

JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES

BEGUN AND HELD AT THE CAPITAL IN DES MOINES, ON THE 11TH DAY OF  
JANUARY, A. D. 1858, BEING THE SEVENTH REGULAR SESSION UNDER  
THE OLD, AND THE FIRST UNDER THE NEW CONSTITUTION.

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TWO O'CLOCK, P. M.

The House was called to order by Mr. Richardson, member elect from Fayette county,

Upon whose motion

Mr. Clark, of Dubuque, was called to the Chair as Speaker *pro tem.*

On motion of Mr. Wright,

W. P. Hepburn, of Marshall county, was appointed Chief Clerk *pro tem.*

On motion of Mr. Milliser,

A. R. Fulton, of Jefferson county, was appointed Assistant Clerk *pro tem.*

On motion of Mr. Bradley,

D. Searcy, of Lucas county, was appointed Sergeant-at-Arms *pro tem.*

On motion of Mr. Laney,

J. H. Ownby was appointed Door-Keeper *pro tem.*

On motion of Mr. Seevers,

E. H. Brown was appointed Post Master *pro tem.*

Mr. Woodward

Offered the following resolution, which, upon his motion, was adopted:

*Resolved*, That R. A. Richardson, of Fayette, L. G. Collins, of Clayton, John Edwards, of Lucas, Lawrin Dewey, of Henry, and Thomas Mitchell, of Polk county, be appointed a Committee to ex-

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amine and report upon the credentials of persons claiming seats in this House.

On motion of Mr. Wright

The roll of Representative Districts was called, when members elect present presented their credentials.

Mr. Wright

Moved that the House do now adjourn until to-morrow morning at 10 o'clock.

Motion lost.

Mr. Edwards

Offered the following resolution:

*Resolved*, That a Committee of two be appointed to number the desks in this House, and that delegations draw lots for the same.

On motion of Mr. Foster,

The resolution was laid upon the table.

Mr. Curtis

Moved that Green T. Clark, of Marion county, be appointed Chief Messenger *pro tem*.

Which motion was lost.

On motion of Mr. Richardson

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

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TUESDAY, JANUARY 12<sup>TH</sup>, 1858, }  
TEN O'CLOCK A. M. }

The House met pursuant to adjournment.

Journal of yesterday read and approved.

Mr. Richardson,

From the committee on credentials, submitted the following report, which was concurred in.

The committee to whom was referred the Certificates of Membership, ask leave to report:

They have examined the credentials that were presented, and have found them correct, excepting the certificates of Charles J. L. Foster and William Lundy, whose certificates are without the County Seal.

The committee are convinced that the persons named, are entitled to their seats in this house, and would most respectfully recommend the concurrence of the House therein.

R. A. RICHARDSON, Chairman.

On motion of Mr. Richardson,

The roll of the Representative Districts was called, whereupon the following named gentlemen came forward and took and subscribed the oath of office, to wit:

Messrs. G. W. Gray, E. E. Cooley, R. A. Richardson, J. S. Woodward, L. G. Collins, W. H. Stearns, Zimri Streeter, T. Crawford, D. A. Mahony, Wm. S. Johnson, Joseph Grimes, Lincoln Clark, Thomas Drummond, W. P. Harmon, M. M. Trumbull, C. C. Carpenter, Samuel H. Casady, Leroy Lambert, John L. Dana, C. Beal, T. Walter Jackson, Thomas Mitchell, James Cavanaugh, John Clark, S. B. Shelledy, W. H. Seevers, E. D. Waln, Ed. Wright, Hiram Steward, E. N. Bates, Thomas Millsap, P. B. Bradley, Freeman Alger, Robert Scott, Wm. Lundy, B. F. Gue, John W. Thompson, Horace Anthony, Thomas Watts, Justus Clark, W. Henry Clune, Royal Prentiss, T. A. Morgan, D. W. Sprague, John Edwards, Chas. E. Millard, C. J. L. Foster, A. M. Cassiday, M. B. Bennett, W. M. McGrew, J. C. Curtis, E. R. Guiberson, W. J. Laney, B. Milliser, Squire Ayres, W. B. Davis, J. M. Dews, A. W. Sharp, J. J. Cassady, J. A. Pierson, John Reitzel, James F. Wilson, J. A. Casey, Wm. W. Belknap, C. C. Bauder, J. F. Randolph, Lauren Dewey, Thomas Moorman, Geo. W. McCrary, William McCormick, William Campbell.

On motion of Mr. Shelledy,

The rules of the last House of Representatives were adopted for the government of this, until others are provided.

On motion of Mr. Wright,

The House proceeded to the election of permanent officers, *viva voce*.

Mr. Wilson nominated Stephen B. Shelledy, of Jasper county, for Speaker.

Mr. Mahony nominated Lincoln Clark, of Dubuque county, for Speaker.

The House proceeded to vote, whereupon, Stephen B. Shelledy received 41 votes.

Lincoln Clark received 30 votes.

Mr. Shelledy having a majority of all the votes cast, was declared duly elected Speaker of the House.

Messrs. Bradley and Richardson were appointed a Committee to conduct the Speaker to the Chair.

Mr. Shelledy upon taking the Chair, addressed the House as follows :

*Gentlemen of the House of Representatives :*

I thank you for the distinguished honor you have conferred on me in selecting me to preside over your deliberations.

In assuming the duties of the position to which your generous confidence has assigned me, I feel the great responsibility that devolves upon me, and I fear, gentlemen, that from my want of practical experience in Parliamentary usage, I may not be able to meet your just expectations.

I therefore solicit in advance, your kind indulgence, your generous co-operation, your council and advice, that I may be enabled to perform the various and difficult duties that I may be called on to perform, acceptably.

And if I shall err, gentlemen, in the performance of any of the duties of the Chair, I hope you will attribute such error to a lack of knowledge, and not to deliberate intention. For I assure you that my best abilities shall be exerted to a prompt, faithful and impartial performance of the duties that may devolve upon me.

Gentlemen, I again thank you for this distinguished mark of your confidence and esteem.

Mr. Wright nominated Benjamin Franklin Jones, of Winnesheik county, for Chief Clerk.

Mr. Beal nominated James E. Hull, of Polk county, for Chief Clerk.

Benjamin Franklin Jones received 41 votes.

James E. Hull received 30 votes.

Benjamin F. Jones having received a majority of all the votes cast, was declared duly elected Chief Clerk of the House.

Mr. Woodward nominated A. M. Cowing, of Powesheik county, for Assistant Clerk.

Mr. Pierson nominated J. J. Cummings, of Appanoose county for Assistant Clerk.

A M. Cowing received 41 votes.

J. J. Cummings received 30 votes.

A. M. Cowing having received a majority of all the votes cast, was declared duly elected Assistant Clerk of the House.

Mr. Seevers nominated S. A. Ayers, of Woodbury county, for Enrolling Clerk.

Mr. Clune nominated William M. Walbridge, of Des Moines county, for Enrolling Clerk.

S. A. Ayers received 41 votes.

William M. Walbridge received 30 votes.

S. A. Ayers having received a majority of all the votes cast, was declared duly elected Enrolling Clerk of the House.

Mr. Edwards nominated A. E. Wagstaff for Engrossing Clerk.

Mr. Bellknap nominated Erie J. Leech for Engrossing Clerk.

A. E. Wagstaff received 41 votes.

Erie J. Leech received 30 votes.

A. E. Wagstaff having received a majority of all the votes cast, was declared duly elected Engrossing Clerk of the House.

Mr. Carpenter nominated B. F. Reno, of Webster county, for Sergeant-at-arms.

Mr. Clune nominated B. Searcy, of Lucas county, for Sergeant-at-arms.

B. F. Reno received 41 votes.

B. Searcy received 30 votes.

B. F. Reno having received a majority of all the votes cast, was declared duly elected Sergeant-at-arms of the House.

Mr. Mitchell nominated E. H. Brown, of Polk county, for Post Master.

Mr. Bennett nominated John Foster, of Polk county, for Post Master.

Mr. Mahony,

Offered the following concurrent resolution, which was adopted:

*Resolved*, The Senate concurring, that a Post Master be elected for the General Assembly, to take charge of, and distribute such mail matter as may be sent to their address, or sent by them by mail.

Mr. Drummond nominated John Upp, of Butler county, for Door Keeper.

Mr. Laney nominated J. H. Ownby, for Door Keeper.

John Upp received 41 votes.

J. H. Ownby received 29 votes.

John Upp having received a majority of all the votes cast, was declared duly elected Door Keeper of this House.

Mr. Wain nominated John Safely, of Linn county, for First Messenger.

Mr. Bennett nominated Edward Harbour, of Polk county, for First Messenger.

John Safely received 41 votes.

Edward Harbour received 30 votes.

John Safely having received a majority of all the votes cast, was declared duly elected First Messenger of the House.

Mr. Cassidy, of Mahaska county, nominated Charles H. Sharman, of Polk county, for Second Messenger.

Mr. Cassaday, of Van Buren, nominated William Shaw, of Polk county, for Second Messenger.

Charles H. Sharman received 41 votes.

William Shaw received 30 votes.

Charles H. Sharman having received a majority of all the votes cast, was declared duly elected Second Messenger of the House.

Mr. Seevers nominated F. Mendal of Mahaska Co., as a candidate for 3d Messenger.

Mr. Bauder nominated John Smith of Buncombe County.

Mr. Mendal received 41 votes and Mr. Smith 29.

Mr. Mendal having received a majority of all the votes cast, was declared duly elected 3d Messenger.

Mr. Bates nominated Eren Finch of Webster Co., as a candidate for Fireman.

On motion of Mr. Mahony,

Mr. Finch was elected by acclamation.

Mr. Foster nominated Samuel Cooper of Jasper County, and,

On motion of Mr. Mahony,

He was elected Fireman by acclamation.

On motion of Mr. Mahony,

The officers elect, presented themselves and took their several oaths of office.

Mr. Clune of Des Moines, offered the following Resolution:

*Resolved*, That the Clergymen of this City be invited to officiate as Chaplains to this House, and to arrange among themselves the order in which they shall act.

Mr. Guiberson

Moved to amend the Resolution, by adding the words, "Provided, That said ministers officiate without compensation.

Which amendment was lost.

The Resolution was then adopted.

Mr. Mahoney

Moved that a Committee of two be appointed to inform the Senate that the House is now permanently organized and ready to proceed to business.

The Chair appointed Messrs. Mahony and McCrary said Committee.

On motion of Mr. SeEVERS,

The following Resolution was adopted.

*Resolved*, That the Treasurer of State be requested to procure a carpet, and have the same laid on the floor outside the bar.

Mr. Foster

Offered the following Resolution :

*Resolved*, That the Chief Clerk be requested to furnish each Member of this House with one copy of Cushing's Manual.

Mr. Wright

Moved to amend the Resolution by striking out "Cushing," and inserting "Jefferson's Manual."

Motion lost.

The question recurring upon the adoption of the Resolution, the same was agreed to.

Mr. Clark of Dubuque,

Offered the following Resolution, which, upon his motion, was adopted.

*Resolved*, That a Committee of three be appointed, to act 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 that he may have to make.

Mr. Speaker announced Messrs. Clark of Dubuque, Edwards and SeEVERS, said Committee.

Mr. Milliser

Offered the following Resolution :

*Resolved*, That the Chief Clerk be requested to furnish each Member of this House with 25 copies of such newspapers as each Member may designate.

Mr. SeEVERS

Moved to lay the Resolution on the table.

Motion lost.

Mr. Bradley

Moved to amend the Resolution by inserting after the word "papers," the words, "published in this city."

Mr. Wilson

Moved that the House do now adjourn.

Mr. Crawford

Moved to amend the motion by adding, "until to-morrow morning ten o'clock."

Motion not agreed to.

On motion of Mr. Wilson,

The House then adjourned.

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## TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Clune

Offered the following Resolution, which, upon his motion, was adopted:

*Resolved*, That the Chief Clerk be instructed to furnish each Member of this House with a copy of the Code, the acts of the four last Sessions of the Legislature, and a copy of the Debates of the Constitutional Convention.

Mr. Woodward

Offered the following Resolution, which, upon his motion, was adopted:

*Resolved*, That the Chief Clerk be requested to furnish each Member of this House with a copy of Henn, Williams & Co's. late edition of the map of Iowa.

On motion of Mr. Wright,

The vote by which the Resolution in relation to Cushing's Manual, was adopted, was re-considered.

Whereupon Mr. Wright

Moved to amend by striking out the word "Cushing," and inserting "Jefferson's."

The Resolution as amended was then adopted.

Mr. Woodward



Offered the following Resolution, which, upon his motion, was adopted.

*Resolved*, That the Chief Clerk be instructed to make arrangements with the Post Master of Des Moines, for the payment of postage for the Members of this House.

Mr. McCrary

Offered the following Resolution, which, upon his motion, was adopted:

*Resolved*, That the Chief Clerk be instructed to furnish suitable desks for the use of Newspaper Reporters, within the bar of this House, and that they be permitted to occupy the same.

On motion of Mr. Clark of Johnson,

The following Resolution was adopted:

*Resolved*, That a Committee of three be appointed to act with a similar Committee on the part of the Senate, to prepare Joint Rules for the Government of the two Houses.

Mr. Seevers

Moved that the House do now adjourn.

Which motion was lost.

The question being upon the adoption of the Resolution heretofore offered, in relation to newspapers, Mr. Wilson moved that the further consideration of the same be postponed until to-morrow morning.

Which motion was not agreed to.

Mr. Mahony

Offered the following Resolution as a substitute:

*Resolved*, That the Chief Clerk be authorized to subscribe for ten copies of each of the papers published in this city, for each Member of the House, and five copies of such other papers as the Members may designate.

Mr. Wilson

Moved that the whole subject be referred to a Select Committee of five.

Which motion was not agreed to.

On motion of Mr. Seevers,

The subject was referred to a Select Committee of three.

Whereupon the Chair announced Messrs. Seevers, Mahony and Trumbull, said Committee.

Message from the Senate, by Messrs. Allen, Grinnell and Mc-

Pherson, informing the House that the Senate was now permanently organized and ready to proceed to business.

Mr. Beal

Offered the following Resolution, which,

Upon motion of Mr. Wilson,

Was laid upon the table:

*Resolved*, That the Chief Clerk be authorized and required to furnish each Member of this House with a printed catalogue of the books now in the State Library.

Mr Lundy

Moved that the House do now adjourn.

Motion lost.

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

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has appointed Senators Saunders, of Henry, and Davis of Polk, a Committee on the part of the Senate to act with a Committee on the part of the House to wait upon his Excellency, the Governor, and inform him that the General Assembly is now organized, and is ready to receive any communication he may have to make.

GEO. E. SPENCER, Sec'y.

Mr. Clark, of Johnson,

Offered the following:

*Resolved*, That John Foster, of Polk county, be, and he is hereby appointed Post Master of the House of Representatives for the present session.

Which, upon motion of Mr. Seevers,

Was laid upon the table.

Mr. Clark, of Dubuque,

From the Committee heretofore appointed to wait upon the Governor and inform him of the organization of the General Assembly, reported that they had discharged that duty, and that his Excellency would presently transmit to the House a communication in writing.

On motion of Mr. Clark, of Johnson,

The resolution in relation to the appointment of a Post Master,

Was taken from the table.

Whereupon Mr. Wilson

Moved to amend by striking out the name of John Foster, of Polk county, and inserting E. H. Brown, of Polk county,

Which motion prevailed.

The resolution as amended was then adopted, and Mr. Brown received the oath of office.

Mr. Withrow, Private Secretary to the Governor, presented to the House a communication in writing from his Excellency, which was read by order of the House and was as follows :

*Gentlemen of the Senate and*

*House of Representatives :*

I congratulate you upon the continued prosperity of our State. Since you were last assembled, its population has continued to increase, and its resources of every character to be each day more and more developed. The earth has yielded liberally of its abundance, and peace, good order and happiness everywhere prevail. It becomes us to be devoutly thankful to that benign Providence, that has blessed our beloved State with another season of prosperity and happiness, and brought us to the commencement of another official year.

You are convened under the provisions of a new organic law. You are expected to provide the proper methods for carrying that law into full effect. Your labors will exercise a potent influence upon the future character and prosperity of the State. That influence will extend to a period long after the last of you shall cease to be interested in human affairs. It is not to be doubted, that you appreciate the just responsibilities of your position. It is expected that the spirit of moderation and prudence will preside over all your deliberations. It is hoped that all your legislation will be stamped with the utmost simplicity and singleness of purpose, and that you will abstain from all measures, which from their doubtful tendency, may needlessly distract the public mind and throw it into agitation and controversy.

All the general laws of the State require some modifications to adapt them to the provisions of the new Constitution. Several new acts of a general character will also be necessary. Special legislation is opposed to the true theory of a Republican government, and is the source of great corruption. The new Constitution inculcates most strongly the duty of general legislation, and declares that "in all cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State." It is

in express terms declared, "that the General Assembly shall not pass local or special laws in the following cases :"

"For the assessment and collection of taxes for State, County or road purposes :

"For laying out, opening and working roads and highways :

"For changing the names of persons :

"For the incorporation of cities and towns :

"For vacating roads, town plats, streets, alleys, or public squares :  
and

"For locating county seats."

It will be very important that the legislation on these subjects should be very full and specific.

The general election law will require very material changes, and I again submit to the General Assembly the propriety, when revising this law, of incorporating into it provisions for making a complete registration of all the legal voters in the State. In no other way can the ballot boxes be protected against fraud, and the elective franchise preserved in its purity. The argument that a registry law, from its complexity, would be too burdensome to be complied with, is entitled to no consideration. It is predicated upon the idea, either that the General Assembly is incapable of maturing a simple and judicious law on this subject ; or that the people of the State are incapable of comprehending and enforcing one ; neither of which suppositions can be admitted to be correct. Such laws have been in operation in several of the States ever since the foundation of the government, and have met the approval of all classes of citizens. With such a law, and with the strict and honest enforcement of the naturalization laws, we shall cease to see parties arrayed against each other on account of the birth-place of those who compose them, and every *bona fide* citizen will be secure in his just weight in the affairs of the State. Without such a law, judging from recent events, it is feared that popular elections will become a reproach.

The revenue law will also require revision, and so far as it relates to the State taxes, should be wholly changed. At present the county collectors and treasurers, although elected by the people of the several counties, are regarded in some degree as State officers. Should they fail to make return of the State revenue as required by law, suit is brought by the State on their official bonds. Should a defalcation occur, the State sustains the loss. This ought

not to be. The county treasurers ought to be in no sense, State officers. Each county should be responsible for its proportionate amount of State revenue, and under no contingency should the State be compelled to institute suit against these officers, and in default of recovery to suffer from their delinquency. The transactions of the State should be solely with the counties.

The result of the present system is, that the County Treasurers are almost independent of State control, and the prompt receipt of money due to the treasury cannot be relied on. Besides it operates to the injury of those counties that pay their *quota* of the revenue promptly. A few counties make prompt payments, while others fail to do so. Auditor's warrants are issued to discharge the State indebtedness which should be discharged with the money due from delinquent counties. These warrants draw eight per cent. interest, which is paid from the State Treasury, and is contributed by the counties that are *not*, as well as those that *are* remiss in the discharge of their obligations.

The amount now in arrear from the several County Treasurers, a very small part of which will ever be received by the State—probably not two per cent.—is \$62,401.94.

I recommend that each county be required to pay its proportion of the State revenue by a fixed day, under suitable penalties for non-payment. If the county treasurers neglect their duties or default, let the burden fall upon the counties that elect them, where it belongs.

It is much doubted whether the law of last session, substituting county for township assessor, was any improvement upon the former method of assessment. Judging from my own observation, I do not hesitate to conclude, that many millions of dollars worth of property was overlooked at the last assessment, and is this year un-taxed. I recommend the old law, in this particular to be restored. Sound policy requires that administration as well as legislation should be brought as directly home to the people as possible. There must ultimately be a thorough township organization throughout the State, and the sooner the people become accustomed to it, the less difficult and burdensome it will become, and the more perfect and satisfactory will be the transaction of public affairs.

It is believed that an assessment of real estate is not required more than once in two or three years. If this be so, a large aggregate county expense might be saved. Biennial or triennial assess-

ments might have a tendency to stimulate improvements and cause money, credits and personal property to pay their proportion of taxation, which at present is not the case.

The Constitution requires the General Assembly to provide for taking an enumeration of the inhabitants of the State in 1859, and every two years thereafter. As the law stands at present, this enumeration must be taken by the county assessors. No one need be told that it is utterly impossible for these officers to perform this duty, and discharge the other duties imposed upon them. Besides, many of them are incompetent to perform it. If it is important that the census of the State be taken, it is important that it be accurately taken and thoroughly compiled. I know no way in which this can be done, but by authorizing the census board to appoint officers for the purpose.

The people of this State have indicated their opinion that so long as banks of issue are tolerated in other States, our interests require that similar institutions be established here. If we must have a paper currency, it is infinitely better that it should be issued and secured and redeemed at home, under our own laws, than that it should be issued under laws of which we are ignorant, and controlled by men with whom we have no community of interest.

The Constitution authorizes the General Assembly to establish, with the subsequent approval of the people :

1. A State Bank with branches, to be founded upon an actual specie basis, and the branches to be mutually liable for each other's issues.

2. A general free banking law with the restrictions and limitations imposed by Art. 8, Sec. 8, of the Constitution.

In acting upon this subject, it will doubtless be ever borne in mind by the General Assembly, that banks are to be established to secure the *public welfare*, and not to promote the purposes of stockholders and capitalists; and that it is far better that banks should realize small profits, than that the public should be liable to injury by their suspension or failure.

The system of common school organization contemplated by the new Constitution, will, no doubt, result to the advantage of the State, if fully and properly carried into execution. Under this system, the members of the Board of Education are to be elected in the several judicial districts in the State. It is presumed that they will be selected on account of their peculiar fitness for the positions

they are to occupy. They will bring to the board their experience as educationalists, and they will be able to represent the true condition and wants of every part of the State. They will stimulate the zeal of the people in their several districts in behalf of education;—they will instruct the subordinate school officers in the discharge of their duties, and thus secure the uniform execution of the school laws throughout the commonwealth.

It would be very desirable that the members of the Board of Education should have a general supervision of the acts of the county school fund commissioners, with authority to require additional or new official bonds when deemed necessary, and with power of substitution in cases of malfeasance or incompetency on the part of the incumbents. The fact is notorious, that many of the school fund commissioners lack the clerical ability to properly discharge the duties of their office. The affairs of some of these offices are in almost inextricable confusion, and a reform must be effected in their management, or considerable loss will be sustained by the State.

In compliance with the provisions of an act entitled “an act concerning school moneys,” approved January 28th, 1857, I appointed agents to examine “the books, vouchers, securities and other documents” of several of the county school fund commissioners, selecting for the most part, those offices to be examined where it had been reported that the business had been loosely done, or where the officer had charge of the proceeds of a part of the “five hundred thousand acre grant,” as well as of the “sixteenth section grant.” The reports show that in a majority of cases the books are tolerably well kept, and that there is no immediate danger of loss, though there is a suspended debt in nearly every county. In some counties, however, the fund commissioners have accepted as security for money lent, mortgages upon land not within the county, and in some instances upon ideal tracts of land. In many instances, mortgages are improperly drawn and acknowledged, and in some cases they stand as the second or third encumbrances. Some of the commissioners accepted the records and papers belonging to their office from their predecessors, without inquiring into their character or correctness, and such is the confusion of the records, and so limited is the knowledge of these officers of accounts and titles, that it is impossible for them to render an intelligible report of the condition of the school lands and moneys under their

control. The agents were in some counties compelled to make complete abstracts of titles to all the lands in the county that had originally been school lands, in order to ascertain what tracts had been sold and what remained unsold. If the members of the Board of Education are required by law to make annually a thorough personal examination of each school fund commissioner's transactions, a uniform system of doing business will, in a little time, be established, and the school fund will be preserved.

An agent was also appointed to examine into the pretended loans of school moneys made by the late Superintendent of Public Instruction, James D. Eads, with power to secure as far as possible, the future payment thereof. The agent, J. M. Beck, Esq., of Fort Madison, has been indefatigable in his efforts in this behalf, and has succeeded in securing a large amount of doubtful indebtedness. The exact condition of these transactions of the late Superintendent, will be learned from the report of the agent, which I herewith transmit for your consideration. It will be observed that the deficit will probably amount to forty-six thousand four hundred and three and eighty-one hundredth dollars, for the payment of which recourse must be had to the official bonds of Mr. Eads.

I again call your attention to the revision of the school laws of the State, as prepared and submitted to the last General Assembly by Messrs. Horace Mann and Amos Dean. It can safely be said, that the general provisions of that report met the approval of the friends of education in the State. Indeed, the report was acceptable to a large majority of the members of the last General Assembly; but failed to be enacted into a law for reasons not connected with the merits of the report itself. The obstacles then in the way of its adoption have since been removed by the adoption of the new Constitution, and I know no reason why it should not now be considered and enacted into a law.

I cannot forbear repeating the opinion expressed to the General Assembly three years ago, "that the public schools should be supported by taxation of property, and that the present *rate* system, or *per capita* tax upon scholars, should be abolished." I have seen no reason to change my opinion on this subject, but, on the contrary, I have been every day more and more strengthened in the conviction that it is the only wise and politic method of educating the people. The *per capita* system is based upon the idea that education is a personal benefit for which those who receive it



should pay, whilst the true theory of popular education is, that it is a public benefit for which the public should pay.

The capitol building at Iowa City has been surrendered to the Trustees of the State University. The building is out of repair, and requires considerable change in its internal arrangements, to adapt it to the purposes for which it is to be used. I recommend the General Assembly to appropriate a sum sufficient to put it in complete order for the uses for which it is now designed.

The report of the Trustees of the University will be laid before you. The time has come when this institution should be put in vigorous operation, and be made a benefit and honor to the State. The Constitution requires the General Assembly to "encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement." I know no more practicable method of compliance with this constitutional injunction, than by the organization of the University upon the basis of the report submitted by the Commissioners to the General Assembly at its last session.

The report of the Trustees of the Blind and Deaf and Dumb Asylums will be laid before you. The Deaf and Dumb Asylum is in a prosperous condition, and only lacks the proper accommodations to answer all the reasonable desires of the friends of the institution and of the children in charge. I recommend that this institution be permanently established at some point in the State, and that steps be taken to erect a proper Asylum building.

The pupils at the Blind Asylum are so few that it does not seem necessary to maintain an institution for their instruction. They can be educated by the State in similar institutions elsewhere, at less expense than is now annually appropriated for this purpose.

I am pleased to be able to say that the Hospital for the Insane at Mount Pleasant has advanced rapidly towards completion, and can be made ready for occupancy during the present year. The main rear projection, embracing the kitchen, bakery, wash-rooms, laundry, chapel, dining room, servants' room, &c., is under roof, and can be plastered in the early spring. The whole east half of the building can be raised to the roof in thirty days, the material being now all upon the ground. The west half is raised to the bottom of the second story windows, and a considerable portion of the stone required for the completion of this wing is also prepared and upon the ground.

The whole work is of the most substantial character; the plan of the structure meets the approbation of all who are familiar with the treatment of insane persons, and I think I hazard nothing in saying that when completed, the Hospital will be creditable to the State.

The amount already expended, including labor, materials of various descriptions on hand, glass, sash and window frames for the entire building, stock, &c., is \$138,548.01. The estimates of amounts that may be necessary to complete the building, out-buildings, furnish steam, gas and water, and to prepare the Hospital grounds, will be found in the report of the Commissioners, herewith communicated.

It may be thought by some that the size of this building is greater than the necessities of the State require, and more expensive than the finances of the State will justify.

In response to such suggestions, I beg leave to say that there are now insane people enough in the State to fill it to its utmost capacity, and that, while it has thus far been most substantially built, no money has been spent, nor does the plan contemplate the expenditure of any, for useless finish or adornment. When it is remembered that each patient requires a separate dormitory, enclosed by brick walls, thus requiring three hundred rooms for the inmates alone; that there are day-rooms and associated dormitories; dining-rooms, wash-rooms, bathing-rooms and water-closets, in each of the sixteen wards; and that there must necessarily be large accommodations for baking, cooking, washing, ironing, &c., &c., for a household of nearly four hundred persons, the magnitude of the building and its cost will not be surprising.

No one who examines the census returns of this State for 1856, and informs himself of the proportion of insane cases that become chronic and incurable when treated as they now are in this State, to the proportion that are cured when sent immediately to an asylum, will hesitate to believe that humanity, economy and safety, require that this institution should be immediately completed, and hereafter liberally supported.

It will be necessary for the General Assembly to determine upon what system the Hospital, when completed, shall be conducted. At present there is no provision for the admission of patients, and it will be necessary to declare upon what condition they can be

received, and who shall have the general supervision of the interests of the institution.

In compliance with the instructions of the General Assembly, I have caused the report of the Geological Survey of the State to be printed at Albany, New York, under the immediate supervision of Prof. Hall. The work has been issued from the press, and is now in transit to this place. I am pleased to be able to say that it is regarded by men of science who have had access to the proof-sheets, as one of the noblest contributions that has ever been made to the scientific history of the country, and is spoken of by all as an honor to our State.

My successor will submit to you, during the session, the estimates of Messrs. Hall & Whitney for carrying forward the work to completion.

There are now several independent military companies in the State, to whom State arms have been distributed. Many of the companies are uniformed, fully equipped, and well disciplined. Yet, there is no law of the State under which they are organized, or that would strictly authorize the Executive authority to call them into the field, in cases requiring their services.

The experience of the past year has demonstrated the necessity for some military organization in the State, and I therefore commend the subject to your consideration.

Accompanying this communication you will receive the report of the Treasurer of State.

The amount in the Treasury on the 31st October, 1856, was.....	\$11,254.91
There was paid into the Treasury during the fiscal year,.....	231,234.42
	<hr/>
Making a total of.....	\$242,489.33
There was paid out during the year,.....	228,806 23
	<hr/>
Leaving a balance in the Treasury at the end of the year of.....	\$13,683 10
There is in arrears from the several county Treasurers,.....	62,401 94
There is due from the several counties upon the assessment of 1857,.....	418,709 59

The Auditor of State estimates the taxes for the year 1858 at,.....	500,000 00
The estimate for 1859 is,.....	575,000 00

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Total resources of the State to Jan'y, 1860, when the next General Assembly convenes,.....	\$1,569,794 63
The Auditor estimates the expenses of the State during the same period at.....	\$523,412 90
There are of outstanding Auditor's Warrants,.....	155,003, 56—678,416 46

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Leaving an excess of resources over present and probable liabilities of,..... \$891,378 17

The expenses of the State during the past two years have been greatly increased by the extra session of the General Assembly in July, 1855, rendered necessary by the grant of land to the State for Railroad purposes, by the recent Constitutional Convention, and by the erection of a hospital for the insane at Mount Pleasant. The amount expended for these three purposes exceeds the sum of two hundred thousand dollars.

It will be observed that the estimate of resources for the years 1858 and 1859, is based upon the supposition that the present rate of State taxation shall be continued. It will be for the General Assembly to determine whether or not this rate of taxation shall be adhered to. It is believed that owing to the present scarcity of money and the stagnation in business, a small amount only of the State revenue now due, will be promptly paid. I therefore submit to the General Assembly the propriety of borrowing upon the bonds of the State, the amount allowed by the Constitution. I have reason to believe that six per cent. bonds can be negotiated at par. Should this course be adopted, the present liabilities of the State can be immediately discharged, the charitable institutions can be carried forward to completion, and the rate of taxation for the years 1858 and 1859 can be reduced at least one-third.

The act of January 29, 1857, in relation to the Des Moines River Improvement, authorized the making of a new contract for the prosecution of that work. This action of the General Assembly was founded upon the conclusion that the contract of June 9, 1854, with the Des Moines Navigation and Railroad Company, was invalid and nugatory, from never having been approved by the Gov-

error. The Supreme Court has, however, since decided that as this contract was subsequently recognized and acted upon by the State authorities, the original defect has been cured, and cannot now be made a ground of objection.

But from the report of the Joint Committee of the two houses at the last session of the General Assembly, it would seem that the terms of this contract had never been complied with by the Company, but that it has been disregarded in its most essential particulars, whereby the purposes for which it was entered into have not been and will not be attained. If this be true, you may feel it to be your duty to rescind that contract, for the reasons stated in the report, and make other arrangements in relation to that munificent grant, now in danger of being frittered away without any useful result.

The report above referred to also indicates that the Des Moines Navigation and Railroad Company have not only forfeited their charter by a failure to comply with the requirements of the statute, but that they have engaged in practices calculated to deceive and defraud, upon a large scale, innocent and unsuspecting persons, both at home and abroad. If this be true, it may be thought a matter of sufficient public importance to justify you in directing the Attorney General to institute proceedings to vacate the charter of the Company, and thus prevent it from perpetrating any further wrongs under the authority of the laws of this State.

The report of the Commissioners will furnish you the specific information that may be necessary as the basis for any action on the subject that may be deemed desirable.

By the act of Congress admitting Iowa into the Union, approved March 3d, 1845, it is declared "that five per cent. of the net proceeds of sales of all public lands lying within the said State, which have been or shall be sold by Congress from and after the admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the State, as the Legislature may direct." This act of admission was accepted by the State on the 15th of January, 1847, with the provision that "the General Assembly shall have the right, in accordance with the provisions of the second Section of the 10th article of the Constitution of Iowa, to appropriate the five per cent. of the net proceeds of sales of all public lands lying within the State which have been or shall be sold by Congress from and after

the admission of said State, after deducting all expenses incident to the same, to the support of common schools.”

At the time this contract was made between the State and the United States—for it can be regarded in no other light than a contract—the United States disposed of the public lands in no other way than by *bona fide* sales for money. This obligation on the part of the Federal Government was based upon the obligation on the part of the State that lands belonging to the United States should not be taxed, and that the lands of non-residents should not be taxed higher than the lands of residents.

The State has reason to believe that the same policy would be continued. Since that time, however, the policy has been changed, and immense quantities of land have been entered by military land warrants, issued to former soldiers in the United States army. The law authorizing them to be issued, provides that these warrants shall be received in payment for lands. The Government, therefore, receives a consideration for the land thus entered, in the discharge of its obligations upon the warrants. It is exceedingly unjust for the government to destroy the fund which it holds in trust for the State, for the purpose of rewarding those who have rendered it service. Between private persons, the same state of facts would justify a recovery in a court of law. It seems to me that the same principle should prevail between the two governments. The military land warrants located in this State up to the 30th June, 1856, covered 10,929,692.30 acres. The per centage due to the State thereon is \$682,980 20. I have no means of knowing the number of acres located in the fiscal year ending 30th June, 1857 but I judge that the aggregate per centage now due to the State, approaches very near \$1,000,000.

I recommend that Congress be again memorialized on this subject, and that suit be authorized to be instituted against the United States, for the recovery of the amount due, in the Court of Claims.

During the past three years, my attention has been frequently called to the probability of a collision between the Indians and the settlers in the west and north-western counties of the State. I have repeatedly addressed the President of the United States, the Secretary of War, and the Commissioner of Indian Affairs; warning them of the apprehended danger, and urging that immediate steps be taken to remove the Indians beyond our limits. Copies

of my letters to the members in Congress from the State of Iowa, under date of 30th January, 1855, and to the President of the United States, under date of 3d December, 1855, I hereby transmit :

Without any military organization in the State, and without any power to act, except in the event of an actual hostile invasion; residing remote from the scene of anticipated difficulty, and fearful that some exigency might arise that would require prompt and energetic action; In January, 1855, I requested Maj. Wm. Williams, of Fort Dodge, to assume a general charge of this subject, and authorized him as far as I had power to do so, to act in my behalf, in any contingency that might arise in connection with the Indians.

In February last, Ink-pa-du-tah's band of Sioux Indians made a hostile incursion into the State, and perpetrated most horrible atrocities in Dickinson County. When intelligence of this event reached Fort Dodge, Maj. Williams at once enrolled three companies of men under Capt's. Richards and Duncomb, of Webster County, and Captain Johnson, of Hamilton County, and proceeded to the scene of difficulty. These heroic men left their homes in the most inclement season of the year, and endured almost unheard of sufferings and privations; crossing swollen streams flooded with ice, and traversing uninhabited prairies in the most tempestuous weather, that they might save their fellow-creatures from a savage butchery, or rescue them from a captivity worse than death.

Two of their number, Capt. J. C. Johnson, of Hamilton County, and William Burkholder, of Webster County, perished on the march. Others returned frozen and maimed. The expedition did not overtake the Indians; but they reached the scene of their barbarities, gave to the dead a christian burial, and brought back with them, two children, the sole survivors of the slaughtered settlement.

The men who thus gallantly and humanely perilled their lives, have received no compensation for the time employed in the expedition, or for their outfit. The Federal Government is in equity bound for their compensation. The Indian tribes are under its protection and control. It has allotted to each tribe a scope of country for its exclusive occupation. It has sold lands to settlers in this State, with the understanding that these tribes shall be confined to their respective limits, and that the possession of the land

purchased shall never be disturbed by the Government, or those under its management. If the savages break over their bounds and inflict injury upon others; the Government should respond to the parties injured, for the damages sustained, and for the expenses incurred in protecting themselves against a repetition of the injury. To this end, I recommend that a memorial be addressed to the Congress of the United States.

But many of the members of Maj. Williams' command are unable to await the tardy action of Congress, and I therefore advise that the State assume the payment, and reserve the same from any appropriation that may be made.

Accompanying this, will be found the report of Commissary General C. B. Richards, showing the amount expended on account of this expedition, &c.:—

I submit to the General Assembly, whether some public recognition of the noble gallantry and untimely death of Messrs. Johnson and Burkholder, is not alike due to their memory, and to the gratitude of the State.

I do not anticipate any further trouble from the Indians. The rumors put afloat in regard to future difficulty can generally be traced to interested persons who seek by their circulation to accomplish some ulterior purpose. To be prepared for any such emergency, however, I have established a depot for arms and ammunition at Fort Dodge, and have procured a cannon, muskets and ammunition for another depot in Dickinson County.

I transmit herewith, the Report of the Inspectors of the State Penitentiary, to which I solicit your particular attention.

It will be observed that there has been expended for the general support of the Penitentiary during the last fiscal year:

For salaries of officers,.....	\$1,525,96
“ “ “ day and night guards,.....	2,674,79
“ clothing, bedding, provisions, fuel, lights, incidentals, &c., &c., &c.,.....	5,247,85

Making, .....\$9,448,95

The value of the convict labor during the year, has been \$2,397,28, besides the construction of ten additional cells estimated at \$1,545,00.

By an oversight, doubtless, no appropriation was made by the last General Assembly for the support of this institution. To meet



the current expenses, the Inspectors were compelled, with my approval, to divert towards this purpose, \$4,000,00 of the appropriation for the construction of wall, hospital, &c. This diversion became necessary to the very existence of the institution, and it is hoped it will meet your approval.

There has been a great increase in the number of convicts, and more cells and work-shops are required for their accommodation. The amount of appropriation that will be required for their construction, will be learned from the accompanying report.

I am happy to be able to say that the health of the convicts has been good during the year. There have been no deaths, and no escapes or attempts at escape. The discipline has been excellent, and the moral condition of the institution quite as good as could be expected.

I also transmit for your consideration, a presentment of a Grand Jury of Lee County upon this subject.

The necessity for a hospital for the sick, and apartments for female convicts, is urged with great force by the Grand Jury as well as by the Inspectors, and must, I think, be apparent to all.

I would call your attention to the fact that the edition of the "Code of Iowa" is exhausted, and that there are no copies of some of the session laws.

It will be necessary to make provision in some way for their republication. Many officers, in the new counties especially, who are entitled to copies of the laws, are unsupplied, and must remain so, until some further provision is made.

I cannot close this communication, without briefly calling your attention to the extraordinary doctrine announced by some of the Judges of the Supreme Court of the United States in the recent case of Scott vs. Sandford, and which the people of this country are now called on to endorse as the true construction of our national Constitution

The founders of this Republic entertained no doubt that Congress had power to make all needful rules and regulations for the government of the territories of the United States, and that a prohibition of the introduction of African slavery within these territories was legitimately within the scope of this authority. Such was the universal sentiment of the country, and the principle was recognized in numerous instances by Congress prior to 1854; when the Missouri Compromise line was obliterated and the territories

of Kansas and Nebraska created. The new and specious theory of "popular sovereignty" was then promulgated. The people of Iowa were besought to acquiesce in the repeal of the Missouri Compromise, on the ground that by the principle established by the Kansas Nebraska act, the people of the territories would have the power to determine for themselves, whether freedom or slavery should prevail within their several jurisdictions. It was contended that the inevitable effect of giving the people the power to settle this question for themselves would be to establish freedom in every territory—that such was the vitality, and vigor, and advantages of free institutions over slave institutions: that so apparent were the withering influences of slavery upon all the best interests of society, that no intelligent people would encourage or allow it to be established within any of the new territories. There was such a degree of plausibility and fairness about this argument, that it received the support of a considerable portion of the American people.

But the theory of popular sovereignty, and the theory of the power of Congress over the subject of slavery in the territories, have alike been overthrown by the decision of the Supreme Court. After overturning the law as it had been settled more than seventy years, by deciding that Scott was not a citizen because of his African descent: that he had no right to bring suit; that the Court had no jurisdiction of the case, for the reason that there was no case legitimately before it, for the want of a proper party; a majority of the Judges proceeded to pass upon what they were pleased to consider the merits of the case.

I am aware, that except upon the single question of the citizenship of Dred Scott, their opinions are entirely extra-judicial, and entitled to no more weight than the opinions of any other citizens. But they are worthy of your consideration, because they foreshadow the opinion that will be authoritatively announced whenever the proper state of facts shall be presented that may seem to justify it.

It is first declared, by a majority of the Judges, that Congress has no power over slavery in the territories, and as a natural corollary cannot delegate to the people of the territories a power it cannot itself exercise. It is declared that the Constitution plants slavery upon all the public domain, and there nurtures and protects it.

It is no longer held, under this decision, that freedom is national and slavery local, confined to the limits of the States that see fit to

uphold it. Slavery is in effect declared to be a national institution, belonging not to the States, but to the United States. It is fastened upon every foot of soil belonging to the Government, and there is no power in Congress, or in the Territorial Governments to expel it. Whatever Territory may be hereafter acquired by the United States, will instantly become slave soil. Wherever the flag of the country goes, there goes slavery with its chains and manacles.

The logical result of this decision goes still further. It carries slavery into every State in the Union.

One of the Justices of the Supreme Court even declares, "that the only *private property* which the Constitution has *specifically recognized* and has imposed it as a direct obligation both on the States, and the federal government to protect and *enforce*, is the *property* of the master in the slave; no other right of *property* is placed by the Constitution upon the same high ground or shielded by a similar guarantee." If this be true, the whole union is slave territory, and there is no power on earth to abolish it. If both the States and the federal government are bound to protect this right of property, there is nothing to prevent slavery from taking possession of Iowa to-day.

But it is not true. There is no such obligation imposed upon the States. The Constitution nowhere regards slaves as property. They are uniformly spoken of as "*persons*." As "*persons*" they are enumerated and entitled to representation. As "*persons*" they are subject to rendition as fugitives from "service or labor," as are apprentices and minors. As "*persons*" their "immigration or importation" could not be prohibited prior to 1808.

It needs no argument to show that this decision is unwarranted by the facts presented to the Courts; that it is revolutionary in its character; subversive of the policy of the founders of the republic, and violates the rights of the States. Being wholly extra-judicial, so far as relates to the power of Congress and the States over slavery, it cannot bind the conscience, or command the obedience of any man.

I trust that as the representatives of the freedom loving citizens of Iowa, you will explicitly declare that you will never consent that this State shall become an integral part of a great slave republic, by assenting to the abhorrant doctrines contained in the Dred Scott decision, let the consequences of dissent be what they may.

The condition of affairs in Kansas, certainly demands your consideration.

Notwithstanding the grossest frauds and the most unequal legislative apportionment, the people of that unfortunate Territory have declared by an emphatic majority in favor of freedom. No candid mind can now doubt that at least four-fifths of the *bona fide* citizens of the territory desire to erect it into a free State.

But the more evident it is that the people do not desire slavery fastened upon them, the more desperate are the efforts of the slavery propagandists to thwart the popular will. We have seen within a few weeks, a small number of persons pretending to be the representatives of only a small minority of the people, proclaiming what they call the Constitution of Kansas. That Constitution recognizes slavery as already established, makes provision for its protection, and undertakes to bind posterity against its abolition. The attempt is made to subvert every principle of popular government, by fastening this Constitution upon the people without their consent. Conscious that it would be overwhelmingly defeated if fairly submitted for their approval or disapproval, they are denied the privilege of determining for themselves the character of the institution under which they are to live. They are not permitted to settle for themselves any of the important questions connected with their judiciary, representation, taxation, internal improvements, education, finance, State indebtedness, or personal rights. For the purpose of riveting slavery upon them, a blow is thus struck at the very foundation principle of popular government. Had a similar attempt been made by the recent constitutional convention in this State to force a constitution upon the people regardless of the popular will, it would justly have resulted in a revolution.

This pretended constitutional convention, it is true, proposed a separate article which was submitted to the people, and which if adopted, establishes slavery in Kansas upon a more barbarous system than is known to any of the Slave States of this Union. But no one was permitted to vote either for or against this separate article until he first voted for the Constitution. He was not allowed to vote against it. Thus, whether the separate article was adopted or rejected, if the Constitution, *which could not be voted against*, is permitted to stand as the organic law of the State, Kansas must become a Slave State.

We cannot be indifferent to the efforts of the people of Kansas to perpetuate freedom in that territory. We ought not to be indifferent. No people are deserving of freedom who do not sympathise with those who are struggling to attain it. The people of Kansas are the champions of popular sovereignty everywhere. They are bringing to the test the great principle enunciated by our revolutionary fathers, that government derives its power from the consent of the governed.

If the recent constitutional convention of Kansas, defended as it was by federal bayonets against the just indignation of the people, can succeed by trick and fraud in fastening an obnoxious constitution upon them, and take away from them the power to amend it until slavery shall become further strengthened, there is an end to free government and American liberty.

The people of Iowa look with alarm upon the constant aggressions of the slavery propagandists, but I confess that I look with equal alarm upon the manifest tendency of our government to consolidation

The events of the few past years would seem to indicate that the predictions of some of the men who achieved our liberties for us, were being fulfilled. Our government is fast becoming an elective monarchy. The States are gradually losing their consequence, and will soon be reduced to the condition of mere municipal appendages to the central power. The influence of the Federal Government is prostituted to interference in State affairs, even to that of municipal elections. The doctrine inherited from our ancestors that standing armies are dangerous to the liberties of the people, is repudiated by constant and strenuous efforts to increase the national army. The Federal Government now asks to control all the banking institutions of the States by virtue of some law of Congress. Sinicure offices are created for the purpose of influencing public opinion. The army of office-holders scattered through the States, uttering the sentiments, disbursing the money, and obeying the commands of the Central Authority, govern in a great degree, the sentiment of the country. Thus, the Federal Government, instead of being as it was designed to be, the mere creature and under the control of the States, is fast becoming their master.

This centralizing influence of the government—the immense increase of our national expenses—the history of slavery propagandism in Kansas, and the complicity of the Federal Government

therewith; the attempt to overthrow the clearest right of self-government for the purpose of extending the institutions of slavery, and the efforts to destroy the rights of the States by political decisions of the Supreme Court, should remind the freemen of Iowa, that their political rights are in danger.

The liberties of the people can only be preserved by maintaining the integrity of the State Governments against the corrupting influences of federal patronage and power.

Closing with this communication my official connection with the government, I may be permitted to avail myself of the occasion to return to my fellow citizens my heartfelt thanks for the honor and confidence they have bestowed on me, and to assure them of my continued aspirations for the advancement of our beloved State in virtue, prosperity and happiness.

JAMES W. GRIMES.

EXECUTIVE OFFICE, }  
DES MOINES, January 12, 1858. }

Mr. Lambert

Offered the following Resolution :

*Resolved*, That 5,000 copies of the Governor's Message be ordered printed for the use of this House.

Mr. Thompson

Moved to amend the Resolution by inserting after the word printed, the words "in the English, and 1,500 copies in the German Language."

Mr. Curtis

Moved to amend the amendment by adding the words, "and 500 copies in the Holland Language."

Upon which amendment the yeas and nays were demanded and were as follows :

Yeas 47, nays 21.

The yeas were

Messrs. Anthony, Ayers, Bates, Bauder, Bennett, Beal, Belknap, Casey, Campbell, Cassaday of Van Buren, Casady of Woodbury, Curtis, Clune, Clark of Des Moines, Drummond, Dews, Davis, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lambert, Lundy, Laney, Mahony, Mitchell, Morgan, Millard, Milliser, McGrew, McCormick, Millsap, Pierson, Richardson, Reitzel, Stearns, Streeter, Seevers, Steward, Scott, Sprague, Trumbull, Woodward, Waln, Watts—47.

The nays were,

Messrs. Alger, Cassiday of Mahaska, Clark of Johnson, Clark of Dubuque, Cavanaugh, Carpenter, Collins, Cooley, Dana, Dewey, Gray, Johnston, Moorman, McCrary, Prentiss, Randolph, Sharp, Thompson, Wright, Wilson, Mr. Speaker.

The question recurring upon the amendment as amended, the same was adopted.

The question now being upon the adoption of the Resolution as amended.

Mr. Wilson

Moved further to amend by striking out the word "Holland,"

Upon which question the yeas and nays were demanded and were as follows:—Yeas 31, nays 37.

The yeas were,

Messrs. Alger, Anthony, Bates, Beal, Cassiday of Mahaska, Clune, Clark of Des Moines, Clark of Johnson, Clark of Dubuque, Carpenter, Cooley, Dana, Dewey, Gray, Grimes, Lundy, Mahony, Moorman, McCrary, Millsap, Prentiss, Reltzel, Randolph, Stearns, Scott, Thompson, Watts, Wright, Wilson, Mr. Speaker.

The nays were

Messrs. Ayers, Bauder, Bennett, Belknap, Campbell, Cassaday of Van Buren, Casady of Woodbury, Curtis, Cavanaugh, Collins, Drummond, Dews, Davis, Edwards, Foster, Gue, Guiberson, Harmon, Johnson, Jackson, Lambert, Laney, Mitchell, Morgan, Millard, Milliser, McGrew, McCormick, Pierson, Richardson, Streeter, SeEVERS, Stewart, Sprague, Sharp, Trumbull, Woodward, Waln—37.

Mr. Wright

Moved to amend the resolution by striking out "5,000," and inserting "8,000."

Which motion prevailed.

The Resolution as amended was then adopted.

Mr. Harmon

Offered the following Resolution:

*Resolved*, That 500 copies of the Governor's Message be ordered printed in the Norwegian language.

Which, upon motion of Mr. Mahony,

Was indefinitely postponed.

On motion of Mr. Richardson,

The House adjourned.

WEDNESDAY MORNING, }  
 JANUARY 13th, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

The Journal of yesterday was read and corrected.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Foster :

The Petition of citizens of Lee county, asking for certain changes in the boundaries of the city of Keokuk, which,

On motion of Mr. Seevers,

Was laid on the table.

By Mr. Belknap :

The petition of G. R. Todd and other citizens of Lee county, praying for the impeachment of Thomas W. Claggett. Also,

Three other petitions of citizens upon the same subject, which petitions,

On motion of Mr. Belknap,

Were referred to a Select Committee of five.

Mr. Speaker

Announced Messrs. Clark of Dubuque, Clark of Johnson, Thompson, Curtis and Trumbull, as said Committee.

By Mr. Milliser :

The petition of John L. McCormick and other citizens of Wapello county, praying for the enactment of a law incorporating the town of Agency City, which

Upon his motion,

Was laid upon the table.

#### RESOLUTIONS OFFERED.

Mr. Belknap,

Offered the following resolution, which,

Upon motion of Mr. Mahony,

Was laid upon the table.

*Resolved*, That the Chief Clerk be instructed to have one hundred and fifty copies of the Rules of this House printed for the use of the members, together with a list of the names of the mem-



bers, their Post Office address, and the District they represent; also a list of the Committees when appointed, with the names of the persons composing the same.

Mr. Clark of Dubuque,

Offered the following, which upon his motion, was adopted :

*Resolved*, That the Select Committee to whom was referred sundry petitions respecting the official conduct of Thos. W. Claggett, Judge of the 1st Judicial District, be empowered to send for persons and papers.

Mr. McCrary

Offered the following resolution, which was agreed to:

*Resolved*, That the Chief Clerk be instructed to provide a desk for the Enrolling Clerk, and also one for the Engrossing Clerk of this House.

Mr. Guiberson,

Offered the following :

*Resolved*, That 5,000 copies of the Report of the Superintendent of Public Instruction be printed for the use of the members of this House.

The resolution was adopted.

Mr. Carpenter,

Offered the following resolution, which upon his motion was agreed to:

*Resolved*, That in the distribution of Stationary to the members of this House, Reporters for newspapers be included.

Mr. Wright

Offered the following resolution, which was adopted :

*Resolved*, That it be the duty of the Post Master to take charge of all documents, keep account of the number, and by the assistance of the Chief Messengers, distribute the same equally among the members of this General Assembly.

Mr. Seevers, with leave, introduced

House File No. 1, A bill for an act fixing the time for holding courts in the 11th Judicial District, which was read a first time.

## NOTICE TO BRING IN BILLS.

Mr. Seevers

Gave notice that on to-morrow or some subsequent day of this Session, he would introduce a bill for an act to repeal an act en-

titled an act to amend Section 1848 of the Code of Iowa, approved January 24th, 1853. Also,

A bill for an act to repeal Sections 2071 to 2882, inclusive, of the Code of Iowa.

Mr. Guiberson

Gave notice that on to-morrow or some subsequent day of the present session, he would introduce a bill for an act to provide for a more liberal stay of execution on judgments.

Mr. Sprague, with leave, introduced

House File No. 2, A bill for an act regulating the times of the District Courts in the 1st Judicial District, which was read a first time.

Mr. Seevers

Submitted the following report:

The Committee to whom was referred the resolution of Mr. Mahony, in relation to newspapers for the members of this House, report that they are informed by the publishers of both papers issued in this city, that they each expect to publish full reports of the proceedings of the General Assembly. Your Committee recommend the adoption of the accompanying resolution.

SEEVERS,  
MAHONY,  
TRUMBULL,

*Resolved*, That the Chief Clerk subscribe for fifteen daily papers for each member or their equivalent in Tri-Weekly, Semi-Weekly or Weekly papers, as each member may designate.

Mr. Clark of Des Moines,

Moved to amend the resolution by striking out the word "fifteen," and inserting "25."

Which motion was lost.

Mr. Clark of Des Moines,

Moved to amend the resolution by striking out the word "fifteen, and inserting "20."

The motion was not agreed to.

Mr. Mahony

Moved the previous question, and upon the question, "shall the main question now be put?"

The same was agreed to.

The question then recurring upon the adoption of the report of the Committee it prevailed.

On motion of Mr. SeEVERS,

The Governor's Message was laid upon the table, and the accompanying documents referred to a Select Committee of three.

The Chair appointed

Messrs. SeEVERS, JACKSON and CLUNE, said Committee.

Mr. WILSON, with leave, introduced

The following concurrent resolution, which upon his motion, was adopted :

*Resolved*, That the House (The Senate concurring) will meet the Senate in Joint Convention, in the Hall of the House, at two o'clock P. M., on Wednesday, the 13th inst., for the purpose of canvassing the returns of the vote for Governor and Lieutenant Governor.

Mr. ANTHONY

Moved that the House proceed to elect an Assistant Door Keeper, to take charge of the door of the Lobby.

The motion was lost.

Mr. CLARK of Dubuque,

Offered the following :

*Resolved*, That a Committee on Federal Relations be appointed, and that said Committee shall be a Standing Committee, and appointed as other committees are appointed.

Mr. MAHONY

Moved to refer the resolution to the committee on Rules.

Which motion was lost.

Mr. WILSON

Moved to postpone the further consideration of the resolution until to-morrow.

Motion lost.

The question then recurring upon the adoption of the resolution, it was not agreed to.

On motion of Mr. FOSTER,

The following resolution was adopted :

*Resolved*, That a Committee of three be appointed to act in concert with a similar Committee of the Senate to make arrangements for the inauguration of the Governor.

The Chair appointed

Messrs. FOSTER, COOLEY and BELKNAP said Committee.

Mr. MAHONY

Offered the following resolution :

*Resolved*, That a Committee of seven be appointed by the Chair, whose duty it shall be to report to the House such alterations of and amendments to existing laws as will make them conform to the new Constitution.

On motion of Mr. Seevers

The resolution was laid upon the table.

The House then adjourned.

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TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Lundy

Offered the following resolution, which, upon his motion, was adopted :

*Resolved*, That the use of this Hall, for this evening, be tendered to the officers of the State Agricultural Society for the purpose of holding a public meeting.

Message from the Senate,

By their Secretary, Mr. Spencer:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has appointed Senators Kirkwood, Grinnell and Bailey a Committee on the part of the Senate to act in concert with the House Committee to make arrangements for the Inauguration of the Governor elect.

I am also further directed to inform the House that the Senate has appointed Senators Cattell and Bailey a Committee on the part of the Senate to act with a similar Committee on the part of the House to report rules for the government of the General Assembly.

I am also directed to inform the House that the Senate has appointed Senators Loughridge, Thompson and Johnston a Committee to confer with a similar Committee from the House in relation to the election of a Post Master by the General Assembly.

I am also directed by the Senate to inform the House that the Senate has adopted the concurrent resolution of the House to go into Joint Convention for canvassing the votes for Governor and Lieutenant Governor.

GEO. E. SPENCER,  
Secretary of Senate.

Mr. McCrary

Offered the following :

*Resolved*, That Joseph Huff, of Lee county, be chosen Assistant Door-Keeper of this House, with instructions to take charge of the lobby door and keep order in the lobby.

The resolution was agreed to, whereupon Mr. Huff came forward and took the oath of office.

Mr. Speaker

Laid before the House a communication in writing from Clark Dunham in relation to the official acts of Thomas W. Claggett,

Which was referred to the Committee heretofore appointed to report upon the same subject.

On motion of Mr. Mahony

The Sergeant-at-Arms was directed to provide seats in the Hall for the use of the Joint Convention of the two Houses.

On motion of Mr. Wright

The House took a recess of ten minutes.

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HALF PAST TWO O'CLOCK, P. M.

The House met.

On motion of Mr. Wright

A Committee of two was appointed to inform the Senate that the House is now ready to meet the Senate in Joint Convention.

Mr. Speaker

Appointed Messrs. Wright and Clune said Committee.

Mr. Wright,

From the Committee, reported that they had discharged the duty assigned them.

Whereupon the Senate, preceded by their President and Sergeant-at-Arms, entered the Hall of the House, and took their seats, (the President of the Senate acting as President of the Convention and the Chief Clerk of the House acting as Secretary.) The President announced the purpose of the Convention to be the opening and publishing of the votes cast at the last October election for Governor and Lieutenant Governor.

Mr. Speaker appointed Mr. Carpenter as teller on the part of the House.

Mr. President appointed Mr. Allen as teller on the part of the Senate.

On motion of Mr. Mahony

The roll of the Convention was called and the following gentlemen found to be absent, i. e.:

Messrs. Brigham, Johnston of Wapello, Neal, Rankin, Stewart, Trimble, Alger, Bradley, Collins, Rankin and Sharp.

The Speaker of the House of Representatives proceeded to open and publish the official abstract of votes for Governor and Lieutenant Governor in the presence of the two Houses. when the tellers proceeded to duly canvass the same.

Mr. Foster

Moved a call of the House.

The call being sustained, the Clerk proceeded to call the roll, whereupon,

On motion of Mr. Jenkins,

Further proceedings under the call were suspended.

Mr. Clark, of Des Moines,

Moved that the Joint Convention do now adjourn until nine o'clock to-morrow morning.

Mr. Mahony

Rose to a point of order.

The Chair having decided the motion to be in order,

Mr. Mahony

Appealed from said decision.

And upon the question, "Shall the decision of the Chair stand as the decision of the Convention,"

The yeas and nays were demanded and were as follows:

Yeas 59, Nays 25.

The yeas were,

Messrs. Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster of Washington, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Neal, Reed, Reiner, Rusch, Saunders, Sharraden, Warner, Bates, Bauder, Bennett, Beale, Casady, Clune, Collins, Cooley, Drummond, Dews, Davis of Union, Dewey, Foster of Povesheik, Gue, Guiberson, Johnston of Jones, Lambert, Lundy, Laney, Milliser, Moorman, McGrew, McCrary, Prentiss, Reitzel, Randolph, Streeter, Stewart, Scott, Sharp, Trumbull, Thompson of Scott, Waln, Wilson of Jefferson, and Mr. Shelledy—59.

The nays were,

Messrs. Bailey, Dale, Mann, Pusey, Patterson, Wilson of Dubuque, Anthony, Belknap, Cassaday of Van Buren, Cassiday of Mahaska, Curtis, Clark of Des Moines, Clark of Johnson, Cavanaugh, Dana, Gray, Grimes, Mahony, Mitchell, Millsap, Sterns, SeEVERS, Sprague, Woodward and Watts—25.

The decision of the Chair was sustained.

Mr. Clark, of Des Moines,

Moved the Convention do now take a recess until nine o'clock to-morrow morning.

Mr. Davis

Moved to lay the motion on the table,

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

Yeas 75, Nays 6.

The yeas were,

Messrs. Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster of Washington, Grinnell, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reed, Rusch, Reiner, Saunders, Sharraden, Anthony, Bates, Bauder, Beale, Belknap, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Curtis, Clark of Des Moines, Cavanaugh, Collins, Cooley, Drummond, Dana, Dews, Davis of Union, Dewey, Edwards, Foster of Powesheik, Gray, Grimes, Gue, Guiberson, Lambert, Lundy, Laney, Mahony, Mitchell, Morgan, Moorman, McGrew, McCrary, Millsap, Prentiss, Randolph, Sterns, Streeter, SeEVERS, Stewart, Scott, Sharp, Trumbull, Woodward, Waln, Watts, Wright, Wilson and Mr. Speaker and Mr. President—75.

The nays were,

Messrs. Warner, Wilson of Dubuque, Clune, Clark of Johnson, Sprague, and Thompson of Scott—6

Mr. Mahony

Moved the Convention do now adjourn.

Mr. Cassiday, of Mahaska,

Moved a call of the House.

The call being sustained, Clerk proceeded to call the roll, when,

Upon motion of Mr. Wilson,

Further proceedings under the call were suspended.

The motion to adjourn then prevailed.

The Senate having retired from the Hall the House was called to order, when,

Upon motion of Mr. Seevers,  
It adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, }  
JANUARY 14th, 10 o'clock, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Brown.

On motion of Mr. Seevers,

The reading of the Journal was dispensed with, and

A committee of two appointed to inform the Senate that the House was ready to receive them in Joint Convention.

Mr. SPEAKER :

Laid before the House the following communication :

DES MOINES, IOWA, January 13th, 1858.

*To the Hon. Speaker of the House of Representatives :*

At a meeting of the clergymen of this city, to-day, the following resolutions were unanimously adopted :

*Resolved*, That we comply with the request of the House of Representatives relative to the Chaplaincy.

*Resolved*, That the chairman of this meeting communicate the above resolution to the House.

THOMPSON BIRD, Chairman.

Mr. Wright,

From the committee on Rules, submitted the following report :

The committee appointed to draft rules for the government of this House, ask leave to report that they have examined the rules adopted by the last session, and would recommend the adoption of the same, with the addition of a committee on Banks and Banking to the list of standing committees.

ED. WRIGHT, Chairman.

On motion of Mr. Mahony,

The report was received and referred to a committee of the Whole House.



Mr. Wright

Moved that 150 copies of the rules of the House be ordered printed, and that the report of the committee on rules be made the special order for to-morrow at 10 o'clock A. M.

The motion was not agreed to.

Mr. Wilson

Moved that 150 copies of the rules of the House be ordered printed, and that the report of the committee on rules be made the special order for to-morrow morning at half past 10 o'clock.

Pending which motion,

The Senate, preceded by their President and Secretary entered the Hall of the House, and took the seats assigned them,

The President of the Senate acting as President of the Joint Convention and the Secretary of the Senate acting as Secretary.

The President

Announced that the Convention had met to hear the result of the vote for the offices of Governor and Lieutenant Governor of the State of Iowa.

The tellers, by Mr. Allen,

Announced that after duly canvassing the said votes, it appeared that there had been cast at said October election,

For the office of Governor.....75.592

of which number,

Ralph P. Lowe had received.....38.498

Ben M. Samuels " " .....36,088

T. F. Henry " " ..... 1.006

Whereupon, Ralph P. Lowe, having received a majority of all the votes cast for said office, was declared duly elected Governor of Iowa, for the ensuing Gubernatorial term.

The tellers, by Mr. Allen,

Further announced that there had been cast at said election,

For the office of Lieutenant Governor.....74.953

votes, of which number,

Oran Faville had received.....37.633

Geo. Gillaspay " " .....35.310

Eastin Morris " " ..... 1,010

Whereupon, it appearing that Oran Faville had received a majority of all the votes cast at said October election for Lieutenant Governor of the State of Iowa, for the term of two years, or until his successor is elected and qualified.

The following certificates of election were then signed in the presence of the Joint Convention :

HALL OF THE HOUSE OF REPRESENTATIVES, }  
Des Moines, January 14th, 1858. }

*This will certify :*

That upon a canvass in Joint Convention of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the last October election, A. D. 1857, for the office of Governor of the State of Iowa, it appeared that Ralph P. Lowe received a majority of all the votes cast at said election for said office, and was thereupon declared duly elected to the said office of Governor for the term of two years, or until his successor is elected and qualified.

Signed in the presence of this Joint Convention, this 14th day of January, A. D. 1858.

DANIEL ANDERSON,  
President *pro tem* of the Senate.

Attest :

JNO. R. ALLEN, Teller for Senate.

C. C. CARPENTER, Teller of the House.

S. B. SHELEDY,  
Speaker of the House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
Des Moines, January 14th, 1858. }

*This will certify :*

That upon a canvass in Joint Convention of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October election, A. D. 1857, for the office of Lieutenant Governor of the State of Iowa, it appeared that Oran Faville received a majority of all the votes cast at said election for said office, and was therefore declared duly elected to said office for the term of two years, or until his successor was elected and qualified.

Signed in the presence of the Joint Convention on this 14th day of January, A. D. 1858.

DANIEL ANDERSON,  
President *pro tem* of the Senate.

Attest :

JNO. R. ALLEN, Teller for Senate.

C. C. CARPENTER, Teller of the House.

S. B. SHELEDY,  
Speaker of the House of Representatives.

On motion of Mr. Mann,

A Committee of five was appointed to wait upon the Governor and Lieutenant Governor elect, and inform them of their election, and the hour appointed for their inauguration.

Messrs. Mann, Pusey, Jackson, Belknap and Wilson, were appointed said Committee.

On motion of Mr. Thompson of Linn,

A Committee of three was appointed, to wait upon the Judges of the Supreme Court and other State Officers, and invite them to be present during the inaugural ceremony.

Messrs. Allen, Carpenter and Trumbull, were appointed said Committee.

Mr. Allen,

From the above Committee, reported that the duty assigned them had been discharged.

Mr. Mann,

From the Committee appointed to wait upon the Governor and Lieutenant Governor elect, and inform them of their election, reported that they had discharged that duty.

On motion of Mr. Wilson,

The Convention adjourned without day.

The Senate having retired from the Hall, the House was called to order, when,

Upon motion of Mr. Clark of Dubuque,

It was voted that ladies be admitted to seats upon the floor of this House, within the bar, during the ceremony of inauguration.

On motion of Mr. Foster,

The following Resolution was adopted:

*Resolved*, That the use of this Hall be tendered to the citizens of Des Moines, for the purpose of holding the Inauguration Festival therein.

Mr. Gue,

Offered the following Resolution, which, upon his motion, was agreed to.

*Resolved*, That Ex-Members of Congress and the Members of the late Constitutional Convention be invited to seats within the bar of the House during their stay in this city.

On motion of Mr. Wilson,

The House now took a recess until 11 o'clock.

ELEVEN O'CLOCK.

The House was called to order.

Whereupon Mr. Rankin, member elect from Washington Co., presented himself, and took and subscribed the oath of office.

On motion of Mr. Wilson,

The following concurrent Resolution was adopted :

*Resolved*, That the House (the Senate concurring) will meet the Senate in the Hall of the House, in Joint Convention, at 11 o'clock A. M. of this day, for the purpose of inaugurating the Governor and Lieutenant Governor elect.

On motion of Mr. Trumbull,

It was ordered that Judges of the Supreme and District Courts, and Ex-Judges of the same, be invited to seats within the bar of this House.

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

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the Resolution of the House in relation to a Joint Convention for the purpose of the Inauguration of the Governor and Lieutenant Governor elect.

GEORGE E. SPENCER, Sec'y Senate.

On motion of Mr. Harmon,

It was ordered that the officers of the State Agricultural Society be invited to occupy seats within the bar of the House.

On motion of Mr. Clune,

A Committee of two was appointed to inform the Senate that the House was now in readiness to receive them in Joint Convention.

Mr. Speaker

Appointed Messrs. Clune and Carpenter, said Committee, who immediately proceeded to discharge said duty.

The Senate, preceded by their President and Secretary as before, entered the Hall of the House and took their seats. The President of the Senate acting as President of the Joint Convention.

The President

Announced as the object of the meeting of the Joint Convention, the Inauguration of the Governor and Lieutenant Governor,

and directed the Sec'y to call the roll, whereupon the following named gentlemen were found to be absent, to wit :

Messrs. Alger, Bradley, Davis of Union, and SeEVERS.

On motion of Mr. Mahony,

A Committee of two was appointed to wait upon the Governor and Lieutenant Governor elect, and inform them that the Joint Convention were now ready to receive them.

Messrs. Bates and Grimble were appointed said Committee, who, after a few moments absence from the Hall reported by Mr. Bates the duty discharged.

On motion of Mr. McPherson,

A Committee of two was appointed to wait upon the Supreme Court and State Officers, and inform them that the Joint Convention was now in Session and ready to receive them.

Messrs. McPherson, and Carter were appointed said Committee.

His Excellency the Governor and Lieutenant Governor elect, accompanied by the Chief and Associate Justices of the Supreme Court, and the Officers of State, here entered the Hall, and were seated. Whereupon Chief Justice Wright proceeded to administer the oath of office to Ralph P. Lowe, Governor, and Oran FAVILLE, Lieutenant Governor of the State of Iowa, when His Excellency addressed the Joint Convention as follows :

*Gentlemen of the Senate and*

*House of Representatives :*

On assuming the office of Chief Executive of the State, it becomes my duty to point out to you, as a co-ordinate branch of the Government, some of the principles, which in my opinion, should guide us in the administration of its affairs.

Legislation is a high sovereign power, to be exercised with great wisdom. Its sanctions are found in the proper discharge of our responsibilities to the people from whom the power is derived.

We have reached an important juncture in the history of this State, and are charged with the initiative of laws and measures bearing upon its administrative policy which gives peculiar emphasis to our public duties.

Aside from this, there are other circumstances connected with our Federal relations, and the financial posture of affairs, by which all business transactions have suddenly been deranged, the commercial sky over-clouded, the whole country smitten as with a palsy, and this period marked as one of uncommon solemnity.

But every age must teach its own lesson. The lesson of this age of great movements and great peril is, first, that of limiting the credit system to its rightful sphere. Secondly, that of giving back to agriculture her just and full proportion of the industrial forces of society; for it is plain that when the commercial classes become numerically larger than is necessary for the exchange and distribution of the products of the earth, and the fabrics of its work-shops, (as unquestionably was the case at the commencement of the late financial and commercial crisis,) the effect must be to disturb that equilibrium in the division of labor, so essential to a healthy condition of the world's business.

This undue enlargement of buyers and sellers in which is included the whole circle of traders and speculators, whether in merchandise or land, at the expense of field culture, has contributed, in my judgment, its full share in bringing upon the country that embarrassment which is its just retribution.

Its effect is to engender a spirit of cupidity and reckless speculation; it multiplies the employment of unnatural expedients to live *easy*, and without much toil. This is subversive of the law of our being. Toil is the Providentially appointed allotment of man at birth. Husbandry in its enlarged sense is the basis of society, furnishing not only the pabulum of life, but the material for clothing the world.

All other branches of business are but its incidents. Thin the ranks of its votaries, and crowd the channels of trade and commerce, and you bring into being a train of disturbing evils that must result in disaster.

No maxims of political economy, however well observed—no system of currency, however nicely adjusted or guarded, can compensate for this departure from the law of labor.

Let agriculture, the vanguard of all other occupations, have its full and appropriate share of the industrial forces of the country, with a commerce just equal to a fair distribution of its products, always following, and never in anticipation of its annual crops, and the world's affairs and business will in the main flow on with comparatively a smooth and full stream.

Happily for the people of Iowa, the sun in its brilliancy looks not down upon a fairer laud, for the exemplification of this great regulating element in the economy and business of life. Here the ignorant and humble, as well as the more intelligent and elevated

peasant—the amateur husbandman—the professional and literary man—the statesman and politician, and the representative men of the highest style in the country, may pay their homage to this primeval employment of man, and secure to the general husbandry its highest conception and development as a system and as a science. There is not perhaps another 50,914 square miles in one body upon the globe, that can offer so many broad acres of unrivalled fertility; and of such high adaptations for the staples of life, as the State of Iowa. Two of the largest navigable rivers in the world, lave her eastern and western borders; her plains abound in coal-beds and other mineral. There are no natural causes of insalubrity within her realm. The course of her prairies and the physical configuration of the surface, invite the atmosphere of the snowy mountains in copious currents over her extended plains, bearing upon their wings the invigorating vitality that gives quickness and elasticity to the step, and endurance to the toiling energies of its people.

This goodly land, thus blessed in its natural conditions, has undergone an almost magical transition from Nature's wilderness to the cultivated fields; the flourishing villages and populous cities of civilized and enlightened man; and in this attitude presents a subject of reflection unsurpassed in interest in the annals of the world.

The condition of State sovereignty which it rapidly attained, has recently been amplified, and is now about to manifest itself through a more perfect organization, legislative, judicial and executive. Over this combination of supreme powers you are called to extend a legislation that shall give effect and operation to its recently modified and improved fundamental law; to revise, correct and harmonize existing enactments; to establish a policy suited to the rapidly unfolding resources of a State, and to lay the foundations of an empire that can, under beneficent laws and a wise system of field culture, support five to eight millions of inhabitants.

It should be our aim to emulate, if not surpass, the best model of a State Government in the Union. We are one of a great confederacy of States; each existing under its highest form of organization as a body politic; each in its constitutional sphere independent of the others, and all possessing their own peculiar system of policy, adapted to their geographical positions, the habits and pursuits of their people, and the capabilities of their soil. None are perfect, yet all are commissioned to promote the public weal. It

is a noble contest between a galaxy of sovereign States, as to which shall present to the world *the* model government.

The first great element of all prosperity is to conduct the affairs of the State upon Christian principles. In this way the Divine will is honored, and the spirit of God breathes through the combined intelligence of the people. This principle in our own political system raises itself in majestic serenity above the strifes of parties, and the conflicts of sections, and being based upon the dictates of pure reason, promotes a degree of perfection in systems of State policy not otherwise attainable.

One important method of displaying a just regard for the principles of christianity, is to give due attention to the benevolent institutions of the day. The hand of charity should be extended to all the varieties of human want; multiplying its forms of action in proportion to the forms of suffering; in the erection of hospitals, lunatic and deaf and dumb asylums; in establishing dispensaries and poor houses; in opening receptacles for the reformation and punishment of the vicious and wicked; founding institutions of learning of a high order, with charity scholarships, and perfecting our common school system. It is known that throughout our State there are many unfortunate human beings bereft of reason, for whom no adequate provision has yet been completed. There are others to whom the light of Heaven comes not, whose eyes are closed to the happy smiles of friends, and the beauties of the world; and some who hear not the voice of love and the whispers of living nature. The poor maniac needs prompt and efficient sympathy and kindness and restoration to society, and whilst humanity rejoices over the result of institutions reared for his benefit, experience cheers us with the knowledge that we can almost open the eyes of the blind, and unstop the ears of the deaf.

These public enterprises demand no specification at my hands on this occasion. Their establishment is among the duties which every State owes to its citizens, and we should endow and foster them in all their best forms and appointments.

I only mention them to say, that as God has given unto us the fairest heritage in all the earth to inhabit, let us not dishonor the *gift* by erecting upon it institutions, or passing over it a code of laws less wise and beneficent than those of other countries, or which shall fail in their conception and design to reflect back the



beauty, richness and excellency of the land they are intended to bless.

Upon this idea has the Lunatic Asylum at Mount Pleasant been wisely commenced. Let it go forward and be completed upon the principle and design of making it a model institution of the kind, as every other kindred institution should be. It is only upon this line of policy that we can hope to lay claim to anything like State superiority in this department of the public service.

Economy in the administration of the public business should never be overlooked. But true economy consists in a faithful and wise application of the means of the State, in commanding the services of the best men, ordaining the best system of laws, and establishing the highest order of institutions. In the just acceptance of the principle of public economy we cannot accept any other terms.

In the main each State is to perform her own works of charity. But there is one description of these humane and provident institutions to which I desire to make special reference, as they are national rather than local in their character. I allude to marine hospitals. We have distinguished precedents for calling the two great rivers that wash our shores, *inland seas*. They bear upon their bosom a heavy and a growing commerce, next in importance to that which floats upon the more expanded realms of the open seas. The vessels of many States ply upon their waters, and they throw upon our borders annually no inconsiderable number of afflicted and disabled watermen. These are not our citizens alone; they belong to the carrying trade of the whole country, and they should be kindly cared for at the public expense. Our associated relation to the General Government makes it your duty, early and persistently to press upon the consideration of Congress the importance not only of erecting marine hospitals at the proper points, but that also of custom-house and portal buildings, at those places made ports of delivery, and where distributing post offices have been established, if the amount of business connected with these branches of the public service will justify the same.

Cordially approving and adopting the views and suggestions contained in the message delivered by my worthy predecessor upon all the ordinary topics of legislation, it is only necessary for me to recur in general terms to some of those things which impress my own mind with their importance.

The unexampled increase of our population the last two or three years, has had the effect to exhaust all the copies of the Code, as well as the pamphlet laws subsequently enacted, leaving a large body of our citizens destitute of the means of knowing the laws under which they are living.

This evil should be remedied at as early a period as practicable. Six years practice under the Code has brought to light many defects, especially in the chapters regulating our civil procedure, which ought now to be reformed. This done, the publication of a new edition of the Code and pamphlet laws, including the new practice act, might perhaps be let to individual enterprise, as it is known there are persons now preparing and taking the initiatory steps for such a publication.

I rejoice to know that the people of Iowa have been singularly fortunate in the selection of so competent and intelligent a body of men for the transaction of their business. No occasion has arisen in the State, in my judgment, demanding the exercise of more wisdom, sound discretion and statesmanship, than the one on which you are now convened.

But in view of the great amount of other business which will occupy your attention during the session, I beg to recommend the appointment of two or three competent legal gentlemen to act at once in conjunction with special committees constituted for that purpose, in revising, amending and getting up a more efficient and perfect practice act, to the end that the same may go out with the publication of the other laws in the spring—and the people of this State be blessed with a system of civil and criminal procedure, under which the great principles of justice and right can be administered—all wrong suppressed—goodness and virtue protected—and evil doers punished.

In this connection I cannot forbear making allusion to the great inadequacy of the State Penitentiary to effectuate the objects proposed. It is under the management of highly competent Inspectors, who can, with the generous aid of your body, make it what it should be, a first class, self-sustaining institution. The absolute demands of criminal justice in this direction, admit of no denial or delay. The report of the Inspectors will tell its own story, and command, I doubt not, your very considerate and prompt attention.

The practical experience of the whole country attests the indispensable utility of railroads. Although diffusive in the benefits

they bestow, extending themselves to every class in community, yet the country is indebted for the most part, to individual capital and enterprise for their construction. This fact should bear down with great urgency upon the mind both of the State and National Government, to hold up the hands and encourage the hearts of the noble and self-sacrificing few, who manifest a willingness to peril much of their fortunes, to push forward a description of improvement that marks one of the great features of the age.

The New Constitution contemplates important legislation upon our judiciary and militia system, upon the school lands and funds, and a radical change in our educational department, as well as other subjects, upon all which it will afford me pleasure to communicate freely with you during your deliberations.

The questions of currency and agriculture are new subjects of legislation in this State, authorized and enjoined by the Constitution, and possess no ordinary significance.

In the absence of a national paper currency, and with an established policy of seventy years standing in the use of a mixed currency of paper and metal by the States, each for itself providing and regulating its own circulating medium, it would seem to be the very climax of human folly for a single State, possessing equal powers, to *lean* wholly upon other States and foreign corporations for its currency. Yet Iowa, from the beginning, has been guilty of this great folly, the effect of which has been to keep out that amount or fair proportion of gold and silver, which a wise and well regulated banking system would have necessarily supplied; and subjected us to the necessity, as well as all the hazard of employing the paper of a thousand banking institutions in other States, at an immense annual cost, in the shape of interest, failures and counterfeits; and now, when the whole country is overtaken by a money crisis, in which many of these banks have gone into liquidation, and others withdrawn their issues, we find ourselves entirely destitute of a circulating medium.

It is needless to disguise the fact, that like the balance of the civilized world, we are greatly in debt—with no disposition, however, to break faith with our creditors. Possessing millions of produce and other good property, still we have no money or available credit to meet our liabilities.

A sudden enforcement of these liabilities under the circumstances, would be disastrous as it would be cruel towards the

people of this State ; and the question may be seriously propounded, whether any principle in ethics would be violated in affording reasonable time and that relief which shall be fair to all parties, for the liquidation of these liabilities.

