members and officers of the General Assembly, respectively report, that they have had the same under consideration, and find that the members are entitled to one hundred dollars each and mileage, as per act herewith reported.

The committee have also instructed me to report bill and recommend its passage.

P. GAD BRYAN.

The question being on concurring in the report of the committee, Mr. Samuels called for the yeas and nays.

Mr. Johnson asked a call of the House, which being sustained, the following members were absent:

Messrs. Connell, Creel, McKay and Russell, of Washington.

On motion of Mr. Bonson.

All further proceedings under the call were dispensed with.

The yeas and nays were as follows:

YEAS—Albright, Anderson, Baldwin, Barker, Bigelow, Bickford, Bonson, Bryan, Clark, Conkey, Creamer, Dewey, Dorland, Frank-

lin, Goodfellow, Greenleaf, Hall, Jackson, Kinsey, Lynch, Monroe, Moore, Newsam, Neal, Neely, Noble, Pigman, Poston, Reid, Richman, Russell, of Mills, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Tracy, Van Fossen, Weatherington, Yeoman, —39.

NAYS—Brown, Corse, Coffin, Edie, Hamilton, Holmes, of Jones, Holmes, of Linn, Hyde, Johnson, Kinert, Lyon, McCall, McCrory, McFarland, Meek, Sargeant, Rogers, Samuels, Turner, White, Williams, Young *Mr. Speaker.*—23.

Report adopted.

House file No. 40, a bill,

For an act to make appropriation to pay the members and officers of the General Assembly,

Was read a first time; and,

On motion of Mr. Bryan,

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

Mr. McFarland moved to refer the bill to the committee on claims.

Motion lost.

The forty-second rule was suspended the bill read a third time.

The question being upon the passage of the bill, Mr. Samuels called for the yeas and nays, which were as follows:

YEAS—Albright, Anderson, Baldwin, Barker, Bryan, Bigelow, Bonson, Clark, Conkey, Creamer, Dewey, Dorland, Franklin, Goodfellow, Greenleaf, Hall, Jackson, Kinsey, Lynch, Monroe, Moore, Newsam, Neal, Neely, Noble, Pigman, Poston, Reid, Richman, Russell, of Mills, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Tracy Van Fossen, Weatherington, Yeoman—38.

NAYS—Bickford, Brown, Corse, Coffin, Edie, Hamilton, Holmes, of Jones, Holmes, of Linn, Hyde, Johnson, Kinert, Lyon, McCall, McCrory, McFarland, Meek, Rogers, Sargeant, Samuels, Turner, White, Williams, Young, and Mr. Speaker—24.

Bill passed, and the title agreed to.

Mr. Newsam had leave to introduce House file No. 41,

An act to authorize the Auditor to effect a loan to pay the present General Assembly, and other State indebtedness.

Which was read a first time; and,

On motion of Mr. McKay,

The 42nd rule was suspended, and the bill read a second time, and referred to the Committee on Ways and Means.

Mr. Kinert had leave to introduce House file No. 42, a bill,
For an act entitled an act to authorize the townships of Clinton,
Eden and Dewitt, in Clinton county, respectively to subscribe to
the capital stock of the Chicago, Iowa and Nebraska Railroad.

Which was read a first time; and,

On motion of Mr. Holmes, of Jones,

The 42nd rule was suspended, the bill read a second and
third time, passed, and the title thereof agreed to.

Mr. Hamilton had leave to introduce House file No. 43, a bill,
For an act empowering the Judges of the District Courts to hold
special terms for the trial of criminal causes.

Was read a first time; and,

On motion of Mr. Bonson,

The 42nd rule was suspended, and the bill read a second time, and
referred to the Committee on the Judiciary.

Mr. Hamilton had leave to introduce House file No. 44, a bill,
For an act to amend section 119, chapter 15 of the Code of Iowa.
Which was read a first time; and,

On his motion

The 42nd rule was suspended, the bill read a second time and re-
ferred to the Committee on the Judiciary.

On motion of Mr. Edie,

The House took up Senate file No. 20, a bill,

For an act to accept of a grant and carry into execution
the trust conferred upon the State of Iowa, by an act of Congress,
entitled an act making a grant of lands to the State of Iowa, in al-
ternate sections, to aid in the construction of Railroads in said
State, approved May 15th, 1856.

Which was read a first time; and,

On motion of Mr. Tracy,

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

Mr. Bryan offered the following amendment to sections 2, 3, 4
and 5, in second line of each section: Insert after the word "con-
ferred" *in pursuance of the aforesaid act of Congress.*

Also, to section 6, line ten; strike out "or may be donated by
acts of Congress," and insert, *donated by the act of Congress afore-
said.*

Amendments adopted.

Mr. McKay offered the following amendment to section eight :

“Provided, that the above grant is made on the express condition to each of said companies, that said company pays into the State Treasury all over ten per cent per annum of the nett proceeds of the earnings of their said road, for the benefit of the school fund.”

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

On this motion Mr. McKay called for the yeas and nays, which were as follows :

YEAS—Albright, Anderson, Baldwin, Bigelow, Bickford, Bonson, Brown, Bryan, Barker, Corse, Coffin, Conkey, Creamer, Creel, Dewey, Dorland, Edie, Franklin, Goodfellow, Greenleaf, Hall, Holmes, of Jones, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Lyon, Lynch, McCall, McCrory, McFarland, Meek, Monroe, Moore, Newsam, Neely, Noble, Pigman, Poston, Reid, Richman, Russell, of Mills, Russell, of Washington, Sargeant, Smith, of Cedar, Samuels, Stevenson, Tisdale, Tracy, Van Fossen, White, Williams, Weatherington, Young, Yeoman, Mr. Speaker—57.

NAYS—Clark, Hamilton, Kinsey, McKay, Neal, Rogers, Turner.—7.

Amendment laid on the table.

Mr. McKay also offered the following amendment to section eight :

“Provided always that the grant of lands as above, is made on the express condition to each of the above said companies, that said company shall pay the sum of two an half per cent per annum on the nett proceeds of the earnings of said road, into the State Treasury.”

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

On this motion, Mr. McKay called for the yeas and nays, which were as follows :

YEAS—Albright, Baldwin, Bigelow, Bickford, Bonson, Brown, Bryan, Clark, Corse, Coffin, Conkey, Creamer, Creel, Dewey, Dorland, Edie, Franklin, Goodfellow, Greenleaf, Hall, Hamilton, Holmes, of Jones, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Kinsey, Lyon, Lynch, McCall, McCrory, McFarland, Meek, Moore, Monroe, Newsam, Neely, Noble, Pigman, Poston, Reid, Richman, Russell, of Washington, Russell of Mills, Sargeant,

Samuels, Smith, of Cedar, Stevenson, Tisdale, Tracy, Van Fossen Weatherington, White, Williams, Yeoman, Young, Mr. Speaker—58.

NAYS—Barker, McKay, Rogers, Turner—4.

Amendment laid on the table.

Mr. Russell, of Mills, offered the following amendment, which was adopted:

To strike out of line first, section 11, the word "two" before the word *month* and insert "three."

On motion of Mr. Dewey,

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

The Committee on Enrolled Bills made the following report:

Committee on Enrolled Bills report that they have presented to the Governor, for his approval,

House file No. 4, an act to amend the charter of the City of Keokuk;

Also,

House file No. 3, an act to amend section first, of an act to amend the charter of the town of Ft. Madison, approved January 22nd, 1855;

Also,

House file No. 23, an act amendatory of the act incorporating the town of Cedar Rapids;

Also,

House file No. 2, an act to amend chapter 139, of the Laws of the State of Iowa, passed at the regular session of the fifth General Assembly.

Also,

House file No. 5, an act to amend an act, entitled an act fixing the boundaries of the several Judicial Districts, and the time of holding Courts therein, approved January 22nd, 1853;

Also,

House file No. 11, an act to enable the County Judge of Wapello county, to change the boundaries of certain lots in Chillicothe;

Also,

House file No. 7, memorial and joint resolution for the extension

of the western boundary line of the State of Iowa, to the Missouri river.

Also,

House file No. 15, a joint resolution in relation to paying over money for the use of the Penitentiary.

GREENLEAF,

Chairman.

Mr. Edie had leave to introduce House file No. 45, a bill,

For an act authorizing the County Judge of Jackson county to transcribe a portion of the Probate records of Jackson county.

Which was read a first time; and,

On his motion,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title thereof agreed to.

Mr. Russell, of Mills, had leave to introduce House file No. 46, a bill,

For an act to locate a State road from Glenwood, in Mills county, to Quincy, in Adams county.

Which was read a first time.

On his motion,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title thereof agreed to.

Mr. Conkey had leave to introduce House file No. 47, a bill,

For an act to amend an act for the construction of a free bridge across Cedar river, at Cedar Rapids, in Linn county.

Which was read a first time; and,

On his motion.

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

Senate file No. 9, a bill,

For an act to incorporate the city of Wapello, Louisa county.

Was read a first time; and,

On motion,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

Senate file No. 11, a bill,

For an act to vacate an alley in block 14, town of Grandview, Louisa county,

Read a first time; and,

On motion of *Mr. White*,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

Senate file No. 5, a bill,

For an act to repeal an act for the suppression of intemperance,
Was read a first time.

Mr. Corse moved that the 42nd rule be suspended, the bill read a second time.

Mr. Russell asked a call of the House.

Call sustained.

On motion,

Further proceedings under the call were dispensed with, and the bill passed to its second reading.

Senate File, No. 17, a bill,

For an act to locate a State road from Sidney, in Fremont county, Iowa, to Glenwood, *Mills* county, Iowa,

Read a first time, and,

On motion,

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

Mr. Russell, of *Mills*, offered the following amendment:

To make the singular plural, wherever the bill refers to Commissioners.

Also,

In 1st section, amend by inserting the following, after the words, "of Fremont county," *Wm. C. Means*, of *Montgomery* county, and *James M. Dews*, of *Mills* county.

Also,

Amend by striking out section 2, and inserting the following, to-wit:

Section 2. That the Commissioners thus appointed, shall, on the first Tuesday of September, A. D. 1856, or within thirty days thereafter, with the necessary assistance, meet at the Court House, in Sidney, and after being duly qualified, proceed to discharge their duties.

Also,

Amend section 4, by striking out the word "passage," and insert-

ing "publication in the Glenwood Weekly Times, and Iowa Capital Reporter, without expense to the State."

All of which amendments were adopted, and,
The bill read a third time, and passed, and the title agreed to.

On motion,

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

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Message from the Senate, by Mr. Bradley, Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate have passed substitute for,

House file No. 13, a bill,

For an Act in relation to taxes assessed upon the non-resident stock-holders of the Mississippi and Missouri Railroad Company.

Also, with amendments,

House file No. 26;

Joint resolution for grant of lands.

Also,

Substitute for Senate file No. 24;

Joint resolution authorizing the borrowing of money from the School Fund of Iowa.

Also;

Senate file No. 26.

Also;

Senate file No. 25, a bill,

For an Act to authorize certain towns therein named, to subscribe to the capital stock of Railroad corporations, and to issue bonds to aid in the construction of Railroads.

In all of which they respectfully ask the concurrence of the House of Representatives.

I herewith return,
House file No. 22,
Memorial, and joint resolution.

Also,

House file No. 27, a bill,
For an Act to establish a State Road in the counties of **Monroe**
and **Wayne**.

Also,

House file No. 28, a bill,
For an Act to locate a State road from Bear Grove to the **Mis-**
souri river.

The same having passed the Senate without amendment.

P. B. BRADLEY,
Secretary Senate.

Committee on Enrolled Bills, had leave to submit the following
report.

Committee on Enrolled Bills report that they have examined,
House File No. 37;

Joint resolution providing for furnishing the Code and Laws to
officers entitled thereto by law.

Also,

House File No. 30;

Joint resolution asking a grant of public lands to aid in the con-
struction of a Railroad from Ft. *Madison* to a point at, or near
Nebraska City.

Also,

House File No. 31;

An Act to create and define the boundaries of School District
No. 4, Scott township, Johnson county.

Also,

House file No. 36;

Joint resolution asking Congress for a grant of land to aid in the
construction of a certain Railroad.

Also,

House file No. 24;

An Act to authorize the resurvey of certain highways, in the
county of *Cayton*, and find them correctly enrolled.

GREENLEAF,
Chairman.

Senate file No. 2, a bill,

For an Act making further appropriations for the Insane Asylum,

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

Mr. Edie had leave to introduce,

House file No. 48, a bill,

For an Act to repeal chapter 72 of the laws of the regular session of the General Assembly, which was read a first time.

Mr. Tracy moved to reject the bill,

Which motion was laid on the table.

Mr. Russell, of Mills, moved to indefinitely postpone the further consideration of the bill.

Upon which question Mr. Connell called for the yeas and nays,

Which were as follows;

YEAS—Albright, Anderson, Baldwin, Barker, Bickford, Bryan, Clark, Corse, Conkey, Creamer, Creel, Dewey, Dorland, Franklin, Goodfellow, Greenleaf, Hamilton, Jackson, Kinsey, Lyon, Lynch, McCall, McFarland, Meek, Monroe, Newsam, Neal, Noble, Poston, Reid, Rogers, Russell, of Washington, Russell, of Mills, Sargeant, Stevenson, Tisdale, Tracy, Van Fossen, Weatherington, White, Williams, Yeoman—42.