As the State in its sovereign capacity has clearly been at fault in not providing the way for supplying a safe, sound and reliable currency of her own, that our people might be placed on an equal footing, and with like advantages and privileges enjoyed by the people of other States, she is bound by every consideration of fairness, to repair and uphold the falling fortunes of the people, so far as they are affected by the want of a home circulating medium.

According to the statistics of the Federal treasury, there is now in the country \$260,000,000 of dollars of specie ; \$60,000,000 of this form the basis of bank issues in other States. Had we ten years ago established a wise State Banking System, endowing it with the attributes and powers of similar institutions, the probability is, that to-day we would have had our fair proportion of this **specie, both in the circulation of the State and the vaults of our banks, justifying the issue of an amount of paper which by its pliability to sudden emergencies, would greatly relieve our people in these days of evil portent, or at least keep them from falling into a worse condition than our fellow countrymen in other States.**

Forgetting, however, the errors of the past, let us make haste to retrace our steps ; do now what should have been done years ago—make provision for a sound and an adequate currency of our own.

It is competent for you to frame a general law, under which either or both of the banking systems contemplated by the Constitution may be established. It is perhaps unnecessary for me to indicate my opinion in regard to the relative merits of the one or the other, or to venture any suggestions as to the provisions which should enter into the frame work of either. The very large amount of gold and silver in the country justifies the conclusion, that an actual specie basis would be obtained under a banking law wisely conceived as to the privileges it conferred and the limitations it imposed. There is often power in words. Confidence is an important element in all banking operations. The word *State*, in a government well ordered and conducted, is with many the synonym of confidence. These facts, with others, would determine my own mind in favor of a wisely adjusted State Banking

system. Let it be established under the best lights you can obtain, protecting the bill holder, inviting the capitalist, issuing no bills under the denomination of five dollars.

The constitutional requirement upon the General Assembly to encourage and foster agricultural improvement, must have had its origin in a knowledge of the fact that the legislation of the country everywhere has been disposed heretofore to ignore "this first born of civilization."

It is true that a high state of prosperity requires the promotion of every branch of industry, and the cultivation of all the arts and sciences; but agriculture is the precursor of all these, and from the character of our soil and the nature of our geographical position, must be the great leading avocation of our people, and therefore the first interest to be considered and improved.

But the question recurs, how can this injunction of the Constitution be carried out, and the highest capabilities in the economy of field labor and general husbandry be attained, by anything **which the State in its sovereign capacity can do?**

It is believed that the first step in this direction, after affording due encouragement to County and State Agricultural Societies, is to establish an Agricultural Bureau as a distinct department of State, similar in its functions and appointments to the one proposed and enacted by one branch of your body three years ago, but lost in the other.

It should hold the same relation to the people of this State, that a similar department in the Patent Office at Washington City does to the whole country. Putting itself in connection with that office, and all the Agricultural Societies in the land, its great office would be to introduce new and valuable seeds, both of the cereals and vegetables; direct their culture; gather up agricultural statistics and information from the best farmers everywhere, and disseminate the same largely among the generation of free laborers who now or may hereafter occupy our plains.

But, secondly, agriculture, in her higher aims and purposes, is a science, and demands the application of scientific knowledge to the labors of the field. This involves the necessity, at a proper time, of establishing Agricultural Schools, in connection with experimental farms, where the natural sciences bearing upon her domain, may be taught and applied; such as geology—organic chemistry—botany—physiology—zoology—atmospheric properties and influ-

ences, &c. To elaborate the connection between these sciences and the objects of Agriculture, which has its out-goings in the infinite, is neither expected nor demanded in this communication.

I only speak of one other method of maintaining an elevated system of Agriculture, and that is to keep all her manipulations and processes under the dominion of *free labor*.

To work is a privilege, as well as one of the conditions of life. Labor intelligently directed by the masses is the source of untold blessings, affecting no less the moral destiny of the race, than the physical improvement of the State. It is strange in this age of the world, and in a land of Constitutional liberty, we are compelled to insist upon the freedom of labor; yet the necessity of doing so, is no less strange than painful.

This birth-right of the American citizen has been seriously menaced, by a growing sentiment in favor of slave labor in one section of the Union. The two cannot exist upon the same soil. The introduction of the one is the disparagement of the other. They are natural and irreconcilable foes.

Free labor is diffusive in its benefits—equalizes the condition of men—strengthens the moral principle of a country—is progressive in its movements, availing itself of the aids of science in its several departments of Industry; whilst slave labor dispenses its benefactions to the few—presses hardly against the interest of the many—brings premature lecrepitude upon the country, by its wasteful and exhausting tillage, and to *live* must not only enlarge but often change the field of its operations. This naturally induces a spirit for territorial aggrandizement in order to perpetuate slavery, and to extend the political power of one section of the Union, in derogation of the rights of the other, and has brought on a contest between freedom and slavery that has absorbed all the other political questions of the day.

The meeting of these two systems of labor face to face in Kansas, has imparted no little interest to this conflict. Passing by, however, the monstrous frauds, usurpations, violence, and utter disregard of the democratic principle of allowing the people to choose their own rulers and make their own laws, which thus far have marked the progress of this contest in that Territory, I beg leave to go back of all these, and refer to an assumption of power, or constitutional right, which has justly alarmed and excited the jealousy of the North, and, it is apprehended, will give long con-

tinuance and bitterness to this unfortunate contest. I allude to the recent interpretation of the Constitution of the United States which nationalizes slavery, and opens the door for its universality in all the Territories of the government. This extraordinary construction of the charter of our liberties, was first enunciated by the southern section of the Supreme Court in the Dred Scott case afterwards adopted by one of the political parties of this country, and followed up by a distinct recognition on the part of the present Chief Magistrate of the Union.

This distinguished functionary has been pleased to inform the people of this country, that slavery under the Constitution as now *expounded*, may not only be extended beyond the bounds where it now is, but that it already exists practically or theoretically in all the national domain.

If this be so, the investiture of this privilege in 350,000 slave-owners, is a virtual abnegation of the rights of 25,000,000 of non-slaveholders in the occupancy of all these lands. For, it will be confessed that free and voluntary labor will not unite with involuntary and compulsory labor in reclaiming all these territories and transforming them into the culture, the arts and adornments of civilization.

But, it is said from high authority, as a palliative for the exercise of this right under the Constitution to take and hold slaves upon the free territories of this country, that "*when the residents of such Territories proceed to form a State Constitution, then it is their right to decide the important question for themselves, whether they will continue, modify or abolish slavery.*"

But, how a right recognized and guaranteed by the Constitution of the United States, can be thus summarily disposed of, is not readily perceived. It must be founded upon the idea either that the Constitution is not the paramount law of the land, or that it contains a limitation upon this right. It is believed that neither of these postulates can be maintained; and it follows that if this right exists at all, it is an absolute, continuing right, as the other franchises of that venerable instrument are, which no State power can divest, either after it has been exercised, as in Kansas, or in anticipation of its exercise, as Iowa has attempted to do, in prohibiting it in her Constitution. If this construction be the true one, then, as a logical consequence, and as has already been claimed in some quarters, slavery exists theoretically in all the free States

of this Union, and the right need only be asserted to make it so practically.

By thus interpreting the Constitution of the United States, so as to make it sanction the legal right to own and hold slaves wherever the flag of the Union goes, the people of the free North are made an involuntary party to all the evils, political and moral, which attach themselves to this institution, and must share with the South whatever responsibility there may be connected with it as a subsisting national establishment. They protest against being implicated in so great a wrong. To their moral sense, slavery is odious and forbidding. They had been accustomed to view it as a State institution, over which neither they nor the General Government had any control.

But if this new political faith on a subject so exciting is now to obtain, it must be regarded as the foreshadowing of evil days to the commonwealth. Under it, the enfranchisement of free labor is everywhere in peril. Iowa, the offspring of those liberal sentiments that prevailed in the better days of the Republic, when it was deemed no infringement either on the Constitution or the rights of the South, to consecrate *her soil to freedom*, has been no idle spectator of these aggressive movements against the rights of the North. In the late election, she recorded her protest against that perversion of the Constitution, which is breaking down one of the fortresses of liberty in this country. She has been taught to believe that that sacred instrument was intended as the "*bond of deliverance from all wrongs and freedom to all ranks.*" And whilst it is no part of her purpose to cherish animosities towards any one section of our common country, but would rather counsel peaceful relations and good neighborhood, she intends to resist all inroads upon the faith and doctrines of the framers of the Constitution, as well as all encroachments upon the principles of political equality. And if it is permitted her to have limbs, free to toil, hearts, free to beat, and minds to think, she will continue to give evidence of her loyalty to the national Union, the perpetuity of which is the herald and pledge of "the hope that comes to all."

RALPH P. LOWE.

DES MOINES, January 12, 1858.

On motion of Mr. McPherson,  
The Joint Convention adjourned without day.



The Senate having retired to their Chamber,  
 On motion of Mr. Trumbull,  
 The House adjourned.

FRIDAY, JANUARY 15th, 1858. }  
 10 O'CLOCK A. M. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Cook.

Journal of yesterday read and approved.

Mr. Speaker announced the following as the Standing Committees of the House :

### STANDING COMMITTEES OF THE HOUSE.

1. *Ways and Means*—Wilson, Edwards, Mahony, Clark of Des Moines, and Trumbull.
2. *Judiciary*—Seevers, Thompson, Clark of Dubuque, Cooley and Curtis.
3. *Claims*—Richardson, Mitchell, Ayers, Alger and Waln.
4. *Militia*—Morgan, Woodward, Milliser, Crawford and Lambert.
5. *Enrolled Bills*—Wright and Dana.
6. *Engrossed Bills*—Foster and Bradley.
7. *Expenditures*—Edwards, Bates, Curtis, Guiberson and Stewart.
8. *Roads and Highways*—Millard, Reitzel, Casey, Dews and Randolph.
9. *Township and County Organization*—Drummond, Cooley, Dews, Davis and Prentiss.
10. *Public Buildings*—Mitchell, Dewey, Clark of Johnson, Belknap and McGrew.
11. *Schools and State University*—Thompson, Rankin, Curtis, Waln and Clark of Johnson.
12. *Agriculture*—Lundy, Sprague, Moorman, Cavanaugh and Collins.

13. *New Counties*—Streeter, Trumbull, Casady of Woodbury, Laney and Carpenter.
14. *Elections*—Woodward, Stearns, Millsap, Cassaday of Van Buren, and Watts.
15. *Incorporations*—Bates, Wilson, Belknap, Bradley and Seevers.
16. *Improvement of the Des Moines*—Carpenter, Mitchell, Ayres, Beal and Millard.
17. *Federal Relations*—Cooley, Seevers, Clune, Clark of Dubuque, and Thompson.
18. *Internal Improvements*—Prentiss, McCrary, Crawford, Bennett and Foster.
19. *Charitable Institutions*—Dewey, Cassiday of Mahaska, Clark of Johnson, Mahony and Scott.
20. *Public Lands*—Randolph, Drummond, Pierson, Bauder and Gray.
21. *On Banks*—Jackson, Bates, Campbell, Belknap, Wilson.
22. *State Library*—Anthony, Gue, Alger, Beal and Grimes.
23. *Railroads*—Trumbull, Cassiday of Mahaska, Sharp, Foster and Gue.

#### PETITIONS AND MEMORIALS PRESENTED.

By Mr. Mahony :

The petition of certain citizens of Dubuque county, praying for the repeal of an act in relation to School District No. —, in Washington Township, Dubuque county.

On motion of Mr. Mahony,

The petition was referred to the committee on Schools and State University.

Mr. Clark of Johnson,

Moved that the House do now adjourn.

Motion lost.

Mr. Jackson,

Presented the petition of H. C. Henderson and other citizens of Marshall county, praying the passage of a more stringent liquor law.

Which was laid upon the table.

Mr. Mahony introduced

House File No. 11, A Memorial to Congress praying for a grant

of land to aid in the construction of a Railroad from the Missouri River, at some point in Nebraska, to some point in Washington Territory, which was read a first time.

Mr. Clark of Dubuque, with leave, introduced

House File No. 3, A bill for an act to provide the mode of foreclosing mortgages and redeeming property sold thereby, which was read once,

When the 42d rule was suspended, the bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Clark, also introduced

House File No. 4, A bill for an act to give greater security to purchasers and mortgagees of real estate, the bill was read once,

When the 42d rule was suspended, the bill read a second time by its title, and referred to the Committee on Judiciary.

Mr. Shelledy introduced

House File No. 5, A bill for an act to amend an act entitled an act to incorporate the town of Newton, in Jasper county, approved, January 26th, 1857, and also to legalize the election of officers and all official acts of such officers, which was read a first time,

When the 42d rule was suspended, the bill read a second time by its title, and referred to the committee on the Judiciary.

Mr. Carpenter, with leave, introduced

House File No. 6, A bill for an act to authorize Ezekiel L. Hinton to construct a dam across the Des Moines River, which was read once,

When the 42d rule was suspended, the bill read a second time by its title, and referred to the Committee on the Judiciary.

Mr. Woodward

Gave notice that he would on to-morrow, or on some subsequent day of this session, introduce a bill for an act providing for the repeal of an act passed by the General Assembly of the State of Iowa, approved January 20th, 1853, entitled an act to regulate the interest on money.

Mr. Richardson

Gave notice that he would introduce a bill for an act to establish a State Agricultural College and Bureau.

Mr. Collins

Gave notice of the introduction of a bill for an act to provide for a more efficient organization of the several townships in the counties of Iowa.

Also, of a joint memorial praying Congress for a grant of land in aid of the McGregor, St. Peters & Missouri River Railroad.

On motion of Mr. SeEVERS,

The following resolution was adopted :

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of selling the five sections of land granted to the State of Iowa by Congress, for the erection of public buildings in the State, and that they be instructed to report by bill or otherwise.

Mr. Richardson

Offered the following resolution :

*Resolved*, That the Chief Clerk be directed to furnish the members of this House with 150 printed copies of the rules of the House, and the Joint Rules of both Houses, with the Committees of each House, and the names of the respective members thereof. Also the name of each member of this House, with the number of the District to which he belongs, post office address, county, nativity, religion, occupation and age, also the number of years he has resided in this State, and whether married or single.

Mr. Drummond

Moved to amend the resolution by adding the words, "and the political association of each member."

On motion of Mr. Mahony,

The resolution and amendment were laid upon the table.

On motion of Mr. Mahony,

The House resolved itself into a committee of the Whole to consider the report of the committee on rules heretofore submitted.

Mr. Carpenter in the chair.

After a few moments session, the committee rose, reported progress, and asked leave to sit again,

Which leave was granted.

Mr. Foster

Offered the following resolution :

*Resolved*, That 8,000 copies of the Inaugural address in the English Language, 2,000 copies in the German Language, and 500 copies in the Holland Language be printed for the use of this House.

Mr. Wright

Moved to amend the resolution by striking out, "and 500 copies in the Holland Language."

Mr. Harmon

Moved to amend the resolution by adding, "and 500 copies in the Norwegian Language,"

Upon which motion the yeas and nays were demanded and ordered, and were as follows :

Yeas 25, nays 41.

The yeas were,

Messrs. Anthony, Ayers, Bauder, Casady of Woodbury, Curtis, Carpenter, Cooley, Dana, Dews, Edwards, Foster, Gray, Gue Guiberson, Harmon, Lambert, Millard, Pierson, Richardson, Reitzel, Scott, Sprague, Trumbull, Thompson, Waln—25.

The nays were,

Messrs. Bennett, Beal, Belknap, Casey, Campbell, Cassaday of Van Buren, Cassiday of Mahaska, Clune, Clark of Des Moines, Clark of Johnson, Clark of Dubuque, Crawford, Collins, Drummond, Davis, Dewey, Grimes, Johnston, Jackson, Lundy, Laney, Mahony, Mitchell, Morgan, Moorman, McCormick, McCrary, Mill-sap, Prentiss, Randolph, Stearns, Streeter, SeEVERS, Stewart, Sharp, Woodward, Watts, Wright, Wilson, Mr. Speaker—41.

The House refused to adopt the amendment.

Mr. Mahony

Moved the previous question, and upon the question, "Shall the main question now be put,"

The same was agreed to.

The resolution was then adopted.

Mr. Anthony

Moved that the House do now adjourn,

Which motion was lost.

Mr. McCrary

Gave notice of the introduction of a bill for an act to amend an act entitled "an act to establish a Recorder's office in the city of Keokuk," approved January 8th, 1857.

Mr. Millard

Gave notice that he would introduce a bill providing for the appraisal of property taken on execution.

Also, a bill for an act to repeal an act entitled "an act allowing and regulating the stay of execution on judgments of the District and Justices Courts," passed at the Fourth General Assembly of the State of Iowa, and to provide for taking the stay of execution on judgments of said Courts.

**Mr. Belknap**

Gave notice of the introduction of a bill for an act to legalize the acts of C. R. Dimond as a Notary Public.

**Mr. Waln**

Introduced the following resolution :

*Resolved*, That Thomas W. Gill, of Polk county, be appointed Fireman for the Committee Rooms used by this House.

The House refused to adopt the resolution.

**Mr. Bennett**

Gave notice of the introduction of a bill for an act to separate the office of County Treasurer and Recorder.

**Mr. Dana**

Gave notice of the introduction of a bill for an act for the permanent location of the Deaf and Dumb Asylum of the State of Iowa at Eldora, in Hardin county.

**Mr. Curtis**

Gave notice that he would introduce a bill for an act for the better security of the State and County revenue.

**Mr. Clark**, of Des Moines,

Moved that the House do now adjourn.

Motion lost.

**Mr. Edwards**

Gave notice that he would introduce a bill for an act providing for the appraisement of property to be offered for sale on execution for the payment of debts, and providing that said property shall not be sold for less than two-thirds of the value, as ascertained by said appraisement.

**Mr. Harmon**

Gave notice of the introduction of a bill providing for a more prompt collection of the State and County revenue.

**Mr. Guiberson**

Gave notice that he would introduce a bill for an act to provide for the appraisement of personal property taken on execution.

**Mr. Drummond**

Gave notice of the introduction of a bill for an act to provide for County and Township organization.

**Mr. Steward**

Gave notice of his intention to introduce a bill for an act to provide for the assessment of property, and also to repeal an act enti-

ted an act in relation to the assessment of property, approved Jan. 28th, 1857.

Mr. Millard

Gave notice that he would introduce a bill for an act to provide for a permanent location of the Deaf and Dumb Asylum at Indianola, Warren county.

Mr. Harmon

Gave notice of the introduction of a bill for an act for securing to settlers on and near swamp lands, a portion of the same at the appraised value.

Mr. Seevers,

From a Committee heretofore appointed submitted the following report, which was concurred in by the House :

The Committee to whom was referred the documents accompanying the Governor's Message, beg leave to report :

“That all documents and correspondence in relation to the Indian difficulties at Spirit Lake, be referred to a committee of three of which Mr. Carpenter, of Webster, be Chairman.

“That the report of J. M. Beck, the special Agent appointed by the Governor to investigate the affairs of the late Superintendent of Public Instruction, be laid on the table and one thousand copies printed for the use of this House.

“That the report of the Commissioners of the Insane Asylum be referred to the Committee on Charitable Institutions.

“That all papers in relation to the Penitentiary be referred to the Committee on Public Buildings.

“That all other documents accompanying the Governor's Message be laid on the table.”

SEEVERS.

OLUNE,

JACKSON.

Messrs. Carpenter, Jackson and Mahony were appointed as the Special Committee recommended in the above report.

The House then adjourned.

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TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Seevers, with leave, introduced

House File No. 7: A bill for an act to repeal certain portions of the Code.

Which was read the first time, when the 42d Rule was suspended and the bill read a second time and referred to the Committee on Judiciary.

Mr. Seevers introduced

House File No. 8: A bill for an act to repeal an act entitled an act to repeal section 1848 of the Code of Iowa.

Mr. Seevers

Moved that the 42d Rule be suspended and the bill be read a second time now by its title.

Which motion the House refused to agree to.

Mr. Guiberson introduced

House File No. 9: A bill for an act to provide for a more liberal stay of execution on judgment,

Which was read a first time.

#### BILLS ON SECOND READING.

House File No. 1: A bill for an act entitled an act fixing the terms of District Courts of the Eleventh Judicial District,

Was read a second time and referred to a Committee composed of the Representatives from the Eleventh Judicial District.

House File No. 2: A bill for an act fixing the terms of the District Courts in the First Judicial District,

Was read a second time, when,

On motion of Mr. Mahony,

The 42d Rule was suspended and bill read a third time and put upon its passage.

Upon the question of the passage of the bill, the yeas and nays were called and were as follows:

Yeas 65—Nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Bennett, Beale, Belknap, Casey, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Curtis, Clune, Clark of Des Moines, Clark of Johnson, Cavanaugh, Carpenter, Crawford, Collins, Cooley, Drummond, Dana, Dews, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harman, Johnson, Jackson, Lambert, Lundy, Laney, Mahony, Mitchell, Morgan, Milliser, Moorman,



McGrew, McCormick, McCrary, Millsap, Prentiss, Reitzel, Randolph, Stearns, Streeter, Seevers, Steward, Scott, Sprague, Sharp, Trumbull, Thompson, Woodward, Waln, Watts, Wright, Wilson, Mr. Speaker—65.

The title of the bill was then agreed to.

Mr. Edwards, with leave, introduced  
House File No. 10: A bill for an act concerning aliens,  
Which was read a first time.

Mr. Mahony

Offered the following resolution, which, upon his motion, was adopted:

*Resolved*, That a Committee of one from each Judicial District be appointed to report to the House at an early day of the session, a bill regulating the boundaries of the several Judicial Districts of the State, and the time of holding Courts therein.

Mr. Speaker announced the following named gentlemen as said Committee, to-wit:

Messrs. Seevers, Wilson, Trumbull, McCrary, Clark of Dubuque, Cooley, Alger, Thompson, Dews, Casady of Woodbury, Beale, Edwards and Bates.

Mr. Clark, of Johnson,

From the Committee on Joint Rules, submitted the following Report:

#### J O I N T R U L E S .

1st. In every case of disagreement between the two Houses, if either House request a conference and appoint a Committee for that purpose, the other House shall appoint a Committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time to be agreed upon by their Chairmen, and having conferred freely, each shall report to their respective House the result of their conference.

2d. When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent, by the Door-Keeper thereof, and shall be respectfully communicated to the Chair by the person with whom it is sent.

3d. All messages between the two Houses shall be communicated by the Secretary or Chief Clerk or their respective assistants.

4th. When a bill shall have passed both Houses, it shall be duly

enrolled by the Enrolling Clerk of the House in which it originated, and the fact of its origin shall be certified by the endorsement of the Secretary or Clerk thereof.

5th. When bills are enrolled they shall be examined by a Joint Committee of — from the Senate and two from the House of Representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses, correct any errors therein, and make report thereof forthwith to their respective Houses.

6th. After said report each bill shall be signed first by the Speaker of the House of Representatives and then by the President of the Senate, in the presence of their respective Houses.

7th. After the bill shall have been thus signed in each House, it shall be presented by said Committee to the Governor for his approval, and they shall forthwith report the day of presentation, which shall be entered upon the Journal of the House in which the bill originated.

8th. All orders, resolutions, memorials or other votes which are to be presented to the Governor for his approval, shall be enrolled, examined, signed and presented in the same manner as bills.

9th. When any bill, joint resolution or memorial which shall have passed in one House, is rejected in the other, notice of said rejection shall be given to the House which passed the same.

10th. When a bill, resolution or memorial which shall have passed one House, is rejected in the other, it shall not be introduced again during the session without five days notice and leave of two-thirds of the members voting thereon.

11th. Each House shall transmit to the other with any bill, resolution or memorial, all papers upon which the same shall be founded.

12th. When each House shall have adhered to their disagreement a bill or resolution is lost.

13th. When any bill or resolution which may have passed one House is ordered to be printed by the other, a greater number of copies shall not be printed than is necessary for the use of the House making the order. When any other bill or resolution shall be ordered to be printed by either House, a sufficient number of copies shall be printed for the use of both Houses.

14th. It shall be the duty of the Chief Clerk of the House of Representatives and the Secretary of the Senate, when any docu-

ment, except bills and resolutions, is ordered to be printed in their respective Houses, forthwith to communicate such order to the other House.

15th. In all elections in Joint Convention of the two Houses, the names of the members shall all be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

Mr. Foster

Offered the following resolution :

*Resolved*, That the Committee on Banks be instructed to report at an early day a bill creating or authorizing the establishment of a bank or banks of issue.

Upon the question of the passage of the resolution, the yeas and nays were demanded and were as follows :

Yeas 47, }  
Nays 18. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beale, Cassiday of Mahaska, Clune, Clark of Des Moines, Carpenter, Collins, Cooley, Drummond, Dana, Davis, Dewey, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, Laney, Mitchell, Morgan, Moorman, McGrew, McCrary, Prentiss, Richardson, Rankin, Reitzel, Randolph, Stearns, Streeter, Seevers, Stewart, Scott, Sprague, Trumbull, Thompson, Woodward, Waln, Watts, Wright, Wilson and Mr. Speaker—47.

The nays were,

Messrs. Ayres, Bennett, Belknap, Casey, Cassaday of Van Buren, Casaday of Woodbury, Curtis, Crawford, Dews, Gray, Johnson, Jackson, Mahony, Milliser, McCormick, Millsap, Sharp—18.

The resolution was agreed to.

Mr. Belknap,

Presented the remonstrance of certain citizens of Lee county, against the impeachment of Thos. W. Claggett, which was referred to the committee on that subject.

On motion of Mr. Foster,

The Petition of citizens of Keokuk, in relation to the repeal of an act amendatory to an act incorporating the city of Keokuk was taken from the table and referred to the committee on Incorporations.

Mr. Bander

Offered the following resolution :

*Resolved*, That the thanks of the members of this House be tendered to the citizens of Des Moines city, for the mark of respect shown them on the Festival occasion, on the evening of the 14th, in preparing a bountiful supper for their benefit.

Mr. Mahony

Moved that the resolution be laid upon the table, upon which question the yeas and nays were ordered and were as follows :

Yeas 16, nays 46.

The yeas were,

Messrs. Anthony, Ayers, Bates, Collins, Grimes, Guiberson, Johnson, Lambert, Laney, Mahony, Morgan, McGrew, McCormick, Richardson, Randolph, Steward, Scott.

The nays were,

Messrs. Bander, Bennett, Beale, Belknap, Casey, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Curtis, Clune, Clark of Des Moines, Clark of Johnson, Clark of Dubuque, Cavanaugh, Crawford, Cooley, Drummond, Dana, Dews, Davis, Dewey, Edwards, Foster, Gray, Gue, Harmon, Jackson, Lundy, Mitchell, Millard, Milliser, Moorman, McCrary, Millsap, Prentiss, Pierson, Reitzel, Stearns, Streeter, Severs, Scott, Sprague, Sharp, Trumbull, Thompson, Woodward, Waln, Watts, Wright, Wilson, Mr. Speaker—46.

The motion to table was not agreed to.

Mr. Bates

Moved that the resolution be referred to the committee on Internal Improvements.

Which motion was lost.

Mr. Lambert

Moved to amend the resolution by striking out all after the word resolved, and inserting "That each member be permitted to express his individual thanks for the supper provided.

Which amendment was agreed to.

Mr. Bennett, with leave,

Presented the petition of certain citizens, praying the location of the State Road leading from Knoxville to Gosport,

Which, upon motion of Mr. Davis,

Was laid upon the table.

Mr. Edwards,

Offered the following resolution :

*Resolved*, That the committee on the Judiciary be instructed to enquire into the expediency of providing for a Court of Common Pleas ; also for a board of County Commissioners, or for Township Organization, and to abolish the office of County Judge, and report by bill or otherwise.

Mr. Jackson

Moved to amend the resolution by striking out the words "Common Pleas," and inserting the words "a Court having common law jurisdiction on all sums under \$500.

The motion was lost.

Mr. Curtis

Moved to amend by striking out all after the word please.

Lost.

Mr. Jackson

Moved to amend by inserting after the word pleas, the words Civil Jurisdiction.

Motion lost.

The question recurring upon the resolution, the same prevailed.

On motion of Mr. Davis,

The following resolution was adopted :

*Resolved*, That the committee on Ways and Means be instructed to take into consideration the propriety of establishing in each county, the office of County Auditor.

On motion of Mr. Mahony,

The House now resolved itself into a Committee of the Whole, for the purpose of considering the Message of the Governor.

Mr. Prentiss in the Chair.

At 3 o'clock and 40 minutes, the Committee rose, reported some progress made, and asked leave to sit again.

Which leave was granted.

Mr. Jackson

Moved that the House do now resolve itself into a Committee of the Whole, to further consider the Governor's Message.

Which motion was lost.

On motion of Mr. Clune,

The House adjourned.

SATURDAY MORNING,  
 JANUARY 16th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Cook.

The Journal of yesterday was read and approved.

Message from the Senate by their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has ordered to be printed, the following number of copies of the Governor's Inaugural Address :

Five thousand copies in English.

Two thousand copies in German, and

One thousand copies in the Holland language.

I am further directed to present to the House of Representatives a memorial from the citizens of Council Bluffs to the Secretary of War, in relation to the Mormon Rebellion in Utah Territory.

I am also further directed to inform the House of Representatives that the Senate has passed Senate File No. 1, A Joint Resolution and Memorial to the Secretary of War, asking the establishment of Military Posts along the line of travel to California, and also one at Council Bluffs, in which the concurrence of the House of Representatives is asked.

I herewith return House File No. 2, A bill for an act regulating the terms of Court in First Judicial District.

The Senate having passed a substitute therefor, to which the agreement of the House is asked.

GEO. E. SPENCER, Sec'y Senate.

Mr. Wright

Moved to expunge from the Journal of yesterday the proceedings of the House in relation to the festivities held in the Hall on Thursday evening, the 12th inst.

Which motion was lost.

Mr. Millsap

Presented the petition of citizens of Dubuque and Jackson Counties praying for the repeal of an act creating a New School District out of parts of said Counties,

Which petition was referred to the Committee on Schools.

Mr. Trumbull

Presented the petition of H. P. Nelson and others, praying for

the passage of an act in relation to Township Organizations,  
Which petition was referred to the Committee on Township and  
County Organizations.

Mr. Carpenter

Presented the petition of citizens of Winnebago, Hancock and  
other Counties, praying for the establishment of a State Armory  
at Fort Dodge,

Which petition was referred to the Committee on Military Affairs.

Mr. Wright

Moved that the regular order of business be suspended, and  
that the House resolve itself into Committee of the Whole to con-  
sider the Report of the Committee on Rules.

Which motion was agreed to.

Mr. Crawford in the Chair.

At 12 o'clock the Committee rose, and by their Chairman re-  
ported progress made, and asked leave to sit again.

Which leave was granted.

On motion of Mr. Jackson,

The House adjourned.

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TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Pierson

Introduced the following Resolution:

*Resolved*, That L. Davis be and is hereby appointed Fourth  
Messenger of this House.

Mr. Bates

Moved to strike out L. Davis, and insert George Lanning.

Which motion was lost.

The question recurring upon the adoption of the Resolution, it  
was agreed to.

Mr. Wilson

Moved that the regular order of business be suspended, and  
that the House resolve itself into a Committee of the Whole to  
consider the Report of the Committee on Rules and Joint Rules.

Which motion was adopted.

Mr. Crawford in the Chair.

At 3½ o'clock the Committee rose and reported back to the House

the Report of the Committee on Rules and Joint Rules, with sundry amendments, and recommended their adoption as amended.

Which Report was concurred in.

On motion of Mr. Wright,

The said Rules were adopted for the government of this House.

On motion of Mr. Mahony,

The Resolution in relation to the printing of the Rules of the House heretofore offered,

Was taken from the table,

Whereupon the amendment offered by Mr. Drummond was withdrawn by leave of the House.

On motion of Mr. Bates,

The Resolution was amended by striking out "150," and inserting 360.

**Mr. Mahony**

Moved to so amend the Resolution as to require the New Constitution to be printed with the Rules of the House.

The amendment was not agreed to.

Mr. Clark of Johnson,

Moved to amend by striking out all after the word "thereof."

Which motion was lost.

Mr. Prentiss

Moved to amend by striking out the word religion.

Motion lost.

The Resolution was then agreed to.

On motion of Mr. Wilson,

Senate File No. 1, Joint Resolution and Memorial to the Secretary of War, asking for the establishment of Military Posts along the line of travel to California, and also one at Council Bluffs,

Was taken up and read a first and second time,

When Mr. Carpenter moved the Joint Resolution be referred to the Committee on Military Affairs.

Which motion was lost.

On motion of Mr. Wilson,

The 42d Rule was suspended, the Resolution read a third time and put upon its passage. Upon the question, shall the Joint Resolution pass, the yeas and nays were called and were as follows:

Yeas 63—nays none.

The yeas were

Messrs. Anthony, Ayers, Bates, Bauder, Bennett, Belknap, Ca-



sey, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Curtis, Clune, Clark of Des Moines, Clark of Johnson, Clark of Dubuque, Cavanaugh, Carpenter, Crawford, Collins, Dana, Dews, Davis, Edwards, Foster, Gray, Grimes, Gue, Harmon, Johnson, Jackson, Lambert, Lundy, Laney, Mahoney, Mitchell, Morgan, Millard, Milliser, Moorman, McGrew, McCormick, McCrary, Millsap, Prentiss, Pierson, Richardson, Reitzel, Randolph, Stearns, Streeter, Seevers, Steward, Scott, Sprague, Sharp, Thompson, Woodward, Waln, Watts, Wright, Wilson and Mr. Speaker—63.

Message from the Senate by their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the report of the Committee on Joint Rules.

GEO. E. SPENCER,  
Secretary of the Senate.

Mr. McCrary

Offered the following resolution,

Which, upon his motion,

Was adopted.

*Resolved*, That one thousand copies of the report of the Commissioners of the Des Moines River Improvement, be printed for the use of the House, and that said report, together with so much of the Governor's message as relates thereto, be referred to the Committee on the Des Moines River Improvement, with instruction to report by bill or otherwise.

Mr. Harmon,

With leave introduced House File No. 12, Joint Resolution in relation to Swamp and Overflowed Lands,

Which was read the first and second time, and,

Referred to the committee on Public Lands.

Mr. Clune

With leave introduced House File No. 13, a bill for an act to erect a School District out of a part of Danville and Flint River townships, to be called the Middletown District,

Which was read twice, and

Referred to the Committee on Schools and State University.

Mr. Belknap

Presented the petition of citizens of Lee county, praying for the impeachment of Thos. W. Claggett,

Which was referred to the committee upon that subject.

Mr. Carpenter

Presented the petition of citizens of Dickinson county, asking the enlistment of a company of volunteer troops, for their protection from Indian incursions,

Which was referred to a committee consisting of Messrs. Carpenter, Crawford and Thompson.

Senate substitute for House File No. 2, A bill for an act fixing the times of Courts in the first Judicial Districts,

Was taken up, and adopted by the House.

On motion of Mr. Stearns,

Messrs. Harmon and Bradley were added to the Committee on the Judiciary.

On motion,

The House adjourned.

MONDAY MORNING, }  
JANUARY 18th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

The Journal of Saturday was read and approved.

MR. SPEAKER :

Presented the following communication :

HALL OF THE HOUSE OF REPRESENTATIVES, }  
Des Moines City, January 18th, 1858. }

MR. SPEAKER :

I hereby tender you my resignation as Chief Clerk of the House. You will please communicate the same to the members thereof, and oblige

Your Humble Servant,

B. F. JONES.

Mr. Seevers

Moved that the resignation be accepted, and that the House proceed to fill the vacancy,

Which motion was agreed to.

Mr. Drummond

Nominated W. P. Hepburn of Marshall county for Chief Clerk.

Mr. Belknap

Nominated Mr. Hull of Polk county.

W. P. Hepburn received 40 votes.

Mr Hull received 26 votes.

W. P. Hepburn having received a majority of all the votes cast was declared duly elected Chief Clerk of the House of Representatives.

Message from the Senate by their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following resolution :

*Resolved*, That a committee of one from each Judicial District of the State be appointed by the President of the Senate, to act in concert with a similar Committee of the House, to report a bill for the districting in Judicial Districts, of the State, as required by the Constitution.

I am further directed to inform the House that Senators Loughridge, Wilson, Rankin, Anderson, Bailey, Jenkins, Patterson, Foster, Pusey, Brown, Dale and Carter, have been appointed a Committee on the part of the Senate agreeably to the above resolution.

GEO. E. SPENCER,  
Sec'y. of Senate.

Mr. Cooley

Moved that the House proceed to the election of a second assistant Clerk,

Upon which motion, the yeas and nays were demanded, and were as follows :

Yeas 37, nays 28.

The yeas were,

Messrs. Anthony, Bates, Casey, Cassiday of Mahaska, Carpenter, Collins, Cooley, Drummond, Dana, Davis, Dewey, Foster, Gray, Grimes, Gue, Harmon, Jackson, Lundy, Mahoney, Mitchell, Morgan, Millard, Moorman, McGrew, McCrary, Prentiss, Reitzel,

Randolph, Streeter, SeEVERS, Stewart, Scott, Trumbull, Thompson, Woodward, Waln, Watts, Wright, Wilson, Mr. Speaker.

The nays were,

Ayres, Bauder, Bennett, Beal, Belknap, Campbell, Cassaday of Van Buren, Casady of Woodbury Curtis, Clune, Clark of Des Moines, Clark of Johnson, Clark of Dubuque, Cavanaugh, Crawford, Dews, Gray, Guiberson, Johnston, Lambert, Laney, McCormick, Millsap, Pierson, Richardson, Stearns, Sprague, Sharp

Mr. SeEVERS

Nominated B. F. Jones, for second Assistant Clerk.

Mr. Clune

Nominated W. W. Walbridge.

B. F. Jones received 34 votes.

W. W. Walbridge received 26 votes.

Scattering, 3 votes.

B. F. Jones having received a majority of all the votes cast, was declared duly elected second Assistant Clerk of the House of Representatives.

On motion of Mr. Dana,

The oath of office was administered to the officers elect.

Mr. Sharp introduced

House File No. 14, A Joint Resolution to procure increased mail facilities, which was read once.

Mr. Jackson

Introduced the following resolution, which upon his motion, was adopted :

*Resolved*, That the number of the Committee on Banks be increased to seven, and that Messrs. SeEVERS and Bradley be made such additional members.

Mr. Harmon

Moved that the Committee on Public Buildings be increased to eleven, by adding the names of six members from the northern portion of the State, which motion was agreed to.

Whereupon, the Speaker announced the names of the following gentlemen as the additional members of said committee :

Messrs. Harmon, Crawford, Cooley, Casady of Woodbury, Bates and Richardson.

Mr. Mahony

Introduced the following resolution, which was agreed to :

*Resolved*, That the Chief Clerk inform the Senate that previous

to the reception of the message of the Senate, informing the House that a committee of the Senate had been appointed to District the State into Judicial Districts, the House of Representatives had appointed a committee for the same purpose, and that the House has directed said committee to act in conjunction with the Senate Committee for the performance of the duties for which they have been appointed.

Mr. Dana

Presented the petition of Mr. James B. Thomas and others, praying for relief of said Thomas,

Which petition was referred to the Committee on Claims.

Mr. McCrary

Introduced the following resolution, which upon his motion was adopted :

*Resolved*, That the Secretary of State be instructed to furnish each member of this House with a copy of the latest Census Returns of the State of Iowa.

On motion of Mr. Woodward,

The committee on New Counties was increased from five to seven, by the addition of the names of Messrs. Grimes and Stearns.

On motion of Mr. Harmon,

The following resolution was adopted :

*Resolved*, That the committee on Public Lands, to whom was referred the Joint Resolution in relation to swamp and overflowed lands, be instructed to report at the earliest opportunity.

Mr. Curtis

From the Special Committee, to whom was referred House File No. 1, Reported the same back with sundry amendments, and recommended its passage. The amendments were concurred in by the House, and the bill ordered to be engrossed and read a third time to-morrow.

## BILLS INTRODUCED.

By Mr. McCrary :

House File No. 15, A bill for an act to amend an act, creating the office of Recorder, in the city of Keokuk. The bill was read a first and second time, and referred to a Select Committee, composed of the delegations from Lee county, and the 55th Representative District.

By Mr. Harmon :

House File No. 16, Joint Resolution and Memorial in relation to swamp lands. The resolution was read twice and referred to the Committee on Public Lands, with instructions to report as early as possible.

By Mr. Jackson :

House File No. 17, Joint Resolution and Memorial to Congress, asking the establishment of Military Posts at Ft. Dodge, Sioux City and Niabrarah. The Joint Resolution was read a first and second time, and ordered to be engrossed and read a third time tomorrow.

Also House File No. 18 : A bill for an act to legalize the official acts of Thos. W. Graham,

Which was read the first and second time, and referred to the Committee on Judiciary.

Mr. Mahony introduced

House File No. 19 : A bill for an act requiring suit to be instituted and prosecuted against delinquent County Treasurers,

Which was read twice and referred to the Committee on Ways and Means.

Mr. Edwards introduced

House File No. 20 : A bill for an act regulating the mileage of County Treasurers, members of the General Assembly and Board of Education,

Which was read the first and second time, when,

On motion of Mr. Mahony,

It was laid upon the table and ordered printed for the use of the House.

Mr. Collins introduced

House File No. 21 : A bill for an act legalizing the official acts of the Town Council of the town of Guttenburg, Clayton county.

Which was read the first and second time, and referred to the Committee on Incorporations.

Mr. Dana introduced

House File No. 22 : A bill for an act to legalize the acts of the County Assessors of Hardin county,

Which was read the first and second time, and referred to the Committee on Judiciary.

Mr. Wilson introduced

House File No. 23 : Joint Resolution of instruction to our Sena-

ators and Representatives in Congress concerning the admission of Kansas to the Union.

The Joint Resolution was read twice, when

Mr. Clark, of Johnson,

Moved it be laid upon the table, and ordered printed for the use of the House, and be made the special order for Thursday morning next at 10 o'clock.

A division of the question was asked, and upon the question to lay the resolution on the table and print, the yeas and nays were demanded and were as follows:

Yeas 33, }  
Nays 35. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Bennett, Beale, Belknap, Casey, Campbell, Casady of Woodbury, Cassiday of Mahaska, Curtis, Clune, Clark of Des Moines, Clark of Johnson, Clark of Dubuque, Cavanaugh, Crawford, Drummond, Dews, Edwards, Gray, Guiberson, Harmon, Johnson, Laney, Mahony, McCormick, Millsap, Pierson, Sprague, Sharp, Thompson and Waln—33.

The nays were,

Messrs. Bates, Carpenter, Collins, Cooley, Dana, Davis, Dewey, Foster, Grimes, Gue, Jackson, Lambert, Lundy, Mitchell, Morgan, Millard, Moorman, McGrew, McCrary, Prentiss, Richardson, Reitzel, Randolph, Stearns, Streeter, Seevers, Steward, Scott, Trumbull, Woodward, Watts, Wright, Wilson and Mr. Speaker—35.

The question to lay upon the table was lost.

The question now being upon the motion of Mr. Clark, of Johnson, to make the resolution the special order for Thursday next,

Mr. Clark, of Dubuque,

Moved to amend by striking out Thursday and inserting Monday,  
Pending which,

On motion of Mr. Curtis,

The House adjourned.

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TWO O'CLOCK, P. M.

The motion heretofore made to make House File No. 23 the special order for Monday next being still pending,

On motion of Mr. Clark, of Johnson,

It was ordered that the bill be printed and be committed to the Committee of the whole House as the special order for Thursday next at 2½ o'clock, P. M.

Mr. Mahony introduced

House File No. 24: A bill for an act to repeal an act entitled an act for revising and consolidating the laws incorporating the city of Dubuque, and to establish a City Court therein.

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

Mr. Edwards introduced

House File No. 25: A bill for an act in relation to the purchase of copies of the debates of the late Constitutional Convention,

Which was read the first and second time and referred to the Committee on Expenditures.

Mr. Foster introduced

House File No. 26: A bill for an act concerning the foreclosure of the right of redemption of lands sold for taxes.

The bill was read twice, referred to the Committee on Ways and Means and ordered to be printed.

Mr. Guiberson introduced

House File No. 27: A bill for an act for the appraisement of personal property taken on execution,

Which was read twice and referred to the Committee on Judiciary.

On motion of Mr. Foster

The following resolution was agreed to:

*Resolved*, That D. N. Sprague be added to the Committee on Engrossed Bills.

Mr. Steward introduced

House File No. 28: A bill for an act in relation to Assessors.

Which was read twice, and

On motion of Mr. Crawford,

Was laid upon the table and ordered printed for the use of the House.

Mr. Seevers introduced

House File No. 29: A bill for an act making an appropriation for swamp land purposes,

Which was read twice and referred to the Committee on Public Lands.



Mr. Steward introduced

House File No. 30: A bill for an act concerning sheep and swine, Which was read twice and referred to the Committee on Agriculture.

Mr. Speaker

Laid before the House a report of the doings of the State Agricultural Society, communicated by the Secretary of the same.

Which was laid upon the table and ordered to be printed.

On motion of Mr. Seevers

The above report was taken from the table and referred to the Committee on Agriculture.

On motion of Mr. McCrary

The committee heretofore appointed to re-district the State into Judicial Districts, was instructed to act in concert with the committee appointed upon the same subject by the Senate.

#### BILLS ON SECOND READING.

House File No. 11 was read a second time and referred to the Committee on Rail Roads.

House File No. 14 was read a second time and ordered to be engrossed and read a third time to-morrow.

House File No. 8 was read a second time and ordered to be engrossed and read a third time to-morrow.

House File No. 9 was read a second time and referred to the Committee on Agriculture.

House File No. 10 was read a second time and referred to the Committee on Judiciary.

Mr. Wright,

From the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills ask leave to report that they have examined the Senate substitute for House File No. 2, and find the same correctly enrolled.

ED. WRIGHT, Chairman.

Mr. Belknap

Presented the remonstrance of citizens of Keokuk against the impeachment of Thos. W. Claggett.

Also, the remonstrance of members of the bar of Des Moines county on the same subject,

Which was referred to the committee on that subject.

**Mr. Clune**

Presented the remonstrance of citizens of Des Moines county on the same subject,

Which had the same reference.

**Messrs. Bauder and Casey**

Each presented a similar remonstrance,

Which was referred to the same committee.

**Mr. Lundy**

Presented a memorial of the Board of Directors of the State Agricultural College,

Which was referred to the Committee on Agriculture.

**Mr. Carpenter**

Presented the remonstrance of citizens of Webster county against the repeal of an act heretofore passed granting the right to construct a dam across the Des Moines river to Geo. W. McClure,

Which was referred to the Committee on Judiciary.

**Mr. Campbell**

Presented the petition of citizens of Wapello county asking the passage of an act to change the name of the town of Cleveland to Andover,

Which was referred to the Committee on Judiciary.

**Mr. Grimes**

Presented the petition of John Albaugh and 135 other citizens of Delaware and Clayton counties, praying for the passage of an act to encourage the destruction of Wolves and Wild Cats,

Which was referred to the Committee on Agriculture.

**Mr. Lundy**

Presented the memorial of citizens praying for the establishment of an Agricultural College and Experimental Farm, for the promotion of scientific and practical agriculture,

Which memorial was referred to the Committee on Agriculture.

On motion of Mr. Edwards

House File No. 8 was taken from the table and referred to the Committee on Judiciary.

**Mr. Millard**

Introduced the following Resolution, which was laid upon the table:

*Resolved*, That a committee be appointed by the Speaker of the House of Representatives consisting of one member from each Ju-

ditional District, to act in concert with a similar committee of the Senate for the purpose of re-districting the State for Senatorial and Representative purposes, in accordance with the new Constitution, and to report a bill for that purpose.

Message from the Senate, by their Sec'y:

MR. SPEAKER:

I herewith present for your signature Senate File No. 1: A Joint Resolution and Memorial to the Secretary of War, asking the establishment of military posts along the line of travel to California, and also one at Council Bluffs,

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

I am also directed by the Senate to inform the House of Representatives that the Senate has passed Senate File No. 2: A bill for an act legalizing the acts of certain school officers in Marion township, Linn county, Iowa,

In which the concurrence of the House is asked.

GEO. E. SPENCER,  
Secretay Senate.

Mr. Harmon

Offered the following resolution, which was adopted:

*Resolved*, That the Sergeant-at-Arms be instructed to prepare the several Committee Rooms, and see that they be warmed for the several Committees.

On motion of Mr. Foster

The House adjourned.

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TUESDAY MORNING, }  
JANUARY 19th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

Journal of yesterday read and approved.

Message from the Senate by their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Represen-

tatives that the Senate has passed the following bills, in which the concurrence of the House is asked.

Senate File No. 4, An act legalizing the assessment of property in Madison County, Iowa.

Senate File No. 6, An act to legalize the acts of Jas. D. Devon, as Notary Public.

GEORGE. E. SPENCER,  
Secretary Senate.

### PETITIONS.

Mr. Drummond

Presented the petition of citizens of Benton County, praying for the passage of an act abolishing the Office of County Judge, and also for the passage of an act creating a Board of Supervisors, similar to that elected under the Township Organization of New York, &c.,

Which was referred to the Committee on Township and County Organizations.

Mr. Dana

Presented the petition of citizens of Grundy County, praying for the passage of an act abolishing the Office of County Judge, and the passage of an act creating a Board of Supervisors, &c.,

Which was referred to the Committee on Incorporations.

Mr. Carpenter

Presented the petition of citizens, praying for a diversion of the Des Moines River Improvement Land Grant,

Which was referred to the Committee on the Des Moines River Improvement.

Mr. Wright

Submitted the following Report:

The Committee on Enrolled Bills Report that they have presented the following bill to the Governor, for his signature.

Senate substitute for House File No. 2, An act to amend an act regulating the terms of the District Court in the First Judicial District.

ED. WRIGHT, Chairman.

Mr. Mitchell

Presented the petition of citizens, praying for the appointment

of Commissioners to locate a State Road from the town of Mitchell, in Polk County, to Adel, in Dallas County,

Which was referred to the Committee on Roads and Highways.

Mr. Gray

Presented the petition of citizens, praying for the appointment of Collectors of Revenue in each Township in the State,

Which was referred to the Committee on Township and County Organizations.

Mr. Johnson

Presented the petition of citizens of Jones County, on the same subject,

Which was referred to the Committee on Township and County Organizations.

Mr. Carpenter

Presented the petition of citizens, asking for a division of Hancock County,

Which was referred to the Committee on New Counties.

Mr. Johnson,

Presented the petition of citizens of Jones County, praying for the enactment of a law extending the time of payment of debts for one year,

Which was referred to the Committee on Judiciary.

Mr. Foster introduced

The following Resolution, which was not agreed to.

*Resolved*, That W. V. Hayt be, and is hereby elected Fireman of the House Committee Rooms.

Mr. Belknap

Offered the following Resolution, which was adopted:

WHEREAS, The act of Congress, approved March 3d, 1845, entitled "An act supplemental to the act for the admission of the States of Iowa and Florida into the Union," expressly declares that "the Bounty Lands granted for military service during the late war, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, County, Township or any other purpose, for the term of three years, from and after the dates of the patents respectively, and whereas, the act of the General Assembly of the State of Iowa, approved January 15th, 1849, and accepts and re-affirms said declaration, and whereas said agreement has been violated in various instances; therefore,

*Resolved*, That the committee on Judiciary be instructed to report what legislation, if any is necessary on the subject.

Mr. Foster,

From the Committee on Engrossed Bills, submitted the following Report :

The Committee on Engrossed Bills beg leave to Report, that they have examined House File No. 1, An act entitled an act fixing the terms of the District Courts of the Eleventh Judicial District, and find the same correctly engrossed. Also,

House File No. 17, A Joint Memorial to establish Military Posts at Fort Dodge, Sioux City and Niobrarah, and find the same correctly engrossed. Also,

House File No. 24, An act to repeal an act entitled an act revising and consolidating the laws incorporating the city of Dubuque, and to establish a City Court therein, and find the same correctly engrossed.

C. J. L. FOSTER, Chairman.

Mr. Drummond

Offered the following Resolution, which, upon his motion, was adopted :

*Resolved*, That the Chief Clerk of this House be instructed in making up the Journal of proceedings, to give the titles of all bills where reference is had to the same, as well as their No., on the House or Senate Files.

Mr. Mahony

Offered the following Resolution, which, upon motion of Mr. Wilson, was laid upon the table and ordered to be printed for the use of the House.

*Resolved*, That it is the sense of this House that a system of Township and County Organization should be established by law, which should embrace the following features, to wit: The assessment of property and the collection of the revenue by township officers, the separation of the offices of county recorder and county treasurer, and the election of separate and distinct persons to fill such offices ; the creation of the office of County Auditor ; the establishment of a Court in each County of Civil Jurisdiction, coordinate to some extent with the District Court ; the abrogation of the office of County Judge ; the creation of the office of County Supervisor of roads who shall have jurisdiction of road matters, or, by law may be provided the creation of a fiscal agent in each

county, under whose authority county funds shall be disbursed, and that the Committee of Ways and Means shall report a bill embracing these matters.

Mr. Randolph,

From the committee on Public Lands, submitted the following report :

The Committee on Public Lands, to whom was referred House File No. 16, "A Joint Memorial in relation to swamp lands," have had the same under consideration, and have instructed me to report the same back to the House without amendment, and to recommend its adoption.

J. F. RANDOLPH, Chairman.

Mr. Seevers,

From the Committee on Judiciary, submitted the following report :

The Committee on Judiciary, to whom was referred House File No. 5, A bill to amend an act to incorporate the town of Newton, have directed me to report the same back, and recommend its indefinite postponement.

Which report was concurred in and the bill indefinitely postponed.

### BILLS INTRODUCED.

Mr. Dana presented

House File No. 32, A bill for an act to legalize the acts of the Commissioners, who were appointed by the General Assembly of the State of Iowa, to locate and establish a State Road from Marietta, in Marshall County, to the Missouri River, in Monona county,

Which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Woodward introduced

House File No. 33, A bill for an act entitled an act to regulate the interest on money,

Which was read a first and second time, and laid upon the table and ordered to be printed.

Mr. Wilson introduced

House File No. 34, A bill for an act to repeal an act, entitled an act to regulate the service of original notices in Courts of Record in certain cases, approved January 29, 1857,

Which was read a first and second time, ordered to be engrossed and read a third time to-morrow.

Mr. Harmon introduced

House File No. 35, A bill for an act requiring non-residents commencing suits in Courts of this State, to give security,

Which was read a second time and referred to the Committee on the Judiciary

Mr. Seevers introduced

House File No. 36, A bill for an act to amend an act entitled an act in relation to County Seats, approved January 21, 1855,

Which was read a second time and referred to the Committee on New Counties.

Mr. Bates introduced

House File No. 37, A bill for an act fixing the punishment for assault, or assault and battery,

Which was read twice, and referred to the Committee on Judiciary, with instructions to report, defining the Jurisdiction of Justices of the Peace.

Mr. Grimes introduced

House File No. 38, Joint resolution to procure service on mail route,

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

Mr. Trumbull introduced

House File No. 39, A bill for an act to amend Sections of the Code of Iowa, and to prevent frauds in elections,

Which was read a first and second time, and referred to the Committee on Elections, with instructions to report a general election law.

Mr. Beal introduced

House File No. 40, A bill for an act to locate a State Road from Boonsboro, in Boone county via Rippy, in Greene county, to Panorama, in Guthrie county,

Which was read, and upon motion of Mr. Seevers, was rejected.

Mr. Waln introduced

House File No. 41, A bill for an act to amend an act entitled an act to regulate the interest on money, approved January 20, 1853,

Which was read a first and second time, laid upon the table and ordered to be printed.



Mr. Jackson introduced

House File No. 42, Joint Resolution for increased mail facilities from Des Moines to Marietta,

Which was read a first and second time, engrossed, and ordered to be read a third time to-morrow.

Mr. Mitchell introduced

House File No. 43, Memorial and Joint Resolution of citizens of Polk county, praying for increased mail facilities from Des Moines to Sioux City,

Which was read a first and second time and referred to the committee on Federal Relations.

Mr. Clark

Moved that when this House adjourn, it adjourn to meet at 10 o'clock to-morrow.

Which motion prevailed.

Mr. Speaker

Laid before the House a report from the Commissioners appointed to locate and erect Hospital for the insane, which,

Upon motion of Mr. Dewey,

Was laid upon the table and 1000 copies ordered printed for the use of the House.

Mr. Seevers

Moved that the House do now resolve itself into Committee of the Whole, for the purpose of referring the Message of the Governor to the appropriate committees.

The motion was lost.

Mr. Wright

Moved that the Message of the Governor be now taken from the table, with a view to refer the same to the appropriate committees.

Which motion prevailed.

On motion of Mr. Wright,

So much of the message as refers to elections and a registry law, was referred to the committee on Elections.

On motion of Mr. Seevers,

All that part of the message that refers to Banks, was referred to the Committee on Banks and Banking.

On motion of Mr. Jackson,

So much of the message as refers to the death of Captain J. C. Johnson and William Burkholder, was committed to the select

committee heretofore appointed, and to whom were referred all matters concerning the Indian difficulties.

On motion of Mr. Trumbull,

All of that portion of the message which refers to Kansas, and to our relations with the General Government, was committed to the committee on Federal Relations.

Mr. Curtis

Moved that so much of the message as refers to the Dred Scott decision, be referred to the committee on the Claggett impeachment.

Mr. Trumbull

Moved to amend by referring the same to the committee on Federal Relations.

On motion of Mr. Bates,

So much of the message as treats of the State Census, was referred to the committee on Ways and Means.

On motion of Mr. Harmon,

So much of the message as refers to the transactions of the late Superintendent of Public Instruction, was referred to the committee on Schools and State University.

On motion of Mr. Wright,

That portion of the message that treats of the organization of Common Schools, was referred to the committee on Schools and State University, with instruction to report by bill.

On motion of Mr. Beal,

So much of the message as refers to the Des Moines Navigation and Railroad Company, was referred to the committee on the Des Moines Improvement.

On motion of Mr. Cavanaugh

So much of the message as relates to the Capitol Building at Iowa City, was referred to the committee on Public Buildings.

Mr. Belknap

Moved to refer so much of the message as relates to the Blind and Deaf and Dumb Asylums, and the Hospital for the Insane, to the committee on Public Buildings.

Mr. Guiberson

Moved to amend by striking out "Public Buildings" and inserting "Charitable Institutions,"

Which amendment was agreed to.

The reference was then made.

Mr. Belknap

Moved to refer so much of the message as relates to the State Penitentiary to the committee on Public Buildings.

Mr. Mitchell

Moved to amend by striking out the words "Public Buildings" and inserting "Charitable Institutions."

The amendment was not agreed to.

The reference was then made.

On motion of Mr. Bates

So much of the message as refers to military companies and militia organization, was referred to the committee on Military Affairs with instructions to report a bill organizing the militia.

On motion of Mr. Wright

So much of the message as refers to the five per cent. fund was referred to the committee on Ways and Means, with instructions to report by Joint Resolution.

On motion of Mr. Wright

So much of the message as relates to revenue laws was referred to the committee on Ways and Means, with instructions to report by bill.

On motion of Mr. Curtis

The House adjourned.

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WEDNESDAY MORNING, }  
JANUARY 20th, 10 o'clock, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

Journal of yesterday read and approved.

Message from the Senate by their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate File No. 7, A Joint Resolution asking for additional mail facilities, in which the concurrence of the House is asked.

GEO. E. SPENCER, Sec'y of Senate.

## BILLS ON THEIR THIRD READING.

House File No. 1, An act fixing times of holding Courts in the 11th Judicial District,

Was read a third time, and put upon its passage, and,

Upon the question, shall the bill pass,

The yeas and nays were called and were as follows :

Yeas 65, nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker.

The title of the bill was then agreed to.

Mr. Withrow,

Private Secretary to his Excellency, presented to the House a communication in writing from the Governor, enclosing a supplemental report of the Register of the State Land Office, touching matters pertaining to the condition of Swamp Lands in the State of Iowa.

House File No. 16, Joint Memorial and Resolution in relation to Swamp Lands,

Was read a third time, and put upon its passage, and,

Upon the question,

Shall the bill pass?

The yeas and nays were called and were as follows :

Yeas 67, nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney,

Lundy, Mahony, McCrary, McCormick, McGrew, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker.

The title of the bill was then agreed to.

House File No. 17, Joint memorial to establish military post at Fort Dodge, Sioux City, &c.,

Was taken up, read a third time, and put upon its passage, and upon the question,

Shall the bill pass ?

The yeas and nays were called, and were as follows :

Yeas 65, nays 2.

The yeas were,

Messrs. Anthony, Ayers, Bates Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, and Mr. Speaker.

The nays were,

Messrs. Drummond and Prentiss.

House File No. 34, A bill for an act to repeal an act entitled an act for revising and consolidating the Laws incorporating the city of Dubuque, and to establish a city court therein,

Was read a third time, and upon the question,

Shall the bill pass ?

The yeas and nays were called and were as follows :

Yeas 61, nays 2.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Curtis, Dewey, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson,

Lambert, Laney, Lundy, Mahoney, McCrary, McCormick, McGrew Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker.

The nays were,  
Messrs. Dana and Seevers.

The title was then agreed to.

**Mr. McCrary**

Presented a petition of citizens of Lee county, remonstrating against the impeachment of Hon. Thos. W. Claggett,

Which was referred to the select committee on that subject.

**Mr. Collins**

Presented the petition of citizens of Alamakee and Clayton counties, asking the enactment of a law establishing Township Organizations,

Which was referred to the committee on township and county organizations.

**Mr. Wright**

Presented a memorial from C. C. Nestlerode, on behalf of the State Teachers' Association, praying the establishment of a School of Reform for Juvenile offenders,

Which was referred to the committee on Charitable Institutions.

**Mr. Guiberson**

Presented the petition of John A Pitzer, and 124 other citizens asking the location of the Deaf and Dumb Asylum at Winterset, in Madison county.

Which was referred to the committee on Charitable Institutions.

**Mr. Mahony**

Presented the petition of citizens of School District No. 1 in Washington township, Dubuque county, asking for certain changes in the boundaries of said District,

Which was referred to the committee on Schools.

**Mr. Carpenter**

Presented the petition of certain citizens, asking the passage of a memorial to Congress praying for a diversion of the grant of land made by the General Government to aid in the improvement of the Des Moines, for Railroad purposes,

Which was referred to the committee on the Des Moines Improvement.

Mr. Dana

Presented the petition of citizens praying for the passage of an act regulating tolls,

Which was referred to the committee on Agriculture.

Mr. Carpenter

Presented the petition of citizens of Webster county in relation to certain Public Lands,

Which was referred to the committee on Public Lands.

Mr. Thompson

Presented the petition of citizens of Davenport, praying for an act to authorize special elections for city officers in certain cases,

Which was referred to the committee on the Judiciary.

Mr. Cassiday of Mahaska

Presented the petition of James Morgan, asking for relief,

Which was referred to a select committee, consisting of Messrs. Cassiday of Mahaska, Foster, and Clark of Johnson.

### RESOLUTIONS OFFERED.

Mr. Drummond

Offered the following resolution, which, upon his motion, was adopted :

*Resolved*, That Messrs. Edwards of Lucas and Sharp of Wayne, be added to the committee on County and Township Organizations.

Mr. Seevers

Offered the following resolution, which was adopted :

*Resolved*, That the committee on Incorporations report a bill at an early day, for the incorporation of cities and towns, and changing the names thereof.

Mr. Seevers

Offered the following resolution :

*Resolved*, That the committee on Roads and Highways be instructed to report a bill at an early day for laying out, opening and working roads and Highways, also for vacating town plats, streets, alleys or public squares.

The resolution was adopted.

Mr. Mahony

Moved that all matters referred to the committee on the Judiciary, comprised in the above resolution, be referred to the committee on Incorporations.

Which was agreed to.

Mr. Seevers

Offered the following resolution,

*Resolved*, That the committee on Ways and Means report a bill at an early day, for the assessment and collection of taxes for State, County or road purposes.

Mr. Drummond

Moved to lay the resolution upon the table,

Which motion was not agreed to.

The question recurring upon the adoption of the resolution, It was adopted.

Mr. Jackson

Offered the following resolution:

*Resolved*, That this House hereafter shall commence its sessions at 9 o'clock A. M., and continue until 10 P. M., and that its afternoon sessions be dispensed with, until further changes be made.

Mr. Wright

Moved to strike out 1 o'clock, and insert 12 o'clock,

Which was agreed to, when the resolution so amended was passed.

Mr. Harmon

Offered the following resolution, which upon his motion, was adopted:

*Resolved*, That the committee on Roads and Highways be directed to take into consideration the propriety of establishing roads on all section lines in the State, and if found proper, to report by bill.

## REPORTS OF COMMITTEES.

Mr. Carpenter,

From the select committee to whom was referred all correspondence in relation to Indian difficulties,

Reported House File No. 44, A bill for an act making appropriations for the expenses incurred in the Spirit Lake expedition, and for the services of the volunteers in the same, and recommended its passage.

The bill was read the first and second time, and



Referred to the committee on Claims.

Also, reported House File No. 45, A Memorial and Joint Resolution, asking Congress to appropriate a sum sufficient to the State of Iowa, to indemnify the said State for all necessary expenses incurred in an expedition raised under authority of the Governor of the State of Iowa, to relieve the settlement at Spirit Lake, in March, A. D. 1857.

The bill was read the first and second time, and,

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

Also, House File No. 46, A Joint Memorial to the Senate and House of Representatives of the United States, asking for bounty Land Warrants for volunteers on the Spirit Lake Expedition,

Which was read a first and second time, and

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

Also, House File No. 47, An act to authorize the Governor to raise, arm and equip a company of men for the defence and protection of the frontiers.

Mr. Seevers

Moved to refer House File No. 47 to the committee on Ways and Means.

Mr. Crawford

Moved to amend so as to instruct the committee to report to-morrow.

The amendment was then agreed to.

The reference was then made.

Mr. Randolph,

From the committee on Public Lands,

Reported back House File No. 29, with sundry amendments, and recommended its passage.

Mr. Pierson

Moved that the amendments be concurred in, and,

The bill be engrossed, and read a third time to-morrow,

Which was agreed to.

On motion,

The House adjourned.

THURSDAY, JANUARY 21st, 1858. }  
 10 O'CLOCK A. M. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

Journal of yesterday read and approved.

Mr. Foster,

From the committee on Engrossed Bills, made the following report :

The committee on engrossed bills have instructed me to report that they have examined House File No. 8, A bill for an act entitled an act to repeal an act to amend Section 1848 of the Code of Iowa.

Also, House File No. 14, Joint Resolution to procure increased mail facilities.

Also, House File No. 34, An act to repeal an act entitled an act to regulate the service of original notices in certain cases.

Also, House File No. 38, Resolution to procure services on mail routes—and find the above mentioned bills correctly engrossed.

FOSTER, Chairman.

Mr. SeEVERS,

From the committee on the Judiciary, to whom was referred House File No. 31, A bill for an act giving the right of appeal from the District Court to the Supreme Court in cases for fines imposed for contempt, reported the same back, and recommended its indefinite postponement.

The report of the committee was concurred in, and the bill indefinitely postponed.

Mr. ReITZEL,

From the Committee on Roads and Highways, submitted the following report, which was concurred in :

The committee on Roads and Highways, to whom was referred three several petitions from the citizens of Polk City, asking for the location of a State road from the town of Mitchell, in Polk county, to Adel, in Dallas county, would respectfully represent, that we have had the same under consideration, and are of the opinion that it would be unconstitutional to legislate upon the subject, and therefore ask to be discharged from the further consideration of the subject.

JOHN REITZEL, Chairman.

Mr. Seevers,

From the Committee on the Judiciary, submitted the following report, which was concurred in:

The Committee on the Judiciary, to whom was referred a petition from certain citizens of Wapello county, praying that the name of the town of Cleveland be changed to Amador, have instructed me to report the same back and recommend that the prayer of the petitioners be not granted.

Mr. Seevers,

From the Committee on the Judiciary, to whom was referred House File No. 27: A bill to provide for the appraisement of personal property taken on execution,

Reported the same back and recommended its indefinite postponement.

On motion of Mr. Thompson

The bill was laid upon the table.

Message from the Senate, by their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that Senators Foster, Warner and Brown, have been appointed a committee of three on the part of the Senate, to act with a similar committee on the part of the House, to provide for the care of the committee rooms for the two Houses.

I am further directed by the Senate to inform the House of Representatives that the Senate has passed without amendment House File No. 1: A bill for an act fixing the times of holding Courts in the Eleventh Judicial District.

I am further directed to inform the House of Representatives that the Senate has passed Senate File No. 13: A bill legalizing the acts of certain School officers, in which the concurrence of the House is asked.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Seevers,

From the committee on the Judiciary, to whom was referred House File No. 22: A bill for an act to legalize the acts of county assessors of Hardin county,

Reported a substitute therefor and recommended its passage.

The report was concurred in and the substitute adopted.

Mr. Lundy,

From the committee on Agriculture, submitted the following Report :

The committee on Agriculture, to whom was referred the annual Report of the Board of Directors of the Iowa State Agricultural Society, would beg leave to report the same back accompanied with a Joint Resolution for its publication.

The Report embraces not only the transactions of the State Society for the past year, but also a condensed history of nearly all the county societies from their organization, besides much other valuable agricultural information. The older States have been publishing these annual volumes for many years, and we know of no better method of supplying the people with information on this all important topic than through such reports.

The act of the last session provides for the publication of this annual report under the supervision of the Secretary of the State Society, and it only remains to determine what number of copies shall be printed. The Report will make some three hundred pages, and as the Board suggests an edition of three thousand—one thousand to be equally divided among the members of the General Assembly—we approve of their suggestion and recommend its adoption.

W. LUNDY, Chairman.

Mr. Harmon

Moved that the report be laid upon the table and ordered printed for the use of the House.

The motion was not agreed to.

The Joint Resolution submitted by the committee, House File No. 48: Joint Resolution for publication of Agricultural Report,

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

Mr. Clark, of Dubuque,

From the committee on Judiciary, to whom was referred House File No. 4: A bill for an act to give greater security to purchasers and mortgagees of real estate,

Reported the same back with sundry amendments and recommended its passage.

Mr. Jackson

Moved that the report be laid upon the table and the bill ordered printed for the use of the House.

Which motion was lost.

The report was then concurred in and the amendments agreed to.

Mr. Wilson,

From the committee on Ways and Means, to whom was referred House File No. 47: A bill for an act authorizing the Governor to raise, arm and equip a company of men for the defence and protection of the frontier,

Reported a substitute therefor and recommended its passage.

The report was concurred in and the substitute adopted.

The substitute was then laid upon the table, ordered printed and made the special order for to-morrow at 10 o'clock, A. M.

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

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed Senate File No. 10, in which the concurrence of the House is asked—Preamble and Joint Resolutions of instruction concerning the admission of Kansas into the Union under the Lecompton Constitution.

GEO. E. SPENCER, Sec'y of the Senate.

On motion of Mr. Wilson

Senate File No. 10: A Preamble and Joint Resolutions of instructions concerning the admission of Kansas into the Union under the Lecompton Constitution,

Was taken up and read the first and second time, when

Mr. Clark, of Dubuque,

Offered a substitute therefor.

On motion of Mr. Cassidy, of Mahaska,

The House resolved itself into a committee of the whole for the purpose of considering Senate File No. 10, and the Substitute therefor.

Mr. Wright in the Chair.

At 12 o'clock the committee rose, and by their Chairman, reported progress and asked leave to sit again,

Which leave was granted.

On motion of Mr. Foster

The House adjourned till two o'clock, P. M.

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TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Wright

Submitted the following report :

The committee on Enrolled Bills report that they have examined House File No. 1 : An act fixing the times of holding Courts in the Eleventh Judicial District, and find the same correctly enrolled.

ED. WRIGHT, Chairman.

Mr. Belknap introduced

House File No. 49 : A bill for an act in relation to Insurance Companies,

Which was read twice by its title and referred to the committee on the Judiciary.

Mr. Cooley introduced

House File No. 50 : A bill for an act entitled an act to amend section 2891 of the Code of Iowa,

Which was read the first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Casey introduced

House File No. 51 : Joint Resolution and Memorial of the General Assembly of Iowa asking for the establishment of a tri-weekly mail route and mail.

Which was read the first and second time, and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Jackson

The House resolved itself into a committee of the whole to consider Senate File No. 10 : Joint Resolutions of instructions concerning the admission of Kansas into the Union.

Mr. Wright in the Chair.

At four o'clock and 30 minutes the committee rose, and by its Chairman, reported the resolutions back without amendment and recommended their passage.

The report was concurred in.

Mr. Drummond

Moved that the bill be ordered to be engrossed and read a third time to-morrow, and moved the previous question,

Which motion prevailed.

Upon the question to engross and read a third time to-morrow, The yeas and nays were ordered and were as follows :

Yeas 40, }  
Nays 26. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley,

Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Seavers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—40.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dews, Gray, Guiberson, Johnson, Laney, Mahony, McCormick, Milliser, Millsap, Pierson, Sharp, Sprague—26.

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

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FRIDAY MORNING, }  
JANUARY 22, 1858. }

House met.

Prayer by the Rev. Mr. Drake.

Journal of yesterday read and approved.

Mr. Mahony

Rose to a question of privilege respecting the omission upon the journals of yesterday of certain resolutions offered as amendments to Senate File No. 10, and the proceedings had thereon.

The Chair decided the omission to be in accordance with parliamentary rule and the usage of this House.

From which decision

Mr. Mahony

Asked an appeal, and upon the question, "shall the decision of the Chair stand as the decision of the House,"

The yeas and nays were demanded and were as follows :

Yeas 35, )

Nays 29. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue Guiberson, Harmon, Lundy, McCrary, McGrew, Mitchell,

Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward—35.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dews, Gray, Johnston, Lambert, Laney, Mahony, McCormick, Milliser, Millsap, Pierson, Sharp, Sprague, Wright—29.

Mr. Prentiss

Rose to a question of privilege respecting the report of his religious association, as published in the tabular statement accompanying the rules of the House.

The communication of his Excellency, the Governor, heretofore received, was taken up, and

On motion of Mr. Seevers,

Was referred to the Committee on Public Lands.

On motion of Mr. Foster

A committee of three was appointed to act in concert with a similar committee on the part of the Senate, to furnish and otherwise care for the Committee Rooms.

Mr. Speaker appointed

Messrs. Foster, Harmon and Bennett said Committee.

Mr. Cassiday, of Mahaska, with leave, introduced

House File No. 52: A bill for an act making appropriations for swamp land purposes,

Which was read the first and second time and referred to the Committee on Public Lands.

### BILLS ON THEIR PASSAGE.

House File No. 8: A bill for an act entitled an act to amend section 1848 of the Code of Iowa,

Was read a third time, when

Mr. Wright

Moved that the bill be laid upon the table,

Upon which question the yeas and nays were ordered and were as follows:

Yeas 19, }  
Nays 45. }



The yeas were,

Messrs. Anthony, Carpenter, Clune, Cooley, Collins, Dews, Edwards, Gue, Harmon, Laney, Milliser, Millsap, Pierson, Prentiss, Reitzel, Sprague, Stearns, Woodward, Wright—19.

The nays were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Crawford, Dana, Davis, Dewey, Drummond, Foster, Grimes, Guiberson, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Mitchell, Moorman, Morgan, Randolph, Rankin, Scott, SeEVERS, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Mr. Speaker—45.

The House refused to lay the the bill on the table, and the question recurring upon the passage of the bill, the yeas and nays were ordered and were as follows:

Yeas 44, nays 14.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Campbell, Carpenter, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Crawford, Dana, Davis, Dewey, Drummond, Foster, Grimes, Guiberson, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Milliser, Mitchell, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Scott, SeEVERS, Sharp, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Mr. Speaker—44.

The nays were,

Messrs. Bennett, Casey, Clune, Dews, Edwards, Gray, Gue, Harmon, Millsap, Prentiss, Sprague, Stearns, Woodward, Wright—14.

The title of the bill was then agreed to.

Senate File No. 10, Preamble and Joint Resolutions of instructions concerning the admission of Kansas into the Union under the Lecompton Constitution, was taken up and read a third time, and put upon its passage,

When the yeas and nays were called and were as follows:

Yeas 39, nays 26.

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cool-

ey, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker—39.

The nays were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Campbell, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dews, Gray, Guiberson, Johnson, Laney, Mahony, McCormick, Milliser, Millsap, Pierson, Sharp, Sprague—26.

The title of the Joint Resolution was then agreed to.

Mr. Clark of Dubuque,

Gave notice that he would, on to-morrow or some future day present a protest against the passage Senate File No. 10.

House File No. 14, Joint Resolution for increased mail facilities was taken up, and read a third time and passed.

The title was then agreed to.

Substitute for House File No. 22, A bill for an act to legalize the acts of County Assessors of Hardin county, Iowa,

Was read a third time and put upon its passage, upon which, the yeas and nays were called, and were as follows:

Yeas 64, nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker.

The title of the bill was then agreed to.

House File No. 34, "An act to repeal an act entitled an act to regulate the service of original notices in Courts of Record in certain cases," approved January 29th, 1857, was taken up and read a third time and put upon its passage.

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

Yeas 60, }  
Nays 3. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Dewey, Dews, Drummond, Edwards, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lancy, Lundy, Mahoney, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Sprague, Stearns, Steward, Streeter, Thompson, Wahn, Watts, Wilson, Woodward, Wright and Mr. Speaker—60.

The nays were,

Messrs. Bates, Beal and Trumbull.

The title of the bill was then agreed to.

House File No. 38, A resolution to procure services on Mail Route, was taken up and read a third time and passed.

Mr. Seevers,

From the committee on the Judiciary, with leave introduced a substitute for House File No. 9, A bill for an act to provide for a more liberal stay of execution on judgments. The substitute was read a first and second time, and laid upon the table, and ordered to be printed for the use of the House.

On motion of Mr. Wright,

The House resolved itself into committee of the whole, for the purpose of considering House File No. 47, An act authorizing the Governor to raise, arm and equip, a company of men for the defence and protection of the frontiers.

At 12 o'clock the committee rose, and by its Chairman reported progress, and asked leave to sit again, which was granted.

On motion of Mr. Mahony,

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

SATURDAY MORNING, }  
 JANUARY 23d, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

Journal of yesterday was read and approved.

On motion of Mr. Carpenter,

The regular order of business was suspended, and the House resolved itself into Committee of the Whole, to consider House File No. 47, A bill for an act authorizing the Governor to raise, arm and equip a company of men for the protection of the frontiers.

Mr. Sprague in the Chair.

Message from the Senate,

By their Secretary, Mr. Spencer.

MR. SPEAKER :

I herewith present for your signature, Senate File No. 10, Preamble and Joint Resolutions of instruction concerning the admission of Kansas into the Union under the Lecompton Constitution.

The same having passed both branches of the General Assembly, and been duly enrolled by the Senate.

GEO. E. SPENCER,

Secretary Senate.

At 10½ o'clock the committee rose, and reported the bill back with the following amendments, and recommended its passage.

1st Amendment.—Strike out of the first Section the words, “north-western” and “against the incursions of hostile bands of Indians.”

2d Amendment.—Insert after the words first Lieutenant, in Section 2, the words “and also,” and after the words third Lieutenant, the words “if necessary;” also, strike out of the same Section the words “Captain shall be appointed by the Governor, the other.”

3d Amendment.—Strike out the 4th Section the words “the Captain to be responsible for their safety and preservation.”

4th Amendment.—Strike out of the second line of the 5th Section the word “and,” and insert the word “or.”

5th Amendment.—Strike out of Section 7, the word north-western.”

6th Amendment.—Fill the first blank in Section 8, with the words “three dollars.”

7th Amendment.—Fill the second blank with the words “two dollars.”

8th Amendment.—Fill the third, fourth and fifth blanks with the words “one dollar and fifty cents.”

9th Amendment.—Strike out of Section 8, the words “to be paid out of the State Treasury and to be audited and allowed,” and insert the words, “when certified by the Captain, and approved by the Governor, shall be audited and paid out of the State Treasury.”

10th Amendment.—Strike out the word “provided,” and all of Section 8 thereafter.

11th Amendment.—Strike out of Section 9 the word “passage,” and insert the words, “publication in the Iowa State Journal and Iowa Weekly Citizen.”

The first amendment was concurred in.

Upon the adoption of the second amendment, the yeas and nays were demanded and were as follows :

Yeas 33, nays 28.

The yeas were,

Messrs. Anthony, Ayers, Campbell, Carpenter, Cassiday of Mahaska, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Dana, Davis, Dewey, Dews, Drummond, Gray, Grimes, Gue, Jackson, Johnson, Lambert, Laney, Lundy, McGrew, Mitchell, Reitzel, Scott, SeEVERS, Sharp, Sprague, Steward, Watts, Woodward, Wright—33.

The nays were,

Messrs. Bates, Bauder, Belknap, Bennett, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clune, Edwards, Foster, Harmon, McCrary, Millard, Milliscr, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Mr. Speaker—28.

The amendment was concurred in.

Upon the question of concurring in the adoption of the third amendment, the yeas and nays were demanded and were as follows :

Yeas 38, nays 24.

The yeas were,

Messrs. Ayers, Bauder, Beal, Belknap, Bennett, Campbell, Ca-

sey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Davis, Dews, Gray, Jackson, Johnson, Lambert, Laney, Lundy, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Reitzel, SeEVERS, Sharp, Sprague, Stearns, Waln, Watts—38.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cooley, Collins, Dana, Dewey, Drummond, Edwards, Foster, Grimes, Gue, McCrary, Prentiss, Randolph, Scott, Stewart, Streeter, Thompson, Trumbull, Wilson, Woodward, Wright, Mr. Speaker—24.

The fourth, fifth, sixth and seventh amendments were concurred in.

Mr. Drummond

Moved to amend the 8th amendment of the Committee, by striking out the words "one dollar and fifty cents," and inserting "seventy-five cents,"

Upon which question the yeas and nays were demanded and were as follows :

Yeas 54, nays 8.

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dana, Davis, Dewey, Dews, Drummond, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Lundy, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Reitzel, Scott, SeEVERS, Sharp, Sprague, Thompson, Waln, Wilson, Woodward, Wright, Mr. Speaker—54.

The nays were,

Messrs. Beal, Edwards, Laney, Stearns, Steward, Streeter, Trumbull, Watts—8.

On motion of Mr. Wilson,

The following was adopted as a substitute for the whole of Section eight :

SEC. 8. The compensation of the officers and members of the company above provided for, shall be such as is paid for by the General Government, for similar services, and all claims arising against the State under the provisions of this act, shall be audited

swamp land purposes, was taken up and read the first and second time, and was

Referred to the Committee on Public Lands, and

Senators Patterson, and Davis of Clinton, were added to that committee, for the special purpose of considering the above named bill.

Mr. McPherson had leave to introduce

Senate File No. 33, A bill for an act to repeal Chapter 61 of the Session Laws of 1853, which was read the first and second time, and on his motion, was

Referred to the Judiciary Committee.

Mr. McPherson also had leave to introduce

Senate File No. 34, A bill for an act to establish an Asylum for the Deaf and Dumb, which was read the first and second time, and on his motion, was

Referred to the Committee on Charitable Institutions.

Mr. Mann had leave to introduce

Senate File No. 35, A Joint Resolution for increased mail facilities, which was read the first and second time, and on his motion,

The 11th Rule was suspended, the resolution read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—33.

The nays were—none.

The Resolution was passed and its title agreed to.

On motion of Mr. Trimble,

The Senate adjourned till 9 o'clock to-morrow morning.

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SENATE CHAMBER, }  
TUESDAY, JANUARY 26th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Nash.

The journal of yesterday read and approved.

## PETITIONS AND MEMORIALS.

Mr. Anderson

Presented the petition of Christian Bingaman and others asking a repeal of an act establishing School District No. 3, Cedar township, Monroe county, Iowa, approved January 13th, 1855, which was, on his motion,

Laid upon the table.

## NOTICE OF BILLS.

By Mr. Allen :

Of a bill authorizing the County Judge of Lee county to build a jail in the city of Keokuk.

By Mr. Anderson :

Of a bill to repeal Chapter 14 of the Session Laws of 1854 and 1855, approved January 13th, 1855.

Mr. Cattell

Offered the following resolution, which was adopted :

*Resolved*, That (the House concurring) the Senate will meet the House of Representatives in Joint Convention in the Hall of the House at 2 o'clock, P. M., to proceed to the election of a Senator to represent the State of Iowa in the Congress of the United States for six years from the 4th day of March, A. D., 1859, in place of the Hon. George W. Jones, also to elect a State Printer and a State Binder, for the official terms commencing at the expiration of the terms of the present incumbents.

Mr. Jenkins,

From the Committee on Public Lands, reported back House file No. 52, an act making an appropriation for Swamp Land purposes, without amendment, and recommended its passage.

When, on motion, the 11th Rule was suspended, and the bill read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reed, Reiner, Rusch, Sharraden, Trimble, Wilson—25.

The nays were,



Senators Bailey, Coolbaugh, Loughridge, Rankin, Saunders, Stewart, Thompson, Warner—8.

The bill was passed and the title thereof agreed to.

Message from the House, by Mr. Hepburn, Chief Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Joint Resolutions, in which the concurrence of the Senate is asked :

House File No. 45 :

Memorial and Joint Resolution asking Congress to appropriate a sum sufficient to the State of Iowa to indemnify the said State for all necessary expenses incurred in an expedition raised under authority of the Governor of the State of Iowa, to relieve the settlement at Spirit Lake, in March, A. D., 1857.

Also, House File No. 46 :

Memorial and Joint Resolution to the Senate and House of Representatives of the United States, asking for Bounty Land Warrants for volunteers in the Spirit Lake expedition.

I herewith present for your signature House File No. 38 :

A Joint Resolution to procure additional mail facilities.

The same having passed both branches of the General Assembly, has been duly enrolled and signed by the Speaker of the House of Representatives.

W. P. HEPBURN, Chief Clerk H. of R.

Mr. Grinnell

Presented the petition of Mr. Peacock and others of School District No. 2, Van Buren Township, Van Buren County, Iowa, in relation to their District affairs. Which was,

On motion of Mr. Grinnell,

Referred to the Committee on Schools, and Mr. Bailey added to said Committee for the purpose of investigating the subject.

Mr. Jenkins had leave to introduce

Senate File No. 36 :

A bill for an act to promote medical science, which was read a first and second time, and which was,

On his motion,

Referred to a special committee.

The President appointed

Senators Davis of Polk, Davis of Clinton, and Allen, said committee.

Message from the House, by their Chief Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate in relation to the Joint Convention for the election of a United States Senator, State Printer, and State Binder, this afternoon at two o'clock.

I am further directed to inform the Senate that the House has passed the following bill, in which the concurrence of the Senate is asked :

House File No. 47 :

A bill for an act to authorize the Governor to raise, arm and equip a company of men for the defense and protection of our frontiers.

W. P. HEPBURN, Clerk H. of R.

Mr. Patterson had leave to introduce

Senate File No. 37 : A bill for an act for the formation of limited partnerships.

Which was read the first and second time.

Mr. Grinnell

Moved its reference to the Committee on Incorporations.

Mr. Foster

Moved to amend by referring it to the Committee on Internal Improvements.

Mr. Neal

Moved to further amend by its reference to a special committee of three, of whom Mr. Thompson should be Chairman.

Which motion prevailed.

The President appointed

Senators Thompson, Neal and Patterson said committee.

Mr. Thompson had leave to introduce

Senate File No. 38 : A bill for an act to amend section 498 of the Code of Iowa.

Which was read a first and second time, and

On his motion,

Referred to the Committee on Judiciary.

Mr. Neal introduced

Senate File No. 39 : A bill for an act to amend Article 4 of Section 1 of the Constitution of the State of Iowa ;

Which was read a first time, when

Mr. Thompson

Moved to reject the bill.

The question being on its rejection, the yeas and nays were demanded and ordered, and were as follows :

The yeas were,

Senators Allen, Atkins, Bailey, Carter, Dale, Davis of Polk, Reed, Thompson—8.

The nays were,

Senators Anderson, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—26.

The motion was lost.

The bill was then read a second time.

Mr. Loughridge

Moved to lay it on the table,

Which motion was lost.

Mr. Johnston

Moved that the 11th Rule be suspended and the bill read a third time,

Upon which motion

The yeas and nays were demanded and ordered, and were as follows :

The yeas were,

Senators Allen, Coolbaugh, Cook, Carter, Dale, Johnston, Loughridge, Mann, Neal, Pusey, Patterson, Rankin, Rusch, Stewart, Trimble, Thompson, Warner, Wilson—18.

The nays were,

Senators Anderson, Atkins, Bailey, Brown, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, McPherson, McCoy, Reed, Reiner, Saunders, Sharraden—17.

Which motion was lost.

Mr. Foster

Moved to refer the bill to the Committee on Federal Relations,

Which motion was lost.

Mr. Cattell

Moved to indefinitely postpone the further consideration of the bill.

Upon which motion the yeas and nays were demanded and ordered, and were as follows:

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Thompson—23.

The nays were,

Senators Coolbaugh, Dale, Johnston, Mann, Neal, Pusey, Patterson, Stewart, Trimble, Warner, Wilson—11.

Motion prevailed.

Message from the House, by their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed House File No. 4: A bill for an act entitled an act to give greater security to purchasers and mortgagees of real estate, to which the agreement of the Senate is asked.

W. P. HEPBURN, Clerk H. of R.

On motion of Mr. Kirkwood,

Mr. Anderson was appointed teller upon the part of the Senate, to act in Joint Convention this afternoon.

On motion of Mr. Kirkwood,

The Senate then adjourned until quarter before 2 o'clock, P. M.

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#### QUARTER BEFORE TWO O'CLOCK, P. M.

Senate met, and

On motion of Mr. Saunders,  
Took a recess for ten minutes.

FIVE MINUTES BEFORE 2 P. M.

The President called the Senate to order.

Message from the House of Representatives,  
By Messrs. Wright and Sprague, who informed the Senate that the House of Representatives were ready to receive the Senate in Joint Convention, to elect a United States Senator, in pursuance to concurrent resolution.

The Senate preceded by the President, Secretaries and Sergeant at Arms, proceeded to the Hall of the House.

Hall of the House of Representatives, )  
January 26th, A. D. 1858, 2 o'clock, P. M. }

Joint Convention, of the Senate and House of Representatives.  
The President of the Senate acting as President of the Joint Convention, and

The Clerk of the House acting as Secretary of the Joint Convention.

#### The President

Announced the General Assembly now convened in Joint Convention for the purpose of electing a Senator to represent the State of Iowa in the Senate of the United States, for the six years succeeding the 4th day of March, A. D. 1859, and a State Printer and State Binder for the term of two years from the time the terms of office of the present incumbents expire.

The Clerk called the roll of the Convention.

The following named members were absent :

Messrs. Alger, Curtis and Guiberson.

On motion of Mr. Bradley,

The absentees were excused.

Nominations being in order,

Mr. Crawford,

Nominated Ben. M. Samuels, of Dubuque county.

Mr. Grinnell

Nominated James W. Grimes, of Des Moines county, for the office of United States Senator from and after the 4th of March, A. D. 1859.

No other nominations being made, the Convention proceeded to vote, which resulted as follows :

[Mr. Anderson acting as teller on the part of the Senate, and Mr. Edwards as teller on the part of the House of Representatives.]

Those voting for James W. Grimes, were

Messrs. Anderson, Anthony, Atkins, Bates, Brown, Carter, Cattell, Carpenter, Cassiday of Mahaska, Cook, Cooley, Collins, Dana, Davis of Union, Davis of Clinton, Davis of Polk, Dewey, Drummond, Edwards, Foster of Powesheik, Foster of Washington, Grimes, Grinnell, Gue, Harmon, Jackson, Jenkins, Kirkwood, Lambert, Loughridge, Lundy, McCrary, McCoy, McGrew, Mc-

Pherson, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin of Lee, Rankin of Washington, Reed, Reiner, Richardson, Reitzel, Rusch, Saunders, Scott, SeEVERS, Shelladay, Sharraden, Stearns, Stewart of Jones, Streeter, Thompson of Linn, Thompson, of Scott, Trumbull, Waln, Watts, Wilson of Jefferson, Woodward, Wright—64.

Those voting for Ben. M. Samuels were,

Messrs. Allen, Ayers, Bailey, Bauder, Beale, Belknap, Bennett, Bradley, Brigham, Campbell, Casey, Cassady of Van Buren, Cassady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Coolbaugh, Crawford, Dale, Dews, Gray, Johnston of Jones, Johnston of Wapello, Laney, Mahoney, Mann, McCormick, Milliser, Millsap, Neal, Patterson, Pierson, Pusey, Sharp, Sprague, Stewart of Dubuque, Trimble, Warner, Wilson, of Dubuque—41.

James W. Grimes having received a majority of all the votes cast was declared duly elected a Senator to represent the State of Iowa, in the Senate of the United States for six years from and after the 4th of March, A. D. 1859.

The Convention now proceeded to elect a State Printer.

Mr. Dewey

Nominated John Teesdale.

M. Beale

Nominated Wm. Porter.

Those voting for John Teesdale were,

Messrs. Anderson, Anthony, Atkins, Bates, Brown, Carter, Cat-tell, Carpenter, Cassiday of Mahaska, Cook, Cooley, Collins, Dana, Davis of Union, Davis of Clinton, Davis of Polk, Dewey, Drummond, Edwards, Foster of Powesheik, Foster of Washington, Grimes, Grinnell, Gue, Harmon, Jackson, Jenkins, Kirkwood, Lambert, Loughridge, Lundy, McCrary, McCoy, McGrew, McPherson, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin of Lee, Rankin of Washington, Reed, Reiner, Richardson, Reitzel, Rusch, Saunders, Scott, SeEVERS, Shelladay, Sharraden, Stearns, Stewart of Jones, Streeter, Thompson of Linn, Thompson of Scott, Trumbull, Waln, Watts, Wilson of Jefferson, Woodward, Wright—64.

Those voting for Wm. Porter were,

Messrs. Allen, Ayers, Bailey, Bauder, Beale, Belknap, Bennett, Bradley, Brigham, Campbell, Casey, Cassady of Van Buren, Cas-

sady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Coolbaugh, Crawford, Dale, Dews, Gray, Johnston of Jones, Johnston of Wapello, Laney, Mahoney, Mann, McCormick, Milliser, Neal, Patterson, Pierson, Pusey, Sharp, Sprague, Stewart of Dubuque, Trimble, Warner, Wilson of Dubuque—41.

Mr. John Teesdale having received a majority of all the votes cast, was declared duly elected State Printer for two years from and after the term of office of the present incumbent expires.

The Convention now proceeded to vote for a State Binder.

Mr. Davis of Polk,

Nominated F. M. Mills.

Mr. Neal

Nominated Henry P. Scholte.

Those voting for Mr. Mills were,

Messrs. Anderson, Anthony, Atkins, Bates, Brown, Carter, Cattell, Carpenter, Cassiday of Mahaska, Cook, Cooley, Collins, Dana, Davis of Union, Davis of Clinton, Davis of Polk, Dewey, Drummond, Edwards, Foster of Powesheik, Foster of Washington, Grimes, Grinnell, Gue, Harmon, Jackson, Jenkins, Kirkwood, Lambert, Loughridge, Lundy, McCrary, McCoy, McGrew, McPherson, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin of Lee, Rankin of Washington, Reed, Reiner, Richardson, Reitzel, Rusch, Saunders, Scott, SeEVERS, Shelladay, Sharraden, Stearns, Streeter, Stewart of Jones, Thompson of Linn, Thompson of Scott, Trumbull, Waln, Watts, Wilson of Jefferson, Woodward, Wright—64.

Those voting for Henry P. Scholte were,

Messrs. Allen, Ayers, Bailey, Bauder, Beale, Belknap, Bennett, Bradley, Brigham, Campbell, Casey, Cassady of Van Buren, Cassady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Coolbaugh, Crawford, Dale, Dews, Gray, Johnston of Jones, Johnston of Wapello, Laney, Mahoney, Mann, McCormick, Milliser, Millsap, Neal, Patterson, Pierson, Pusey, Sharp, Sprague, Stewart of Dubuque, Trimble, Warner, Wilson of Dubuque—41.

F. M. Mills having received a majority of all the votes cast, was declared duly elected State Binder for two years from the time that the term of office of the present incumbent expires.

The certificates of election for the various officers having been

duly made out and signed by the President of the Senate, and the Speaker of the House of Representatives; and attested by the Tellers, in the presence of the General Assembly, were read and approved.

On motion of Mr. Bradley,

The Convention adjourned.

The Senate now returned to the Senate Chamber,

When on motion of Mr. Trimble,

The Senate adjourned till 9 o'clock to-morrow morning.

SENATE CHAMBER, }  
WEDNESDAY, JANUARY 27th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. J. A. Nash.

Journal of yesterday read and approved.

#### NOTICE OF BILLS.

By Mr. Kirkwood,

Of a bill to amend the act entitled an act fixing the salaries of the Governor and State officers of the State of Iowa, approved Jan. 29th, 1857.

By Mr. Neal,

A bill for an act to amend Section 12, of Article 9, of the Constitution of the State of Iowa.

Mr. Davis, of Polk,

Presented a Petition of Ira Cook and others respecting the Diversion of the Des Moines River Land Grant,

Which was on his motion referred to the Committee on Internal Improvements.

THE PRESIDENT,

Presented a communication from T. S. Parvin, Register of State Land Office,

Which was on motion of

Mr. Loughridge,

Referred to the Committee on ways and means.



Mr. Neal,

From the Special Committee, reported back

Senate File No. 12, a bill for an act in relation to County Records, with a substitute therefor, and recommended the adoption of the substitute.

Mr. Kirkwood

Moved to lay the bill and substitute upon the table,—and that 240 copies of the substitute be printed.

Mr. Neal

Called for a division of the question.

The President decided that the question was divisible.

The question being upon the motion to lay the bill on the table, the motion prevailed.

The question being on the motion to print, the motion prevailed.

Mr. Grinnell,

From the Committee on Schools, reported back

Senate File No. 22, a bill for an act to legalize the sale of School Lands made by James Hull, School Fund Commissioner of Boone County, Iowa,

With a substitute therefor, and recommended the adoption of the substitute,

Which was read a third time.

The question being on its passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

The nays were—none.

Bill passed and title agreed to.

#### BILLS ON FIRST READING.

House File No. 47, a bill for an act authorizing the Governor to raise, arm and equip a company of men for the defense and protection of the frontiers,

Was read a first and second time, and on motion of

Mr. Loughridge,

Referred to the Committee on military affairs.

House File No. 46, a joint memorial to the Congress of the United States, asking for bounty land warrants for the volunteers in the Spirit Lake Expedition,

Which was read a first and second time, when on the motion of  
Mr. Thompson,

The 11th Rule was suspended, and the bill read a third time :  
Passed and the title agreed to.

House File No. 45, a memorial and joint Resolution asking Congress to appropriate a sum sufficient to the State of Iowa to indemnify the State for all necessary expenses incurred in an expedition raised under the authority of the Governor of the State of Iowa, to relieve the settlement at Spirit Lake in March, A. D. 1857,

Which was read a first and second time, when on motion of  
Mr. Warner,

The 11th Rule was suspended—the bill read a third time,  
Passed and the title thereof agreed to.

Message from the House,  
By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT :

I herewith present for your signature

House File No. 52, an act making an appropriation for Swamp Land purposes.

Also—House File No. 14, joint resolution to procure additional mail facilities :

The same having passed both branches of the General Assembly, been duly enrolled and signed by the Speaker of the House of Representatives.

W. P. HEPBURN, Chief Clerk  
House of Representatives.

House File No. 4, a bill for an act entitled an act to give greater security to purchasers and mortgagees of Real Estate,

Which was read a first and second time, and on motion of  
Mr. Cattell,

Referred to the Committee on Judiciary.

On motion of

Mr. Cattell,

The introduction of bills, of which previous notice had been given, was made the fourth order of business.

Mr. Thompson moved that

Senate File No. 17, a bill for an act appointing Commission-

ers to revise and codify the laws of the State of Iowa, be taken from the table :

Which motion prevailed.

Mr. Thompson

Then withdrew his amendment—viz :

Of striking out the name of William Smyth.

Mr. Thompson,

Offered the following amendment to the snbstitue, to wit :

Sec. 5. That in case of the death or resignation of any of the above named Commissioners, the Governor of the State shall appoint some suitable person to fill the vacancy occasioned by such death or resignation,

Which amendment was adopted,

When on motion of

Mr. Rankin,

The bill was laid upon the table and made the special order for to-morrow morning at 10 o'clock.

Mr. Trimble,

Had leave to introduce

Senate File No. 40, a bill for an act amending an act entitled an act in relation to the assessment of property,

Approved January 28th, 1857.

Which was read a first and second time and referred to the Committee on ways and means.

Message from the House

By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following concurrent resolution to which the concurrence of the Senate is asked.

*Resolved*, ( the Senate concurring, ) that Wm. Smith of Linn county, W. T. Barker, of Dubuque county and C. Ben. Darwin, of Des Moines county, be and they are hereby appointed Commissioners to aid and assist the Judiciary Committees of both Houses in drafting a Code of civil and criminal procedure, and adapt the laws now in force to the provisions of the Constitution.

W. P. HEPBURN, Chief Clerk

House of Representatives.

On motion of

Mr. Rankin,

Mr. Brigham was added to the Committee on Banks.

Mr. Anderson

Had leave to introduce

Senate File No. 41, a bill for an act to repeal an act entitled an act to erect School District No. 3, Cedar Township, Monroe county, Iowa,

Which was read a first and second time, when on his motion the 11th Rule was suspended and the bill read a third time.

The question being on its passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis, of Clinton, Davis, of Polk, Foster, Grinnell, Jenkins, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—36.

The nays were—none.

The bill was passed and its title agreed to.

Mr. Grinnell,

Moved that House Resolution, in relation to the appointment of Commissioners for revising the Code, be taken from the table:

Upon which motion

The yeas and nays were demanded,—ordered, and were as follows:

The yeas were,

Senators Anderson, Atkins, Brown, Coolbaugh, Carter, Davis of Polk, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Reed, Saunders, Sharraden and Thompson—17.

The nays were

Senators Allen, Brigham, Bailey, Cook, Cattell, Davis of Clinton, Foster, Johnston, Jenkins, Mann, Pusey, Patterson, Rankin, Reiner, Rusch, Stewart, Trimble, Warner and Wilson—19.

The motion was lost.

Mr. Warner

Gave notice of a memorial and Joint Resolution asking for additional mail facilities.

Mr. Bailey

Had leave to introduce Senate File No. 42, A bill for an act to

authorize Thomas A. Freeman and others to build a Bridge across the Des Moines river at the towns of Bentonsport and Vernon, which was read the first and second time, and

On motion of Mr. Jenkins,

Referred to the Committee on Internal Improvements.

On motion of Mr. Loughridge,

Mr. Bailey was added to the committee on Internal Improvements, for the special purpose of considering the above bill.

Mr. Foster

Offered the following resolution, which was adopted.

*Resolved*, The House concurring, that a committee of three be appointed to act with a similar committee on the part of the House to enquire into the necessity of further legislation to regulate the manufacture and sale of intoxicating liquors, and said committee be instructed to report at an early day by bill or otherwise.

The President

Appointed Senators Foster, Mann and Davis of Clinton.

Mr. Cattell

Moved to take from the table the resolution instructing the Attorney General to give his opinion to the Senate upon the power and duty of the General Assembly to District the State into Senatorial Districts, during the present session.

Which motion was adopted.

Upon motion of Mr. Rusch,

Senate File No. 32, A bill for an act to establish the Superior Court of the county of Scott, was taken from the table, when,

On motion of Mr. Patterson,

It was referred to the committee on Judiciary, with instruction to report a Bill for a General Law to establish Superior Courts throughout the State.

Mr. Rusch

Presented a petition from the Attorneys of Scott county, asking for the establishment of a Superior Court in said county, which was referred to the above Committee.

Mr. Allen

Had leave to introduce Senate File No. 43, A bill for an act authorizing the County Judge of Lee county, to build a Jail in the city of Keokuk, which was read the first and second time, and on

his motion the 11th rule was suspended, and the bill read a third time.

The question being on its passage,

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neil, Pusey, Patterson Rankin, Reed, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner and Wilson—35.

The nays were none.

The bill passed, and the title thereof agreed to.

On motion of Mr. Thompson,

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

SENATE CHAMBER,  
THURSDAY, JANUARY 28th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by Rev. J. A. Nash.

Journal of yesterday read and approved.

Mr. Brigham

Presented a remonstrance from Wm. Werner and 40 others, remonstrating against the impeachment of Judge Thomas Claggett.

On motion of Mr. Rankin,

Mr. Brigham had leave to withdraw the above mentioned petition.

Mr. Brigham presented a petition from the Mayor and board of Aldermen of the city of Keokuk, asking for an amendment to an act passed at the last regular session establishing a Recorder's office, in the city of Keokuk.

On motion of Mr. Jenkins,

The petition was referred to the delegation from Lee county.

#### NOTICES OF BILLS.

By Mr. Davis, of Clinton,

Notice of a bill for an act fixing the maximum value of proper-

House File No. 48, Joint Resolution for publication of Agricultural Reports. Also,

House File No. 50, A bill for an act entitled an act to amend Section 2891 of the Code of Iowa. Also,

House File No. 51, A Joint Memorial and Resolution of the General Assembly of Iowa, asking for the establishment of a tri-weekly mail route and mail. All of which said bills your Committee find correctly engrossed.

FOSTER, Chairman.

On motion of Mr. Drummond,

House File No. 47, A bill for an act authorizing the Governor to raise, arm and equip, a company of men for the defence and protection of the frontiers was taken up, the bill was read a third time and put upon its passage,

Upon which question the yeas and nays were ordered, and were as follows :

Yeas 67, nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker.

The title of the bill was then agreed to.

On motion of Mr. Clark of Dubuque,

House File No. 4, A bill for an act to give greater security to purchasers and mortgagees of real estate, was taken up.

The bill was read a third time and put upon its passage, whereupon the yeas and nays were ordered, and were as follows :

Yeas 62, nays 3.

The yeas were

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of

Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Harmon, Johnson, Jackson, Lambert, Laney, Lundy, Mahoney, McCrary, McCormick, McGrew, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wright, Woodward, Wilson and Mr. Speaker.

The nays were,

Messrs. Cooley, Edwards and Millard.

The title of the bill was then agreed to.

On motion of Mr. Mahony,

House Resolution No. 2, in relation to a system of Township and County Organization,

Was taken up, when,

On motion of Mr. Drummond,

The House resolved itself into a Committee of the Whole, to consider the same,

Mr. Wright in the Chair.

At 12 o'clock the committee rose, and by their chairman reported progress, and asked leave to sit again,

Which leave was granted.

On motion of Mr. Clune,

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

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## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Wilson,

Mr. Edwards was appointed to act as teller on the part of the House, during the Joint Convention now about to convene.

On motion of Mr. Wright,

A committee of two was appointed to wait upon the Senate and inform that body that the House was now ready to receive them in Joint Convention.

The Chair

Appointed Messrs. Wright and Sprague said Committee.

Mr. Wright,



From the above committee, after a few moments absence, reported that the duty assigned them had been discharged.

The Senate, preceded by their President, Sergeant-at-Arms and Secretary, entered the Hall of the House, after being duly announced, and took the seats assigned them.

The President of the Senate acting as President of the Joint Convention, and the Chief Clerk of the House acting as Secretary.

#### The President

Announced the object of the meeting of the Joint Convention to be the election of a Senator to represent the State of Iowa, in the Senate of the United States, for the term of six years, from and after the 4th day of March, A. D. 1859, also the election of a State Printer and a State Binder.

The Secretary was directed to call the roll,

Whereupon the following named gentlemen were found to be absent, to wit :

Messrs. Alger, Curtis, Guiberson.

Mr. Edwards

Acted as Teller on the part of the House.

Mr. Anderson

Acted as Teller on the part of the Senate.

The President

Announced that the Joint Convention would now proceed to the election of a United States Senator, and that the nomination of candidates was now in order.

Mr. Grinnell

Nominated James W. Grimes, of Des Moines county.

Mr. Crawford

Nominated Ben M. Samuels of Dubuque county.

The Joint Convention proceeded to vote,

When it appeared that James W. Grimes had received 64 votes,  
and Ben M. Samuels " " 41 votes.

James W. Grimes having received a majority of all the votes cast, was declared duly elected United States Senator, to represent the State of Iowa in the United States Senate for the term of six years, from and after the 4th day of March, A. D. 1859.

Those gentlemen voting for James W. Grimes, were,

Messrs. Anderson, Anthony, Atkins, Bates, Brown, Carter, Cattell, Carpenter, Cassiday of Mahaska, Cook, Cooley, Collins,

Dana, Davis of Union, Davis of Clinton, Davis of Polk, Dewey, Drummond, Edwards, Foster of Poweshiek, Foster of Washington, Grimes, Grinnell, Gue, Harmon, Jackson, Jenkins, Kirkwood, Lambert, Loughridge, Lundy, McCrary, McCoy, McGrew, McPherson, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, of Lee, Rankin of Washington, Reed, Reiner, Richardson, Reitzel, Rusch, Saunders, Scott, Seevers, Shelledy, Sharraden, Stearns, Steward, Streeter, Thompson of Linn, Thompson of Scott, Trumbull, Waln, Watts, Wilson of Jefferson, Woodward, Wright—64.

Those gentlemen voting for Ben M. Samuels, were,

Messrs. Allen, Ayers, Bailey, Bauder, Beal, Belknap, Bennett, Bradley, Brigham, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Coolbaugh, Crawford, Dale, Dews, Gray, Johnston of Jones, Johnson of Wapello, Laney, Mahony, Mann, McCormick, Milliser, Millsap, Neal, Patterson, Pierson, Pusey, Sharp, Sprague, Stewart of Dubuque, Trimble, Warner, Wilson of Dubuque—41.

The President

Announced that the Joint Convention would now proceed to the election of a State Printer, and that nominations were in order.

Mr. Dewey nominated John Teesdale, of Polk county.

Mr. Beal nominated William Porter, of Polk county.

The Convention proceeded to vote, when it appeared that John Teesdale had received sixty-four votes, and William Porter had received forty-one votes.

John Teesdale having received a majority of all the votes cast was declared duly elected State Printer for the term of two years from and after the expiration of the term of the present incumbent or until his successor is elected and qualified.

Those gentlemen voting for John Teesdale, were,

Messrs. Anderson, Anthony, Atkins, Bates, Brown, Carter, Cattell, Carpenter, Cassiday of Mahaska, Cook, Cooley, Collins, Dana, Davis of Union, Davis of Clinton, Davis of Polk, Dewey, Drummond, Edwards, Foster of Poweshiek, Foster of Washington, Grimes, Grinnell, Gue, Harmon, Jackson, Jenkins, Kirkwood, Lambert, Loughridge, Lundy, McCrary, McCoy, McGrew, McPherson, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin of Lee, Rankin of Washington, Reed, Reiner, Richardson, Reitzel, Rusch, Saunders, Scott, Seevers, Shelledy, Shar-

raden, Stearns, Stewart of Jones, Streeter, Thompson of Linn, Thompson of Scott, Trumbull, Waln, Watts, Wilson of Jefferson, Woodward and Wright—64.

Those gentlemen voting for William Porter were,

Messrs. Allen, Ayers, Bailey, Bauder, Beal, Belknap, Bennett, Bradley, Brigham, Campbell, Casey, Cassaday of Van Buren, Cassady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Coolbaugh, Crawford, Dale, Dews, Gray, Johnston of Jones, Johnson of Wapello, Laney, Mahony, Mann, McCormick, Milliser, Neal, Patterson, Pierson, Pusey, Sharp, Sprague, Steward of Dubuque, Trimble, Warner and Wilson of Dubuque—41.

The President

Announced that the Joint Convention would now proceed to the election of a State Binder, and that nominations were now in order.

Mr. Davis of Polk, nominated F. M. Mills, of Polk county.

Mr. Neal nominated Henry P. Scholte, of Marion county.

The Convention proceeded to vote, when it appeared that F. M. Mills had received sixty-four votes, and Henry P. Scholte had received forty-one votes.

F. M. Mills having received a majority of all the votes cast, was declared duly elected State Binder for the term of two years from and after the expiration of the present incumbent or until his successor is elected and qualified.

Those gentlemen voting for F. M. Mills were,

Messrs. Anderson, Anthony, Atkins, Bates, Brown, Carter, Cattell, Carpenter, Cassiday of Mahaska, Cook, Cooley, Collins, Dana, Davis of Union, Davis of Clinton, Davis of Polk, Dewey, Drummond, Edwards, Foster of Poweshiek, Foster of Washington, Grimes, Grinnell, Gue, Harmon, Jackson, Jenkins, Kirkwood, Lambert, Loughridge, Lundy, McCrary, McCoy, McGrew, McPherson, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin of Lee, Rankin of Washington, Reed, Reiner, Richardson, Reitzel, Rusch, Saunders, Scott, Seevers, Shelledy, Sharaden, Stearns, Steward of Jones, Streeter, Thompson of Linn, Thompson of Scott, Trumbull, Waln, Watts, Wilson of Jefferson, Woodward and Wright—64.

Those gentlemen voting for H. P. Scholte were,

Messrs. Allen, Ayers, Bailey, Bauder, Beal, Belknap, Bennett,

Bradley, Brigham, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Coolbaugh, Crawford, Dale, Dews, Gray, Johnston of Jones, Johnston of Wapello, Laney, Mahony, Mann, McCormick, Milliser, Millsap, Neal, Patterson, Pierson, Pusey, Sharp, Sprague, Steward of Dubuque, Trimble, Warner and Wilson of Dubuque—41.

The following certificates were then signed by the President of the Senate and the Speaker of the House of Representatives, and attested by the tellers in the presence of the Joint Convention.

HALL OF HOUSE OF REPRESENTATIVES, }  
Des Moines City, Iowa, Jan. 26, 1858. }

This will certify that at an election by the Senate and House of Representatives of the State of Iowa in Joint Convention assembled, at the Capitol, on Tuesday the 26th day of January, A. D. 1858, for the purpose of electing a United States Senator, James W. Grimes, having received a majority of all the votes cast for said office, was declared duly elected a Senator to represent the State of Iowa in the Senate of the United States for the term of six years from and after the fourth day of March, A. D. 1859.

Signed in the presence of the Joint Convention the day and year first above written.

ORAN FAVILLE,  
President of Joint Convention.  
STEPHIEN B. SHELEDY.  
Speaker of House of Representatives.

Attest:

Daniel Anderson, Teller on the part of the Senate.

John Edwards, Teller on the part of the House of Representatives.

HALL OF HOUSE OF REPRESENTATIVES, }  
Des Moines City, Iowa, Jan. 26, 1858. }

This will certify that at an election by the Senate and House of Representatives of the State of Iowa in Joint Convention assembled, at the Capitol, on Tuesday, the 26th day of January, A. D. 1858, for the purpose of electing a State Printer, John Teesdale, having received a majority of all the votes cast for said office, was declared duly elected State Printer for the term of two years from

and after the expiration of the term of the present incumbent, or until his successor is elected and qualified.

Signed in presence of the Joint Convention the day and year first above written.

ORAN FAVILLE,  
President of Joint Convention.  
STEPHEN B. SHELLEDY,  
Speaker of House of Representatives.

Attest:

Daniel Anderson, Teller on the part of the Senate.

John Edwards, Teller on the part of the House of Representatives.

HALL OF HOUSE OF REPRESENTATIVES, }  
Des Moines City, Iowa, Jan. 26, 1858. }

This will certify that at an election by the Senate and House of Representatives of the State of Iowa in Joint Convention assembled, at the Capitol, on Tuesday, the 26th day of January, A. D. 1858, for the purpose of electing a State Binder, F. M. Mills, having received a majority of all the votes cast for said office, was declared duly elected State Binder for the term of two years from and after the expiration of the term of the present incumbent, or until his successor is elected and qualified.

Signed in the presence of the Joint Convention the day and year first above written.

ORAN FAVILLE,  
President of Joint Convention.  
STEPHEN B. SHELLEDY,  
Speaker of the House of Representatives.

Attest:

Daniel Anderson, Teller on the part of the Senate.

John Edwards, Teller on the part of the House of Representatives.

The President announced that the object for which the Joint Convention had met had now been accomplished, whereupon,

On motion of Mr. Bradley,

The Joint Convention adjourned without day.

The Senate having retired to their Chamber, the House was called to order, when,

On motion of Mr. Trumbull,

The House adjourned.

WEDNESDAY MORNING, }  
 JANUARY 27th, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. McDonald.

Journal of yesterday read and approved.

Mr. Sharp

Presented the petition of citizens of Wayne county, praying for a change of the name of the town of Sineville, &c.,

Which was referred to the committee on the Judiciary.

Mr. Clark, of Dubuque,

Offered the following resolution :

*Resolved*, That it is the sense of this House that a commission to consist of three persons, learned in the law, be constituted, whose duty it shall be to revise the laws now in force, to expurgate repealed laws, and to frame a system of laws in pursuance of the subjects and classification of the new Constitution, which commission shall report at ——— session of the General Assembly.

*Resolved*, Further, That said system of laws shall embrace the following features :

1st. A township organization for the assessment of property and the collection of revenue.

2d. The separation of the offices of County Recorder and Treasurer, and that they be held by different persons.

3d. The retention of the office of County Judge, with jurisdiction in orphans, administrative and probate matters.

4th. The establishment of a Commissioners Court, to be composed of the County Judge and two or more persons, which court shall have jurisdiction of roads, public buildings and revenue, so far as the latter shall not come within the scope of the powers of the township officers.

5th. The establishment of a Court to be denominated the Court of Common Pleas, which shall have jurisdiction co-extensive with the District Court, except in capital cases. This system to embrace every county in the State which has a population of over ——— thousand. Said Court to be of the character of a Circuit Court, and to embrace not less than four counties in one circuit, and to have one Judge for each circuit, whose salary shall be fixed by law, but shall in no case exceed that of a Judge of the District Court.

6th. The creation of the office of County Auditor, a fiscal agent for the county.

7th. The office of Supervisor of roads, whose duty it shall be to open and keep in repair all roads in the county in such manner as shall be provided by law.

Mr. Seevers

Submitted the following substitute:

*Resolved*, (The Senate concurring) That \_\_\_\_\_  
\_\_\_\_\_ be, and they are hereby appointed Commissioners to aid and assist the Judiciary Committees of both Houses in drafting a code of civil and criminal procedure, and adapting the laws now in force to the provisions of the New Constitution.

Mr. Seevers

Moved a call of the House.

The call being sustained, the Clerk proceeded to call the roll, when it appeared that the following named gentlemen were absent and unexcused, to-wit:

Messrs. Alger, Bradley, Clune, Cooley, Dews, Guiberson, Mitchell, Trumbull and Wilson.

Messrs. Alger, Curtis, Guiberson and Mitchell were excused from attendance.

The Sergeant-at-Arms was directed to bring in the unexcused absentees.

Mr. Clark, of Johnson,

Moved that further proceedings under the call be suspended.

The motion was not agreed to.

The call proceeding, Messrs. Bradley, Crawford, Edwards and Wilson entered the Hall and took their seats.

On motion of Mr. Seevers

Further proceedings under the call were suspended.

Mr. Clark, of Dubuque,

By leave of the House, withdrew the second resolution of the series introduced by himself.

The question now recurring upon the adoption of the substitute for the first of said resolutions,

The yeas and nays were demanded by Mr. Seevers, and were as follows:

Yeas 51, }

Nays 17. }

The yeas were,

Messrs. Anthony, Bates, Bradley, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Collins, Crawford, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Harmon, Jackson, Johnson, Lambert, Lundy, McCrary, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Wright and Mr. Speaker—51.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Bennett, Campbell, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Gue, Laney, Mahony, Milliser, Sprague, Thompson, Woodward—17.

On motion of Mr. Seevers,

The blank in the resolution was filled by the names of Wm. Smythe, of Linn county, Winslow T. Barker of Dubuque county, and C. Ben Darwin of Des Moines county.

The question now recurring upon the adoption of the resolution as amended,

The yeas and nays were called and were as follows:

Yeas 62, nays 6.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Lundy, McCrary, McCormick, McGrew, Millard, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Wright, Mr. Speaker.

The nays were,

Messrs. Bennett, Curtis, Laney, Mahony, Milliser, and Woodward.

Mr. Wright,

From the committee on enrolled bills submitted the following report:

The committee on Enrolled bills report that they have examined the following bills, and find them correctly enrolled:



House File No. 14, Joint Resolution to procure increased mail facilities.

House File No. 52, An act making an appropriation for Swamp Land purposes. ED. WRIGHT, Chairman.

The committee on Enrolled Bills further report that they have presented the following bills to the Governor for his signature, to wit :

House File No. 38, Joint Resolution to procure services on mail routes.

House File No. 14, Joint Resolution to procure increased mail facilities.

House File No. 52, An act making an appropriation for Swamp Land purposes. ED. WRIGHT, Chairman.

Mr. Clark of Dubuque,

With leave, introduced the second resolution of the series introduced by him heretofore, and withdrawn by leave of the House,

Which, upon his motion,

Was laid upon the table, and

Ordered to be printed for the use of the House.

Mr. Belknap

Moved that the regular order of business be suspended and that the House take up House File No. 49, A bill for an act in relation to Insurance Companies, together with the amendments thereto, heretofore reported by the committee on the Judiciary,

Which motion prevailed.

When, on motion of Mr. Belknap,

The amendments were concurred in.

Amend 16th section by erasing word "double," and inserting "five times," and after the word "capital" in next line, insert "and not encumbered to more than one half said cash valuation."

Do this in lieu of inserting "incumbrance," as proposed by committee.

Mr. Belknap

Offered the following amendments :

Strike out of the third and fourth lines in the first section, the words "other than Mutual Insurance Companies, and strike out the whole of the 17th section.

Pending which motion,

On motion of Mr. Clarke, of Dubuque,

The bill was recommitted to the committee on the Judiciary.

On motion of Mr. Foster.

The concurrent resolution of the Senate in relation to the appointment of a fireman for the committee rooms,

Was taken up, and concurred in.

On motion of Mr. SeEVERS,

House File No. 9, A bill for an act to provide for a more liberal stay of execution on Judgments at Law,

Was taken up and made the special order for to-morrow morning at 9½ o'clock.

Mr. Bander,

With leave, introduced House File No. 74, A bill for an act for the relief of John Ives,

Which was read a first and second time, and

Referred, on motion of Mr. Trimble,

To the Committee on the Judiciary.

Mr. Drummond

Moved that when this House adjourn, it adjourn to meet at two o'clock this P. M.

Which motion was lost.

Mr. Drummond

Moved to make House resolution and the substitute therefor the special order for this day four weeks.

Which was not agreed to.

On motion of Mr. Wilson,

House Resolution No. 2, in relation to Township Organizations, was made the special order of business for to-morrow at 2 o'clock P. M.

Mr. Bates,

From the committee on Incorporation, to whom was referred House File No. 17, A bill for an act legalizing the official acts of the Town Council of Guttenburg, in the county of Clayton,

Reported the same back to the House and recommended its passage.

Mr. Thompson

Submitted the following report:

The committee on the Judiciary, to whom was referred House File No. 32, A bill for an act to legalize the acts of the Commissioners appointed by the General Assembly of the State of Iowa, to locate and establish a State Road from Marietta, Marshall Co., to the Missouri River, in Maaona county, having had the same un-

der consideration, instruct me to report, that your committee are of opinion, that unless the action of said Commissioners was legal, no such road is established, and that this General Assembly has no Constitutional power to so establish it, by special enactment. Said bill is therefore reported back, with the recommendation that it be indefinitely postponed.

COM. ON THE JUDICIARY,  
Per THOMPSON.

The report of the Committee was concurred in, and the bill indefinitely postponed.

Mr. Harmon,

From the Committee on Judiciary, to whom was referred House File No. 35, A bill for an act requiring non-resident plaintiffs to give security for costs, reported a substitute therefor and recommended its passage.

Mr. SeEVERS,

From the committee on the Judiciary, to whom was referred House File No. 18, A bill for an act to legalize the acts of Thomas A. Graham, a Notary Public, reported a substitute therefor, and recommended its passage.

On motion of Mr. Jackson,

The bill was laid upon the table and ordered to be printed for the use of this House.

Mr. BATES,

From the committee on Expenditures, to whom was referred House File No. 25, A bill for an act in relation to the purchase of copies of the Debates of the late Constitutional Convention, reported the same back to the House and recommended its passage.

Mr. CLARK,

From the committee on Joint Rules to whom was referred the Joint Rule heretofore offered for the government of the two Houses,

Reported the same back and recommended that it be laid upon the table, which recommendation was agreed to.

Mr. THOMPSON,

From the Judiciary Committee, submitted the following report:  
The committee on the Judiciary, to whom was referred Senate File No. 27, A bill for an act fixing the time of holding Court in the 12th Judicial District, having had the same under consideration, instruct me to report the same back with the following

amendment, to wit : insert after the word State, in the fourth line of the 1st Section, the words "during the year 1858," and thus amended, recommend its passage.

COM. ON JUDICIARY,  
Per THOMPSON.

The report was concurred in.

Mr. Wilson

Moved that when this House adjourn, it adjourn to meet at 1½ o'clock this P. M.

Which motion was agreed to.

Mr. Thompson,

From the committee on the Judiciary, submitted the following report :

The committee on the Judiciary, to whom was referred Senate File No. 25, A bill for an act to legalize the official acts of Fred. M. Hubbell, having had the same under consideration, instruct me to report the same back, together with the amendment, added to the first Section, "Provided that this act shall not affect any legal liability of Fred. M. Hubbell and T. Elwood Clark," and recommend that it pass, thus amended.

The amendment of the committee was concurred in.

Mr. Seevers,

From the committee on the Judiciary, submitted the following report, which was concurred in :

The committee on the Judiciary, to whom was referred the petition of A. W. Coleman and sundry other citizens of Benton county, asking that the names of certain towns therein named, be changed, have directed me to report the same back with the recommendation that it be referred to the committee on Incorporations, with directions to draft a general law, under which the prayer of petitioners can be obtained.

Mr. Seevers

Also submitted the following report, which was concurred in :

The committee on the Judiciary, to whom was referred a petition of John Chambaud and others, citizens of Blackhawk county, asking a charter for the purpose of erecting a dam across Cedar River, at a point named in said petition, have directed me to report the same back with the recommendation that it be referred to the committee on Incorporations, with directions to draft a general law under which the prayer of petitioners can be accomplished.

The House then adjourned.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Foster

Moved a call of the House,

Which call was sustained.

The Clerk proceeded to call the roll, and the following named gentlemen were found absent and unexcused:

Messrs. Bauder, Beal, Bradley, Campbell, Carpenter, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Crawford, Cooley, Davis, Dewey, Drummond, Edwards, Gray, Harmon, Mahony, McCormick, McGrew, Millard, Milliser, Morgan, Randolph, Rankin, Richardson, Reitzel, Scott, Stearns, Steward, Street-er and Trumbull.

Several gentlemen entered the Hall and took their seats, when,

Upon motion of Mr. SeEVERS,

Further proceedings under the call were suspended.

Mr. McCrARY introduced

House File No. 75: A bill for an act in relation to holding Court in Fort Madison, in Lee county,

Which was read the first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Foster introduced

House File No. 76: A bill for an act entitled an act to repeal a part of section 2705 of the Code of Iowa,

Which was read the first and second time, and referred to the committee on the Judiciary.

Mr. Thompson introduced

House File No. 77: A bill for an act relating to garnishment,

Which was read the first and second time, and referred to the committee on the Judiciary.

Mr. Prentiss introduced

House File No. 78: A bill for an act to amend Chapter 138 of the Code, concerning crimes and punishments,

Which was read the first and second time, and referred to the committee on the Judiciary.

Mr. Wilson

Presented the petition of Benj. D. Pierce and others, praying for the abolishment of capital punishment,

The reading of which was dispensed with, and the petition referred to the committee on the Judiciary.

Mr. Edwards introduced

House File No. 79: A bill for an act to exempt the lands of Literary Institutions from taxation for a term of years,

Which was read the first and second time, and referred to the committee on Schools and State University.

Mr. Thompson introduced

House File No. 80: A bill for an act to limit the action of Replevin,

Which was read the first and second time, and referred to the committee on the Judiciary.

Mr. Drummond introduced

House File No. 81: A bill for an act to amend section 1052 of the Code,

Which was read the first and second time, and referred to the committee on the Judiciary.

Mr. Curtis introduced

House File No. 82: A bill for an act to authorize the election of an additional Justice of the Peace in Lake Prairie township, in Marion county,

Which was read the first and second time, when,

Upon motion of Mr. Wilson,

The bill was referred to the committee on the Judiciary.

Mr. Harmon introduced

House File No. 83: Preamble and Joint Resolution for increased mail facilities,

Which,

On motion of Mr. Harmon,

Was considered as read the first and second time, and

Referred to the committee on Federal Relations.

Mr. Curtis

Presented the petition of citizens of Lake Prairie Township, in Marion county, Iowa, asking for an additional Justice of the Peace in said township,

Which was referred to the committee on the Judiciary.

Mr. Foster introduced

House File No. 84: A bill for an act to repeal an act to amend the charter of the city of Keokuk, passed at the extra session of the Fifth General Assembly of the State of Iowa,

Which was read a first and second time, and  
Referred to the committee on Incorporations.

Mr. Cassiday, of Mahaska, introduced  
House File No. 85: A bill for an act to repeal an act entitled an  
act to amend Chapter 62, title 13 of the Code of Iowa, approved  
January 29th, 1857,

Which was read the first and second time, and referred to the  
committee on the Judiciary.

Mr. Curtis introduced

House File No. 86: A bill for an act to provide for the better  
security of the State and county revenue,

Which was read a first and second time, and  
Referred to the committee on Ways and Means.

Mr. McCrary introduced

House File No. 87: A bill for an act in relation to contempts,  
Which was read the first and second time, and  
Referred to the committee on the Judiciary.

Mr. Beal introduced

House File No. 88: A bill for an act to enable the several coun-  
ties in the State to sell and dispose of the swamp and overflowed  
lands within their limits.

Which was read the first and second time, and  
Referred to the committee on Public Lands.

Mr. Carpenter introduced

House File No. 89: A Joint Resolution asking the establish-  
ment of a mail route extending in a north-west direction from Ft.  
Dodge to Sioux City,

Which was referred to the committee on Federal Relations.

Mr. Cassiday, of Mahaska, introduced

House File No. 90: A bill for an act to repeal section 1464 of  
the Code of Iowa,

Which was read the first and second time, and  
Referred to the committee on the Judiciary.

Mr. Speaker

Laid before the House a communication from the Supreme Court,

Which was read, and  
Referred to the committee on Ways and Means,  
Senate File No. 31: A bill for an act regulating the time of hold-  
ing Courts in the Third Judicial District,

Was taken up and read a first and second time, and,

On motion of Mr. Wilson,  
 Referred to the members from that District.  
 Senate File No. 35: A Joint Resolution to procure mail facilities,  
 Was taken up and read a first and second time, and  
 Referred to the committee on Federal Relations.

### BILLS ON THEIR PASSAGE.

House File No. 48: Joint Resolution for the publication of Agricultural Report,

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

House File No. 51: Joint Resolution and memorial of the General Assembly of the State of Iowa asking for the establishment of a mail route and mail,

Was taken up, and

On motion of Mr. Seevers,

Was re-committed to the committee on Federal Relations.

House File No. 50: A bill for an act to amend section 2891 of the Code of Iowa,

Was read a third time, and upon the question of its passage,

The yeas and nays were ordered and were as follows:

Yeas 64—Nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—64.

The title of the bill was then agreed to.

Senate File No. 2: A bill for an act legalizing the acts of certain school officers in Marion township, Linn county, Iowa,

Was read a third time, and upon the question of its passage,

The yeas and nays were ordered and were as follows:

Yeas 61—Nays none,

The yeas were,



Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Curtis, Dana, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, McCray, McCormick, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—61.

The title of the bill was then agreed to.

Senate File No. 25: A bill for an act to legalize the acts of Fred. M. Hubbell,

Was read a third time, together with the amendments reported by the Committee on the Judiciary, and upon the question of its passage as amended,

The yeas and nays were ordered and were as follows :

Yeas 56, }  
Nays 1. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Cooley, Collins, Curtis, Dana, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Harmon, Johnston, Lambert, Laney, Lundy, McCray, McCormick, Millard, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Sprague, Stearns, Stewart, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—56.

Mr. Clune voted nay.

The title of the bill was then agreed to.

Senate File No. 27: A bill for an act fixing the time of holding courts in the Twelfth Judicial District of Iowa,

Was read a third time, together with the amendment reported by the committee on the Judiciary, and upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows :

Yeas 54—Nays none.

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Campbell,

Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Curtis, Dana, Dewey, Dews, Drummond, Foster, Gray, Grimes, Gue, Johnson, Lambert, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Scott, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—54.

The title of the bill was then agreed to.

House File No. 21: A bill for an act legalizing the official acts of the town council of Guttenburg, in Clayton county, Iowa,

Was taken up, and

Upon motion of Mr. Wilson,

Was re-committed to the committee on Incorporations.

House File No. 35: A bill for an act requiring non-resident plaintiffs to give security for costs,

Was taken up, and

On motion of Mr. Wilson,

Was re-committed to the committee on the Judiciary, with instructions to strike out the words "before the issues are made up."

House File No. 25: A bill for an act in relation to the purchase of copies of the Debates of the late Constitutional Convention,

Was taken up.

Mr. Wright

Rose to a question of order.

The Chair decided that the bill, having been referred to a committee upon a previous day, and the committee having reported the same back to the House on to-day, without amendment, and recommended its passage, it was in accordance with parliamentary usage that the bill be read a third time and put upon its passage now.

From which decision Mr. Wright appealed.

Upon the question, shall the decision of the Chair stand as the decision of the House,

It was decided in the negative.

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

The resolution heretofore offered requiring information from Superintendent of Public Instruction in relation to certain school lands and the interest on school moneys,

Was taken up, when,

On motion of Mr. Drummond,

The resolution was amended by striking out the word "required" and inserting the word "requested."

The resolution was then adopted.

Mr. Cavanaugh, with leave, introduced

House File No. 91: Joint Resolution for increased mail facilities,

Which was read a first and second time, and

On his motion,

Was referred to the committee on Federal Relations.

On motion of Mr. Cassiday, of Mahaska,

Substitute for House File No. 36: A bill for an act to amend an act entitled an act in relation to county seats, approved January 21st, 1855,

Was taken from the table.

When, on motion of Mr. Bauder,

The House adjourned.

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THURSDAY, JANUARY 28th, 1858. )  
10 o'clock A. M. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. McDonald.

Journal of yesterday read and approved.

Message from the Senate by their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bills, in which the concurrence of the House is asked.

Substitute for Senate File No. 22, A bill for an act to legalize the sale of certain School Lands, by Jas. Hull, School Fund Commissioner of Boone county, Iowa.

Also, Senate File No. 41, A bill for an act to repeal an act entitled an act to erect School District No. 3, Cedar Township, Monroe county, Iowa.

Also, Senate File No. 43, A bill for an act authorizing the Co.

Judge of Lee county, to build a jail in the city of Keokuk in said county.

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

House File No. 55, Memorial and Joint resolution asking Congress to appropriate a sum sufficient to the State of Iowa, to indemnify the said State or all necessary expenses incurred in an expedition raised under the authority of the Governor of the State of Iowa, to relieve the settlement at Spirit Lake, in March, A.D. 1857.

Also, House File No. 46, A Joint Memorial to the Senate and House of Representatives of the United States, asking for bounty Land Warrants for the volunteers in the Spirit Lake Expedition.

GEO. E. SPENCER,  
Secretary of the Senate.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following concurrent resolution, to wit :

*Resolved*, (the House concurring) That a committee of three be appointed to act with a similar committee on the part of the House, to enquire into the necessity of further legislation to regulate the manufacture and sale of Intoxicating Liquors, and that said committee are instructed to report at an early day, by bill or otherwise.

GEO. E. SPENCER,  
Sec'y of Senate.

House File No. 36, and the substitute therefor, being the order of business,

Mr. Seevers

Moved that the substitute be adopted,

Which was agreed to.

Mr. Cassidy of Mahaska

Moved to amend the substitute by adding to section 6 the words, "without expense to the State,"

Which amendment did not prevail.

Mr. Lambert

Moved that the further consideration of the bill and substitute be indefinitely postponed.

Mr. Wright

Moved to amend by postponing the further consideration of the bill and substitute until the first Monday in March next,

Upon which question,

The yeas and nays were ordered and were as follows:

Yeas 44, {  
Nays 23. }

The yeas were,

Messrs. Anthony, Ayers, Beal, Belknap, Bradley, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Davis, Dewey, Drummond, Gray, Grimes, Johnson, Lambert, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Richardson, Scott, Sharp, Sprague, Steward, Thompson, Trumbull, Watts, Wright.

The nays were,

Messrs. Bates, Bauder, Bennett, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cooley, Curtis, Dana, Foster, Gue, Harmon, Jackson, Mahony, Rankin, Reitzel, SeEVERS, Stearns, Streeter, Waln, Wilson, Woodward, Mr. Speaker.

The bill was so postponed.

On motion of Mr. SeEVERS,

Substitute for House File No. 9, A bill for an act to provide for a more liberal stay of execution on Judgments at Law, being the special order of business,

The House resolved itself it into a committee of the Whole to consider the same,

Mr. Curtis in the Chair.

Message from the Senate,

By their Secretary, Mr. Spencer.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following Joint Resolutions, in which the concurrence of the House is asked.

Senate File No. 45, A Joint Resolution for increased mail facilities ; also,

Senate File No. 46, Preamble and Joint Resolution for increased mail facilities.

GEO. E. SPENCER,  
Secretary Senate.

At 12 o'clock M., the committee rose and reported the bill back to the House with the following amendments, and

Recommended its adoption as amended.

1st amendment—insert after the word “last,” in the 6th line, the words, “one and a half times.”

2d amendment—in section 5, line 4, strike out the word “testify” and insert “justify.”

3d amendment—in section 5, line 5, after the word “worth,” insert the words “one and a half times.”

4th amendment—in section 6th, line 1st, after the word “execution,” insert the words, “from date of judgment,”

5th amendment—Strike out all of section 6, after the word “aforesaid,” in the seventh line.

The first, second, third and fourth amendments of the committee were concurred in.

Upon the question of concurring in the 5th amendment,

The yeas and nays were called and were as follows :

Yeas 33, nays 32.

The yeas were,

Messrs. Anthony, Ayers, Bander, Bradley, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Collins, Dewey, Edwards, Foster, Grimes, Harmon, Jackson, Lambert, Laney, Lundy, Mahony, McCormick, McGrew, Millard, Milliser, Millsap, Morgan, Pierson, Rankin, Reitzel, Scott, Watts, Wright.

The nays were,

Messrs. Bates, Beal, Belknap, Bennett, Carpenter, Cassiday of Mahaska, Clark of Johnson, Clune, Cooley, Curtis, Dana, Drummond, Gray, Gue, Johnson, McCrary, Moorman, Prentiss, Randolph, Richardson, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward and Mr. Speaker

Mr. Mahony

Moved that the House reconsider the vote last taken,

Pending which question,

Mr. Foster

Moved the House do now adjourn.

Upon which question,

The yeas and nays were demanded by Mr. SeEVERS, and were as follows :

Yeas 39, nays 28.

The yeas were,

Messr. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bradley, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Curtis, Dewey, Foster, Gue, Harmon, Johnson, Lambert, Laney, McCrary, McCormick, Milliser, Millsap, Moorman, Pierson, Prentiss, Richardson, Scott, Sprague, Steward, Thompson, Wilson, Woodward and Wright.

The nays were

Messrs. Bennett, Carpenter, Cassiday of Mahaska, Cassaday of Van Buren, Clark of Johnson, Dana, Davis, Drummond, Edwards, Gray, Grimes, Jackson, Lundy, Mahony, McGrew, Millard, Morgan, Randolph, Rankin, Reitzel, Seevers, Sharp, Stearns, Streeter, Trumbull, Waln, Watts, Mr. Speaker.

The House was declared adjourned until 2 o'clock this afternoon.

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## TWO O'CLOCK, P. M

The question recurring upon the motion to reconsider the vote by which the 5th amendment of the Committee of the Whole to House File No. 9, was agreed to,

The yeas and nays were ordered and were as follows :

Yeas 49, nays 17.

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Gray, Grimes, Harmon, Johnson, Mahony, McCrary, Milliser, Moorman, Morgan, Prentiss, Handolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson and Mr. Speaker.

The nays were,

Messrs. Ayers, Beal, Carpenter, Cavanaugh, Crawford, Foster, Gue, Jackson, Lambert, Laney, Lundy, McCormick, McGrew, Millard, Millsap, Woodward, Wright.

The question recurring upon the adoption of the 5th amendment,

The yeas and nays were ordered, and were as follows :

Yeas 18, nays 52.

The yeas were,

Messrs. Ayers, Carpenter, Clark of Des Moines, Crawford, Foster, Grimes, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, McCormick, Millard, Millsap, Scott, Steward, Wright—18.

The nays were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Gray, Gue, Johnson, Mahony, McGrew, Milliser, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Willson, Woodward and Mr. Speaker—52.

Mr. Harmon

Moved that the bill be re-committed to the committee on the Judiciary, with instructions to amend the sixth Section.

Which motion was lost.

Mr. Drummond

Moved that the House now take up the special order and resolve itself into a Committee of the Whole, to consider the same.

Which motion was not agreed to.

Mr. Thompson

Moved to amend the bill by adding the following as an additional Section :

SEC. 8. This act shall cease to be in force from and after the first day of May, 1859, provided that this Section shall not affect the validity of any security then before taken under this act.

The amendment was not agreed to.

Mr. Jackson

Moved to amend the first Section of the bill by striking out all after the word "times," and inserting the following: which security shall be conditioned that the defendant shall pay the whole amount of judgment with interest at the rate of twenty-five per cent per annum, and costs.

Mr. Clune



Moved to amend the amendment by striking out "25" and inserting "40."

Which amendment was lost.

The question recurring upon the motion to strike out, and add,  
The yeas and nays were ordered and were as follows :

Yeas 7, nays 60.

The yeas were,

Messrs. Carpenter, Cooley, Crawford, Foster, Gue, Jackson, Johnson—7.

The nays were,

Messrs. Anthony, Ayers, Bates, Bander, Beal, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Gray, Grimes, Harmon, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—60.

Mr. Bates

Moved to amend the bill by adding the following as an additional Section numbered 2.

Which amendment was agreed to.

SECTION 2. If an execution shall have been issued before the giving of the security provided for in the foregoing Section, it shall be the duty of the Clerk, Judge or Justice approving said security, to give the defendant a certificate that the stay has been allowed. Upon the presentation of said certificate to the proper officer having charge of said execution, the said officer shall cease further action and release any property that may have been taken by virtue of said execution ; but no sale of property already made under said execution shall be affected by the stay herein provided for, and the proceeds of such sale be endorsed upon such executions, and the execution forthwith returned to the Court from which it issued.

Mr. Foster

Moved to amend Section one of the bill, as follows : Insert after the word State, in the second line the words "except Judgment by confession or by consent."

The amendment was not agreed to.

Mr. Seevers

Moved that the bill be ordered to be engrossed and read a third time to-morrow, upon which question,

The yeas and nays were demanded and were as follows :

Yeas 41, nays 26.

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Collins, Dana, Davis, Dewey, Dews, Drummond, Edwards, Gray, Grimes, Jackson, Laney, Mahoney, McCrary, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Sprague, Streeter, Trumbull, Wain, Watts, Mr. Speaker—41.

The nays were,

Messrs. Ayers, Beal, Campbell, Cassaday of Van Buren, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Foster, Gue, Harmon, Johnson, Lambert, Lundy, McCormick, Pierson, Richardson, Sharp, Stearns, Steward, Thompson, Woodward, Wright—26.

On motion of Mr. Foster,

The House resolved itself into a Committee of the Whole, for the purpose of considering House Resolution No. 2, and the Substitute therefor, in relation to a system of Township and County Organization, the same being the special order of the day.

Mr. Wilson in the Chair.

At four o'clock the committee rose, reported progress, and asked leave to sit again.

Leave granted.

Mr. Jackson had leave to introduce

The following resolution, which,

On his motion, was adopted.

*Resolved*, That the Chief Clerk have leave of absence for three days, upon his procuring a suitable substitute during his absence.

Mr. Wilson,

From the select committee, to whom was referred Senate File No. 31, A bill for an act regulating the time of holding courts in the 3d Judicial District, reported a substitute therefor, and recommended its adoption.

The report of the committee was concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Woodward,  
The House adjourned.

FRIDAY MORNING, }  
JANUARY 29, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. McDonald.

Charles C. Nourse was sworn as Clerk pro tem in the absence of the Chief Clerk.

Journal of yesterday read in part, and,

On motion of Mr. Edwards,

The further reading was dispensed with.

Mr. Seevers

Presented the Petition of citizens of Pella, in Marion county, remonstrating against the passage of an act creating an additional Justice of the Peace in said county,

Which was referred to the committee on the Judiciary.

Mr. Belknap

Presented the petition of the Mayor and Board of Alderman of Keokuk,

Which was referred to the members from Lee county and the 55th District.

Mr. Collins

Presented the petition of citizens of Clayton and Alamakee counties, praying for the passage of an act creating County and Township Organization,

Which upon his motion,

Was referred to the committee on Township and County Organizations.

Mr. Bennett

Presented petition asking for the re-location of the State Road from Eddyville in Wappello county, to Louisa, in Marion county,

Which was referred to committee on Roads and Highways.

Mr. Ayers

Presented the petition of citizens of Van Buren county, asking for the passage of an act providing for the election of an Assessor and Collector in each township in said county,

Which was referred to committee on Township and county organizations.

Mr. Carpenter

Presented the petition of citizens of Franklin county, praying for the abolition of the office of County Judge,

Which upon his motion,

Was referred to committee on Township and County Organization.

Mr. Dana

Presented the petition of fifty-five citizens praying for the passage of an act abolishing the office of County Judge,

Which was referred to the committee on Township and County Organizations.

Mr. Waln

Presented the petition of citizens of Brown township, of Linn county, asking for the establishment of a new School District in said township,

Which was referred to the committee on the Judiciary.

Mr. Grimes

Presented the petition of citizens of Delaware and Dubuque counties, in relation to setting apart certain portions of said counties,

Which on motion of Mr. Bates,

Was referred to the committee on New Counties.

Mr. Bennett

Presented the petition of citizens of Marion county, asking for the location of the Deaf and Dumb Asylum, at or near Pella, in said county,

Which was referred to the committee on Charitable Institutions.

Mr Belknap

Presented the petition of citizens of Lee county, remonstrating against the impeachment of Hon. T. W. Claggett,

Which was referred to the special committee on impeachment.

Mr. Davis

Presented the petition of citizens of Ringgold county, asking for the relocation of a certain State road in said county,

Which was referred to the committee on Roads and Highways.

Mr. Carpenter presented the petition of citizens of Wright and Hancock counties, asking for the passage of an act attaching a part of the county of Hancock to the county of Wright,

Which was referred to the committee on New Counties.

Mr. Thompson

Presented the petition of citizens of Scott county, praying for the establishment of a new Court in said county,

Which was referred to the committee on Judiciary.

Mr Campbell

Presented the petition of citizens asking for the location of a State Road,

Which upon motion of Mr. Wilson,

Was laid upon the table.

Mr. Sprague

Presented the petition of citizens of Louisa county remonstrating against the impeachment of Hon. T. W. Claggett,

Which was referred to the committee on that subject.

Mr. Sprague

Also presented the petition of citizens of Louisa county, asking for the passage of an appraisement law,

Which was referred to the committee on Judiciary.

Mr. Morgan

Presented the petition of citizens of Mahaska county, asking for the location of a State Road,

Which was laid upon the table.

## REPORTS OF COMMITTEES.

Mr. Seevers,

From the committee on the Judiciary, to whom was referred House File No. 49, A bill for an act in relation to Insurance Companies,

Reported a substitute therefor, and recommended its passage.

On motion of Mr. Bates,

The substitute was laid upon the table and ordered to be printed for the use of the House.

Mr. Clark of Dubuque,

From the committee on the Judiciary, to whom was referred House File No. 3, A bill for an act to prescribe the mode of foreclosing mortgages and of redeeming property sold thereby,

Reported the same back with a substitute for Sections 3, 4, 5 and 6, of the bill, which amendments were concurred in, and the bill as amended laid on the table and ordered to be printed for the use of the House.

Mr. Thompson,

From the committee on the Judiciary, to whom was referred House File No. 79, A bill for an act to allow interested persons to testify in civil actions,

Reported the same back and recommended that it do not pass.

On motion of Mr. SeEVERS,

The bill was laid upon the table, and made the special order for Monday at 10 o'clock A. M.

Mr. Foster,

From the committee on Engrossed Bills, submitted the following report:

The committee on Engrossed Bills, have examined the following bills, to wit:

House File No. 6, A bill for an act to repeal an act entitled an act to authorize George F. McClure to construct a dam across the Des Moines River. Also,

House File No. 19, A bill for an act requiring suit to be instituted and prosecuted against delinquent County Treasurers. Also,

House File No. 25, A bill for an act in relation to the purchase of copies of the Debates of the Constitutional Convention. Also,

House File No. 53, Memorial and Joint Resolution asking for additional mail facilities between Dyersville and Clarksville. Also,

House File No. 55, A bill for an act to change the boundaries of the thirteenth Judicial District so as to include Webster county. Also,

House File No. 75, A bill for an act in relation to the time of holding Court in Fort Madison, Lee county, and find the said bills correctly engrossed.

FOSTER, Chairman.

Mr. Randolph,

From the committee on Public Lands, to whom was referred House File No. 88, A bill for an act to enable the several coun-

ties in this State to sell and dispose of the swamp and overflowed lands within their limits,

Reported the same back to the House, with a recommendation that it be postponed until the first Monday in March next.

On motion,

The bill was laid upon the table.

Mr. Bates,

From the committee on Incorporations, to whom was referred House File No. 21, A bill for an act legalizing the official acts of the town of Guttenburg, in the county of Clayton,

Reported a substitute therefor, which was adopted, and

Upon his motion,

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

Mr. Mahony introduced

House File No. 92, A bill for an act to discontinue the offices of County Recorder and County Treasurer and to provide for the election of County Recorder and County Treasurer,

Which was read a first and second time and referred to the committee on the Judiciary.

Mr. Harmon, with leave, introduced

House File No. 93, A bill for an act to amend Chapter 167 of the Code, of the sixth General Assembly,

Which was read a first and second time, and referred to the committee on the Judiciary.

Mr. Thompson introduced

House File No. 94, A bill for an act to repeal Chapter 37 of the acts of the fourth General Assembly, and to re-enact such portions of Chapter 57, title 13 of the Code as was repealed thereby,

Which was read a first and second time, and

On motion of Mr. Seevers,

Laid upon the table.

Mr. McCrary introduced

House File No. 95, A bill for an act to provide for the punishment of the crime of wilful and malicious oppression,

Which was read a first and second time and referred to the committee on the Judiciary.

Mr. Lambert introduced

House File No. 96, A Joint Resolution for the establishment of mail facilities,

Which was referred to the Committee on Federal Relations.

Mr. Dews introduced

House File No. 97, A Memorial and Joint Resolution to provide for additional mail facilities,

Which was referred to the committee on Federal Relations.  
Also,

House File No. 98, A Memorial and Joint Resolution to procure additional mail facilities,

Which was referred to the committee on Federal Relations.

Mr. Lambert introduced

House File No. 99, A Joint Resolution for increased mail facilities, which

On his motion,

Was referred to the committee on Federal Relations.

Mr. Anthony introduced

House File No. 100, A bill for an act to require the County Treasurers to render a full account of moneys due the State in their hands at an early day,

Which was read a first and second time, and

On motion of Mr. Thompson,

Referred to the committee on Ways and Means.

Mr. Carpenter introduced

House File No. 101, A bill for an act to authorize the County Judge of Webster county to have transcribed certain portions of the Records of said county,

Which was read a first and second time and ordered to a third reading to-morrow.

Mr. Millard introduced

House File No. 102, A bill for an act to provide for the payment of certain claims against Townships,

Which was read a first and second time, and

On motion of Mr. Belknap,

Referred to the committee on the Judiciary.

Mr. Edwards

Moved to reconsider the vote by which the House ordered House File No. 9, to a third reading.

On motion of Mr. Seevers,

The motion to reconsider was laid on the table, subject to the order of the House.



## BILLS ON THEIR THIRD READING.

House File No. 19, A bill for an act requiring suit to be instituted, and prosecuted against delinquent County Treasurers.

Was taken up and read a third time, and upon the question shall the bill pass,

The yeas and nays were ordered and were as follows :

Yeas 61, nays 3.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Curtis, Dana, Davis, Dews, Dewey, Edwards, Foster, Gray, Grimes, Gue, Harmon, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson Woodward, Wright, Mr. Speaker—61.

The nays were,

Messrs. Beal, Crawford and Laney.

Passed and the title agreed to.

Mr. Clark

Moved that House File No. 6, be recommitted to the committee on Judiciary.

Motion lost.

House File No. 6, A bill for an act to repeal an act entitled an act to authorize George F. McClure to construct a dam across the Des Moines River,

Was read a third time and upon the question shall the bill pass,

The yeas and nays were ordered, and were as follows :

Yeas 55, nays 8.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Johnson, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Milliser, Moorman, Mor-

gan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, Seavers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Wright, Mr. Speaker—55.

The nays were,

Messrs. Bradley, Cavanaugh, Clark of Dubuque, Clark of Johnson, Crawford, Mahony, Millsap, Woodward—8.

Bill passed and the title agreed to.

Mr. Wright,

From the committee on Enrolled Bills, submitted the following report:

The committee on Enrolled Bills, report that they have examined the following bills and find them correctly enrolled:

House File No. 45, Memorial and Joint Resolution asking Congress to appropriate a sum sufficient to the State of Iowa, to indemnify the said State for all necessary expenses incurred in an expedition raised under authority of the Governor of the State of Iowa, to relieve the settlement at Spirit Lake, in March, A. D. 1857.

House File No. 46, Joint Resolution to the Senate and House of Representatives of the United States, asking for Bounty Land Warrants for the volunteers in the Spirit Lake Expedition.

ED. WRIGHT, Chairman.

On motion of Mr. Pierson,  
The House adjourned.

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SATURDAY MORNING, }  
JANUARY 30th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. McDonald.

Journal of yesterday read and corrected.

#### BILLS ON FIRST READING.

Senate File No. 22: A bill for an act to legalize the sale of cer-

tain school lands by James Hull, School Fund Commissioner of Boone county, Iowa,

Was read a first and second time, and

On motion of Mr. Curtis,

Referred to the committee on the Judiciary.

Message from the Senate by their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has amended the concurrent resolution of the House in relation to the appointment of Commissioners to revise and codify the laws of the State of Iowa, by striking out all after the word, "Commissioners," and inserting as follows, to-wit :

"To draft and report to the Judiciary Committee of the two Houses, a code of civil and criminal procedure, and also to report such changes as may seem necessary to harmonize existing laws and adapt them to the new Constitution, and said Commissioners to revise and codify the general laws of the State, so far as practicable, and report the same in the several parts through the Judiciary committee to the Legislature as speedily as practicable. And that after the same shall have been enacted as laws by the General Assembly, that said Commissioners shall arrange and index all of the general laws into one volume, to be published by order of the General Assembly. Said volume to contain all general laws in force in the State.

GEORGE. E. SPENCER,  
Secretary Senate.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 38: A bill for an act to amend section 498 of the Code of Iowa.

Senate File No. 50: Memorial and Joint Resolution for additional mail facilities.

GEO. E. SPENCER,  
Secretary Senate.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed a substitute for House File No.

47: A bill for an act authorizing the Governor to arm and equip a company of men for the defence and protection of our frontiers,  
And the Senate asks the concurrence of the House in the same.

GEO. E. SPENCER,  
Secretary Senate.

Senate File No. 41: A bill for an act to repeal an act entitled an act to erect School District No. 3, Cedar township, Marion Co.,  
Was read a first and second time, and

On motion of Mr. Bates,

Referred to the committee on Schools and State University.

Senate File No. 43: A bill for an act authorizing the County Judge of Lee county to build a jail in the city of Keokuk,  
Which was read a first and second time, and

On motion of Mr. Belknap,

Ordered to a third reading on Monday.

Senate File No. 45: Joint Resolution for additional mail facilities,  
Which was read the first and second time, and  
Referred to the committee on Federal Relations.

Senate File No. 46: Joint Resolution for increased mail facilities,  
Was read a first and second time, and  
Referred to the committee on Federal Relations.

### BILLS ON THIRD READING.

House File No. 25: A bill for an act in relation to the purchase of copies of the Debates of the late Constitutional Convention,  
Was taken up and read a third time, and upon the question,  
Shall the bill pass,

The yeas and nays were ordered and were as follows:

Yeas 18, }  
Nays 49. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Davis, Dewey, Dews, Edwards, Gue, Laney, McCrary, McCormick, Pierson, Randolph, Sharp, Thompson, Watts—18.

The nays were,

Messrs. Beal, Bennett, Bradley, Campbell, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Drummond, Foster, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy

Mahony, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sprague, Stearns, Steward, Streeter, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker—49.

The bill was not passed.

House File No. 53: Memorial and Joint Resolution asking for additional mail facilities from Dyersville, in Dubuque county, to Clarksville, in Butler county,

Was taken up and read a third time, and upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows:

Yeas 66—Nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker—66.

The bill passed, when the title was agreed to.

House File No. 55, A bill for an act to change the boundaries of the 13th Judicial District, so as to include Webster county, Was read a third time, and

Upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows:

Yeas 67 nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan,

Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Wain, Watts, Wilson, Woodward, Wright and Mr. Speaker.

The bill passed, when the title was agreed to.

Mr. McCrary,

With leave, withdrew House File No. 75.

Substitute for House File No. 18, A bill for an act to legalize the official acts of Thomas W. Graham,

Was read a third time, and

On motion of Mr. Seevers,

Recommitted to the committee on the Judiciary, with instructions to report amendments that the act shall not legalize the use of defective seals hereafter.

On motion of Mr. Seevers,

The message from the Senate in relation to the concurrent resolutions providing for the appointment of Commissioners to revise and codify the laws,

Was taken up and considered.

On motion of Mr. Seevers,

The amendments of the Senate to the resolution were concurred in, and the following amendments added to the resolution as amended, to wit:

“Should a vacancy in said commission occur by death, resignation or otherwise, the Governor shall immediately fill the vacancy so occurring.

## PETITIONS AND MEMORIALS.

Mr. Foster

Presented the petition of Wm. Deibly and 930 others, in relation to School Lands in Iowa County,

Which was,

On his motion,

Referred to the committee on Public Lands.

Mr. Jackson

Presented the petition of Thomas Darlington and 100 others, in relation to the School Lands in Marshall county,

Which was,

On his motion,

Referred to the committee on Judiciary.

On motion of Mr. Carpenter,

Senate substitute for House File No. 47, A bill for an act authorizing the Governor to raise, arm and equip a company of men for the defense and protection of our frontiers,

Was taken up and considered.

Mr. Carpenter

Moved that the House adopt the substitute of the Senate.

Mr. Trumbull

Moved to amend the substitute of the Senate by adding to section 12 the words :

*Provided*, That no other punishment other than expulsion from the service or forfeiture of pay shall be inflicted.

Upon which motion,

The yeas and nays were ordered and were as follows :

Yeas 19, nays 48.

The yeas were,

Messrs. Bates, Bennett, Clark of Des Moines, Clark of Dubuque, Clune, Curtis, Dews, Drummond, Guiberson, Lambert, Laney, Millard, Milliser, Scott, Sharp, Thompson, Trumbull, Waln and Wright.

The nays were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Johnson, Cooley, Collins, Crawford, Dana, Dewey, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lundy, Mahony, McCrary, McCormick, McGrew, Millsap, Moorman, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Sprague, Stearns, Steward, Streeter, Watts, Wilson, Woodward, Mr. Speaker.

Motion to amend lost.

Mr. Drummond

Moved to adjourn till 10 o'clock on Monday morning,

Which motion was lost.

On motion of Mr. Crawford,

A call of the House was ordered.

Messrs. Alger, Cassiday of Mahaska, Mitchell, and Rankin were found to be absent.

On motion of Mr. Wright,

Further proceedings under the call were dispensed with.

Mr. Drummond

Moved that the House adjourn till 9 o'clock, Monday morning.

Motion lost.

Mr. Wright

Moved to lay on the table the motion to adopt the substitute of the Senate.

Mr. Curtis

Moved that the House do now adjourn,

Upon which motion,

The yeas and nays were demanded, ordered and were as follows:

Yeas 21, nays 46.

The yeas were

Messrs. Anthony, Bates, Bauder, Beal, Bennett, Bradley, Clune, Cooley, Crawford, Curtis, Dews, Foster, Jackson, Johnson, Laney, Millard, Milliser, Scott, Sprague.

The nays were

Messrs. Ayers, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Collins, Dana, Davis, Dewey, Edwards, Gray, Grimes, Gue, Harmon, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sharp, Stearns, Stewart, Streeter, Thompson, Trumbull, Wala Watts, Wilson, Woodward, Wright, Mr. Speaker.

Motion lost.

The question now being on Mr. Wright's motion to lay the motion to adopt the substitute of Senate on the table,

The motion prevailed.

Mr. Bates

Moved that the House adjourn—motion lost.

Mr. Wright

Moved that when the House do adjourn, it adjourn to meet at 2½ o'clock p. m.

Mr. Drummond

Moved to amend by striking out 2 o'clock p. m., and inserting "9 o'clock Monday morning,"

Upon which motion to amend,

The yeas and nays were demanded, ordered and were as follows:



Yeas 21, nays 41.

The yeas were

Messrs. Bates, Bauder, Beal, Bennett, Ciune, Cooley, Curtis, Dews, Drummond, Foster, Guiberson, Laney, Mahony, Millard, Milliser, Scott, Sharp, Sprague, Waln, Watts, Wilson.

The nays were

Messrs. Ayers, Belknap, Campbell, Carpenter, Casey, Cavanaugh, Clark of Des Moines, Clark of Johnson, Collins, Dana, Davis, Dewey, Edwards, Gray, Grimes, Gue, Harmon, Johnson, Lambert, Lundy, McCrary, McCormick, McGrew, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Stewart, Streeter, Thompson, Trumbull, Woodward, Wright, Mr. Speaker.

Motion to amend lost.

On motion of Mr. Bates

A call of the House was ordered.

The roll was called and

Messrs. Alger, Anthony, Bradley, Casady of Woodbury, Cassidy of Mahaska, Clark of Dubuque, Crawford, Jackson, Mitchell, Thompson and Waln were found to be absent.

On motion Alger was excused.

On motion of Mr. Wilson

The further proceedings under the call were dispensed with.

Mr. Wilson

Moved the previous question.

The question being, shall the previous question be now put,

Was decided in the affirmative.

The question recurring on the motion that when the House do adjourn, it adjourn till 2½ o'clock, P. M.,

The yeas and nays were demanded and ordered and were as follows:

The yeas were,

Messrs. Ayers, Bauder, Belknap, Campbell, Carpenter, Casey, Cavanaugh, Clark of Des Moines, Clark of Johnson, Collins, Dana, Davis, Dewey, Edwards, Gray, Grimes, Gue, Harmon, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Sharp, Stearns, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—45.