NAYS—Bigelow, Bonson, Brown, Coffin, Connell, Edie, Hall, Holmes, of Jones, Holmes of Linn, Hyde, Johnson, Kinert, McCrory, McKay, Moore, Pigman, Richman, Smith, of Cedar, Smith, of Jackson, Mr. Speaker—20.

Motion to indefinitely postpone, prevailed.

Mr. Newsam offered the following resolution:

Resolved, That hereafter, on any questions, bills, or amendments, arising in this house, no member shall speak more than twenty minutes, without the consent of the House.

Mr. Dewey moved to amend, by striking out "twenty" and inserting "ten."

Upon motion of Mr. Holmes, of Jones,

The resolution and amendment were laid upon the table.

The Committee on Ways and Means, to whom was referred,

H. R. file No. 41, a bill,

For an Act authorizing certain moneys to be borrowed from the School Fund,

Reported the same to the House, and recommended its passage, with a further report recommending that no action be taken in relation to payment of State bonds.

On motion of Mr. Tracy,
The report was recommitted.

Senate file No. 24 ;

Joint resolution authorizing the Governor to borrow money from the School Fund, was read a first time, and, the 42nd rule,

Upon motion,

Was suspended, and the same read a second time.

Mr. Holmes, of Jones, moved to amend, by striking out the word, "100,000" and inserting "50,000."

Upon motion of Mr. Corse,

The bill and amendment was referred to a Select Committee of three.

The Speaker appointed Messrs Corse, Russell, of Washington, and Bigelow, said committee.

Mr. Russell, of Mills, had leave to introduce,

House file No. 49, a bill,

For an Act to change the times of holding Courts, in the 6th and 7th Judicial Districts,

Which was read a first time, and,

Upon his motion,

The 42nd rule was suspended, and the bill read a second time, and referred to a Select Committee of three.

The Speaker appointed Messrs. Russell, of Mills, Jackson, and Dewey, said committee.

Senate file No. 18, "A."

A bill for an Act to restrain swine from running at large, in Jackson county,

Was read a first time, and,

On motion of Mr. Edie,

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

Mr. Browning moved to amend section third of the bill, by adding the words, "provided said swine are not claimed or owned in Dubuque county."

Mr. Jackson moved further to amend, by providing that the citizens of Jackson county fence the same with poles, and paint them red.

Which amendments were,
Upon motion of Mr. Dorland,
Laid on the table.

Mr. Hall moved to amend, by including in the provisions of the bill the county of Dubuque.

Which amendment was lost.

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

Senate File No. 18, "B." a bill,

For an Act to amend the Act amendatory of the Iowa City Charter,

Was read a first time, and,

On motion of Mr. McCrory,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title agreed to.

Senate file No. 16; a bill,

For an Act to incorporate the city of Ottumwa.

Was read a first time, and,

On motion of Mr. Poston,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title agreed to.

Senate file No. 19, a bill,

For an Act to define the manner of bringing actions against rafts of lumber, &c.

Was read a first time,

On motion of Mr. Bryan,

The 42nd rule was suspended, and the bill read a second time, and referred to the Committee on the Judiciary.

Senate file No. 21, a bill,

For an Act to enlarge School Districts Nos. 1 and 2, in Bloomington township, Muscatine county, Iowa.

Was read a first time, and,

On motion of Mr. Richman,

The 42nd rule was suspended, and the bill read a second time, and passed, and the title agreed to.

Senate file No. 22;

An Act requiring evidence in criminal cases to be reduced to writing.

Was read a first time, and,

On motion of Mr. Russell, of Mills,

The 42nd rule was suspended, and the bill read a second time, and referred to the Committee on the Judiciary.

Mr. Corse, from the Special Committee, to whom was referred Senate file No. 24, reported the same back to the House without amendment, and recommended its passage.

Report of Committee concurred in.

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

Senate file No. 23, a bill,

For an act to extend the time to locate a State Road.

Was a read a first time, and,

On motion of Mr. Greenleaf,

The rule was suspended, and the bill read a second time.

Upon motion of Mr. Greenleaf,

The bill was amended so as to provide for the payment of the expenses of publication, and,

The bill ordered to a third reading, and passed, and the title agreed to.

Senate substitute for House file No. 13, was read a first time,

On motion of Mr. Corse,

The rule was suspended, the bill read a second time, and referred to a Select Committee of three.

The Speaker appointed Messrs. Hyde, Brown, and Dewey, said committee.

Senate File No. 25; a bill,

For an Act to authorize certain towns to subscribe to the capital stock of Railroad corporations,

Was read a first time, and,

On motion of Mr. Edie,

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

Mr. Holmes, of Jones, moved to amend, by striking out section third, of the bill.

Amendment adopted, and,

The bill ordered to be read a third time, now, and passed, and the title agreed to.

Mr. Conkey had leave to introduce,

House file No. 50, a bill,

For an Act to provide for the publication and taking effect of the laws of the present session of the General Assembly.

Which was read a first time, and,

On motion of Mr. Conkey,

The 42d rule was suspended and the bill read a second time, and referred to the Committee on the Judiciary.

Mr. Samuels, from the Committee on the Judiciary, to whom was referred House file No. 43, reported the same back to the House, with a substitute.

House file No. 51, a bill,

For an Act empowering the Judge of the District Court of Lee county, to hold special term of Court, &c.

Which report was concurred in, and the substitute read a second and third time, and passed, and the title thereof agreed to.

House file No. 26;

Joint resolution and memorial for a grant of lands,

Reported back from the Senate, with the following amendments:

1. After the words Washington county, insert Oscaloosa, in Mahaska county.

2. After the words Missouri river, insert the words, at, or near Council Bluffs city.

Which amendments were concurred in, by the House, and,

The bill as amended, passed, and the title agreed to.

Mr. Richman had leave to introduce,

House file No. 52, a bill,

For an Act to provide for the publication of the laws of the present session of the General Assembly,

Which was read a first time, and,

On his motion,

The 42nd rule was suspended and the bill read a second and third time, passed, and the title agreed to.

Mr. Samuels had leave to introduce,

House file No. 53, a bill,

For an Act to change the salaries of the Supreme Judges of the State,

Which was read a first time, and,

On his motion,

The rule suspended, and the bill read a second time.

Mr. McKay offered an amendment, to wit: strike out the words "three thousand," and insert "two thousand."

Mr. Anderson moved further to amend, by inserting 2500 for Supreme Judges, and 1800 for District Judges.

Mr. Franklin moved to amend, by increasing the salaries of District Court Judges from 1000 to 1500 dollars.

On motion of *Mr. Tracy*,

The bill, with amendments, was referred to the Committee on the Judiciary.

On motion,

The House adjourned till 9 o'clock on *Monday*, July 14.

MONDAY MORNING, JULY 11, 1856.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

The Committee on Enrolled bills made the following report:

The Committee on Enrolled bills report that they have presented to the Governor, for his approval,

House file No. 24, an act to authorize the re-survey of certain highways in the county of Clayton.

Also,

House file, No. 37, Joint resolution providing for furnishing the code and laws to officers entitled thereto by law.

Also,

House file, No. 30, Joint resolution asking a grant of public lands

to aid in the construction of a railroad from Fort Madison, to a point at or near Nebraska City.

Also,

House file, No. 31, an act to create and define the boundaries of school district No. 4, Scott township, Johnson county.

House file, No. 36, Joint resolution asking Congress for a grant of land to aid in the construction of a certain railroad.

Also, that they have examined,

House file No. 33, An act to locate a part of the State road from Primrose to the city of Keokuk, in Lee county.

Also,

House file, No. 35, An act to locate and establish a certain State road.

Also,

House file, No. 32, An act to establish a certain State road therein named.

Also,

House file, No 29, Joint resolution asking for a grant of land to construct a Railroad from Keokuk to the South Bend of the Minnesota river, with a branch from Ft. Desmoines to the north-west corner of the State.

Also,

House file, No. 10, An act to amend the act to incorporate the city of Muscatine.

And find them correctly enrolled.

GREENLEAF,

Chairman.

Mr. Creamer, from the joint Committee on the Desmoines River Improvement, reported,

House file, No. 53, a bill,

For an act in relation to the Desmoines River Improvement;

Which was read a first time; and,

On motion of Mr. Neal,

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

On motion of Mr. Rogers,

The bill was laid on the table, and 300 copies ordered to be printed.

The following message was received from the Senate by Mr. Bradley, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed,

Senate file No. 27, a bill,

For an act to authorize the bridging of Cedar river.

In which they ask the concurrence of the House.

I herewith return House file, No. 38, a bill,

For an act to change the name of the town of Norway, in Fayette county, to Clermont,

Also,

House file No. 46, a bill,

For an act to locate a State road from Glenwood, in Mills county, to Quincy, in Adams county;

The same having passed the Senate without amendment.

I am also instructed to inform the House that the Senate have concurred in the amendment made by the House to

House file No. 6, a bill,

For an act to amend an act, entitled an act to dispose of the Swamp and overflowed lands within this State, and to pay the expenses of selecting and surveying the same, approved February 2d, 1853.

Which is herewith returned.

The Senate have also passed without amendment,

House file, No. 47, a bill,

For an act to amend an act for the construction of a free bridge across Cedar river, at Cedar Rapids, in Linn county.

P. B. BRADLEY,

Secretary Senate.

Mr. Franklin moved to adjourn; and,

On this motion he called for the yeas and nays, which were as follows:

YEAS—Creamer, Franklin, Meek, Neal, Reid, Samuels, Turner, Weatherington—8.

NAYS—Albright, Anderson, Baldwin, Barker, Bigelow, Bickford, Bonson, Brown, Clark, Corse, Coffin, Conkey, Connell, Creel, Dewey, Dorland, Goodfellow, Greenleaf, Hall, Hamilton, Holmes, of Jones, Hyde, Jackson, Johnson, Kinert, Kinsey, Lyon, Lynch, McCall, McCrory, McFarland, McKay, Monroe, Moore, Newsam,

Neely, Noble, Pigman, Poston, Richman, Rogers, Russell, of Washington, Russell, of Mills, Sargeant, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Tracy, Van Fossen, Yeoman, *Mr. Speaker*—54.

The motion to adjourn was lost.

Mr. McKay offered the following resolutions :

Resolved, That the President of the Great North-Western Railroad Company, be and he is hereby authorized, to withdraw from the files of this House, the memorial of said President, in behalf of said Company.

Resolved, That *Mr. Langworthy* be, and he is hereby, permitted to withdraw from the files of this House, a petition of citizens of Dubuque, in relation to the establishing of points in the Dubuque and Pacific Railroad.

On motion of *Mr. Bonson*,

The resolutions were laid on the table.

House file No. 16, a bill,

For an act to incorporate the city of *Mt. Pleasant*,

Was taken up,

The amendment of the Senate concurred in, and the bill passed.

Senate File, No. 26, a bill,

For an act to repeal an act, entitled an act legalizing the acts of certain commissioners, passed during the present session,

Was read a first time ; and,

On motion of *Mr. Russell*, of *Mills*,

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

On his motion,

The bill was referred to the Committee on Township and County Organizations, with instructions to report immediately.

Senate file, No. 27, a bill,

For an act to authorize the bridging of Cedar river,

Was read a first time ; and,

On motion of *Mr. Brown*,

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

On motion of *Mr. Holmes*, of *Jones*,

The bill was referred to a select committee of four, with instructions to report in an hour.

Said committee consisted of *Messrs.* Holmes of Jones, Samuels, Brown and Richman.

Senate file No. 5, a bill,

For an act to repeal an act for the suppression of intemperance,
Was taken up.

Mr. McCrory moved indefinitely to postpone the bill.

Mr. Corse moved a called of the House.

Called sustained.

Absent, *Messrs.* Holmes, of Linn, McCall, Neal, Yeoman and Young.

Mr. Edie moved to suspend further proceedings under the call.

Motion lost

Messrs. McCall, Neal, Yeoman and Holmes, of Linn, appeared in their seats.

Mr. Bonson moved that further proceedings under the call be suspended.

Mr. McCrory moved to adjourn.

On the motion to adjourn *Mr. Franklin* called for the yeas and nays, which were as follows:

YEAS—Barker, Brown, Conkey, Connell, Creamer, Dorland, Edie, Hamilton, Hyde, Johnson, Kinert, McCrory, McFarland, McKay, Noble, Russell, of Washington, Smith of Cedar, Van Fossen—18.

NAYS—Albright, Anderson, Baldwin, Bigelow, Bickford, Bonson, Bryan, Clark, Corse, Coffin, Creel, Dewey, Franklin, Goodfellow, Greenleaf, Hall, Hamilton, Holmes, of Jones, Holmes, of Linn, Jackson, Kinsey, Lyon, Lynch, McCall, Meek, Monroe, Moore, Newsam, Neal, Neely, Pigman, Poston, Reid, Richman, Rogers, Russell, of Mills, Sargeant, Samuels, Smith of Jackson, Stevenson, Tisdale, Tracy, Turner, Weatherington, White, Williams, Yeoman, *Mr. Speaker*—47.

Motion to adjourn lost.

Mr. McCrory moved to indefinitely postpone the bill, and called for the yeas and nays, which were as follows:

YEAS—Baldwin, Barker, Bickford, Brown, Coffin, Conkey, Connell, Creamer, Creel, Dorland, Edie, Greenleaf, Holmes, of Jones, Holmes, of Linn, Hyde, Johnson, Kinert, Kinsey, Lyon, Lynch, McCall, McCrory, McFarland, McKay, Noble, Pigman, Richman,

Rogers, Russel, of Washington, Smith of Cedar, Smith, of Jackson, Turner, Van Fossen, White, Williams—35.