The nays were,

Messrs. Bates, Beal, Bennett, Cassaday of Van Buren, Clune, Cooley, Curtis, Dews, Drummond, Foster, Guiberson, Laney, Millard, Milliser, Scott, Sprague, Steward—17.

Motion prevailed.

Mr. Wilson

Moved that the House do now adjourn.

On motion of Mr. Drummond

A call of the House was ordered.

The roll was called and

Messrs. Alger, Anthony, Bradley, Casady of Woodbury, Cassiday of Mahaska, Clark of Dubuque, Clark of Johnson, Crawford, Jackson, Johnson, Mitchell, Richardson, Thompson and Waln were found to be absent.

On motion of Mr. Wilson

The further proceedings under the call were dispensed with.

The question being on Mr. Wilson's motion to adjourn,

The yeas and nays were demanded and ordered and were as follows :

The yeas were,

Messrs. Ayers, Belknap, Campbell, Carpenter, Casey, Cavanaugh, Clark of Johnson, Collins, Dana, Davis, Dewey, Edwards, Gray, Grimes, Gue, Harmon, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Watts, Wilson, Woodward, Wright, Mr. Speaker—46.

The nays were,

Messrs. Bates, Bauder, Beal, Bennett, Cassaday of Van Buren, Clark of Des Moines, Clune, Cooley, Curtis, Dews, Drummond, Foster, Guiberson, Laney, Milliser, Scott, Sprague, Waln—18.

Motion prevailed.

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## TWO AND A HALF O'CLOCK, P. M.

On motion of Mr. Mahony

The House took from the table Senate substitute for House File No. 47: A bill for an act authorizing the Governor to raise, arm

and equip a company of men for the defense and protection of our frontiers.

Mr. Trumbull

Offered the following amendment to section 12:

“*Provided*, That the punishment of flogging, branding, and drumming out, shall never be permitted.”

The question being on the adoption of the above amendment,

The yeas and nays were demanded and ordered and were as follows:

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, Milliser, Millsap, Moorman, Randolph, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—58.

Mr. McGrew voted nay.

The amendment was adopted.

The question recurring on the adoption of the substitute of the Senate,

The yeas and nays were demanded and ordered and were as follows:

The yeas were,

Messrs. Ayers, Bauder, Belknap, Campbell, Carpenter, Cavanaugh, Clark of Dubuque, Cooley, Collins, Dana, Dewey, Dews, Edwards, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Mahony, McCrary, McCormick, McGrew, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Richardson, Scott, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—42.

The nays were,

Messrs. Anthony, Bates, Beal, Bennett, Casey, Cassaday of Van Buren, Clark of Des Moines, Clune, Curtis, Davis, Drummond, Foster, Gray, Laney, Lundy, Milliser, Pierson, Reitzel, Seevers, Sprague—20.

The substitute was adopted.

On motion of Mr. Seevers

The rule was suspended and the House took from the table the motion of Mr. Trumbull to reconsider the vote by which House File No. 9: A bill for an act to provide for a more liberal stay of executions on judgments,

Was ordered to a third reading.

The motion to reconsider prevailed, and

On motion of Mr. Seevers,

The bill was referred to a special committee of five.

The Speaker appointed on said committee

Messrs. Seevers, Clark of Dubuque, Edwards, Pierson and Mil-  
lard.

Mr. Wright,

From the committee on Enrolled Bills, made the following Re-  
port:

The committee on Enrolled Bills report that they have presented to the Governor for his signature the following bills, to-wit:

House File No. 45: Memorial and Joint Resolution asking Con-  
gress to appropriate a sum sufficient to the State of Iowa to indem-  
nify the said State for all necessary expenses incurred in an expe-  
dition raised under authority of the Governor of the State of Iowa  
to relieve the settlement at Spirit Lake, in March, A. D. 1857.

And House File No. 46: A Joint Memorial to the Senate and  
House of Representatives of the United States asking for bounty  
land warrants for volunteers in the Spirit Lake expedition.

ED. WRIGHT, Chairman.

Mr. Wilson,

From the committee on Ways and Means, to whom was refer-  
red House File No. 100, A bill for an act to require County Treas-  
urers to render a full account of all moneys due the State, in their  
hands at an early day,

Reported the same back to House without amendment and rec-  
ommended its passage.

The report of the committee was concurred in and the bill or-  
dered to a third reading on Monday.

Mr. Curtis,

From the committee on Judiciary, to whom was referred Senate  
File No. 13, A bill for an act to legalize the acts of certain School  
Officers.

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

The report was concurred in and the bill ordered to be read the third time on Monday.

Mr. Harmon,

From the committee on Judiciary, to whom was referred House File No. 35, A bill for an act requiring non-resident plaintiffs to give security for costs,

Reported the bill back to the House with a substitute therefor, and recommended the adoption and passage of the substitute.

On motion of Mr. Wright,

The substitute was amended by striking out the second Section.

Mr. Seevers

Moved that the substitute be engrossed for a third reading on Monday.

Upon which motion,

The yeas and nays were demanded, ordered and were as follows :

The yeas were,

Messrs. Anthony, Ayers, Bander, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Cooley, Collins, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millsap, Moorman, Morgan, Pier-son, Randolph, Rankin, Reitzel, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Wright, Mr. Speaker—62.

The nays were,

Messrs. Bates, Clark of Johnson, Clune, Dews, Laney, Milliser, Prentiss, Trumbull, Woodward—10.

Motion prevailed.

Mr. Harmon,

From the committee on Judiciary, to whom was referred House File No. 35, A bill for an act requiring non-resident plaintiffs to give security for costs,

Reported the same back to the House with one amendment, to wit : Strike out in the 1st Section the words, "before issue joined,"

Which amendment was concurred in.

The bill was ordered to be read a third time on Monday.

Mr. Curtis,

From the committee on the Judiciary, to whom was referred House File No. 81, A bill for an act to amend Section 1052 of the Code of Iowa,

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

On motion of Mr. Curtis,

The bill was ordered to be read a third time on Monday.

Mr. Mitchell,

From the committee on Public Buildings, made the following report:

The committee on Public Buildings, to whom was referred that portion of the message of the Governor relating to the State Penitentiary at Fort Madison, beg leave to report that they have had under consideration the reports of the Inspectors and Warden of the Penitentiary, and also a presentment of the Grand Jury of Lee Co., relative thereto, and after deliberate reflection present herewith a bill for an appropriation for the General support of the Institution, and for various improvements. This appropriation they consider absolutely necessary, and while they have not deemed proper to recommend as large an amount as has been asked for by the Inspectors, they do not hesitate to say that every dollar of the sum recommended is needed in order that the Institution may, in even a limited manner, answer the object for which it was designed. They also suggest that the salaries of the Warden and Clerk of the Penitentiary be increased, the former from \$700 to \$1,000, and the latter from \$400 to \$600, and have inserted a section to that effect. The committee recommend the passage of the bill. In addition thereto, although they have inserted no clause on the subject, they suggest and recommend that the Governor be authorized to appoint a competent Architect to perfect the plans and have supervision over the construction of the improvements contemplated, as the employment of such a person seems not only desirable but necessary.

MITCHELL, Chairman.

Mr. Mitchell

From the committee on Public Buildings, had leave to introduce

House File No. 104, A bill for an act in relation to the State Penitentiary,

Which was read a first and second time, and

On his motion,

Was laid upon the table, and

Ordered to be printed for the use of the House.

Mr. Wilson

Offered the following resolution:

*Resolved*, That the present rule of this House concerning the adjournment and meeting of the House, be and the same is hereby rescinded, and that the 40th rule contained in the printed rule of the House, be and is hereby revived.

The resolution lays over under the rule.

Mr. Harmon

Offered the following Resolution, which was adopted :

*Resolved*, That the committee on Schools and State University, to whom was referred so much of the Governor's message as relates to the official acts of James D. Eads, former Superintendent of Public Instruction, be directed to report at their earliest convenience, and embrace therein—

1. What amount of money received by him in his official capacity, during the time he held or pretended to hold said office, remains unaccounted for.

2. Whether he has given bonds, or other security to the State as required by law, sufficient to save the School Fund from loss by or on account of his mal-administration of said Fund ; and if the State still holds such bonds and security, or if not, how, or by what authority they have been disposed of.

3. Whether said Eads is not criminally liable as a defaulter and for mal-administration in office.

4. If any further legislation is necessary to secure the State against loss from officers having charge of the School Fund of the State, and to make them criminally liable for default or mal-administration of said Funds.

Mr. Cooley,

From the committee on the Judiciary, to whom was referred the petition of Benjamin D. Pierce and 62 others, citizens of Jefferson county, praying for the abolition of Capital punishment,

Reported that the committee recommended no legislation upon the subject of said petition.

Report concurred in.

On motion the House adjourned.

MONDAY MORNING, }  
 FEBRUARY 1st, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

Journal of Saturday read in part, when

Mr. Foster,

Moved that the further reading be dispensed with.

The motion was not sustained,

When the clerk proceeded to read.

The Speaker

Announced the names of the following gentlemen as the Standing Committee on Constitutional amendments :

Messrs. Harmon, McCrary, Guiberson, Cavanaugh and Watts.

Mr. Cooley,

From the committee on the Judiciary, to whom was referred House File No. 78, A bill for an act to amend chapter 138 of the Code, concerning crimes and punishments,

Reported the same back to the House, and recommended its indefinite postponement.

Upon the motion to concur in the report of the committee,

The yeas and nays were called and were as follows :

Yeas 36, nays 21.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Clark of Des Moines, Clune, Cooley, Collins, Davis, Dewey, Drummond, Dews, Edwards, Foster, Gray, Grimes, Gue, Harmon, Lambert, Mahony, McCormick, Millsap, Morgan, Pierson, Randolph, Rankin, Reitzel, Scott, SeEVERS, Sprague, Stearns, Watts, Woodward, Mr. Speaker

The nays were,

Messrs. Dana, Jackson, Johnson, Laney, Lundy, McCrary, McGrew, Milliser, Prentiss, Richardson, Sharp, Steward, Streeter, Thompson, Trumbull, Waln, Wilson, Wright.

The report of the committee was concurred in, and the bill indefinitely postponed.

Message from the Senate by their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa-



tives that the Senate has passed the following bill, in which the concurrence of the House is asked.

Senate File No. 44, A bill for an act to provide for issuing State Bonds, and procuring a loan for the State of Iowa.

I am further directed to inform the House that the Senate has concurred in amendment of the House to the concurrent resolution providing for the appointment of commissioners to revise and codify the laws, &c.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Seevers,

From the committee on the Judiciary to whom was referred certain petitions of citizens of Davenport, praying an amendment to their city charter,

Reported the same back to the House, and recommended that the petitions be referred to the committee on Incorporations.

The petitions were so referred.

Mr. Seevers

From the same committee, to whom was referred House File No. 77, A bill for an act relation to garnishment,

Reported the same back to the House, and recommended its indefinite postponement.

The bill was indefinitely postponed.

Mr. Seevers,

From the same committee to whom was referred House File No. 85, A bill for an act to repeal an act entitled an act to amend Chap. 62, title 13 of the Code of Iowa,

Reported the same back to the House, and recommended its indefinite postponement.

The bill was indefinitely postponed.

Mr. Collins had leave to introduce

House File No. 105, Memorial and Joint Resolution to Congress, asking for a grant of land to aid in the construction of the St. Peters, McGregor and Missouri River Railroad,

Which was read a first and second time.

Mr. Foster

Moved that the memorial be ordered to a third reading on tomorrow.

Mr. Trumbull

Moved to amend by referring the memorial to the committee on Railroads,

Which motion was not agreed to.

The question recurring upon the motion of Mr. Foster,

The same was agreed to, and the bill ordered to a third reading to-morrow.

Mr. Richardson,

From the committee on Claims, to whom was referred the petition of James B. Thomas and others, praying for the relief of said Thomas and family,

Reported House File No. 106: Memorial and Joint Resolution of the General Assembly of the State of Iowa to Congress, asking for the relief of said Thomas and family,

Which was read the first and second time, and

Ordered to be read third time to-morrow.

Mr. Richardson,

From the same committee, to whom was referred House File No. 44: A bill for an act for an appropriation for the payment of the expenses of the Spirit Lake expedition,

Reported the same back with an amendment, to-wit:

After the word "statement," in the fifth line of section third, insert the following: "Excepting the officers named in section 4th."

The amendment was concurred in, and

On motion of Mr. Seevers,

The bill was referred to the committee on Ways and Means.

Mr. Lundy,

From the committee on Agriculture, to whom was referred House File No. 58: A bill for an act regulating toll of mills and millers,

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

On motion of Mr. Harmon

The bill was laid on the table.

Mr. Lundy,

From the committee on Agriculture, to whom was referred House File No. 64: A bill for an act concerning fences,

Reported the same back to the House and recommended its indefinite postponement.

The report of the committee was concurred in and the bill indefinitely postponed.

Mr. Trumbull

Offered the following resolution, which, upon his motion, was adopted:

*Resolved*, That the Secretary of State be requested to furnish this House copies of the annual reports of the several Rail Road Companies of this State, if any such have been filed in his office.

On motion of Mr. Clark

House File No. 3: A bill for an act to prescribe the mode of foreclosing mortgages, and of redeeming property sold thereby,  
Was taken up and considered.

Mr. Wilson

Moved to amend the bill by striking out of the second line in the third section the words "civil action," and inserting the words, "a proceeding in chancery." Also, to strike out of the third line in the same section the words "judgment," and insert in lieu thereof the word "decree."

The amendment was agreed to and the bill so amended.

Mr. Thompson

Moved to further amend by striking out of the second line of section second the words, "save that the mortgagor or defendant shall pay," and inserting in lieu thereof the words, "upon the payment of." Also, by inserting after the word "accrued," in the third line of the same section, the words, "by mortgagor before sale."

The amendments being agreed to, the bill was so amended.

Mr. Woodward

Moved to further amend by striking out all after the word "mortgage," in the seventh line of section three.

The motion was agreed to and the bill so amended.

Mr. Cooley

Moved to further amend by adding to the end of section three the words:

"Unless the parties thereto have otherwise stipulated the terms upon which the title to such real estate shall become absolute, or the rights accruing under such agreement, contract or instrument in writing shall be forfeited."

Upon the amendment of Mr. Cooley,

The yeas and nays were ordered and were as follows:

The yeas were,

Messrs. Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Clark of Johnson, Cooley, Curtis, Dews, Edwards, Foster, Gray, Guiberson, McCrary, Prentiss, Seevers, Sharp, Sprague—20.

The nays were,

Messrs. Ayers, Bates, Bradley, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Dana, Davis, Dewey, Drummond, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCormick, McGrew, Milliser, Mitchell, Millsap, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward and Wright—46.

The amendment was not agreed to.

Mr. Wilson

Moved to further amend by adding to section five the following words:

“And the same time for redemption and right of possession herein provided shall be allowed on all sales made under deeds of trust and mortgages containing express power to sell.”

Upon said amendment

The yeas and nays were ordered and were as follows:

Yeas 54, nays 10.

Messrs. Ayers, Bates, Bauder, Bradley, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnston, Lambert, Laney, Lundy, Mahony, McCormick, McGrew, Milliser, Mitchell, Millsap, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Stearns, Steward, Streeter, Waln, Watts, Wilson, Woodward and Wright—54.

The nays were,

Messrs. Anthony, Belknap, Cooley, Dews, Guiberson, McCrary, Seevers, Sprague, Thompson, Trumbull—10.

The motion prevailed and the bill was so amended.

Mr. Bates

Moved to amend further by adding after the word “borrowed,” in the fourth line of section three, the following words:

“In case said bond shall have been duly recorded before said foreclosure, and before any sale made to a purchaser without notice by the person having the legal title.”

The amendment was not agreed to.

Mr. Cooley

Moved to further amend by adding to section five as amended, the words, "unless otherwise stipulated by the parties.

Upon this motion

The yeas and nays were ordered and were as follows :

Yeas 19, }

Nays 45. }

The yeas were,

Messrs. Anthony, Belknap, Bennett, Carpenter, Clark of Johnson, Cooley, Curtis, Dana, Dews, Foster, Gray, Guiberson, McCrary, Prentiss, Seevers, Sprague, Thompson, Mr. Speaker—19.

The nays were,

Messrs. Ayers, Bauder, Bradley, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Dubuque, Clune, Collins, Crawford, Davis, Dewey, Drummond, Edwards, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCormick, McGrew, Milliser, Mitchell, Millsap, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Stearns, Steward, Street-er, Trumbull, Waln, Watts, Wilson, Woodward, Wright—45.

Motion lost.

Mr. Drummond

Moved that the House do now adjourn,

Which motion was not sustained.

On motion of Mr. Mahony

The following section was added to the bill :

"Section 7. This act shall take effect and be in force from and after its publication in the Iowa Weekly Citizen and Iowa State Journal."

Mr. Clark, of Dubuque,

Moved to further amend by adding after the word "manner," in the second line of the first section, the words "except mortgages with power of sale."

The amendment was adopted.

Mr. Edwards

Offered the following amendment :

"Section 7. The provisions of this act, so far as the same are applicable to the redemption of property sold under decree, is understood to apply to all decrees of sale heretofore had, where the sale has not taken place before the taking effect of this act.

Upon the adoption of which

The yeas and nays were ordered and were as follows :

Yeas 34, }  
 Nays 33. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Bradley, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clune, Davis, Drummond, Edwards, Gue, Harmon, Lambert, Laney, Lundy, Mahony, McCormick, Milliser, Millsap, Pierson, Rankin, Reitzel, Scott, Sharp, Steward, Thompson, Trumbull, Waln, Mr. Speaker—34.

The nays were,

Messrs. Belknap, Bennett, Carpenter, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Crawford, Curtis, Dana, Dewey, Dews, Foster, Gray, Grimes, Guiberson, Jackson, Johnson, McCrary, McGrew, Mitchell, Morgan, Prentiss, Randolph, Richardson, SeEVERS, Sprague, Stearns, Streeter, Watts, Wilson, Woodward, Wright—33

Motion prevailed and amendment adopted.

Mr. Mahony

Moved to reconsider the vote by which the amendment of Mr Edwards was laid upon the table.

Pending which motion

The House adjourned.

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TUESDAY MORNING, }  
 FEBRUARY 2d, 1858. }

House met pursuant to adjournment.

Journal of yesterday read and corrected.

The question before the House being the motion of Mr. Mahony to reconsider the vote by which the House adopted the amendment proposed by Mr. Edwards, to House File No. 3.

The motion to reconsider was lost.

Mr. Prentiss

Moved to further amend by striking out the 2d Section.

Motion to strike out lost.

Message from the Senate, by their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Sen-

ate has passed Senate File No. 55: Joint Resolution asking Congress for a grant of land to aid in the construction of a certain Railroad, in which the concurrence of the House is asked.

GEO. E. SPENCER,  
Secretary Senate.

Mr. McCrary

Moved to further amend by adding the following Section to the bill:

SEC. 8. "All proceedings for the foreclosure of mortgages under the provisions of this act, shall be set for hearing at the first term of the District Court, after the commencement of such action, provided notice shall have been served according to law."

The amendment was not agreed to.

Mr. Mahony

Moved that the bill be engrossed and read a third time to-morrow,

Upon which motion,

The yeas and nays were demanded and were as follows:

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Bradley, Campbell, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Dana, Davis, Dewey, Drummond, Edwards, Grimes, Gue, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McGrew, Milliser, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward—34.

The nays were,

Messrs. Ayers, Belknap, Bennett, Carpenter, Casey, Casady of Woodbury, Clune, Cooley, Crawford, Curtis, Dews, Foster, Gray, Guiberson, Jackson, McCrary, McCormick, Mitchell, Prentiss, SeEVERS, Sprague, Thompson, Mr. Speaker—23.

The motion was sustained, and the bill ordered to a third reading.

Mr. SeEVERS

Submitted the following report:

The Special Committee, to whom was referred substitute for House File No. 9, "A bill for an act to provide for a more liberal stay of execution on judgments at law, have directed me to report the same back with the following amendment: Add to Section 7, Provided, that should the judgment debtor fail or refuse to give se-

curity and stay the judgement as aforesaid, he or his judgment creditor shall have the same right of redemption as is now or may hereafter be provided by law," and recommend its passage.

The amendment of the committee was concurred in.

The question being on ordering the bill to a third reading,

The yeas and nays were demanded and were as follows :

Yeas 41, nays 24.

The yeas were,

Messrs. Bates, Bauder, Beal, Belknap, Bradley, Campbell, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Grimes, Johnson, Loney, Lundy, Mahony, McCrary, McGrew, Milliser, Mitchell, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Severs, Stearns, Steward, Streeter, Trumbull, Waln, Watts and Mr. Speaker—41.

The nays were,

Messrs. Anthony, Ayers, Bennett, Carpenter, Cassaday of Van Buren, Clune, Crawford, Curtis, Dews, Foster, Gray, Gue, Guberson, Harmon, Lambert, McCormick, Millsap, Moorman, Prentiss, Sharp, Thompson, Wilson, Woodward—24.

The motion prevailed and the bill ordered to a third reading tomorrow.

Mr. Foster,

From the committee on Engrossed Bills, to whom was referred substitute for House File No. 21, A bill for an act legalizing the official acts of the Town Council of the town of Guttenburg, in Clayton county." Also,

House File, No. 76, "A bill for an act to repeal a part of Section 2705 of the Code of Iowa. Also,

House File No. 81, "A bill for an act to amend Section 1052 of the Code." Also,

House File No. 100, "A bill for an act to require the County Treasurers to render a full account of moneys due the State, in their hands, at an early date." Also,

Substitute for House File No. 9, "A bill for an act to provide for a more liberal stay of execution on judgments at law." Also,

Substitute for Senate File No. 31, "A bill for an act regulating the time of holding courts in the third Judicial District." Also,

House File No. 105, Memorial and Joint Resolution, to Con-



gress, asking for a grant of land to aid in the construction of the McGregor, St. Peters and Missouri River Railroad,

Reported that the committee had examined said bills and found them correctly engrossed.

Message from the Senate by their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House, that the Senate has passed the following resolution in which the concurrence of the House is asked.

*Resolved*, (the House concurring,) That Messrs. Smith, Barker and Darwin, commissioners appointed by the Legislature to revise the Code and prepare a system of practice &c., be, and they are hereby authorized to appoint a Secretary.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Wain

From the select committee to whom was referred the petition of sundry citizens praying for the passage of an act to prevent profanity, reported House File No. 107, a bill for an act for the punishment of Blasphemy and Profane Swearing,

Which was read a first and second time.

Mr. Trumbull

Moved to lay the bill on the table, which motion was not sustained.

Mr. Clune

Moved to refer the bill to the committee on the Judiciary, Which motion prevailed.

Mr. Drummond

Had leave to introduce House File No. 108, a bill for an act to locate and provide for the erection of an Institution for the Education of the Blind,

Which was read a first and second time, and

On motion of Mr. Clark of Dubuque,

Referred to the committee on Charitable institutions,

Mr. Cooley

Introduced House File No. 109, a bill for an act to establish an Asylum for the Deaf and Dumb,

Which was read a first and second time, and

Referred to the Committee on Charitable Institutions.

Mr. Woodward

Introduced House File No. 110, a bill for an act to amend section 2333 of the Code of Iowa,

Which upon his motion, was

Referred to the committee on the Judiciary.

Mr. Cavanaugh

Introduced House File No. 111, a bill for an act to create a Superior Court for the counties of Johnson, Muscatine and Washington,

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Casey

Introduced House File No. 112, a bill for an act to repeal chapter 136, of the laws of Iowa, of the year 1857,

Which was read a first and second time, and

On motion of Mr. Belknap,

Referred to the Delegation from Lee county, and the member from the 55th District.

Mr. Guiberson

Introduced House File No. 113, a bill for an act to repeal an act to amend chapter 83 of the Code, approved January 24th, 1853,

Which was read a first and second time, and

On motion of Mr. Clune,

Referred to the committee on the Judiciary.

Mr. Grimes

Introduced House File No. 114, "a bill for an act allowing a Bounty upon the scalps of certain Animals,"

Which was read a first and second time.

Mr. Drummond

Offered the following amendment: "Provided that the provisions of this act shall not be understood to apply to any President or Director of any Nebraska Bank found temporarily within the State.

The amendment was not concurred in.

On motion,

The bill was referred to the committee on Agriculture.

Mr. Cooley

Had leave to introduce House File No. 115, "a bill for an act

entitled an act prescribing the manner of certifying acknowledgements in certain cases,"

Which was read a first and second time, and

On motion of Mr. Wilson,

Referred to the committee on Judiciary.

Mr. Speaker

With leave, introduced House File No. 116, "a bill for an act to locate and erect an Asylum for the Deaf and Dumb,"

Which was read first and second time, and

Referred to the committee on Charitable institutions.

Mr. Carpenter

Moved that the House now adjourn.

Mr. Wilson

Moved that when the House do adjourn, it adjourn till 2 o'clock P. M.

Mr. Wilson

Moved the previous question,

Which motion was sustained.

The question being shall the previous question be now put.

The Yeas and nays were demanded and ordered and were as follows:

Yeas 39, }  
Nays 27. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Campbell, Carpenter, Casey, Clark, of Des Moines, Clark, of Dubuque, Clark, of Johnson, Cooley, Davis, Dewey, Dews, Edwards, Gray, Johnson, Mahoney, McCrary, McCormic, McGrew, Mitchell Moorman, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—39.

The yeas were,

Messrs. Bates, Beal, Bennett, Bradley, Cassady, of Van Buren, Cavanagh, Collins, Crawford, Curtis, Dana, Drummond, Grimes, Gue, Guiberson, Jackson, Lambert, Laney, Lundy, Milliser, Millsap, Morgan, Prentiss, Sharp, Sprague, Thompson, Trumbull—27.

The Motion prevailed, and

The House adjourned till 2 o'clock P. M.

TWO O'CLOCK, P. M

The House met pursuant to adjournment.

Mr. McCrary

Introduced House File No. 117, "a bill for an act in relation to fees of Justices of the Peace and Constables,"

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Richardson

Introduced House File No. 118, "a bill for an act for the establishment of a Deaf and Dumb Asylum, and to appoint Commissioners to locate and superintend the construction of the same,

Which was read a first and second time, and

On motion of Mr. Woodward,

Referred to the committee on Charitable Institutions.

Mr. Gray introduced

House File No. 119, "Joint Resolution asking for a grant of land to aid in the construction of a certain Railroad,"

Which was read a first and second time.

Mr. Harmon

Moved that the bill be engrossed and ordered to a third reading to-morrow.

Mr. Curtis

Moved to amend by referring the resolutions to the committee on Federal Relations,

Which motion was not sustained.

The question being upon the adoption of Mr. Harmon's motion,

The same was agreed to, and the bill was ordered to a third reading to-morrow.

Mr. Woodwad introduced

House File No. 120, "a bill for an act to amend section 2264 of the Code of Iowa,

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Message from the Senate, by their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate

has passed the following Joint Resolutions, in which the concurrence of the House is asked.

Senate File No 59, Joint Resolution for an appropriation to build a Custom House, United States District Court House and Post Office in the city of Burlington.

Senate File No. 62, Joint Resolution for appropriation for Public Buildings in Muscatine.

I am also directed to inform the House, that the Senate has amended the following House bills, to wit :

House File No. 24, A bill for an act to repeal an act entitled an act for revising and consolidating the laws incorporating the city of Dubuque, and to establish a city court therein.

House File No. 48, Joint Resolution for publication of Agricultural Report.

I am also further directed to inform the House that the Senate has concurred in the House amendment to Senate substitute for House File No. 47.

GEO. E. SPENCER,  
Secretary of the Senate.

Mr. Dewey introduced

House File No. 121, Joint Resolution of the General Assembly of the State of Iowa, asking an appropriation of money for a double track Railroad around the Lower Rapids of the Mississippi River, on the lower or west side thereof,

Which was read a first and second time,

And on motion of Mr. Belknap,

Referred to the committee on Federal Relations.

Mr. Mahony introduced

House File No. 122, Memorial to Congress for a more vigorous execution of the work on the Rapids of the Mississippi River, and for a further appropriation to remove the obstructions to navigation in these Rapids,

Which was read a first and second time and referred to the committee on Federal Relations.

On motion of Mr. Crawford,

The House took up and considered the Resolution of the Senate in relation to authorizing the Codifying Committee to employ a Clerk.

On motion,

The resolution was concurred in.

The Speaker

Laid before the House, a communication from the Superintendent of Public Instruction.

Mr. Bradley

Moved to lay the communication on the table, and have it printed for the use of the House.

Which motion prevailed.

On motion of Mr. Belknap,

The regular order of business was suspended and the House proceeded to take into consideration House File No. 49, A bill for an act in relation to Insurance Companies.

On motion of Mr. Seevers,

The House resolved itself into a Committee of the Whole, for the consideration of the above named bill.

Mr. Crawford in the Chair.

After a short session the committee rose, and through their Chairman,

Reported the bill back to the House with sundry amendments thereto and recommended their adoption and the passage of the bill.

On motion of Mr. Seevers,

The amendments were adopted, and the bill ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Wilson,

Senate File No. 44, A bill for an act authorizing the issue of State Bonds, to procure a loan for the State of Iowa, was taken up,

Read a first and second time, and referred to the committee on Ways and Means.

On motion of Mr. Seevers,

House File No. 70, A bill for an act to allow interested persons to testify in civil actions, was taken from the table.

Mr. Seevers

Moved that the bill be re-committed to the Committee on Judiciary, with instructions to prepare and report a bill allowing parties the record of testimony.

Upon which motion,

The yeas and nays were demanded ordered and were as follows:

The yeas were,

Messrs. Bradley, Carpenter, Casey, Cassaday of Van Buren, Clark of Johnson, Cooley, Collins, Dana, Davis, Dewey, Foster,

Gue, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Seevers, Steward, Trumbull, Watts, Wilson, Wright, Mr. Speaker—34.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clune, Crawford, Curtis, Guiberson, Johnson, Lambert, Laney, McCormick, Millsap, Prentiss, Scott, Sprague, Stearns, Streeter, Thompson, Woodward—30.

Motion prevailed.

House File No. 48, A Joint Resolution for the publication of the Agricultural Report was,

On motion of Mr. Seevers,

Taken from the table.

The question on concurring in the amendments of the Senate,

The House decided to concur.

On motion of Mr. Wilson,

The House took from the table the Resolution in relation to the adjournment and meeting of the House.

The question being on the adoption of the resolution,

The yeas and nays were demanded and ordered, and were as follows :

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Curtis, Dana, Davis, Dewey, Gray, Gue, Harmon, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Seevers, Sprague, Stearns, Steward, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—51.

The nays were,

Messrs. Bates, Bradley, Casady of Woodbury, Collins, Crawford, Foster, Guiberson, Laney, Reitzel, Richardson, Scott, Thompson, Trumbull—14.

Motion to adopt prevailed.

On motion of Mr. Foster,

The House adjourned until 10 o'clock A. M., to-morrow.

WEDNESDAY MORNING, }  
 FEBRUARY 3d, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

Journal of yesterday read and approved.

Message from the Senate by their Secretary :

MR. SPEAKER :

I herewith present for your signature Senate File No. 25 : An act to legalize the official acts of Fred. M. Hubbel.

Also Senate File No. 27 : An act fixing the times of holding Court in the Twelfth Judicial District.

Also Senate File No. 2 : An act to legalize the election and acts of certain school officers of School District No. 1, in Marion township, Linn county, Iowa.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEO. E. SPENCER,  
 Secretary Senate.

### BILLS ON THIRD READING.

On motion of Mr. Wilson

Substitute for Senate File No. 31: A bill for an act fixing the time for holding Courts in the Third Judicial District,

Was taken up and read a third time, and upon the question

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 62—nays none.

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thomp-



son, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—62.

The bill passed, and the title was agreed to.

Substitute for House File No. 21: A bill for an act legalizing the official acts of the town council of the town of Guttenburg, in Clayton county,

Was taken up and read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—62.

The bill passed and the title was agreed to.

House File No. 76: A bill for an act to repeal a part of section 2705 of the Code of Iowa,

Was taken up and read a third time.

Mr. Trumbull

Moved to re-commit the bill to the committee on the Judiciary.

Mr. Wilson

Moved to lay the motion to re-commit the bill to the Judiciary on the table,

Upon which question

The yeas and nays were demanded and ordered and were as follows:

Yeas 22, }  
Nays 45. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Johnson, Dana, Drummond, Gray, Guiberson, Harmon, Laney Millsap, Prentiss, Richardson, Trumbull, Woodward—22.

The nays were,

Messrs. Anthony, Ayers, Beal, Carpenter, Cassiday of Mahaska,

Cavanaugh, Clune, Cooley, Collins, Crawford, Curtis, Davis, Dewey, Dews, Foster, Gue, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Randolph, Rankin, Reitzel, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Wright, Mr. Speaker—45.

Motion to lay on the table lost.

The question recurring upon the motion of Mr. Trumbull to re-commit the bill to the committee on the Judiciary,

The same was agreed to.

House File No. 81: A bill for an act to amend section 1052 of the Code,

Was taken up and read a third time.

Mr. Mahony

Moved to re-commit the bill to the committee on the Judiciary with instructions,

Which motion was not agreed to.

The question being on the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 62, }

Nays 4. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casaday of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Crawford, Curtis, Dana, Dewey, Dews, Drummond, Foster, Gray, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—62.

The nays were,

Messrs. Clune, Davis, Lambert, Seevers—4.

The bill was passed and the title was agreed to,

House File No. 100: A bill for an act to require the County Treasurers to render a full account of moneys due the State in their hands at an early date,

Was taken up and read a third time, and upon the question

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 63, }  
Nays 1. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Foster, Gray, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McCormick, McCrew, Millard, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seev-ers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trum-bull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—63.

Mr. Milliser voted in the negative.

The bill passed and the title was agreed to.

House File No. 105: Joint memorial to Congress asking for a grant of land to aid in the construction of the McGregor, St. Peters and Missouri River Railroad,

Was taken up and read a third time and passed.

The title of the bill was then agreed to.

House File No. 9: A bill for an act to provide for a more liberal stay of execution on judgments at law,

Was taken up and read a third time.

Mr. Bates

Moved to re-commit the bill to the Judiciary Committee, with instruction to make "provisions so the security should have redemption," as the law now stands.

Upon which question

The yeas and nays were demanded and were as follows :

Yeas 35, }  
Nays 29. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Dana, Gray, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, McCormick, McGrew, Millard, Millsap, Moorman, Morgan, Scott, Stearns, Steward, Trumbull, Waln, Wilson, Wright, Mr. Speaker—35.

The nays were,

Messrs. Carpenter, Casady of Woodbury, Clark of Dubuque, Cooley, Collins, Curtis, Davis, Dewey Dews, Foster, Gue, Mahony, McCrary, Milliser, Mitchell, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sharp, Sprague, Streeter, Thompson, Watts, Woodward—29.

Motion prevailed and the bill was so committed.

On motion of Mr. Clune

Senate File No. 59: Joint Resolution for an appropriation to build a Custom House, United States District Court House and Post Office in the city of Burlington,

Was taken up and read a first and second time, and

On motion of Mr. Thompson,

Referred to the committee on Federal Relations.

On motion of Mr. Lambert

House File No. 88: A bill for an act to enable the several counties in this State to sell or dispose of the swamp and overflowed lands within their limits,

Was taken up and considered.

Mr. Lambert,

Moved to refer the bill to a select committee.

Pending which question

The House adjourned.

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## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question being upon the motion of Mr. Lambert to refer House File No. 88 to a select committee,

The same was agreed to.

Messrs. Lambert, Collins, Beal, Waln and Clark of Johnson were appointed said committee.

Mr. Foster

Submitted the following report:

The committee on Engrossed Bills beg leave to report that they have examined the following bills, to-wit:

House File No. 3: A bill for an act to prescribe the mode of foreclosing mortgages and redeeming property sold thereby.

Also, House File No. 35: A bill for an act requiring non-resident plaintiffs to give security for costs.

Also, House File No. 101: A bill for an act to authorize the County Judge of Webster county to have transcribed certain portions of the records of said county.

Also, House File No. 106: Memorial and Joint Resolution of the General Assembly of the State of Iowa to Congress for the relief of James B. Thomas and family.

Also, House File No. 49: A bill for an act in relation to Insurance Companies,

And find the same correctly engrossed.

On motion of Mr. Seevers

House File No. 49: A bill for an act in relation to Insurance Companies,

Was taken up and read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 57—Nays none.

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Collins, Crawford, Dana, Dewey, Dews, Foster, Gray, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Woodward, Wright, Mr. Speaker—57.

The bill passed and the title was then agreed to.

On motion of Mr. Mahony,

House File No. 66, A bill for an act defining the crime and punishing the offense of making false entries of fines and fees on Dockets of Courts or otherwise, and of failing or neglecting to pay over such fines or fees according to law,

Was taken up and considered.

Mr. Mahony

Moved to amend the bill by adding the following to Section five:

“ And the Prosecuting Attorney or District Attorney after such examination had, shall require all fees and fines which he may find unaccounted for to be paid over and accounted for as prescribed by

law, and it is further made his duty to institute and prosecute to judgment a civil action against any and every person or officer who may have neglected or refused or who may hereafter neglect or refuse to pay over according to law, fees and fines paid over to them."

The amendment was concurred in.

Mr. Seevers

Moved to amend further by adding after the word "county," in the third line of Section five, the words "or District Attorney,"

The amendment was agreed to.

Mr. Foster

Moved to fill the first blank in section three with the words "five hundred," and the second blank in the same section with the words "one hundred."

Mr. Woodward

Moved to amend the motion of Mr. Foster by substituting the words "three hundred," in the first blank, and the word "fifty" in the second blank of the same section,

Which motion was concurred in.

Mr. Lambert

Moved to further amend the bill by striking out the word "fail" before the word "neglect," in the first and second sections,

Which motion was lost.

Mr. Harmon,

Moved to further amend by striking out at the end of the third Section the words, "or fined and imprisoned at the discretion of the Court."

Mr. Foster

Moved to amend the amendment offered by Mr. Harmon, by striking out the words "fined and imprisoned at," in the last line of the third section, and substituting therefor the words "by both such fine and imprisonment in," which was agreed to.

The amendment as amended was then adopted.

Mr. Foster

Moved to further amend the bill by striking out the word "and" before the word "imprisoned" in the sixth line of the third section, and substituting therefor the word "or,"

Which amendment was agreed to.

On motion of Mr. Woodward,

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

On motion of Mr. Foster,

House File No. 26, A bill for an act concerning the foreclosure of the right of redemption of Land sold for taxes,

Was taken from the table.

On motion of Mr. Wilson,

The bill was referred to the committee on Ways and Means

On motion of Mr. Cassiday of Mahaska,

House File No. 73, A bill for an act regulating Divorce and Alimony,

Was taken from the table.

Mr. Foster

Moved to amend the bill by adding an additional clause to section 3, as follows :

“6th. Where either party shall become a habitual drunkard subsequent to marriage,

Upon which motion,

The yeas and nays were ordered and were as follows :

Yeas 45, }

Nays 21. }

The yeas were,

Messrs. Anthony, Bates, Bennett, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Des Moines, Clark of Johnson, Collins, Dana, Davis, Dewey, Dews, Foster, Gray, Gue, Guiberson, Lambert, Laney, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Pierson, Prentiss, Randolph, Reitzel, Richardson, Scott, Seevers, Sharp, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Cassaday of Van Buren, Cavanaugh, Clark of Dubuque, Clune, Crawford, Curtis, Harmon, Jackson, Johnson, Mahony, McCormick, Millard, Milliser, Millsap, Rankin, Sprague, Steward.

Motion prevailed, and the bill was so amended.

On motion of Mr. Cassiday,

The bill was referred to the committee on the Judiciary.

Mr. Seevers

Had leave to present a communication from the Codifying Commissioners, urging the necessity of the early determination by the

General Assembly of the number and grade of the Courts proposed to be established, if any, in addition to the present number, in order that they might know how to adapt a system of practice thereto.

The communication was read, when

Mr. Scevers

Offered the following resolution :

*Resolved*, That the Judiciary Committee be, and they are hereby instructed to draft and report to the House without delay, a bill for an act creating an additional court of original civil jurisdiction in the several counties of this State, and that the following principles be made the basis of said act :

1. That said Court possess original civil jurisdiction in both law and equity.

2. That the Judge of said Court receive an annual salary, one half of which shall be paid by the State, and the remainder by the counties over which the jurisdiction of the Court extends.

3. That said Court have jurisdiction of Probate matters, and that the Judge thereof receive certain fees in addition to his annual salary, as compensation for his services as Probate Judge.

On motion of Mr. Harmon,

The House resolved itself into a committee of the Whole for the consideration of the above resolution.

Mr. Bradley in the Chair.

At half past 4 o'clock, the committee rose, and by their Chairman reported back the resolution with sundry amendments, in which they asked the concurrence of the House.

Mr. Wright

Moved to amend the resolution as reported by the committee of the whole House, by adding the following to the first clause of the Resolution :

*Provided*, No such court shall be established in counties having less than twenty thousand inhabitants."

Mr. Curtis

Moved to amend Mr. Wright's amendment by inserting the words " or Districts," after the word " counties."

Upon which motion,

The yeas and nays were demanded, ordered and were as follows :



Yeas 34, }

Nays 27. }

The yeas were

Messrs. Ayers, Beal, Bradley, Campbell, Carpenter, Casey, Casaday of Van Buren, Cassiday of Mahaska, Clark of Johnson, Cooley, Collins, Curtis, Dana, Dews, Foster, Gue, Guiberson, Jackson, McCrary, Millard, Mitchell, Millsap, Moorman, Morgan, Randolph, Rankin, Reitzel, SeEVERS, Thompson, Trumbull, WALN, Wilson, Woodward, Mr. Speaker.

The nays were

Messrs. Bates, Bauder, Belknap, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Dewey, Gray, Johnson, Lambert, Laney, Lundy, Mahony, Milliser, Pierson, Prentiss, Richardson, Scott, Sharp, Sprague, Stearns, Stewart, Streeter, Watts, Wright.

The motion prevailed.

The question recurring upon the adoption of Mr. Wright's amendment,

The yeas and nays were ordered and were as follows :

Yeas 12, }

Nays 51. }

The yeas were,

Messrs. Ayers, Bradley, Campbell, Casaday of Van Buren, Clark of Des Moines, Clark of Johnson, Lundy, McGrew, Millsap, Morgan, Pierson, Sharp, Thompson.

The nays were

Messrs. Bates, Bauder, Belknap, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Foster, Gray, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Mahony, McCrary, Millard, Milliser, Mitchell, Moorman, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sprague, Stearns, Stewart, Streeter, Trumbull, WALN, Watts, Wilson, Woodward, Wright, Mr. Speaker.

So the motion was lost.

Mr. SeEVERS

Moved to amend the resolution by changing the phraseology so as to make it a concurrent resolution.

The motion was agreed to, and the resolution so changed.

Mr. SeEVERS,

Moved the adoption of the concurrent resolution as amended,  
Upon which question,

The yeas and nays were ordered and were as follows :

Yeas 38, }

Nays 22. }

The yeas were

Messrs. Ayers, Bates, Bauder, Beal, Bradley, Carpenter, Cooley, Collins, Dana, Davis, Dewey, Dews, Foster, Gray, Gue, Jackson, Laney, Mahony, McCrary, McGrew, Millard, Moorman, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker.

The nays were,

Messrs. Belknap, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Guiberson, Harmon, Johnson, Lambert, Lundy, Milliser, Millsap, Morgan, Pierson, Sharp, Sprague, Steward, Wright.

The motion prevailed and the concurrent resolution was adopted.

On motion of Mr. Woodward,

The House adjourned.

THURSDAY MORNING, }  
FEBRUARY, 4th, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

Journal read and corrected.

#### PETITIONS PRESENTED.

Mr. Foster,

Presented the petition of James Hunter and 84 others, praying for the sale of the five Sections of land granted the State for "Capital purposes,"

Which was referred to the committee on Ways and Means.

**Mr. Curtis**

Presented the petition of John D. Bedell and 100 other citizens of Marion county, asking for a charter to build a bridge across the Des Moines River, at Red Rock, county aforesaid,

Which was referred to the committee on Incorporations.

**Mr. Pierson**

Presented the petition of E. Mechem and other citizens of Centerville, Appanoose county, praying for the repeal of certain portions of the act incorporating said town,

Which was referred to a Select Committee of one.

Mr. Pierson was appointed said committee.

**Mr. Harmon,**

Presented the petition of Marvin Perry and other citizens of Bremer and Blackhawk counties, asking for the location of a State Road on the line between Bremer and Blackhawk counties,

Which was referred to the committee on Roads and Highways.

**Mr. Stewart**

Presented the petition of J. B. Southwick and other citizens of Iowa, "praying that all Section lines in the State be declared public Highways,"

Which was referred to the Committee on Roads and Highways.

**Mr. Lundy,**

Presented the Memorial of Charles F. May and other citizens, asking for the establishment of an Agricultural College and Experimental Farm,

Which was referred to the committee on Agriculture.

**Mr. Belknap**

Presented the petition of Frederick Halsburg and other citizens of Lee county, praying that the officers of the Penitentiary be prohibited from employing convicts upon certain kinds of work,

Which was referred to the Committee on Public Buildings.

**Mr. Dewey**

Presented the petition of C. N. McDonald and other citizens of Mt. Pleasant, Henry county, remonstrating against the impeachment of Thomas W. Claggett,

Which was referred to the committee on Impeachment.

**Mr. Dewey**

Also presented the petition of fourteen members of the Bar of Henry county, praying for the impeachment of Thomas W. Claggett,

Which was referred to the same committee.

Mr. Jackson

Presented the petition of citizens, praying for the abolition of Capital Punishment,

Which, upon motion,

Was laid upon the table.

Mr. McCrary

Presented the petition of officers of School District No. 2, Farmington Township, Van Buren county, Iowa, praying the right to sell or use a certain town lot,

Which was referred to the committee on the Judiciary.

Mr. Steward

Presented the petition of J. B. Southwick and thirty-three other citizens, praying for the passage of a law prohibiting certain animals from running at large,

Which was referred to the committee on Agriculture.

Mr. Milliser

Presented the petition of L. S. Tike and 39 other citizens of Davis county, asking for the location of a State Road from Bloomfield, in Davis county, to Ottumway, in Wapello county,

Which was referred to the committee on Roads and Highways.

Mr. Sprague

Presented the petition of John Bird and others, members of the bar of Louisa county, remonstrating against the impeachment of Thomas W. Claggett,

Which was referred to the impeachment committee.

Mr. Carpenter

Presented the petition of citizens of Webster and Hamilton counties, in relation to the School and River lands,

Which was referred to the committee on the Judiciary.

Mr. Beal

Presented the petition of citizens of Audubon county, asking for the location of a State Road from Ft. Dodge, in Webster Co., via Xenia, in Audubon county, to intersect the State Road at or near Wm. P. Hamlin's, in Cass county,

Which was referred to the committee on Roads and Highways.

Mr. Beal

Also presented the petition of citizens of Audubon county, Iowa, praying for the vacation of a certain State Road in said county, and asking for the location of a State Road from Dahmanutha, in

Guthrie county, to intersect the State Road at or near William P. Hamlin's, in Cass county,

Which was referred to the committee on Roads and Highways.

**Mr. Trumbull**

Presented the petitions of citizens of Floyd county, praying for a more efficient system of County organization,

Which was referred to the committee on Township and County Organizations.

**Mr. Carpenter**

Presented the petition of citizens of Webster county, praying for a diversion of the Des Moines River Grant, to aid in the construction of a Railroad,

Which was referred to the committee on the Des Moines River Improvement.

**Mr. Davis**

Presented the petition of citizens of Taylor county, praying for the passage of a law for the appraisement of property to be sold on execution,

Which was referred to the committee on the Judiciary.

**Mr. Davis**

Also presented the petition of Page county, asking for the location of a State Road from Clarinda, in said county, to Des Moines,

Which, upon motion,

Was laid on the table.

**Mr. Davis**

Also presented the petition of Jesse Evans and other citizens of Taylor county, praying for the location of a State Road,

Which was laid on the table.

**Mr. Steward**

Presented a petition of citizens of Iowa, praying for the passage of a law for the appraisement of property to be sold on execution,

Which was referred to a Select Committee of three.

Mr. Steward, Thompson and Mahony were appointed said committee.

## RESOLUTIONS.

**Mr. Foster**

Offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed, whose duty

it shall be to report amendments of the Code of Iowa, to this House, in order that the same may be made to conform to the provisions of the New Constitution.

Messrs. Foster, Mahony and Randolph were appointed said committee.

**Mr. Sprague**

Offered the following resolution :

*Resolved*, That this House appoint a Deputy 2d Assistant Clerk to aid the efficient 2d Assistant Clerk in furnishing papers to the members of this House.

On motion of Mr. Seevers,

The resolution was laid on the table.

**Mr. Trumbull**

Gave notice that on to-morrow he would move that Rule 16 of the House be so amended as to read "immediately and particularly interested," instead of "personally interested."

**Mr. McCrary,**

Offered the following concurrent Resolution, which was not concurred in :

*Resolved*, (the Senate concurring) That the Commissioners heretofore appointed by the General Assembly, to revise the laws of Iowa, and provide a Code of Practice, be and they are hereby instructed to confine themselves in their labors so far as the revision of the laws is concerned, to harmonizing the same with the provisions of the New Constitution and preparing such additional acts as are necessary to carry out the same.

**Mr. Mahony**

Offered the following concurrent resolution, which was adopted:

*Resolved*, (the Senate concurring,) That the committee of both Houses of the same name and raised for the same purposes and objects, act as Joint Committees for the consideration of the bills or other matters referred to them ; and that those committees be, and they are hereby instructed to so arrange the business coming before them as that bills embracing the same principles shall not be brought up for consideration in both Houses at the same time.

**Mr. Davis**

Offered the following resolution, which was adopted :

*Resolved*, That the use of this House be tendered to Rev. C. Rathburn, for Religious Services next Sabbath at 2½ o'clock p. m.

**Mr. Cassidy of Mahaska,**

Offered the following resolution, which upon his motion, was laid on the table :

*Resolved*, That the Judiciary Committee be instructed to report to this House, at an early day, a bill with the following provisions :

*First*—Giving to the County Courts of counties containing over fifteen thousand inhabitants, civil jurisdiction of all cases of not more than one thousand dollars, and jurisdiction of civil cases on appeal from Justices of the Peace ; also to fix the salary of such Judge.

*Second*—To deprive the County Judges of each county of the control over the financial matters of the county, and create an officer for that purpose who shall have control of the finance of the county.

*Third*—To regulate the practice in such court in relation to probate business.

**Mr. Foster**

Offered the following resolution, which was adopted :

*Resolved*, That Mr. S. Cooper, the Fireman of this House, have leave of absence until Monday next, by furnishing a competent person to perform his duties during his absence.

Message from the Senate, by their Sec'y :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following bills in which the concurrence of the House is asked:

Senate File No. 18, A bill for an act concerning taxes levied by Municipal Authorities. Also,

Senate File No. 60, Joint Resolution for the establishment of a tri-weekly mail route from Newton, Jasper county, via Pella and Knoxville, in Marion county, to Chariton, in Lucas county. Also,

Senate File No. 61, A bill for an act concerning the foreclosure of mortgages, and amendatory of Chapter 118 of the Code.

I am also directed to inform the House of Representatives, that the Senate has passed without amendment, House File No. 53, Memorial and Joint Resolution for additional mail facilities between Dyersville and Clarksville.

I am further directed to inform the House that the Senate has passed, with one amendment, to wit: Section No. 2, as an additional Section to House File No. 22, A bill for an act to legalize

the county assessments of County Assessors in the several counties in the year 1857.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Wilson,

From the committee on Ways and Means, to whom was referred Senate File No. 44, "A bill for an act to provide for issuing State Bonds,"

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

Mr. Bates

Moved that the rule be suspended, and that Senate File No. 44, "A bill to provide for the issuing of State Bonds," be read a third time.

Mr. Clark of Dubuque,

Moved that the bill be laid on the table and printed, for the use of the House, upon which question,

The yeas and nays were demanded and were as follows :

Yeas 38, }  
Nays 29. }

The yeas were,

Messrs. Anthony, Bauder, Beal, Belknap, Bennett, Campbell, Casey, Cassaday, of Van Buren, Casady of Woodbury, Cavanaugh, Clark, of Des Moines, Clark, of Dubuque, Clark, of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dews, Drummond, Gray, Guiberson, Harmon, Lambert, Laney, McCormick, Millard, Milliser, Pierson, Reitzel, Richardson, Scott, Sharp, Sprague, Steward, Thompson, Watts—38.

The nays were,

Messrs. Bates, Bradley, Carpenter, Cassiday of Mahaska, Crawford, Dewey, Foster, Gue, Jackson, Johnson, Lundy, Mahony, McCrary, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Seevers, Stearns, Streeter, Trumbull, Waln, Wilson, Woodward, Mr. Speaker—29.

The motion prevailed, and the bill was laid on the table.

Mr. Seevers

Submitted the following report which was concurred in, and the bill indefinitely postponed.

The committee on the Judiciary, to whom was referred House File No. 82, An act to authorize the election of an additional Jus-



tice of the Peace in Lake Prairie Township, Marion county, have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement, for the reason that the object of the bill is now provided for by Section 239 of the Code.

**Mr. Seevers**

Submitted the following report, which was concurred in.

The committee on the Judiciary, to whom was referred House File No. 110: A bill for an act to amend section 2333 of the Code of Iowa, have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

**Mr. Seevers**

Also submitted the following report, which was concurred in :

The committee on the Judiciary, to whom was referred House File No. 102: An act to provide for the payment of certain claims against townships, have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

**Mr. Seevers**

Submitted the following report :

The committee on the Judiciary, to whom was referred Senate File No. 22: A bill for an act to legalize the sale of certain school lands by James Hull, School Fund Commissioner of Boone county, have had the same under consideration, and directed me to report the same back without amendment and recommend its passage.

**Mr. Beal**

Moved that the bill be ordered to be read a third time to-morrow.

Which motion was agreed to.

**Mr. Seevers**

Submitted the following report, which was concurred in :

The committee on the Judiciary, to whom was referred the petition of W. C. Glover and sundry other citizens of Linn county, asking the establishment of a school district therein named, have had the same under consideration, and directed me to report the same back and recommend that the prayer of the petitioners be not granted, for the reason that the Constitution does not contemplate special legislation on such subjects.

**Mr. Seevers**

Submitted the following report :

The committee on the Judiciary, to whom was referred substitute for House File No. 18: A bill for an act to legalize the official acts of Notary Publics, have had the same under consideration, and directed me to report the same back and recommend the adoption of the following amendments:

Insert after the word "act," in the first line of section one, the words "heretofore done." Strike out the words "Notary Publics" in the second line of the first section, and insert in place thereof "Notaries Public." Strike out the words "Notary Publics" in the title of the bill, and insert in place thereof "Notaries Public;" and thus amended recommend the passage of the bill.

The bill was so amended.

Mr. Wilson

Moved that the bill be Engrossed and read a third time to-morrow.

Mr. Jackson

Moved to strike out all after the word "provided," in the first section,

Which motion was lost.

Mr. Cooley

Moved to strike out the words "without expense to the State," in the last section of the bill.

Which motion was concurred in.

Mr. Bates

Moved to amend further by adding an additional section, to come in as section second, as follows:

Second 2d. The words "Notary Public," upon any Notarial Seal, shall be hereafter deemed equivalent to the words "Notarial Seal" as provided for in said section of the Code, and have the same force in law.

Mr. Jackson

Offered the following resolution, which was adopted:

*Resolved,* That when this House adjourn, it adjourn till 10 o'clock to-morrow morning.

Mr. Wright

Submitted the following report:

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled:

House File No. 48: Joint Resolution providing for the publication of Agricultural Reports.

Senate Substitute for House File No. 47.

Also, an act authorizing the Governor to raise, arm and equip a company of men for the defence and protection of our frontiers.

On motion of Mr. Clark

The House adjourned.

FRIDAY MORNING, }  
FEBRUARY 4th, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburgh.

Journal of yesterday read and approved.

The question before the House being upon the additional section as offered by Mr. Bates, to House File No. 18, A bill for an act to legalize the acts of Notaries Public.

The amendment was lost.

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

Mr. Seevers,

Submitted the following report :

From the committee on the Judiciary, to whom was referred substitute for House File No. 9, A bill for an act to provide for a more liberal stay of execution on Judgments at Law, with instructions to report the same back providing for the redemption of real estate belonging to the security : in obedience to said instructions, I am directed to recommend that the words "security," and "of either" in the 9th line of the 6th section be stricken out.

The amendments were concurred in and the bill ordered to be engrossed for a third reading to-morrow.

Mr. Seevers

Also submitted the following report :

The committee on the Judiciary to whom was referred House File No. 76, A bill for an act to repeal a part of section 2705 of the Code of Iowa, have had the same under consideration, and have directed me to report the same back with an amendment and recommend its passage.

The amendment was concurred in.

Mr. Trumbull

Moved that the further consideration of the bill be postponed till to-morrow morning.

Which motion was agreed to.

Mr. Curtis,

From the committee on the Judiciary, to whom was referred House File No. 113, A bill to repeal an act entitled an act to amend Chapter 83 of the Code, approved January 24th, 1853,

Reported the same back to the House, and recommended its indefinite postponement.

On motion of Mr. Guiberson,

The bill was re-committed to a select committee of three.

The Chair

Appointed Messrs. Guiberson, Seevers and Gue as said committee.

Mr. Cooley,

Submitted the following report,

Which was concurred in.

The committee on the Judiciary, to whom was referred various petitions, Nos. 1, 2, 3 and 4, from the citizens of Louisa county, asking for the enactment of an appraisement law, that shall prohibit the sale on execution of any property for less than two-thirds of its appraised value, have directed me to report that they have had the same under consideration, and

Recommend that no law embodying the principles named, be enacted.

Mr. Cooley

From the Judiciary committee to whom was referred House File No. 115, A bill for an act entitled an act prescribing the manner of certifying acknowledgments in certain cases,

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

On motion

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

Mr. Harmon

From the Judiciary Committee to whom was referred House File No. 93, A bill for an act to amend Chapter 167 of the acts of the Sixth General Assembly,

Offered as a substitute therefor, House File No. 124, A bill for an act conferring on townships the right to elect additional Justices of the Peace, and

Recommended its adoption.

The substitute was adopted, and ordered to be engrossed, and read a third time to-morrow.

Mr. Thompson,

From the Judiciary committee to whom was referred House File No. 102, A bill for an act for the relief of Claimants on the School Lands,

Reported the same back to the House without amendment, and asked to be discharged from the further consideration thereof, and recommended that the bill be

Referred to the committee on Public Lands.

Mr. Jackson

Moved to recommit the bill and petition on which the same is founded, to the committee on the Judiciary, with instructions to report by bill,

Which motion was agreed to.

Mr. Waln

From the committee on Schools and State University, to whom was referred House File No. 79, A bill for an act to exempt the lands of Literary Institutions from taxation for a term of years,

Reported a substitute therefor, and recommended its adoption,

Which was concurred in.

Mr. Mahony

Moved to refer the bill and substitute to the committee on Ways and Means, with instructions to report in accordance with the provisions of the bill,

Which motion was concurred in.

Mr. Foster

Submitted the following report :

The committee on Engrossed Bills beg leave to report that they have examined House File No. 66, A bill for an act defining the crime and punishing the offense of making false entries of fines and fees on Dockets of Courts or otherwise and of failing to pay over such fines and fees, according to law.

House File No. 119, Joint Resolution asking a grant of Land to aid in the construction of a certain Railroad, and find the same correctly engrossed.

**Mr. Cooley,**

From the committee on Federal Relations, submitted the following report.

The committee on Federal Relations to whom was referred the Joint Resolution granting an extension of time to the Iowa Central Air Line Railroad Company, for the re-surveying of their line have directed me to report the same back, and

Recommend its reference to the Committee on Railroads, and ask that this committee be discharged from the further consideration thereof.

The report was concurred in.

**Mr. Cooley**

From the same committee to whom was referred Senate File No. 46, Joint Resolution for increased mail facilities,

Reported the same back without amendment and recommended its passage.

**Mr. Wilson**

Moved that the Joint Resolution be re-committed to the same committee, with instructions to report a Joint Resolution embodying all matters of a similar kind that have been before the House,

Which motion was lost.

The resolution was then ordered to a third reading on to-morrow.

**Mr. Trumbull**

From the committee on Railroads, to whom was referred House File No. 11, A Memorial to Congress, praying for a grant of land to aid in the construction of a Railroad from the Missouri River, via the South Pass, to some point in Washington Territory,

Reported a substitute therefor, and recommended its passage.

The substitute was adopted, and the bill ordered to be engrossed and read a third time on to-morrow.

**Mr. McCrary**

Submitted the following report :

The committee to whom was referred House File No. 15, A bill for an act to amend an act to establish a Recorder's office in the city of Keokuk, have had the same under consideration, and have instructed me to report the same back with amendments and recommend its passage.

The amendments were concurred in and the bill ordered to be engrossed and read a third time to-morrow.

**Mr. Clark, of Dubuque,**

Submitted the following report :

The special committee to whom was referred certain memorials and petitions calling in question the official conduct of Thomas W. Claggett, Judge of the First Judicial District, and asking that he be impeached of high crimes and misdemeanors, have had the same under consideration, and beg leave to report

That they find no cause of impeachment, and ask to be discharged from the further consideration of the subject.

**Mr. Randolph**

Moved to lay the report of the committee on the table till Monday morning,

Upon which question

The yeas and nays were ordered and were as follows :

Yeas 33, }

Nays 34. }

The yeas were,

Messrs. Anthony, Bates, Beal, Bradley, Campbell, Carpenter, Casey, Cooley, Collins, Crawford, Dana, Davis, Dewey, Foster, Grimes, Gue, Jackson, McCrary, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Scott, Streeter, Watts, Wilson, Mr. Speaker—33.

The nays were,

Messrs. Ayers, Bander, Belknap, Bennett, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dews, Gray, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCormick, McGrew, Prentiss, Richardson, Sprague, Stearns, Steward, Thompson, Trumbull, Wain, Woodward, Wright—34.

Upon the question of concurring in the report of the committee,

The yeas and nays were ordered and were as follows :

Yeas 44, }

Nays 23. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bander, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Davis, Dews, Gray, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney,

Lundy, Mahony, McCormick, Milliser, Millsap, Morgan, Pierson, Richardson, Sharp, Sprague, Steward, Thompson, Trumbull, Waln, Watts, Woodward, Wright—44.

The nays were,

Messrs. Beal, Bradley, Carpenter, Cooley, Collins, Dana, Dewey, Foster, Grimes, Gue, McCrary, McGrew, Millard, Moorman, Prentiss, Randolph, Rankin, Reitzel, Scott, Stearns, Streeter, Wilson, Mr. Speaker—23.

On motion of Mr. Woodward

The House adjourned.

TWO O'CLOCK, P. M

House met.

### BILLS INTRODUCED.

Mr. Curtis introduced

House File No. 125: A bill for an act to amend section 1209, Chapter 78 of the Code,

Which was read a first and second time.

Mr. Woodward

Moved to refer the bill to the committee on the Judiciary,

Which motion was lost.

On motion of Mr. Curtis

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

Mr. Gray introduced

House File No. 126: Joint Resolution asking a grant of land to aid in the construction of a certain Railroad,

Which, upon his motion,

Was ordered to be engrossed and read a third time.

Mr. Dana introduced

House File No. 127: A bill for an act regulating judgments and executions.

Which was read the first and second time.

Mr. Prentiss

Moved to refer the bill to the committee on the Judiciary.



Mr. Foster

Moved to lay the bill on the table and have it printed for the use of the House,

Which motion was agreed to.

Mr. Cassidy, of Mahaska, introduced

House File No. 128: A bill for an act to repeal a portion of section 757, Chapter 45 of the Code,

Which was read a first and second time, and

On his motion,

Referred to the committee on Incorporations.

Message from the Senate by their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed Senate File No. 68: A bill for an act to authorize counties to use the swamp lands to aid in the construction of Railroads,

And the Senate asks the concurrence of the House of Representatives to the same.

I am further directed to inform the House of Representatives that the Senate has passed without amendment the following bills, to-wit:

House File No. 50: A bill for an act entitled "an act to amend section 289, of the Code of Iowa."

House File No. 105: Memorial and Joint Resolution asking for a grant of land to aid in the construction of the McGregor, St. Peters and Missouri River Railroad.

GEORGE. E. SPENCER,

Secretary Senate.

MR. SPEAKER:

I am directed to inform the House that the Senate has passed, with amendment, to-wit: Add to the second section the words, "in the Iowa Citizen and Iowa State Journal," House File No. 6: A bill for an act to repeal an act entitled an act to authorize Geo. F. McClure to construct a dam across the Des Moines River.

GEO. E. SPENCER,

Secretary Senate.

Mr. Richardson introduced

House File No. 129: A bill for an act to provide for the establishment of a State Agricultural College, with a State Board of

**Agriculture, which shall be connected with the entire Agricultural interests of the State of Iowa,**

Which was read the first and second time.

Mr. Pierson

Moved to lay the bill on the table and have it printed for the use of the House,

Upon which question

The yeas and nays were ordered and were as follows :

Yeas 56, }

Nays 7. }

The yeas were,

Messrs. Bauder, Beal, Belknap, Bennett, Casey, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Curtis, Davis, Dewey, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnston, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—56.

The nays were,

Messrs. Anthony, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Dana, McCormick—7.

The motion prevailed.

Mr. Wright

Submitted the following report :

The committee on Enrolled Bills report that they have examined the following bill, and find it correctly enrolled :

House File No. 53: Memorial and Joint Resolution asking for additional mail facilities between Dyersville and Clarksville.

Also, that they have presented to the Governor for his signature House File No. 48: A Joint Resolution making provisions for the publication of Agricultural Reports.

Mr. Wilson introduced

House File No. 130, "A bill for an act to provide for the collection of taxes on real estate, and for the security of the tax-payer and the owner of real estate charged with unpaid taxes,"

Which was read a first and second time, and referred to the committee on Ways and Means.

Mr. Trumbull introduced

House File No. 131, "A bill for an act allowing costs to the prevailing party in civil actions,"

Which was read a first and second time, and referred to the committee on the Judiciary. Also,

House File No. 132, "A bill for an act requiring the County Recorders to keep in their office a book of *lis pendens*,"

Which was read a first and second time, and referred to the committee on the Judiciary.

Mr. Prentiss introduced

House File No. 133, "A bill for an act to attach Louisa county to the eighth Judicial District,"

Which upon his motion,

Was laid on the table.

Mr. Clark of Dubuque, introduced

House File No. 135, "A bill to be entitled an act to define and punish common barrotry and maintenance,"

Which was read a first and second time, and referred to the committee on the judiciary. Also,

House File No. 134, "A bill for an act to legalize the issue of certain bonds voted by the city of Dubuque to the Dubuque and Turkey Valley, and to the Dubuque and Bellevue Railroad Companies, and to authorize the proceeds of said bonds to be used outside of Dubuque county,"

Which was read a first and second time and referred to the committee on the Judiciary.

On motien of Mr. Mahony,

Senate File No. 44, "A bill for an act to provide for issuing State Bonds, and procuring a loan for the State of Iowa," was taken up, and

On motion of Mr. Wilson,

Read a third time, when

Mr. Clark of Dubuque,

Moved to amend the bill by striking out of the 4th line of Section 1st, the word "seven," and insert in lieu thereof, the word "ten,"

Which motion was lost.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows :

Yeas 38, }  
Nays 25, }

The yeas were,

Messrs. Ayers, Bates, Campbell, Carpenter, Cassaday of Van Buren, Cassiday of Mahaska, Clark of Johnson, Cooley, Collins, Dewey, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Randolph, Rankin, Richardson, Scott, Stearns, Steward, Streeter, Thompson, Trumbull, Wilson, Woodward, Wright, Mr. Speaker—38.

The nays were,

Messrs. Anthony, Bauder, Beal, Bennett, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Curtis, Dana, Davis, Dews, Gray, Johnson, Lundy, McCormick, Millard, Milliser, Prentiss, Reitzel, Sharp, Sprague, Waln, Watts—25.

The bill passed and the title was agreed to.

Mr. Curtis was granted leave of absence.

On motion of Mr. Trumbull,

The amendment heretofore offered to rule 16, to wit: Strike out the word personally, and insert the words "particularly and immediately," was taken up and concurred in.

On motion of Mr. Wilson,

House File No. 6, A bill for an act to repeal an act, entitled an act to authorize George F. McClure to construct a dam across the Des Moines River was taken up and the amendment made by the Senate thereto concurred in.

Substitute for Senate File No. 22, A bill for an act to legalize the sale of certain school lands by James Hull, School Fund Commissioner of Boone county, Iowa, was,

Upon motion of Mr. Beal,

Taken up and read a third time, and upon the question shall the bill pass,

The yeas and nays were ordered and were as follows:

Yeas 58, nays none.

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCor-

mick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—58.

The title of the bill was then agreed to.

On motion of Mr. Mahony,

House File No. 24, A bill for an act to repeal an act entitled an act for revising and consolidating the laws incorporating the city of Dubuque, and to establish a city court therein was taken up, and the amendments made by the Senate thereto were concurred in.

On motion of Mr. Cassaday of Van Buren,

The House adjourned.

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SATURDAY MORNING, }  
FEBRUARY 6th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburgh.

Journal of yesterday read and approved.

#### BILLS INTRODUCED.

Mr. Wilson introduced

House File No. 136, A bill for an act to preserve the purity of elections,

Which was read a first and second time, and

On motion of Mr. Bradley,

Ordered to be laid upon the table and printed for the use of the House.

Mr. Bander

Moved to reconsider the vote by which the House concurred in the report of the Judiciary committee in relation to certain petitions of citizens of Louisa county, asking for the enactment of an appraisement law,

Upon which question,

The yeas and nays were called and were as follows :

The yeas were,

Yeas 46, }

Nays 18. }

Messrs. Bates, Bauder, Belknap, Bradley, Carpenter, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Collins, Dana, Davis, Dewey, Edwards, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Steward, Streeter, Thompson, Trumbull, Watts, Woodward, Mr. Speaker—46.

The nays were,

Messrs. Anthony, Ayers, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clune, Dews, Foster, Gray, Laney, Sharp, Stearns, Wilson, Wright—18.

The motion prevailed, when,

On motion of Mr. Prentiss,

The petitions were referred to the select committee on that subject.

Message from the Senate, by their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following House bills without amendment :

House File No. 21 : A bill for an act legalizing the official acts of the town council of Guttenburg.

Also, House File No. 81 : A bill for an act to amend section 1052 of the Code.

J. S. DIMMITT,  
Assistant Sec'y Senate.

Mr. Dana introduced

House File No. 137 : A bill for an act appointing Commissioners to permanently locate the State Deaf and Dumb Asylum,

Which was read a first and second time, and

Referred to the committee on Charitable Institutions.

Mr. Richardson introduced

House File No. 138 : Joint Resolution to provide for the distribution of the State Geological Reports,

Which was read the first and second time, and

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

M. Sprague introduced

House File No. 139: A bill for an act to amend an act to Incorporate the city of Burris, in Louisa county, approved January 28th, 1857,

Which was read a first and second time by its title, and

On motion of Mr. Sprague,

Referred to the committee on Incorporations.

Mr. Wright,

From the committee on Enrolled Bills, reported

That the committee had presented to the Governor, for his signature, House File No. 53: Memorial and Joint Resolution asking for additional mail facilities between Dubuque and Clarksville.

Mr. Cassidy, of Mahaska, introduced

House File No. 140: A bill for an act regulating the sale of poisons,

Which was read the first and second time.

M. Bennett

Moved to amend the first section of the bill by adding as follows: That rot-gut whiskey be included as one of the poisons.

Mr. Trumbull

Moved to amend the amendment by striking out the word "rot-gut,"

Which amendment was agreed to.

Dr. Mahony

Moved to amend the amendment by inserting the word "bad" before the word "whiskey."

The amendment was concurred in.

Mr. Woodward

Moved to amend the amendment by inserting after the word "whiskey," the words "and Hostetter's Bitters."

The amendment was lost.

Mr. Harmon

Moved to amend the amendment by inserting after the word "whiskey," the words "Schneidam Schnapps."

The amendment was lost.

On motion of Mr. Mahony

The original amendment was amended by striking out the words "bad whiskey," and inserting in lieu thereof the words "adulterated liquors."

The amendment as amended was then concurred in.

Mr. Clark, of Des Moines,

Moved further to amend the first section of the bill by adding the following proviso :

*Provided*, No liquor shall be considered bad until the same shall have been condemned by a jury of professional liquor dealers of not less than six men.

Mr. Clune

Moved to amend the amendment by striking out the word "dealers" and inserting "drinkers."

Which amendment was lost.

The question then recurring upon the adoption of the proviso,

It was not agreed to.

Mr. Davis

Moved that the bill be laid upon the table and printed for the use of the House,

Which motion was lost.

On motion of Mr. Morgan

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

Mr. Dewey

Offered the following resolution, which was adopted :

*Resolved*, That Prof. James Hall, State Geologist, is hereby invited to deliver a lecture upon the Geology of Iowa, in the Hall of Representatives, on Monday evening, the 8th instant, and that the members of the Senate and officers of the State are invited to seats on the floor of the House on that occasion.

On motion of Mr. Belknap

House File No. 104: A bill for an act making an appropriation for the Iowa State Penitentiary,

Was taken up and made the special order of business for Tuesday at half past ten.

On motion of Mr. Belknap

House File No. 63: A bill for an act regulating the compensation of Clerks of the District Court and Sheriffs,

Was also taken up and referred to a select committee of three.

The Speaker appointed

Messrs. Belknap, Thompson and SeEVERS said committee.

On motion of Mr. Clark, of Dubuque,



House File No. 3: A bill for an act to prescribe the mode of foreclosing mortgages, and of redeeming property sold thereby,  
Was taken up and read a third time, and

On motion of Mr. Wilson,  
Re-committed to the committee on the Judiciary.

Mr. Cavanaugh

Moved that the House adjourn,  
Which motion was lost.

Mr. Dewey

Moved that when the House adjourn, it adjourn till 10 o'clock  
Monday morning,  
Which motion prevailed.

Mr. Jackson,

From the committee on Banks and Banking, submitted the following report, together with House File No. 141: A bill for an act to authorize the business of banking in the State of Iowa:

MR. SPEAKER:

As Chairman of the Committee on Banks and Banking, I beg leave to submit the following report:

That the committee of this House, while engaged in the consideration of the subject of banks and banking, have acted in concert with the committee of the Senate on the same subject. That they have jointly agreed to submit two bills, one for the establishment of a State Bank with branches; the other for the establishment of a Free Banking system.

For the purpose of expediting the business before the General Assembly, it was determined by the members of the Joint Committee, to report the State Bank bill to the Senate, and the bill establishing a Free Banking system to this House, simultaneously.

It is proper, perhaps, to state that some of the members of the committee of this House do not unite in this report.

JACKSON, Chairman.

The report was concurred in and the bill laid upon the table and 500 copies ordered to be printed for the use of the House.

On motion of Mr. Foster

The House adjourned.

MONDAY MORNING, }  
 FEBRUARY 8th, 1858. }

House met pursuant to adjournment.  
 Prayer by the Rev. Mr. Bird.  
 Journal of yesterday read and approved.

### PETITIONS PRESENTED.

**Mr. Clark of Dubuque,**

Presented the petition of citizens in relation to mobs,  
 Which was referred to the Committee on Military Affairs.

**Mr. Wilson**

Presented the petition of Mr. Gray and 44 other citizens of Jefferson county, praying for the passage of laws for the appraisal of property and stay of execution,

Which was referred to the special committee on that subject.

**Mr. Bennett**

Presented the petition of citizens of Marion county, asking for the vacation of a certain State Road in said county, which,

Upon his motion,

Was laid upon the table.

**Mr. Clark of Johnson,**

Presented the petition of James W. Howard, W. H. Henderson and 70 other citizens of Johnson and Linn counties, praying for the location of a road from a certain point in Johnson county, to Cedar Rapids, in Linn county,

Which upon his motion,

Was laid upon the table.

**Mr. Pierson**

Presented the petition of Wm. Fenen and 50 other citizens, asking for the increase of Sheriff fees in certain cases,

Which was referred to the Special Committee to whom was referred House File No. 63.

**Mr. Bradley**

Presented the petition of citizens of Jackson county, praying for the establishment of an additional Court in said county,

Which was referred to the committee on the Judiciary.

**Mr. Streeter**

Presented the petition of citizens of Blackhawk county, praying

for the abolition of the office of County Judge, and for a system of County and Township Organizations,

Which was referred to the Committee on County and Township Organizations.

**Mr. Dana**

Presented the petition of citizens of Story county, asking for the enactment of an appraisement law,

Which was referred to the Special Committee heretofore appointed on that subject.

**Mr. Millard**

Presented the petition of Ruth Landon and 52 other citizens of Hartford, Warren county, praying for the passage of a law for the relief of the said Ruth Landon,

Which was referred to the Committee to whom was referred House File No. 113.

**Mr. Drummond**

Presented the petition of citizens of Manathea and Maupville, in Benton county, praying for the consolidation of said towns under the name of Manathea,

Was laid upon the table.

**Mr. Drummond**

Also presented the petition of citizens of Benton county, asking for the location of the Blind Asylum at or near Vinton, in said county,

Which was referred to the committee on Charitable Institutions.

**Mr. Lambert**

Presented the petition of S. K. Scoville and 143 other citizens of Dallas county, praying for the location of the Deaf and Dumb Asylum at or near the town of Adel, in said county,

Which was referred to the committee on Charitable Institutions.

**Mr. Bennett**

Presented the petition of citizens of Hamilton, Marion county, Iowa, praying for the vacation of all alleys running east and west in said town,

Which was referred to the committee on the Judiciary.

**Mr. Casady of Woodbury,**

Presented the petition of the county officers of Woodbury Co., praying for the passage of a law authorizing the assessment of the real and personal property of said county, &c.,

Which was referred to the committee on the Judiciary.

**Mr. Carpenter**

Presented the petition of citizens praying for the location of the Blind Asylum at or near Ft. Dodge, in Webster county,

Which was referred to the committee on Charitable Institutions.

**Mr. Prentiss**

Presented the petition of citizens of Muscatine and Louisa counties, praying for the enactment of a law to provide for the completion of the levee now begun on Muscatine Island, in Muscatine and Louisa counties,

Which was referred to the delegations from Muscatine and Louisa counties.

**Mr. Grimes**

Presented the petition of citizens of Delaware county, asking for the location of the Deaf and Dumb Asylum at or near Delhi, in said county,

Which was referred to the committee on Charitable Institutions.

**Mr. Moorman**

Presented the petition of William Williams and various others, citizens of Jefferson county, Iowa, remonstrating against the location of a certain road in said county,

Which, upon his motion,

Was laid upon the table.

**Mr. Casey**

Presented the petition of members of the Bar of Lee county, praying for the postponement of the March term of the District Court in said county,

Which was referred to the delegation from Lee county and to the member from the 55th District.

**Mr. Mahony**

Presented the petition of citizens of Dubuque, and of Dubuque county, praying for the passage of an act authorizing and requiring the County Judge or other proper authority of said county, to have McAdamized, the road from Dubuque to Sageville, in said county,

Which was referred to the committee on Roads and Highways.

**Mr. Speaker**

Presented the petition of citizens, praying for increased mail facilities in Polk, Jasper and Marshall counties,

Which was referred to the committee on Federal Relations.

**Mr. Speaker**

Also presented the petition of citizens of Polk county, praying the appointment of a committee to investigate the acts of the commissioners appointed to locate the Capitol.

Mr. Prentiss

Moved that the petition be laid upon the table,  
Upon which question,

The yeas and nays were ordered and were as follows :

Yeas 23, }

Nays 40. }

The yeas were,

Messrs. Belknap, Bradley, Campbell, Carpenter, Casey, Clark of Johnson, Crawford, Dana, Jackson, Johnson, Lambert, McCrary, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Stearns, Steward, Thompson, Watts, Mr. Speaker—23.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Laney, Lundy, Mahony, McCormick, McGrew, Millard, Milliser, Pierson, Richardson, Scott, Sharp, Sprague, Streeter, Trumbull, Wilson, Woodward—40.

The motion to lay on the table was lost.

Mr. Lundy

Moved that the petition be referred to a Select Committee of seven.

Mr. Clark of Johnson,

Moved to amend the motion by striking out the word seven,

Which motion was agreed to.

Mr. Clune

Moved to fill the blank in the motion with the word " nine."

The motion was lost.

Mr. Drummond

Moved to amend the motion by adding " and that said committee be authorized to send for persons and papers."

Which was agreed to.

The question recurring upon the motion to refer, as amended,

The yeas and nays were demanded and were as follows :

Yeas 62. }

Nays 2. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday, of Van Buren, Casady of Woodbury, Cassiday, of Mahaska, Cavanaugh, Clark, of Des Moines, Clark, of Dubuque, Clark, of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—62.

The nays were,

Messrs. Lambert, Reitzel—2.

The Chair announced

Messrs. Collins, Dews, Anthony, Casady of Woodbury, and McCrary said committee.

Mr. Casady

Was excused from serving on said committee.

On motion of Mr. Crawford,

Mr. Dews was also excused from serving on said committee.

Mr. Dana

Presented the petition of 70 ladies and gentlemen, citizens of Story county, asking the enactment of a more stringent prohibitory liquor law.

Mr. Prentiss

Moved that the petition be laid upon the table,

Upon which question,

The yeas and nays were ordered and were as follows :

Yeas 30. †

Nays 29. †

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dews, Edwards, Foster, Gray, Guiberson, Johnson, Lundy, Mahony, McCrary, McCormick, McGrew, Millsap, Pierson, Prentiss, Sharp Sprague, Stearns, Thompson, Wilson—30.

The nays were,

Messrs. Anthony, Bates, Carpenter, Casady of Woodbury, Cas-

siday of Mahaska, Cooley, Collins, Crawford, Dana, Davis, Drummond, Grimes, Gue, Harmon, Jackson, Lambert, Millard, Moorman, Morgan, Rankin, Reitzel, Richardson, Scott, Steward, Street-er, Trumbull, Watts, Woodward, Mr. Speaker—29.

Message from the Senate,

By their Secretary, Mr. Spencer.

MR. SPEAKER:

I herewith present for your signature, Senate File No. 22, A bill for an act to legalize the sale of certain school lands by James Hull, School Fund Commissioner of Boone county, Iowa. Also, Senate File No. 44, A bill for an act to provide for issuing State Bonds and procuring a loan for the State of Iowa.

The same having passed both branches of the General Assembly, and been duly enrolled by the Senate.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Wilson with leave, introduced

House File No. 142, Joint Resolution to provide for the printing of an additional number of the report of the State Geologist, and for the distribution of the same;

Which was read a first and second time, when

Mr. Mahony

Moved to amend the second section, of the Joint resolution by adding thereto the words:

“And that a copy be presented to each newspaper office in this State, including School Journals and Agricultural Periodicals.”

Mr. Edwards

Moved to amend the amendment by adding, “and one to copy to each collegiate institution incorporated under the laws of this State,

Which amendment did not prevail.

The question recurring upon the original amendment;

The yeas and nays were ordered and were as follows:

Yeas 30, )

Nays 34. )

The yeas were

Messrs. Bauder, Beiknap, Bennett, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Dana, Dews, Drummond, Foster, Gray, Harmon, Jack-

son, Mahony, McGrew, Millard, Milliser, Pierson, Rankin, Scott, Sprague, Thompson, Trumbull.

The nays were,

Messrs. Anthony, Ayers, Bates, Bradley, Campbell, Cluue, Collins, Crawford, Davis, Edwards, Grimes, Gue, Guiberson, Johnson, Lambert, Laney, Lundy, McCrary, McCormick, Millsap, Moorman, Morgan, Prentiss, Randolph, Reitzel, Richardson, Sharp, Stearns, Steward, Streeter, Watts, Wilson, Woodward, and Mr. Speaker.

Mr Bradley

Moved to amend the bill further by inserting after the words Gov. Grimes, "and ten copies each to Ex-Governors Briggs and Hempstead,"

Which amendment was agreed to.

Mr. Wilson

Moved to strike out the words "675 copies,"

Which motion was concurred in.

On motion of Mr. Wilson,

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

The Speaker

Laid before the House the following communication :

DES MOINES, IOWA, FEB. 8th, 1858.

HON. S. B. SHELEDY,

*Speaker of the House of Representatives,*

SIR:—I have received from the Chief Clerk a communication accompanied with a resolution of the House of Representatives, inviting me to address them upon the Geology of Iowa.

Allow me to express my grateful sense of the honor conferred upon me by this invitation, and to assure yourself and the Honorable House, that I shall accept it with pleasure, and will appear before them, as requested, at such an hour as will suit the convenience of the members.

I have the honor to be,

Your obedient servant,

JAMES HALL.

Mr. Jackson

Moved that 7 o'clock be the hour designated for the address of Mr. Hall, and that ladies be invited to be present.



Which motion prevailed.

On motion,  
The House adjourned.

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TWO O'CLOCK, P. M

House met.

Mr. Woodward

Moved a call of the House,

Which motion being sustained, the Clerk proceeded to call, when the following named gentlemen were found to be absent and unexcused :

Messrs. Anthony, Bates, Bradley, Carpenter, Clark of Des Moines, Clune, Crawford, Dana, Dewey, Edwards, Guiberson, Jackson, Strecker, Waln and Wilson.

Messrs. Alger, Beal, Curtis, SeEVERS and Wright were excused from attendance upon the House.

On motion of Mr. Morgan,

Further business under the call was dispensed with.

The Speaker

Announced the names of Messrs. Mahony and Milliser to fill the vacancy in the committee appointed to investigate the accounts of the Commissioners appointed to locate the Capitol.

### REPORTS OF COMMITTEES.

Mr. Foster

Submitted the following report :

The committee on Engrossed Bills beg leave to report that they have examined substitute for House File No. 11, Memorial to Congress asking for a grant of land to aid in the construction of a railroad from the Missouri river, over the South Pass, to some point in Washington Territory. Also,

House File No. 15, A bill for an act to amend an act to establish a Recorder's office in the city of Keokuk. Also,

Substitute for House File No. 124, A bill for an act to confer on townships the right of electing additional Justices of the Peace. Also,

House File No. 125, A bill for an act to amend section 1209, chapter 78, of the Code. Also,

House File No. 126, Joint resolution asking a grant of land to aid in the construction of a certain railroad. Also,

House File No. 115, A bill for an act entitled an act prescribing the manner of certifying acknowledgments in certain cases. Also,

House File No. 138, Joint resolution to provide for the distribution of the State Geological Reports. Also,

House File No. 140, A bill for an act regulating the sale of poison, and find the same correctly engrossed.

Mr. Drummond,

From the Committee on Township and County Organizations, reported House File No. 143, A bill for an act establishing Boards of County Commissioners, and prescribing their duties.

Which was read a first and second time, and laid upon the table, and ordered to be printed for the use of the House.

Also, House File No. 144, A bill for an act concerning County Recorders,

Which was read a first and second time, and laid upon the table, and ordered to be printed for the use of the House.

Also, House File No. 145, A bill for an act prescribing the duties of County Treasurers.

Which was read a first and second time, and laid upon the table, and ordered to be printed for the use of the House.

Also, House File No. 146, "A bill for an act to create the office of County Auditor, and define the duties thereof,

Which was read a first and second time, and laid upon the table and ordered to be printed for the use of the House.

Mr. Sharp introduced

House File No. 147, "A bill for an act increasing the duties of Township Officers,

Which was read a first and second time, and referred to the committee on Road and Highways.

Mr. Lundy introduced

House File No. 148, "A bill for an act to amend an act entitled an act concerning fences,

Which was read a first and second time, and referred to the committee on Agriculture.

Mr. Casey introduced

House File No. 149, "A bill for an act in relation to the time

of holding court in Ft. Madison, Lee County, and providing for a special term of said Court for the purpose of trying criminal cases,"

Which was read a first and second time, and

On motion of Mr. Casey,

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

Mr. Belknap introduced

House File No. 150, "A bill for an act to encourage the organization of fire companies, and for the protection of firemen and the property of fire companies,

Which was read the first and second time, and

Referred to the committee on the Judiciary.

Mr. Carpenter introduced

House File No. 151: A memorial and Joint Resolution respecting the Des Moines River Land Grant,

Which was read a first and second time.

Mr. Clark, of Dubuque,

Moved to refer the bill to the committee on Internal Improvements.

Mr. Wilson

Moved to amend the motion by referring the bill to the committee on the Des Moines River Improvement,

Which was agreed to.

Message from the Senate,

By their Secretary, Mr. Spencer:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed without amendment House File No. 49: A bill for an act entitled an act in relation to Insurance Companies, approved January 28th, 1857.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Speaker

Presented a communication from the Commissioner of the Des Moines River Improvement, which was read and referred to the committee on the Des Moines River Improvement.

### SENATE BILLS READ.

Senate File No. 62: Joint Resolution for appropriation for public buildings in Muscatine,

Was taken up and read the first and second time, and  
 Referred to the committee on Federal Relations.

Senate File No. 61: A bill for an act concerning the foreclosure  
 of mortgages, and amendatory of Chapter 118 of the Code,

Was taken up and read the first and second time, and  
 Referred to the committee on the Judiciary.

Senate File No. 55: Joint Resolution asking Congress for a  
 grant of land to aid in the construction of a certain Railroad,

Which was read a first and second time.

Mr. Trumbull

Moved to adjourn,

Upon which question

The yeas and nays were ordered and were as follows :

Yeas 6, )

Nays 57. )

The yeas were,

Messrs. Bradley, Cassaday of Van Buren, Clark of Dubuque,  
 Crawford, Laney, Trumbull—6.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett,  
 Campbell, Carpenter, Casey, Casady of Woodbury, Cassiday of  
 Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson,  
 Clune, Cooley, Collins, Dana, Davis, Dews, Drummond, Edwards,  
 Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson,  
 Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Mil-  
 lard, Milliser, Mitchell, Millsap, Moorman, Pierson, Prentiss, Ran-  
 dolph, Rankin, Reitzel, Scott, Sharp, Sprague, Stearns, Steward,  
 Streeter, Thompson, Watts, Wilson, Woodward, Mr. Speaker—57.

Motion to adjourn lost.

Mr. Casady, of Woodbury,

Moved that the bill be engrossed and read a third time to-mor-  
 row.

Mr. Jackson

Moved to refer the bill to the committee on Railroads,

Which motion was sustained.

Senate File No. 50: Memorial and Joint Resolution for addition-  
 al mail facilities,

Was taken up and read a first and second time, and  
 Referred to the committee on Federal Relations.

Senate File No. 60: A Joint Resolution for the establishment of

a tri-weekly mail route from Newton, in Jasper county, via. Pella and Knoxville, in Marion county, to Chariton, in Lucas county,

Was taken up and read a first and second time, and

Referred to the committee on Federal Relations.

Senate File No. 38: A bill for an act to amend section 498 of the Code of Iowa,

Was taken up and read a first and second time, and

On motion of Mr. Drummond,

Referred to the committee on Ways and Means.

Senate File No. 18: A bill for an act concerning taxes levied by municipal authority,

Was taken up and read a first and second time, and

Referred to the committee on Incorporations.

Senate File No. 68: A bill for an act authorizing the counties to use the swamp lands to aid in the construction of Railroads.

Which was read the first and second time.

Mr. Lambert

Moved to refer the bill to the select committee to whom was referred House File No. 68.

Mr. Cassidy, of Mahaska,

Moved to amend by referring the bill to the committee on Ways and Means,

Which motion was lost.

Mr. Clark, of Des Moines,

Moved to refer the bill to the committee on Railroads,

Which motion was lost.

The question recurring upon the motion of Mr. Lambert to refer the bill to the select committee to whom was referred House File No. 68,

The same was agreed to.

### BILLS ON THIRD READING.

Senate File No. 13: A bill for an act to legalize the acts of certain school officers,

Was read a third time, and upon the question

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 59, {  
Nays 32. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lancy, Mahony, McCrary, McCormick, Millard, Milliser, Mitchell, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Stearns, Streeter, Thompson, Watts, Wilson, Woodward, Mr. Speaker—59.

The nays were,

Messrs. Lundy and Millsap—2.

The bill passed, and the title was agreed to.

Senate File No. 46: A Joint Resolution for increased mail facilities,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 44, }

Nays 17. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Clark of Des Moines, Clark of Dubuque, Cooley, Collins, Davis, Dews, Foster, Gray, Gue, Guiberson, Jackson, Johnson, Lambert, Lancy, Lundy, Mahony, McCrary, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Richardson, Scott, Sharp, Stearns, Steward, Thompson, Trumbull, Wilson, Woodward, Mr. Speaker—44.

The nays were,

Messrs. Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clune, Dana, Drummond, Edwards, Grimes, Harmon, McCormick, Millard, Milliser, Reitzel, Sprague, Streeter, Watts—17.

House File No. 9: A bill for an act to provide for a more liberal stay of execution on judgments,

Was read a third time, and

On motion of Mr. Thompson,

Was laid upon the table.

Substitute for House File No. 35: A bill for an act requiring non-resident plaintiffs to give security for costs,

Was read a third time, and upon the question of its passage  
The yeas and nays were ordered and were as follows:

Yeas 60, )

Nays 2. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Crawford, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—60.

The nays were,

Messrs. Clune and Prentiss—5.

The title of the bill was then agreed to.

House File No. 101: A bill for an act to authorize the County Judge of Webster county to have transcribed certain records of said county,

Was read a third time, and upon the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 64—Nays none.

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, and Mr. Speaker—64.

The title of the bill was then agreed to.

House File No. 66: A bill for an act defining the crime and punishing the offense of making false entries of fines and fees on

dockets of Courts or otherwise, and of failing to pay over such fines and fees according to law,

Was read a third time, and upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows:

Yays 61—Nays none.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casaday of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—61.

The title of the bill was then agreed to.

Mr. Dana

Submitted the following report:

The committee on Enrolled Bills report that they have examined House File No. 81: A bill for an act to amend section 1052 of the Code of Iowa, and find the same correctly enrolled.

Mr. Clune

Moved that the House do now adjourn.

Lost.

House File No. 119: Joint Resolution asking a grant of land to aid in the construction of a certain Railroad,

Was read a third time, and upon the question of its passage

The yeas and nays were demanded and were as follows:

Yeas 61, {

Nays 1. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dana, Davis, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Mitchell, Millsap, Moorman, Mor-



gan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns. Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—61.

The title of the Joint Resolution was then agreed to.

Mr. Cassaday, of Van Buren,

Moved that the House do now adjourn.

House File No. 106: Memorial and Joint Resolution of the General Assembly of the State of Iowa to Congress asking for the relief of James B. Thomas and family,

Was read a third time, and upon the question of its passage

The yeas and nays were ordered and were as follows:

Yeas 62—Nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—62

The title of the memorial was then agreed to.

Senate File No. 43: A bill for an act to authorize the County Judge of Lee county to build a jail in the city of Keokuk,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 52, {  
Nays 9. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Pierson, Randolph, Rankin, Richardson, Scott, Sharp,

**Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Mr. Speaker—52.**

The nays were,

Messrs. Anthony, Bates, Cavanaugh, Clark of Dubuque, Mill-sap, Prentiss, Reitzel, Wilson, Woodward—9.

The title of the bill was agreed to.

On motion of Mr. Edwards

House File No. 20: A bill for an act regulating mileage of Co. Treasurers, members of the General Assembly and Board of Education,

Was taken up and made the special order of business for two o'clock to-morrow.

Mr. Steward

Moved to adjourn,

Which motion was lost.

Mr. Jackson

Moved a call of the House,

Which being sustained, the Clerk proceeded to call the roll, whereupon the following named gentlemen were found to be absent and unexcused:

Messrs. Bennett, Bradley, Drummond, Crawford, Sharp, Dewey, Milliser, Waln and Wright.

Messrs. Waln, Dewey, Milliser and Wright were excused from attendance on account of sickness.

The Sergeant-at-Arms was directed to bring in the unexcused absentees.

Mr. Clark, of Johnson,

Moved to suspend further proceedings under the call,

Which motion was not agreed to.

On motion,

Mr. Casady, of Woodbury, was granted leave of absence.

The Sergeant-at-Arms reported Messrs. Drummond, Sharp, Bennett and Crawford as found, and that they were now before the Bar of the House—that Mr. Bradley had been found, but was too unwell to appear before the House.

After satisfactory explanation, Messrs. Bradley, Crawford, Bennett, Sharp and Drummond were excused from the censure of the House.

On motion

The House adjourned.

TUESDAY MORNING, }  
 FEBRUARY 9th, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Bird.

Journal of yesterday read and approved.

Mr. Foster

From the committee on Engrossed Bills, reported the the committee had examined House File No. 142, Joint Resolution to provide for the printing of an additional number of the Report of the State Geologist, and found the same correctly engrossed.

On motion of Mr. Wilson,

House File No. 142, Joint Resolution to provide for the printing of an additional number of the report of the State Geologist,

Was taken up and read a third time, and,

Upon the question, shall the same pass,

The yeas and nays were ordered and were as follows :

Yeas 62, }

Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker.

The title of the Joint Resolution was then agreed to.

Mr. Dana,

From the committee on Enrolled Bills, reported that the committee had examined House File No. 50, A bill for an act entitled an act to amend section 2891 of the Code of Iowa, and had found the same correctly enrolled.

Also, that the committee had presented to the Governor for his signature, House File No. 81, A bill for an act to amend section 1052 of the Code.

Mr. Belknap

Moved that House File No. 104, A bill for an act making an appropriation for the Iowa Penitentiary, and increasing the salaries of certain officers thereof, be made the special order of business for next Monday morning, at 10½ o'clock A. M.

Mr. Wilson

Moved to amend the motion by referring the bill to the committee on Ways and Means,

Which was agreed to.

### BILLS ON THEIR THIRD READING.

Substitute for House File No. 11, Memorial to Congress praying for a grant of land to aid in the construction of a railroad from the Missouri River, over the South Pass, to some point in Washington Territory,

Was read a third time, and

Upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 62, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bander, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Searns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward,  
Mr. Speaker.

The title of the Memorial was then agreed to.

House File No. 15, A bill for an act to amend an act to establish a Recorder's office in the city of Keokuk,

Was read a third time, and

Upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows:

Yeas 62, }  
Nays 00, }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woobury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker.

The title of the bill was then agreed to.

House File No. 76, A bill for an act to repeal a part of section 2705 of the Code of Iowa,

Was read a third time.

Mr. Clune

Moved to refer the bill to a select committee of the single gentlemen of the House,

Which motion was lost.

The question recurring upon the passage of the bill, the yeas and nays were ordered and were as follows:

Yeas 41, }  
Nays 22. }

The yeas were

Messrs. Anthony, Ayers, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassaday of Mahaska, Cavanaugh, Clark of Dubuque, Cooley, Collins, Davis, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson, Lambert, Mahony, McCrary, McCormick, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Scott, Stearns, Steward, Streeter, Thompson, Watts, Wilson, Mr. Speaker.

The nays were,

Messrs. Bates, Belknap, Bennett, Campbell, Carpenter, Casey, Clark of Des Moines, Clark of Johnson, Clune, Crawford, Dana, Dews, Drummond, Edwards, Harmon, Laney, Lundy, McGrew, Prentiss, Richardson, Sharp, Sprague, Trumbull, Woodward.

The title of the bill was then agreed to.

House File No. 115, A bill for an act entitled an act prescribing the manner of certifying acknowledgments in certain cases,

Was read a third time, and

Upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows:

Yeas 48, )

Nays 10. )

The yeas were

Messrs. Anthony, Ayers, Belknap, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Dana, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Jackson Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Watts and Mr. Speaker.

The nays were,

Messrs. Bates, Cassiday of Mahaska, Clark of Johnson, Harmon, Laney, Millsap, Prentiss, Richardson, Thompson, Trumbull, Wilson, Wilson, Woodward.

House File No. 124, "A bill for an act to confer on Townships the right of electing additional Justices of the Peace,"

Was read a third time and upon the question shall the bill now pass,

The yeas and nays were ordered and were as follows:

Yeas 71, )

Nays 1, )

The yeas were,

Messrs. Alger, Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter,

Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—71.

Mr. Edwards voted in the negative.

The title of the bill was then agreed to.

On motion of Mr. Prentiss,

The members from the 30th and 33d Representative Districts, were added to the committee, to whom was referred the subject of the levee on Muscatine Island.

House File No. 126, Joint Resolution asking a grant of land to aid in the construction of a certain Railroad,

Was read a third time, and upon the question of its passage,

The yeas and nays were demanded and were as follows :

Yeas 61, {

Nays 2, }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCornick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—51.

The nays were,

Messrs. Bates and Prentiss.

The title of the Joint Resolution was then agreed to.

House File No. 140. A bill for an act regulating the sale of poisons,

Was read a third time, and upon the question, shall the bill pass.

The yeas and nays were demanded and were as follows :

Yeas 28, {

Nays 34, }

The yeas were,

Messrs. Belknap, Bennett, Carpenter, Clune, Cooley, Collins, Crawford, Dana, Davis, Dews, Edwards, Grimes, Guiberson, Johnson, Mahony, McCrary, McGrew, Mitchell, Moorman, Mor-

gan, Pierson, Randolph, Rankin, Richardson, Sprague, Stearns, Streeter, Woodward—28.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Drummond, Foster, Gray, Gue, Harmon, Jackson, Lambert, Laney, Lundy, McCormick, Millard, Milliser, Millsap, Prentiss, Reitzel, Scott, Sharp, Steward, Thompson, Trumbull, Watts, Wilson and Mr. Speaker—34.

The bill was lost.

House File No. 125, A bill for an act to amend Section 1209, Chapter 78 of the Code,

Was read a third time, and committed to the committee on the Judiciary.

House File No. 22, A bill for an act to legalize the assessments of County Assessors in the several counties, in the year 1857, together with the amendment of the Senate thereto, was taken up, and,

On motion of Mr. Jackson,

Was re-committed to the committee on the Judiciary, with instructions to so amend the bill as to legalize the acts of such Assessors in this State as were compelled to employ Deputies.

On motion of Mr. Bauder,

The House adjourned.

TWO O'CLOCK, P. M.

House met.

Mr. Guiberson,

Gave notice that he would on to-morrow, introduce a Resolution to rescind so much of the 62d Rule of this House, as requires the yeas and nays to be taken on the passage of Joint Resolutions and Memorials.

House File No. 138, Joint Resolution to provide for the distribution of the State Geological Reports,

Was taken up and read a third time, and upon the question shall the same pass,



The yeas and nays were ordered and were as follows :

Yeas 46, )

Nays 5. )

The yeas were,

Messrs. Ayers, Bauder, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Ma-haska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Dana, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Mitchell, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Scott, Sharp, Sprague, Stearns, Thompson, Watts, Wilson, Woodward, Mr. Speaker—46.

The nays were,

Messrs. Anthony, Millard, Milliser, Millsap and Steward.

The title of the Joint Resolution was then agreed to.

Message from the Senate,

By their Secretary, Mr. Spencer.

Mr. SPEAKER :

I am directed to inform the House of Representatives that the Senate has passed the following bills, to which the agreement of the House is asked :

Senate File No. 80, A bill for an act defining the jurisdiction of Justices of the Peace in criminal cases.

Senate File No. 79, A bill for an act to amend Section 2597 of the Code, and to provide for the punishment of assault.

I am also directed to inform the House of Representatives, that the Senate has amended House File No. 142, Joint Resolution to provide for the printing of an additional number of the Report of the State Geologist, and for the disposal of the same, by striking out all that portion of the resolution in relation to the distribution of the reports, and inserting in lieu thereof, "they shall be disposed of as may be provided for by the General Assembly."

The Senate has also amended the title by striking out all after the word "Geologist," to which amendments the concurrence of House is asked.

GEO. E. SPENCER,  
Secretary of the Senate.

On motion of Mr. Wilson,

House File No. 142, Joint Resolution to provide for the printing of an additional number of the Report of the State Geologist, and

for the disposition of the same, together with the amendments of the Senate thereto, was taken up, and upon the question of concurring in the amendments made by the Senate,

The House refused to concur.

On motion of Mr. Edwards,

The House resolved itself into Committee of the Whole, to consider House File No. 20, A bill for an act regulating the mileage of County Treasurers, members of the General Assembly and Board of Education, the same being the special order for this hour.

At 4 o'clock the committee rose, and reported the bill back to the House, and asked to be discharged from the further consideration of the same.

The committee was then discharged.

Mr. Edwards

Moved that the bill be referred to a select committee of five.

Mr. Mahony

Moved that the bill be laid upon the table.

Upon which question the yeas and nays were demanded, and were as follows :

Yeas 25, (

Nays 37, (

The yeas were,

Messrs. Belknap, Bennett, Bradley, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clune, Cooley, Dana, Gray, Grimes, Guiberson, Jackson, Johnson, Laney, Mahony, McCrary, Milliser, Millsap, Pierson, Sharp, Sprague, Stearns, Steward, Trumbull—25.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Campbell, Carpenter, Casey, Casady of Woodbury, Cassidy of Mahaska, Clark of Dubuque, Clark of Johnson, Collins, Davis, Drummond, Edwards, Foster, Gue, Harmon, Lambert, Lundy, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Streeter, Watts, Wilson, Woodward, Mr. Speaker—37.

The House refused to lay the bill upon the table.

The motion to refer the bill to a select committee then prexailed.

And the Chair announced

Messrs. Edwards, Gray, Cooley, Bates and Pearson said committee.

**Mr. Dana**

Submitted the following report :

The Committee on Enrolled Bills, report that they have examined House File No. 49, An act to amend an act entitled an act in relation to Insurance Companies, approved January 28th, 1857, and find the same correctly enrolled.

Message from the Senate,

By their Secretary, Mr. Spencer.

**MR. SPEAKER:**

I am directed to inform the House of Representatives that the Senate has passed the following named bills, in which the concurrence of the House is asked :

Senate File No. 82: Memorial of the General Assembly of the State of Iowa to Congress in favor of restricting the sale of public lands to actual settlers.

Senate File No. 12: A bill for an act in relation to county records.

Senate File No. 85: A bill for an act in relation to the times of holding Courts in the Eleventh Judicial District.

I am also directed to inform the House of Representatives that the Senate has passed without amendment House File No. 55: A bill for an act to change the boundaries of the Thirteenth Judicial District so as to include Webster county.

**GEORGE. E. SPENCER,**

Secretary Senate.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate refuses to recede from its amendment to House File No. 142, and has appointed Senators Kirkwood and Trimble a committee of conference on the part of the Senate to confer with a similar committee on the part of the House in relation to the subject of disagreement.

**GEO. E. SPENCER,**

Secretary Senate.

On motion of Mr. Mahony

A committee of three was appointed to confer with the committee heretofore appointed by the Senate in relation to the disagreement between the two Houses respecting Senate amendments to House File No. 142, Joint Resolution to procure the printing of an additional number of the report of the State Geologist, and the disposal of the same.

The Speaker appointed  
Messrs. Mahony, Wilson and Richardson as said committee.

Mr. Wain

Was granted leave of absence from the House.

Mr. Jackson,

With leave, introduced the following resolution :

WHEREAS, It is currently reported that the Board of Commissioners heretofore appointed by joint resolution of this General Assembly for the purpose, among others, of preparing a code of civil and criminal procedure, and reporting the same to this General Assembly, have determined that they cannot perform the duties assigned them by said resolution. Therefore, be it

*Resolved*, That the said Board of Commissioners be requested to report immediately to this House, what progress they have made, and also to communicate what their intention is in regard to their performance of the duties assigned to them by the said resolution.

On motion of Mr. Cooley

The resolution was laid upon the table.

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

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has reconsidered the vote by which the Senate passed yesterday House File No 49: A bill for an act to amend an act in relation to Insurance Companies, approved January 28th, 1857.

And the Senate requests that the above named bill may be returned to the Senate.

GEORGE E. SPENCER,  
Secretary Senate

On motion of Mr. Bradley  
The House adjourned.

WEDNESDAY MORNING, }  
FEBRUARY 10th, 1858. }

House met pursuant to adjournment.  
Prayer by the Rev. Mr. Bird.

Journal of yesterday read and approved.

Message from the Senate by their Secretary :

**MR. SPEAKER :**

I herewith return House File No. 142, Joint Resolution to provide for printing an additional number of the report of the State Geologist, and for the disposal of the same, the Senate having receded from its amendments thereto.

**J. S. DIMMITT,**  
Assistant Secretary Senate.

**Mr. Foster**

Presented the petition of citizens of Benton, Iowa and Keokuk counties, praying for the formation of a new county out of said counties,

Which was read, and

Referred to the committee on New Counties.

**Mr. Mahony,** with leave,

Submitted the following report :

**MR. SPEAKER :**

The committee appointed by the House to confer with a committee of the Senate, on the disagreement of the two Houses on House File No. 142, beg leave to report that they have had a conference with the Senate committee on the matter referred to them, and after an interchange of views, and explaining to the Senate committee the object the House had in view in making the distribution of the Geological Report provided for in the House Bill referred to the Senate committee of conference, agreed to recommend to the Senate that they recede from the amendments made to said bill, and that it be passed as it came from the House of Representatives. Having performed the duty assigned them, your committee ask to be discharged.

Respectfully Submitted,

**MAHONY,**  
**WILSON,** } COM.  
**RICHARDS'N,** }

**Mr. Pierson**

Presented the petition of citizens of Appanoose county, praying for increased mail facilities,

Which was referred to the committee on Federal Relations.

**Mr. Clark of Johnson**

Presented the memorial of J. M. Stone, and other officers of the

State University, asking for an appropriation to the University of thirty thousand dollars for building purposes,

Which was referred to the committee on Schools and State University.

### RESOLUTION.

Mr. Guiberson

Offered the following resolution:

Which was adopted.

*Resolved*, That so much of the 62d Rule of the Standing Rules of this House as requires that the yeas and nays shall be taken on the passage of Joint Resolutions and Memorials, be and the same is hereby rescinded.

Mr. Dana

Submitted the following report:

The committee on Enrolled Bills, report that they have examined the following bills and find the same correctly enrolled:

House File No. 55, An act to change the boundaries of the 13th Judicial District, so as to include Webster county.

House File No. 24, An act to repeal an act entitled an act for revising and consolidating the laws incorporating the city of Dubuque, and to establish a city Court therein.

Also, substitute for House File No. 6, An act to repeal an act entitled an act to authorize Geo. F. McClure to construct a dam across the Des Moines River.

Also, substitute for House File No. 21, An act regulating the official acts of the Town Council of Guttenberg.

DANA.

Mr. Trumbull

From the committee on Railroads to whom was referred Senate File No. 55, Joint Resolution, asking Congress for a grant of land to aid in the construction of a certain Railroad,

Reported the same back to the House, and recommended its passage.

Mr. Jackson

Moved to re-commit the bill to the committee on Federal Relations,

Which motion was lost.

Mr. Jackson

Moved to amend the bill by striking out from the Preamble all after the word "timber."

Mr. Cooley,

Moved to amend the amendment by striking out all of the preamble after the words "Big Sioux River," where the words first occur,

Which motion was not sustained.

The question recurring upon the motion of Mr. Jackson,

The same was lost.

On motion of Mr. Trumbull,

The bill was ordered to a third reading to-morrow.

Mr. Dana submitted the following report:

The committee on Enrolled Bills report that they have presented to the Governor for his signature the following bills:

House File No. 47, An act authorizing the Governor to raise, arm and equip a company of mounted men for the defence and protection of our frontiers.

Also, House File No. 49, An act to amend an act entitled an act in relation to Insurance Companies approved January 28th, 1857.

Also, House File No. 50, An act entitled an act to amend section 2891 of the Code of Iowa.

Also, that the committee have presented to the Governor for his signature, House File No. 81, A bill for an act to amend section 1052 of the Code of Iowa.

Mr. Bates from the select committee to whom was referred House File No. 57, A bill for an act amending an act entitled an act to annex a provision to section 1898 of the Code of Iowa, reported the same back to the House, and recommended its passage.

Mr. Prentiss

Moved to recommit the bill to the committee on Charitable Institutions.

Which motion was lost.

Mr. Clune

Moved that the bill be indefinitely postponed,

Which motion was not agreed to.

Mr. Bennett

Moved that the bill be engrossed, and read a third time to-morrow.

Upon which question,

The yeas and nays were ordered and were as follows:

Yeas 34, }  
Nays 28. }

The yeas were

Messrs. Ayers, Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Dews, Drummond, Edwards, Foster, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, McCormick, Milliser, Mill-sap, Morgan, Pierson, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Trumbull, Watts, Woodward.

The nays were,

Messrs. Anthony, Bradley, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Cooley, Collins, Dana, Davis, Gray, Grimes, Gue, Lambert, Mahony, McCrary McGrew, Millard, Mitchell, Moorman, Prentiss, Randolph, Rankin, Reitzel, Streeter, Wilson, and Mr. Speaker.

Motion prevailed.

Mr. Clark of Dubuque

Offered the following resolution, which was adopted:

*Resolved*, That the Governor be requested to inform this House what amount of Land of the Des Moines River Grant has been disposed of, and for what sum of money in the aggregate, and what amount of money has been expended in the improvement of said river.

#### BILLS INTRODUCED AND ON FIRST READING.

Mr. Pierson introduced

House File No. 152, A bill for an act to repeal a portion of an act entitled an act to incorporate the town of Centreville,

Which was read a first and second time, and

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

Mr. Sharp introduced House File No. 153, Joint Resolution for increased mail facilities on the route from Centreville, Appanoose county, to Lineville in Wayne county,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

Mr. Jackson introduced House File No. 154: Joint resolution to procure additional mail facilities, which was read a first and second time, and referred to the committee on Federal Relations.

Mr. Wilson introduced



House File No. 155, A bill for an act to regulate notices of the sale of Real Estate and Personal Property,

Which was read a first and second time, and  
Referred to the committee on the Judiciary.

Mr. Gray introduced

House File No. 156, A bill for an act to amend an act, to amend Chapter 64 of the Code of Iowa,

Which was read a first and second time, and

On motion of Mr. Wilson,

Laid on the table.

Mr. Mahony

Offered the following as a Joint Rule for the Government of the two Houses of the General Assembly, which was adopted.

Joint Rule No. 16—When a substitute is offered in one House, for a bill originating in the other, and such substitute passes both Houses, the bill shall be enrolled in the House in which the substitute for the original bill may be offered.

Mr. Gue introduced

House File No. 151, A bill for an act to amend an act entitled an act for the better regulation of Public Schools in cities and towns, and densely populated School Districts, approved January 28th, 1857,

Which was read a first and second time, and

Referred to the committee on Schools and State University.

Mr. Harmon introduced

House File No. 158, A bill for an act in relation to delinquent taxes and tax-payers,

Which was read a first and second time, and

Referred to the committee on Ways and Means.

Mr. Richardson introduced

House File No. 159, Memorial to Congress for a Grant of Land for the support of Agricultural Colleges and Scientific Agriculture.

Which was read a first and second time, and

Referred to the committee on Agriculture.

Senate File No. 12, A bill for an act in relation to County Records,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Senate File No. 79, A bill for an act to amend section 2597 of the Code, and for the punishment of assaults,

Was read a first and second time, and  
 Referred to the committee on the Judiciary.

Senate File No. 80, A bill for an act defining the jurisdiction of  
**Justices of the Peace** in criminal cases,

Was read a first and second time, and  
 Referred to the committee on the Judiciary.

Senate File No. 82, Memorial of the General Assembly of the  
 State of Iowa, to Congress, in favor of restricting the sale of **Public Lands**,

Was read a first and second time.

Mr. Carpenter

Moved to refer the memorial to the committee on Federal **Re-**  
**lations.**

Which motion was lost.

On motion of Mr. Millard,

The memorial was then ordered to be engrossed, and read a **third**  
 time to-morrow.

Senate File No. 85, A bill for an act in relation to the times of  
 holding courts in the 11th Judicial District,

Was read a first and second time.

Mr. Foster

Moved that the bill be indefinitely postponed,

Which motion prevailed.

Mr. Sharp

Offered the following resolution,

Which was adopted.

*Resolved*, That the committee on Federal Relations be instructed to report back to this House all Joint Resolutions in relation to increase of mail facilities referred to them, at as early a day as practicable.

Mr. Wilson

Offered the following concurrent Resolution :

*Resolved*, (the Senate concurring) that the members of the **General Assembly** shall be entitled to send by mail at the expense of the State, such papers and documents only as they shall receive by virtue of the resolutions or orders of their respective House, provided that they shall also have the right to send letters by mail, under the provisions of this resolution.

Mr. Drummond

Moved to amend the resolution by adding the following :

"And the members shall also return to the Secretary of State, the knives, pens and other stationery received by them at the beginning of the session, when the same shall be adjourned, and members who have received more than one copy of the Constitutional Debates, shall also return them.

Mr. Bennett

Moved to amend the amendment by adding the following :

" That all papers subscribed for by the members, shall be franked and circulated by the members at the expense of the State.

On motion of Mr. Woodward,

The resolution with the amendments were laid upon the table.

On motion of Mr. Bradley,

The House adjourned.

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## TWO O'CLOCK, P. M

House met pursuant to adjournment.

Mr. Clark, of Des Moines, introduced

House File No. 160: Joint Resolution for additional mail service from Danville, via. South Flint, Pleasant Grove, Center of Washington township, Des Moines county, to Virginia Grove, Louisa county, Iowa,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

Mr. Dana introduced

House File No. 161: Joint Resolution asking Congress for additional mail facilities,

Which was read the first and second time, and

Referred to the committee on Federal Relations.

Message from the Senate, by their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has indefinitely postponed the further consideration of House File No. 100: A bill for an act to require County Treasurers to render a full account of moneys due the State in their hands at an early day.

I herewith present for your signature Senate File No. 43: An act authorizing the County Judge of Lee county to build a jail in the city of Keokuk. Also,

Senate File No. 46: Joint Resolution to Congress for additional mail facilities. Also,

Senate File No. 13: An act to legalize the acts of certain school officers,

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEO. E. SPENCER,  
Secretary Senate.

On motion of Mr. Edwards

House File No. 9: A bill for an act to provide for a more liberal stay of execution on judgments at law,

Was taken from the table.

Mr. Bennett

Moved to amend the bill by striking out of the second line of section one all before the words "at law," and the word "which,"

Which motion was lost.

Mr. Thompson

Moved to amend the fifth section of the bill by inserting after the word "when" the word "the," and by striking out of the same section the words "has been," and the word "and,"

Which amendment was concurred in.

Mr. Clune

Offered the following amendment to section six of the bill:

In third line strike out "four" and insert "two," and strike out "six" and insert "three;" in third line strike out "nine" and insert "four;" in the fourth line strike out "twelve" and insert "six," and strike out "eighteen" and insert "nine."

Mr. Guiberson

Moved to amend the amendment by striking out the words "two months," and inserting the words "six months."

Upon which question

The yeas and nays were ordered and were as follows:

Yeas 15, }

Nays 43. }

The yeas were,

Messrs. Bander, Fennett, Campbell, Dana, Dews, Foster, Gue, Guiberson, Lundy, Millard, Milliser, Scott, Steward, Streeter, Watts—15.

The nays were,

Messrs. Anthony, Ayers, Bates, Belknap, Bradley, Carpenter,

Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Davis, Drummond, Edwards, Gray, Grines, Harmon, Jackson, Johnson, Lambert, Mahony, McCrary, McCormick, McGrew, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Sharp, Sprague, Stearns, Thompson, Wilson, Woodward, Mr. Speaker—43.

The question recurring upon the amendment,

The yeas and nays were ordered and were as follows :

Yeas 5, {

Nays 56. }

The yeas were,

Messrs. Clune, Gue, Millsap, Thompson, Woodward—5.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Guilberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Watts, Wilson, Mr. Speaker—56.

Mr. Anthony

Moved to amend section seven of the bill as follows :

Strike out all between the word "and" in the third line and the word "provided" in the fourth line, and insert in lieu thereof the words "on sums between fifty and three hundred dollars, nine months;" on sums over three hundred dollars "twelve months."

Which amendment was not concurred in.

Mr. Harmon

Moved to re-commit the bill to the committee on the Judiciary,

Which motion was lost.

Mr. Mahony

Moved that the bill be read a third time to-morrow,

Upon which question

The yeas and nays were ordered and were as follows :

Yeas 40, {

Nays 20. }

The yeas were,

Messrs. Bates, Puder, Belknap, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Dana, Davis, Drummond, Edwards, Gray, Grimes, Johnson, Lambert, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Morgan, Pierson, Randolph, Rankin, Reitzel, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Watts—40.

The nays were,

Messrs. Anthony, Ayers, Bennett, Clark of Johnson, Clune, Dews, Foster, Gue, Guiberson, Harmon, Jackson, McCormick, Millsap, Moorman, Prentiss, Richardson, Thompson, Wilson, Woodward, Mr. Speaker—20.

On motion of Mr. Wilson

House File No. 136: A bill for an act to provide for the purity of elections,

Was taken from the table and referred to the committee of the whole House as the special order for Tuesday at 10½ o'clock.

Mr. Bennett

Moved that the House do now adjourn,

Which motion was lost.

On motion of Mr. Bates

House File No. 41: A bill for an act to regulate the interest on money,

Was taken from the table and referred to the committee of the whole House as the special order for Wednesday next at 2 o'clock, P. M.

Mr. Clark, of Johnson, with leave, introduced

House File No. 162: A bill for an act to provide for the payment of the taxes of non-residents into the State Treasury,

Which was read a first and second time, and

Referred to the committee on Ways and Means.

Mr. Drummond, with leave, introduced

House File No. 163: A bill for an act to legalize the official acts of Jacob S. Hunt, School Fund Commissioner of Benton county,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Dana,

From the committee on Enrolled Bills, submitted the following report:

The committee on Enrolled Bills report that they have presented to the Governor, for his approval, the following bills:

Substitute for House File No. 6: An act to repeal an act entitled an act to authorize Geo. F. McClure to construct a dam across the Des Moines River.

House File No. 24: An act to repeal an act entitled an act for revising and consolidating the laws incorporating the city of Dubuque, and to establish a city court therein.

Substitute for House File No. 21: An act regulating the official acts of the town council of Guttenburg.

Also, House File No. 55: An act to change the boundaries of the Thirteenth Judicial District so as to include Webster county.

On motion of Mr. Streeter

The House then adjourned.

THURSDAY MORNING, }  
FEBRUARY, 11th, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Bird.

Journal of yesterday read and approved.

#### PETITIONS PRESENTED.

Mr. Thompson

Presented the petition of citizens of Davenport, asking for an alteration in the Code, in reference to the salaries of Surveyors,

Which was read and referred to a Select Committee of three.

The Speaker appointed

Messrs. Belknap, Gue and Mitchell as said committee.

Mr. McGrew

Presented the petition of citizens of Benton, Iowa and Keokuk counties, praying for the formation of a New County out of said counties,

Which was read and referred to the Committee on New Counties.

**Mr. Casey**

Presented the petition of citizens of Montgomery county, asking the location of a State Road through the counties of Montgomery and Adams,

Which was referred to the committee on Roads and Highways.

**Mr. Dana**

Presented the petition of citizens of Hardin county, praying for the establishment of an Agricultural College and Experimental Farm,

Which was referred to the committee on Agriculture.

**Mr. Carpenter**

Presented the petition of citizens of Humboldt county, asking the Legislature to examine into, and correct certain errors made by the Enrolling Clerk of the last session of said body, whereby the county of Humboldt was deprived of one tier of townships,

Was referred to a Select Committee of three.

The Speaker appointed

Messrs. Carpenter, Guiberson and Millard as said committee.

**Mr. Gue**

Presented the petition of citizens of Scott county, praying for the vacation of a certain State Road in said county,

Which was referred to the committee on Roads and Highways.

On motion of Mr. Thompson,

The petition heretofore presented by him, on the same subject, was taken from the table, and

Referred to the same committee.

**Mr. Dewey**

Presented the petition of John Tyne and 220 other citizens of Mt. Pleasant, Henry county, remonstrating against any change in the limits or boundary of said city,

Which was referred to the committee on Incorporations.

## RESOLUTIONS.

**Mr. Mahony**

Offered the following resolution, which was adopted :

*Resolved*, That the committee on the Judiciary, be and they are hereby instructed to draft and report a bill for an act prescribing the degree of kindred within which it shall not be lawful for persons to marry in this State ; also defining the crimes of fornication and



incest, and prescribing the punishment that shall be inflicted for the commission of these crimes.

**Mr. Dana**

Offered the following resolution :

*Resolved*, That the use of this Hall be tendered to Rev. N. Summerbell for the purpose of delivering a lecture herein next Sabbath, at 3 o'clock P. M. Subject—Infidelity.

**Mr. Mahony**

Moved to lay the resolution upon the table.

Which motion was lost.

The question recurring upon the adoption of the resolution,

The yeas and nays were ordered and were as follows :

Yeas 59. }

Nays 4. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday, of Van Buren, Casady of Woodbury, Cassidy, of Mahaska, Cavanaugh, Clark, of Dubuque, Clark, of Johnson, Clune, Cooley, Collins, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Watts, Wilson, Woodward, Mr. Speaker—59.

The nays were,

Messrs. Mahony, McCormick, Milliser, Trumbull—4.

**Mr. Mahony**

Offered the following resolution, which was adopted.

*Resolved*, That a committee of three be appointed by the House to inquire by what right the State authorities occupy this building, in which the General Assembly is now convened.

The Speaker appointed

Messrs. Mahony, Cassidy of Mahaska, and Mitchell, as said committee.

**Mr. Casey**

Offered the following resolution, which upon his motion was adopted :

WHEREAS, By the provisions of the Revenue Laws heretofore

in force, the payment of delinquent State and County taxes has been enforced with great difficulty, and

WHEREAS, By the decisions of our courts, tax sales and tax titles arising under such sales have uniformly been held either void or voidable, and

WHEREAS, Frequent mistakes are made by assessors and county officers, so that tax payers pay on property not their own, and thus place in jeopardy the title to that which is their own, therefore,

*Resolved*, That the committee on Ways and Means be requested to inquire into the expediency of so framing a revenue bill under the New Constitution that it may embrace the following features :

That the time of payment of State, County, &c., taxes shall be on the ——— day ——— of each year.

If the taxes are not paid by said day, the collector shall forthwith give notice for four weeks, by publication in a newspaper published in the county, or if there is no such paper published in the county, then by posting up three notices in conspicuous places in the county, one of which shall be at the door of the Court House, that at the next ensuing term of the District Court of said county, on the 2d day thereof, he will ask the court for a decree against each and every delinquent tax payer, which decree shall set forth the amount due and unpaid, and declare that because of nonpayment of the same, the title vests in the county, for the benefit of the county and State, for the taxes due, respectively.

The delinquent shall be entitled to redress, at any time within ten years, or if a minor, in two years after a majority, by paying into the County Treasury, the tax assessed, the costs of court, and fifty per cent per annum penalty. On failure to pay, the title shall rest absolutely in the County, for the benefit of the county and State. No error or irregularity shall defeat said title, and no defence shall ever be made except that the taxes had been paid.

Authority to the county to sell said land or lands after perfection of title.

Mr. Lundy

Offered the following resolution :

*Resolved*, That the Chief Clerk of this House be and he is hereby instructed to furnish each member of this House with 6 copies per week, of the Iowa Farmer, during the present session.

Mr. Gue

Moved to amend the resolution by inserting "twelve," in lieu of "six."

**Mr. Davis**

Moved to lay the resolution on the table,

Upon which question,

The yeas and nays were demanded and were as follows :

Yeas 14, }

Nays 48. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Carpenter, Cassaday of Van Buren, Davis, Dews, Edwards, Harmon, Lambert, McCormick, Pierson, Wilson, Mr. Speaker—14.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Cassady of Woodbury, Cassiday of Mahaaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dana, Dewey, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Johnson, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Woodward—48.

Motion to lay on the table lost.

The question recurring upon the adoption of the amendment, the same was concurred in.

**Mr. McCrary,**

Moved to amend the resolution farther by adding after the word "Farmer," the words "or their equivalent in other papers."

**Mr. Lundy**

Moved to amend the amendment offered by Mr. McCrary, by inserting after the word "other," the word "Agricultural,"

Which motion was lost.

The question recurring upon the adoption of the amendment offered by Mr. McCrary,

The same was lost.

**Mr. Mahony**

Moved to amend the resolution by adding thereto the following words: "At the rate of two dollars per annum,"

Which motion was agreed to.

The resolution as amended was then adopted.

## REPORTS.

Mr. Thompson,

From the committee on the Judiciary, to whom was referred House File No. 10, A bill for an act respecting aliens, reported a substitute therefor, and recommended its passage.

On motion of Mr. Seevers,

The substitute was laid upon the table and ordered to be printed for the use of the General Assembly.

Mr. Woodward,

From the committee on the Militia, to whom was referred the petition of Charles B. Richards and others, praying for the establishment of a State Armory or Arsenal at Ft. Dodge,

Reported the same back to the House, and recommended its indefinite postponement.

Mr. Dana

Submitted the following report :

The committee on Enrolled Bills, report that they have examined the following bills and find the same correctly enrolled :

House File No. 142, Joint Resolution to provide for the printing of an additional number of the report of the State Geologist, and for the disposal of the same. Also,

House File No. 105, Joint Memorial to Congress for a grant of land in aid of the construction of the McGregor, St. Peter's and Missouri River Railroad.

DANA.

Mr. Lundy,

From the committee on Agriculture, to whom was referred House File No. 139: Memorial to Congress for a grant of land for the support of Agricultural Colleges and Scientific Agriculture,

Reported the same back to the House with sundry amendments and asked that the amendments be concurred in.

The amendments were concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

Mr Lundy,

From the committee on Agriculture, to whom was referred House File No. 114: A bill for an act allowing a bounty upon the scalps of certain animals.

Reported the same back to the House with sundry amendments in which the concurrence of the House was asked.

The amendments were concurred in.

**Mr. Lambert**

Moved to amend the bill by striking out of the first section the word "shall," and inserting in lieu thereof the word "may,"

Which motion was lost.

**Mr. Carpenter**

Moved to amend the bill by adding the following words:

"*Provided*, This bill shall not be construed as applying to any counties organized less than five years."

The amendment was lost.

**Mr. SeEVERS**

Moved that the bill be laid upon the table and ordered printed for the use of the House,

Which motion was lost.

**Mr. Lambert**

Moved that the bill be re-committed to the committee on Agriculture, with instructions to so amend the bill that the premiums allowed to be paid in the first instance out of the County Treasury be charged to and paid out of the State Treasury to the county.

**Mr. Drummond**

Moved that the House do now adjourn.

Which motion was lost.

**Mr. Collins**

Moved to amend the motion to refer by adding to the instructions, "and that this bill shall not be in force in any counties that have not been settled and organized over three years."

Pending which

The House adjourned.

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TWO O'CLOCK, P. M.

House met.

The question being the motion of Mr. Collins to amend the motion to re-commit House File No. 114 to the committee on Agriculture, with instructions,

**Mr. Collins,**

With leave, withdrew the same.

**Mr. Cassidy of Mahaska,**

Moved a call of the House, which being sustained,  
The Clerk proceeded to call the roll, when the following named gentlemen were found to be absent and unexcused:

Messrs. Bates, Carpenter, Clune, Cooley, Dews, Drummond, Edwards, Guiberson, Laney, Millard, Pierson, Thompson, Trumbull and Watts.

Messrs. Ayers, Bradley, Clark of Des Moines, Crawford, Curtis, Jackson and Wright were excused from attendance upon the House.

Several members entered the Hall and took their seats, when

Upon motion of Mr. Anthony,

Further proceedings under the call were dispensed with.

The question recurring upon the motion of Mr. Lambert to recommit the bill to the committee on Agriculture,

On motion of Mr. SeEVERS

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

Mr. Mahony

From the select committee appointed to ascertain by what right the General Assembly held possession of this Hall, submitted the following report:

HALL OF THE HOUSE OF REPRESENTATIVES,  
Des Moines, February 11th, 1858. )

*To the House of Representatives:*

Your committee, appointed by resolution of the House to examine by what right the State occupies the building in which the General Assembly is now convened, beg leave to report that, in the discharge of that duty, they have examined the documents deposited in the State department by virtue of which the State offices were transferred from Iowa City, and the General Assembly has been convened at this place.

It appears from the documents that on the 12th day of January, 1857, the Capitol Building Association, at their office in Des Moines City, passed the following resolution:

*Resolved,* That we hereby constitute and appoint Alexander Shaw our agent to rent and lease to the State of Iowa, the building erected by us for a temporary Capitol building, upon lots No. eleven (11) and twelve (12) in block six (6), in Des Moines City, Polk county, Iowa, for the sum of one dollar per annum, or any other sum that the State may agree to pay for the use of the same, and for such a length of time as the State may continue to occupy the

same for the use of the officers of State and for the meeting of the General Assembly.

Signed,

J. B. STEWART,  
President Capitol Building Association.

This resolution is the authority by which the agent of the Building Association made a lease to the State of the temporary Capitol Building. This authority is not recorded, except on the books of the Company, as your committee think it should have been to make the power to act valid in law.

Under this purported power, Alexander Shaw, the agent appointed by the Company, executed a paper dated January 15th, 1857, in which the use of the Capitol Building is given to the State for an indefinite period of time for the consideration of one dollar per annum, or for such other sum as the State may agree to pay.

The State has made no agreement whatever that would show that it occupied the lease or agreed to its conditions, and even if it had, this paper is neither acknowledged nor recorded. It is therefore the opinion of your committee that the paper purporting to be a lease of the Capitol Building to the State, is of no legal effect, and that the State occupies this building by mere sufferance.

All of which is respectfully submitted.

D. A. MAHONY,  
A. M. CASSIDAY,  
THOMAS MITCHELL. }

The report of the committee was concurred in, and

On motion of Mr. Cassiday, of Mahaska,

The same was referred to the committee on the Judiciary.

Mr. Carpenter,

From the committee on the Des Moines River Improvement, to whom was referred House File No. 72: A bill for an act in relation to the lands and work of the Des Moines River Improvement,

Reported a substitute therefor and recommended its passage.

On motion of Mr. Wilson

The substitute was laid upon the table and ordered to be printed for the use of the House.

Mr. Guiberson,

From the select committee to whom was referred House File No. 113: A bill for an act to repeal an act entitled an act to amend Chapter 83 of the Code, approved January 24th, 1853,

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

**Mr. Guiberson**

Moved that the bill be engrossed and read a third time to-morrow.

**Mr. Mahony**

Moved to amend the bill by adding the following words :

“That when the property of the deceased husband is of an unproductive nature, one-third of such property shall be sold and the proceeds thereof shall be invested for the use and benefit of the widow during her life time, but the principal sum so invested shall belong to the heirs of the deceased.”

**Mr. Wilson**

Moved to re-commit the bill to the special committee, with instructions to incorporate the amendment offered by **Mr. Mahony**,

Which motion was lost.

The question recurring upon the motion of **Mr. Guiberson**, ordering the bill to be engrossed and read a third time to-morrow,

The yeas and nays were demanded and ordered and were as follows :

Yeas 25, {  
Nays 36. }

The yeas were,

Messrs. Bates, Carpenter, Clark of Johnson, Dewey, Dews, Gue, Guiberson, Laney, Lundy, McCrary, McGrew, Millard, Mitchell, Millsap, Morgan, Prentiss, Rankin, Seevers, Stearns, Steward, Thompson, Watts, Wilson, Mr. Speaker—25.

The nays were,

Messrs. Anthony, Ayers, Bauder, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clune, Cooley, Collins, Dana, Davis, Drummond, Gray, Grimes, Harmon, Johnson, Mahony, McCormick, Milliser, Moorman, Pierson, Randolph, Reitzel, Richardson, Scott, Sharp, Sprague, Streeter, Trumbull, Woodward—36.

Motion lost.

On motion of **Mr. Cassiday**, of Mahaska,

The bill with the amendment offered by **Mr. Mahony**, was referred to a select committee of three.

The Speaker appointed



Messrs. Cassiday of Mahaska, Guiberson and Harmon said committee.

On motion

Mr. Lambert was excused from attendance upon the House.

Mr. Steward,

From the select committee to whom was referred sundry petitions praying for the enactment of an appraisement law for property taken on execution, reported House File No. 164: A bill for an act providing for appraisement of property taken on execution.

Which was read a first and second time, and

On motion,

Laid upon the table and ordered to be printed for the use of the House.

Mr. Wilson introduced

House File No. 165: A bill for an act to provide for the recording of certain instruments in writing belonging to the State.

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Thompson introduced

House File No. 166: A bill for an act to prevent the destruction of timber,

Which was read a first and second time, and

Referred to the committee on Agriculture.

Mr. Belknap introduced

House File No. 167: A bill for an act in relation to complete records of cases in the District Court,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Foster introduced

House File No. 168: A bill for an act to amend section 1610 of the Code of Iowa,

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Thompson introduced

House File No. 169: A bill for an act to incorporate the Florence Bridge Company,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Clark, of Dubuque, introduced  
House File No. 170: A bill for an act providing for the establishment of a State Reform School,

Which was read a first and second time, and

On his motion,

Referred to a select committee of four.

The Speaker appointed

Messrs. Clarke of Dubuque, Edwards, Harmon and Belknap as said committee.

Mr. Seevers introduced

House File No. 171: A bill for an act for the encouragement of Agriculture,

Which was read a first and second time, and

Referred to the committee on Agriculture.

On motion of Mr. Dana

House File No. 127: A bill for an act regulating judgments and executions,

Was taken from the table and made the special order of business for half past ten o'clock to-morrow.

On motion of Mr. Seevers

The House adjourned.

FRIDAY MORNING, }  
FEBRUARY 12, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Bird.

Journal of yesterday read and approved.

#### PETITIONS PRESENTED.

Mr. Shelledy

Presented the petition of citizens in relation to the taxation of property,

Which was read and

Referred to the committee on Ways and Means.

**Mr. Thompson**

Presented the petition of the Board of Trade of Davenport, asking for the repeal of the present usury law.

**Mr. Prentiss**

Moved to lay the petition upon the table,

Which motion was lost.

**Mr. Thompson**

Moved to refer the petition to a select committee of three,

Which motion was concurred in.

The Speaker appointed Messrs. Thompson, Clune and McCrary said committee.

**Mr. Cooley**

Presented the petition of citizens of Winneshek county in relation to dams on the upper Iowa River,

Which was referred to the committee on the Judiciary.

**Mr. Pierson**

Presented the petition of citizens of Appanoose county, asking for the passage of a law requiring showmen to pay for license,

Which was referred to a select committee of three.

The Speaker appointed Messrs. Pierson, Davis and Sharp said committee.

**Mr. Johnson**

Presented the petition of citizens praying for the creation of the office of "State Annalist," or "Geographer."

**Mr. Bates**

Moved to refer the petition to the committee on New Counties,

Which motion was lost.

**Mr. Crawford**

Moved to refer the petition to the committee on Ways and Means,

Which was not agreed to.

**Mr. Foster**

Moved to refer the petition to the committee on Charitable Institutions,

Which motion was not sustained.

**Mr. Bennett**

Moved to refer the petition to the committee on Agriculture,

Which motion was not agreed to.

**Mr. Woodward**

Moved to refer the petition to a select committee,

Which was not agreed to.

**Mr. Seevers**

Moved to lay the petition upon the table,

Which motion was lost.

**Mr. Clune**

Moved to refer the petition to the committee on Schools and State University,

Which motion was also lost.

**Mr. Anthony**

Moved to adjourn,

Which motion was lost.

**Mr. Seevers**

Moved to lay the petition upon the table until the 4th day of July next,

Which motion was lost.

**Mr. Cooley**

Moved to refer the petition to the committee on Railroads.

Motion lost.

On motion of **Mr. Clune**

The petition was referred to the delegation from the city of Keokuk.

Message from the Senate, by their Secretary:

**MR. SPEAKER:**

The Senate has passed bills of the following titles, viz:

Senate File No. 86: A bill for an act to legalize the assessment of taxes in Clayton county.

Senate File No. 90: A bill for an act to legalize the sale of school lands made by John Jordan, School Fund Commissioner of Decatur county, Iowa.

Senate File No. 67: A bill for an act to make a further appropriation for the State Insane Asylum.

Senate File No. 87: Joint Resolution for additional mail facilities.

In which the concurrence of the House is asked.

I am further directed to inform the House that the Senate has amended House substitute for Senate File No. 31: A bill for an act to regulate the times of holding Courts in the Third Judicial District, to which amendments the Senate asks the concurrence of the House.

GEO. E. SPENCER, Secretary Senate.

**Mr. Laney**

Presented the petition of citizens asking for the location of a State road from Lineville, in Wayne county, to Des Moines, in Polk county,

On motion of Mr. Wilson

Substitute for Senate File No. 31: A bill for an act regulating the time of holding Courts in the Third Judicial District, together with the amendments of the Senate thereto,

Was taken up, and on his motion,

Referred to a select committee composed of the delegations from the Third Judicial District.

On motion of Mr. Thompson

House File No. 33: A bill for an act entitled an act to amend an act to regulate the interest on money;

Also House File No. 94: A bill for an act to repeal Chapter 37 of the acts of the Fourth General Assembly, and to re-enact such portions of Chapter 37, title thirteen of the Code, as were repealed thereby,

Was taken from the table and referred to the select committee to whom was referred the petition of the Board of Trade of Davenport.

Mr. Trambull

Presented the petition of citizens of Mitchell county, asking for a better system of county and township organizations, and for the abolition of the office of County Judge,

Which was referred to the committee on Township and County Organizations.

#### BILLS ON THEIR THIRD READING.

Senate File No. 55: Joint Resolution asking Congress for a grant of land to aid in the construction of a certain Railroad,

Was read a third time and passed, when the title of the same was agreed to.

Senate File No. 82: Memorial of the General Assembly of the State of Iowa to Congress in favor of restricting the sale of public lands to actual settlers,

Was read a third time and passed, when the title of the memorial was agreed to.

Substitute for House File No. 9: A bill for an act to provide for a more liberal stay of execution on judgments at law,

Was read a third time, and upon the question  
Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 24, }  
Nays 36. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Campbell, Carpenter, Cassiday of Mahaska, Clark of Dubuque, Collins, Dewey, Drummond, Laney, Mahony, McCrary, McGrew, Millard, Milliser, Pierson, Randolph, Rankin, Reitzel, Sharp, Sprague, Trumbull, Watts—24.

The nays were,

Messrs. Anthony, Ayers, Bradley, Cassaday of Van Buren, Cavanaugh, Clune, Cooley, Crawford, Dana, Davis, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lundy, McCormick, Millsap, Moorman, Morgan, Prentiss, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Wilson, Woodward, Mr. Speaker—36.

Mr. Mahony

Moved that when the House do adjourn, it-adjourn to meet at 10 o'clock to-morrow,

Which motion was agreed to.

Mr. Drummond

Presented the petition of citizens of Benton, Black Hawk and Tama counties, in relation to the toll of mills and millers,

Which was referred to the committee on Agriculture.

Mr. Clark,

From the committee on the Judiciary, to whom was referred

House File No. 3: A bill for an act to prescribe the mode of foreclosing mortgages, and of redeeming property sold thereby,

Reported the same back to the House with the following amendments, which were concurred in:

Add in the 1st Section and 6th line, after the word "sale," and deeds of trust.

In the 5th Section, strike out the following: "And the same time for redemption and right of possession herein provided shall be allowed on all sales made under deeds of trust and mortgages containing express powers to sell."

On motion of Mr. Clark,

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

Mr. Clark of Dubuque,

From the committee on the Judiciary, to whom was referred House File No. 135, "A bill for an act entitled an act to define and punish common barratry and maintenance,

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

On motion of Mr. Clark,

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

Mr. Seevers

Submitted the following report :

The committee on the Judiciary to whom was referred Senate File No. 61, An act concerning the foreclosure of mortgages and amendatory of Chapter 118 of the Code, have had the same under consideration, and directed me to report the same back without amendment, and recommend its passage.

Mr. Thompson

Moved to amend the bill by striking out the second section,

Which amendment was lost.

Mr. McCrary

Moved to amend the last section of the bill by striking out the word "Des Moines," and inserting the words "Iowa Weekly" in lieu thereof,

Which motion prevailed.

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

Mr. Morgan

From the committee on Military Affairs, reported

House File No. 172, A bill for an act for the organization and government of the Militia.

Mr. McCrary

Moved that the bill be read a first and second time by its title and ordered printed for the use of the General Assembly.

A division of the question was asked,

Whereupon it was ordered that the bill be read a first and second time now by its title.

The bill was then ordered to be printed for the use of the General Assembly.

Mr. Mahony

Offered the following resolution,

Which, upon his motion, was adopted.

*Resolved*, That the construction of the 42d rule shall be, that

when a bill is read a second time, it may be put upon its third reading on any day thereafter, whether such bill be referred to a committee on its second reading, or otherwise disposed of by the House.

On motion of Mr. Drummond,

House File No. 143, A bill for an act establishing boards of County Commissioners, and defining their duties,

Was taken from the table, and

Referred to the committee of the whole House as the special order for Monday morning, at 10½ o'clock.

On motion of Mr. Anthony,

Mr. Edwards was granted leave of absence.

On motion

The House adjourned.

SATURDAY MORNING, }  
FEBRUARY 13th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Bird.

Journal read and approved.

Mr. Cowing, first Assistant Clerk, was granted leave of absence.

#### BILLS ON FIRST READING.

Senate File No. 67, A bill for an act making a further appropriation for the Insane Asylum,

Was read a first and second time, and

Referred to the committee on Charitable Institutions.

Senate File No. 86, An act legalizing the assessment of taxes in Clayton county,

Was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Foster,

From the committee on Engrossed Bills, submitted the following report:

The committee on Engrossed Bills, report that they have exam-



ined House File No. 57, A bill for an act amending an act entitled an act to annex a provision to Section 1898 of the Code of Iowa.

Also,

House File No. 149, A bill for an act in relation to the time of holding court in Fort Madison, Lee county, and providing for a special term of said court, for purpose of trying criminal causes.

Also,

House File No. 152, A bill for an act to repeal a portion of an act entitled an act to incorporate the town of Centerville, and find the same correctly engrossed.

C. J. L. FOSTER, Chairman.

Senate File No. 87, Joint Resolution asking for additional mail facilities,

Was read a first and second time, and

Referred to the committee on Federal Relations.

Senate File No. 90, An act to legalize the official acts of John Jordan, School Fund Commissioner of Decatur county,

Was read a first and second time, and ordered to a third reading on to-morrow.

### BILLS ON THIRD READING.

Senate File No. 61, A bill for an act concerning the foreclosure of mortgages, and amendatory to Chapter 118 of the Code,

Was read a third time, when,

Upon the motion of Mr. Clark of Dubuque,

bill was laid upon the table.

Mr. Dewey

Moved that the above vote, last taken, be reconsidered.

Which motion was agreed to.

The motion to lay upon the table was then lost.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows :

Yeas 57, )

Nays 3. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins,

Crawford, Dana, Davis, Dewey, Dews, Foster, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millisap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, SeEVERS, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—57.

The nays were,

Messrs. Gue, Pierson and Sharp—3.

The title of the bill was then agreed to.

Message from the Senate,

By their Secretary, Mr. Spencer.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 24, A bill for an act to amend the law in relation to divorce and alimony.

Senate File No. 93, Memorial for grant of lands to endow an Agricultural College and Model Farm.

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

House File No. 119, Joint Resolution asking a grant of land to aid in the construction of a certain Railroad.

Substitute for House File No. 11, Memorial to Congress, praying for a grant of land to aid in the construction of a Railroad from the Missouri River, via the South pass, to some point in Washington Territory.

House File No. 15, A bill for an act to amend an act to establish a Recorder's office in the city of Keokuk.

House File No. 106, Memorial and Joint Resolution of the General Assembly of the State of Iowa, to Congress, for the relief of James B. Thomas and family.

House File No. 126, Joint Resolution asking a grant of land to aid in the construction of a certain Railroad.

GEO. E. SPENCER,

Secretary of the Senate.

House File No. 3, A bill for an act to prescribe the mode of foreclosing mortgages and redeeming property sold thereby,

Was read a third time, and upon the question, shall the bill now pass,

The yeas and nays were ordered and were as follows :

Yeas 39, }

Nays 17, }

The yeas were,

Messrs. Anthony, Bates, Beal, Campbell, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Dana, Davis, Dewey, Grimes, Harmon, Johnson, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Steward, Streeter, Trumbull, Watts, Wilson and Mr. Speaker—39.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Carpenter, Cooley, Crawford, Foster, Gray, Gue, Guiberson, Jackson, Mitchell, Prentiss, Thompson, Woodward—17.

The title of the bill was then agreed to.

House File No. 149, A bill for an act in relation to the times of holding court in Fort Madison, Lee county, and providing for a special term of said court, for the purpose of trying criminal cases,

Was read a third time, and upon the question shall the bill now pass,

The yeas and nays were ordered and were as follows :

Yeas 61, }

Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Dewey, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—61.

Mr. Dana submitted the following report :

The committee on Enrolled Bills, report that they have presented to the Governor, for his signature, the following bills :

House File No. 105, Joint Memorial to Congress for a grant of land in aid of the construction of the McGregor, St. Peter's and Missouri River Railroad.

House File No. 142, Joint Resolution to provide for the printing of an additional number of the report of the State Geologist, and for the disposal of the same.

DANA.

Mr. Bauder

Moved that when this House adjourn, it adjourn to meet on Monday, at 10 o'clock A. M.

Which motion was agreed to.

Mr. Mitchell with leave, introduced

House File No. 173, A bill for an act to appropriate a certain sum of money to defray the current expenses of the Iowa Penitentiary,

Which was read a first time,

And on his motion,

Laid on the table.

Mr. Wilson,

From the Select Committee, to whom was referred substitute for Senate File No. 31, A bill for an act fixing the time of holding courts in the third Judicial District, together with the amendments made by the Senate thereto,

Reported the same back, and recommended that the House do not concur in the amendments of the Senate,

Which report was agreed to, and the House refused to concur.

Mr. Wilson,

From the committee on Ways and Means, to whom was referred House File No. 104, A bill for an act making appropriations to the Iowa Penitentiary, and increasing the salaries of certain officers thereof,

Reported a substitute therefor, and recommended its adoption.

The substitute was adopted and ordered to be engrossed and read a third time to-morrow.

Mr. Cooley, with leave, introduced

House File No. 174, A bill for an act to prevent the obstructing of streams of water by dams or otherwise, against the passage of fish,

Which was read a first and second time.

Mr. Prentiss

Moved that the bill be referred to the committee on Roads and Highways.

Mr. Cooley

Moved to amend the motion by referring to the committee on the Judiciary.

Which motion was agreed to.

Mr. Belknap, with leave, submitted the following report :

The Special Committee to whom was referred the petition of J. W. Smith and a few others, eulogizing the climate and atmosphere of this State, and recommending the appointment of State Annalist and Geographer, and gently intimating that N. H. Parker, Author, &c., be elevated to that position, beg leave to report, that they agree fully with the petitioners in all they say relative to the salubrity of the climate, and wonderful resources of the State of Iowa, and while they are fully aware that the people of the East, might, by the efforts of the Annalist, be led to examine the productions of these parts, and while "the rest of mankind" might be induced to migrate hither, still the impoverished pecuniary condition of the country, and the tightness of the times, leads your committee to believe that the requisite amount of *spondoolicks* for carrying out such a great enterprise, could not, by any possible analytical process, be extracted from the Public Treasury, owing to its present depleted condition, and they therefore recommend that neither Mr. N. H. Parker, or any other Parker, be appointed at this time. Regretting the necessity of this, they still beg leave to say to this House and to the N. H. aforesaid, that should the mission of the Treasurer of State to Eastern Cities be successful, this General Assembly may be able to command a sufficient portion of the *ready*, to comply with the prayer of the petition. In the meantime, they would beg leave to suggest to the said N. H., that he diligently pursue his investigation, consultation and peregrinations over the broad "*pa-ra-ras*" of this "modulating" country, and whether appointed State Annalist or not, he will have the honor, in the language of one of the lion-hearted Democracy, of "being handed down in the *annals* of history as a *gallant* man." The committee having delivered herself, asks that she be discharged.

COMMITTEE.

On motion of Mr. SeEVERS,

The report was laid upon the table, and made the special order for the first Monday in March next.

Mr. Clune,

From the committee on Federal Relations, to whom was referred Senate File No. 59, Joint Resolution for an appropriation to build a Custom House, United States Court House, and Post Office in the city of Burlington,

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

The Joint Resolution was read a third time, passed, and the title thereof agreed to.

On motion of Mr. Richardson,

House File No. 159, A Memorial to Congress for a grant of land, for the support of Agricultural Colleges and Scientific Agriculture,

Was taken from the table,

And on motion of Mr. Pearson,

Was referred to the committee on the Judiciary.

The House then adjourned.

MONDAY MORNING, }  
FEBRUARY 15th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake

Mr. Casey

Was granted leave of absence.

#### PETITIONS PRESENTED.

Mr. Collins

Presented the petition of certain citizens of Clayton county, asking for a law organizing a complete town Government,

The reading of which was dispensed with, and the

Petition referred to the committee on Township and County Organizations.

Mr. Jackson

Presented the petition of certain citizens of Tama county, asking for a change in the system of County Government,  
The reading of which was dispensed with, and the  
Petition referred to the committee on County and Township Organizations.

Message from the Senate by their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed

Substitute for Senate File No. 77, An act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk, in which bill the Senate asks the concurrence of the House.

I am also directed to inform the House of Representatives that the Senate has adopted a substitute for House File No. 4, A bill for an act entitled an act to give greater security to purchasers and mortgagees of real estate, to which substitute the concurrence of the House is asked.

I herewith present for your signature,

Senate File No. 55, Joint Resolution asking Congress for a grant of land to aid in the construction of a certain Railroad.

Also, Senate File No. 82, memorial of the General Assembly of the State of Iowa to Congress, in favor of restricting the sale of Public Lands to actual settlers, the same having passed both branches of the General Assembly, and been duly enrolled by the Senate.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Trumbull

Presented the petition of certain citizens of Floyd county, praying for the relief of William Montgomery, Jonathan N. Montgomery, David S. Wood, and Jefferson Muchler.

The petition was read, and

Referred to the committee on Claims.

Mr. Jackson

Presented the petition of certain citizens of Tama county asking for the creation of the office of State Annalist or Geographer,

The reading of which was dispensed with, and the petition

Referred to the committee on Agriculture.

**Mr. Foster**

Presented the petition of certain citizens of Poweshiek county, asking for mail facilities,

The reading of which was dispensed with, and the petition was Referred to the committee on Federal Relations.

**Mr. Harmon**

Presented the petition of certain citizens of Bremer county praying for an increase of the salaries of certain officers,

Which, on his motion, was

Referred to the committee on Ways and Means.

**Mr. Anthony**

Presented the memorial of the Mayor, Aldermen and other citizens of the city of Clinton, asking that the Deaf and Dumb Institute be located in the city of Clinton,

The reading of which was dispensed with, and

Referred to the committee on Charitable Institutions.

**Mr. Richardson**

Presented the petition of certain citizens of Fayette county, asking for a change in relation to County and Township Organization,

The reading of which was dispensed with, and

On his motion,

Referred to the committee on Township and County Organizations.

**Mr. Stearns**

Presented the petition of certain citizens of Clayton county, asking for the repeal of the law creating the office of County Assessor, and the enacting of a law creating the office of township assessor,

The reading of which was dispensed with, and the petition

Referred to the committee on Township and County Organizations.

**Mr. Cassiday of Mahaska**

Presented the petitions of citizens of Mahaska county, praying the enactment of a law for the encouragement of Agriculture,

The reading of which dispensed with, and the petition was

Referred to the committee on Agriculture.

**Mr. Wilson**

Presented the remonstrance of certain citizens of Jefferson county against the relocation of a State road therein named,



The reading of which was dispensed with, and the Remonstrance laid upon the table.

Mr. Shelledy

Presented the petition of citizens of Jasper county praying for the location of State Asylum for the Deaf and Dumb at the town of Newton,

Which upon motion of Mr. Seevers, was

Referred to the committee on Charitable Institutions.

Mr. Scott

Presented the petition of citizens of Scott county, praying for the appointment of a State Geographer or Annalist,

Which was referred to the committee on Agriculture.

On motion of Mr. Guiberson

Messrs. Seevers and Mahony were added to the select committee appointed to examine into the manner of the creation of the county of Humboldt.

Mr. Clark of Johnson

Presented the following resolution of the City Council of Iowa City, which,

Upon his motion, was

Referred to the committee on Charitable Institutions.

*Resolved*, That our Representatives in the General Assembly, be, and they are hereby authorized to tender to the State of Iowa, in behalf of Iowa City, the Female College now in process of erection, which shall not be worth less, when completed by the city, than \$25,000, as a suitable building, for the present time for the Deaf and Dumb or Blind of said State. *Provided*, that either of said institutions, are permanently located in Iowa City.

#### RESOLUTIONS OFFERED.

Mr. Beal

Offered the following resolution:

Which, upon his motion, was adopted.

*Resolved*, That the committee on Public Lands be required to report to this House the reasons, if any, why Patents have not been issued to persons who purchased of the State of Iowa, Des Moines River Lands, during the years 1852 and 1853, and should they deem it necessary, report a bill authorizing the issuing of said Patents.

Mr. Gue introduced

The following resolution:

WHEREAS, Immediately after the passage of Resolutions instructing our Senators in Congress to vote against the Lecompton fraud, a distinguished leader of the Democracy gave notice that a solemn protest would be entered on the Journal of this House against that expression of the will of the majority, and

WHEREAS, the members of this House and the people at large, have been waiting and watching with the deepest anxiety from day to day, for the appearance of said manifest, and all are yet kept in fearful suspense, hourly expecting the appearance of the impending document; Therefore be it

*Resolved*, That the committee on Charitable Institutions be directed and fully empowered to call upon said distinguished leader, and inform him that in the opinion of this House it would be unwise and unfortunate to keep this body longer in suspense, and request him, that if not incompatible with the interests of the Democratic party, that he will at once cause said protest to be presented, and thereby relieve the anxiety of the members, of the people of the State, and the country at large, and again save the Union.

On motion of Mr. Wilson,

The resolution was laid upon the table.

## REPORTS OF COMMITTEES.

Mr. Wilson

From the committee on Ways and Means, to whom was referred House File No. 26, A bill for an act concerning the foreclosure of the right of redemption of lands sold for taxes,

Reported the same back and recommended that the further consideration of the same be indefinitely postponed.

The report of the committee was concurred in, and the bill indefinitely postponed.

Mr. Cooley,

From the Judiciary committee to whom was referred House File No. 90, A bill for [an act to repeal section 1464 of the Code of Iowa,

Reported a substitute therefor, and recommended its adoption.

The substitute was adopted, and ordered to be engrossed and read a third time on to-morrow.

**Mr. Harmon**

From the Judiciary Committee to whom was referred Senate File No. 80, A bill for an act defining the jurisdiction of Justices of the Peace, in criminal cases,

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

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

**Mr. Cooley**

From the committee on the Judiciary, to whom was referred House File No. 60, A bill for an act to authorize Wm. L. Toole and others to erect a Toll Bridge across the Iowa River,

Reported the same back without amendment, and recommended that it be re-committed to the committee on Incorporations.

The report was concurred in, and the re-commitment made.

**Mr. Seevers**

Submitted the following report :

The committee on the Judiciary to whom was referred House File No. 69, and House File No. 155, in relation to Judicial sales of property, have had the same under consideration and directed me to report back a substitute therefor, and recommend its passage.

**Mr. Thompson**

Moved to amend the first section of the bill by striking out all after the word "property," in the seventh line.

The amendment was lost.

**Mr. Seevers**

Moved to amend the second section of the bill, by adding thereto the following proviso :

*Provided*, That the provisions of this act shall be construed to apply to all to all sales of real estate made under or by virtue of any decree rendered by the courts of this State.

Which amendment was concurred in.

**Mr. Clune**

Moved to amend the second section of the bill by inserting after the word held, the words, "and one of said notices shall be put up in some public place in the township where such real estate is situated.

The amendment was agreed to.

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

Mr. Dewey,

From the committee on Charitable Institutions, to whom was referred Senate File No. 67, A bill for an act making a further appropriation for the State Insane Asylum,

Reported the same back without amendment, and recommended that it be recommitted to the committee on Ways and Means,

The report was concurred in and the recommitment made.

On motion of Mr. Jackson

House File No. 141, A bill for an act to authorize the business of banking,

Was taken from the table and referred to the committee of the Whole House, as the special order for Thursday next, at 2 o'clock, P. M., and for every afternoon thereafter until the same is finally disposed of.

On motion of Mr. Cooley,

The House resolved itself into a committee of the whole to consider the special order, to wit: House File No. 143, A bill for an act to create boards of County Commissioners, and to prescribe their duties.

Mr. Wright in the Chair.

At 12 o'clock, the committee rose, and by their chairman reported some progress made, and asked leave to sit again,

Which was granted.

Mr. Seevers with leave,

Submitted the following report:

The committee on the Judiciary to whom was referred House File No. 117, A bill for an act in relation to fees of Justices of the Peace and Constables, have had the same under consideration and have directed me to report the same back and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed. The House adjourned.

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TWO O'CLOCK, P. M

The House met pursuant to adjournment.

Mr. Foster

**Moved** a call of the House, which call being sustained

The Clerk proceeded with the call and the following named gentlemen were found to be absent and unexcused :

Messrs. Bates, Belknap, Bradley, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clune, Cooley, Crawford, Davis, Dewey, Drummond, Jackson, Mahony, McGrew, Rankin, Richardson, Scott, Seevers, Sprague, Streeter, Thompson, Trumbull, Watts, Wilson.

Messrs. Davis and Sprague were excused.

Pending the call several members entered the Hall and took their seats, when on motion further proceedings under the call were dispensed with.

**Mr. Dana,**

From the committee on Enrolled Bills, submitted the following report :

The committee on Enrolled Bills, report that they have examined the following bills and find the same correctly enrolled:

House File No. 106, Memorial and Joint Resolution of the General Assembly of the State of Iowa, to Congress, for relief of Jas. B. Thomas and family.

House File No. 119, Joint Resolution asking Congress for a grant of land to aid in the construction of the Lansing, Northern Iowa and Southern Minnesota Railroad. Also,

House File No. 126, Joint Resolution asking Congress for a grant of land to aid in the construction of the Prairie Du Chien and Mankato Railroad.

DANA.

**Mr. Millard,**

From the committee on Roads and Highways, to whom was referred sundry petitions in relation to the establishment and vacation of certain State Roads therein named,

Reported the same back and recommended that they be laid upon the table.

The report was concurred in.

**Mr. Streeter,**

From the committee on New Counties, submitted the following report, which was concurred in :

Your committee to whom was referred the petitions of certain citizens of Delaware, Dubuque and Clayton counties, asking for a

New County, beg leave to report that they have had the same under consideration,

And report the same back to the House and recommend its indefinite postponement.

Mr. Streeter

Also submitted the following report :

Your committee to whom was referred divers petitions from the citizens of the counties of Benton, Iowa and Keokuk, asking for a New County, would report that they have had the same under consideration, and

Report the same back to House, and recommend its indefinite postponement.

ZIMRI STREETER, Chairman.

The report was concurred in.

Mr. Seevers,

From the committee on the Judiciary, submitted the following report :

The committee on the Judiciary, to whom was referred Senate File No. 12, A bill for an act in relation to County Records, have had the same under consideration, and directed me to report the same back with an amendment, and recommend its passage.