NAYS—Albright, Anderson, Bigelow, Bonson, Bryan, Clark, Corse, Dowey, Franklin, Goodfellow, Hall, Hamilton, Jackson, Meek, Monroe, Moore, Newsam, Neal, Neely, Poston, Reid, Russell, of Mills, Sargeant, Samuels, Stevenson, Tisdale, Tracy, Weatherington, Yeoman, Young, Mr. Speaker.—30.

Motion to indefinitely postpone prevailed.

Mr. Turner moved to reconsider the vote to postpone Senate file No. 5; and moved also, to lay the motion to reconsider on the table.

Upon which motion the yeas and nays were called and were as follows:

YEAS—Baldwin, Barker, Bickford, Brown, Bryan, Coffin, Conkey, Connell, Creamer, Creel, Dorland, Edie, Greenleaf, Holmes, of Jones, Holmes, of Linn, Hyde, Johnson, Kinert, Kinsey, Lyon, Lynch, McCall, McCrory, McFarland, McKay, Noble, Pigman, Richman, Rogers, Russell, of Washington, Smith, of Cedar, Smith, of Jackson, Stevenson, Turner, Van Fossen, White, Williams—37.

NAYS—Albright, Anderson, Bigelow, Bonson, Clark, Corse, Dewey, Franklin, Goodfellow, Hall, Hamilton, Jackson, Meek, Monroe, Moore, Newsam, Neal, Neely, Poston, Reid, Russell, of Mills, Sargeant, Tisdale, Tracy, Weatherington, Yeoman, Young, Mr. Speaker—28.

Motion to lay on the table prevailed.

Mr. Edie called up Senate file No. 25, a bill,

For an act to authorize certain towns therein named, to subscribe to the capital stock of railroad corporations, and to issue bonds to aid in the construction of railroads.

Which was read a third time and passed.

Mr. Hall introduced House file No. 54, a bill,

For an act to change the name of Decota, in Dubuque county, to Centrillia.

Which was read a first time; and,

On motion,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

On motion of Corse the following resolutions were adopted:

Resolved, That 1,500 copies of the Journals of the House of Representatives be printed and distributed, as follows :

Five copies to each member ; five copies to each organized county, and the balance deposited in the office of the Secretary of State.

Resolved, That for indexing the above Journal, the Chief Clerk be allowed the sum of fifty dollars.

Resolved, That for superintending the printing, and distributing the Journal as aforesaid, the Chief Clerk be allowed the sum of three hundred dollars.

Mr. Jackson reported substitute for House file No. 49, a bill,

For an act to change the times of holding Courts in the counties comprising the sixth and seventh Judicial Districts.

Which was read a first time ; and,

On his motion,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title thereof agreed to.

Mr. Holmes, of Jones, from the special committee, to whom was referred Senate file No. 27, a bill,

For an act to establish a State road in the counties of Monroe and Wayne.

Which was read a first time ; and,

On motion,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

The following message was received from the Senate, by Mr. Bradley, their Secretary :

MR. SPEAKER :

I herewith return to the House in which they originated House files No. 10, 14, 29, 32, 33 and 35, the same having received the signature of the President of the Senate.

P. B. BRADLEY,
Sec'y of the Senate.

Mr. Richman had leave to introduce House file No. 55, a bill. For an act to protect Agricultural Exhibitions.

Which was read a first time ; and,

On motion,

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

Mr. Clark moved to strike out so much as relates to "written permit:"

Mr. Hall moved to indefinitely postpone.

Which motion was lost.

The question being on the amendment of Mr. Clark, the same was lost.

Mr. Russell, of Hills, moved to refer the bill to the Committee on Agriculture.

Motion lost.

Mr. Franklin moved to adjourn.

Motion withdrawn.

Mr. Goodfellow moved the following amendment :

Strike out all after the enacting clause and insert: That the officers of any Agricultural Society of this State may enforce the act for the suppression of intemperance. This act to take effect from and after its passage.

Amendment lost.

On the passage of the bill, Mr. Jackson called for the yeas and nays, which were as follows :

YEAS—Barker, Bickford, Brown, Clark, Conkey, Dewey, Holmes, of Jones, Hyde, Johnson, Kinsey, Lyon, Lynch, McCall, McCrory, McKay, Newsam, Neely, Pigman, Reid, Richman, Samuels, Smith, of Cedar, Smith of Jackson, Turner, Van Fossen, White, Mr. Speaker—26.

NAYS—Albright, Bonson, Coffin, Creamer, Franklin, Goodfellow, Greenleaf, Hall, Jackson, Moore, Meek, Rogers, Russell, of Mills, Sargeant, Stevenson, Tisdale, Williams—18.

Bill passed and title agreed to.

On motion,

The House adjourned.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Greenleaf, from the Committee on Enrolled Bills, made the following report:

Committee on Enrolled Bills, report that they have presented to the Governor for his approval the following Acts:

House file No. 14;

An Act to provide for the necessary expense of the District Court held at Keokuk, Lee county.

House file No. 10;

An Act to amend an Act to incorporate the city of Muscatine.

Also,

House file No. 32;

An Act to establish a certain State Road, therein named:

Also,

House file No. 35;

An Act to locate and establish a certain State Road.

Also,

House file No. 29;

Joint resolution asking for a grant of land to construct a Railroad from Keokuk to the South Bend of the Minnesota river, with a branch from Ft. Desmoines to the north-west corner of the State.

Also,

House file No. 33;

An Act to relocate a part of the State Road from the town of Primrose to the city of Keokuk, in Lee county.

Also,

That they have examined,

House File No. 28;

An Act to locate a State Road from Bear Grove, to the Missouri river.

Also,

House File No. 27;

An Act to establish a State Road in the counties of Monroe and Wayne.

Also,

House file No. 38;

An Act to change the name of the town of Norway, in Fayette county.

Also,

House file No. 26;

Joint resolution asking for a grant of lands to aid in the construction of a certain Railroad.

Also,

House file No. 47;

An Act to amend an Act for the construction of a free bridge, across the Cedar river, in Linn county.

Also,

House file No. 46;

An Act to locate a State Road from Glenwood, Mills county, to Quincy, in Adams county,

And find them correctly enrolled.

GREENLEAF,

Chairman.

Mr. Kinsey had leave to introduce,

House file No. 56;

An Act for the appointment of an inspector of weights, and measures.

Which was read a first time, and,

On his motion,

The rule was suspended, and the bill read a second time.

On motion of Mr. Holmes, of Jones,

The further consideration of the bill was indefinitely postponed.

Mr. Lyon, from the Committee on Township and County Organizations, to whom was referred Senate file No. 26, reported the same back to the House, with a recommendation that it do not pass.

Which recommendation the House refused to concur in.

On motion of Mr. White,

The 42nd rule was suspended, and the bill read a third time, and passed, and the title thereof agreed to.

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

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed,

Senate file No. 30, a bill,

For an Act to prohibit the Superintendent of Public Instruction from loaning certain moneys.

In which they ask the concurrence of the House.

P. B. BRADLEY,

Secretary Senate.

Senate file No. 30, a bill,
For an Act to prohibit the Superintendent of Public Instruction
from loaning certain moneys.

Which was read a first time, and,

On motion of Mr. Dorland,

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

On motion of Mr. Corse,

Referred to the Committee on the Judiciary, with instructions to
report immediately.

Mr. Russell, of Mills, had leave to introduce,

House file No. 57;

Joint resolution to procure additional mail facilities,

Which was read a first time, and,

On his motion,

The 42nd rule was suspended, the bill read a second and third
time, and passed, and the title agreed to.

Mr. Russell, from the Committee, to whom was referred Senate
file No. 30, reported the same back to the House, with an amend-
ment.

Which report was concurred in, and amendment adopted.

Mr. Richman moved further to amend, by adding, to the
last section the words, "the Secretary of State is hereby request-
ed to publish the same, on to-morrow, or as soon as practicable.

Amendment adopted.

And rule suspended, and the bill read a third time, and passed,
and the title agreed to.

Mr. Bryan offered the following resolution:

Resolved, The Senate concurring, that the General Assembly do
adjourn, *sine die*, July 15th, at 12, M.

Which was adopted.

Upon motion of Mr. Dewey, of Fremont,

House file No. 53;

An Act in relation to the Demoiné River Improvement,

Was taken from the table and read a second time.

Message from the Senate, by Mr. Bradley, Secretary:

MR. SPEAKER:

I herewith present for your signature, Senate files Nos. 18, 21, and 24, the same having passed both branches of the General Assembly.

I also am directed to inform the House that the Senate have passed Senate file No. 31, in which they ask the concurrence of the House of Representatives.

P. B. BRADLEY,
Sec'y of Senate.

Mr. Dewey presented a substitute for House file No. 53.

Mr. Rogers offered amendment to section 7.

Mr. Neal moved to lay substitute and amendments on the bill, upon the table.

Upon which motion, Mr. Rogers called for the yeas and nays,

Which were as follows:

YEAS—Albright, Baldwin, Barker, Bigelow, Bickford, Brown, Bryan, Clark, Corse, Coffin, Connell, Creamer, Creel, Franklin, Greenleaf, Holmes, of Linn, Johnson, Kinert, Lyon, Lynch, Meek, Monroe, Neal, Neely, Poston, Reid, Sargeant, Smith, of Jackson, Weatherington, White, Williams, Young—32.

NAYS—Bonson, Conkey, Dewey, Edie, Goodfellow, Hall, Hamilton, Holmes, of Jones, Hyde, McCrory, McKay, Moore, Newsam, Noble, Pigman, Rogers, Russell, of Mills, Samuels, Smith, of Cedar, Stevenson, Tisdale, Van Fossen, Witter—23.

Substitute was laid on the table,

Upon request, Mr. Dorland had leave of absence.

Mr. Creamer moved that the House do now adjourn,

Upon which motion the yeas and nays were demanded, and,

Were as follows:

YEAS—Baldwin, Barker, Conkey, Creamer, Creel, Dorland, Franklin, Goodfellow, Greenleaf, Holmes, of Jones, Holmes of Linn, Jackson, Kinert, Kinsey, McFarland, Meek, Monroe, Neal, Neely, Poston, Reid, Russell, of Mills, Van Fossen, Weatherington—23.

NAYS—Albright, Bigelow, Bickford, Bonson, Brown, Bryan, Clark, Corse, Coffin, Connell, Edie Hall, Hamilton, Hyde, Johnson, Lyon, Lynch, McCrory, McKay, Moore, Newsam, Noble, Pigman, Rogers, Sargeant, Samuels, Smith, of Jackson, Stevenson, Tisdale, Turner, White, Williams, Witter, Young, Mr. Speaker—34.

Motion lost.

Mr. Lynch offered a further amendment to the bill under consideration.

Upon motion of Mr. Samuels,

The House indefinitely postponed the further consideration of the bill, and the amendment offered.

On motion,

The House adjourned until 9 o'clock to-morrow morning.

TUESDAY MORNING, JULY 15, 1856.

House met pursuant to adjournment.

Prayer by Chaplain.

Mr. Brown had leave to introduce,

House file No. 58;

An Act to locate a State Road from a point near De Witt,

Read a first time, and,

On his motion,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title agreed to.

Mr. Greenleaf, from the Committee on Enrolled Bills, had leave to make the following report:

Committee on Enrolled Bills, report that they have presented to the Governor, for his approval, the following Acts:

House file No. 27;

An Act to establish a State Road in the counties of Monroe and Wayne.

Also,

House file No. 26;

A joint resolution asking for a grant of land to aid in the construction of a certain Railroad.

Also,

House file No. 47;

An Act to amend an Act for the construction of a free bridge, across the Cedar river, in Linn county.

Also,

House file No. 46;

An Act to locate a State Road from Glenwood, Mills county, to Quincy, in Adams county.

Also,

House file No. 38;

An Act to change the name of the town of Norway, in Fayette county.

Also,

House file No. 28, a bill;

For an Act to locate a State road from Bear Grove to the Missouri river.

Also,

That they have examined,

House file No. 6;

An Act to amend an Act entitled an Act to dispose of the swamp, or overflowed lands, within this State.

Also,

House file No. 16;

An Act to incorporate the city of Mt. Pleasant.

Also,

House file No. 22,

Memorial, and joint resolution asking Congress for a grant of land to aid in the construction of a Railroad from McGregor's Landing, on the Mississippi River, to a point on the western bounds of the State.

And find them correctly enrolled.

GREENLEAF,

Chairman,

Mr. Connell had leave to introduce,

House file No. 59, "A." a bill,

For an Act in relation to certain Indians in Tama county.

Which was read a first time; and,

On his motion,

The 42nd rule was suspended, and the bill read a second and third time, and passed, and the title agreed to.

Mr. Hyde, from the Special Committee to whom was referred substitute for House file No. 13, reported the same back to the House, and recommended its passage.

Report concurred in, and,

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

Senate file No. 31, a bill,

For an Act to legalize the issue of corporate bonds of the town of Ft. Madison.

Was read a first time, and,

On motion,

The 42nd rule was suspended, and the bill read a second time, and passed, and the title agreed to.