Mr. Wright

Moved to amend the amendment by striking out "ten" and inserting "five."

Motion lost.

The amendment of the committee was concurred in and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Seevers,

From the committee on the Judiciary, to whom was referred House File No. 167, A bill for an act in relation to complete records of causes in the District Court, have had the same under consideration and have directed me to report the same back and recommend its indefinite postponement.

Report concurred in, and the bill indefinitely postponed.

Mr. Seevers,

From the same committee, also reported back House File No. 132, A bill for an act requiring the County Recorder to keep in his office a book of *lis pendens*, and recommended its indefinite postponement.

Report concurred in.

**Mr. Seevers,**

From the same committee, also reported back House File No. 128, A bill for an act to repeal a portion of Section 757, of Chapter 45 of the Code of Iowa, and recommend its indefinite postponement.

The report of the committee was concurred in.

**Mr. Seevers,**

From the same committee, also reported back House File No. 163, A bill for an act to legalize an official act of Jacob S. Hunt, School Fund Commissioner of Benton County, and recommend its indefinite postponement.

The report of the committee was concurred in.

**Mr. Seevers,**

From the same committee, also reported back the petition of John L. Campbell, County Judge of Woodbury county, and recommended that the same be referred to the committee on Ways and Means.

The report was concurred in and the reference made.

**Mr. Seevers,**

From the same committee, also reported back to the House the petition of W. Coleman and sundry other citizens of Wayne Co., praying that the name of the town of Lineville be changed to Grandville City, and that Joseph Lovett be authorized to lay out an addition thereto, with a recommendation that the prayer of the petitioners be not granted.

The report of the committee was concurred in.

**Mr. Seevers,**

From the same committee, also reported back to the House the petition of G. H. Hendrix and others praying for the vacation of certain alleys in the town of Hamilton, Marion county, with the recommendation that the prayer of the petitioners be not granted.

The report of the committee was concurred in.

**Mr. Seevers,**

From the same committee, also reported back to the House a Memorial of the officers of School District No. 2, Farmington Township, Van Buren county, Iowa, praying for the right to sell or use a certain town lot, with a recommendation that the prayer of the memorialists be not granted.

The report of the committee was concurred in.

**Mr. Seevers,**

From the same committee, also reported back House File No. 22, A bill for an act to legalize the assessments of County Assessors in the several counties in the year 1857, with a recommendation that the House concur in the amendment made by the senate.

On motion, the bill was re-committed to the same committee.

Mr. SeEVERS,

From the same committee, also reported back to the House, House File No. 168, A bill for an act to amend Section 1610 of the Code of Iowa, and recommended that the further consideration of the bill be indefinitely postponed.

Upon the question of indefinitely postponing the bill,

The yeas and nays were demanded and were as follows :

Yeas 19, }  
Nays 41. }

The yeas were,

Messrs. Ayers, Bradley, Dewey, Drummond, Gray, Johnson, Laney, McCrary, McCormick, Millard, Millsap, Prentiss, Randolph, SeEVERS, Stearns, Thompson, Trumbull, Watts, Wilson—19.

The nays were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Dews, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lundy, Mahony, McGrew, Milliser, Mitchell, Moorman, Morgan, Pierson, Reitzel, Scott, Sharp, Steward, Streeter, Woodward, Wright and Mr. Speaker—41.

Mr. MAHONY

Moved to amend the bill by inserting as follows: The questions put to the candidate for admission and the answers thereto, shall be in writing and shall be kept among the records of the court.

The amendment was not agreed to.

Mr. FOSTER

Moved to amend by striking out the words "Citizen of the United States," and insert in lieu thereof the word "person."

Which motion prevailed.

Mr. FOSTER

Moved that the bill be ordered to be engrossed and read a third time on to-morrow,



Upon which question,

The yeas and nays were ordered and were as follows :

Yeas 31, }  
Nays 28. }

The yeas were,

Messrs. Anthony, Belknap, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Collins, Dana, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Laney, Lundy, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Pierson, Reitzel, Scott, Sharp, Watts, Woodward, Wright—31.

The nays were,

Messrs. Ayers, Bates, Bauder, Beal, Bennett, Campbell, Clark of Des Moines, Clark of Johnson, Crawford, Dewey, Dews, Drummond, Gray, Johnson, Mahony, McCrary, McCormick, Morgan, Prentiss, Randolph, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Wilson, Mr. Speaker—28.

Mr. Seevers,

From the same committee, reported back House File No. 165: A bill for an act to provide for the recording of certain instruments in writing belonging to the State,

Without amendment, and recommended its passage.

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

Messrs. Trumbull, Clark of Dubuque and Seevers, rose to questions of privilege concerning a certain libellous communication in the Burlington Hawkeye (newspaper), relative to the action of this House and its committee appointed to investigate into the charges made against the official conduct of Thos. W. Claggett, Judge of the First Judicial District.

Mr. Lundy,

From the committee on Agriculture, submitted the following Report :

The committee on Agriculture, to whom was referred House File No. 166: A bill for an act to prevent the destruction of timber, have had the same under consideration, and have instructed me to report the same back and recommend that it be indefinitely postponed, for the reason, in the first place, (as the committee believe) that the provisions of the bill are of doubtful constitutionality, and

in the second place, that the object sought is already provided for by the Code of Iowa.

The report of the committee was concurred in and the bill indefinitely postponed.

Mr. Lundy,

From the same committee, to whom was referred House File No. 148: A bill for an act concerning partition fences,

Reported the same back without amendment and recommended its passage.

The report of the committee was concurred in and the bill was ordered to be engrossed and read a third time to-morrow.

Mr. Bates,

From the committee on Incorporations, submitted the following report:

The committee on Incorporations have had under consideration the petition of sundry citizens of the city of Davenport, asking for the amendment of their city Charter, and have instructed me to report that it is inexpedient to legislate upon the subject, for the reason that general laws will soon be reported which will provide for the subject matter contained in the said petition.

Your committee therefore recommend that the further consideration of said petition be indefinitely postponed.

On motion of Mr. Thompson

The report was laid upon the table.

Mr. Bates,

From the same committee, also submitted the following report:

The committee on Incorporations, to whom was referred the petition of A. W. Hollman and others, asking for a change in the names of the towns of Marysville and Manatheka, and the consolidation of said towns, report back said petition and recommend that its further consideration be indefinitely postponed.

The report was concurred in.

Mr. Bates,

From the same committee, submitted the following report:

The committee on Incorporations, to whom was referred the petition of John Chamberlain and others, asking for a charter for a dam across the Cedar River, in Black Hawk county, report that such legislation is at least of doubtful constitutionality, and that the object of the petitioners can be attained under general laws already in existence.

Your committee therefore return said petition and recommend that the prayer of the petitioners be not granted.

BATES, Chairman.

The report was concurred in.

Mr. Gue,

From the select committee to whom was referred certain petitions asking for an increase of the salary of County Surveyors,  
Reported House File No. 175: A bill for an act to amend Chapter 136 of the Code,

Which was read the first and second time, when,

On motion of Mr. Cassidy, of Mahaska,

The further consideration of the bill was indefinitely postponed.

### BILLS ON THEIR FIRST READING.

Senate File No. 24: A bill for an act to amend the law in relation to divorce and alimony,

Was read the first and second time, and

On motion of Mr. Bennett,

Was referred to the committee on the Judiciary.

Senate File No. 93: Memorial to Congress for a grant of land to endow an Agricultural College and Experimental Farm,

Was read a first and second time, and

Referred to the committee on Agriculture.

Substitute for Senate File No. 77: A bill for an act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk of said Court,

Was read a first and second time.

Mr. Foster

Moved that the further consideration of the bill be indefinitely postponed.

On motion of Mr. Bradley

The bill was referred to the committee on the Judiciary.

### BILLS ON THEIR THIRD READING.

House File No. 57: A bill for an act amending an act entitled an act to annex a provision to section 1898 of the Code of Iowa,

Was read a third time, when

Mr. Prentiss

Moved that the bill be re-committed to the committee on the Judiciary, with instructions,

Which motion was lost.

Upon the question, Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 25, }

Nays 35. }

The yeas were,

Messrs. Belknap, Bennett, Campbell, Carpenter, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Dewey, Dews, Drummond, Foster, Guiberson, Harmon, Jackson, Lancy, Lundy, McCormick, Milliser, Richardson, Sharp, Stearns, Streeter, Trumbull, Watts, Wright—25.

The nays were,

Messrs. Anthony, Bates, Bauder, Beal, Bradley, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Collins, Crawford, Dana, Gray, Grimes, Gue, Johnson, Mahony, McCrary, McGrew, Millard, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Reitzel, Scott, Seevers, Steward, Thompson, Wilson, Woodward, Mr. Speaker—35.

The bill was lost.

House File No. 152: A bill for an act to repeal a portion of an act entitled an act to incorporate the town of Centerville,

Was read a third time, and

Upon motion of Mr. Pierson,

Was laid upon the table.

Senate File No. 90: A bill for an act to legalize the sale of school lands made by John Jordan, School Fund Commissioner of Decatur county, was read a third time.

Mr. Seevers

Moved that the further consideration of the bill be indefinitely postponed.

Members proceeded to discuss the motion.

Mr. Belknap

Rose to a question of order, to-wit: That after a bill is read a third time it shall be immediately put upon its passage, and is not subject to discussion, re-commitment, &c.

The Chair decided the bill subject to discussion.

From which decision Mr. Drummond appealed,

And upon the question, shall the decision of the Chair stand as the decision of the House?

The same was decided in the affirmative.

The question recurring upon the motion to indefinitely postpone the further consideration of the bill,

It was agreed to.

On motion of Mr. Pierson

The House then adjourned.

TUESDAY MORNING, }  
FEBRUARY 16th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

The reading of the Journal was dispensed with.

Mr. Mitchell

Offered the following resolution :

*Resolved*, That J. A. Stickney, of Polk county, is hereby appointed Sergeant-at-arms pro tem., to act in the absence of the Sergeant-at-arms.

Mr. Millard

Moved to amend by striking out the name of J. A. Stickney and insert the name of J. H. Knox.

Which amendment was agreed to.

The resolution as amended was then adopted.

Mr. Knox presented himself and took the oath of office.

Mr. Mahony, with leave, introduced

House File No. 176, A bill for an act to re-organize the county court, and to define its duties and jurisdiction,

Which was read a first and second time, and ordered to be laid upon the table and printed for the use of the General Assembly.

Mr. Wilson

Moved that the House do now take up House File No. 136, A bill for an act to preserve the purity of elections, the same being the special order for this hour.

The motion was not agreed to.

Message from His Excellency the Governor, by Mr. Withrow, his Secretary.

EXECUTIVE CHAMBER, }  
Des Moines, Iowa, — 1858. }

*To the Speaker and House of Representatives :*

I am requested to inform your Honorable Body, *First*, What amount of lands of the Des Moines River Grant has been disposed of; *Secondly*, For what sum of money in the aggregate, and *Lastly*, What amount of money has been expended in the improvement of said river.

The entire Grant of the Des Moines River Lands embraced within the chartered limits of the State, as accurately perhaps as can be ascertained, is 853,430 acres.

Of this amount the General Government, as yet, has only certified to the State, 593,430-89 acres. Out of this last amount, up to the 9th of June 1854, being the date of the contract between the State of Iowa and the Des Moines Navigation and Railroad Company, the Board of Public Works and State Commissioner have sold and disposed of 327,314-53 acres. For which they received \$410,750.26. The manner in which this sum has been expended upon the Des Moines River Improvement, with all the items composing the expenditure will be seen by reference to a report of a Special Committee appointed to investigate the offices of the Des Moines River Improvement made to the General Assembly of '54, and found in House Journals of that session, page 281 of the Appendix.

Since the 9th of June, 1754, there has been certified to the Des Moines Navigation and Railroad Company, at \$1.25 per acre, 205,489 and 23-100th acres; also a suspended requisition now in dispute for 24,000 acres more, being a balance of 37,537 acres undisposed of out of the amount certified by the General Government to the State.

How much has been expended upon the Improvement since the 9th of June, 1854, by the Company, is a controverted point between them and the Commissioner of the State.

The company claim to have expended on account of the Improvement, including all incidental expenses, \$544,547.84.

The State Commissioner reduces this amount \$270,005.84.

The joint committee of twelve appointed at the last session of the General Assembly to investigate the offices of the Des Moines

River Improvement, of which D. T. Brigham, Esq., was the Chairman, report an expenditure, when superadded to the amount of work alleged to have been done the last year, not essentially different from the estimate of the State Commissioner.

It would be traveling, perhaps, beyond the scope of your resolution, to indicate some of the causes out of which this difference in the estimate of expenditures has grown. I beg leave to suggest the opinion that the same can be amicably adjusted, and would recommend the appointment of a competent Commissioner for that purpose, or the raising of a joint committee of the two Houses to settle all points of difference between the parties, and dissolve the contract if deemed expedient.

RALPH P. LOWE.

On motion of Mr. Foster

The message was referred to the committee on the Des Moines River Improvement.

On motion of Mr. Drummond

The House resolved itself into a committee of the whole for the purpose of considering further House File No. 143: A bill for an act establishing Boards of County Commissioners and prescribing their duties.

Mr. Wright in the Chair.

At 12 o'clock the committee rose, reported progress, and asked leave to sit again at two o'clock, P. M.

Leave granted.

On motion of Mr. Belknap

The House then adjourned.

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TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Gray

Moved to take up House File No. 156: A bill for an act to amend an act entitled an act to amend Chapter 64 of the Code,

Which motion prevailed.

The bill was taken from the table, and

On motion,

Referred to the committee on the Judiciary.

Message from the Senate,  
By their Secretary, Mr. Spencer :

**MR. SPEAKER :**

I herewith present for your signature Senate File No. 59 : Joint Resolution for an appropriation to build a Custom House, United States District Court House and Post Office in the city of Burlington, the same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEO. E. SPENCER, Secretary Senate.

Mr. Belknap,

From the select committee to whom was referred House File No. 63 : A bill for an act entitled an act regulating the compensation of Clerks of the District Court and Sheriffs,

Reported the same back to the House with amendments, and recommended its passage.

On motion of Mr. Belknap

The bill was made the special order for Thursday morning at 10½ o'clock.

Mr. Richardson

Submitted the following report :

The committee to whom was referred the petition of some 400 citizens of Floyd county, asking the relief of Mr. Montgomery and Mulcher, have had the matter under consideration, and have instructed me to report as follows :

The committee heard the facts in the case, as stated before them by several gentlemen, and would most respectfully say that Messrs. Montgomery and Mulcher have our warmest sympathy, and hope that this Legislature may deem proper to relieve them from that portion of the taxes that is due the State, which amounts to the sum of \$600. The sum for which they are liable amounts to \$6000 or \$7000, and to satisfy the demand it will take all the property which they possess, and yet leave a considerable amount unpaid. We are of the opinion that the Legislature has no power to pass a law permitting the county by vote or otherwise to exempt said persons from their liabilities, and in regard to the legal rights of the exemption of said persons from the payment due the State we do not express our opinion, but desire that the whole subject may be referred to the committee on Judiciary, in order to give the said gentlemen the benefit of their legal talent.

R. A. RICHARDSON, Chairman.



The report of the committee was concurred in and the reference made.

Mr. Foster,

From the committee on Engrossed Bills, submitted the following report:

The committee on Engrossed Bills report that they have examined House File No. 114: A bill for an act allowing a bounty upon scalps of certain animals. Also,

House File No. 159: Memorial to Congress for a grant of land for the support of Agricultural Colleges and Scientific Agriculture.

Also, House File No. 104: A bill for an act making an appropriation for the Iowa Penitentiary. Also,

House File No. 135: A bill to be entitled an act to define and punish common barrotry and maintenance, and find the same correctly engrossed.

On motion of Mr. Drummond

The House now resolved itself into a committee of the whole for the purpose of considering House File No. 143: A bill for an act to establish Boards of County Commissioners, and prescribing their duties.

Mr. Wright in the Chair.

At 4½ o'clock, P. M., the committee rose, reported progress and asked leave to sit again.

Which leave was granted.

Mr. SeEVERS

Offered the following resolution, which was adopted:

*Resolved*, That D. A. Mahony be appointed to confer with the Capitol Building Association in relation to the lease of this building, and that he have power and authority to have a new lease executed.

Mr. SeEVERS,

From the committee on the Judiciary, submitted the following report:

The committee on the Judiciary, to whom was referred Senate File No. 24 and House File No. 73: Bills for acts to amend the law in relation to divorce and alimony, have had the same under consideration, and have directed me to report the same back to the House and recommend that the Senate bill be indefinitely postponed, and that the House bill be amended by striking out the word "time," in the fourth line of the third section, and that the

word "two" be inserted in lieu thereof, and as thus amended, recommend its passage.

The report of the committee was concurred in, and Senate File No. 24 was indefinitely postponed.

Mr. Clark, of Dubuque,

Moved to amend House File No. 73 by inserting in the second line of the second section, after the word "divorce," the words "from the bonds of matrimony."

Which amendment was concurred in.

Mr. Clark, of Johnson,

Moved to amend section three by striking out the words "six months," and inserting the word "year."

The amendment was agreed to.

Mr. Mahony

Moved to amend the second line of section two by inserting after the word "State," the words "and that he or she, as the case may be, did not become a resident of this State for the purpose of obtaining a divorce."

The amendment was agreed to.

Mr. Mahony

Moved to reconsider the vote by which the amendment to strike out "six months" and insert "one year" was adopted.

The motion prevailed.

The House then refused to concur in the amendment.

The question then recurring upon the amendment to add after the word State,

It was adopted.

Mr. Bates

Moved to amend the fourth line of section three by adding thereto as follows: Where either party was impotent at the time of marriage.

The amendment was not agreed to.

Mr. Clune

Moved to strike out the fourth line of the third section,

Which motion was lost.

Mr. Wilson

Moved to reconsider the vote last taken.

Mr. Clune

Moved to lay the motion on the table,

Which was not agreed to.

The question recurring upon the motion to reconsider,  
It was agreed to.

Mr. Wilson

Moved to amend the motion to strike out the fourth line of the third section, by inserting after the word "party," the words "at the time of marriage."

Pending which,

On motion of Mr. Seevers,

The bill and amendments were re-committed to the Judiciary committee with instructions.

On motion of Mr. Crawford

The House then adjourned.

WEDNESDAY MORNING, }  
FEBRUARY 17th, 1858. }

House met pursuant to adjournment.  
Prayer by the Rev. Mr. Drake.  
Journal of yesterday read and approved.

#### PETITIONS PRESENTED.

Mr. Belknap

Presented the petition of citizens of Lee county relative to labor done in and upon the State Penitentiary, which,

Upon his motion,

Was referred to the committee on Ways and Means.

Mr. Bennett

Presented the petition of certain citizens asking the General Assembly to memorialize Congress to establish a mail route from Monroe, in Jasper county, to Red Rock, in Marion county, which,

Upon his motion,

Was referred to the committee on Federal Relations.

Mr. Clark, of Johnson,

Presented the petition of citizens of Johnson county, asking the

enactment of a law allowing warehouse-men, Express Companies and public carriers to sell unclaimed goods; which,

Upon motion of Mr. Gray,

Was referred to a select committee of three.

The Chair appointed Messrs. Gray, Clune and McCrary said committee.

Mr. Beal

Presented the petition of certain citizens of Boone county, praying the creation of the office of State Annalist and Geographer,

Which was referred to the committee on Agriculture.

Mr. Trumbull

Presented the petition of citizens of Butler county on the same subject, which,

Upon his motion,

Was referred to the same committee.

Mr. Drummond

Presented the petition of certain citizens of Benton, Tama and Black Hawk counties, praying for a system of county and township organization, which,

Upon his motion,

Was referred to the committee upon that subject.

Mr. Streeter

Presented the petition of citizens of Black Hawk county, praying the enactment of a law providing for the establishment of a State Bank with branches, and the location of one of said branches at the town of Cedar Falls, in Black Hawk county, which,

Upon motion of Mr. Streeter,

Was referred to the committee on Banks and Banking.

Mr. Dana

Presented the petition of citizens praying the General Assembly to memorialize Congress for the establishment of a mail route from Marshall through the county seats of Story, Boone, Greene, Carroll, Crawford and Monona counties, to Decatur, in Nebraska Territory, which,

Upon his motion,

Was referred to the committee on Federal Relations.

Mr. Mitchell

Offered the following resolution :

*Resolved*, (The Senate concurring) That Messrs. Loughridge, of the Senate, C. C. Carpenter and W. W. Belknap of the House, be

and they are hereby appointed a committee to settle with the Des Moines River Navigation & Railroad Company, and said committee are authorized to make a full and final settlement with said Company. Such settlement to be binding on both parties when it shall be approved by the Legislature; and said committee are to act under advisement of the joint committees on Internal Improvements.

Mr. Mahony

Moved to amend the resolution by striking out the name of "Loughridge."

Mr. Crawford

Moved a call of the House, which being sustained, The Clerk proceeded to call the roll, whereupon it appeared the following named gentlemen were absent and unexcused, to-wit:

Messrs. Bates, Jackson and Cassidy of Mahaska.

On motion of Mr. Millard

Further proceedings under the call were suspended.

The question recurring upon the motion to amend the resolution by striking out the name of Loughridge.

It was agreed to.

Mr. Clune

Moved to amend the resolution by adding the words, "and that they report at the present session of the Legislature."

The amendment was agreed to.

Mr. Beal

Moved to amend the resolution by striking out the name of "W. W. Belknap" and inserting that of "Mr. Anthony."

Which motion was lost.

The question recurring upon the adoption of the resolution as amended, it was adopted.

Mr. Clark of Dubuque

In conformity with previous notice, presented the protest of himself and other members of this House, against the passage of Senate File No. 10, Joint Resolutions of instructions concerning the admission of Kansas under the Lecompton Constitution,"

Which is as follows, to wit:

### PROTEST.

We, the undersigned members of the House of Representatives,

set forth this, our PROTEST, against the "Preamble and Joint Resolution of Instruction concerning the admission of Kansas into the Union," because we believe the same injurious both to the public and individuals.

We protest against the 2d resolution which is in these words :

"That we condemn the President of the United States, Senators in Congress and all others in authority under the Constitution of the United States, who have advised or consented to the admission of Kansas into the Union under the Lecompton Constitution,"

FIRST—Because this General Assembly has no jurisdiction in Law over the President of the United States, to arraign and condemn him, but only to bring in and try impeachments in the case of certain public functionaries of whom the President is not one.

SECOND—Because to pass judgment of moral condemnation upon the President, is not within the scope of the powers of this General Assembly.

THIRD—Because this General Assembly has no power to condemn Senators in Congress, but only to instruct the Senators of the particular State, much less can it assume the power to pass judgment of universal condemnation on "all in authority."

We protest against the following language in the third Resolution :

"That the terms of the pretended submission of the Lecompton Constitution to the people are an insult to common sense, and an outrage on common honesty,"

Because such language is unworthy of a grave and deliberate assembly, and not fit to be contained in its records, and moreover, it calls in question the motives of another deliberative assembly, of equal dignity, which is a breach of that law of courtesy between different civil powers essential to peace and good fellowship,

And we do hereby further protest against the spirit and tenor of said Resolutions, and set forth the following in opposition thereto :

In the act usually denominated, the Kansas-Nebraska act, Congress proclaimed the doctrine of Popular Sovereignty as a right inherent in the people of a territory, but the undersigned believe that right merely nominal and of no value where the people have in fact been denied the privilege of accepting or rejecting a constitution framed for the basis of their Government.

The undersigned believe in the doctrine of non-intervention on the part of Congress with the domestic policy and institutions both

of States and Territories, but they also believe that when a territory presents her Constitution, and asks admission under it into the family of States, Congress has the right to enquire whether such Constitution is sanctioned by the will of the people; and that in such enquiry they may rightfully go behind the Constitution itself, and the convention which framed it, for a true knowledge of the facts of the case, and act accordingly, either to accept or reject such proffered constitution; and that such enquiry and action is not intervention with the affairs of a Territory, if such constitution be rejected, but is simply saying to those who present it, we are not satisfied, as we have a right to be, that this constitution is the choice of your people.

The undersigned believe it to be true that the people of the territory of Kansas did not, and that under the circumstances, they could not pass their judgment upon the Lecompton Constitution, and that therefore, to admit the same under it, would be in derogation of their rights, and in violation of the doctrine of sovereignty in the people, as set forth in the act of Congress, aforesaid, and as recognized in the Cincinnati platform.

The undersigned further believe that no new State should be admitted by Congress into the Union, unless they are satisfied by the facts of the case that the Constitution to be presented sets forth the will of the people, and that such facts may be historical as well as legal.

The undersigned believe that in the admission of new States in time to come it is inexpedient if not legally wrong to go back to old precedents but that the true doctrine is to be found in the Missouri Compromise, and in the act establishing the Kansas Territory, and we recommend that the rule and future precedent be in conformity thereto.

LINCOLN CLARK.

BARNET MILLISER.

P. B. BRADLEY.

JUSTICE CLARK.

JAMES CAVANAUGH.

A. W. SHARP.

D. N. SPRAGUE.

J. A. PIERSON.

J. M. DEWS.

FREEMAN ALGER.

CORNELIUS BEAL.

M. B. BENNETT.

WM. W. BELKNAP.

WM. CAMPBELL.

W. HENRY CLUNE.

THOMAS MILLSAP.

C. C. BAUDER.

W. S. JOHNSON.

W. J. LANEY.

J. A. CASEY.

G. W. GRAY.

J. C. CURTIS.

Mr. Clark of Dubuque

Moved that the above Protest be spread upon the Journals of this House.

Mr. Belknap

Moved the previous question, which being seconded,  
The question recurred upon the motion to spread the protest upon the Journals.

Mr. Bates

Arose to a question of order: Can the motion now pending to put the Protest on the Journals, be sustained by the House?

The Chair

Decided that the point of order could not be so raised at that stage of the question,

From which decision, Mr. Bates appealed to the House, and

Upon the question,

Shall the decision of the Chair stand as the decision of the House,

The yeas and nays were ordered and were as follows :

Yeas 44, }

Nays 9. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Bradley, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dewey, Gray, Gue, Guiberson, Johnson, Lambert, Laney, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Watts, Wilson, Woodward.

The nays were,

Messrs. Bates, Carpenter, Dana, Drummond, Grimes, McCormick, Millard, Reitzel, Trumbull.

The decision of the Chair was sustained.

The question recurring upon the motion to spread the Protest upon the Journals,

The yeas and nays were ordered.

The Clerk proceeded to call the roll, when

Mr. Wright asked to be excused from voting upon the question.

Mr. Woodward



Moved to excuse Mr. Wright from voting on the question pending,

Upon which motion,

The yeas and nays were ordered and were as follows :

Yeas 34, }

Nays 20. }

The yeas were,

Messrs. Bates, Beal, Bradley, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Dana, Dewey, Dews, Drummond, Johnson, Laney, Lundy, Mahony, McCrary, McCormick, Millard, Milliser, Mitchell, Millsap, Moorman, Pierson, Randolph, Rankin, Reitzel, Scott, Sharp, Stearns, Steward, Trumbull, Wilson, Woodward, Mr. Speaker.

The nays were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bennett, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Cooley, Collins, Foster, Gray, Grimes, Gue, Guiberson, Harmon, SeEVERS, Streeter, Thompson, Watts.

Mr. Wright was excused.

Mr. Drummond

Moved that the House re-consider the vote last taken.

Mr. Mahony

Moved to lay the motion upon the table,

Upon which question,

Mr. Drummond demanded the yeas and nays.

The Clerk proceeded to call the roll.

Mr. Harmon

Asked to be excused from voting.

Mr. Clune

Moved that Mr. Harmon be excused from voting,

Upon which question,

The yeas and nays were demanded.

Before the call of the roll, Mr. Wright withdrew his request to be excused on the question to spread the protest upon the Journal, and

The question recurring upon that motion, it prevailed.

Yeas 52, }

Nays 8. }

The yeas were

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Car-

penter, Cassaday of Van Buren, Casady of Woobury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dewey, Dews, Foster, Gray, Gue, Guiberson, Harmon, Johnson, Laney, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Wright, Mr. Speaker.

The nays were,

Messrs. Bates, Bradley, Crawford, Dana, Drummond, Grimes, Lambert, Lundy.

Mr. Drummond

Gave notice that he and other members of this House, would present their protest against the action of the House just taken, in the vote to spread the protest upon the Journal.

Mr. Foster

Moved that when this House adjourn, it adjourn until to-morrow morning at 10 o'clock.

Which motion was agreed to.

Mr. Wright

Submitted the following report :

The committee on Enrolled Bills, report that they have examined House File No. 15, An act to amend an act to establish a Recorder's Office in the city of Keokuk, approved January 8th, 1857, and find the same correctly enrolled.

ED. WRIGHT, Chairman.

Mr. Mahony

Gave notice that he would at some future day of the session present his protest against the passage of Senate File No. 10, and his dissent from the protest presented to-day, by Mr. Clark of Dubuque, and others.

Message from the Senate,

By their Secretary, Mr. Spencer.

MR. SPEAKER :

I am directed to inform the House of Representatives that the Senate has amended the following named bills, and ask the concurrence of the House to the amendment :

House File No. 138, Joint Resolution to provide for the distribution of the State Geological Reports.

House File No. 66, A bill for an act defining the crime and pun-

ishing the offence of making false entries of fines and fees on Dockets of Courts or otherwise, and of failing to pay over such fines and fees according to law.

I am also directed to inform the House that the Senate has indefinitely postponed the further consideration of House File No. 76, A bill for an act to repeal part of Sec. 2705 of the Code of Iowa.

GEO. E. SPENCER,  
Secretary Senate.

On motion  
The House adjourned.

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THURSDAY MORNING, }  
FEBRUARY 18th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

Journal read and corrected.

Mr. Clark of Dubuque,

Rose to a question of privilege, respecting the proceedings of this House on yesterday.

Message from the Senate, by their Secretary,

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed the following bills, and asks the concurrence of the House therein.

Substitute for Senate File No. 70, A bill for an act to change the time of holding court in the 4th Judicial District.

Senate File No. 105, A bill for an act to legalize certain acts of James M. Berry, late County Judge of Linn county, Iowa, and of certain other persons.

Senate File No. 106, A bill for an act entitled an act for the relief of Wm. D. Watrous, *et al.*

Senate File No. 101, A bill for an act providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing.

Senate File No. 113, A bill for an act to legalize the taxes and enforce the collection of the same in the county of Monona, for the years 1854, 1855-6.

I herewith return House File No. 149, A bill for an act in relation to the time of holding court in Fort Madison, Lee county, and providing for a special term of said court, for the purpose of trying criminal causes, the same having passed the Senate without amendment.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Streeter

Offered the following resolution :

*Resolved*, That the thanks of this House be extended to the gentlemen from Dubuque and Benton, for their able and logical arguments made this morning upon a question that was decided yesterday.

Mr. Belknap

Moved to lay the resolution upon the table.

Which motion was lost.

Mr. Bates

Moved to refer the resolution to the committee on Ways and Means,

Which motion was agreed to.

Mr. Dana,

From the committee on Enrolled Bills, reported that the committee had presented to the Governor for his signature, the following bills :

House File No. 106, Memorial and Joint resolution of the General Assembly of the State of Iowa to Congress for the relief of James B. Thomas and family.

House File No. 119, Joint resolution asking Congress for a grant of land to aid in the construction of the Lansing, Northern Iowa and Southern Minnesota Railroad.

House File No. 126, Joint Resolution asking Congress for a grant of land to aid in the construction of the Mankato Railroad.

The committee also report that they have examined House File No. 11, Memorial to Congress praying for a grant of land to aid in the construction of a Railroad from the Missouri River, via the South Pass, to some point in Washington Territory, and found the same correctly enrolled.

Mr. Wright

Submitted the following report :

The committee of the Whole on yesterday, had under consideration House File No. 143, A bill for an act establishing Bonds of County Commissioners and prescribing their duties, and have instructed me to report the same back to the House with the following amendments, and recommend its passage :

#### AMENDMENTS.

1. Amendment 1st. 2d line 2d Section, strike out the words, "amount of Territory," and insert "number of population."

2d. 5th line, 2d Section, strike out the word "Congressional," and insert "organized."

3d. Strike out 6th Section.

4th. Fill the blank in Section 7, with the words, "March, June, September and December," and in the 4th line, 7th Section, insert after the word District, the words "or other."

5th. Strike out the word "and," in the 9th line, of Section 8, and insert "All orders drawn for money upon the County Treasurer for whatever purpose, shall be signed by the county Commissioners by whom the allowance of money may be made, for which such orders shall be drawn, and all such orders so drawn upon the Treasurer shall be registered in a book to be provided and kept for that purpose, and countersigned by the County Auditor, if there be such an officer, and if not, by the Clerk of the Commissioners; and no orders or warrants shall be paid by the County Treasurer unless such order or warrant shows upon its face that it has been so registered and countersigned."

6th. Strike out all after the word "proceedings," in the 2d line of Sec. 10.

7th. Strike out Sec. 11, and insert, "The Commissioners and the Auditor may administer all oaths and affirmations necessary to be administered in the discharge of their respective duties as commissioners and auditor."

8th. Fill the 1st blank in Section 12, with the words "Commissioner's Seal," and the second with the word "County."

9th. Strike out Sec. 13.

10th. Strike out all after the word "until," in the 2d line of Section 14, and insert "a majority shall have decided the same."

11th. Strike out the word "shall," in the 1st line of Sec. 15, and insert the word "may."

12th. Strike out Sections 16, 17, 18, 19, 20, 21, 22 and 23, and fill the blank in Sec. 25, with the word "five."

13th. Strike out Section 26.

14th. Fill the blank in Section 27, with the word "December."

15th. Strike out of the 6th and 7th lines in Section 27, the words "at two other public places within," and insert, and "one in some public place in every township in the county."

16th. Strike out Section 28.

17th. Fill the blank in Section 30, with the word "District."

18th. Fill the blank in Section 35, with the word "District."

19th. Fill the first blank in Section 39, with the word "District," the second blank with the word "five," and the third blank with the words, "School Fund."

ED. WRIGHT, Chairman.

The amendments were concurred in.

Mr. Mahony

Moved to further amend the bill by adding the following to Section 38: And all other duties devolving upon the County Judge, in his capacity as the fiscal agent of the county, shall thenceforth devolve upon, and be performed by the Board of County Commissioners, the same as if such duties were specially enumerated in this act.

The amendment was concurred in.

Mr. Stearns

Moved to amend Section 2 of the bill, by adding "or city," after the word "township,"

Which amendment was agreed to.

Mr. Thompson

Moved to strike out of the bill Section 2 and 3,

Which motion was lost.

Mr. Carpenter

Moved to amend the bill further by adding the following to Section fifteen:

Provided that no such Public Buildings shall ever be erected without the proposition for their erection first being submitted to a vote of the legal voters of the county, and receiving a majority of the votes cast for and against the proposition.

The amendment was adopted.

**Mr. Clark of Dubuque,**

Moved to further amend the bill by striking out of the 2d line of Section one, the words "three," and inserting in lieu thereof the words, "the County Judge and two other,"

Upon which motion,

The yeas and nays were demanded and were as follows :

Yeas 20, }  
Nays 42, }

The yeas were,

Messrs. Beal, Belknap, Bennett, Bradley, Campbell, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dewey, Lambert, Lundy, McCrary, Millsap, Moorman, Randolph, Wilson—20.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Carpenter, Cassaday of Van Buren, Cooley, Collins, Dana, Davis, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Mahony, McCormick, McGrew, Millard, Milliser, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Woodward, Wright and Mr. Speaker—42.

The motion prevailed, and the bill was so amended.

**Mr. Woodward**

Moved that the bill be engrossed and read a third time on tomorrow, upon which question,

The yeas and nays were demanded and were as follows :

Yeas 44, }  
Nays 22. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Bradley, Carpenter, Cassaday of Van Buren, Cavanaugh, Cooley, Collins, Dana, Davis, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Mahony, McGrew, Millard, Milliser, Millsap, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Woodward, Wright, Mr. Speaker—44.

The nays were,

Messrs. Beal, Belknap, Bennett, Campbell, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dewey, Lambert, Lun-

dy, McCrary, McCormick, Mitchell, Moorman, Morgan, Randolph, Seevers, Wilson—22.

Motion prevailed.

On motion of Mr. Belknap,

The House resolved itself into Committee of the Whole, to consider House File No. 63, A bill for an act entitled an act regulating the compensation of Clerks of the District Court, and Sheriffs,

Mr. Pierson in the Chair.

At 11½ o'clock the committee rose, and by their Chairman, reported the bill back to the House without amendment, and recommended its indefinite postponement.

Upon the question of concurring in the recommendation of the committee,

The yeas and nays were demanded and were as follows :

Yeas 39, {  
Nays 26, }

The yeas were,

Messrs. Bradley, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Collins, Crawford, Dana, Davis, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McGrew, Milliser, Millsap, Moorman, Morgan, Prentiss, Randolph, Reitzel, Richardson, Seevers, Sharp, Stearns, Steward, Streeter, Trumbull, Watts, Wilson, Woodward, Wright, Mr. Speaker—39.

The nays were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Campbell, Carpenter, Cassaday of Van Buren, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Dewey, Dews, Drummond, Guiberson, Laney, McCrary, McCormick, Millard, Mitchell, Pierson, Rankin, Scott, Thompson—26.

The motion prevailed and the bill was indefinitely postponed.

Mr. Mahony,

In conformity with previous notice, submitted the protest of himself and others, which protest is as follows :

### PROTEST.

The undersigned, members of the House of Representatives of the State of Iowa, do hereby protest against certain Resolutions of Instruction to the Senators in Congress, from the State of Iowa,



concerning the admission of Kansas into the Union, passed by the House on the 22d day of January, 1858, and dissent from the Protest signed by certain other members of this House and ordered to be entered on the Journals, on the 17th day of the present month of February, 1858, for the following reasons, to wit:

FIRST—Because the Resolutions adopted as aforesaid set forth that because the Lecompton Constitution was not submitted by the Convention which framed it, to an honest and fair vote of the people of Kansas, the people of Kansas should not be admitted into the Union as a State. The doctrine of this resolution is virtually that the people in their sovereign capacity, cannot delegate the powers which they possess to a State Legislature to enact laws and Convention to adopt for such people a Constitution, without submitting such laws and Constitution to the people for their ratification. This doctrine we believe to be erroneous and subversive of the Constitutional and inalienable rights of the American people, whether applied to them as the people of a State already existing, or as the people of a State applying for admission into the Union.

We believe that it is competent for, and the right of, a sovereign people or of a people in the exercise of their sovereign rights, to take such means as to themselves may seem best and proper for giving expression to their will and wishes, and when they have so expressed their will, whether by Legislative enactments or by a Convention called by authority and elected by themselves to decide upon the form and substance of their fundamental law, it is neither the right of this House to dictate to Congress that a Constitution so framed is not legitimate, nor that a new State applying for admission into the Union should be rejected because the people of the State so applying have not required such Constitution to be submitted to them for ratification or rejection.

We believe that the people of Kansas have the same rights as American citizens, individually, and as a political body collectively, as the people of any other Territory in the same condition have or had, and that they have the same right as a body politic as other Territory or the people thereof have or had, to form and adopt for themselves a fundamental law, and that if in the exercise of their rights, they have not required the submission to them for their ratification or rejection, the Constitution under which they propose to exercise their sovereignty and ask admission into the Union, they infringe upon no rights of the States of the Union

or of either of them, nor should they be deprived of being admitted into the confederacy, merely because they have adopted a Constitution in their own way and not in the way which this House prescribes. To this prescription and dictation by this House to the people of Kansas how they should frame, adopt or ratify their Constitution, the undersigned do earnestly protest.

SECOND—Because the resolutions adopted by this House undertake to settle questions of fact and questions of law for the Senators of this State—the Congress of the United States in the instructions given them by the resolutions aforesaid. The undersigned are of the opinion that it is not the right of this House in instructing the Senators in Congress from this State, as to their course upon the admission of a new State into the Union, to determine either question of fact or of law, for the facts and the law may be better known to such Senators than to this House, and being so better known, it would not be proper for such Senators to obey instructions given them by this House or by the General Assembly of the State, as such instructions may be founded upon misstatements of fact and misconception of law.

THIRD—The undersigned dissent from and protest against the doctrine embodied in the protest placed upon the Journal of the House on the 17th inst., where it is asserted in such protest that Congress has the right to go behind the Constitution presented by the people of a new State applying for admission into the Union, if such Constitution had been formed by a Convention called together for that purpose by the people in their Legislative capacity, and subsequently elected by them in accordance with such Legislative enactment. If the people are sovereign, they have a right to exercise their sovereignty to the same extent and for the same purposes, by agents selected by themselves for that purpose, as they have in their individual or collective capacity; and it is not for this House or for Congress to enquire by what means they have expressed their will in the formation of their fundamental law, nor has the Federal Constitution contemplated that a State should be kept out of the Union merely because of the manner in which the people may have adopted the fundamental law by which they propose to be governed.

FOURTH—The undersigned further protest against that portion of the resolutions adopted by this House, which censure the President of the United States, because he advises the admission of

Kansas into the Union under the Lecompton Constitution; because in recognizing in the people of Kansas the right to regulate their domestic affairs in their own way, the President did but respect and acknowledge the great fundamental principle of political sovereignty, as inherent in the people; and having, as he alleged, sufficient evidence before him of the legality of the proceedings by which the Lecompton Constitution was made the fundamental law of Kansas, and having no legal evidence to the contrary, he was bound by every consideration of duty and by a sacred regard for the rights of the people of Kansas and of the peace, happiness and well-being of the people of the United States, to advise and recommend the admission of Kansas into the Union.

The undersigned, protestants, believing that they have no right to travel beyond the record of the proceedings against which they protest, express no opinion upon the effect that the submission of the Lecompton Constitution to a vote of the people of Kansas, on the 4th of January last, should have in determining the admission of Kansas into the Union under that Constitution. For the reasons above, severally set forth, and because of the injurious effects which resolutions adopted by this House, are calculated to produce in depriving the people of Kansas of their rights as American citizens and in proclaiming to the people of the United States, doctrines which we believe to be fundamentally erroneous, we hereby enter this our solemn protest against the adoption of those resolutions and against the doctrines referred to in the protest signed by 22 members of this House, on the 17th inst.

D. A. MAHONY, SAMUEL H. CASADY,  
THEOPOLIS CRAWFORD, E. R. GUIBERSON,  
SQUIRE AYERS.

Mr. Clark of Johnson, introduced  
House File No. 177, A bill for an act in relation to the Iowa  
City Mechanics National Association,  
Which was read a first and second time, and  
Referred to the delegation from Johnson county.

On motion of Mr. Bates,  
Senate File No. 105, A bill for an act to legalize certain acts of  
James M. Berry, late County Judge of Linn county, Iowa, and of  
other persons. Also,  
Senate File No. 106, A bill for an act for the relief of William

D. Watrous *et al.*, were taken up, and read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Clark of Johnson introduced

House File No. 178, A bill for an act making an appropriation for the State University of Iowa City,

Which was read a first and second time, and

Referred to the committee on Schools and State University.

Mr. Seevers introduced

House File No. 179: A bill for an act to enable certain counties to pre-empt and purchase that portion of the 500,000 acre grant upon which the county seats of said counties are located,

Which was read a first and second time, and

Referred to the committee on Public Lands.

Mr. Mahony introduced

House File No. 180: A bill for an act to encourage immigration into the State of Iowa,

Which was read a first and second time, and

Referred to the committee on Ways and Means.

Mr. Millard introduced

House File No. 181: A bill for an act to lay out and establish State Roads,

Which was read a first and second time, and

Laid upon the table and ordered to be printed for the use of the House.

On motion of Mr. Milliser

The House adjourned.

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TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

On motion of Mr. Thompson

Messrs Clark of Johnson and Woodward were added to the select committee to whom was referred House File No. 93: A bill for an act to amend Chapter 167 of the acts of the Sixth General Assembly.

On motion of Mr. Jackson

The House resolved itself into a committee of the whole to con-

sider House File No. 141: A bill for an act to authorize the business of banking in the State of Iowa.

Mr. Wright in the Chair.

At four o'clock and 45 minutes the committee rose, and by its Chairman, reported progress and asked leave to sit again,

Which leave was granted.

Mr. Seevers,

From the committee on Judiciary, to whom was referred House File No. 70: A bill for an act to allow interested persons to testify in civil cases,

Reported a substitute therefor, which,

Upon his motion,

Was laid upon the table and ordered to be printed.

Mr. Millard was granted leave of absence.

Mr. Clark, of Dubuque, with leave, introduced

House File No. 182: A bill for an act to procure the damages on protested bills of exchange,

Which was read a first and second time by its title, and

Referred to the committee on the Judiciary.

Mr. Clark also introduced

House File No. 183: A bill for an act to regulate the interest on money,

Which was read a first and second time by its title, and

Referred to the committee on the Judiciary.

Mr. Woodward, with leave, introduced

House File No. 184: A bill for an act providing for the punishment of larceny,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Mahony

Moved that House Files Nos. 33 and 41, bills for acts to regulate interest on money be re-committed to the committee on the Judiciary.

Pending which, on motion of Mr. Clark of Johnson,

The House adjourned.

FRIDAY MORNING, }  
 FEBRUARY 19, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

Journal was read in part, when

On motion of Mr. Woodward,

The further reading of the same was dispensed with.

### REPORTS OF COMMITTEES.

**Mr. Wilson**

From the committee on Ways and Means, to whom was referred Senate File No. 67, A bill for an act making a further appropriation for the State Insane Asylum,

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

**Mr. Cooley,**

From the Judiciary committee to whom was referred House File No. 80, A bill for an act to limit the action of Replevin,

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

The report of the committee was concurred in, and the bill indefinitely postponed.

**Mr. Thompson**

From the Judiciary Committee to whom was referred Senate File No. 77, A bill for an act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk,

Reported the same back to the House, with the following amendment to the 4th section,

"Add the words, "Iowa Citizen and Iowa State Journal, and thus amended recommended its passage.

The amendment was concurred in.

**Mr. Foster**

Moved to amend the bill by striking out the word "Iowa," in the 4th section,

Which motion was agreed to.

Mr. Lundy

Moved to further amend the bill, by striking out of the fourth section the word "Davenport," and inserting in lieu thereof the word "Muscatine,"

Which motion was lost.

Mr. Cooley

Moved to further amend the bill by striking out of section 8 the word "entitled," and inserting in lieu thereof the word "allowed,"

Which amendment was concurred in.

Mr. McCrary

Moved to further amend the bill by striking out "Burlington," in the 4th section, and inserting in lieu thereof "Keokuk."

Which motion was lost.

Mr. Casady of Woodbury

Moved to amend section four, by inserting after the word "Dubuque," in the 21st line the words, "a term shall be held at Council Bluffs, when causes from the following counties shall be heard to wit :

"Fremont, Mills, Pottawatomie, Harrison, Monona, Woodbury, Plymouth, Cherokee, Ida, Crawford, Shelby, Cass, Adams, Page and Taylor,"

Upon which question,

The yeas and nays were ordered and were as follows :

Yeas 49, }

Nays 14. }

The yeas were

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, McCrary, McCormick, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Sharp, Steward, Watts, Wilson, Woodward, Wright and Mr. Speaker.

The nays were

Messrs. Bates, Clune, Cooley, Collins, Gray, Grimes, Johnson, Malony, Richardson, Stearns, Streeter, Thompson, Trumbull.

The motion prevailed and the bill was so amended.

Mr. Seevers,

Moved to amend section two of the bill, by inserting before the word Monday, the word "first," and in the next blank insert the words, "June and December,"

Which amendments were agreed to.

Mr. Clune

Moved to amend further by adding after the word term, in the first section of the bill, the words "and shall hear oral arguments if the parties desire it,"

Which amendment was concurred in.

Mr. Clark of Dubuque

Moved to reconsider the vote by which the amendment providing for a term at Council Bluffs was adopted.

Mr. Foster

Moved to lay the motion on the table,

Upon which question,

The yeas and nays were ordered and were as follows :

Yeas 37, }

Nays 21, }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Casaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Johnson, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Guiberson, Lambert, McCrary, McCormick, McGrew, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, SeEVERS, Stearns, Steward, Watts, Wilson, and Mr. Speaker.

The nays were

Messrs. Bates, Bradley, Carpenter, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Gray, Grimes, Gue, Harmon, Johnson, Lundy, Mahony, Richardson, Streeter, Thompson, Trumbull, Woodward, Wright.

Motion prevailed.

Mr. Mahony

Moved to amend the bill by inserting before the word shall, in section 12, the words "except the 24th rule,"

Which amendment was concurred in.

Mr. Mahony

Moved to amend by striking out all after the word "holden," in section 13,

Which amendment prevailed.



**Mr. Bradley**

Moved to amend by striking out all after the word "Legislature" in section 13.

Which amendment was agreed to.

**Mr. Wilson**

Moved that the bill be engrossed, and read a third time on to-morrow.

Upon which question,

The yeas and nays were ordered and were as follows:

Yeas 44, )

Nays 16. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Beal, Belknap, Bradley, Carpenter, Campbell, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dana, Dewey, Dews, Edwards, Gray, Grimes, Gue, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCormick, McGrew, Millard, Milliser, Millsap, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Steward, Streeter, Thompson, Watts, Woodward, Wright.

The nays were

Messrs. Bennett, Davis, Guiberson, Jackson, McCrary, Mitchell, Moorman, Morgan, Pierson, Randolph, SeEVERS, Stearns, Trumbull, Wilson, Mr. Speaker.

Motion prevailed.

Message from the Senate, by their Secretary.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has amended the concurrent resolution in relation to the appointment of a committee to settle with the Des Moines River Navigation and Railroad Company, by filling the blank with the names of Wm. Loughridge and J. W. Jenkins, and by striking out, in the 11th line, the word "*advisement*," and inserting the words "direction and control," in which amendments the Senate asks the concurrence of the House.

GEO. E. SPENCER,

Secretary Senate.

**MR. SPEAKER:**

I am also directed to inform the House of Representatives that the Senate has passed

Senate File No. 118, A bill for an act to legalize the acts of certain School Officers in Monona county, and the Senate asks the concurrence of the House to the same.

GEO. E. SPENCER,  
Sec'y of Senate

On motion of Mr. Carpenter

The concurrent resolutions passed by the House on yesterday, in relation to appointing a committee to make a final settlement with the commissioners of the Des Moines River improvement, together with the amendments of the Senate,

Was taken up, and the amendments of the Senate concurred in.

Mr. Wright

From the committee on Enrolled Bills, reported that the committee had examined House File No. 149, A bill for an act in relation to the times of holding court in Fort Madison, Lee county, and providing for a special term of said court, for the purpose of trying criminal causes, and find the same correctly enrolled.

Mr. Seevers

From the committee on the Judiciary, to whom was referred House File No. 22, A bill for an act to legalize the county assessment of County Assessors in the several counties in the year 1857,

Reported the same back to the House with one amendment and recommended its passage.

On motion, the bill and report were laid upon the table.

Mr. Seevers

From the committee on the Judiciary to whom was referred House File No. 86, A bill for an act to legalize the assessment of taxes in Clayton county,

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

On motion, the bill was laid upon the table.

Mr. Seevers

From the committee on the Judiciary, to whom was referred the petition of citizens of Floyd county, asking that the securities on the bonds of Joshua Jackson, a defaulting Treasurer of said county, be exempted from liability on said bond,

Reported the same back, and recommended that the prayer of said petitioners be not granted.

On motion, the report of the committee was concurred in.

**Mr. Seevers**

From the committee on the Judiciary, to whom was referred House File No. 102, A bill for an act for the relief of claimants on the school lands,

Reported a substitute therefor, and recommended its passage.

On motion, the report and bill were laid upon the table.

**Mr. Seevers**

From the committee on the Judiciary, to whom was referred House File No. 73, A bill for an act to amend the laws in relation to divorce and alimony,

With instructions, reported a substitute therefor, and recommended its adoption.

On motion,

The House adjourned.

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TWO O'CLOCK, P. M

The House met pursuant to adjournment.

The question recurring upon the motion to adopt the substitute for House File No. 73, reported by the committee on the Judiciary, it was agreed to.

**Mr. Foster,**

From the committee on Engrossed Bills, submitted the following report :

The committee on Engrossed Bills report that they have examined House File No. 148: A bill for an act to amend an act entitled an act to amend an act concerning fences. Also,

House File No. 165: A bill for an act to provide for the recording of certain instruments in writing belonging to the State. Also,

House File No. 168: A bill for an act to amend section 1610 of the Code of Iowa. Also,

Substitute for House File No. 90: A bill for an act to repeal a part of section 1464 of the Code of Iowa. Also,

Substitutes for House Files No. 69 and 155: A bill for an act regulating and defining the notice to be given in all cases of Judicial sales of property, and find the same correctly engrossed.

C. J. L. FOSTER, Chairman.

On motion of Mr. Clark, of Dubuque,

Senate substitute for House File No. 4: A bill for an act to give greater security to purchasers and mortgagees of real estate,

Was taken up and read a first and second time, and Referred to the committee on the Judiciary.

On motion of Mr. Clark, of Dubuque,

Senate File No. 101: A bill for an act providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing,

Was also taken up and read a first and second time, and Referred to the committee on the Judiciary.

On motion of Mr. Jackson

The House resolved itself into a committee of the whole for the purpose of considering House File No. 141: A bill for an act to provide for the business of banking.

Mr. Wright in the Chair.

At four o'clock and 30 minutes the committee rose, and by their Chairman, reported progress and asked leave to sit again.

Which leave was granted.

Message from the Senate, by their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate insists upon its amendment to House substitute for Senate File No. 31: A bill for an act regulating the time of holding Courts in the Third Judicial District, and the Senate has appointed a committee of conference consisting of Messrs. Trumble and Sharraden, to consult with a similar committee on the part of the House in relation to the matter in dispute.

GEO. E. SPENCER, Secretary Senate.

On motion of Mr. Wilson

A committee of three was appointed to confer with a similar committee on the part of the Senate in relation to the disagreement between the two Houses upon substitute for Senate File No. 31: A bill for an act regulating the time of holding Courts in the Third Judicial District.

The Speaker appointed

Messrs. Wilson, Clune and Belknap said committee.

Mr. Gray,

From the select committee to whom was referred the petition of citizens of Johnson county, praying for the passage of an act authorizing the sale of unclaimed goods, &c.,

Reported House File No. 185: A bill for an act to authorize forwarding and commission merchants and others to sell unclaimed goods,

Which was read a first and second time, and

Laid upon the table.

Mr. Mahony

Moved that a standing committee be appointed to be called the Committee on Commerce,

Which motion was agreed to.

Whereupon the Speaker appointed

Messrs. Mahony, McCrary, Thompson, Clark of Johnson and Dewey said committee.

On motion of Mr. Mahony

House File No. 185: A bill for an act to authorize forwarding and commission merchants and others to sell unclaimed goods,

Was taken from the table and

Referred to the committee on Commerce.

Mr. Beal

Presented the petition of certain citizens of Boone, Polk, Dallas and Story counties, praying for the creation of a new county out of parts of said counties,

Which was referred to the committee on New Counties.

Mr. Bennett

Offered the following resolution, which was adopted:

WHEREAS, By an act entitled an act for the relief of Hugh Loymachan, approved in 1856, certain moneys were to be refunded to said Loymachan out of the funds of the Des Moines River Improvement and Navigation Company, and

WHEREAS, In the printing of said act a typographical error occurs which deprived the said Loymachan of the benefit of said act. Therefore, be it

*Resolved*, That the Judiciary Committee be instructed to inquire and report what further legislation is necessary, if any, to secure to the said Loymachan the benefit of said act.

Mr. Dana

Offered the following resolution:

*Resolved*, That a committee of three be appointed to confer with a like committee from the Senate to re-district the State into Senatorial and Representative Districts, and to fix the ratio of representation.

Mr. Clune

Moved to amend by striking out "three" and inserting "seven."

Motion lost.

Mr. Jackson

Moved to strike out "three" and insert "five."

Mr. Clark, of Dubuque,

Moved to amend the amendment by striking out "three" and inserting "one from each Judicial District,"

Which motion was lost.

The question recurring upon the motion to strike out "three" and insert "five," it was not agreed to.

Mr. Mahony

Offered the following substitute:

*Resolved*, That a committee of five be appointed to apportion the State into Representative Districts for members of the General Assembly.

The House refused to adopt the substitute.

The question recurring upon the adoption of the original resolution,

The yeas and nays were ordered and were as follows:

Yeas 36, {

Nays 25. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cooley, Dana, Davis, Dewey, Drummond, Edwards, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Wright,  
Mr. Speaker—36.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Bennett, Campbell, Casaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dews, Gray, Guiberson, Johnson, Laney, Mahony, McCormick, Milliser, Millsap, Pierson, Sharp—25.

The Speaker appointed

Messrs. Dana, Gray and Wilson as said committee.

Mr. Lambert, with leave, introduced

House Files No.'s 186 and 187: Joint Resolutions for increased mail facilities,

Which were read a first and second time, and  
Referred to the committee on Federal Relations.

Mr. Clark, of Johnson, with leave, introduced  
House File No. 188: A bill for an act to authorize and regulate  
the adoption of children,

Which was read a first and second time, and  
Referred to the committee on the Judiciary.

Mr. Cassaday, of Van Buren, introduced  
House File No. 189, Joint Resolution for increased mail facilities,

Which was read a first and second time, and  
Referred to the committee on Federal Relations.

Mr. Bates introduced

House File No. 190: A bill for an act prohibiting Justices of the  
Peace from holding their offices with Attorneys,

Which was read a first and second time, and  
Referred to a select committee of three, with instructions to so  
amend the bill as to make it applicable to County Judges.

The Speaker appointed

Messrs. Bates, Woodward and Guiberson said committee.

Mr. Sharp

Moved that the House do now adjourn,

Mr. Lundy introduced

House File No. 191: A bill for an act to organize the militia of  
the State of Iowa,

Which was read a first and second time, and  
Referred to the committee on Military Affairs.

On motion of Mr. Cooley

The House then adjourned.

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SATURDAY MORNING, }  
FEBRUARY 20th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

Journal read and approved.

Message from the Senate, by their Secretary.

MR. SPEAKER:

The Senate has passed bills of the following titles, viz:

Senate File No. 29: A bill for an act to amend an act entitled "an act for the encouragement of Agriculture," approved January 28th, 1857.

Senate File No. 104: A bill for an act regulating the mode of service of protest by Notaries Public.

Senate File No. 120: A bill for an act to give additional security to land titles in this State.

Senate File No. 89: A bill for an act to amend section 112 of the Code, and chapter 78 of the session laws of 1856-7.

In all of which the concurrence of the House is asked.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Lundy

Rose to a question of privilege in relation to the protest of Mr. Clark, of Dubuque, and others.

#### REPORTS OF COMMITTEES.

Mr. Thompson,

From the committee on the Judiciary, to whom was referred House File No. 125: A bill for an act to amend section 1209, chapter 78 of the Code,

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

On motion,

The bill was ordered to be read a third time on Monday.

Mr. Thompson

Submitted the following report:

The committee on the Judiciary, to whom was referred the petition of citizens of Winneshek county, and also House File No. 174: A bill for an act to prevent the obstructing of streams of water by dams or otherwise against the passage of fish,

Having had the same under consideration, instruct me to report the same back with the following amendments, to-wit:

Strike out the words "two feet," in section one, and insert "12 inches;" and strike out the words "at its ordinary stage over the same, and permit the ascent of fish," and insert in lieu thereof the words, "and the ascent of fish through the same during the months



of March, April and May in each year:" and in the fifth section, after the word "fish," insert, "or shall catch any fish in any chute or flume attached to any dam."

And when said bill is so amended recommend its passage.

COM. ON THE JUDICIARY,  
Per THOMPSON.

The amendments were concurred in, and the bill ordered to be engrossed and read a third time on Monday.

Mr. Prentiss

Moved that House File No. 133: "A bill for an act to attach Louisa county to the Eighth Judicial District," be taken from the table.

Which motion was lost.

Mr. Harmon,

From the committee on the Judiciary, to whom was referred Senate File No. 105: A bill for an act to legalize certain acts of James M. Berry, late County Judge of Linn county, Iowa, and of certain other persons,

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

On motion of Mr. Bates

The bill was ordered to be read a third time on Monday.

Mr. Harmon,

From the same committee, to whom was referred Senate File No. 106: A bill for an act for the relief of Wm. B. Watrous, et al.,

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

On motion of Mr. Bates

The bill was ordered to a third reading on Monday.

Mr. Wright

Submitted the following report:

The committee on Engrossed Bills report that they have presented to the Governor, for his signature, the following bills:

House File No. 149: An act in relation to the time of holding Court in Fort Madison, Lee county, and providing for a special term of said Court for the purpose of trying criminal causes.

Substitute for House File No. 11: Memorial to Congress praying for a grant of land to aid in the construction of a Railroad from the Missouri River via. the South Pass to some point in Washington Territory. Also,

House File No. 15: An act to amend an act to establish a Recorder's office in the city of Keokuk, approved January 8th, 1857.  
**WRIGHT.**

Mr. Cooley,

From the committee on Federal Relations, to whom was referred Senate File No. 62: Joint Resolution for an appropriation for public buildings in Muscatine,

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

On motion,

The joint resolution was ordered to be read a third time on tomorrow.

Mr. Cooley

Also submitted the following report:

The committee on Federal Relations, to whom was referred Senate Files No.'s 7, 26, 35, 45, 50, 60 and 87: Joint Resolutions for additional mail facilities, and House Files No.'s 42, 43, 51, 62, 65, 68, 78, 83, 89, 91, 96, 97, 99, 153, 154, 160 and 161: Joint Resolutions for additional mail facilities, together with sundry petitions on like matters, have had the same under consideration, and have instructed me to report a substitute for the Senate and House files aforesaid, which shall also grant the prayer of said petitions, and recommend its passage.

On motion of Mr. Wright

The bill was laid upon the table.

Mr. Dewey

Submitted the following report:

The committee on Charitable Institutions, to whom was referred that portion of the message of the Governor relating to the Hospital for the Insane, and other kindred institutions, have had the same under consideration, and beg leave to

## REPORT.

There is no higher duty imposed upon the members of this body than that of legislating for those classes of our population who have been stricken by an inscrutable Providence with diseases of the mental and physical organs. The common impulses of our nature address to us an imperative injunction to extend with a liberal hand the bounty of our Treasury to the darkened intellect, the

dulled ear, and the clouded eye. Deprived as they are, by the loss or lack of faculties which give enjoyment to life, we are compelled by the constraining force of social law to minister to them in all that the enlightened intellect and the matured sense of our age can furnish. The Fifth General Assembly of our State responded in a prompt and liberal manner to the voice of humanity, and located a Hospital for the Insane at Mt. Pleasant, making an adequate appropriation for the purchase of a farm, and the preliminary charges of construction. Subsequent grants of money have enabled the Commissioners to press forward the work towards an early completion. With an additional appropriation of one hundred thousand dollars, the building can be completed and put in readiness for the occupancy of all the Insane of the State.

The embarrassed condition of our people and Treasury cannot be urged as a plea against a liberal outlay of money for the completion of this benevolent Institution; in all the substantial elements of prosperity, we are in a position of affluence. The wealth of our soil has yielded an abundant harvest, and so soon as the temporary derangement of our currency is corrected, we shall have ample funds for all branches of needful expenditure. With a full sense, therefore, of our responsibility, and the claims of our unfortunate fellow beings, we urgently recommend the full appropriation of one hundred thousand dollars, required by the Commissioners to complete the Institution.

There is another portion of our community who, in the possession of a healthy intellectual organization, and shut out from the beauty of this material world, the sky and the earth are to them formless and void. The Great Temple of the Universe is to them a sealed vision, and thus no pulse of adoration. If the volume of nature is closed, so also the books of human learning, literature and science, alike with the forms of objects, are beyond their apprehension. Education has, however, been adapted to their blinded senses, and by a slow and painful system of teaching, some of the great mysteries of our world can be unfolded to them, through another medium than that of vision. While we cannot but strongly recommend the claims of the blind to immediate and liberal legislation, we do not concur with the executive recommendation that they be sent abroad for education. These public charities are and should be regulated as local institutions, easy of access, and always within our own limits. We recommend, therefore, some

decisive action of the present Legislature, looking to the permanent location and construction of an asylum for the education and treatment of the blind.

While those deprived of sight have large and just claims upon our benevolence, there is another class to whom the organs of hearing and speech are denied—another variety of sensations equally pleasurable are withheld. The music of the voice and the harmonies of sound and chord are for other ears. Insanity may be produced by the excess of indulgence and the abuse of the animal functions; but blindness, deafness, and the deprivation of speech, are in most cases the accidents of birth, or involve no responsibility on the part of the unfortunate object. With these visible evidences of an infirmity which comes directly from the author of our being, the duties to provide for and protect imposes itself upon us with an additional force. We recommend your attention to some speedy provision for the deaf and dumb, by selecting a permanent site for a building to be devoted exclusively to their use, with such an appropriation as may be deemed necessary for the accomplishment of this desirable result. Earnestly and anxiously asking for each of these worthy charities prompt and generous action, we respectfully submit our opinion to the House, submitting herewith two bills embodying the views of the committee, for the permanent location of the asylum for the deaf and dumb and the blind.

All of which is respectfully submitted.

LAUREN DEWEY.

Substitute for House File No. 108: "A bill for an act to locate and provide for the erection of an Institute for the education of the blind," reported by the above committee,

Was read a first and second time, when

Mr. Jackson

Moved to lay the bill upon the table,

Which motion was lost.

On motion of M. Drummond

The bill was referred to the committee on Ways and Means.

House File No. 59: "A bill for an act to establish an Asylum for the Deaf and Dumb," reported by the same committee, was,

On motion of Mr. Woodward,

Re-committed to the committee on Ways and Means.

Mr. Jackson,

From the committee on Banks and Banking, introduced

House File No. 192: A bill for an act to prevent banking institutions from circulating or receiving foreign bank bills of a less denomination than five dollars,

Which was read a first and second time, and

Referred to the committee of the whole House.

Mr. Clark, of Johnson,

From the committee to whom was referred House File No. 177: A bill for an act in relation to the Iowa City Mechanics Mutual Aid Association,

Reported the same back and recommended its passage.

On motion of Mr. Wilson

The bill was re-committed to the committee on the Judiciary.

Mr. Wilson,

From the committee of conference appointed heretofore, submitted the following report:

The undersigned, appointed as a committee of conference on the part of the House, to act with a similar committee on the part of the Senate to adjust the disagreement of the two Houses touching House substitute for Senate File No. 31: "A bill for an act fixing the time for holding Courts in the Third Judicial District,"

Report that the committee of the two Houses have conferred together, and have succeeded in harmonizing the differences relative to said bill, by agreeing upon the following times for the holding of said terms of Court:

In Van Buren county, on the 2d Monday in April and 4th in September.

In Jefferson county, on the 4th Monday in April, and 2d Monday in October.

In Keokuk county, on the second Monday in May, and second Monday in November.

In Davis county, on the 4th Monday in May, and 4th Monday in October.

In Wapello county, on the 1st Monday in June, and 5th Monday in November.

J. F. WILSON,  
W. W. BELKNAP,  
W. H. CLUNE.

Mr. Drummond,

In conformity with previous notice, presented the following protest of himself and others, and demanded that the same be entered upon the Journals of this House:

## PROTEST.

The undersigned, members of the House of Representatives, availing themselves of the provisions of Section 10, of the 3d Article of the Constitution, do dissent from the proceedings of the House had on the 17th inst., upon the protest presented by Lincoln Clark and other members, against the Preamble and Resolutions of Instruction concerning the admission of Kansas into the Union under the Lecompton Constitution previously passed by the General Assembly.

They deem the entertaining of a motion to spread such protest on the Journal, injurious to the public, and the compulsory rule thereof a violation of the rights of individual members, and for these reasons:

The right of protest is in this State a high Constitutional right, existing by virtue of no parliamentary law nor special rule of this House, but guaranteed by an express provision of the Constitution. The House can therefore take no action upon a protest presented by any of its members, but the same must forthwith go upon its Journal, whether objections be made or not. If action be had it must be either affirmative or negative, for no proposition can be stated that will not admit of a vote either for or against it; and if the House can entertain a motion to place a protest upon the Journal, it necessarily has the power to determine that question by a negative vote. But such negative determination of the question if had, would be opposed to an express provision of the Constitution, be of no validity or effect, and moreover, would, if intended to be of effect, be a violation of the oaths of members so deciding it. If therefore, a negative decision would be without effect, an affirmative decision would possess no more value. Such a question is unnecessary and one which the House has no power to establish.

The Journal is the record of the official acts of the House and of its members, and they must be entered thereon. Motions and resolutions made and offered, must in order appear upon its pages. Of the same nature is a Protest, and if its presentation is in order and it is read from the Clerk's Desk, it then goes upon the Journal without further action by the House, for none is needed, and its right to be placed there cannot be denied. It differs from

a motion or resolution only, in so far that it cannot be expunged from the Journal.

The undersigned express no opinion upon the merits or relevancy of the Protest above referred to. But if a Protest be irrelevant or contain objectionable language, the House possesses no power to strike out such language or otherwise amend it. It can only punish the Protestants for the disrespect so shown.

Believing that the action of the House should not be established or regarded as a precedent for the guidance of future Assemblies, the undersigned protest against the same and demand that these their reasons be spread upon the Journal.

THOMAS DRUMMOND,	P. B. BRADLEY,
E. N. BATES,	T. CRAWFORD,
JAS. GRIMES,	LEROY LAMBERT,
WM. LUNDY,	E. E. COOLEY,
ED. WRIGHT.	

Mr. Clark of Dubuque,

Moved that the above paper, purporting to be a protest of members of this House, be referred to the Committee on the Judiciary.

Mr. Bates

Rose to a question of order, to wit: Can the House entertain the motion to refer?

The Chair decided the motion to be in order.

From which decision of the Chair, Mr. Bates asked an appeal to the House, and upon the question shall the decision of the Chair stand as the decision of this House,

The yeas and nays were demanded by Mr. Bradley, and were as follows:

Yeas 10, }
Nays 41. }

The yeas were,

Messrs. Clark of Dubuque, Dana, Dewey, Gray, Jackson, Moorman, Randolph, Sharp, Sprague, Wilson—10.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Bradley, Carpenter, Casaday of Woodbury, Cavanaugh, Clark of Johnson, Cooley, Collins, Crawford, Davis, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Milliser, Millsap, Pierson, Prentiss, Rankin, Reitzel, Scott, Stearns, Streeter, Watts, Woodward, Wright—41.

The House refused to sustain the decision of the Chair.

Mr. Harmon

Moved that when this House shall adjourn, it adjourn to meet at 10 o'clock on Monday morning.

Which motion was lost.

On motion of Mr. Clune,

The House adjourned.

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TWO O'CLOCK, P. M.

House met.

On motion of Mr. Jackson,

The House resolved itself into Committee of the Whole, to consider House File No. 141, A bill for an act authorizing the business of Banking in the State of Iowa,

Mr. Wright in the Chair.

At 4 o'clock the committee rose, and by their Chairman, reported progress and asked leave to sit again,

Which leave was granted.

Mr. Clark of Johnson, introduced

House File No. 193, A bill for an act to repeal a part of Section 12, of Chapter 156 of the Code, in relation to swamp lands,

Which was read a first and second time, and

On motion of Mr. Wilson,

Referred to the Select Committee on that subject.

Mr. Mahony introduced

House File No. 194, A bill for an act to provide for the assessment and payment of the State Revenue,

Which was read a first and second time, and laid upon the table and ordered to be printed for the use of the House.

Mr. Cassaday of Van Buren, introduced

House File No. 195, A bill for an act amending an act entitled an act for the suppression of Intemperance,

Which was read a first and second time.

Mr. Whight

Moved to lay the bill upon the table,

Upon which question,

The yeas and nays were demanded and were as follows :



Yeas 26, )

Nays 31, )

The yeas were,

Messrs. Ayers, Bennett, Bradley, Campbell, Clark of Dubuque, Clark of Johnson, Crawford, Davis, Drummond, Foster, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy, McCrary, McCormick, McGrew, Millsap, Morgan, Rankin, Reitzel, Scott, Steward, Wright, Mr. Speaker—26.

The nays were,

Messrs. Bander, Belknap, Carpenter, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Cooley, Collins, Dana, Dews, Edwards, Gray, Grimes, Jackson, Laney, Mahony, Milliser, Moorman, Pierson, Prentiss, Richardson, Sharp, Sprague, Stearns, Streeter, Thompson, Watts, Wilson, Woodward—31.

Mr. Wright

Moved to refer the bill to a select committee of five,

Which motion was agreed to.

The Speaker appointed

Messrs Bennett, Wright, McCrary, Lundy and Clune said Committee.

Mr. Clark of Dubuque,

Moved that the House adjourn, upon which question,

The yeas and nays were demanded and were as follows :

Yeas 31, )

Nays 30. }

The yeas were,

Messrs. Anthony, Bates, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clune, Crawford, Dana, Edwards, Foster, Jackson, Johnson, Lambert, Laney, McCrary, McGrew, Millsap, Pierson, Reitzel, Sharp, Sprague, Steward, Thompson, Watts, Wright, Mr. Speaker—31.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Bennett, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Davis, Dews, Drummond, Gray, Grimes, Gue, Guiberson, Harmon, Lundy, Mahony, Milliser, Moorman, Morgan, Prentiss, Rankin, Richardson, Scott, Stearns, Streeter, Wilson, Woodward—30.

The House was declared adjourned.

MONDAY MORNING, }  
 FEBRUARY 22d, 1858. }

House met pursuant to adjournment.  
 Prayer by the Rev. Mr. Shine.  
 Journal read and approved.

### SENATE MESSAGES ON THE CLERK'S TABLE.

House File No. 138, Joint resolution to provide for the distribution of the State Geological Reports, together with the amendments of the Senate thereto, was taken up and the amendments concurred in.

House File No. 66, A bill for an act defining the crime and punishing the offence of making false entries of fines and fees on dockets of Courts or otherwise, and of failing to pay over such fines and fees according to law, together with the amendments of the Senate thereto, was taken up and the amendments concurred in.

Message from the Senate, by their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate File No. 123, Joint resolutions in favor of and instructing our Senators and requesting our Representatives in Congress to vote for a bill granting a homestead to the actual settler on public lands. Also,

Senate File No. 98, Joint resolutions authorizing the commissioners to conform the laws of the State to the Constitution, and report the same to the present session of the Legislature; and also to prepare a code of civil and criminal procedure, and revise the laws, and report the same at such time as the Legislature may designate.

In all of which the concurrence of the House is asked.

GEO. E. SPENCER,  
 Secretary Senate.

I am also directed to inform the House of Representatives that the Senate has passed a substitute for House File No. 8, A bill for an act to amend chapter 84 of the laws of 1853, entitled an act to amend section 1848 of the Code of Iowa, approved January

24th, 1853, in which substitute the concurrence of the House is asked.

I herewith return House File No. 115, A bill for an act prescribing the manner of certifying acknowledgments in certain cases,

The same having passed the Senate without amendment.

GEO. E. SPENCER,  
Sec'y of Senate

Senate File No. 104, A bill for an act regulating the modes of services of notices of protest by notaries public,

Was read a first and second time, and

Ordered to be read a third time on to-morrow.

Senate File No. 89, A bill for an act to amend section 112 of the Code, and chapter 78 of the session laws of 1856-7,

Was read a first and second time, and

Referred to the committee on the Judiciary.

Senate File No. 29, A bill for an act to amend an act entitled "an act for the encouragement of agriculture, approved January 26th, 1857,

Was read a first and second time, and

Referred to the committee on Ways and Means.

Senate File No. 120, A bill for an act to give additional security to land titles in this State,

Was read a first and second time, and

Referred to the committee on the Judiciary.

Senate File No. 70, A bill for an act to change the time of holding Courts in the Fourth Judicial District, was read a first and second time, and

On motion of Mr. Jackson,

Referred to a select committee, composed of the delegation from the Fourth Judicial District.

Mr. Lundy

Gave notice that he would on to-morrow introduce a resolution to change the 40th Rule, so that the House may stand adjourned until 9 o'clock A. M. instead of 10.

Mr. Belknap

Offered the following resolution, which was adopted:

*Resolved*, That, in honor of the memory of Washington, and for the purpose of exhibiting our regard for the anniversary of his

birth, when this House adjourn it will adjourn to meet to-morrow morning at 10 o'clock.

Senate File No. 113, A bill for an act to legalize the taxes, and enforce the collection of the same in the county of Monona, for the years 1854, '55 and '56,

Was read a first and second time, and

Referred to the committee on the Judiciary.

Senate File No. 118, A bill for an act to legalize the acts of certain school officers in Monona county,

Was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Richardson,

With leave, introduced the following resolution, which was adopted :

*Resolved*, That, for the sake of ascertaining the true state of the business of this House, that each committee shall report on Wednesday morning next what bills are before them, and what disposition and action has been taken in regard to matters that have been committed to their care; and the commissioners, Messrs. Darwin, Barker and Smyth, report what progress they have made in the business committed to their charge.

Mr. Mitchell

Offered the following resolution, which was adopted :

*Resolved*, That the Attorney General be instructed to forthwith investigate the titles to all lands to which the State may have any claim at Des Moines, Iowa, and that the Clerk of the House be instructed to send him a copy of this resolution.

## BILLS ON THEIR THIRD READING.

Substitute for Senate File No. 77, A bill for an act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk,

Was read a third time.

Mr. Bates

Moved to re-commit the bill to the committee on the Judiciary, with instructions to so amend the same as to provide for but a single term, aside from the one at Des Moines.

Mr. Cassaday of Woodbury,

Moved to amend the motion to re-commit, so as to provide for one term on the Missouri river, and one term on the Mississippi river.

Which motion was lost.

The question recurring upon the motion to re-commit the bill to the committee on the Judiciary, with instructions,

It was not agreed to.

Upon the question, Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 32, }

Nays 29. }

The yeas were,

Messrs. Beal, Belknap, Bradley, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, Mahony, Millsap, Prentiss, Richardson, Scott, Sprague, Thompson, Woodward.

The nays were,

Messrs. Anthony, Ayers, Bennett, Cassaday of Van Buren, Davis, Jackson, Lambert, Lundy, McCrary, McCormick, McGrew, Milliser, Mitchell, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Wright—29.

The bill was lost—the same not having received the majority required by the Constitution.

Mr. Jackson,

From the Select Committee, to whom was referred substitute for Senate File No. 70, A bill for an act to change the time of holding courts in the 4th Judicial District,

Reported a substitute therefor, and recommended its adoption.

Mr. Clark of Johnson,

Moved to lay the substitute upon the table,

Which motion was lost.

The substitute was then adopted.

When Mr. Clark of Johnson,

Moved to amend the same by adding the following thereto :

“No suits for trial at the next March term for Johnson county, shall be tried after the third Monday thereof, without the consent of all parties of interest thereto.”

Upon the motion to amend,

The yeas and nays were demanded and were as follows :

Yeas 18, }  
Nays 43, }

The yeas were,

Messrs. Anthony, Bates, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Dewey, Dews, Drummond, Gray, Guiberson, Johnson, Laney, McCrary, Pierson, Rankin, Richardson, Sprague—18.

The nays were,

Messrs. Ayers, Beal, Belknap, Bennett, Bradley, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Clark of Dubuque, Cooley, Collins, Crawford, Dana, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, Mahony, McCormick, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Reitzel, Scott, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright—43.

The motion to amend was lost.

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

On motion of Mr. Bradley,

Senate File No. 98, Joint Resolution authorizing the Commissioners to conform the Laws of the State to the Constitution, and report the same to the present session of the Legislature; also to prepare a Code of civil procedure, and revise the laws and report the same at such time as the legislature may designate,

Was taken up and read a first and second time.

Mr. Milliser

Moved that the Joint Resolution be ordered to a third reading on to-morrow.

Mr. Wright

Moved to amend the Joint Resolution by striking out the first clause.

Mr. Wilson

Moved to adjourn, upon which question,

The yeas and nays were demanded and were as follows :

Yeas 29. }  
Nays 36. }

The yeas were,

Messrs. Anthony, Bennett, Carpenter, Casady of Woodbury,

Cassiday, of Mahaska, Clark, of Dubuque, Clark, of Johnson, Collins, Dana, Dewey, Foster, Guiberson, Jackson, Johnson, Lambert, Laney, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Richardson, Stearns, Steward, Trumbull, Wilson, Wright—29.

The nays were,

Messrs. Ayers, Bates, Bander, Beal, Belknap, Bradley, Campbell, Cassaday, of Van Buren, Cavanaugh, Clark of Des Moines, Clune, Cooley, Crawford, Davis, Dews, Drummond, Edwards, Gray, Grimes, Gue, Harmon, Lundy, Mahony, McCormick, Milliser, Millsap, Pierson, Reitzel, Scott, Sharp, Sprague, Steward, Streeter, Thompson, Waln, Watts, Woodward—36.

Motion to adjourn—lost.

Mr. Drummond

Moved the previous question, and upon the question, shall the main question be now put,

The yeas and nays were ordered and were as follows :

Yeas 37, }  
Nays 29. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bradley, Cassaday of Van Buren, Casady of Woobury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Drummond, Edwards, Gray, Grimes, Gue, Harmon, Johnson, Mahony, McCormick, Milliser, Millsap, Pierson, Richardson, Scott, Sharp, Sprague, Steward, Streeter, Woodward—37.

The nays were,

Messrs. Anthony, Bennett, Carpenter, Cassiday of Mahaska, Dewey, Dews, Foster, Guiberson, Jackson, Lambert, Laney, Lundy, McCrary, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Stearns, Thompson, Trumbull, Waln, Watts, Wilson, Wright—29.

Upon the motion to strike out the first resolution,

The yeas and nays were ordered and were as follows :

Yeas 31, }  
Nays 35. }

The yeas were

Messrs. Beal, Belknap, Carpenter, Casey, Cassiday of Mahaska, Collins, Dana, Dewey, Dews, Edwards, Foster, Grimes, Guiber-

son, Jackson, Lambert, Lundy, McCrary, Milliser, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Richardson, Sharp, Stearns, Streeter, Trumbull, Waln, Watts, Wilson, Wright—31.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Bennett, Bradley, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Davis, Drummond, Gray, Gue, Harmon, Johnson, Laney, Mahony, McCormick, McGrew, Millsap, Pierson, Reitzel, Scott, Sharp, Sprague, Steward, Thompson, Woodward—35.

The question now recurring upon the motion to order the Joint Resolution to a third reading on to-morrow,

The yeas and nays were ordered and were as follows :

Yeas 38, }

Nays 28. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Bennett, Bradley, Campbell, Cassaday of Van Buren, Casaday of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Davis, Drummond, Edwards, Gray, Grimes, Gue, Harmon, Johnson, Mahony McCormick, Milliser, Millsap, Pierson, Scott, Sharp, Sprague, Stearns, Steward, Thompson, Trumbull, Watts, Woodward—38.

The nays were,

Messrs. Anthony, Belknap, Carpenter, Cassiday of Mahaska, Dana, Dewey, Dews, Foster, Guiberson, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Streeter, Waln, Wilson, Wright—28.

On motion of Mr. Cassaday of Van Buren,

The House then adjourned.



TUESDAY MORNING, )  
 FEBRUARY 23d, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Jocelyn.

Journal read and approved.

On motion of Mr. Richardson,  
 Senate File No. 86, A bill for an act to legalize the assessment  
 of taxes in Clayton county,

Was taken up and referred to the delegation from said county.

Message from the Senate,

By their Secretary, Mr. Spencer.

Mr. SPEAKER :

I am directed by the Senate to inform the House of Representa-  
 tives, that the Senate has passed the following named bills, in  
 which the concurrence of the House is asked :

Substitute for Senate File No. 53, A bill for an act relating to  
 delinquent taxes for 1857. Also,

Senate File No. 125, A bill for an act to repeal an act establish-  
 ing a School District in Van Buren Township, Van Buren county,  
 Iowa.

J. S. DIMMITT,  
 Assistant Secretary Senate.

### BILLS ON THIRD READING.

Senate File No. 98, Joint Resolution authorizing the Commis-  
 sioners to conform the laws of the State to the Constitution, and  
 report the same to the present session of the Legislature; also to  
 prepare a Code of civil and criminal procedure, and revise the  
 laws, and report the same at such time as the Legislature may  
 designate,

Was read a third time.

Mr. Clune

Moved a call of the House, which being sustained, the Clerk  
 proceeded to call the roll, whereupon, all of the unexcused mem-  
 bers were found to be present.

On motion of Mr. Edwards,

Farther proceedings under the call were suspended.

The question recurring upon the passage of the Joint Resolution,

The yeas and nays were demanded and were as follows:

Yeas 37, }  
Nays 31. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Bennett, Bradley, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Drummond, Gray, Gue, Harmon, Johnson, Laney, Mahony, McCormick, Milliser, Millsap, Pierson, Scott, Sharp, Sprague, Stearns, Steward, Thompson, Trumbull, Waln, Watts, Woodward—37.

The nays were,

Messrs. Anthony, Belknap, Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Dews, Edwards, Foster, Grimes, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Streeter, Wilson, Wright, Mr. Speaker—31.

The Joint Resolution passed, when the title of the same was agreed to.

Mr. Clark, of Dubuque,

Moved a reconsideration of the vote by which Senate File No. 77: "A bill for an act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk," was lost.

Upon which question

The yeas and nays were ordered and were as follows:

Yeas 34, }  
Nays 32. }

The yeas were,

Messrs. Bates, Belknap, Bradley, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dewey, Drummond, Edwards, Gray, Grimes, Gue, Harmon, Johnson, Laney, Lundy, Mahony, McCrary, Milliser, Millsap, Richardson, Scott, Sprague, Steward, Streeter, Thompson, Trumbull, Waln, Woodward—34.

The nays were,

Messrs. Anthony, Bauder, Beal, Campbell, Carpenter, Casady

of Woodbury, Cassiday of Mahaska, Dana, Davis, Dews, Foster, Guiberson, Jackson, Lambert, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Sharp, Stearns, Watts, Wilson, Wright, Mr. Speaker—32.

The vote was reconsidered.

Mr. Harmon

Offered the following resolution :

WHEREAS, Senate File No. 77 failed to pass this House for the want of a constitutional majority, and

WHEREAS, The Clerk of this House returned said bill to the Senate when the House was not in session, and

WHEREAS, The vote by which said bill was lost has been reconsidered, therefore,

*Resolved*, That the Clerk is hereby directed to notify the Senate of these facts, and request that said bill be returned to this House.

Upon the adoption of the resolution

The yeas and nays were demanded and were as follows :

Yeas 35, {

Nays 29. }

The nays were,

Messrs. Belknap, Bradley, Carpenter, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dewey, Dews, Drummond, Edwards, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, Lundy, Mahony, McCrary, Millsap, Moorman, Richardson, Scott, Sprague, Steward, Streeter, Thompson, Trumbull, Waln—35.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Bennett, Campbell, Casady of Woodbury, Dana, Davis, Foster, Gray, Jackson, Lambert, McCormick, McGrew, Millard, Mitchell, Morgan, Pierson, Randolph, Rankin, Reitzel, Stearns, Watts, Wilson, Woodward, Wright, Mr. Speaker—29.

The resolution was adopted.

Mr. Foster

Gave notice that he would on to-morrow move the following amendment to Rule 14 of the House :

Strike out all after the word "House," in the second line of the Rule, and add in lieu thereof "no more than ten minutes."

Mr. Mahony

Offered the following Joint Rule for the government of the two Houses of the General Assembly:

"No message shall be taken from one House to the other when the House from which the message is sent shall not be in session."

Upon the adoption of the Rule

The yeas and nays were demanded and were as follows:

Yeas 9, }  
Nays 52. }

The yeas were,

Messrs. Cassaday of Van Buren, Cavanaugh, Clark of Dubuque, Clune, Drummond, Gray, Guiberson, Mahony, Sprague—9.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Campbell, Casady of Woodbury, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Dana, Davis, Dewey, Dews, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millisap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright—52.

The Rule was not adopted.

Mr. Lundy

Offered the following resolution, which was adopted:

*Resolved*, That the 40th Rule be so changed that hereafter the House shall stand adjourned until 9 o'clock, A. M., instead of ten.

Mr. Clune

Offered the following resolution, which was laid over for one day under the Rule of the House:

*Resolved*, That the Governor be requested to communicate to this House, if not incompatible with his duty, the number of agents appointed by his predecessor to examine the books, papers, vouchers and securities of the several school fund commissioners in this State; also the names of such agents, the number of days each was employed, and the amount of compensation paid for such services.

*Resolved*, That the Chief Clerk be directed to furnish the Governor with a copy of this resolution.

Message from the Senate, by their Secretary:

MR. SPEAKER:

I am directed by the Senate, agreeable to the request of the House of Representatives, to return to the House substitute for

Senate File No. 77: An act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk.

J. S. DIMMITT,  
Assistant Secretary Senate.

Senate File No. 67: A bill for an act making a further appropriation for the Insane Asylum,

Was read a third time.

Mr. Waln

Moved to recommit the bill to the committee on Ways and Means with instructions to so amend the same as to reduce the appropriation to \$50,000, and provide that the appropriation shall be drawn upon estimates for material and labor, required to be paid for at specified times, according to written contracts entered into for the purpose.

Upon which motion

The yeas and nays were demanded and were as follows:

Yeas 21, {

Nays 43. {

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Bennett, Campbell, Casaday of Van Buren, Casady of Woodbury, Clune, Cooley, Collins, Dana, Dews, Grimes, Gue, Lundy, Mahony, McCormick, Milliser, Sharp, Waln—21.

The nays were,

Messrs. Beal, Belknap, Bradley, Carpenter, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Crawford, Davis, Dewey, Edwards, Foster, Gray, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Wright—43.

The motion to re-commit was lost.

Mr. Cooley

Moved to re-commit the bill to the committee on Ways and Means, with instructions to so amend the same "that the appropriations shall be drawn upon estimates for materials and labor, required to be paid for at specified times, according to written contracts entered into for the purpose."

Which motion was agreed to.  
 On motion of Mr. Pierson  
 The House adjourned.

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TWO O'CLOCK. P. M

The House met pursuant to adjournment.  
 Message from the Senate, by their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the amendments reported by the Committee of conference to substitute for Senate File No. 31: A bill for an act fixing the terms of court in the Third Judicial District.

J. S. DIMMITT,  
 Assistant Secretary Senate.

The Speaker laid before the House the following communication from the Codifying Committee:

*To the Honorable, the House of Representatives of the State of Iowa:*

The Commissioners appointed to adapt a Code of procedure, &c., &c., having been called upon by your honorable body, by resolution of the 22d inst., to report progress, *do so*.

To be just to ourselves, and instructive to you, we promise thus: On the 30th of January, 1858, we received our appointment.

On the first day of February the Joint Judiciary Committees of both Houses met with us. At that time we urged the impossibility of a full completion of the duties imposed upon us, during this session, and in such emergency said that a revision would be practically impossible while legislative action, was going on with its changes every day.

That perhaps a code of procedure could be framed.

That a general corrective law, adapting existing laws to the new Constitution, could be also presented—both during this session. Whereupon the Commissioners were by the Joint Judiciary Committees instructed as follows:

- Resolved*, That the Commissioners be requested to prepare
- 1st. A Code of practice applicable to proceedings at law.
  - 2d. A Chancery practice.
  - 3d. A criminal practice.

4th. The adaption of existing laws to the New Constitution.

5th. So changing the criminal law to the provisions of the New Constitution, that Justices may have some original jurisdiction, conforming the same to the said code of procedure, as far as practicable.

That your commission immediately entered upon the work in the order of the intructions.

As the Legislature was known to be contemplating a change in the system of Courts, and actually considering bills looking to the same, the need became at once to us apparent of fixing said system as the initial movement of a code of procedure. Whereupon, on the 3d inst., we urged upon the Legislature the necessity of prompt action in determining such a system as an antecedent of any intelligent advice by us.

On the 9th inst., having tully arrived at the conclusion that such a Code of procedure could not be by us accomplished during this session, we made to the Judiciary Committees the following report:

HON. DANIEL ANDERSON,

*Chairman Senate Judiciary Committee:*

SIR :—The undersigned, Commissioners appointed to revise and report a system of civil and criminal procedure, beg leave to submit the following observations for the consideration of the committee over which you preside, and the General Assembly also, should your committee deem it advisable to bring the matter before that body.

We have thoroughly considered the object to be accomplished by the Practice Act, and our means to achieve it. That object is in our view, a Code of procedure, which, while it bows to the spirit of the Code, and the New Constitution, shall not only supply the defects and fill up the out-lines of the Code, but shall also present the result of the latest and most approved experiences in similar legislation.

Similar legislation has been and is being tested in several sister States. Of the most matured experiences of such legislation in those States, we cannot avail ourselves during the present session of the General Assembly; because the latest practice acts are not now within our reach, nor could they now be obtained, nor if obtained, would there remain time enough to duly consult them.

Again, the reports of those States inaugurating the new system of practice, are pregnant exponents of its virtues and vices, as well

as guides to its further improvement. To blindly copy without a reason would not be the dictate of wisdom—and yet those reports are also without our reach, nor could they be had in time to assist us this session. Add to this, that the session is far advanced, that you have not yet fixed your system of Courts—that our work, when done, must be passed upon by the Judiciary Committees—must be passed upon also by the General Assembly, and so must be presented some days before the end of the session.

And we think we may safely suggest that to make such report to the present session is impracticable.

We further suggest, that in all cases of a similar endeavor that have fallen under our observation, the time allowed such commission has been much more liberal, (extending in a majority of cases to years).

We conclude then, that in order to do justice to ourselves—to the Bar—to the people and to the work, time should be allowed us to avail ourselves, both of *our* best matured thoughts and of the latest and wisest experiences of others. To which end we beg to be allowed to procrastinate our report of a Code of Procedure to some future time.

And as an additional reason, we further add, that while a Code of Procedure is not an imperative necessity, and may be waited for a few months, yet that part of our duties which consists in adapting existing laws to the New Constitution, is an actual pressing want, and should receive the earliest attention.

We will continue our action under our last instructions until further advised by you.

All of which is respectfully submitted.

WM. SMYTH,  
CHARLES B. DARWIN,  
W. T. BARKER.

Submitted February 9th, 1858.

About the 12th inst. we were by the Joint Judiciary Committees instructed to bend our attention to the latter part of the duties which had been directed by their Joint instructions, since which we have been so doing.

The progress made may be thus stated:—

1st. As regards a Code of civil and criminal procedure, we have spent about eighteen days in a comparative study of our own and such other practice acts as we could obtain—in noting the improve-



ments of the latest of these—in considering their applicability to us—in considering the changes imposed by the New Constitution in reference to a chancery practice, and in maturing the outlines of such a practice.

The result of this labor can be best expressed as so many days work done *towards* a complete Code of procedure, without an arrival at the completion of any part thereof.

Nor are any of our *conceptions* of such Code in a shape inviting legislative attention, inasmuch as such an act should be complete in ALL its parts before the fitness of any one of them could be wisely urged by us, or determined by you, so that the labor in its present imperfect form, has no practical value.

As regards the revision and codification of the laws, we adhere to our opinion as early expressed to the Joint Judiciary Committee—that a revision and codification of the laws cannot be made while the Legislature continues in action—and especially is this position true, now, when an Assembly meeting under a New Constitution is compelled to make many changes in existing laws, as well as to inaugurate new legal principles.

As regards the work done under the last instructions, dating from the 18th inst., we remark :

We have carefully noted all the changes in the Code, required by the New Constitution.

Have read carefully the criminal laws, noting for your attention such changes as might, perhaps, safely confer a larger jurisdiction on Justices of the Peace.

And that part of our duty can be completed in six or eight days from this date, when it will be presented.

All of which is respectfully submitted.

Feb. 23d, 1858.

W. T. BARKER,  
CHAS. BEN DARWIN.

Wm. Smyth is temporarily absent—which explains the absence of his name hereto.

Mr. Wilson

Offered the following resolution,

Which was laid over for one day under the rule of the House :

*Resolved*, That the 40th rule be so amended as to read as follows :

“ The hour to which this House shall stand adjourned from

time to time, shall be 9 o'clock A. M., and 2 o'clock P. M., and on Monday, Wednesday and Friday of each week, 7 o'clock P. M.

Mr. Clark of Dubuque

Moved that substitute for Senate File No. 77, A bill for an act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk, be re-committed to the committee on Judiciary, with instructions,

Which motion was concurred in.

Mr. Belknap

Offered the following resolution,

Which was adopted.

*Resolved*, That the committee on Ways and Means be instructed to report back to the House without delay, House File No. 104, A bill for an act making an appropriation for the Iowa Penitentiary, and increasing the salaries of certain officers thereof, with such amendments as said committee deem admissable.

Mr. Foster

Offered the following resolution,

Which was adopted :

*Resolved*, That Professor Humphrey, of the Iowa State University, be and is hereby invited to address the members of the General Assembly, and citizens generally, on the subject of Education, on Thursday evening next, and that the use of this Hall be tendered for the purpose of said lecture.

Mr. Bennett

Offered the following resolution,

Which was adopted :

*Resolved*, By the House of Representatives of the State of Iowa, That his Excellency the Governor, be and he is hereby requested to report at an early day, what amount of arms of all kinds, hitherto received by the State of Iowa, from the General Government, the dates of their receipt, to whom any such arms have been distributed, the present condition, the place of deposit, and whereabouts of all such arms.

On motion of Mr. Wilson,

Substitute for Senate File No. 31, A bill for an act regulating the time of holding courts in the third Judicial District, together with the amendments of the Senate, this day reported,

Was taken up, and the amendments concurred in.

Mr. Wright

Submitted the following report :

The committee on Enrolled Bills, report that they have examined the following bills, and find them correctly enrolled :

House File No. 66, An act defining the crime and punishing the offence of making false entries of fines and fees on dockets of courts and otherwise, and of failing or neglecting to pay over such fines or fees according to law.

House File No. 115, An act entitled an act prescribing the manner of certifying acknowledgments in certain cases.

House File No. 138, Joint Resolution to provide for the distribution of the State Geological Reports.

ED. WRIGHT, Chairman.

Mr. Wilson

From the committee on Ways and Means, to whom was referred Senate File No. 67, A bill for an act making a further appropriation for the State Insane Asylum, with Instructions,

Reported the same back to the House with one amendment, to wit:

Strike out the proviso in the first section, and insert in lieu thereof, the following :

" *Provided*, That said money so appropriated shall be drawn from the Treasury by the Commissioners only, upon estimates made monthly upon and during the progress of the work, and where material or furniture shall have been purchased for the use of such building, vouchers shall be taken and copies therefor sent to the Auditor of State, with such orders for warrants or money as the Commissioners may require."

With this amendment, the committee recommend the passage of the bill.

The amendment was concurred in, and

Upon the question,

Shall the bill now pass ?

The yeas and nays were ordered and were as follows :

Yeas 50, }

Nays 9. }

The yeas were,

Messrs. Beal, Belknap, Bradley, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, of Johnson, Cooley, Dana, Davis, Dewey, Drummond, Edwards, Foster,

Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker.

The nays were

Messrs. Anthony, Ayers, Bauder, Bennett, Clune, Collins, Lundy, McCormick, Pierson.

The title of the bill was then agreed to.

Mr. Gue

Offered the following resolution,

Which was adopted.

*Resolved*, That the use of this House be tendered to Rev. Jas. Sanford, for religious service, next Sabbath, at 10 o'clock and 30 minutes A. M.

Mr. Beal introduced

House File No. 196, Joint Memorial, memorializing Congress to divert the grant of Lands made to the Territory of Iowa, for the improvement of the navigation of the Des Moines River, from its mouth to the Raccoon Fork, to the building of a Railroad from the Capitol of the State of Iowa, up the Des Moines River Valley, to the Territory of Minnesota,

Which was read a first and second time, and

On motion of Mr. Belknap,

Referred to the committee on the Des Moines River Improvement.

Mr. Beal introduced.

House File No. 197, A bill for an act allowing officers and soldiers raised for the purpose of protecting the frontiers, pay for horses lost in service, and their pay monthly in advance,

Which was read a first and second time, and

Was referred to the committee on Ways and Means.

Mr. Beal introduced

House File No. 198 A bill for an act repealing so much of chapter 175 of the acts of the sixth General Assembly of the State of Iowa, as authorizes the holding of District Courts in the counties of Boone and Green,

Which was read a first and second time, and

Referred to Committee on the Judiciary.

## BILLS ON THEIR THIRD READING.

Senate File No. 105, A bill for an act to legalize certain acts of James M. Berry, late County Judge of Linn County, Iowa, and certain other persons,

Was read a third time, and

On motion of Mr. Bates,

Re-committed to the Representative from Tama County, with instructions.

Senate File No. 106 A bill for an act for the relief of William D. Watrous, *et al*,

Was read a third time, and

Upon the question, shall the bill now pass,

The yeas and nays were ordered and were as follows :

Yeas 39, }

Nays 16, }

The yeas were,

Messrs. Anthony, Ayers, Bates, Beal, Belknap, Bradley, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Collins, Dana, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lundy, McCrary, McCormick, McGrew, Millard, Millsap, Morgan, Pierson, Randolph, Rankin, Scott, Sharp, Sprague, Steward, Streeter, Thompson, Trumbull, Waln, Watts.

The nays were

Messrs. Bander, Cassiday of Mahaska, Clune, Davis, Gray, Lambert, Mahony, Milliser, Mitchell, Moorman, Prentiss, Reitzel, Stearns, Wilson, Wright, Mr. Speaker.

The bill not having received the vote of two thirds of the members elect of the House of Representatives, was declared to be lost.

Mr. Jackson,

From the committee to whom was referred with instructions, Senate File No. 105—A bill for an act to legalize certain acts of James M. Berry, late County Judge of Linn County, Iowa, and several other persons,

Reported the same back with one amendment and recommended its passage,

On motion of Mr Bates,

The bill was laid on the table.

The House then adjourned.

WEDNESDAY MORNING,  
 FEBRUARY 24th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Jocelyn.

Journal read and approved.

#### PETITIONS PRESENTED.

Mr. Lundy

Presented the petition of citizens of Rochester, Cedar county, praying for the abolition of the office of County Judge, which,

Upon his motion,

Was withdrawn from the House, together with sundry other petitions on the same subject.

Mr. Jackson

Presented the petition of citizens of Marshall county, praying that certain Indians belonging to the Pottawattamie Tribe, might be allowed to remain in the State of Iowa,

Which was referred to a Select Committee.

The Speaker appointed

Messrs. Jackson, Carpenter and Cassaday of Van Buren, as said Committee.

Mr. Prentiss

Presented the following Protest, and demanded that it be entered upon the Journal :

#### PROTEST.

The undersigned, a member of the House of Representatives, avails himself of a privilege guaranteed by the Constitution, and acting upon considerations of a high public duty, presents this, his protest, against the action of the House of Representatives, in refusing to investigate the charges made against Mr. Thomas W. Claggett, Judge of the first Judicial District. The charges made against Mr. Claggett, came before this House of Representatives, by petitions of citizens of this State, mostly prefaced by the oaths of persons presenting them. Their petitions were referred to a committee for investigation with powers to send for persons and evidence. The committee, had the subject before them for some

time, when, without any examination into the facts, or the taking of any evidence, they reported against this House of Representatives taking any action upon the subject, which report was concurred in by this House.

The effect of the action of the House of Representatives upon this matter, is a decision that, although all the charges made against Mr. Claggett are true and susceptible of proof, that they are innocent in themselves and not obnoxious to censure or punishment, and that the citizens who have suffered from such acts are without remedy, and can have no redress.

From these petitions, it will be seen, that Mr. Claggett is charged under oath, with having required excessive bail from persons charged with an offence. That in refusing the bail he has acted wilfully, intentionally and oppressively, and by referring to the record of the Supreme Court, it will be found that, that that Court has decided in the very case referred to, that the bail was excessive. Here, then, is a charge of a wilful violation of the Constitution of the State.

It will also appear that Mr. Claggett is charged with wilfully denying bail to parties accused, when, under the Constitution and laws of the State they were entitled to bail. This is a wilful violation of the Constitution. It will also appear that whilst parties accused were at liberty upon bail, that Mr. Claggett, without exonerating that bail from liability or requiring further bail, refusing to entertain any application for bail, and by a mere parole decision, making no record whatever of the fact, ordered the accused to prison, and kept them in prison for several days, with the avowed purpose of punishing them before conviction, and before the case could be reviewed by the Supreme Court. In this, he clearly violated the Constitution of the State, and the most sacred rights of the citizen.

It also appears, that Mr. Claggett made an affidavit himself, before his own Clerk, swearing and charging that Mr. C. Dunham, the editor of the Hawkeye, had been guilty of a contempt of the Court, in certain publications made in the "Daily Hawkeye," a newspaper published by Mr. Dunham, in this manner he made oath himself in order to prove to himself that said Dunham had been guilty of a contempt, and then put Mr. Dunham on trial before himself upon the charge thus made. Thus was the accused

convicted by the oath of the Judge, before he was called upon to answer, the charge before his sworn accuser.

In this matter Mr. Claggett has, in the opinion of the undersigned, violated the Constitution, and in a most wanton and wicked manner perverted and abused all propriety of law, justice or common honesty.

It is also shown that Mr. Claggett has altered the oaths of jurors, and as it would seem for no other purpose than to make them subservient to his will.

These, and many other charges of a kindred character, have been presented to this House of Representatives by citizens of this State, of irreproachable character and integrity, and the House has virtually, and in fact denied them a hearing, and by such action approved of the conduct of the Judge, and sanctioned what cannot be denied to be palpable violation of law on the part of the Judge.

Believing that the acts of the Judge as charged in the petitions, if sustained by evidence, imperatively demanded the action of the House of Representatives, and that such charges ought not to receive the sanction of this body in any form whatever, and that the course pursued will have a tendency to license such outrages upon the Constitution and legal rights of the citizen, and bring the government into just contempt and reproach.

The undersigned, believing that it is the duty of the Government to protect the citizens from oppression and wrong, come from whatever source it may, cannot silently permit this body to lend its countenance or even tacit approval to outrages so great, on the part of a high Judicial Officer, and that if the facts charged in the petitions are true, they are sufficient to authorize and require this House to present articles of impeachment against Thomas W. Claggett.

The undersigned, believing that the action of the House of Representatives upon this subject is dangerous as a precedent, and wrong in principle—that there can be no excuse or palliation for passing over an investigation, and reporting to the citizens who presented their grievances in a respectful manner.

The undersigned, closes his duty upon this unpleasant subject, by entering his solemn protest against the acts of the House of Representatives in adopting and sanctioning the report of the committee, made upon the petitions presented and referred to them.

R. PRENTISS.



Mr. Gray

Presented the petition of citizens of Lansing, Allamakee county, praying for the passage of a law legalizing the official acts of the President and Council of the town of Lansing,

Which was referred to the committee on the Judiciary.

### BILLS ON THEIR THIRD READING.

Senate File No. 12, A bill for an act in relation to County Records,

Was read a third time, and upon the question shall the bill pass, The yeas and nays were demanded and were as follows :

Yeas 59, )

Nays 00. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Beal, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casaday of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Collins, Crawford, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Wright, Mr. Speaker—59.

The title of the bill was then agreed to.

Mr. Sprague,

From the Committee on Engrossed Bills, reported that the committee had examined the following bills and found the same correctly engrossed :

House File No. 143, A bill for an act establishing Boards of County Commissioners and prescribing their duties. Also,

Substitute for House File No. 73, A bill for an act to amend an act in relation to divorce and alimony.

Mr. Wright submitted the following report :

The committee on Enrolled Bills reported that they have presented to the Governor for his signature, the following bills :

House File No. 66, An act defining the crime and punishing the offence of making false entries of fines and fees on dockets of courts and otherwise, and of failing or neglecting to pay over such fines or fees according to law.

House File No. 115, An act entitled an act prescribing the manner of certifying acknowledgments in certain cases. And

House File No. 138, Joint Resolution to provide for the distribution of the Geological Reports.

WRIGHT, Chairman.

On motion of Mr. Harmon,

House File No. 22, A bill for an act to legalize the County Assessment of County Assessors in the several counties in the year 1857,

Was taken from the table and re-committed to the Committee on the Judiciary.

Senate File No. 104, A bill for an act regulating the mode of service of notice of Protest by Notaries Public,

Was read a third time, and upon the question shall the bill now pass,

The yeas and nays were demanded and were as follows :

Yeas 60, }

Nays 00, }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clune, Collins, Dana, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker—60.

The title of the bill was then agreed to.

On motion of Mr. Bates,

The vote by which the House refused to pass House File No. 106, A bill for an act for the relief of Wm. D. Watrous, et al., was reconsidered,

The question being upon the passage of the bill,

The yeas and nays were demanded and were as follows :

Yeas 59, }

Nays 3, }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett,

Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Collins, Crawford, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—59.

The nays were,

Messrs. Clune, Seevers and Prentiss—3.

Mr. Mahony

Moved to amend the title of the bill as follows :

A bill for an act entitled an act to amend and carry into effect an act, entitled an act to create a Board of Commissioners with authority to erect a Free Bridge across the Cedar River, at Cedar Rapids, in Linn county, approved January 25th, 1855.

The motion prevailed, and the bill was so amended.

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

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following named bills, in which the concurrence of the House is asked.

Senate File No. 64, A bill for an act to authorize the Dubuque and Pacific Rail Road Company to bridge the Mississippi River at Dubuque. Also

Senate File No. 100, A bill for an act to establish a Ferry and build a Bridge across the Missouri River on or near the forty-second parallel of North Latitude. Also

Senate File No. 128, A bill for an act explanatory of an act entitled an act to create the county of Humboldt, and locate the county seat thereof.

GEO. E. SPENCER,

Sec'y of Senate.

House File No. 73, A bill for an act to amend an act in relation to Divorce and Alimony,

Was read a third time, and

Upon the question, Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 43, }  
Nays 17. }

The yeas were,

Messrs. Anthony, Bates, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Collins, Dana, Dewey, Edwards, Foster, Gray, Grimes, Guiberson, Harmon, Johnson, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Steward, Street-er, Thompson, Trumbull, Waln, Wilson, Woodward, Wright.

The nays were

Messrs. Ayers, Bauder, Beal, Belknap, Bennett, Cassaday of Van Buren, Casady of Woodbury, Clune, Davis, Jackson, Lambert, Laney, Mahony, McCormick, Rankin, Scott, Watts.

The title of the bill was then agreed to.

House File No. 148, A bill for an act to amend an act entitled an act to amend an act entitled an act concerning Fences,

Was read a third time, and

On motion of Mr. Wright,

Re-committed to the committee on Agriculture, with instructions to report a general bill on the subject.

House File No. 143, A bill for an act establishing Boards of County Commissioners, and prescribing their duties,

Was read a third time.

Mr. Jackson

Moved to lay the bill on the table,

Which motion was not sustained.

Mr. Lundy

Moved to adjourn,

Which motion was lost.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 37, }  
Nays 31. }

The yeas were

Messrs. Anthony, Ayers, Bates, Cassaday of Van Buren, Cooley, Collins, Crawford, Davis, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, Lundy, Mahony, Millard, Milliser, Pierson, Prentiss, Rankin, Richardson, Scott, Sharp,

Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Wright.

The nays were,

Messrs. Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dana, Dewey, Edwards, Lambert, McCrary, McCormick, McGrew, Mitchell, Millsap, Moorman, Morgan, Randolph, Reitzel, SeEVERS, Sprague, Wilson, Mr. Speaker.

Mr. Wright

Moved to amend the title of the bill by adding the words, "in certain cases,"

Which motion was lost.

The question being to concur in the title of the bill,

The same was agreed to.

On motion of Mr. Woodward,

The House adjourned.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Jackson

The special order of business for this hour was postponed.

Mr. Foster

With previous notice, offered the following resolution :

*Resolved*, That Rule 14 be amended so as to read as follows :

"No member shall speak more than once, nor more than five minutes on the same question.

Mr. Trumbull

Moved to amend so as to prevent any discussion in the House,

Which motion was lost.

The question recurring upon the adoption of the resolution,

The yeas and nays were ordered and were as follows :

Yeas 27, )

Nays 40. }

The yeas were,

Messrs. Ayers, Belknap, Carpenter, Cassaday of Mahaska, Cooley, Collins, Foster, Grimes, Jackson, Mahony, McCrary, Mc-

Cormick, Mitchell, Moorman, Morgan, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns, Steward, Watts, Wilson, Woodward, Wright.

The nays were,

Messrs. Bates, Bauder, Beal, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Crawford, Curtis, Dana, Davis, Dewey, Dewa, Drummond, Edwards, Gray, Gue, Guiberberson, Harmon, Johnson, Lambert, Laney, Lundy, McGrew, Millard, Milliser, Millsap, Pierson, Prentiss, Sharp, Streeter, Thompson, Trumbull, Waln, Mr. Speaker.

Motion lost.

Message from the Senate, by their Secretary.

**MR. SPEAKER:**

I am directed to inform the House of Representatives that the Senate has concurred in the amendment made by the House to

Senate File No. 106, A bill for an act for the relief of Wm. D. Watrous, et al.

The Senate has also concurred in the amendment made by the House to Senate File No. 67, A bill for an act making further appropriation for the State Insane Asylum.

I am further directed to inform the House that the Senate has disagreed to the amendment made by the House to Senate File No. 12, A bill for an act in relation to county records, and the Senate has appointed a committee of conference, consisting of Senators Foster and Mann, to confer with a similar committee on the part of the House in relation to the matter in dispute between the two Houses.

I am also directed to inform the House of Representatives that the Senate has appointed Senators Foster, Pusey and McCoy, a committee to act in conjunction with the committee already appointed by the House, to re-district the State into Senatorial and Representative Districts.

**GEO. E. SPENCER,**  
Secretary Senate.

On motion of Mr. Clune,

The resolution offered by himself on yesterday, calling upon the Governor for information in relation to the appointment of agents by his predecessor to examine the books &c., of the several school fund commissioners of the State,

Was taken up and adopted.

Mr. Collins

Moved that the committee on Capitol Frauds, be permitted to employ a Clerk,

Which motion was agreed to.

### BILLS ON THEIR THIRD READING.

House File No. 165, A bill for an act to provide for the recording of certain instruments in writing belonging to the State,

Was read a third time, and

Upon the question, Shall the bill now pass ?

The yeas and nays were demanded, and were as follows :

Yeas 67—Nays none.

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward. Wright, Mr. Speaker—67.

The nays were none.

The title of the bill was then agreed to.

House File No. 159, Memorial to Congress for a grant of land for the support of agricultural colleges and scientific agriculture,

Was read a third time and passed.

The title of the same was then agreed to.

Senate File No. 62, Joint resolution for an appropriation for public buildings in Muscatine,

Was read a third time and passed.

The title of the same was then agreed to.

House File No. 114, A bill for an act allowing a bounty upon scalps of certain animals,

Was read a third time, and

Upon the question, Shall the bill now pass ?

The yeas and nays were ordered, and were as follows :

Yeas 51, }  
Nays 12. }

The yeas were,

Messrs. Ayers, Bates, Beal, Belknap, Campbell, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Guiberson, Jackson, Johnson, Laney, Lundy, McCrary, McCormick, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright—51.

The nays were,

Messrs. Bauder, Carpenter, Casady of Woodbury, Crawford, Dews, Gue, Harmon, Lambert, Mahony, Millard, Reitzel, Mr. Speaker—12.

The title of the bill was then agreed to

House File No. 104: A bill for an act making an appropriation for the Iowa Penitentiary,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 62, }  
Nays 3. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Crawford, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompon, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—62.

The nays were,

Messrs. Bennett, Clune, Curtis—3.

The title of the bill was then agreed to.

Senate File No. 80: A bill for an act defining the jurisdiction of Justices of the Peace in criminal cases,



Was read a third time, and  
 On motion of Mr. SeEVERS,  
 Laid upon the table.

House File No. 168: A bill for an act to amend section 1610 of the Code of Iowa,

Was read a third a time.

Mr. BATES

Moved to re-commit the bill to the committee on the Judiciary, with instructions to amend the same by striking out the word "white."

Upon which question,

The yeas and nays were ordered and were as follows:

Yeas 12, }  
 Nays 52. }

The yeas were,

Messrs. BATES, Dana, Dewey, Gue, Lundy, Moorman, Rankin, Richardson, Scott, Streeter, Trumbull, Waln—12.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Curtis, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Morgan, Pierson, Prentiss, Randolph, Reitzel, SeEVERS, Sharp, Sprague, Stearns, Steward, Thompson, Watts, Wilson, Woodward, Wright—52.

The motion to re-commit was lost.

Mr. PRENTISS

Moved to re-commit the bill to the committee on the Judiciary, with instructions to amend the same by striking out the word *male*,

Upon which question,

The yeas and nays were ordered and were as follows:

Yeas 26, }  
 Nays 40. }

The yeas were,

Messrs. Bauder, Collins, Crawford, Dana, Davis, Drummond, Edwards, Grimes, Gue, Johnson, Lambert, Lundy, McGrew, Millard, Milliser, Moorman, Morgan, Prentiss, Rankin, Scott, SeEVERS, Steward, Streeter, Thompson, Trumbull, Wright—26.

The nays were,

Messrs. Ayers, Bates, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Curtis, Dewey, Dews, Foster, Gray, Guiberson, Harmon, Jackson, Mahony, McCrary, McCormick, Mitchell, Millsap, Pierson, Randolph, Reitzel, Richardson, Sharp, Sprague, Stearns, Waln, Watts, Wilson, Woodward—40.

Motion to re-commit lost.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 42, )  
Nays 14. )

The yeas were,

Messrs. Ayers, Bauder, Beal, Belknap, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Cooley, Collins, Dana, Dewey, Edwards, Foster, Gray, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, Mahony, McCormick, McGrew, Millard, Mitchell, Moorman, Randolph, Rankin, Reitzel, Scott, Sprague, Stearns, Steward, Streeter, Wilson, Woodward, Wright—42.

The nays were,

Messrs. Bates, Bennett, Crawford, Dews, Grimes, Johnson, McCrary, Millsap, Prentiss, Seevers, Thompson, Trumbull, Waln—14.

The title of the bill was then agreed to.

House File No. 135: A bill to be entitled an act to define and punish common barrotry and maintenance,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 53, )  
Nays 7. )

The yeas were,

Messrs. Ayers, Bates, Beal, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Randolph,

Rankin, Reitzel, Richardson, Scott, Sprague, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Wright, Mr. Speaker—53.

The nays were,

Messrs. Clune, Cooley, Prentiss, Seevers, Sharp, Stearns, Wilson—7.

The title of the bill was then agreed to.

Substitute for House File No. 90: A bill for an act to repeal a part of section 1464 of the Code of Iowa,

Was read a third time, and upon the question

Shall the bill now pass?

The yeas and nays were demanded and were as follows:

Yeas 60, |

Nays 2. |

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Stearns, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—60.

The nays were,

Messrs. Prentiss and Sprague—2.

The title of the bill was then agreed to.

House File No. 125: "A bill for an act to amend section 1209 chapter 78 of the Code,"

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 64, |

Nays 1. |

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassiday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Col-

lins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—64.

Mr. Prentiss voted in the negative.

The title of the bill was then agreed to.

Substitute for House Files No. 69 and 155: A bill for an act regulating and defining the notice to be given in all cases of Judicial sales of property,

Was read a third time.

Mr. Cooley

Moved to re-commit the bill to the committee on the Judiciary, with instructions to amend the same by striking out all of section one but the enacting clause; also sections two and four, and insert after the word "sales," in the first line of section three, the words "on executions."

Which motion was lost.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 60, }  
Nays 5. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—60.

The nays were,

Messrs. Cooley, Prentiss, Richardson, Thompson, Trumbull—5.

The title of the bill was then agreed to.

On motion of Mr. Wilson

House File No. 135: A bill for an act to provide for the purity of elections,

Was taken from the table and referred to the committee on Elections.

On motion of Mr. Jackson

Senate substitute for House File No. 8: "A bill for an act to amend section 1848 of the Code of Iowa,

Was taken up, and upon the question of the adoption of the substitute

The yeas and nays were demanded and were as follows:

Yeas 54, )  
Nays 9. )

The yeas were,

Mesessrs. Ayers, Bates, Bander, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday, of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Dana, Dewey, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Mr. Speaker.

The nays were,

MesSrs. Anthony, Crawford, Dews, Gray, Johnson, Prentiss, Waln, Woodward, Wright.

The substitute was adopted.

Mr. Crawford moved to adjourn,

Which motion was lost.

On motion of Mr. Edwards,

House File No. 10, A bill for an act respecting claims,

Was taken up.

On motion of Mr. Mahony,

The House resolved itself into a committee of the whole, to consider the ssme,

Mr. Pierson in the chair.

At 5 o'clock and 30 minutes the committee rose and by their chairman reported the bill back to the House, with sundry amendments and recommended its passage.

The amendments were concurred in.

Mr. Bander

Moved to adjourn,  
Which motion was lost.

Mr. Cooley

Moved to amend the bill by adding the following additional section,

The Secretary of State shall cause this act to be once published in the Pella Gazette, Der Demokrat, Staats Zeitung, National Demokrat, National Eagle and Free Press, published in this State, and Der Emigranten, published in Madison, Wisconsin, at the expense of the State.

Mr. Clark of Des Moines,

Moved to amend the amendment by adding thereto the following :

Morning Herald, Boston Post, United States Gazette, Philadelphia Courier, New Orleans Delta, Louisville Journal and St. Louis Republican.

Which motion was lost.

The question recurring upon the motion to amend the bill,  
The yeas and nays were ordered and were as follows :

Yeas 8, }  
Nays 47. }

The yeas were,

Messrs. Bates, Bauder, Carpenter, Cooley, Curtis, Gue, Guiberson, Thompson—8.

The nays were,

Messrs. Ayers, Beal, Belknap, Bennett, Campbell, Cassaday of Van Buren, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Crawford, Dana, Davis, Dewey, Edwards, Foster, Gray, Lambert, Laney, Lundy, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seever, Sharp, Sprague, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—47.

On motion of Mr. Edwards,

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

Mr. Thompson

Presented the petitions of citizens of Davenport, praying the enactment of a law making sundry changes in the city Charter of said city,

Which upon his motion,

Was referred to the committee on the Judiciary.

Mr. Thompson, with leave, introduced

House File No. 199, A bill for an act to amend the Charter of the city of Davenport,

Which was read a first and second time by its title, and

On his motion,

Referred to the committee on the Judiciary.

On motion of Mr. Bauder,

The House then adjourned.

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THURSDAY MORNING, }  
FEBRUARY 25th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Jocelyn.

Journal read and approved.

#### PETITIONS PRESENTED.

Mr. Curtis

Presented the petition of John C. Donnell, praying for the passage of a special act to legalize his acts as Administrator of A. B. Donnell, late of Marion county, deceased,

Which was referred to the committee on the Judiciary.

Mr. Bennett

Presented the petition of citizens of Maupville, Marion county, asking for increased mail facilities,

Which was referred to the committee on Federal Relations.

Mr. Mitchell

Presented the petition of citizens of Jasper county, praying that the legal voters of the two counties be allowed to vote at the April Election, to attach a portion of Jasper county to Polk county,

Which was referred to the committee on Township and County Organizations.

Mr. Mitchell

Presented the petition of citizens of Warren county, remonstrating against the attachment of a portion of said county to the county of Polk,

Which was referred to the Committee on Township and County Organizations.

Mr. Edwards

Presented the petition of citizens of Lucas county, praying for the passage of an act authorizing the County Judge of said county, to erect a Court House in the town of Chariton, in said county,

Which was laid upon the table.

Mr. Gue

Presented the petition of citizens of Scott and Cedar counties, praying for the establishment of a State Road in said counties,

Which was referred to the committee on Roads and Highways.

Mr. Grimes

Presented the petition of citizens of Dubuque and Delaware counties, asking that a new county be formed out of portions of said counties,

Which was referred to the committee on New Counties.

Mr. Casady of Woodbury,

Presented the petition of citizens of Harrison county, asking the establishment of a State Road,

Which was referred to the committee on Roads and Highways.

Mr. Woodward

Presented the petition of citizens of Blackhawk county, praying the enactment of a law legalizing the establishment of a certain School District,

Which was referred to the committee on the Judiciary.

Mr. Drummond

Presented the petition of citizens of Benton and Buchanan counties, asking for the location of a State Road from Independence, in Buchanan county, to Vinton, in Benton county,

Which was laid upon the table.

Mr. Bennett

Presented the petition of citizens of Marion county, asking for the location of the Deaf and Dumb Asylum at or near Knoxville, in said county,

Which was referred to the Committee on Charitable Institutions.



**Mr. Wain**

Presented the petition of 120 citizens of Linn county, asking for the location of the Deaf and Dumb Asylum at or near the town of Mt. Vernon, in said county,

Which was referred to the Committee on Charitable Institutions.

**Mr. Foster**

Presented the petition of citizens of Poweshiek county, asking for a Railroad Charter,

Which was referred to the committee on Railroads, with instructions to report a general bill on the subject.

**Mr. Cassidy of Mahaska,**

Presented the petition of citizens of Mahaska county, remonstrating against the diversion of the Des Moines River Lands for Railroad purposes,

Which was referred to the committee on the Des Moines River Improvement.

**Mr. Streeter**

Presented the petition of citizens of Blackhawk and adjoining counties, asking for the establishment of a State Bank and Branches,

Which was referred to the committee on Banks and Banking.

**Mr. Anthony**

Presented the petition of James H. Mathews and 69 other citizens of Camanche, Clinton county, asking to have the limits of said city changed,

Which was referred to the committee on Incorporations.

**Mr. Dana**

Presented the petition of citizens of Jasper county, praying for increased mail facilities,

Which was referred to the committee on Federal Relations.

**Mr. Lambert**

Presented the petition of Thomas Sproull and 86 other citizens of Cass county, remonstrating against the dismemberment of said county,

Which was referred to the committee on New Counties.

**Mr. Belknap**

Presented the memorial of the Trustees and Faculty of the Iowa Medical College, asking for an appropriation of twenty thousand dollars to said Institution,

Which was referred to the committee on Ways and Means.

**Mr. Trumbull**

Presented the petition of certain citizens of School District No. 5, in Butler Township, Butler county, Iowa, asking for the passage of an act to legalize School District No. 5,

Which was referred to the committee on the Judiciary.

**Mr. Bennett**

Presented the petition of citizens of Marion county, remonstrating against the re-survey of a certain State Road therein named,

Which was laid upon the table.

**Mr. Wilson**

Presented the petition of the "Young Men's Association," of Clinton, Clinton county, asking for the passage of a resolution authorizing and directing the Secretary of State to forward to said Association, certain Books and documents,

Which was referred to the Committee on Ways and Means.

**Mr. Wilson**

Presented the petition of citizens, praying for the vacation of roads and highways, in pursuance of certain provisions of the Constitution,

Which was referred to the Committee on Federal Relations.

**Mr. Seevers**

Presented the petition of citizens, remonstrating against the diversion of the Des Moines River Lands for Railroad purposes,

Which was referred to the committee on the Des Moines River Improvement.

**Mr. Seevers**

Presented the petition of citizens of Mills county, asking for the appointment of a State Geographer and State Gazetteer,

Which was laid upon the table.

**Mr. Drummond**

Presented the petition of citizens of Benton county, praying for increased mail facilities,

Which was referred to the Committee on Federal Relations.

**Mr. Seevers**

Presented the petition of citizens of Hardin county asking for the location of the Deaf and Dumb Asylum, in said county,

Which was referred to the Committee on Ways and Means.

## RESOLUTIONS.

**Mr. Millard**

Offered the following resolution :

*Resolved*, (The Senate concurring therein) that the committee appointed to District the State for Senatorial and Representative purposes, be instructed to report by bill, providing for the same, and that in drafting said bill the following numbers shall be used as the ratios of Representation :

For Representatives, 6,000 ; for Senators, 15,000.

On motion of Mr. Seevers,

The Resolution was laid upon the table.

**Mr. Seevers**

Presented the petition of Stewart Goodrell and Guy Wells, in relation to frauds charged against the Commissioners in locating the Capital.

**Mr. Belknap**

Offered the following Resolution :

*Resolved*, That the Special Committee, to whom was referred the memorial relative to frauds on the part of the Commissioners locating the Capital, be instructed to inform the memorialists or their authorized agents, that the investigations will be discontinued unless specific charges signed by responsible parties are made against one or more of said Commissioners and presented to the House by Saturday morning next, at 10 o'clock, and that the commissioners against whom charges are not specifically made at that time, will be relieved from all suspicion and be considered entirely innocent of the charges made in the memorial heretofore presented to this House.

On motion of Mr. Mahony

The Resolution was laid upon the table.

**Mr. Mahony**

Moved that the House be now cleared of all persons except its members and officers, for the purpose of listening to the evidence already obtained by the committee appointed to investigate the manner of the re-location of the Capitol.

A division of the question was asked, and upon the motion that the Hall be now cleared of all persons except its officers and members,

The yeas and nays were demanded and were as follows :

Yeas 27, }  
Nays 40. }

The yeas were,

Messrs. Anthony, Bates, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Dews, Drummond, Foster, Gray, Grimes, Guiberson, Harmon, Laney, Mahony, McCormick, Millard, Milliser, Pierson, Streeter, Thompson, Trumbull, Waln, Woodward, Wright—27.

The nays were,

Messrs. Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Clark of Des Moines, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Edwards, Guc, Jackson, Johnson, Lambert, Lundy, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Sprague, Stearns, Steward, Wilson, Mr. Speaker—40.

Mr. Mahony,

With leave, withdrew his motion that the evidence taken before the committee be now read.

Mr. Seevers

Renewed the motion, which was agreed to.

Whereupon the evidence was produced and read to the House.

Mr. Seevers

Introduced the following resolution :

*Resolved*, That the investigating committee heretofore raised by this House, of which Mr. Collins is Chairman, be, and the same is hereby discharged.

Messrs. Mahony and Collins asked to be excused from voting upon the question of adopting the resolution,

And upon the motion to excuse them,

The yeas and nays were demanded and were as follows :

Yeas 56, }  
Nays 7. }

The yeas were,

Messrs. Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Crawford, Curtis, Davis, Dewey, Dews, Drummond, Foster, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson,

Lambert, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Scott, SeEVERS, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker—56.

The nays were,

Messrs. Cavanaugh, Clark of Johnson, Dana, Edwards, Milliser, Prentiss, Reitzel—7.

Upon the question of the adoption of the resolution,

The yeas and nays were demanded and were as follows:

Yeas 18, }  
Nays 45. }

The yeas were,

Messrs. Beal, Belknap, Crawford, Davis, Dewey, Lambert, McCrary, McCormick, Moorman, Randolph, Rankin, Reitzel, SeEVERS, Stearns, Steward, Wilson, Woodward, Wright—18.

The nays were,

Messrs. Bates, Bauder, Bennett, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Curtis, Dana, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, McGrew, Millard, Milliser, Mitchell, Millsap, Morgan, Pierson, Prentiss, Scott, Sprague, Streeter, Thompson, Trumbull, Waln, Mr. Speaker—45.

On motion of Mr. Mahony

The resolution offered by Mr. Belknap, in relation to the presentation of more specific charges,

Was taken from the table.

Mr. Edwards

Moved that the resolution be laid upon table.

Upon which question

The yeas and nays were demanded and were as follows:

Yeas 36, }  
Nays 32. }

The yeas were,

Messrs. Anthony, Bates, Bennett, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Laney, Lundy, Mahony, McCormick, McGrew, Millard, Milliser,

Morgan, Pierson, Prentiss, Scott, Thompson, Trumbull and Waln  
—36.

The nays were,

Messrs. Bauder, Beal, Beiknap, Bradley, Carpenter, Casey, Clark of Des Moines, Clark of Dubuque, Crawford, Dana, Davis, Dewey, Jackson, Johnson, Lambert, McCrary, Mitchell, Millsap, Moorman, Randolph, Rankin, Reitzel, Seevers, Sprague, Stearns, Steward, Streeter, Wilson, Woodward, Wright, Mr. Speaker—32.

On motion of Mr. Bradley

The House then adjourned.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Wright, with leave, introduced

House File No. 200: A bill for an act providing for the management of the School Fund and sale of the School Lands,

Which was read a first and second time by its title, and  
Referred to the committee on Schools and State University.

#### RESOLUTIONS.

Mr. Milliser

Offered the following resolution, which was adopted:

*Resolved*, That the committee on Roads and Highways is hereby requested at the earliest moment practicable, to present to this House a general law for laying out, establishing and vacating township roads.

Mr. Milliser

Offered the following resolution, which was adopted:

*Resolved*, That the committee on Township and County Organization is hereby requested to report a law for a more thorough and efficient township organization.

On motion of Mr. Wilson

The resolution heretofore offered by him in relation to changing the 4th Rule of this House,

Was taken up.

Mr. Clune

Moved to amend the resolution by striking out that part of the amendment having reference to evening sessions,

Upon which question

The yeas and nays were demanded and were as follows:

Yeas 16, }  
Nays 45. }

The yeas were,

Messrs. Bradley, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dana, Johnson, Milliser, Millsap, Pierson, Richardson, Thompson, Trumbull—16.

The nays were,

Messrs. Anthony, Bauder, Beal, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Clark of Des Moines, Cooley, Collins, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McCormick, Millard, Mitchell, Moorman, Morgan, Randolph, Rankin, Reitzel, Scott, Seever, Sprague, Stearns, Steward, Streeter, Waln, Wilson, Woodward, Wright, Mr. Speaker—46.

The motion to amend was lost.

Message from the Senate,

By their Secretary, Mr. Spencer:

MR. SPEAKER:

The Senate has passed bills of the following titles, viz:

Senate File No. 116: A bill for an act more fully defining the duties of executors.

Senate File No. 126: Joint Resolution to procure mail facilities.

Senate File No. 136: A bill for an act to legalize certain acts of the County Judges and County Clerks of Taylor county.

Senate File No. 137: Joint Resolution asking an increase of mail facilities.

Senate File No. 135: A bill for an act to amend an act fixing the times of holding courts in the 11th Judicial District, approved January 28th, A. D. 1858.

In all of which the concurrence of the House is asked.

I herewith present for your signature

Senate File No. 61: An act concerning the foreclosure of mortgages, and amendatory of chapter 118 of the Code. Also,

Senate File No. 67: An act making a further appropriation for the State Insane Asylum. Also,

Senate File No. 104: An act regulating the mode of service of notices of protest by Notaries Public.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEORGE E. SPENCER,  
Secretary Senate

Mr. Bradley

Moved to amend the resolution, so as to provide for a session upon each evening in the week except Sunday evening,

Upon which question,

The yeas and nays were ordered and were as follows:

Yeas 31, }

Nays 34. }

The yeas were,

Messrs. Bauder, Beal, Belknap, Bradley, Campbell, Carpenter, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dana, Drummond, Foster, Gray, Gue, Guiberson, Harmon, Jackson, Johnson, Millard, Milliser, Mitchell, Pierson, Randolph, Sprague, Thompson, Trumbull, Waln.

The nays were

Messrs. Anthony, Bates, Bennett, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Cooley, Davis, Dewey, Dews, Edwards, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millsap, Moorman, Morgan, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Stewart, Streeter, Wilson, Woodward, Wright and Mr. Speaker.

The motion to amend was not agreed to.

Mr. Bauder

Moved to amend the resolution so as to provide for evening sessions on each evening in the week, except Saturday and Sunday.

Upon which motion,

The yeas and nays were ordered and were as follows:

Yeas 24, }

Nays 41, }

The yeas were,

Messrs. Bauder, Bradley, Carpenter, Casey, Cassaday of Van Buren, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dana, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, Milliser, Mitchell, Sprague, Thompson, Waln.



The nays were

Messrs. Anthony, Bates, Beal, Belknap, Bennett, Campbell, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Cooley, Collins, Davis, Dewey, Dewa, Edwards, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Steward, Streeter, Trumbull, Wilson, Woodward, Wright, Mr. Speaker.

The motion to amend was lost.

Mr. Bauder

Moved to amend the resolution by striking out 9, and inserting "8½," and by striking out 2, and inserting "1½," and by striking out 7, and inserting "6½."

Mr. Mahony

Moved to lay the resolution and the amendments upon the table,

Which motion was agreed to.

The Speaker

Laid before the House the following communication :

THURSDAY, FEB. 25th, 1858, }  
2 o'clock, P. M. }

HON. S. B. SHELEDY,

*Speaker of the House of Representatives :*

SIR:—I have just received a communication from the House of Representatives, inviting me to address the members of the General Assembly, and citizens generally, on the subject of Education this evening, in the Hall of the House of Representatives.

I accept the invitation to speak on Education, at the time and place designated above.

Yours most obediently,

FREDERICK HUMPHREY.

On motion of Mr. Jackson,

The House resolved itself into a committee of the whole, to consider House File No. 141, A bill for an act authorizing the business of Banking in the State of Iowa.

At 4 o'clock the committee rose, and by their chairman, reported the bill back to the House with sundry amendments,

In which the concurrence of the House was asked.

On motion of Mr. Wilson,

Mr. Huff, Doorkeeper of the House was granted leave of absence.

On motion of Mr. Mahony,

House File No. 194, A bill for an act to provide for the payment of the State Revenue,

Was taken from the table, and

Referred to the committee on Ways and Means.

Mr. Foster,

Submitted the following report :

The committee on Engrossed Bills, report that they have examined House File No. 174, A bill for an act to prevent the obstructing of streams of water by dams or otherwise, against the passage of Fish. Also,

House Substitute for Senate File No. 70, A bill for an act to change the time of holding courts in the Fourth Judicial District, and find the same correctly engrossed.

On motion of Mr Clark of Johnson,

Substitute for Senate File No. 70, A bill for an act to change the time of holding courts in the 4th Judicial District, was taken up, and

Read a third time, and

Upon the question, shall the bill now pass,

The yeas and nays were ordered and were as follows :

Yeas 61, )

Nays 00. )

The yeas were

Messrs. Anthony, Bates, Beal, Belknap, Bennett, Bradley, Carpenter, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Dana, Davis, Dewey, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker.

The nays were none.

The title of the bill was then agreed to.

Mr. Bennett

From the select committee to whom was referred House File

No. 195, A bill for an act amending an act entitled an act for the suppression of Intemperance,

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

Mr. Clune

Submitted the following minority report :

The undersigned of the special committee to whom was referred a bill for an act amending an act entitled an act for the suppression of intemperance, respectfully submits the following minority report :

The undersigned believes that all sumptuary laws are contrary to sound policy, that they infringe upon individual rights, and that experience has shown that the prohibitory liquor law of this State has utterly failed to accomplish the ends sought to be effected by its enactment. The undersigned further reports that in his opinion, justice demands that all restrictions to the sale of native wine, cider and lager beer should be removed.

The undersigned recommends the passage of the bill without amendment.

W. HENRY CLUNE.

The question being upon concurring in the recommendation to indefinitely postpone the bill, made by the majority of the committee,

The yeas and nays were ordered and were as follows :

Yeas 35, }  
Nays 32. }

The yeas were,

Messrs. Anthony, Bennett, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Curtis, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Morgan, Randolph, Rankin, Reitzel, Richardson, Scott, Stearns, Steward, Streeter, Trumbull, Waln, Woodward, Wright, Mr. Speaker.

The nays were

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bradley, Campbell, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dews, Edwards, Gray, Harmon, Johnson, Laney, Mahony, McCormick, Milliser, Millsap, Moorman, Pierson, Prentiss, SeEVERS, Sprague, Thompson, Wilson.

The motion prevailed, and the bill was indefinitely postponed.

Mr. McCrary

Rose to a question of privilege, respecting reports made concerning omissions made in the reported testimony of persons examined before the committee on capitol frauds.

On motion,

Messrs. Sharp and Watts were granted leave of absence.

On motion of Mr. Clark of Dubuque,  
The House adjourned.

FRIDAY MORNING, }  
FEBRUARY 26, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Jocelyn.

Journal read and approved.

Mr. Wright

Submitted the following report :

The committee of the whole, to whom was referred House File No. 141: A bill for an act authorizing the business of banking in the State of Iowa, have had the same under consideration, and have authorized me to report the following amendments, and ask the concurrence of the House therein :

1st Amendment.—Add the word “dollars” to section seven.

2d Amendment.—Strike out of the 6th line of section eight the words “and the number of shares into which the same shall be divided,” and insert “which shall be divided into shares of one hundred dollars each.”

3d Amendment.—Strike out of the eighth and ninth lines of section 11 the words “the value of the property to be ascertained annually by the bank commissioners herein provided for.”

5th amendment.—Strike out of the seventh line of section 14 the word “each,” and insert “such.”

6th Amendment.—Insert after “notes,” in the 8th line of section 14, the word “outstanding.”

7th Amendment.—Strike out of the third line of section 16 the words “therein mentioned.”

8th Amendment.—Strike out of the first line of section 16 the words “to be,” and add on the said line the word “held.”

9th Amendment.—Strike out of the second line of section 16 the word “redemption,” and insert “security.”

10th Amendment.—Strike out of the third line of section 16 the words “is paid,” and insert “are redeemed as herein provided.”

11th Amendment.—Strike out of the first line of section 17 the words “to be provided,” and insert “which may be furnished.”

12th Amendment.—Strike out of the fourth line of section 18 the word “misdemeanor,” and insert “felony.”

13th amendment.—Insert after “every,” in the first line of section 19 the words “banker or.”

14th Amendment.—Strike out of the fourth line of section 19 the words “evidence of.”

15th Amendment.—Insert before “demand,” in the fifth line of section 19, the word “such,” and strike out “made” after ‘demand.’

16th Amendment.—Strike out “association” wherever it occurs in the sixth and seventh lines of section 19, and insert “bank.”

17th Amendment.—Strike out “any,” in the eight line of section 19, and insert “the,” and insert after “association” in said line, the words “or bank.”

18th Amendment.—Strike out “association” wherever it occurs in section 20, and insert “bank.”

19th Amendment.—Strike out of the third line of section 20 the words “and conducted,” and insert “provided that such place of business shall be located in a town or village containing at least two hundred and fifty inhabitants.”

20th Amendment.—Insert after “its” in the third line of section 22, the word “specie:” and insert after “deposits,” in said line, the words “in specie.”

21st Amendment.—Strike out the words “for the security of depositors,” in the third line of section 22, and insert “and the same proportion of other deposits.”

22d Amendment.—Strike out of the first line of section 22 the words “twenty-five,” and insert “thirty-three.”

24th Amendment.—Add to section 22 the words “but no such association or individual banker shall pay any interest on current deposits.”

25th Amendment.—Insert after “secure,” in the first line of section 23, the words “from any bank or banking association organized under this act.”

26th Amendment.—Insert after “such,” in the first line of section 25, the words “bank or banking.”

27th Amendment.—Strike out of the third line of section 28 the word “ten,” and insert “nine.”

28th Amendment.—Insert after “Receivers,” in the 27th line of section 28, the words “who shall reside in the county in which the bank is situated.”

29th Amendment.—Add to the fourth subdivision of section 28, the following: “If the Auditor shall not proceed to wind up the affairs of such corporation on the reception and filing by him of the protest aforesaid, the holder or owner of such protested note shall have such rights at law and equity against his debtor according to the laws of this State.”

30th Amendment.—in the first line of Section 31, after the word association, insert “together with a statement of the amount of stocks by them owned and their residences.”

31st Amendment.—Strike out all of section 36.

32d Amendment.—Strike out of the 3d subdivision of Section 28, the words “and the date and amount of each bill or note discounted, and when the same was made payable,” and insert “and the aggregate amount of bills and notes discounted.”

33d Amendment.—Add to the fifth subdivision of section 28, the following: And the amount loaned to directors and stockholders of such Bank.

34th Amendment.—Insert as section 40, the following, “Every officer, agent or clerk of any incorporation authorized by this act who shall wilfully and knowingly subscribe or make any false statements or entries in the books of such incorporation, or shall knowingly subscribe or exhibit false papers, with the intent to deceive any person authorized to examine as to the condition of such incorporation, or shall wilfully or knowingly subscribe or make false reports, shall be deemed guilty of felony, and upon conviction thereof shall be fined not exceeding ten thousand dollars, and be imprisoned in the States Prison not less than two nor more than fourteen years, and be forever after rendered incapable of holding any office created by this act.

35th Amendment.—Strike out section 42, and insert the follow-

ing: " Any association or Banker doing business under the provisions of this act, shall not be authorized to discount paper at a greater rate than at 8 per cent. per annum, and in the computation of time, thirty days shall be a month, and twelve months a year.

36th Amendment.—Strike out the 6th line of section 42, the word or, after " Sabbath," and in the 7th line of said section the words " or on" after " Christmas," " day " after " New Years," " on" before " Thanksgiving," and in the 8th line of said section, strike out previous, and insert "following."

37th Amendment.—Strike out of the 11th line of section 42, the word " respective."

38th Amendment.—Strike out of the 25th line of section 42, the words " in secession."

39th Amendment.—Strike out section 43, 44 and 45, all except the 16th and 17th lines.

On motion of Mr. Jackson

The report was laid upon the table.

## REPORTS OF COMMITTEES.

Mr. Thompson

Submitted the following report :

The committee on the Judiciary to whom was referred House File No. 198, An act repealing so much of Chapter 175 of the acts of the Sixth General Assembly of the State of Iowa, as authorizes the holding of the District Courts in the counties of Boone and Greene, having had the same under consideration, report the same back and ask to be discharged from the further consideration thereof, and recommend the reference of the same to a committee of the delegation from the Judicial District in which said counties lie, for the reason that the object of the bill involves only matters of local convenience and accommodation, and not law.

The report of the committee was concurred in, and the reference made.

Mr. Thompson

Submitted the following report :

The Judiciary Committee to whom was referred Senate Files No. 113 and 118, Bills in relation to the collection of taxes, &c., having had the same under consideration, instruct me to report

the same back, and ask to be discharged from the consideration thereof.

Also, that the committee were unable to make any recommendation, for the reason that no facts connected therewith appear on the face of the bills, nor are any in the possession of the committee, other than appear by the bills.

COM. ON THE JUDICIARY,  
Per THOMPSON.

The report was concurred in, and

On motion of Mr. Bradley,

The bills were laid upon the table.

Mr. Thompson

Submitted the following report :

The Judiciary committee to whom was referred House File No. 95, An act to provide for the punishment of the crime of willful and malicious oppression, having had the same under consideration, instruct me to report the same back with the accompanying substitute, and recommend the adoption and passage of the substitute.

The report was concurred in, and

The substitute ordered to be engrossed, and read a third time on to-morrow.

Mr. Clark of Dubuque,

From the committee on the Judiciary, to whom was referred Senate File No. 120, A bill for an act to give additional security to land titles in this State,

Reported the same back to the House with the recommendation that the second section thereof be stricken out, and thus amended, recommended its passage.

The report was concurred in, and the bill ordered to be read a third time on to-morrow.

Mr. Seevers,

From the committee on the Judiciary, to whom was referred House File No. 199, A bill for an act to amend the charter of the city of Davenport,

Reported the same back to the House with sundry amendments, and as amended, recommended its passage.

The report was concurred in, and

The bill ordered to be engrossed, and read a third time on to-morrow.



Mr. Wilson,

From the committee on Ways and Means to whom was referred House File No. 197, A bill for an act allowing officers and soldiers raised for the purpose of protecting the frontiers, pay<sup>c</sup> for horses lost in service, and their pay monthly in advance,

Reported the same back to the House without amendment, and recommended that the further consideration of the same be indefinitely postponed.

Upon the question of concurring in the report of the committee,

The yeas and nays were demanded and were as follows :

Yeas 38, )  
Nays 28. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Bradley, Carpenter, Campbell, Cassiday, of Mahaska, Clark of Des Moines, Cooley, Collins, Curtis, Drummond, Grimes, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Streeter, Trumbull, Wilson, Woodward, Wright, Mr. Speaker.

The nays were,

Messrs. Bauder, Beal, Bennett, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dana, Davis, Dewey, Dewes, Foster, Gray, Gue, Guiberson, Johnson, Laney, Millard, Milliser, Pierson, Sprague, Steward, Thompson, Waln.

The motion prevailed, and the bill was indefinitely postponed.

Mr. SeEVERS

Submitted the following report :

The committee on the Judiciary to whom was referred Senate File No. 101, A bill for an act providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing, have had the same under consideration, and have directed me to report the same back with sundry amendments, and recommend its passage.

The report of the committee was concurred in, and

On motion of Mr. SeEVERS,

The bill was read a third time, and

Upon the question, Shall the bill now pass ?

The yeas and nays were demanded, and were as follows :

Yeas 61, }  
Nays 1. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Carpenter, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dana, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sprague, Stearns, Steward, Streetter, Thompson, Trumbull, Waln, Wilson, Woodward, and Mr. Speaker

Mr. Cooley voted in the negative.

The title of the bill was then agreed to.

Mr. Clark of Dubuque,

From the committee on the Judiciary to whom was referred Senate substitute for House File No. 4, A bill for an act entitled an act to give greater security to purchasers and mortgagees of Real Estate,

Reported the same back to the House with the following amendments :

Strike out of the 9th line of section 2d, the words " and elsewhere," and " strike out the last section of the bill," and thus amended, recommended its passage.

The amendments were concurred in.

On motion of Mr. Clark of Dubuque,

The bill was read a third time, and

Upon the question,

Shall the bill now pass ?

The yeas and nays were ordered and were as follows :

Yeas 40, }  
Nays 20. }

The yeas were

Messrs. Anthony, Beal, Bradley, Cassaday of Van Buren, Casady of Woodbury, Cassaday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Curtis, Dana, Davis, Gray, Grimes, Gue, Harmon, Johnson,

Lambert, Mahony, McCrary, McGrew, Mitchell, Millsap, Pierson, Randolph, Richardson, Scott, SeEVERS, Spragne, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Woodward, Mr. Speaker.

The nays were,

Messrs. Bauder, Belknap, Bennett, Carpenter, Cooley, Dewey, Dews, Drummond, Edwards, Foster, Guiberson, Jackson, Moor-  
man, Morgan, Prentiss, Rankin, Reitzel, Wilson, Wright.

Mr. Wright

Moved to amend the title of the bill by striking out the words, "entitled an act."

Which motion was agreed to.

Message from the Senate, by their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has added Mr. Stewart to the Joint committee appointed to re-district the State into Senatorial and Representative Districts.

GEO. E. SPENCER,  
Sec'y of Senate

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has amended House substitute for Senate File No. 70, and ask the concurrence of the House in the same.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Thompson

Submitted the following report:

The committee on the Judiciary to whom was referred substitute for Senate File No. 77, An act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk, having had the same under consideration, instruct me to report the same back amended as follows, to wit:

Strike out after the word Dubuque in the 21st line of section 4, the words, "A term shall be held at Council Bluffs, where causes from the following counties shall be heard, to wit: Fremont, Mills, Pottawattamie, Harrison, Monona, Woodbury, Plymouth, Cherokee, Ida, Crawford, Shelby, Cass, Adams, Page and Taylor; the words Council Bluffs, in 30th line of same section, the words Council Bluffs, in 15th line of 5th section, and the words Council

Bluffs, in the 9th section. When thus amended, recommend its passage.

Mr. Cooley

Moved a call of the House,

Which motion being sustained, the clerk proceeded to call the roll,

When Mr. Bates was found to be absent and unexcused.

On motion of Mr. Beal,

Further proceedings under the call were suspended.

Upon the question of concurring in the report of the committee,

The yeas and nays were ordered and were as follows :

Yeas 38, }

Nays 30. }

The yeas were,

Messrs. Bates, Belknap, Bradley, Carpenter, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dewey, Drummond, Edwards, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Laney, Millsap, Morgan, Randolph, Richardson, Scott, Sprague, Steward, Streeter, Thompson, Trumbull, Wain, Woodward, Wright, Mr. Speaker.

The nays were,

Messrs. Anthony, Ayers, Bauder, Beal, Bennett, Campbell, Cassidy of Woodbury, Cassiday of Mahaska, Curtis, Dana, Davis, Dews, Foster, Guiberson, Lambert, Lundy, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Moorman, Pierson, Prentiss, Rankin, Reitzel, Seevers, Stearns, Wilson.

The motion prevailed, and the report of the committee was concurred in.

Mr. Jackson

Moved to re-commit the bill to the committee on the Judiciary, with instructions to provide for but a single term of the Court on the Mississippi River.

Mr. Edwards

Moved to lay the motion on the table,

Upon which question

The yeas and nays were ordered and were as follows :

Yeas 36, }

Nays 31. }

The yeas were,

Messrs. Beal, Belknap, Bennett, Bradley, Carpenter, Casey, Cav.

anagh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Dewey, Drummond, Edwards, Foster, Gray, Gue, Harmon, Johnson, Mahony, Milliser, Millsap, Pierson, Prentiss, Randolph, Richardson, Scott, Sprague, Thompson, Trumbull, Woodward—36.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Casady of Woodbury, Cassiday of Mahaska, Davis, Dews, Grimes, Guiberson, Jackson, Lambert, Lancy, Lundy, McCrary, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Rankin, Reitzel, Seevers, Stearns, Steward, Streeter, Waln, Wilson, Wright—31.

The motion to lay the motion on the table prevailed.

On motion of Mr. Mahony

The bill was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 34, }  
Nays 34. }

The yeas were,

Messrs. Bates, Beal, Belknap, Bradley, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dewey, Drummond, Edwards, Gray, Grimes, Gue, Harmon, Johnson, Lancy, Mahony, Milliser, Millsap, Richardson, Scott, Sprague, Steward, Streeter, Thompson, Trumbull, Woodward, Wright—34.

The nays were,

Messrs. Anthony, Ayers, Bauder, Bennett, Campbell, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Curtis, Dana, Davis, Dews, Foster, Guiberson, Jackson, Lambert, Lundy, McCrary, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Seevers, Stearns, Waln, Watts, Wilson, Mr. Speaker—34.

The bill not having received a constitutional majority, was declared to be lost.

Mr. Casady, of Woodbury,

Moved to adjourn,

Which motion was lost.

Mr. Trumbull introduced

House File No. 201: A bill for an act requiring county printing to be done in the county paper having the largest circulation,

Which was read a first and second time by its title.

Mr. Bauder

Moved to lay the bill upon the table,

Which motion was lost.

On motion of Mr. Trumbull

The bill was referred to the committee on Ways and Means.

Mr. Clune

Moved to adjourn.

Upon which question

The yeas and nays were ordered and were as follows:

Yeas 23, )

Nays 45. )

The yeas were,

Messrs. Bauder, Bennett, Bradley, Clark of Dubuque, Clune, Crawford, Curtis, Dewey, Foster, Johnson, Laney, Mahony, McCrary, Milliser, Mitchell, Millsap, Morgan, Randolph, Rankin, SeEVERS, Sprague, Steward, Trumbull, Mr. Speaker—23.

The nays were,

Messrs. Anthony, Ayers, Bates, Beal, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Dana, Davis, Dews, Drummond, Edwards, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCormick, McGrew, Millard, Moorman, Pierson, Prentiss, Reitzel, Richardson, Scott, Stearns, Streeter, Thompson, Waln, Wilson, Woodward, Wright—45.

The motion was lost.

Mr. Dana,

From the committee on Enrolled Bills, reported that the committee had examined House substitute for Senate File No. 31: A bill for an act fixing the terms of court in the Third Judicial District, and find the same correctly enrolled.

Mr. Clark, of Dubuque,

Moved that the use of this Hall be tendered to Prof. Moore for the purpose of delivering a lecture therein to-night,

Which motion was agreed to.

Mr. Collins introduced

House File No. 202: A bill for an act in relation to estrays,

Which were read a first and second time by its title, and

Referred to the committee on Agriculture.

On motion of Mr. Bennett

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

### REPORTS OF COMMITTEES.

**Mr. Thompson**

Submitted the following report :

The committee on Schools and State University, to whom was referred petitions and remonstrances of citizens of Washington township, in Dubuque county, and Otter Creek township, in Jackson county, praying for and remonstrating against the repeal of an act erecting School District No. 5, composed of parts of said townships, having had the same under consideration, instruct me to report the same back and recommend that no further action be taken, the matters involved being disposed of in a general law matured by a joint committee of the committees on Schools, &c., of the two Houses of the General Assembly, and reported to and now under discussion in the other branch.

The report was concurred in.

**Mr. Thompson**

Also submitted the following report :

The committee on Schools and State University, to whom was referred House File No. 13, and also Senate File No. 41: Bills to erect certain School Districts, having had the same under consideration, instruct me to report the same back and recommend their indefinite postponement.

And further, that the committee did not come to this conclusion on the merits of the bills themselves, but for the reason that the joint committee of the committees of each branch of the General Assembly, on the subject of Schools and State University, have matured a general law, which has been reported to and is now under discussion in the other branch of the General Assembly, and

that by the provisions of said general law, the objects of these bills are provided for and disposed of.

Committee on Schools and State University,  
THOMPSON, Chairman.

The report of the committee was concurred in.

Mr. Randolph,

From the committee on Public Lands, to whom was referred House File No. 179: A bill for an act to enable certain counties to pre-empt and purchase that portion of the 500,000 grant upon which the county seats of said counties are located,

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

On motion

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

Mr. Mahony

Submitted the following report:

*To the House of Representatives:*

The Committee on Commerce, to whom was referred House File No. 185, "A bill for an act to authorize forwarding and commission merchants and others to sell unclaimed goods," have had the same under consideration, and have instructed me to report that, in their opinion, there is a want of such a law as that contemplated to be enacted by the bill under consideration. They are not aware that there is any existing law in this State which authorizes the sale of unclaimed goods, or of goods uncalled for, on which freights and charges may be unpaid by their owners. Your committee are of opinion that the authority and sanction of law should be given, as contemplated in this bill, to forwarding and commission merchants, express companies, and other common carriers, to sell goods on which the freight and charges have been advanced by them, if such freight and charges be not paid within a reasonable time, which should be specified by law. But while entertaining this opinion, your committee think that the authority to sell and dispose of such goods should be qualified by such further statutory enactments as would protect, as much as possible, under the circumstances, the rights and interests of the owners of such goods, by prescribing the manner in which such sale should be made; and by providing further, that whatever sum of money over and above the legitimate charges upon such goods may be



realized upon such sale, should be placed in some safe place to the credit of the owner.

Taking all these matters into consideration, your committee have prepared several amendments to the bill under consideration, recommending their adoption, and the bill being so amended, they recommend its passage.

The amendments are as follows: Strike out the second and third sections of the bill, and insert sections 2, 3, 4, 5 and 6, as herewith submitted.

Also insert an additional (eighth) section.

All of which is respectfully submitted.

D. A. MAHONY.

The report was concurred in.

M. Gray

Moved to fill the first blank in section eight of the bill with the word "one."

Which motion was agreed to.

Mr. Waln

Moved to fill the second blank in the same section with the word "five."

Mr. Anthony

Moved to amend by filling the blank with the word "ten."

Which motion was adopted.

Mr. Wilson

Moved to amend the bill further by adding to the end of the eighth section the words, "without interest."

Which motion was agreed to.

On motion of Mr. McCrary,

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

Mr. Lambert

From the select committee, to whom was referred House File No. 88, A bill for an act to enable the several counties in this State to sell and dispose of their swamp and overflowed lands, and disburse the proceeds arising therefrom,

Reported a substitute therefor and recommended its adoption.

The substitute was adopted.

Mr. Drummond

Moved to commit the same to the committee on Township and County Organizations,

Which motion was not agreed to.

Mr. Harmon

Moved to refer the bill to the committee on Public Lands.

Which motion prevailed.

Mr. Lambert,

From a select committee, to whom was referred House File No. 198, A bill for an act repealing so much of Chapter 175 of the acts of the sixth General Assembly of the State of Iowa, as authorize the holding of the District Court in the counties of Boone and Greene,

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

On motion,

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

Mr. Lambert,

From the committee to whom was referred Senate File No. 68, A bill for an act to authorize the counties to use the swamp lands to aid in the construction of Railroads,

Reported the same back to the House with three additional sections thereto, in which the concurrence of the House was asked.

Mr. Harmon

Moved to lay the bill upon the table,

Upon which question,

The yeas and nays were ordered and were as follows :

Yeas 31, }

Nays 34.

The yeas were

Messrs. Anthony, Bennett, Campbell, Cassidy, of Mahaska, Crawford, Curtis, Dana, Dews, Gray, Guiberson, Harmon, Johnson, Lundy, Mahony, McCormick, McGrew, Millard, Milliser, Millsap, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Stearns, Steward, Streeter, Trumbull, Waln, Wright—31.

The nays were,

Messrs. Bauder, Beal, Belknap, Bradley, Carpenter, Casey, Casaday, of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark, of Johnson, Clune, Cooley, Collins, Davis, Dewey, Edwards, Foster, Grimes, Gue, Lambert, Laney, McCrary, Mitchell, Moorman, Randolph, Scott, SeEVERS, Sprague, Thompson, Woodward, Mr. Speaker—34.

The motion to lay the bill on the table was lost.

The question being on concurring in the report of the committee,

The same was agreed to.

Mr. Harmon

Moved to postpone the further consideration of the bill for one week,

Upon which question,

The yeas and nays were ordered and were as follows :

Yeas 32, }

Nays 34. }

The yeas were,

Messrs. Anthony, Bennett, Bradley, Campbell, Crawford, Curtis, Dana, Dews, Gray, Grimes, Guiberson, Harmon, Johnson, Lundy, Mahony, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Steward, Streeter, Trumbull, Wright—32.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Carpenter, Casey, Casaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clunc, Cooley, Collins, Davis, Dewey, Edwards, Foster, Jackson, Lambert, Laney, McCrary, Moorman, Scott, SeEVERS, Sprague, Stearns, Wilson, Woodward, Mr. Speaker—34.

The motion was lost.

Mr. Prentiss

Moved to re-commit the bill to the select committee with instructions.

Which motion was lost.

Mr. Harmon

Moved to commit the bill to the committee on Public Lands,

Upon which question,

The yeas and nays were ordered, and were as follows :

Yeas 31, }

Nays 35. }

The yeas were,

Messrs. Anthony, Bennett, Bradley, Crawford, Curtis, Dana, Dews, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Streeter, Trumbull, Waln, Wright—31.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Davis, Dewey, Drummond, Edwards, Foster, Gue, Lambert, Laney, Milliser, Moorman, Randolph, Scott, Seevers, Sprague, Stearns, Thompson, Wilson, Woodward and Mr. Speaker—35.

The motion was lost.

On motion of Mr. Edwards,

The bill was read a third time,

And upon the question shall the same now pass,

The yeas and nays were demanded and were as follows :

Yeas 38, }

Nays 28, }

The yeas were,

Messrs. Ayers, Bauder, Beal, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Davis, Dewey, Drummond, Edwards, Foster, Gue, Jackson, Lambert, Laney, McCrary, McCormick, Milliser, Mitchell, Moorman, Pierson, Randolph, Seevers, Sprague, Thompson, Waln, Wilson, Woodward, Mr. Speaker—38.

The nays were,

Messrs. Bennett, Bradley, Crawford, Curtis, Dana, Dews, Gray, Grimes, Guiberson, Harmon, Johnson, Lundy, Mahony, McGrew, Millard, Millsap, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Stearns, Steward, Trumbull, Wright—28.

The motion prevailed.

Mr. Lambert

Moved to amend the title of the bill by adding thereto the words, "and County Seminaries,"

Which motion was agreed to.

Mr. Clune

Moved to reconsider the vote by which the bill was passed.