Mr. Conkey had leave to introduce,

House File No. 59, "B."

Joint resolution providing for the publication of certain Acts.

Read a first time, and,

On his motion,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

Mr. Samuels from the committee on the Judiciary, to whom was referred,

House file No. 44, an act to amend section 119, chapter 15, of the Code of Iowa,

Reported the same back to the House with a recommendation that it do not pass.

Report concurred in, and bill rejected.

On motion of Mr. Brown,

The vote by which House file No. 58 was passed, was reconsidered, and by leave of the House, the same was amended by a provision for publication.

The bill as amended passed, and the title agreed to.

Upon motion of Mr. Hyde,

Messrs. Witter and Young were permitted to record their votes upon the motion of Mr. McCrory to indefinitely postpone the further consideration of Senate file No. 5, a bill,

For an act to repeal an act for the suppression of intemperance.

The roll was called and said members each voted yea.

Mr. Samuels from the committee on the Judiciary, to whom was referred Senate file No. 22, without recommendation.

Upon motion,

The bill was recommitted.

Also, from the same committee, Senate file No. 19, and recommended the same do not pass.

Report concurred in, and bill rejected.

Upon motion of Mr. Bonson, it was

Resolved, That the thanks of this House are hereby tendered to the Hon. Reuben Noble, for the courteous, gentlemanly and impartial manner, in which he has discharged the duties of Speaker of the House during the present session of the General Assembly.

Mr. Kinsey from the Committee on Ways and Means, reported to the House the bills of and for the Iowa Capital Reporter and Iowa City Republican, and asked the action of the House in relation thereto.

Mr. Corse moved to allow 50 cents per copy for the said papers.

Mr. Holmes, of Jones, moved they be allowed 40 cents per copy.

Mr. Edie moved to allow 30 cents per copy.

The question being upon allowing the largest amount, to-wit; fifty cents per copy, the yeas and nays were called for, which were as follows:

YEAS—Albright, Barker, Bickford, Clark, Corse, Creel, Goodfellow, Greenleaf, Hall, Holmes, of Linn, Jackson, Johnson, Kinsey, Lynch, McCrory, McFarland, McKay, Meek, Monroe, Moore, Newsam, Neal, Neely, Noble, Pigman, Reid, Richman, Rogers, Russell, of Washington, Sargeant, Smith, of Cedar, Smith, of Jackson, Tisdale, Weatherington, White, Witter—35.

NAYS—Anderson, Bonson, Brown, Coffin, Conkey, Creamer, Dewey, Edie, Franklin, Holmes, of Jones, Hyde, Kinert, Lyon, Poston, Samuels, Stevenson, Van Fossen Williams, Young, Mr. Speaker—20

Decided in the affirmative.

Mr. Creamer had leave to introduce

House file, No. 61;

Joint resolution relating to appointment of committee to examine affairs in relation to Des Moines River Improvement ;

Which was read a first time ; and,

On motion of Mr. Samuels,

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

Mr. Newsam moved to indefinitely postpone the further consideration of the bill.

Mr. Neal moved to refer the bill to the Committee on the Judiciary.

Disagreed to.

On the question to indefinitely postpone,

Mr. Dewey called for the yeas and nays, which were as follows :

YEAS—Anderson, Barker, Bigelow, McKay, Newsam, Poston, Reid, Richman, Weatherington—9.

NAYS—Albright, Bickford, Bonson, Brown, Clark, Corse, Coffin, Conkey, Connell, Creamer, Creel, Dewey, Edie, Franklin, Goodfellow, Greenleaf, Hall, Hamilton, Holmes, of Linn, Hyde, Jackson, Johnson, Kinert, Lyon, Lynch, McCrory, McFarland, Meek, Monroe, Moore, Neely, Noble, Pigman, Rogers, Russell, of Washington, Russell, of Mills, Sargeant, Samuels, Smith, of Cedar, Smith, of Jackson, Stevenson, Tisdale, Turner, Van Fossen, White, Williams, Witter, Young, and Mr. Speaker—47.

Decided in the negative.

The following message was received from the Senate by their Secretary :

Mr. SPEAKER :

I herewith return House file Nos. 40, 54, and 57, the same having passed the Senate without amendment.

Mr. Hamilton moved to amend House file No. 61, under consideration :

Strike out the name of Mr. Preston and insert Edward Johnston, of Lee county.

On motion of Mr. Corse,

The bill and amendment were laid on the table.

Senate file No. 32, a bill,

For an act further to restrain the duties of the Superintendent of Public Instruction ;

Was read a first time ; and,

On motion of *Mr. Holmes*, of Jones,
The 42nd rule was suspended, and the bill read a second time.
Mr. Neal moved to refer the bill to the committee on the Judiciary.

Motion lost.

On motion,

The 42nd rule was suspended and the bill read a third time, passed, and the title agreed to.

Mr. Samuels had leave to introduce House file No. 62, a bill,
For an act to authorize the appointment of Commissioners to examine the affairs of the Des Moines River Improvement, &c.

Which was read a first time; and,

On motion of *Mr. Lynch*,

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

Mr. Neal offered amendment, to-wit:

Strike out the words three commissioners, and insert "John Beach, Henry P. Scholte and Edward Johnston.

Amendment lost.

Mr. Dewey moved to amend, to-wit:

That said commissioners be authorized to send for persons and papers.

Adopted.

Mr. Neal moved to strike out section three of the bill.

Mr. Samuels moved to amend the amendment of *Mr. Neal* by inserting for section three, the following:

The officers of the State shall certify and transfer no lands to the Company, until authorized by further act of the General Assembly.

Message from the Senate, from *Mr. Bradley*, the Secretary.

MR. SPEAKER :

I am instructed by the Senate to inform the House that the Senate have indefinitely postponed the further consideration of House files No. 42 and 55.

I herewith return,

House files No. 39, 45, 49 and 52.

The same having passed the Senate without amendment.

Also, House file No. 21, with an amendment in which they ask the concurrence of the House.

P. B. BRADLEY,
Secretary Senate.

The question being upon the motion to strike out and insert for section three, Mr. Neal called for the yeas and nays, which were as follows:

YEAS—Albright, Bickford, Bonson, Brown, Bryan, Corse, Conkey, Coffin, Connell, Dewey, Edie, Goodfellow, Greenleaf, Hall, Holmes, of Jones, Hyde, Johnson, Kinsey, Lyon, Lynch, McCrory, McKay, Moore, Newsam, Neely, Noble, Pigman, Rogers, Russell, of Mills, Sargeant, Samuels, Smith, of Cedar, Stevenson, Tisdale, Turner, Van Fossen, White, Witter, Young, Mr. Speaker—40.

NAYS—Barker, Bigelow, Clark, Creamer, Creel, Kinert, Meek, Monroe, Neal, Poston, Reid, Richman, Weatherington, Williams.—14.

Amendment adopted.

Mr. Richman moved to refer the bill to the committee on the Judiciary with instructions to report,

Whether the Legislature has judicial authority?

Whether it is a legislative or judicial act, to enjoin the further sale of Demoine river land?

Whether it is the province of the Legislature, or the Courts, to determine whether a contract has been violated? and,

Whether the State has not the same remedy for a violation of contracts, to which she is a party, that individuals have?

And whether the courts have not proper jurisdiction, and whether the Attorney General is not the proper officer to take the initiatory steps in order to prosecute all investigations into the acts of the Demoine River Company; and finally, whether any action of the General Assembly would not be nugatory?

Which motion was,

Upon motion of Mr. Hall,

Laid upon the table.

The rule was further suspended, and the bill as amended read a third time.

The question being upon the passage of the bill, the yeas and nays were demanded, which were as follows:

YEAS—Albright, Bickford, Brown, Bryan, Corse, Coffin, Conkey, Connell, Dewey, Edie, Goodfellow, Hall, Hamilton, Holmes, of Jones, Hyde, Johnson, Kinsey, Lyon, Lynch, McCrory, McKay, Moore, Neely, Noble, Pigman, Reid, Rogers, Russell, of Mills,

Sargeant, Samuels, Smith, of Cedar, Stevenson, Tisdale, Turner, Van Fossen, Williams, Witter, Young, Mr. Speaker—38.

NAYS—Barker, Bigelow, Clark, Creamer, Creel, Kinert, Meek, Monroe, Newsam, Neal, Poston, Richman, Weatherington, Williams—14.

Bill passed.

On motion of Mr. Russell,
The House adjourned until 2 o'clock, *P. M.*

TWO O'CLOCK, *P. M.*

House met pursuant to adjournment.

Message from the Senate by Mr. Bradley, Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House, that the Senate have concurred in the resolution passed by the House for an adjournment of the General Assembly, with two amendments, strike out 15th and insert 16th, and strike out 12 o'clock, *M.*

In which they ask the concurrence of the House.

P. B. BRADLEY,
Sec'y of Senate.

Mr. McKay moved that the resolution to adjourn *sine die*, as amended by the Senate, be laid upon the table.

Motion lost.

Upon motion of Mr. McFarland, the amendments of the Senate to the joint resolution were concurred in.

House file No. 63, a bill,

For an act making further appropriations for the State Government,

Was read a second time.

Mr. McFarland moved to amend items allowed the publishers of the Iowa City Republican and Iowa Capital Reporter, by inserting for the Republican, \$666 75, and for the Reporter, \$506 25.

Amendment lost.

Mr. Corse moved to fill the blank for compensation to Chaplain with fifty dollars.

Mr. Williams moved to fill with twenty-five dollars.

Mr. Dewey moved to insert thirty dollars.

The question being upon the motion to insert the highest amount. the same was adopted, and the blank filled with fifty dollars.

On motion of Mr. Samuels,

The compensation to Enrolling Clerk was struck out and the sum of sixty dollars inserted.

On motion of Mr. Williams,

The compensation to the Sergeant-at-Arms was struck out, and the sum of forty-five dollars inserted.

On motion,

The compensation to Door Keepers and Messengers were struck out, and forty-five dollars inserted.

Upon motion,

The bill was re-committed to the committee on Ways and Means.

Upon motion,

Mr. Russell, of Mills, was appointed to fill the vacancy in the committee on the Judiciary, in the place of Mr. Tracy absent.

Committee on Enrolled Bills made the following report:

Committee on Enrolled Bills report that they have examined, House file No. 45, an act authorizing the County Judge of Jackson county to transcribe a portion of the Probate records of Jackson county.

Also ;

House file No. 21, an act to authorize the appointment of Commissioners to revise the School Laws of Iowa.

Also;

House file No. 40, an act to make appropriations to pay members and officers of the General Assembly.

Also;

House file No. 57, joint resolution to procure additional mail facilities.

Also,

House file No. —, an act to change the name of the village of **Dacota**, in Dubuque county, to that of **Centralia**.

Also;

House file No. 49, an act to change the time of holding Courts in the counties comprising the Sixth and Seventh Judicial Districts.

Also;

House file No. 52, an act to provide for the publication and distribution of the laws of the present session of the General Assembly.

Also,

House file No. 39, an act authorizing the levy of a tax upon the lands of Muscatine Island.

And find them correctly enrolled.

GREENLEAF,
Chairman.

Committee on Enrolled Bills report that they have presented to the Governor for his approval,

House file No. 22, memorial and joint resolution asking Congress for a grant of land to aid in the construction of a Railroad from McGregor's landing, on the Mississippi river, to a point on the western bounds of the State of Iowa.

Also;

House file No. 6, an act to amend an act entitled an act to dispose of the swamp and overflowed lands within the State, and to pay the expense of surveying and selecting the same.

Also;

House file No. 16, an act to incorporate the city of Mt. Pleasant.

GREENLEAF,
Chairman.

Committee on Enrolled Bills report that they have examined, House file No. 59, an act permitting certain Indians to reside within the State.

Also;

House file No. 58, an act to locate a State Road from a point near DeWitt, to Poston's Grove.

Also;

House file No. 59, a joint resolution providing for the publication of certain laws.

And find them correctly enrolled.

GREENLEAF,
Chairman.

Upon motion of Mr. McKay,

The clerk was authorized to furnish H. H. Gear, President of the Great North Western Railroad Company, with a copy of the memorial of said gentleman, presented to this House.

Message from the Senate, by Mr. Bradley, Secretary :

MR. SPEAKER :

I herewith return to the House, House file Nos. 59 "A" and 59 "B," the same having been amended by the Senate, in which action the Senate asks the concurrence of the House.

I also return House file No. 58, the same having passed the Senate without amendment.

The Senate has also passed the following resolution in which they ask the concurrence of the House of Representatives :

WHEREAS, it has been represented by members, who have applied to the Auditor of State for warrants on the Treasurer, for the pay of members, allowed by resolution of both Houses, that said Auditor has refused to audit the same, alleging that it is contrary to the Constitution and Laws of the State; Therefore,

Resolved, by the Senate, the House concurring, that the Auditor inform the Senate by what authority it is, he exercises judicial and legislative powers, and that he be requested to report to the Senate at five o'clock this evening.

P. B. BRADLEY,
Secretary of Senate.

Which resolution was read and concurred in by the House of Representatives.

House file No. 59 A, amended by the Senate, read with the amendment, and the action of the Senate concurred in, and the bill as amended, passed and the title agreed to.

House File No. 59 B, amended by the Senate, read with the amendment, and the action of the Senate concurred in, and the bill as amended passed and the title agreed to.

The Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills report that they have placed in the hands of the Governor, for his signature, the following bills :

House file No. 52, an act to provide for the publication and distribution of the laws of this session of the General Assembly.

Also;

House file No. 40, an act to make appropriations to pay members and officers of the General Assembly.

Also;

House file No. 45, an act to authorize the County Judge of Jackson county to transcribe certain records.

Also;

House file No. 21, an act to authorize the appointment of a Committee to revise the School Laws of Iowa.

Also;

House file No. 49, an act to change the time of holding Courts in the counties comprising the Sixth and Seventh Judicial Districts.

Also;

House file No. 54, an act to change the name of Decota, in Dubuque county, to Centralia.

Also;

House file No. 39, an act authorizing a tax upon lands on Muscatine Island and adjoining lands.

Also;

House file No. 57, joint resolution to procure additional mail facilities.

HAMILTON, for Com.

July 15th, 1856.

Mr. Russel, of Mills, from the committee on the Judiciary to whom was referred Senate file No. 22,

An act requiring evidence in criminal cases to be reduced to writing,

Reported a substitute for the same, which was read; and,

On motion of Mr. Russell, of Mills,

The 42nd rule was suspended, and the bill read a third time passed and title agreed to.

On motion,

The House adjourned to 8 o'clock, P. M.

EIGHT O'CLOCK, P. M.

House met pursuant to adjournment.

The Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills report that they have placed in the hands of the Governor, for his approval or veto, the following bills:

House file No. 58, an act to locate a State Road from DeWitt to Poston's Grove.

Also;

House file No. 59, a joint resolution providing for the publication of certain laws.

Also;

House file No. 8, an act permitting certain Indians to remain within the State.

I. S. HAMILTON,
— GREENLEAF,

Committee on Enrolled Bills.

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

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has passed Senate file No. 33, a bill,

For an act to authorize the Treasurer to pay certain moneys.

P. B. BRADLEY,

Secretary Senate.

Which was read a first time; and,

On motion of Mr. Corse,

The 42nd rule was suspended, the bill read a second and third time, and passed, and the title agreed to.

The Committee on Ways and Means reported back House file No. 63, with additional appropriations.

Amendments adopted.

On motion of Mr. Williams,

The House re-considered the vote by which the compensation of Sergeant-at-Arms was reduced, and fixed the same at sixty dollars.

On motion,

The 42nd rule was suspended, the bill read a third time, and passed, and the title agreed to.

Message from the Senate, from Mr. Bradley, the Secretary.

MR. SPEAKER:

I herewith present for your signature Senate file No. 33, the same having passed both branches of the General Assembly.

P. B. BRADLEY,

Secretary Senate.

On motion,

The House took a recess to nine o'clock, P. M.

NINE O'CLOCK, P. M.

House met pursuant to adjournment

The following message was received from the Senate by their Secretary:

MR. SPEAKER:

I herewith return House file No. 63, the same having passed the Senate with amendments to certain appropriations fixed by the House, and added additional appropriations thereto.

P. B. BRADLEY,

Sec'y of Senate.

The House of Representatives refused to concur in the amendments of the Senate to the House appropriations, and concurred in the additional amendments of the Senate.

The bill so passed the House.

Message from the Senate, by Mr. Bradley, the Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has receded from the amendments in which the House refused to concur, and have passed the bill.

P. B. BRADLEY,

Secretary of Senate.

The Committee on Enrolled Bills reported that they had examined House file No. 63, a bill,

For an act making additional appropriations for the State Government, and found the same correctly enrolled.

GREENLEAF,
Chairman.

On motion,
The House adjourned.

TWELVE O'CLOCK, M.

Message from the Senate by Messrs. Preston and Saunders:

MR. SPEAKER:

We are directed by the Senate to inform the House that the Senate has no further business before them, and are ready to adjourn *sine die*.

The following message was received from the Senate, by Mr. Bradley, their Secretary:

MR. SPEAKER:

I am directed to inform the House that the Senate has passed, Memorial and joint resolution for a grant of land for the Great North-Western Railroad.

P. B. BRADLEY,
Sec'y of the Senate.

Memorial and joint resolution for a grant of land for the Great North-Western Railroad, was read a first time.

Mr. Russell, of Washington, moved that Mr. Gear be allowed the privilege of speaking on the above memorial and resolution.

On this motion, Mr. Samuels called for the yeas and nays, and which were as follows:

YEAS—Anderson, Baldwin, Bigelow, Clark, Goodfellow, Hamilton, Lynch, McCall, McKay, Meek, Neely, Noble, Russell, of Washington—13.

NAYS—Barker, Bonson, Bryan, Corse, Conkey, Connell, Dewey,

Jackson, McCrory, McFarland, Moore, Monroe, Newsam, Pigman, Rogers, Russell, of Mills, Samuels, Smith, of Cedar, Stevenson, Van Fossen, Weatherington, White, Witter, Mr. Speaker—25.

Motion lost.

On motion of Mr. Samuels,
The memorial was indefinitely postponed.

On motion,

Messrs. Bryan and Rogers were appointed a committee to inform the Senate that the House had concluded its business, and was ready to adjourn *sine die*.

The Committee on Enrolled bills reported that they had presented House file, No. 63, to the Governor for his signature.

Mr. Bryan reported that the committee to the Senate, had discharged their duty.

Message from the Senate, by Mr. Bradley, Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate have appointed Messrs. Saunders and Udell a committee upon the part of the Senate to act in conjunction with a similar committee on the part of the House, to wait upon the Governor and ascertain if he has any further communication to make to the General Assembly.

P. B. BRADLEY,
Secretary Senate.

On motion,

Messrs. Russell, Lynch and Bryan were appointed to act in conjunction with the committee on the part of the Senate, to wait upon the Governor.

Mr. Russell, from the joint committee to wait upon the Governor, reported that they had discharged their duty, and that the Governor informed them he had nothing further to communicate to the General Assembly.

Mr. Bonson moved that the House do now adjourn *sine die*.

Pending the question,

The Speaker addressed the House as follows :

Gentlemen of the House of Representatives :

In proceeding to perform my last duty as Speaker of this House, I cannot permit the

occasion to pass, without congratulating you upon your early and successful completion of the important business which brought you together. In the whole history of Iowa, there has never been a session of the General Assembly, when the business of legislation was more important to the State, than the business of the present session; or when the business of legislation was more calculated to arouse sectional feelings and excite local jealousies. Yet, amidst all the conflicting interests, that have, to a certain extent, divided us, in no instance have the courtesies of debate been violated, or the friendly relations between members disturbed. The recollection of this fact cannot fail to be a source of unalloyed satisfaction to you and to me, as we retire to private life.

I now declare this House adjourned *sine die*.

Report of the Superintendent of Public Instruction.

**To the President of the Senate,
of the State of Iowa:**

In obedience to a resolution passed by the Senate on the 7th instant, making certain enquiries of this department, in regard to the disposition of the five per cent. fund due the State of Iowa, from the General Government, I would most respectfully beg leave to make the following

REPORT:

I received in January, A. D. 1855, fifty four thousand, three hundred and forty-one dollars and fifty-nine cents, five per cent. fund, and on the first day of March on the same year, I distributed the same among the several counties, and sent a notice to the several School Fund Commissioners, informing them of the amount apportioned to their counties, and after waiting several months and not hearing from any of them, I ordered the funds to be loaned in the other counties. The funds are all loaned on real estate security, to double the amount loaned, drawing ten per cent. interest per annum, payable on the first day of January of each year, at the Office of the Superintendent of Public Instruction, or at the Office of the School Fund Commissioner.

Table "A" shows the amounts each county received of the fund, for the year 1853.

In March last I received from the General Government two hundred and twenty-six thousand, eight hundred dollars and eighty-six cents, of which amount I have loaned to individuals on real estate security amounting to eighty-four thousand, three hundred and thirty dollars (\$84,330 00) and have sent to the School Fund Com-

missioners, of the following counties, the amount set opposite to each county :

Lee,	\$30,000 00
Henry,	10,000 00
Desmoines,	5,000 00
Van Buren,	5,000 00
Wapello,	5,000 00
Davis,	5,000 00
Louisa,	5,000 00
Muscatine,	5,000 00
Scott,	5,000 00
Jefferson,	5,000 00
Marion,	5,000 00
Johnson,	5,000 00
Jasper,	2,000 00
Benton, June 27, '56,	500 00
	<u>\$92,500 00</u>

Leaving a balance in my hands, to be disposed of amounting to fifty thousand, four hundred and fifty dollars and eighty-six cents.

I have deposited money with Culbertson & Reno, Cook, Sargent & Downey, of Iowa City, on several occasions, amounting to the sum of fifty thousand dollars. I have also deposited with Hon. M. L. Morris, Treasurer of the State of Iowa, the sum of fifty thousand dollars. I never demanded any interest of Mr. Morris, nor did I ever receive any. From the banks of Iowa City, I received in interest, the sum of four hundred and fifty dollars.

I have also deposited from time to time with Knapp & Eaton, Bankers, of the city of Fort Madison, Iowa, thirty-five thousand dollars, for which I never received any interest nor demanded any. I made those deposits for convenience, so that the drafts from this department could be paid without delay. I have never made any deposits of moneys belonging to the School Fund, out of the State of Iowa, with any bank or individual.

You ask me by "What authority I loan the School Fund?" I would refer you to *Sec. 1058*, of the code of Iowa, which places the money in my hands to be "*disposed of according to law,*" and

this is the only provision of law touching the question, and as I was the only officer who was held responsible for said fund, I concluded to loan the money myself in preference to the slow process of sending it to the several counties, without any authority of law, to do so. After I had made up my mind to loan the money myself and make the interest payable at the office of the Superintendent of Public Instruction, I called upon D. C. Cloud, Attorney General of the State of Iowa, for his official opinion, and he stated that no other person but the Superintendent of Public Instruction had any control over the loaning of the five per cent. fund, and that it was my duty to loan it out, as I have in part done.

There is another consideration relative to the Superintendent of Public Instruction loaning the five per cent. fund and making the interest payable at this office from the fact that the interest can be distributed among the several counties at one half the expense which it would cost to equal the interest among the several counties.

APPENDIX.

A.

Distribution of the 5 per cent. fund among the several counties, for the year 1853, received by me January 18th, 1855, and distributed March 1st, 1855, as follows, to wit:

COUNTIES.		D.	C.
Appanoose,	Aug. 12, '55,	1000	00
Benton,	March 18, '56,	500	00
Blackhawk,			
Cedar,		500	00
Clinton,	May 16, '55,	500	00
Davis,	Aug. 10, '55, \$1,000,	500	00
Desmoines,	April 6, '55,	2,000	00
Dubuque,	Aug. 2, '55,	2,000	00
Henry,	Feb. 8, '55,	1,927	00
Hardin,		500	00
Iowa,		500	00
Jackson,	{ 1855, \$700, } { Jan. '55 300, }	1,000	00
Jasper,	March 13, '55,	500	00
Jefferson,		2,000	00
Jones,		500	00
Johnson,		3,700	00
Keokuk,	July 14, '55,	1,000	00
Lee,	\$2,900 59,	20,700	59
Linn,	July 13, '55,	500	00
Louisa,	June 1, '55,	1,500	00
Lucas,	Aug. 15, '55,	500	00
Mahaska,	Aug. 28, '55,	514	00
Marion,	July '55,	1,000	00
Marshall,	No date,	500	000
Monroe,		500	00
Muscatine,	May 13, '55,	1,500	00
Polk,	March 13, '55,	1,500	00
Pottawattamie,	Feb. 15, '55,	500	00
Scott,	June 1, '55,	1,500	00

APPENDIX.

A.—CONTINUED.

Van Buren,.....	June 5, '55,.....	1,500 00
Wapello,.....	{ Oct. 12, '55, \$400, } { Aug. 23, '55 \$1,100, }	1,500 00
Warren,		500 00
Washington,.....	May 16, '55,.....	1,000 00
Wayne,..	Left Nov. 16, '55, with J. W. Ellis, of Davis co...	500 00
Total,.....		<u>\$54,341 59</u>

I herewith transmit to you my two reports showing the distribution of the interest arising from the permanent school fund of the State, for the year, A. D. 1854,—'55.

All of which is respectfully submitted to your honorable body,
 JAMES D. EADS,
 Sup. Pub. Inst.

COUNTIES.	As allowed by Co. Officers.		As approved by Superintendent.		Interest of the School Fund for 1855, apport'd Jan. 25, 1856.			
	Salary.	Contingent expenses.	Salary.	Contingent expenses.	Amount reported.	Amount delinquent.	Number of children.	Amount apportioned for Schools.
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Adair,								
Adams,			\$ 50 00		\$ 266 09		215	\$ 146 11
Allamakee,			500 00	\$ 10 00	7,652 65		2,081	1,414 40
Appanoose,	\$200 00	\$ 3 00	200 00	3 00	1,664 06		3,360	2,288 71
Audubon,	25 00							
Benton,	400 00	335 00	400 00	335 00	2,043 25	819 25	1,679	1,141 17
Blackhawk,	300 00	10 00	300 00	10 00	2,954 41	78 89	863	586 56
Boone,	100 00		100 00	10 00	698 38		986	670 15
Bremer,	175 00		200 00		2,273 57	142 83	424	288 19
Butler,	100 00	12 00	100 00	12 00	186 75		313	212 74
Buchanan,	125 00	25 00	125 00	25 00	972 09	98 06	1,155	785 00
Calhoun,								
Cass,	10 00	2 14	10 00	2 14	26 32		97	65 92
Carroll,								
Cedar,	300 00	15 00	300 00	15 00	4,056 92	454 63	3,116	2,117 86
Cerro Gordo,								
Chickasaw,	250 00		250 00	5 00	622 46	20 00	271	184 18
Clarke,	300 00		300 00		2,184 52	702 02	896	608 97
Clayton,	425 00	25 00	425 00	25 00	4,597 37	217 83	3,813	2,591 59
Clinton,	400 00	40 00	400 00	40 00	4,259 36	540 00	3,337	2,268 08

Crawford,									
Dallas,	300 00	25 00	300 00	25 00	2,194 60	174 84	1,076	731 32	
Davis,	290 00	40 00	290 00	40 00	1,306 71	566 02	4,545	3,089 12	
Decatur,	450 00	50 00	450 00	50 00	5,942 35	612 99	1,888	1,283 20	
Delaware,	400 00	35 00	400 00	35 00	2,712 21	104 28	2,395	1,627 80	
Des Moines,	350 00	20 00	350 00	20 00	3,025 82	842 06	6,559	4,458 00	
Dubuque,	400 00	20 00	400 00	20 00	3,400 75	993 61	7,781	5,288 57	
Fayette,	500 00		500 00		4,853 83	384 59	1,701	1,156 13	
Floyd,	100 00	5 00					380	258 27	
Franklin,									
Fremont,	250 00	3 00	250 00	3 00	606 93	89 32	1,197	813 56	
Guthrie,	150 00	5 00	150 00	5 00	251 48		504	342 56	
Greene,	55 00	25 00	55 00	25 00	191 28	4 00	389	264 38	
Harrison,	150 00	5 00	50 00	5 00	36 87		351	238 57	
Hardin,	200 00		200 00		805 42	27 75	520	353 42	
Henry,	350 00	10 00	400 00	10 00	2,031 03	530 51	4,571	3,106 91	
Howard,	240 00	20 00					260	176 70	
Iowa,	200 00	26 00	200 00	26 00	1,544 61	35 14	1,502	1,020 87	
Jackson,	375 00	15 00	375 00	15 00	2,179 66	84 79	5,530	3,758 61	
Jasper,	175 00	16 00	200 00	16 00	1,751 80		2,241	1,523 15	
Jefferson,	350 00	6 56	350 00	6 56	1,722 57	39 25	5,371	3,650 55	
Johnson,	350 00	25 00	350 00	25 00	1,937 45	253 48	4,150	2,820 64	
Jones,	350 00	60 00	400 00	60 00	4,531 51	721 86	3,371	2,291 18	
Keokuk,	200 00	15 00	200 00	15 00	1,679 38	118 46	3,817	2,594 33	
Kossuth,									
Lee,	400 00	50 00	400 00	50 00	2,385 65	62	9,161	6,226 52	
Linn,	400 00	25 00	400 00	25 00	3,222 14	94 24	5,136	3,490 82	
Louisa,	300 00	53 00	300 00	53 00	1,844 57		1,012	687 84	

COUNTIES.	As allowed by Co. Officers.		As approved by Superintendent.		Interest of the School Fund for 1855, apportion'd Jan. 25, 1856.			
	Salary.	Contingent expenses.	Salary.	Contingent expenses.	Am't reported.	Amount delinquent.	Number of Children.	Amount apportioned for schools.
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Lucas,	300 00	25 00	300 00	25 00	795 78	35 44	819	556 65
Madison,	400 00	10 00	300 00	10 00	2,142 20	604 43	1,676	1,139 11
Mahaska,	250 00	15 00	250 00	15 00	2,850 90		4,377	2,974 93
Marion,	300 00	35 00	300 00	35 00	1,426 76	300 00	4,512	3,066 69
Marshall,	250 00	20 00	275 00	20 00	1,652 56	11 25	1,102	749 03
Mills,	300 00	25 00	200 00	25 00	327 17		1,095	744 26
Monroe,	200 00		200 00		1,166 24	10 00	2,394	1,627 14
Monona,								
Montgomery, ..	50 00		50 00		217 41		62	42 14
Mitchell,							139	94 47
Muscatine,	300 00	12 00	300 00	12 00	1,603 61	23 17	3,513	2,387 70
Page,	200 00	8 00	200 00	8 00	354 38		739	502 28
Polk,	375 00	5 00	375 00	5 00	1,721 65	48 50	2,801	1,903 78
Pottawattamie, ..	250 00	50 00	250 00	50 00	310 52		972	660 67
Poweshiek,	150 00	20 00	150 00	20 00	1,480 20	295 03	1,124	763 99
Ringgold,								
Scott,			275 00	25 00	1,615 00		5,437	3,695 37
Shelby,							75	50 98
Story,							458	311 28
Taylor,	90 00	11 15					393	267 12

Tama,.....	337 00	27 00	337 00	27 00	1,614 67	406 24	902	613 07
Union,.....	250 00	15 00	250 00	15 00	1,285 87	64 62	249	169 27
Van Buren,.....	400 00	20 00	400 00	20 00	2,304 67		6,402	4,351 26
Wapello,.....	350 00	43 66	350 00	43 66	1,981 08	32 20	5,047	3,430 31
Warren,.....	295 00	5 00	295 00	5 00	1,275 39	226 25	2,000	1,359 42
Washington,....	200 00	20 00	200 00	20 00	1,624 57		3,580	2,432 22
Wayne,.....	250 00	10 00	250 00	10 00	2,716 72	98 70	1,114	757 17
Webster,.....	350 00	25 00	550 00	26 00	3,050 92	113 57	561	381 29
Winneshiek,....	300 00	5 00	200 00	5 00	332 98	409 01	1,388	943 38
Woodbury,.....								
Wright,.....							185	125 75
	\$16,542 00	\$1,428 51	\$16,787 00	\$1,442 36	\$118,468 17	\$11,429 73	151,130	\$102,718 38
Add interest on State Loans,.....					2,479 57			
					\$120,947 74			
Deduct salaries and contingent expenses,.....					18,229 36			
					\$102,718 38			

APPENDIX.

C I R C U L A R .

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
IOWA CITY, IOWA, January 25, 1856. }

DEAR SIR :

The interest of the permanent school fund has been distributed as shown by the annexed statement. The apportionment has been somewhat delayed in consequence of the tardiness of some of the School Fund Commissioners, to make their interest report, and further delayed to apportion the funds in two counties which reported to this department after this document was first prepared for the printer.

The counties of Adair, Audubon, Calhoun, Carroll, Cerro Gordo, Franklin, Kossuth, Monona, Warren and Woodbury have failed to make their annual reports.

The counties of Adair, Audubon, Calhoun, Carroll, Cerro Gordo, Crawford, Floyd, Franklin, Howard, Kossuth, Monona, Mitchell, Ringgold, Shelby, Story, Woodbury and Wright, have each failed to make their interest report.

Taylor county has made an informal interest report.

Warren county has made an interest, but failed of making an annual report, but judging the ratio of increase of pupils there to be about the same as in the whole State, I have estimated the number at two thousand and made the apportionment accordingly.

The commissioner of that county will disburse the amount, viz: \$1,359,42, among the districts be they more or less.

The other counties failing to make their annual reports are mostly new counties, but it is no excuse for the Commissioners to neglect their duties. The Commissioner of Ringgold has made an annual report of "no organized districts," but failed to make his interest report.

Enquiries are constantly made at this Office relative to the condition of schools and the pecuniary affairs of the department in

different counties in the State which it is utterly impossible to answer in any definite manner because of the imperfect and loose manner of School Commissioners in making their annual reports.

The fault, no doubt, to a considerable extent is attributable to the failure of district secretaries to make their reports as prescribed by SEC. 1136 of the Code. The consequences of their failure to report are shown by SEC. 1137, to which the Fund Commissioner should call the attention of district officers and use all reasonable means to secure the rigid enforcement of the law.

It is important in the highest degree that all the Commissioners strictly comply with the provisions of the law in the collection of interest, and in making their quarterly, annual and interest reports. The large and inexcusable amount of uncollected interest the past year is wholly uncalled for: there is no excuse for it.

The law makes provision for the prompt payment of it, and whenever the loanee fails to make such payment immediate proceedings should be taken to collect the same.

After this there will be no salary allowed to the commissioner who fails to do his duty and make his reports promptly to this office as directed by law.

A respectable number have faithfully done their duty, and justly merit the approbation of their constituents, and an expression of thanks from this department.

The 8th column shows the amount your county is entitled to for school purposes, which, with all funds appropriated by the county, (except such as may have accrued under Sec. 1158, which should be apportioned as provided by Sec. 1159,) constitute the school fund to which your county is entitled.

It should be distributed on the first day of March (or as soon thereafter as possible) in proportion to the number of persons between the age of 5 and 21 years, as reported by the district secretaries under Sec. 1136.

Your county will be required to contribute to the general fund the amount indicated by the 5th column, but no more. Any excess you may have must be retained and reported in your next interest report as delinquent interest collected. You will first deduct from the 5th column the aggregate amount approved for salary, contingent expenses and distribution, as shown by the 3, 4, and 8 columns

and the balance pay over to other counties on the official drafts of this department.

In case you have not in your hands sufficient funds to meet the expenses and apportionment of your county, the deficiency will be made up by drafts herewith enclosed on other counties or the State Treasurer.

I am, very respectfully,

Your Obedient Servant,

JAMES D. EADS,

Superintendent of Pub. In_s.

COUNTIES.	As allowed by Co. Officers.		As approved by the Superintendent.		Interest of the School Fund for the year 1854, as apportioned on the 25th day of January, 1855.			
	Salary.	Contingent Expenses.	Salary.	Contingent Expenses.	Amount Reported.	Amount delinquent.	No. of Children.	Amount apportioned for Schools.
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Adams,			20 00	5 00	41 48			
Alamakee,	\$500 00	40 00	475 00	40 00	5,767 89		1,245	\$709 65
Appanoose,	200 00	3 00	200 00	3 00	1,364 28	102 93	2,919	1,663 83
Benton,	400 00	75 00	375 00	75 00	1,318 33	109 52	999	569 43
Butler,								
Bremer,	325 00	20 00	325 00	20 00	1,539 72	158 09	408	232 56
Boone,	100 00	2 00	114 54	2 00	593 40		561	319 77
Blackhawk,			150 00	10 00			585	333 45
Buchanan,	100 00	27 50	115 00	27 50	730 30	15 35	981	559 17
Cedar,	200 00	15 00	200 00	15 00	2,954 18	174 79	3,065	1,747 05
Chickasaw,	250 00	10 00	250 00	10 00	532 49	16 30	157	89 49
Clayton,	400 00	10 00	335 00	10 00	2,322 34		3,151	1,796 07
Clinton,	400 00	40 00	360 00	40 00	3,391 10		2,221	1,265 97
Clarke,	370 00	30 00	325 00	30 00	1,420 71	234 26	509	290 13
Dallas,	300 00	20 00	300 00	20 00	1,947 50	61 25	872	497 04
Davis,	250 00		250 00	20 00	2,001 49		4,409	2,513 13
Decatur,			350 00	20 00	3,071 75	592 99	765	436 05
Delaware,	400 00	20 00	350 00	20 00	2,368 17	44 27	1,861	1,060 77
Des Moines,	300 00	30 00	250 00	30 00	2,132 73	1,606 03	5,632	3,210 24
Dubuque,	400 00	10 00	350 00	10 00	3,009 51	835 93	5,000	2,850 00

Fayette,.....	475 00	60 00	475 00	10 00	4,402 17	315 59	1,469	831 33
Floyd,								
Fremont,			200 00	10 00			1,003	571 71
Guthrie,			50 00	5 00	111 40		327	186 39
Harrison,			50 00	5 00			211	120 27
Henry,.....	300 00	26 00	275 00	26 00	1,127 48	678 64	4,427	2,523 39
Hardin,			95 00	5 00	479 55	15 25	212	120 84
Iowa,	125 00	25 00	125 00	25 00	1,030 94	4 34	788	449 73
Jasper,	150 00	3 00	150 00	3 00	1,192 24		1,507	858 99
Jones,	350 00	25 00	350 00	25 00	4,475 86	235 87	2,299	1,310 43
Jefferson,	350 00	41 00	350 00	40 00	1,668 00		5,065	2,887 05
Johnson,			254 00	25 00	1,439 81	227 92	3,240	1,846 80
Jackson,	375 00	12 50	375 00	12 50	2,066 62	25 02	4,384	2,498 88
Keokuk,	200 00	15 00	200 00	15 00	1,296 61	26 28	3,042	1,733 94
Linn,	425 00	40 00	425 00	40 00	3,007 14	69 74	4,422	2,520 54
Louisa,			250 00	10 00			2,794	1,592 58
Lee,	400 00		400 00		2,027 98	45 31	8,343	4,755 51
Lucas,	350 00	25 00	300 00	25 00	702 29	40 99	477	271 89
Mills,	250 00	8 00	200 00	8 00	171 91	3 35	951	542 07
Monroe,			200 00	10 00	812 69		2,009	1,145 13
Madison,	300 00	25 00	275 00	25 00	1,560 99	545 69	1,073	611 61
Mahaska,	350 00	10 00	350 00	10 00	2,635 97		3,757	2,141 49
Marshall,	175 00	15 00	200 00	15 00	1,271 64		617	351 69
Montgomery,	25 00	15 00	25 00	15 00	41 50		83	47 31
Marion,			250 00	20 00	1,130 07	300 00	3,800	2,166 00
Muscatine,	250 00	12 00	250 00	12 00	1,454 55	13 56	3,058	1,743 06
Polk,	375 00	3 00	325 00	3 00	1,424 18	123 47	1,832	1,044 24
Pottawattamie,			125 00	15 00			588	335 16

COUNTIES.	As allowed by Co. Officers.		As approved by Superintendent.		Interest of the School Fund for the year 1854, as apportioned on the 25th day of January, 1855.			
	Salary.	Contingent Expenses.	Salary.	Contingent Expenses.	Amount Reported.	Amount delinquent.	No. of children.	Amount apportioned for Schools.
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Page,			80 00	20 00	457 98		500	285 00
Poweshiek,			100 00	15 00	666 55	58 83	816	465 12
Scott,			325 00	25 00	1,514 00		3,931	2,240 67
Story,	75 00	5 00	80 00	5 00	198 04	47 75	80	45 60
Tama,			300 00	15 00			398	226 86
Taylor,			25 00	5 00			124	70 68
Van Buren,	400 00	15 00	400 00	15 00	2,224 85		6,088	3,470 16
Wapello,	350 00	29 00	350 00	29 00	1,666 66	135 30	4,496	2,562 72
Washington,			150 00	20 00			3,100	1,767 00
Wayne,			200 00	10 00	1,180 57	15 90	655	373 35
Webster,	350 00	45 00	300 00	45 00	1,676 06	156 86	293	167 01
Warren,	250 00	15 00	200 00	15 00	798 02	105 93	1,569	894 33
Winneshiek,			350 00	20 00			1,527	870 39
	\$11,545 00	\$762 00	\$14,474 54	\$1,061 00	\$82,502 22	\$7,143 10	120,696	\$68,796 72
Add interest on State Loans.....					2,479 57			
Deduct Salaries and Contingent Expenses of School Fund Commissioners as above.....				\$15,585 54				\$84,981 79
Unpaid Warrants (1854) on Benton county.....				949 63				
					16,185 07			
					\$68,796 72			

C I R C U L A R .

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
IOWA CITY, IOWA, Jan. 25, 1855. }

I send you herewith a statement of the apportionment of the interest of the school fund for the year 1854. The 8th column indicates the amount to which your county is entitled for school purposes. This sum, together with the county school tax and all other funds appropriated to the county for school purposes (except fines) should be added together, and the aggregate amount apportioned on the first day of March next, among the school districts of your county, which filed their reports with you on the first day of October last. The law requires that fines for breaches of the penal laws and exemption from military duty, shall be apportioned separate.

In case you have collected any interest which was not reported to me in time to be included in this apportionment as shown by the 5th column you will have to retain it on hand and include it in your report of interest in January, 1856, as no interest can be apportioned to the district until it is first reported to the Superintendent and apportioned by him among the several counties. This shows the absolute necessity of having the interest promptly paid and reported.

In the event you have an excess of interest, you will first deduct the aggregate of the respective sums required for salary, contingent expenses and school purposes as shown by the 3d, 4th and 8th columns, from the amount reported or estimated as shown by the 5th column, and pay over the remainder on drafts drawn on you by the undersigned in favor of other counties. These drafts are to be cancelled when paid, and filed with your vouchers. If you have collected no interest, or if the amount collected is not sufficient to meet the demands of your county for salary, contingent expenses and school purposes, the deficiency will be made up by drafts enclosed herewith on other counties or the State Treasurer. When you receive the money on these drafts, either from the per-

sons on whom they are drawn or of any one to whom you may transfer them, you should be careful to *endorse them officially*. If you do not succeed in collecting them before the first of March you should nevertheless include the amount in your apportionment and collect them so soon thereafter as possible. The drafts on the State Treasurer may be readily transferred to the county treasurer, or to persons wishing to use funds at the land office in this place, as the money will be paid on demand in specie. In case you find it convenient to make such a transfer, it will simply be necessary for you to endorse the draft.

I would add that the amount allowed for contingent expenses, can only be used for the legitimate expenses of the office. It is the property of the *office* and not of the Fund Commissioner, and in case it is not expended during his administration it should be transferred to his successor. Every Fund Commissioner should open a regular contingent expense account—enter each item of expense incurred and credit the account with the amount allowed. You will deduct your salary and contingent expenses as shown by the 3d and 4th columns before making your apportionment and file the certificate of allowance, returned herewith, with your vouchers. Where two or more officers have held the office during the same year, the salary should be divided between them in proportion to the time each had served.

The apportionment has been unavoidably delayed in consequence of the imperfection and late arrival of many of the Interest Reports. Some have come too late for insertion: and greater promptness hereafter will be very desirable: should the apportionment fail to reach any of the frontier counties by the first of March, and thus prevent the apportionment to the districts being made on that day, let it be made as soon thereafter as practicable.

By the present apportionment the amount for each person between the age of 5 and 21 years is *fifty-seven cents*. But in view of the small number actually attending school, and the addition of the county-tax, the amount going to each scholar will be about *two dollars and twenty five cents*.

I am, respectfully,

Your Obedient Servant,

JAMES D. EADS,

Superintendent of Pub. Ins.

REPORT

Of the Committee of Ways and Means, in relation to the State Treasurer, and Superintendent of Public Instruc- tion.

The Committee on Ways and Means, who were authorized by a resolution of the Senate, to examine the book, papers and moneys in the office of the Treasurer of the State, and of the Superintendent of Public Instruction, beg leave to report, that they commenced their labors by examining the books, papers, &c., of the State Treasurer, and find him charged in the Auditor's Office, with a balance on sales of saline lands, on 1st Nov., 1854, of ..\$5,515 70.

Amount received for Revenue from 1st November, 1854, to date,	202,935 80
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Making the sum of,	\$208,451 50
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Of which sum, we find according to vouchers in his office, that he has disbursed, since the said first No- vember, 1854, up to the present date,	197,366 45
--	------------

Leaving a balance in his hands of,	11,085 05
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\$208,451 50

Which amount they found in his office in cash.

Your Committee further find upon careful examination, that the Superintendent of Public Instruction has not at any time deposited with Hon. M. L. Morris, State Treasurer, the sum of \$50,000 00 of the five per cent. fund, or any part of said sum, as stated in the report of the said Superintendent, of date July 11th, 1856.

Your committee find that the Superintendent of Public Instruction received on the — day of January, 1854, the sum of \$54,-341 59 from the General Government, being the amount of the five per cent fund, on the proceeds of the sales of the public lands, for the previous year. Of this sum there has been distributed among the different counties, as per receipts of the Fund Commissioners on file in the office of the Superintendent, the following amounts to wit:

DATES.	COUNTIES.	D.	C.
August 12, 1855,.....	Appanoose,.....	1000	00
March 15, 1856,.....	Benton,.....	500	00
May 6, 1855,.....	Clinton,.....	500	00
Aug. 10, 1855,.....	Davis,.....	1000	00
April 6, 1855,.....	Des Moines,.....	2000	00
Aug. 2, 1855,.....	Dubuque,.....	2000	00
Feb. and March,1855.....	Henry,.....	1927	00
June, 1855,.....	Jackson,.....	1000	00
March 13, 1855,.....	Jasper,.....	500	00
March, 1855,.....	Jones,.....	500	00
March to July, 1855,.....	Johnson,.....	3700	00
Feb. 14, 1855,.....	Keokuk,.....	1000	00
Feb. 1855,.....	Lee,.....	2900	59
July 13, 1855,.....	Linn,.....	500	00
June 1, 1855,.....	Louisa,.....	1500	00
August 15, —,.....	Lucas,.....	500	00
August 28, 1855,.....	Mahaska,.....	514	00
July, 1855,.....	Marion,.....	1000	00
No Date,.....	Marshall,.....	500	00
May 13, 1855,.....	Muscatine,.....	1500	00
March 13, 1855,.....	Polk,.....	1500	00
April 15, 1855,.....	Pottawattamie,.....	500	00
June 1, 1855,.....	Scott,.....	1500	00
June 5, 1855,.....	Van Buren,.....	1500	00
Oct. & Aug., 1855,.....	Wapello,.....	1500	00
May 16, 1855,.....	Washington,.....	1000	00

\$32,041 59

Making in all \$32,041 59 for which the proper vouchers are on file, and leaving of this fund the sum of \$22,300 00 unaccounted for.

It is but just, however, to the Superintendent to state that he claims to have sent to the Fund Commissioner of

Cedar County, the sum of	500 00
Hardin " " "	500 00
Jefferson, " " "	2000 00
Monroe, " " "	500 00
Warren, " " "	500 00
Wayne, " " "	500 00
Lee " " "	17,800 00

But no vouchers or other evidence were shown your committee that such sums had been paid over to the Fund Commissioners in the counties named.

Your committee also find that on the 10th of March, 1856, the Superintendent received from the same source the further sum of \$226,800 87.

Of this sum there has been paid to the Fund Commissioners of the following counties, to-wit:

Des Moines County,	\$5000 00
Wapello "	5000 00
Johnson "	5000 00
Benton "	500 00

\$15,500 00

Making in all the above sum distributed of the above fund, and for which the proper vouchers are filed in the office of the Superintendent.

Your committee also find that the said officer has loaned of the aforesaid fund, at ten per cent. interest, on a credit of five years, to the following persons, the sums set opposite their names, to-wit:

June 26, 1856,	{ James D. Cavanaugh,	\$4125 00
	{ Joseph M. Griffiths.	
July 1, 1856,	{ Joseph B. Stewart,	8250 00
	{ T. A. Walker,	
July 1, 1856,	{ Jesler Hedge,	1000 00
	{ James D. Cavanaugh.	
June 21, 1856,	{ W. A. Scott,	8300 00
	{ James A. Williamson.	
June 27, 1856,	{ John W. Stanton,	2000 00
	{ Alex. Shaw.	
June 26, 1856.	{ James D. Cavanaugh,	4125 00
	{ Jos. M. Griffiths.	
June 16, 1856,	{ Wm. Thompson,	1000 00
	{ P. C. Tiffany.	
June 27, 1856,	{ Thomas H. Brooks,	4000 00
	{ Jas. A. Williamson.	
July 11, 1856,	{ Laurin Dewey,	2000 00
June 27, 1856,	{ Alexander Shaw,	3000 00
	{ John W. Stanton.	
June 26, 1856,	{ Jos. M. Griffiths,	8250 00
	{ James D. Cavanaugh.	
June 26, 1856,	{ James A. Williamson,	8300 00
	{ W. A. Scott.	
July 12, 1856,	{ Geo. S. Hampton,	5000 00
July 12, 1856,	{ S. J. Reid,	680 00
	{ H. T. Reid.	
July, 12, 1856,	{ J. W. Anderson,	640 00
	{ S. J. Reid.	
July 12, 1856,	{ J. W. Anderson,	640 00
	{ S. J. Reid.	
July 6, 1856,	{ Will Thomlinson,	4000 00
July 12, 1856,	{ Jarius E. Neal.	5000 00

Making in all the sum of \$70,310 00 loaned out at ten per cent interest on a credit of five years. These notes your committee find to be drawn to the order of James D. Eads, as Superintendent of Public Instruction, and purport on their face to be secured by mortgages on real estate, a part of which the said Superintendent informed your committee had been placed in the hands of his agents in the proper counties to be recorded. For the last two notes included in the above list, your committee were informed that the money had not been paid over, for the reason that the necessary security had not been furnished, thus reducing the amount *actually* loaned out to \$61,310 00. It also appears from the statements

made to your committee by the said Superintendent, that the loans made to sundry persons at Ft. Des Moines, (embracing much the major part of the whole amount loaned,) were entrusted entirely to the charge of an agent employed by him at said place, himself one of the principal borrowers, and that the said Superintendent had little if any *personal* knowledge of the character of said loans.

Your committee further find that there is yet in the hands of said Superintendent *in cash*, the sum of \$73,945 81, of which amount there is deposited to his *individual* credit at the office of Messrs. Cook, Sargent & Downey \$15,269 17, and at the office of Messrs. Culbertson & Reno \$17,256 64, the balance of said sum \$41,420 00, being in his office.

There is thus accounted for, of the aforesaid sum of \$226,800 56, the following amounts, to-wit:

Cash in hand,.....	73,945 81
Amount loaned,.....	61,310 00
Am't paid over to counties as per vouchers in office,	15,500 00

Making in all,.....\$150,755 81

And leaving \$76,044 75, for which no vouchers were exhibited to your committee. Of this amount, for which he has no vouchers, the Superintendent claims to have sent to the Fund Commissioners of the following counties, the sums set opposite the names of the counties :

Lee County,.....	\$30,000 00
Henry County,.....	10,000 00
Van Buren “	5,000 00
Louisa “	5,000 00
Davis “	5,000 00
Muscatine “	5,000 00
Jefferson “	5,000 00
Marion “	5,000 00
Jasper “	2,000 00

Making a total of.....\$72,000 00

Assuming that the statements made to your committee by the Superintendent, with respect to the disposition of that portion of the fund for which no receipts or vouchers were exhibited, are true,

it evinces a carelessness on his part in the discharge of the duties pertaining to his office, which your committee feel it their duty to reprehend in the strongest manner. How that officer could so far forget the obligations resting upon himself as a public servant, and the responsibilities attaching to his sureties, as to permit an amount of money almost reaching \$100,000 to pass through his hands, without retaining any vouchers or other evidences showing the disposition made of it, as both the law and the plainest requirements of duty would suggest, seems to the minds of your committee most surprising and extraordinary, and indicates in their opinion an unfitness on his part to manage so large a fund, that must seem apparent to all.

Your committee also feel it their duty to call the attention of the Senate to, and condemn on their part in the most unequivocal manner, the assumption of authority by that officer, exercised even after a co-ordinate branch of the Legislature had called his attention to the fact, and in the absence of any positive enactment of law, in the loaning out, on a long credit, and with a recklessness in respect to security, which no private individual would for a moment tolerate, a large portion of the fund arising from the per centum accruing to the School Fund from the proceeds of the sales of the public lands. If it was the duty of that officer to apportion the amount of the fund in January, 1855, when it amounted to only \$54,341 59, as he seems to have acknowledged by his act in distributing it as he did the 1st of March, 1855, your committee cannot conceive why he should not have considered equally his duty to distribute the fund coming into his hands in March, 1856, when it amounted to \$226,800 56.

Your committee feel it their duty, also, to call the attention of the Senate to the singular inequality, shown by that officer, in the manner of distributing this fund among the different counties, so far as any distribution has been made. In the disposition of the fund apportioned on the 25th of March, 1855, \$54,341 59, there was, according to the statement of the Superintendent, paid over to Lee county, though the committee have no evidence of it except the verbal assurance of that officer, and vouchers exhibited for a *small* part only, the sum of \$20,700 59, while Dubuque and Desmoines received \$2,000 each, and more than half of the organized counties of the State did not received any.

So with regard to the partial distribution of the fund received March, 1856. The Superintendent claims to have distributed some \$92,500 among thirteen different counties, though your committee as before stated, found vouchers for only \$15,500 so apportioned, but of the sum claimed to have been distributed by him, Lee county is again made to receive \$30,000, while Dubuque, Mahaska and other populous counties received nothing. So flagrant a violation of fairness and equality in the apportionment of the School fund, seems in the minds of your committee to demand the protecting arm of the General Assembly, and demonstrates if any thing were needed in addition to the facts previous stated, in their opinion, the utter incapacity of the present Superintendent of Public Instruction to manage the Shool fund, with that judicious care which the interests of the State and their protection demand.

Your committee would therefore recommend that the law authorizing the Superintendent to receive the fund now due the State from the General Government, accruing on the sales of the proceeds of the public lands for the fiscal year, ending June 30, 1856, be repealed.

All of which is respectfully submitted.

I. M. PRESTON,
Chairman of the Com. of Ways and Means.
W. W. COOLBAUGH,
D. T. BRIGHAM,
J. D. HILLIS,
A. SAUNDERS,
W. W. HAMILTON.

July 15, 1856.

Testimony taken by the Committee of Ways and Means, in pursuance of the following resolutions:

Resolved, That the Committee of Ways and Means be and they are hereby instructed to examine the books, accounts, vouchers, securities and moneys, in the office of the Superintendent of Public Instruction, and of the State Treasurer, and report to the Senate the amount of the moneys now on hand, and the nature and description of the vouchers for moneys distributed among the several School

Fund Commissioners, and the nature and description of mortgages and other securities reported by said Superintendent to be taken for certain sums loaned by him—reporting especially whether said mortgages are taken in the name of said Superintendent as an individual, or in his official character, or in that of the State of Iowa, and whether the same are recorded in the proper counties. Also, the names of any persons with whom any of said moneys have been deposited, when deposited, at what rate of interest; and also, whether said Superintendent has now on deposit with the State Treasurer, the sum of fifty thousand dollars, or any other sum of money held by him as paid of the School Fund, and the said Committee have power to send for persons and papers, and administer oaths.

M. L. Morris, Treasurer for the State of Iowa, being duly sworn, by the Committee of investigation, from the State Senate, to answer such questions as may be asked him by the Committee, makes answer as follows:

QUESTION BY THE COMMITTEE.

State whether Jas. D. Eads, the Superintendent of Public Instruction for the State of Iowa, has, at any time, since the first day of December, 1854, deposited any money with you as Treasurer of State, belonging to the School fund of Iowa? If yea, state when such deposit was made, how much was deposited, and whether you have said money now; if not, what disposition have you made of it, and when did you dispose of it?

ANSWER BY MR. MORRIS.

On or about the 25th of January, 1855, James D. Eads, Superintendent of Public Instruction *deposited* in the State Treasury Auditor's Warrants amounting to \$2,479 57, which has been paid out on his order, at various dates, except \$30 00, now in the Treasury, not having been called for. He also *deposited* on the 27th day of February, 1856, warrants, amounting to \$2,477 37, which has been paid out on his order, at various times, except \$276 60, now on hand uncalled for. The above sums belonged to the school fund, (interest due said fund from the State on money borrowed). This is all the *fund deposited* with me by said Superintendent of Public Instruction.

M. L. MORRIS,
State Treasurer.

Subscribed and sworn to before me this 14th day of July, 1856.

I. M. PRESTON,
Chairman of the Committee of Ways and Means.

MEMORIAL OF HENRY O'RIELLY,

Asking an Investigation of the affairs of the "Demoine Navigation and Railroad Company:" a Corporation of which he is a member, and which was organized under the Code of Iowa for the purpose of carrying into full effect the contract made between said O'Rielly and the State of Iowa, for the completion of the Demoine River Improvement.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF IOWA.

Extraordinary circumstances connected with the Demoine River Improvement, render it proper in this formal manner to invoke, as I now respectfully invoke, the attention of the legislative authorities of Iowa, towards an investigation of the malpractices connected with the management of the "Demoine Navigation and Railroad Company;" a Company of which I am a member, and in which I am also the representative of other interests; a Company organized for the purpose of "carrying into full effect" the original contract formed between the State of Iowa and myself, for the completion of the Demoine Improvement—*one half* of the whole of which work *was to have been* completed and in full operation on the first of this month of July, 1856.

After numerous and unavailing "Protests" filed by me as a Director *at various times during the last year*, (said Protests being filed in the archives of the Company,) the *necessity for such investigation* was submitted by me to the Governor of Iowa several weeks ago, before the present Legislative Session commenced. And I have also submitted the subject orally to various Senators and Representatives during the session.

Some of the malpractices referred to were set forth in the **MEMORIAL OF DONALD MANN**, a stockholder of the Company—which memorial was ordered to be printed by both Houses of the Legislature, and, in both, *referred to the joint committee* respecting the Demoine Improvement.

As that joint committee, however, has made *no report* on any of the various important allegations contained in the Memorial of said Mann, (the *substantial truth* of which allegations, and many other relevant matters, he declares, through me, that he holds himself *ready to prove*, whenever a proper opportunity is presented by the Legislative authorities of Iowa,) the undersigned respectfully requests that such inquiry shall be instituted in such manner as your Honorable Body may direct.

A thorough investigation of the operations of the "Managers" of the Demoine Company, (who concentrate all its powers in a small clique) will exhibit a remarkable degree of recklessness in violating *codes, laws, charters and contracts*,—in all which matters the people of Iowa generally have a *public interest* far beyond the pecuniary interest of any mere stockholders.

As a citizen of Iowa, and as a member representing sundry interests in said "Demoine Navigation Company," the undersigned holds himself ready, at any reasonable time, when a *thorough investigation* shall be ordered by your Honorable Body concerning the operations of the Managers of said Company, and concerning the present condition of the work under the contract, *to prove*, from the records of the Company, and by other evidences, that there is scarcely an important provision of the *Code of Iowa*, (applicable to *Corporations*); scarcely an important point in the *Demoine Improvement Laws*; scarcely an important provision in the *contracts* which the Company agreed to fulfil; scarce an essential provision in its own By-Laws, or even in the *Charter which gave it legal existence*; which has not been violated, and violated with a recklessness that will form a memorable feature in the history of Iowa—a *feature the more remarkable* if such recklessness and illegality shall succeed in eluding the vigilance of the sworn guardians of the interests and honor of the State.

As the "Demoine Improvement Contract," is one of the *most important Contracts ever made by any State or nation with any individual or Company*, and as the undersigned has labored steadily for nearly three years (and is still laboring) to promote a faithful fulfilment of said contract, he deems it proper now, after the failure

of all "protests" during the last two years against the *illegal acts of the Managers of the Company*, to present the whole subject for the consideration of the legislative authorities of Iowa.

The various "Protests" above mentioned were uttered by me *as a Director* against sundry illegal acts of the "*Managers*" of the Des Moines Navigation Company, and may be found among the Company's records *during the last two years*—the *last* of these "Protests" having been filed about six months ago. And in those "Protests" warning was distinctly given that, if such unlawful conduct was persisted in, it would become a duty to appeal directly to the *People of Iowa*, as I now appeal to their Senators and Representatives in this General Assembly.

As a specimen of those "Protests" I respectfully refer particularly to my "Protest" of the 22d of December, of last year, wherein, after alluding specifically to the "mismanagement of vast interests—interests (which I asserted in that document) are *greater* and more delicate than were ever before committed by any State in the American Union to any individual or corporation." I quote the words as I then uttered them, and as they will be found in the Company's records. *In the same document* I protested against these illegal acts, for the reason (among others) that the enormous powers of the Board of Directors should be exercised with the greatest justice, honor and moderation, as those powers were "*calculated to affect the interest of the Des Moines Valley and of the people of Iowa generally to a greater extent* than any laws which can be framed on similar subjects by the Legislature of the State of Iowa." These words are quoted precisely as they appeared on the Company's records last year. *That* Protest (dated Dec. 22d) concluded in the following words:

"I, therefore, who individually formed the contract with the State of Iowa, which this Des Moines Navigation Company was subsequently organized to enable me to carry out, (and for the *better fulfilment* of which contract subsequent agreements were made between this Company and that State—I acting then as an officer of this Company in making such supplementary and explanatory agreements) I therefore protest now *in writing*, as I protested orally

when such resolutions and projects were before the Board, on the 8th of December, *and on other occasions*, against all such wholesale delegations and concentrations of power, as *unlawful, unbusiness-like, and pernicious to the interests of Stockholders and Bondholders of this Company, as well as DETRIMENTAL TO THE INTERESTS OF THE PEOPLE OF IOWA, from whom this Company has derived (or expects to derive) all its powers and means* for the improvement the Demoine Valley—MEANS worth *many millions of dollars*, and POWERS extending through several generations into the twentieth century.”

☞ Such was my language last year as a *Director of the Demoine Navigation and Railroad Company*. SUCH IS MY LANGUAGE now, as a *citizen of Iowa* in addressing the people of Iowa, through their Senators and Representatives.

I cannot conclude this Memorial without repeating my emphatic Protests against the improper manner in which it is now proposed to construct the Locks, under color of “modifications” of contract made last fall or winter between the present Demoine State Commissioner and the “Managers” of the Demoine Navigation Company. I respectfully submit to your Honorable Body the propriety of *immediately interfering with your authority* to declare such “Modifications” to be contrary to the Original Contract, which declared that “NO CHANGE shall be made authorizing an *inferior* kind of work, or the use of less valuable materials.” As *no locks have yet been built by the Company* on the Demoine River, (the three locks now in existence, at Croton, Bonaparte and Bentonsport, having been built *by the State of Iowa* BEFORE the Contract with me, which the Demoine Company twenty seven months ago agreed faithfully to carry out,) the Legislature of Iowa will not occasion the destruction of any existing work by forbidding such unwarrantable “modifications” in the Contract and in the character of the work on the Demoine Improvement—as those ‘modifications’ are contrary to the express provisions of the Original Contract—and are alike unworthy of this great enterprise and unworth of this enlightened age, as well as an outrage on the munificence with which the People of Iowa have provided means for enabling the

Company to complete the Demoine Improvement in a proper manner.

I ask, therefore, for *a thorough investigation* of all these important matters.

Respectfully submitted,

HENRY O'RIELLY.

***Memorial of H. H. Greer, President of the Great
Northwestern Railroad Company.***

To the Honorable,

*The Senate and House of Representatives of Iowa
Now assembled.*

WHEREAS, The Great Northwestern Railroad Company, organized under the Laws of the State of Iowa, and have expended large amounts of money in explorations and have run up a line of the said road in a northwesterly direction, striking the valley of Minnesota Territory, near the Blue Earth river; thence to the head waters of the said river and the head waters of the Red river of the North, where it intersects with the line run by Gov. Stephens, of Washington Territory, on the Pacific Ocean, almost in an air line to Ft. Benton, at the Falls of the Missouri river, commencing at the mouth of the Tete des Morts river, on the banks of the Mississippi river, near the line between Jackson and Dubuque counties, in said State of Iowa. It is ascertained from the explorations and observations, that have been made upon said road, that when completed and finished, it will make the distance of the Great Northwestern route to China, seven hundred and fifty miles shorter than any other contemplated route.

Now, therefore, Resolved, that this honorable Senate and House of Representatives, instruct their Senators and Representatives in Congress, to use their endeavors to procure a grant of land upon said road through said State and Territories, upon the same condition, as the late act of Congress has in trust to the several Railroads therein named, to the Great Northwestern Railway Company, through said State and Territory.

H. H. GREER,
President of said Company.

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