Mr. Clune

Moved to lay the motion to re-consider on the table.

Mr. Mahony

Moved that the House adjourn,

Which motion was not agreed to.

The question recurring upon the motion to lay the motion to re-consider on the table,

The yeas and nays were demanded and were as follows :

Yeas 31, )

Nays 35. }

The yeas were,

Messrs. Ayers, Bauder, Beal, Belknap, Carpenter, Casey, Casaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Davis, Dewey, Drummond, Edwards, Foster, Gue, Lambert, Laney, McCrary, McCormick, Moorman, Pierson, Randolph, SeEVERS, Sprague, Thompson, Wilson, Woodward—31.

The nays were,

Messrs. Anthony, Bennett, Bradley, Campbell, Casaday of Woodbury, Cassiday of Mahaska, Crawford, Curtis, Dana, Dews, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Lundy, Mahony, McGrew, Millard, Milliser, Mitchell, Millsap, Morgan, Prentiss, Rankin, Reitzel, Scott, Stearns, Steward, Streeter, Trumbull, Waln, Wright, Mr. Speaker—35.

The House refused to lay the motion on the table.

Pending the motion to re-consider the vote by which the bill passed,

On motion of Mr. Mahony,

The House adjourned.

SATURDAY MORNING, }  
FEBRUARY 27th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Jocelyn.

Journal read and approved.

The question recurring upon the motion to re-consider the vote by which Senate File No. 68, A bill for an act to authorize the counties to use the swamp lands to aid in the construction of Railroads was passed,

Mr. Curtis

Moved a call of the House, which motion being sustained,  
The Clerk proceeded to call the roll, when the following named gentlemen were found to be absent and unexcused :

Messrs. Campbell, Cassaday of Van Buren, Clark of Dubuque, Dana, Jackson, Lundy, Waln.

On motion of Mr. Mahony

Further proceedings under the call were suspended.

The question recurring upon the motion to reconsider,

The yeas and nays were ordered and were as follows :

Yeas 36, )

Nays 30. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Bennett, Bradley, Cassaday of Van Buren, Cassiday of Mahaska, Clark of Dubuque, Cooley, Crawford, Curtis, Dews, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lundy, Mahony, McCormick, McGrew, Millard, Millsap, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Stearns, Steward, Streeter, Trumbull, Wright—36.

The nays were,

Messrs. Bauder, Beal, Belknap, Carpenter, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Collins, Davis, Dewey, Drummond, Edwards, Foster, Lambert, Laney, McCrary, Milliser, Mitchell, Moorman, Pierson, Randolph, Seevers, Sprague, Thompson, Wilson, Woodward, Mr. Speaker—30.

The motion to reconsider prevailed.

Mr. Cooley

Moved to lay the bill upon the table.

Upon which question

The yeas and nays were ordered and were as follows :

Yeas 34, {

Nays 33. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bradley, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Dubuque, Cooley, Crawford, Dews, Drummond, Gray, Grimes, Harmon, Jackson, Johnson, Mahony, McCormick, McGrew, Millard, Millsap, Morgan, Rankin, Reitzel, Richardson, Scott, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Wright—34.

The nays were,

Messrs. Bauder, Beal, Belknap, Bennett, Carpenter, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Collins, Curtis, Davis, Dewey, Edwards, Foster, Gue, Guiberson, Lambert, Laney, Lundy, McCrary, Milliser, Mitchell, Moorman, Pierson, Prentiss, Randolph, Seevers, Sprague, Wilson, Woodward, Mr. Speaker—33.

The motion prevailed and the bill was laid upon the table.

Mr. Stearns,

From the select committee to whom was referred Senate File No. 86, A bill for an act to legalize the assessment of taxes in Clayton county,

Reported a substitute therefor, and recommended its passage.

The report of the committee was concurred in, the substitute adopted, and

Referred to the committee on the Judiciary.

Message from his Excellency the Governor, by his private Secretary Mr. Withrow :

EXECUTIVE CHAMBER, IOWA, }  
DES MOINES, February 27th, 1858. }

*To the Speaker and*

*Gentlemen of the House of Representatives :*

I have caused such records and documents as could be found at the capitol, bearing upon the inquiry propounded in your resolution relating to the arms received of the General Government by the State of Iowa, and the condition and disposition of the same, to be examined, without being able to obtain that complete information you desire. These records and documents consist only in the bonds filed in the office of Secretary of State by the independent military companies; but, as in some instances companies received no arms after depositing their bonds, these are not conclusive evidence even of the number and description of arms issued to said companies. I am informed by the Commissary General, that there is a considerable quantity of military stores at Ft. Dodge, at which place they were deposited by the late Adjutant General, during the Indian troubles in the Northwest, in the spring of 1856. I have no information as to the precise character of these stores, but have been assured that they have been kept in good condition since their deposit at that point. It is proper to say in this connection, that the Adjutant General resides away from the capitol, and I have had no opportunity since the communication

of your resolution, to examine the records in his office. I have called his attention to your inquiries, and will communicate to your honorable body any information touching the same which may come into my possession prior to your adjournment.

RALPH P. LOWE.

Mr. Prentiss,

From the special committee to whom was referred the petition and bill of citizens of Muscatine and Louisa counties, praying for the passage of an act authorizing the County Judges of Muscatine and Louisa counties to levy a tax upon certain lands on Muscatine Island and the borders of the Muscatine slough, reported House File No. 203, A bill for an act to provide for levying a tax on certain land, to complete and keep in repair a levee on Muscatine Island, and for the election of a levee commissioner to superintend the same,

Which was read a first and second time, and

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

Mr. Jackson,

From the select committee to whom was referred the petition of citizens of Marshall county, in relation to allowing certain Indians to remain in said county, reported House File No. 204: A bill for an act to permit certain Indians to remain in the State,

Which was read a first and second time, and

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

Mr. Lambert,

From the select committee to whom was referred House File No. 193: A bill for an act to repeal a part of section 12 of chapter 156 in relation to Swamp Lands,

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

On motion of Mr. Clark, of Johnson,

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

Mr. Dana was granted leave of absence.

Mr. Thompson

Submitted the following report:

The select committee to whom was referred House Files No's 33 and 94, and memorial of the Board of Trade of the city ofavenport, having had the same under consideration, instruct me to report the same back with House File No. 94, amended by striking



out the last section, and recommend that House File No. 33 be indefinitely postponed, and further, your committee are satisfied that the prayer of the memorialists ought to be granted, and that House File No. 94, as amended, will meet the desire of the memorialists, your committee therefore recommend that said bill, as amended, pass.

THOMPSON, Chairman.

The report of the committee was concurred in, and

House File No. 33: A bill for an act amendatory to an act entitled an act to regulate the interest on money, approved January 20th, 1853,

Was indefinitely postponed.

Mr. Thompson

Moved that House File No. 94: A bill for an act to repeal chapter 37 of the acts of the Fourth General Assembly, and to re-enact such portions of said chapter 57, title 13 of the Code, as was repealed thereby,

Be engrossed and read a third time on to-morrow.

Mr. Wright

Moved to re-commit the bill to the committee on the Judiciary, with instructions to so amend the same as to provide that "judgments and decrees shall bear the same interest as the contract on which they are founded."

Which motion was lost.

The question recurring upon the motion to have the bill engrossed and read a third time,

The yeas and nays were demanded and were as follows:

Yeas 17, }  
Nays 46. }

The yeas were,

Messrs. Bennett, Carpenter, Clark of Johnson, Collins, Curtis, Gray, Gue, Guiberson, Mahony, Mitchell, Millsap, Stearns, Thompson, Woodward, Wright, Mr. Speaker—17.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bradley, Campbell, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Crawford, Davis, Dewey, Dews, Drummond, Edwards, Foster, Grimes, Harmon, Jackson, Johnson, Lambert, Lundy, McCrary, McCormick, Millard, Miliser, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin,

Reitzel, Richardson, Seevers, Sprague, Steward, Streeter, Trumbull, Waln and Wilson—46.

The motion was lost.

Message from the Senate, by their Secretary.

MR. SPEAKER:

I herewith present for your signature

Senate File No. 106: An act entitled an act to amend and carry into effect an act entitled an act to create a Board of Commissioners with authority to erect a free bridge across the Cedar River at Cedar Rapids, in Linn county, approved January 25th, 1855. Also

Senate File No. 98: Joint Resolution authorizing the Commissioners to conform the laws of the State to the Constitution, and report to the present session of the Legislature the same: also, to prepare a code of civil and criminal procedure and revise the laws, and report the same at such time as the Legislature may designate. Also,

Senate substitute for House File No. 8: An act to amend chapter 84 of the laws of 1853, entitled "an act to amend section 1848 of the Code of Iowa," approved January 24th, 1853. Also,

Senate File No. 62: Joint Resolution for appropriation for public buildings in Muscatine.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEO. E. SPENCER,  
Secretary Senate.

### BILLS INTRODUCED.

Mr. McCrary introduced

House File No. 205: A bill for an act to amend Chapter 80 of the Code of Iowa,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Foster,

From the committee on Engrossed Bills, reported that the committee had examined House File No. 10: A bill for an act respecting claims, and found the same correctly engrossed.

Mr. Wright,

From the committee on Enrolled Bills, reported that the committee had presented to the Governor, for his signature, House

File No. 31: A bill for an act fixing the terms of Court in the Third Judicial District.

Mr. SeEVERS introduced

House File No. 206: A bill for an act fixing compensation of future General Assemblies,

Which was read a first and second time.

On motion of Mr. MAHONY

The bill was considered as engrossed and read a third time, and upon the question, Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 57, )

Nays 1. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Cooley, Collins, Crawford, Curtis, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, SeEVERS, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Wilson, Woodward, Wright, Mr. Speaker—57.

Mr. MILLISER voted in the negative.

The bill was passed, when the title of the same was agreed to.

Mr. WOODWARD introduced

House File No. 207: A bill for an act to amend section two of an act entitled an act to change the name of New Haven, in Buchanan county,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. BEAL introduced

House File No. 208: A bill for an act to authorize the Register of the Land Office and Governor of Iowa to issue patents to the purchasers of Des Moines River Improvement Lands,

Which was read a first and second time, and

Referred to the committee on Public Lands.

Mr. GRIMES introduced

House File No. 209: A bill for an act in relation to new counties, and changing the boundaries thereof,

Which was read a first and second time, and

Laid upon the table and ordered to be printed for the use of the House.

Mr. Milliser introduced

House File No. 210, A bill for an act providing for an additional Justice of the Peace in Union Township, Davis county, Iowa,

Which was read a first and second time, and ordered to be engrossed and read a third time to morrow.

Mr. Carpenter introduced

House File No. 211, A bill for an act to confirm the division of the rights and liabilities of the county of Webster since its division,

Which was read a first and second time, and

Referred to the committee on Railroads.

Mr. Dewey introduced

House File No. 212, A bill for an act providing for an early publication of the laws and for other purposes,

Which was read a first and second time, and

Referred to the Committee on Ways and Means.

Mr. Mahony introduced

House File No. 213, A bill for an act relating to the giving of notice in newspapers,

Which was read a first and second time.

Mr. Cooley

Moved to refer the bill to the Committee on the Judiciary,

Which motion was lost.

On motion of Mr. Mahony,

The bill was referred to the Committee on Ways and Means.

Mr. Milliser introduced

House File No. 214, A bill for an act regulating jurors and juror's fees,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Dewey introduced

House File No. 215, A bill for an act to authorize County Judges to subscribe for newspapers,

Which was read a first and second time.

Mr. Drummond

Moved to amend the bill so as to provide that the County Judge should also subscribe for one copy of each paper published in the county,

Which motion was agreed to.

On motion of Mr. Mahony,

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

Mr. Drummond introduced

House File No. 216, A bill for an act to attach the counties of Worth and Hancock to the county of Cerro Gordo, for certain purposes,

Which was read a first and second time and ordered to be engrossed and read a third time to-morrow.

Mr. Bates introduced

House File No. 217, A bill for an act authorizing School Districts to subscribe for the Voice of Iowa,

Which was read a first and second time, and

Referred to the committee on Schools and State University.

Mr. Dewey introduced

House File No. 218, A bill for an act to regulate the weight of Hungarian Grass seed,

Which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Anthony introduced

House File No. 219, A bill for an act relating to the crime of placing obstructions on Railroad tracks, or removing any rail therefrom, or committing any injuries to Railroads in this State,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Anthony introduced

House File No. 220, A bill for an act relating to the taxation of Railroads,

Which was read a first and second time, and

Referred to the committee on Ways and Means.

Mr. Carpenter introduced

House File No. 221, Joint Resolution asking increased mail facilities,

Which was read a first and second time, and

Referred to the Committee on Federal Relations.

Mr. Carpenter also introduced

House File No. 222, Joint Resolution to procure increased mail facilities,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

Mr. Carpenter also introduced

House File No. 223, Memorial and Joint Resolution asking Congress for a grant of land to aid in the construction of a Railroad from Ft. Dodge to Sioux Falls,

Which was read a first and second time, and

Referred to the committee on Railroads.

Mr. Davis introduced

House File No. 224, A bill for an act to legalize the assessment of property in Page county, for the year 1857, and to authorize the collection of taxes thereon,

Which was read a first and second time, and ordered to be engrossed and read a third time on to-morrow.

Mr. Dana also introduced

House File No. 225, A bill for an act to amend Section 106, Chapter 15 of the Code of Iowa,

Which was read a first and second time, and ordered to be engrossed and read a third time on Monday.

Mr. Casady of Woodbury,

Moved to take from the table Senate File No. 118, A bill for an act to legalize the acts of certain School Officers in Monona Co.,

Which motion was not agreed to.

Mr. Dews, with leave,

Presented the petition of Charles Grant and others, citizens of Fremont county, praying for the establishment of a Ferry across the Missouri river, at a certain point in said county,

Which was referred to the committee on Incorporations.

Mr. Dews introduced

House File No. 226, A bill for an act to regulate the compensation of District Attorneys,

Which was read a first and second time, and

Referred to the committee on the Judiciary, with instructions.

Mr. Dews also introduced

House File No. 227, A bill for an act to regulate the service of original notices,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Edwards

Offered the following resolution, which was adopted.

*Resolved*, That the use of this Hall be tendered to the Rev. Mr.

Cook, on to-morrow, at half past 3 o'clock p. m., for Religious Service.

Mr. Dewey introduced

House File No. 228, A bill for an act to amend Section 2333 of the Code,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Substitute for Senate File No. 70, A bill for an act fixing the time of holding courts in the 4th Judicial District, together with the amendment of the Senate thereto,

Was taken up and the amendment concurred in.

Senate File No. 12, A bill for an act in relation to County Records.

Was taken up, the Senate having refused to concur in the amendments made thereto by the House.

Mr. Wilson,

Moved that the House insist upon the amendments, and that a committee to confer with a similar committee on the part of the Senate, in relation to the disagreement between the two Houses,

Which motion was agreed to.

The Chair appointed

Messrs. Wilson, Clune and Harmon said committee.

Mr. Milliser

Offered the following resolution :

*Resolved*, That C. E. Millard and J. C. Curtis be added on the part of the House to the Joint Committee appointed to apportion the State into Representative and Senatorial Districts.

Mr. Jackson

Offered the following substitute :

*Resolved*, That two members of this House be added to the Joint Committee to re-district the State into Senatorial and Representative Districts.

Upon the question of the adoption of the substitute,

Mr. Milliser demanded the yeas and nays, which were as follows :

Yeas 44, )

Nays 21. )

The yeas were,

Messrs. Bates, Bradley, Carpenter, Cassiday of Mahaska, Clark of Dubuque, Cooley, Collins, Crawford, Curtis, Davis, Dewey

Drummond, Foster, Gray, Grimes, Gue, Jackson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker—44.

The nays were,

Messrs. Anthony, Bauder, Beal, Belknap, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Dews, Edwards, Guiberson, Harmon, Johnson, McCormick, Milliser, Millsap, Pierson, Sprague—21.

The substitute was adopted.

Mr. Milliser

Moved to amend the resolution by inserting the names of Messrs. Millard and Clark of Dubuque.

Mr. Drummond

Moved to amend the motion by striking out the names of Messrs. Milliser and Clark of Dubuque, and insert in lieu thereof, the names of Messrs. Bates and Bradley.

The amendment was not agreed to.

The question recurring upon the motion to amend by inserting the names of Messrs. Millard and Clark of Dubuque,

It was agreed to.

The question now being upon the adoption of the resolution as amended,

Mr. Bradley demanded the yeas and nays, which were as follows :

Yeas 29, }  
Nays 33. }

The yeas were,

Messrs. Anthony, Bauder, Beal, Belknap, Bradley, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Crawford, Curtis, Davis, Dews, Edwards, Gray, Guiberson, Harmon, Johnson, Laney, Mahony, McCormick, Milliser, Millsap, Pierson, Sprague and Mr. Speaker—29.

The nays were,

Messrs. Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dewey, Drummond, Foster, Grimes, Gue, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns,



Steward, Streeter, Trumbull, Wahn, Wilson, Woodward, Wright—  
33.

The resolution was not adopted.  
Whereupon, the House adjourned.

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TWO O'CLOCK. P. M.

The House met pursuant to adjournment.

BILLS ON FIRST READING.

Senate File No. 128, A bill for an act explanatory of an act entitled an act to create the county of Humboldt, and locate the county seat thereof,

Was read a first and second time, and

Referred to the committee on New Counties.

Senate File No. 135, A bill for an act to amend an act fixing the times of holding courts in the 11th Judicial District, approved January 22d, 1858,

Was read a first and second time, and

Referred to the delegation from Polk and Dallas counties.

Message from the Senate, by their Secretary:

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the amendments made by the House to the following named bills:

Senate File No. 101, A bill for an act providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing.

Senate substitute for House File No. 4, A bill for an act to give greater security to purchasers and mortgagees of real estate.

GEORGE E. SPENCER,

Secretary Senate

Senate File No. 64, A bill for an act to authorize the Dubuque and Pacific Railroad Company to bridge the Mississippi River at Dubuque,

Was read a first and second time, and

Referred to the committee on the Judiciary.

Senate File No. 100, A bill for an act to establish a ferry and build a bridge across the Missouri river, on or near the forty-second parallel of North Latitude,

Was read a first and second time, and

Referred to the committee on the Judiciary.

Substitute for Senate File No. 53, A bill for an act relating to delinquent taxes,

Was read a third time, and

Referred to the committee on Ways and Means.

Senate File No. 125, A bill for an act to repeal an act establishing a School District in Van Buren township, Van Buren county,

Was read a first and second time,

Mr. McCrary

Moved to refer the bill to the committee on the Judiciary,

Which motion was lost.

Mr. Prentiss

Moved that the bill be read a third time on Monday next,

Which motion was lost.

On motion of Mr. Cassaday of Van Buren,

The bill was read a third time, and

Upon the question, Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 38, }

Nays 23. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Cooley, Collins, Crawford, Dews, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, McCormick, McGrew, Millard, Milliser, Moorman, Pierson, Prentiss, Sprague, Steward, Thompson, Trumbull, Waln, Wilson, Woodward.

The nays were

Messrs. Anthony, Carpenter, Cassiday of Mahaska, Clark of Johnson, Clune, Curtis, Davis, Foster, Gray, Jackson, Mahony, McCrary, Millsap, Morgan, Randolph, Rankin, Reitzel, Scott, SeEVERS, Stearns, Wright, Mr. Speaker.

The title of the bill was then agreed to.

Senate File No. 123, Joint Resolution in favor of, and instructing our Senators, and requesting our Representatives in Congress

to vote for a bill granting a homestead to the actual settlers on Public Lands,

Was read a third time and passed,

When the title of the same was agreed to.

Senate File No. 137, Joint Resolution asking an increase of mail facilities,

Was read a first and second time, and

Referred to the committee on Federal Relations.

Senate File No. 126, Joint Resolution to procure mail facilities,

Was read a first and second time, and

Referred to the committee on Federal Relations.

Senate File No. 116, A bill for an act more fully defining the duties of Executors,

Was read a first and second time, and

Referred to committee on the Judiciary.

Senate File No. 136, A bill for an act to legalize certain acts of the county Judges and county Clerks of Taylor county,

Was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Edwards

Offered the following resolution,

*Resolved*, That the House of Representatives refuse to concur in the action of the Senate in appointing Mr. Stewart on the joint committee to re-district the State for Senatorial and Representative purposes, and that the Clerk inform the Senate of the adoption of this resolution.

Mr. Seevers

Moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof the following :

*Resolved*, That C. E. Millard be appointed as a member of the committee on Apportionment.

Mr. Drummond

Moved to amend the amendment by adding the name of Mr. Dews,

Which motion was agreed to.

The question recurring upon the amendment as amended,

The yeas and nays were demanded by Mr. Milliser and were as follows :

Yeas 36, }  
Nays 27, }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bradley, Casey, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Drummond, Gray, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Mahony, McCrary, McCormick, Milliser, Millsap, Pierson, Sprague, Thompson, Woodward, Wright, Mr. Speaker.

The nays were

Messrs. Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Davis, Dewey, Edwards, Foster, Grimes, Jackson, Lundy, McGrew, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, and Wilson.

The motion prevailed.

Upon the adoption of the Resolution as amended by Mr. Bradley,

The yeas and nays were ordered and were as follows :

Yeas 33, }  
Nays 30. {

The yeas were,

Messrs. Ayers, Bauder, Beal, Belknap, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Drummond, Gray, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Mahony, McCormick, Milliser, Millsap, Pierson, Sprague, Thompson, Woodward.

The nays were

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Collins, Davis, Dewey, Edwards, Foster, Grimes, Jackson, Lundy, McCrary, McGrew, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Wilson, Wright, Mr. Speaker.

The resolution was adopted.

#### BILLS ON THEIR THIRD READING.

Substitute for House File No. 10, A bill for an act respecting Claims,

Was read a third time, and

Upon the question, shall the bill now pass ?

The yeas and nays were ordered and were as follows :

Yeas 58, }  
Nays 00. }

The yeas were

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Sprague, Stearns, Steward, Streetter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker.

The nays were none.

The title of the bill was then agreed to.

House File No. 174, A bill for an act to prevent the obstructing of streams of water by dams or otherwise, against the passage of Fish,

Was read a third time, and

On motion of Mr. Seevers,

Laid on the table.

Mr. Crawford

Moved to adjourn,

Which motion was lost.

Senate File No. 120, A bill for an act to give additional security to land titles in this State,

Was read a third time, and

Upon the question, shall the same now pass ?

The yeas and nays were demanded and were as follows :

Yeas 48, }  
Nays 11. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Curtis, Davis, Dewey, Dews, Foster, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Lambert, Mahony, McCrary, McCor-

mick, McGrew, Milliser, Millsap, Pierson, Randolph, Rankin, Scott, Seevers, Sprague, Starns, Steward, Streeter, Thompson, Trumbull, Waln—48.

The nays were,

Messrs. Anthony, Drummond, Edwards, Gue, Millard, Moorman, Morgan, Prentiss, Reitzel, Wilson, Woodward—11.

The bill passed, when the title of the same was agreed to.

On motion of Mr. Jackson

Substitute for House File No. 102: A bill for an act to provide for the payment of certain claims against townships,

Was taken from the table and adopted.

On motion of Mr. Wright

The same was re-committed to the committee on the Judiciary.

Mr. Wilson

Offered the following concurrent resolution, which was adopted:

*Resolved*, (The Senate concurring,) That in the distribution of the Geological Reports, as provided by resolution of this Assembly, the following only shall be considered State officers, to whom such distribution shall be made, viz: The Secretary, Auditor and Treasurer of State, Superintendent of Public Instruction, Register of State Land Office, Judges of the Supreme Court, Attorney General and Commissioner of Des Moines River Improvement.

On motion of Mr. Mahony

House File No. 176: A bill for an act to re-organize the County Court, and to define its duties and jurisdiction,

Was taken from the table.

On motion of Mr. Mahony

The House adjourned.

MONDAY MORNING, }  
MARCH 1st, 1858. . }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Peet.

Journal read in part, when,

On motion of Mr. Woodward,  
The further reading was dispensed with.

Message from the Senate,  
By their Secretary, Mr. Spencer :

MR. SPEAKER :

I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, viz :

Substitute for Senate File No. 122: A bill for an act to provide for the apportionment of the interest on the School Fund for the year 1858, and to legalize the apportionment of said interest made by James D. Eads for the year 1857.

Senate File No. 132: A bill for an act requiring Sheriffs to keep a record of levies of writs of attachment and executions from foreign counties.

Senate File No. 146: Joint Resolution to procure additional mail facilities between Oskaloosa and Council Bluffs via. Knoxville, Indianola and Winterset.

I herewith return House File No. 159: Memorial to Congress for a grant of land for the support of Agricultural Colleges and Scientific Agriculture,

The same having passed the Senate without amendment.

I also return House File No. 143: A bill for an act establishing Boards of County Commissioners and prescribing their duties.

Also, substitute for House File No. 124: A bill for an act to confer on townships the right of electing additional Justices of the Peace, the further consideration of which has been indefinitely postponed by the Senate.

GEORGE. E. SPENCER,  
Secretary Senate.

## PETITIONS.

Mr. Grimes

Presented the petition of citizens of Hopkinson, Delaware Co., asking for the location of a State road from Hopkinson to Vinton, in Benton county,

Which was referred to the committee on Roads and Highways.

On motion of Mr. Drummond

House File No. 144: A bill for an act concerning county records:

Also, House File No. 145: A bill for an act prescribing the duties of county treasurers,

Were taken from the table.

Mr. Drummond

Moved that the House resolve itself into a committee of the whole to consider the same,

Which motion was not agreed to.

On motion of Mr. Mahony

The bill was referred to the committee on the Judiciary.

On motion of Mr. Mahony

House File No. 176: A bill for an act to re-organize the county Court, and to define its duties and jurisdiction,

Was taken up.

On motion of Mr. Mahony

The bill, together with all other bills on the subject of county organization, were referred to a select committee.

The Speaker appointed

Messrs. Mahony, Seevers, Curtis, Edwards and Drummond said committee.

Mr. Withrow, Private Secretary to the Governor, presented to the House a communication in writing from his Excellency, Governor Lowe, in response to the resolution of the House asking for information respecting the appointment of commissioners appointed to examine the books, vouchers, &c., of the various School Fund Commissioners.

Mr. Seevers

Offered the following resolution, which was adopted:

*Resolved*, That the Attorney General be requested to give an opinion to this House immediately whether or not it is in the power of the General Assembly to legislate the County Judges out of office previous to October, 1859, or change their duties and provide for an election in October, 1858.

Mr. Steward

Presented the petition of citizens of Jones county, praying for the passage of a relief law,

Which was laid upon the table.

Mr. Streeter

Presented the petition of citizens of Webster county, remonstrating against any change in the boundaries of said county.

Which was referred to the committee on New Counties.



Mr. Cooley

Presented the petition of citizens of Boone county, asking that said county be attached to the 13th Judicial District until the 15th day of January, 1859,

Which was laid upon the table.

Mr. Carpenter

Presented the petition of citizens of Webster county, remonstrating against any change in the boundaries of said county,

Which was referred to the committee on New Counties.

Mr. Anthony

Presented the petition of citizens of Clinton county, praying for the passage of an act changing the manner of assessments of real and personal property,

Which was referred to the committee on Ways and Means.

## RESOLUTIONS.

Mr. Curtis

Offered the following resolution, which was adopted :

*Resolved*, That the committee for districting the State into Judicial Districts be instructed to report a bill therefor at the earliest practicable moment.

Mr. Curtis

Offered the following resolution, which was adopted :

*Resolved*, That the joint committee on apportionment of Senators and Representatives be requested to report a bill therefor at the earliest practicable moment.

Mr. Drummond

Moved to take from the table the resolution relative to the adjournments and meetings of the House, together with the amendments thereto,

Which motion was agreed to.

Mr. Curtis

Moved a call of the House,

Which motion being sustained, the Clerk proceeded to call the roll.

Mr. Woodward

Moved that the proceedings under the call be suspended,

Which motion was lost.

The call of the roll proceeded, when the following named members were found to be absent and unexcused:

Messrs. Bennett, Gue, Guiberson and Wright.

Messrs. Bennett and Pierson were excused.

On motion of Mr. Seevers

Further proceedings under the call were suspended.

The question recurring upon the amendment offered to the resolution changing the hours for the meeting and adjournment of the House, it was agreed to.

The motion recurring upon the adoption of the resolution,

The yeas and nays were ordered and were as follows:

Yeas 41, }

Nays 24. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Carpenter, Cooley, Collins, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Seevers, Sprague, Stearns, Steward, Streeter, Waln, Wilson, Woodward, Wright, Mr. Speaker—41.

The nays were,

Messrs. Bates, Bradley, Campbell, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Guiberson, Johnson, Laney, McCormick, Milliser, Millsap, Richardson, Scott, Thompson, Trumbull—24.

The resolution was adopted.

Mr. Milliser offered the following resolution:

*Resolved*, That no member of this House shall be allowed to speak more than five minutes on any question, nor more than once on the same question.

Mr. Drummond

Moved to amend the resolution by striking out the word "once" and inserting in lieu thereof the word "twice."

Mr. Lambert

Moved to lay the motion to amend on the table,

Upon which question

The yeas and nays were ordered and were as follows:

Yeas 24, }

Nays 38. }

The yeas were,

Messrs. Bates, Bauder, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Davis, Dews, Gray, Guiberson, Johnson, Lambert, Laney, Millard, Mitchell, Millsap, Prentiss, Thompson, Trumbull, Wilson, Woodward, Wright, Mr. Speaker—24.

The nays were,

Messrs. Anthony, Ayers, Beal, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Cooley, Collins, Dewey, Drummond, Edwards, Foster, Harmon, Jackson, Lundy, Mahony, McCrary, McCormick, McGrew, Milliser, Moorman, Morgan, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sprague, Steward, Streeter, Waln—38.

The resolution was laid over for one day under the Rule of the House.

Mr. Beal

Offered the following resolution :

*Resolved*, That the Governor be requested to communicate to the House the information His Excellency acted upon in ordering the Company into service, raised by this General Assembly, for the protection of the frontier.

The resolution was laid over for one day under the Rule of the House.

Mr. Harmon

Offered the following Resolution :

*Resolved*, That the State Printer be directed to furnish each of the members of this House with 50 copies of the New Constitution of the State of Iowa.

On motion of Mr. Bates,

The Resolution was laid upon the table.

Mr. Mahony

Offered the following resolution, which was adopted :

*Resolved*, That the Secretary of State be requested to distribute the Census Report in his possession, among the members of this House, reserving one hundred copies for the State Library.

## REPORTS OF COMMITTEES.

Mr. Wilson,

From the committee on Ways and Means, to whom was refer-

red substitute for Senate File No. 53, A bill for an act relating to delinquent taxes for 1857,

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

**Mr. Seevers**

Moved that the bill be indefinitely postponed.

**Mr. Wright**

Moved to amend the bill by striking out of the same "15," and inserting in lieu thereof, "25."

Which motion was lost.

**Mr. Jackson**

Moved to amend by striking out "15," and inserting in lieu thereof, "10."

**Mr. Harmon**

Moved to amend the amendment by adding thereto the following:

"That all persons indebted to this State, for any State, County, School or Road Tax that is now delinquent on any real or personal property, shall be required to pay but ten per cent per annum on the amount, until paid, as provided for in this act."

The motion to amend the amendment was not agreed to.

The question recurring upon the motion to amend the bill by striking out "15," and inserting in lieu thereof, "10,"

The yeas and nays were demanded and were as follows:

Yeas 29, }

Nays 32. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bradley, Campbell, Cassaday of Van Buren, Cavanaugh, Crawford, Curtis, Davis, Dews, Gue, Guiberson, Jackson, Johnson, Laney, McCormick, Millard, Mitchell, Millsap, Prentiss, Rankin, Reitzel, Seevers, Thompson, Trumbull, Waln—29.

The nays were,

Messrs. Ayers, Carpenter, Casaday of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Harmon, Lambert, Lundy, Mahony, McCrary, McGrew, Milliser, Moorman, Morgan, Randolph, Richardson, Scott, Stearns, Steward, Streeter, Woodward, Wright, Mr. Speaker—32.

The amendment was not agreed to.

The question recurring upon the motion to indefinitely postpone the bill,

The yeas and nays were ordered and were as follows :

Yeas 20, }

Nays 39.

The yeas were

Messrs. Anthony, Ayers, Bauder, Carpenter, Cassaday, of Van Buren, Davis, Foster, Gray, Harmon, Lambert, McGrew, Millard, Moorman, Morgan, Seevers, Stearns, Wilson, Woodward, Wright—20.

The nays were,

Messrs. Bates, Beal, Belknap, Bradley, Campbell, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark, of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dewey, Dews, Edwards, Grimes, Gue, Guiberson, Jackson, Johnson, Mahony, McCrary, McCormick, Milliser, Mitchell, Millsap, Prentiss, Randolph, Rankin, Reitzel, Scott, Steward, Streeter, Thompson, Trumbull, Waln and Mr. Speaker—39.

The motion to indefinitely postpone was lost.

Mr. Wright

Submitted the following report :

The committee on Enrolled Bills report that they have examined the following bills and find them correctly enrolled :

House substitute for Senate substitute for Senate File No. 70, An act to change the time of holding courts in the Fourth Judicial District.

House File No. 159, Memorial to Congress for a grant of land for the support of Agricultural Colleges and Scientific Agriculture.

WRIGHT, Chairman.

On motion of Mr. Harmon,

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Substitute for Senate File No. 53, A bill for an act relating to delinquent taxes, being under consideration,

Mr. Foster

Offered the following amendment thereto :

Insert after the words "eighteen hundred and fifty-eight," the following: Provided, that this act shall not be construed to extend to County, School and Road Taxes.

The amendment was not agreed to.

Mr. Wright

Moved to amend the bill by striking out of the first Section the words "and personal;" also strike out the second and third Sections.

The amendment was not concurred in.

Mr. Edwards

Moved the previous question,

Which motion was not sustained by the House.

The question recurring upon the third reading of the bill, the same was agreed to,

And upon the question shall the bill now pass,

The yeas and nays were ordered and were as follows:

Yeas 29,

Nays 34.

The yeas were,

Messrs. Beal, Bradley, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dewey, Drummond, Edwards, Gue, Guiberson, Jackson, Johnson, Lancy, Mahony, McCrary, Milliser, Millsap, Prentiss, Randolph, Rankin, Reitzel, Scott, Steward, Thompson, Trumbull, Waln—29.

The nays were,

Messrs. Anthony, Ayers, Bauder, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cooley, Collins, Davis, Dews, Foster, Gray, Grimes, Harmon, Lambert, Lundy, McCormick, McGrew, Millard, Moorman, Morgan, Richardson, Seevers, Sprague, Stearns, Streeter, Wilson, Woodward, Wright, Mr. Speaker—34.

The bill was lost.

Mr. Jackson

Moved to suspend the regular order of business, and take up House File No. 141, A bill for an act to authorize the business of Banking in the State of Iowa,

Which motion was lost.

Mr. Seevers,

From the committee on the Judiciary, to whom was referred

House File No. 226, A bill for an act to regulate the compensation of District Attorneys,

Reported a substitute therefor, and recommended its adoption.

The substitute was adopted.

Mr. Edwards

Moved to amend the bill by striking out the words "twelve hundred," and inserting in lieu thereof the words, "one thousand."

Upon which question,

The yeas and nays were ordered, and were as follows:

Yeas 29, }

Nays 33. }

The yeas were,

Messrs. Anthony, Bander, Campbell, Cassaday of Van Buren, Cassiday of Mahaska, Curtis, Davis, Dews, Edwards, Gray, Grimes, Gue, Guiberson, Harmon, Lambert, Mahony, McCormick, McGrew, Millard, Milliser, Moorman, Pierson, Prentiss, Rankin, Reitzel, Scott, Steward, Waln, Wilson—29.

The nays were,

Messrs. Bates, Beal, Belknap, Bradley, Carpenter, Casey, Cassady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dewey, Foster, Jackson, Laney, Lundy, McCrary, Milliser, Mitchell, Morgan, Randolph, Richardson, Seevers, Sprague, Stearns, Streeter, Thompson, Trumbull, Woodward, Wright and Mr. Speaker—33.

The amendment was lost.

Mr. Curtis

Moved to so amend the 8th section of the bill, as to provide that vacancies occurring under the provisions of the same, shall be filled by the Governor until the next general election,

Which amendment was agreed to.

Mr. Curtis

Also moved to amend the bill by striking out the 11th section thereof,

Upon which question,

The yeas and nays were ordered and were as follows:

Yeas 29, }

Nays 34. }

The yeas were,

Messrs. Ayers, Bates, Bander, Beal, Bradley, Campbell, Cassi-

day of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clune, Collins, Curtis, Dews, Edwards, Gue, Guiberson, Johnson, McCormick, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Prentiss, Steward, Thompson, Trumbull, Waln.

The nays were,

Messrs. Anthony, Belknap, Carpenter, Cassidy of Mahaska, Clark of Dubuque, Clark of Johnson, Cooley, Davis, Dewey, Drummond, Foster, Gray, Grimes, Harmon, Jackson, Lambert, Laney, Lundy, Mahony, McCrary, Randolph, Rankin, Reitzel, Scott, Seevers, Sprague, Stearns, Streeter, Wilson, Woodward, Wright, Mr. Speaker.

The amendment was not adopted.

On motion of Mr. Seevers

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

Mr. Clark,

From the committee on the Judiciary, to whom was referred House File No. 134, A bill for an act to legalize the issue of certain bonds voted by the city of Dubuque to the Dubuque and Turkey Valley, and to the Bellevue Railroad Companies, and to authorize the proceed of said bonds to be used outside of Dubuque county,

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

On motion of Mr. Clark of Dubuque,

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

Mr. Seevers,

From the committee on the Judiciary, to whom was referred House File No. 188, A bill for an act to authorize and regulate the adoption of children,

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

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

Mr. Clark of Dubuque,

From the committee on the Judiciary to whom was referred House File No 183, A bill for an act to regulate the interest on money,

Reported the same back to the House, and recommended that



the first section thereof be stricken out, and thus amended, recommended its passage.

The report of the committee was concurred in, and the bill ordered to be engrossed, and read a third time on to-morrow.

**Mr. Seevers**

Submitted the following report :

The committee on the Judiciary to whom was referred House File No. 148, A bill for an act in relation to fences, have had the same under consideration, and have directed me to report that in the opinion of the committee, the operation of the proposed law would interfere with, and operate as a repeal of the law commonly known as the hog law, so far as partition fences are concerned.

The committee recommend that the third section of the bill be stricken out.

The report of the committee was concurred in, and

On motion of **Mr. Seevers**,

Laid upon the table.

**Mr. Seevers**

Submitted the following report :

The Judiciary Committee to whom was referred the petition of John G. Donnel, praying the passage of a law legalizing his acts as Administrator, have had the same under consideration and directed me to report the same back, and recommend that the prayer of the petitioner be not granted.

The report of the committee was concurred in.

**Mr. Seevers**

Submitted the following report :

The Judiciary committee to whom was referred a petition of certain citizens of School District No. 5, in Butler township, Butler county, have had the same under consideration, and have directed me to report the same back and recommend that the prayer of the petitioners be not granted, because,

1st. The same would be special legislation.

2d. It is impossible to ascertain from petition what particular relief is desired, further than that the petitioners want a new School District, but there is nothing to show what boundaries are desired for such district.

The report was concurred in.

**Mr. Seevers**

Submitted the following report :

The committee on the Judiciary to whom was referred a petition of certain citizens of Blackhawk county, praying certain legislation in relation to School District No. 5, in said county, accompanied by a bill, have had the same under consideration, and have directed me to report the same back and recommend that the prayer of petitioners be not granted, because,

1st. The same would be special legislation.

2d. To do so would be legalizing, and by possibility, rendering valid certain acts, and there is no evidence before us what those acts are, nor whether the proposed measure is just and proper or not.

The report of the committee was concurred in.

Mr. Foster submitted the following report:

The Committee on Engrossed Bills report that they have examined House File No 193, A bill for an act to repeal a part of section 12, of chapter 156, in relation to swamp lands, approved Jan. 25, 1855. Also,

Substitute for House File No. 95, A bill for an act to provide for the punishment of wilful and malicious oppression. Also,

House File No. 198, A bill for an act repealing so much of Chapter 175 of the acts of the Sixth General Assembly of the State of Iowa, as authorizes the holding of the District Courts in the counties of Boone and Greene. Also,

House File No. 179, A bill for an act to enable certain counties to pre-empt and purchase that portion of the 500,000 grants upon which county seats of said counties are located. Also,

House File No. 204, A bill for an act to permit certain Indians to reside within the State. Also,

House File No. 210, A bill for an act to provide for an additional Justice of the Peace in Union township, Davis county, Iowa. Also,

House File No. 203, A bill for an act to provide for levying a tax on certain land, to complete and keep in repair a levee on Muscatine Island, and for the election of a levee commissioner. to superintend the same. Also,

House File No. 215, A bill for an act to authorize County Judges to subscribe for newspapers. Also,

House File No. 216, A bill for an act to attach the counties of Worth and Hancock to the county of Cerro Gordo, for certain purposes. Also,

House File No. 224, A bill for an act to legalize the assessment of property in Page county for the year 1857, and to authorize the collection of taxes therein. Also,

House File No. 225, A bill for an act to amend Section 106, Chapter 15 of the Code of Iowa. Also,

House File No. 199, A bill for an act to amend the charter of the city of Davenport, and find the same correctly engrossed.

C. J. L. FOSTER.

Chairman of Committee.

Mr. Lundy

Submitted the following report :

The committee on Agriculture to whom was referred House File No. 129, have had the same under consideration, and beg leave to report.

The importance of the object of the bill was such that we esteemed a consultation with the Senate committee on Agriculture necessary to consider and act upon its provisions. We also have had in consultation with us, the honorable member from Fayette, by whom the bill was introduced.

The system proposed in that bill, is one, which if it could be carried out according to its intentions, especially in regard to the mode of electing the controlling board, would be of great benefit to the agricultural interests of the State; but, as it appears to be too far in advance of public opinion, the committees of both Houses, together with the member from Fayette, have agreed to submit a substitute for said bill, and recommend its passage, and instructed me to present the same.

The report of the committee was concurred in, and

The substitute adopted.

On motion of Mr. Jackson,

The substitute was laid on the table, and ordered to be printed for the use of the House.

Mr. Lundy

From the committee on Agriculture to whom was referred House File No. 218, A bill for an act to regulate the weight of Hungarian Grass Seed,

Reported a substitute therefor, and recommended its adoption.

The report of the committee was concurred in, and the substitute adopted.

On motion of Mr. Bradley,

The bill was read a third time, and

Upon the question, Shall the bill now pass?

The yeas and nays were demanded, and were as follows :

Yeas 61, }  
Nays . . }

The yeas were,

; Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Bradley, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Curtis, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McOrary, McCormick, McGrew, Millard, Milliser, Millsap, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Sprague, Stearns, Steward, Streeter, Trumbull, Thompson, Waln, Wilson, Woodward, Wright, and Mr. Speaker.

The title of the bill was then agreed to.

Mr. Woodward

Submitted the following report :

The committee on Elections, to whom was referred House File No. 136: A bill for an act to preserve the purity of elections, have had the same under consideration, and have requested me to report the same back with the following amendments, and recommend its passage :

Strike out the 9th to the 22d line inclusive of the 13th section, and insert the following in place thereof: "If any person offering to vote claims to be a naturalized citizen of the United States, he shall, before his vote shall be received, produce for the inspection of the judges of the election a certificate of his naturalization, and also state, under oath or affirmation, that he is the identical person therein named. Provided, That the production of such certificate may be dispensed with if the person offering to vote shall state, on oath or affirmation, when and where he was naturalized, that he has had a certificate of naturalization, and that against his will the same has been lost, destroyed, or beyond his power to produce to the judges of election. Provided, further, that if he shall state, on oath or affirmation, that by reason of the naturalization of his parents, or one of them, the production of said certificate may be dispensed with."

Also, strike out the 25th and 26th lines of 13th section, and insert in place thereof the following :

1st. How long have you resided in this State ?

2d. How long have you been absent from this State immediately preceding this election ?

If over six months, there

J. S. WOODWARD.	} Committee.
W. H. STEARNS,	
J. J. CASSADAY.	

The report of the committee was concurred in.

Mr. Wilson

Moved that the bill be engrossed and read a third time to-morrow.

On motion of Mr. Clune,

The further consideration of the bill was postponed until to-morrow.

Mr. Clune

Moved to adjourn,

Which motion was not agreed to.

Mr. Trumbull,

From the Committee on Railroads, to whom was referred House File No. 223, Memorial and joint resolution asking Congress for a grant of land to aid in the construction of a Railroad from Fort Dodge to Sioux Falls,

Reported the same back without amendment and recommended its passage.

The resolution was ordered to be engrossed and read a third time on to-morrow.

Mr. Trumbull,

From the same committee, to whom was referred House File No. 211: A bill for an act to confirm the division of the rights and liabilities of the county of Webster since its division,

Reported the same back and recommended its passage.

Mr. Carpenter

Moved that the bill be read a third time now and put upon its passage,

Which motion was not agreed to.

On motion of Mr. Trumbull

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

On motion of Mr. Foster

The regular order of business was suspended and House File No. 36, A bill for an act to amend an act entitled an act in relation to county seats,

Was taken from the table.

On motion of Mr. Foster

The further consideration of the bill was indefinitely postponed.

On motion of Mr. Milliser

The House adjourned.

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SEVEN O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Bauder

Moved a call of the House which motion being sustained,

The Clerk proceeded to call the roll, when the following named members were found to absent and unexcused :

Messrs. Anthony, Bates, Belknap, Bradley, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune Cooley, Crawford, Drummond, Gue, Guiberson, Jackson, Lambert, Laney, Mahony, Millard, Milliser, Randolph, Richardson, Scott, Stearns, Steward, Streeter, Thompson, Trumbull, Waln and Wilson.

On motion of Mr. Cassiday of Mahaska,

Further proceedings under the call were suspended.

### BILLS INTRODUCED.

Mr. Seevers introduced

House File No. 229, A bill for an act providing for the election of Supreme Judges,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Seevers also introduced

House File No. 230, A bill for an act to repeal Sections 387, 388, 389 and 390 of the Code, and amendatory of the law for contesting the election of Governor, and providing for contesting the election of Lieutenant Governor,

Which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Seevers also introduced

House File No. 231, A bill for an act to repeal Section 613 of the Code, and amendatory of the law in relation to State Census,

Which was read a first and second time, and

Referred to the Committee on Ways and Means.

Mr. Wright introduced

House File No. 232, A bill for an act to provide for the making and repairing of Public Highways, and prescribing the duties of Township officers in certain cases,

Which was read a first and second time, and laid upon the table and ordered to be printed for the use of the House.

Mr. Harmon introduced

House File No. 233, A bill for an act to amend Chapter 167 of the Laws of the 6th General Assembly,

Which was read a first and second time and ordered to be read a third time to-morrow.

Mr. Casey introduced

House File No. 234, A bill for an act to legalize the official acts of James McDonald a Notary Public in and for Lee County,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Seevers introduced

House File No. 235, A bill for an act continuing the School Fund Commissioners in office until the election and qualification of County Treasurers, and for the abolition of the same thereafter, and the paying and handing over all moneys and securities in their hands, belonging to the School Fund, to such Treasurers,

Which was read a first and second time, and

Referred to the committee on Schools and State University.

On motion of Mr. Harmon,

The committee were instructed to report on Wednesday morning next.

Mr. Seevers introduced

House File No. 236, A bill for an act continuing Prosecuting Attorneys in office until January 1st, 1859, and after that time providing for the abolishment of the same,

Which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

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Mr. Seevers introduced  
House File No. 237, A bill for an act fixing the time and place for the meeting of the Board of Education,

Which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Jackson introduced

House File No. 38, A bill for an act regulating liens of Judgments on real estate,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Prentiss introduced

House File No. 239, A bill for an act fixing punishment for malicious mischief,

Which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Bates introduced

House File No. 240, A bill for an act to authorize the purchase of Webster's Unabridged Dictionary for the Common School Districts of this State,

Which was read a first and second time, and

Referred to the committee on Schools and State University.

On motion of Mr. Jackson,

House File No. 141, A bill for an act authorizing the business of Banking in the State of Iowa, together with the report of the Committee of the Whole, was taken from the table.

The first, second and third amendments of the committee were concurred in.

The fourth amendment was not agreed to.

The fifth, sixth, seventh, eighth, ninth, tenth, eleventh and twelfth amendments were concurred in.

The fourteenth, fifteenth and seventeenth amendments were concurred in.

The nineteenth amendment was lost.

The words "and conducted," were stricken out of Section twenty.

Upon the question of concurring in the twenty-third amendment,

Mr. Bradley demanded the yeas and nays, which were as follows:

Yeas 21, }

Nays 26. }



Messrs. Ayers, Bauder, Beal, Belknap, Bradley, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dews, Gray, Grimes, Johnson, Laney, McCormick, Millsap, Prentiss, Rankin, Sprague—22.

The nays were,

Messrs. Carpenter, Cassiday of Mahaska, Cooley, Dana, Davis, Dewey, Drummond, Edwards, Foster, Harmon, Jackson, Lambert, Mitchell, Moorman, Morgan, Randolph, Reitzel, Richardson, Seevers, Stearns, Steward, Waln, Wilson, Woodward, Wright, Mr. Speaker—26.

Upon the question of concurring in the twenty-fourth amendment,

The yeas and nays were demanded by Mr. Bradley, and were as follows :

Yeas 25, )

Nays 24, )

The yeas were,

Messrs. Bates, Belknap, Carpenter, Dana, Davis, Dewey, Drummond, Foster, Gray, Grimes, Jackson, Lambert, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Reitzel, Seevers, Stearns, Wilson, Woodward—25.

The nays were,

Messrs. Bauder, Beal, Bradley, Campbell, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clune, Cooley, Curtis, Dews, Edwards, Harmon, Johnson, Laney, McCormick, Millsap, Sprague, Steward, Waln, Wright and Mr. Speaker—24.

The twenty-seventh, twenty-eighth, twenty-ninth, thirtieth and thirty-first amendments were concurred in.

The thirty-second amendment was not agreed to.

Mr. Jackson

Moved to strike out of the thirty-third amendment, the word "and," and insert in lieu thereof, the word "or,"

Which motion was not agreed to.

The thirty-fourth amendment was not agreed to.

Mr. Seevers

Moved to amend the thirty-fifth amendment by striking out the word "eight," and insert in lieu thereof the word "ten," and add to the amendment the words, "Provided, that after the fourth day

of July, 1860, the rate of such discount shall be reduced to eight per cent."

Mr. Bates

Offered as a substitute for the amendment to the amendment, the following, to be inserted after the word "act :"

Shall be authorized to take or receive a rate of interest allowed by the laws of this State on contracts of like character,

Which substitute was not agreed to.

Upon the question of the adoption of the amendment to the amendment,

The yeas and nays were demanded by Mr. Bauder and were as follows :

Yeas 24, }  
Nays 20. }

The yeas were,

Messrs. Carpenter, Cooley, Dana, Davis, Dewey, Edwards, Grimes, Jackson, Lambert, McCormick, McGrew, Mitchell, Moor- man, Morgan, Prentiss, Randolph, Rankin, Reitzel, SeEVERS, Stearns, Steward, Waln, Wilson, Woodward, Mr. Speaker—24.

The nays were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bradley, Cassa- day of Van Buren, Cavanaugh, Clark of Dubuque, Clark of John- son, Clune, Curtis, Dews, Gray, Harmon, Johnson, Laney, Mill- sap—20.

The amendment to the amendment was adopted.

Mr. Wilson

Moved to further amend the amendment, by adding thereto the words "and after the fourth day of July, 1862, the rate of dis- count shall be reduced to six per cent," pending which,

On motion of Mr. Cavanaugh,

The House adjourned.

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TUESDAY MORNING, }  
MARCH 2d, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Peet.

Journal read in part, when,

On motion of Mr. Harmon,

The further reading of the same was dispensed with.

Mr. Edwards

Moved a call of the House, which motion being seconded,

The Clerk proceeded to call the roll, when the following gentlemen were found to be absent and unexcused :

Messrs. Bates, Beal, Cassiday of Mahaska, Clune, Dana, McGrew and Milliser.

Mr. Harmon

Moved that further proceedings under the call be suspended, which motion was lost.

The Sergeant-at-arms was directed to bring in the absentees.

On motion of Mr. Woodward,

Further proceedings under the call were dispensed with.

Mr. Belknap

Moved a re-consideration of the vote by which Senate File No. 53, A bill for an act relating to delinquent taxes for the year 1857, was lost.

Mr. Wilson

Moved to lay the motion on the table,

Upon which question, Mr. Bradley demanded the yeas and nays.

Mr. Crawford

Moved a call of the House, which motion being sustained,

The Clerk proceeded to call the roll, when the following members were found to be absent and unexcused :

Messrs. Cassiday of Mahaska, Dana, Richardson.

Mr. Milliser was excused from attendance upon the House.

The Sergeant-at-arms was directed to bring in the absentees.

The Sergeant-at-Arms reported that Mr. Dana was now before the bar of the House, and that he was unable to find Messrs. Richardson and Cassiday of Mahaska.

The gentlemen were all excused, and

On motion of Mr. Bradley,

Further proceedings under the call were suspended.

The question recurring upon the motion to lay the bill on the table,

The yeas and nays were demanded by Mr. Bradley, and were as follows :

Yeas 32, }  
Nays 33. }

The yeas were,

Messrs. Ayers, Bauder, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cooley, Collins, Davis, Dews, Foster, Gray, Grimes, Harmon, Lambert, Lundy, McCormick, McGrew, Millard, Moorman, Morgan, Prentiss, SeEVERS, Sprague, Stearns, Steward, Streeter, Wilson, Woodward, Wright and Mr. Speaker—32.

The nays were,

Messrs. Anthony, Bates, Eal, Belknap, Bradley, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dana, Dewey, Drummond, Edwards, Gue, Guiberson, Jackson, Johnson, Laney, Mahony, McCrary, Mitchell, Millsap, Randolph, Rankin, Reitzel, Scott, Thompson, Trumbull, Waln—33.

The motion to lay the bill on the table was lost.

The question recurring upon the motion to reconsider the vote by which the bill was lost,

Mr. Foster

Demanded the yeas and nays, which were as follows:

Yeas 34, }  
Nays 32. }

The yeas were,

Messrs. Anthony, Bates, Beal, Belknap, Bradley, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dana, Dewey, Drummond, Edwards, Gue, Guiberson, Jackson, Johnson, Laney, Mahony, McCrary, Mitchell, Millsap, Randolph, Rankin, Reitzel, Scott, Steward, Thompson, Trumbull, Waln—34.

The nays were,

Messrs. Ayers, Bauder, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cooley, Collins, Davis, Dews, Foster, Gray, Grimes, Harmon, Lambert, Lundy, McCormick, McGrew, Millard, Moorman, Morgan, Prentiss, SeEVERS, Sprague, Stearns, Streeter, Wilson, Woodward, Wright, Mr. Speaker—32.

The motion prevailed, and the vote was reconsidered.

Mr. Drummond

Moved to lay the bill upon the table,

Which motion was not agreed to.

**Mr. Edwards**

Moved to postpone the further consideration of the bill until Thursday next,

Upon which question

The yeas and nays were demanded and were as follows:

Yeas 33, }  
Nays 33. }

The yeas were,

Messrs Anthony, Bates, Beal, Belknap, Bradley, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dana, Dewey, Drummond, Edwards, Gue, Guiberson, Jackson, Johnson, Laney, Mahony, McCrary, Mitchell, Millsap, Randolph, Rankin, Reitzel, Scott, Thompson, Trumbull, Waln—33.

The nays were,

Messrs. Ayers, Bauder, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cooley, Collins, Davis, Dews, Foster, Gray, Grimes, Harmon, Lambert, Lundy, McCormick, McGrew, Millard, Moorman, Morgan, Prentiss, Richardson, SeEVERS, Sprague, Stearns, Steward, Streeter, Wilson, Woodward, Wright, Mr. Speaker—33.

The motion was lost.

**Mr. Crawford**

Moved to postpone the further consideration of the bill until Saturday morning next at 10 o'clock.

Upon which question

**Mr. Bradley**

Demanded the yeas and nays, which were as follows:

Yeas 33, }  
Nays 32. }

The yeas were,

Messrs. Bates, Beal, Belknap, Bradley, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dana, Dewey, Drummond, Edwards, Gue, Guiberson, Jackson, Johnson, Laney, Mahony, McCrary, Mitchell, Millsap, Randolph, Rankin, Reitzel, Scott, SeEVERS, Thompson, Trumbull, Waln—33.

The nays were,

Messrs. Anthony, Ayers, Bauder, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska,

Cooley, Collins, Davis, Dews, Foster, Gray, Grimes, Harmon, Lambert, Lundy, McCormick, McGrew, Millard, Milliser, Moorman, Morgan, Prentiss, Richardson, Sprague, Stearns, Streeter, Wilson, Woodward, Wright, Mr. Speaker—32.

The motion prevailed.

Mr. Davis

Offered the following resolution :

*Resolved*, That no smoking shall be allowed in this House during the session hours.

Mr. Cooley

Moved to amend the resolution by adding thereto the words, "except during a call of the House,"

Which motion was not agreed to.

The question recurring upon the adoption of the resolution,

The same was agreed to.

On motion of Mr. Thompson

House File No. 199: A bill for an act to amend an act entitled an act to incorporate the city of Davenport, and to amend the several acts amendatory thereto,

Was taken up.

On motion of Mr. Mahony

The reading of the bill at length was dispensed with, and upon the question, Shall the same now pass?

The yeas and nays were ordered and were as follows :

Yeas 55, }

Nays 7. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Steward, Streeter, Thompson, Trumbull, Waln, Woodward, Mr. Speaker—55.

The nays were,

Messrs. Ayers, Cassiday of Mahaska, Crawford, Foster, Johnson, Mahony, McCormick—7.

The bill passed, when the title was agreed to.

## On motion of Mr. Bates

Senate File No. 105: A bill for an act to legalize certain acts of James M. Berry, late County Judge of Linn county, and of certain other persons,

Was taken up and read a third time, and upon the question,  
Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 50, {  
Nays 5. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Curtis, Dana, Dews, Dummond, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, McCrary, McGrew, Millard, Mitchell, Millsap, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sprague, Steward, Thompson, Trumbull, Waln, Woodward, Mr. Speaker—50.

The nays were,

Messrs. Cassiday of Mahaska, Mahony, Moorman, Stearns. Wilson—5.

The bill passed, when the title of the same was agreed to.

Mr. Cassiday, of Woodbury, introduced

House File No. 241: A bill for an act to amend an act approved January 16th, 1857,

Which was read a first and second time.

Mr. Drummond

Moved to amend the bill by striking out of the last section of the same the words, "without expense to the State."

Which amendment was lost.

On motion

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

Message from the Senate, by their Secretary.

MR. SPEAKER:

I herewith present for your signature the following bills:

Senate File No. 123: Joint Resolution asking the grant of a homestead to actual settlers.

Senate substitute for House File No. 4: An act to give greater security to purchasers and mortgagors of real estate.

Senate File No. 125: An act to repeal an act establishing a School District in Van Buren township, Van Buren county.

Senate File No. 101: An act providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing.

Senate File No. 120: An act to give additional security to land titles in this State.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Seevers

Presented the following communication from the chairman of the Codifying Committee, together with House File No. 242, A bill for an act revising and amending title 4 of the Code, and further providing for elections, filling vacancies in office, resignations and contesting elections,

Which was read a first and second time, and

Laid upon the table, and ordered to be printed for the use of the House.

We herewith present to you a draft of a bill for an Act amending and conforming, Title 4 of the Code, to the New Constitution. The plan upon which the bill is based is as follows:

*First.* It contemplates having but one general election annually, at which time all State, District, County and Township Officers, shall be elected.

*Second.* It provides for the terms of all public Officers commencing on the first Monday of January next after their election, except where the nature of the Office, or the Constitution prevents from so doing.

*Third.* It allows county officers elected for the term of two years in the Spring of 1857, to hold out their full term, (this would only apply to Justices of the Peace and county Assessors).

*Fourth.* In obedience to the Constitution, it is provided that successors to county officers elected in April 1858, shall be elected at the General Election of 1858, and in order to harmonize the general plan, it is provided that successors to township officers elected in 1858, shall also be elected in October 1858.



The other material changes will be readily observed. The reasons for adopting the plan of but one annual election, were:—

1st. The Constitution contemplates such a plan, except as to township officers, which it does not mention.

2d. The Senate by a large majority, so determined by the passage of a resolution, to test the sense of that body.

3d. We believe it will prove a public convenience.

W. T. BARKER.

CHAS. BEN DARWIN.

Mr. Wright introduced

House File No. 243, A bill for an act to provide for the codifying and distributing of the laws relating to the duties of township officers,

Which was read a first and second time.

Mr. Drummond

Moved to amend the bill by adding the following to section three :  
 "But the money herein appropriated for such distribution, shall not be drawn from the Treasury, until said laws are distributed to all the organized counties in the State."

The amendment was adopted.

On motion of Mr. Wright,

The bill was referred to the committee on Ways and Means, with instructions to report at as early a day as practicable.

Mr. Cassidy of Mahaska

Moved to reconsider the vote by which House File No. 226, A bill for an act to regulate the compensation of District Attorneys, was ordered to a third reading on yesterday.

The motion to reconsider was lost.

Mr. Thompson with leave, introduced

House File No. 244, A bill for an act providing for argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and a additional pay to the Clerk of said court,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Thompson,

From the committee on Schools and State University,  
 Submitted the following report :

The Committee on Schools and State University, to whom was referred House File No. 178, A bill for an act making an appro-

priation for the State University of Iowa, and also the memorial of the Faculty of the State University, having had the same under consideration, instruct me to report the same back, and recommend that the said bill be amended by striking out the words "or the" in the fourteenth line of first section, and the word "purchase" in the sixteenth line; and when so amended, that it pass.

That the prayer of memorialists be granted as far as contained in the bill, House File No. 178.

THOMPSON, Chairman.

The report was concurred in, and the bill referred to the committee on Ways and Means.

The Speaker presented to the House the following communication from the Hon. Samuel A. Rice, Attorney General :

OFFICE OF ATTORNEY GENERAL, }  
March 2d, 1858. }

*To the Speaker of the House of Representatives :*

SIR:—In reply to a resolution of the House, requesting an opinion "on the power of the General Assembly to legislate the present County Judges out of office previous to October, 1859, or change their duties and provide for an election in October, 1858," I have the honor to submit the following views:

The General Assembly, by virtue of its constitutional powers, has undoubted right to change the duties of County Judge, or abolish the office, as in their wisdom they may conceive best. They have no power to fill the office; this right under the Constitution, being vested in the people; neither have they any power of removal; and it is conceived that in no other way than through repealing the law creating the office, or so changing the law as to make it virtually a new and different office, can the General Assembly deprive the present incumbents of their office. While the office in its essential features continues to exist, the General Assembly have no power to legislate the present incumbents out of office. Unless the office should be abolished, or its powers and duties so changed as to make it virtually a new office, the persons at present holding the office of County Judge by Section 8, Art. 12, Constitution of Iowa, would be entitled to hold the same until the October election, A. D. 1859.

The foregoing views are respectfully submitted.

SAMUEL A. RICE, Att'y General.

On motion of Mr. SeEVERS,

The communication was referred to the select committee to whom was referred House File No. 235.

On motion of Mr. SeEVERS,

House File No. 70, A bill for an act to allow interested persons to testify in civil actions,

Was taken from the table.

Messrs. Drummond, Jackson and Cassiday of Mahaska were excused from attendance upon this afternoon's session of the House.

On motion of Mr. Curtis,

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

House File No. 70, A bill for an act to allow interested persons to testify in civil actions, being the special order of the House for this hour,

Mr. SeEVERS

Moved that the same be made the special order for to-morrow afternoon at 3 o'clock.

Which motion was agreed to.

On motion of Mr. Wright,

Substitute for Senate Files No. 3, 7, 26, 35, 45, 50, 60 and 87; House Files No. 42, 43, 51, 62, 65, 68, 83, 89, 91, 96, 97, 99, 153, 154, 160 and 161, Joint Resolutions for increased mail facilities,

Was taken from the table.

Mr. Wright

Moved to amend the bill by striking out the last line of section 4, the words "Iowa City," and insert in lieu thereof the words "Atalissa in Muscatine county, via Honey Grove, Springdale and Pedee in Cedar county,"

Which motion was agreed to.

On motion of Mr. Wright,

The Joint Resolution was considered engrossed and read a third time, and passed,

When the title of the same was agreed to.

On motion of Mr. Morgan,  
House File No. 172, A bill for an act for the organization of the militia,

Was taken from the table, and

On his motion,

Made the special order of the House for Friday next, at seven o'clock, P. M.

On motion of Mr. Casady of Woodbury,

Senate File No. 118, A bill for an act to legalize the acts of certain school officers in Monona county,

Was taken from the table, and ordered to a third reading on tomorrow.

On motion of Mr. Casady of Woodbury,

House File No. 113, A bill for an act to repeal an act to amend chapter 83 of the Code, approved January 24th, 1853,

Was taken from the table, and ordered to a third reading on tomorrow.

House File No. 198: A bill for an act repealing so much of chapter 175 of the acts of the Sixth General Assembly of the State of Iowa as authorizes the holding of the District Court in the counties of Boone and Greene,"

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 56, )

Nays 2. }

The yeas were,

Messrs. Anthony, Bauder, Beal, Beiknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns, Steward, Streeter, Trumbull, Wain, Wilson, Woodward, Wright, Mr. Speaker—56.

The nays were,

Messrs. Dana and Seevers—2.

The bill was passed, when the title of the same was agreed to.

## BILLS ON FIRST READING.

Senate File No. 122: A bill for an act to provide for the apportionment of the interest on the school fund for the year 1858, and to legalize the apportionment of said interest made by James D. Eads for the year 1857,

Was read the first and second time.

Mr. Wright

Moved to amend the bill by striking out of the first section the words "twenty-six," and inserting in lieu thereof the word "ten,"

Which motion was agreed to.

On motion of Mr. Wright

The Rule of the House was suspended and the bill read a third time, and upon the question, Shall the same now pass?

The yeas and nays were demanded and were as follows:

Yeas 56, )  
Nays 4. )

The yeas were,

Messrs. Anthony, Ayers, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassalay of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns, Steward, Streeter, Waln, Woodward, Wright—56.

The nays were,

Messrs. Mahony, Seevers, Trumbull, Wilson—4.

The bill was passed and the title agreed to.

Senate File No. 146, Joint Resolution to procure additional mail facilities between Oskaloosa and Council Bluffs, via Knoxville, Indianola and Winterset,

Which was read a first and second time, and

Referred to the Committee on Federal Relations.

Senate File No. 132, A bill for an act requiring sheriffs to keep a record of levies, of writs of attachment and executions from foreign counties,

Was read a first and second time, and

Referred to the committee on the Judiciary.

## BILLS ON THIRD READING.

House File No. 203, A bill for an act to provide for levying a tax on certain land, to complete and keep in repair a levee on Muscatine Island, and for the election of a levee Commissioner to superintend the same,

Was read a third time,

And upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 46, }

Nays 4. }

The yeas were

Messrs. Ayers, Campbell, Carpenter, Casey, Cassaday, of Van Buren, Casaday of Woodbury, Cavanaugh, Clark of Des Moines, Clark, of Johnson, Cooley, Collins, Curtis, Dana, Dewey, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lambert, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sprague, Steward, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Mr. Speaker—46.

The nays were,

Messrs. Anthony, Beal, Bennett, Clark of Dubuque—4.

The bill passed, when the title of the same was agreed to.

House File No. 204, A bill for an act to permit certain Indians to reside within the State,

Was read a third time,

And upon the question shall the same now pass,

The yeas and nays were ordered, and were as follows :

Yeas 50, }

Nays 9. }

The yeas were,

Messrs. Anthony, Ayers, Beal, Belknap, Campbell, Carpenter, Casey, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Dana, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright and Mr. Speaker—50.

The nays were,

Messrs. Bennett, Bradley, Cassaday of Van Buren, Clark of Dubuque, Clune, Crawford, Curtis, Lambert, Millsap—9.

The bill was passed and the title agreed to.

House File No. 224, A bill for an act to legalize the assessment of property in Page county for the year 1857, and to authorize the collection of taxes thereon,

Was read a third time, and

On motion of Mr. Edwards,

) Laid upon the table.

House File No. 216, A bill for an act to attach the counties of Worth and Hancock to the county of Cerro Gordo, for certain purposes,

Was read a third time, and

Recommitted to the member from the first District, with instructions.

Substitute for House File No. 95, A bill for an act to provide for the punishment of wilful and malicious oppression,

) Was read a third time, and

Upon the question, Shall the bill now pass?

The yeas and nays were demanded, and were as follows :

Yeas 53, }

Nays 5. }

The yeas were,

Messrs. Anthony, Ayers, Beal, Belknap, Bennett, Campbell, Carpenter, Cassiday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker.

The nays were,

Messrs. Bradley, Clark of Dubuque, Dews, Millsap, Woodward.

The bill passed, when the title was agreed to.

House File No. 210, A bill for an act to provide for an additional Justice of the Peace in Union township, Davis county Iowa,

Was read a third time, and

Laid upon the table.

House File No. 193, A bill for an act to repeal a part of section 12 of chapter 156, in relation to Swamp Lands, approved January 25th, 1855,

Was read a third time, and

Upon the question, shall the bill now pass ?

The yeas and nays were ordered and were as follows :

Yeas 54, }  
Nays 2. }

The yeas were

Messrs. Anthony, Ayers, Bauder, Beal, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Wilson, Woodward, Wright, Mr. Speaker.

The nays were

Messrs. Casey and Clune.

The bill was passed, when the title of the same was agreed to.

House File No. 215, A bill for an act authorizing county judges to subscribe for newspapers,

Was read a third time.

Mr. Clune

Moved to re-commit the bill to the committee on Ways and Means, with instructions,

Which motion was agreed to.

House File No. 179, A bill for an act to enable certain counties to pre-empt and purchase that portion of the 500,000 acre grant, upon which the county-seats of said counties are located,

Was read a third time, and

Upon the question, Shall the bill now pass ?

The yeas and nays were demanded and were as follows :

Yeas 21, }  
Nays 32. }

The yeas were,

Messrs. Beal, Belknap, Bradley, Carpenter, Cavanaugh, Clark of Johnson, Curtis, Dana, Foster, Gray, Guiberson, Lambert, Mc



Crary, McCormick, McGrew, Mitchell, Prentiss, Randolph, Rankin, Seevers, Thompson, Woodward.

The nays were,

Messrs. Anthony, Ayers, Bates, Casey, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Davis, Dews, Edwards, Grimes, Gue, Harmon, Johnson, Lundy, Mahony, Millard, Millsap, Moorman, Morgan, Reitzel, Richardson, Scott, Sprague, Stearns, Streeter, Trumbull, Waln, Wilson, Wright, Mr. Speaker.

The bill was lost.

House File No. 225, A bill for an act to amend section 106, Chapter 15 of the Code of Iowa,

Was read a third time, and

Upon the question,

Shall the bill now pass ?

The yeas and nays were ordered and were as follows :

Yeas 16, }

Nays 35. }

The yeas were

Messrs. Anthony, Bauder, Beal, Belknap, Cavanaugh, Clune, Curtis, Dews, Gray, Gue, Guiberson, Laney, McGrew, Millard, Rankin, Thompson.

The nays were,

Messrs. Bradley, Carpenter, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Crawford, Dana, Davis, Edwards, Foster, Grimes, Harmon, Johnson, Lambert, Lundy, Mahony, McCrary, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Richardson, Scott, Seevers, Sprague, Stearns, Streeter, Waln, Wilson, Woodward, Mr. Speaker.

The bill was lost.

Mr. Carpenter,

From the select committee to whom was referred House File No. 216, A bill for an act to attach the counties of Worth and Hancock to the county of Cerro Gordo, for certain purposes,

Reported the same back to the House with sundry amendments, in which the concurrence of the House was asked.

The amendments were concurred in, and

And upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 41, {  
Nays 6. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Beal, Belknap, Campbell, Carpenter, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Curtis, Dana, Dewey, Edwards, Foster, Grimes, Guiberson, Harmon, Lambert, Laney, Lundy, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Randolph, Rankin, Reitzel, Sprague, Stearns, Streeter, Thompson, Trumbull, Woodward, Wright, Mr. Speaker.

The nays were,

Messrs. Clune, Collins, Mahony, Seevers, Waln, Wilson.

The bill was passed, and the title thereof agreed to.

Mr. Harmon introduced

House File No. 245, Joint Resolution for increased mail facilities,

Which was read a first and second time.

Mr. Harmon

Moved that the bill be engrossed, and read a third time on to-morrow.

Mr. Seevers

Moved that the bill be referred to the committee on Federal Relations,

Which motion was agreed to.

Mr. Rankin introduced

House File No. 246, Joint Resolution to procure additional mail facilities,

Was read a first and second time, and

Referred to the committee on Federal Relations.

Mr. Bates

Offered the following resolution, which was adopted :

*Resolved*, That the use of this Hall be given to the Rev. Mr. Peet for Divine service, on next Sunday, at 3 o'clock P. M.

Mr. McCrary

Offered the following resolution,

Which was adopted.

*Resolved*, That the committee on the Judiciary be instructed to ascertain whether there is now in force in this State any law under the provisions of which, judges of courts may be punished for crime, and in case there is not, to report a bill for such a law.

Mr. Cassaday of Van Buren introduced  
 House File No. 247, A bill for an act permitting persons interested in civil suits to testify as witnesses,  
 Was read a first and second time, and  
 On motion of Mr. SeEVERS  
 Was made the special order for to-morrow, at 3 o'clock P. M.  
 Message from the Senate, by their Secretary.

MR. SPEAKER:

In pursuance to the request of the House of Representatives, I herewith return Senate File No. 53, A bill for an act relating to delinquent taxes for 1857.

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendment made by the House to Senate File No. 105, A bill for an act to legalize certain acts of James M. Berry, and certain other persons.

GEO. E. SPENCER,  
 Sec'y of Senate.

On motion of Mr. Bates,  
 The communication heretofore received from his Excellency, Governor Lowe, in relation to the State Arms,  
 Was taken up, and read, and on his motion,  
 Laid upon the table.

On motion of Mr. Davis,  
 House File No. 224, A bill for an act to legalize the assessment of property in Page county, for the year 1857, and to authorize the collection of taxes thereon,  
 Was taken from the table, and on his motion,  
 Referred to committee on the Judiciary.

On motion of Mr. Bates,  
 The House adjourned.

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WEDNESDAY MORNING, }  
 MARCH 3d, 1858. }

House met pursuant to adjournment.  
 Prayer by the Rev. Mr. Peet.  
 Journal read in part, when,

On motion of Mr. Sprague,  
The further reading of the same was dispensed with.

### PETITIONS PRESENTED.

Mr. Cooley

Presented the petition of citizens of Winnesheik county asking for the location of the Deaf and Dumb Asylum at or near Decorah, in said county,

Which was referred to the committee on Charitable Institutions.

Mr. Prentiss

Moved a call of the House, which motion being sustained,

The Clerk proceeded to call the roll, when the following members were found to be absent and unexcused :

Messrs. Belknap, Bennett, Bradley, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dewey, Gue, Laney, Mahony, Millsap, Pierson, SeEVERS, Steward, Streeter, Trumbull, Wilson, Woodward and Wright.

On motion of Mr. Davis

Further proceedings under the call were suspended.

Mr. Jackson

Presented the petition of citizens of Tama county, asking for the location of the Deaf and Dumb Asylum at Toledo, in said county.

Which was referred to the committee on Charitable Institutions.

Mr. Carpenter

Offered the following resolution :

*Resolved*, (The Senate concurring) That copies of the Census Returns shall not be sent by mail at the expense of the State, by members of this General Assembly.

Mr. Clark, of Des Moines,

Moved to lay the resolution upon the table,

Upon which question

The yeas and nays were demanded and were as follows :

Yeas 18, )  
Nays 31. )

The yeas were,

Messrs. Bauder, Beal, Belknap, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Cooley, Dews, Foster, Gray, Guiberson, Johnson, Milliser, Scott, Sprague, Thompson—18.

The nays were,

Messrs. Anthony, Ayers, Bates, Carpenter, Dana, Davis, Drummond, Edwards, Grimes, Harmon, Jackson, Lambert, Lundy, McCrary, McCormick, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Waln, Wright, Mr. Speaker—31.

The motion to lay the resolution on the table was lost.

The question recurring upon the adoption of the resolution,

The yeas and nays were demanded by Mr. Bradley, and were as follows :

Yeas 20, )  
Nays 37. )

The yeas were,

Messrs. Ayers, Carpenter, Collins, Dana, Dewey, Grimes, Jackson, Lambert, Lundy, McCrary, McCormick, Moorman, Morgan, Prentiss, Rankin, Reitzel, SeEVERS, Wilson, Wright, Mr. Speaker 20.

The nays were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Dews, Drummond, Foster, Gray, Gue, Guiberson, Harmon, Johnson, Mahony, McGrew, Millard, Milliser, Millsap, Randolph, Richardson, Scott, Sprague, Stearns, Thompson, Trumbull, Waln—37.

The resolution was not adopted.

Messrs. Crawford, Streeter and Steward were excused from attendance upon the House.

## RESOLUTIONS.

Mr. Foster

Offered the following resolution, which was laid over for one day under the Rule of the House :

*Resolved*, That the Auditor of State be requested to report to this House as soon as practicable,

1st. What number of census returns he has distributed to the various counties in this State, and also how many copies to each county.

2d. In what manner and at what expense said census returns were forwarded to the various counties.

Mr. Seevers

Offered the following resolution, which was adopted:

*Resolved*, That no new business will be received or entertained by this House from and after the 10th inst.

Mr. Wright

Presented the petition of citizens of Cedar county, asking for the location of the Deaf and Dumb Asylum at Springdale, in said county.

Mr. Beal

Offered the following resolution:

*Resolved*, That the committee on the Des Moines River Improvement be instructed to report a bill declaring the contract between the Des Moines Navigation and Railroad Company and the State of Iowa, void—and authorizing the Attorney General to make the necessary defence, and claim for damages for non-compliance, should said Company institute a claim against the State.

Mr. Seevers

Moved to lay the resolution upon the table,

Upon which question

The yeas and nays were ordered and were as follows:

Yeas 36, }

Nays 16. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Carpenter, Casey, Casaday of Van Buren, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Curtis, Dana, Dewey, Dews, Edwards, Foster, Guiberson, Jackson, Lambert, Lundy, McCrary, McCormick, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Wilson, Wright, Mr. Speaker—36.

The nays were,

Messrs. Beal, Bradley, Clark of Des Moines, Collins, Drummond, Gray, Grimes, Harmon, Mahony, McGrew, Millard, Milliser, Millisap, Sprague, Thompson, Trumbull—16.

The motion prevailed, and the resolution was laid on the table.

On motion

House File No. 141: A bill for an act to provide for the business of banking,

Was taken up, together with the amendments of committee of the whole thereto.

The question recurring upon the amendment to the 35th amendment of the committee to add the words "and after the 4th day of July, 1862, the rate of discount shall be reduced to six per cent,

Mr. Clark, of Johnson,

Offered the following substitute therefor:

"Provided, That the rate of interest may be reduced by the General Assembly after the year 1860.

The substitute was lost.

Mr. Jackson

Moved to amend the amendment by striking out "1860" and inserting "1862," and by striking out "1862" and inserting in lieu thereof, "1864,"

Upon which motion Mr. Bradley

Demanded the yeas and nays, which were as follows:

Yeas 34, {  
Nays 27. }

The yeas were,

Messrs. Anthony, Carpenter, Clark of Johnson, Cooley, Collins, Dana, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Trumbull, Wright and Mr. Speaker—34.

The nays were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Curtis, Dews, Johnson, Mahony, McCormick, Milliser, Millsap, Moorman, Sprague, Waln, Wilson—27.

The question recurring upon the adoption of the amendment as amended,

Mr. Milliser

Demanded the yeas and nays, which were as follows:

Yeas 30, }  
Nays 30. }

The yeas were,

Messrs. Anthony, Carpenter, Cooley, Collins, Dana, Davis, Dewey, Edwards, Grimes, Gue, Harmon, Jackson, Lambert, Lundy,

McCrary, Millard, Mitchell, Mooriman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Wilson, Wright, Mr. Speaker—30.

The nays were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dews, Gray, Guiberson, Johnson, Laney, Mahony, McCormick, McGrew, Milliser, Millsap, Sprague, Trumbull, Waln—30.

The amendment was not concurred in.

The thirty-sixth, thirty-seventh and thirty-eighth amendments of the committee were concurred in.

Mr. Curtis

Moved that the bill be referred to the committee on Banks and Banking,

Which motion was lost.

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

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed Senate File No. 58, A bill for an act to establish the Commissioners' Court, and defining its duties, in which bill the concurrence of the House is asked.

I am also directed to inform the House that the Senate has indefinitely postponed the further consideration of substitute for House File No. 90, A bill for an act to repeal a part of Section 1464 of the Code of Iowa.

GEO. E. SPENCER, Secretary Senate.

Mr. Mahony

Moved to amend the bill by so transposing the Sections that Section 3 will stand as Section 1, and the following in lieu of Sections one and two :

That previous to the putting in circulation of any Bank Note, or any note, check or paper, in the similitude of a Bank note, as authorized by this act, such note, check or other paper in such similitude shall be countersigned by the Auditor of State, and numbered and registered by such person, under the direction and authority of the Auditor of State, as such Auditor may appoint for that purpose, and for every Bank Note so countersigned, numbered and registered, the person or Company for whom such



countersigning, registering and numbering is performed, shall pay to the Auditor of State ——— which shall be deposited in the State Treasury, to the credit of the State.

**Mr. Mahony**

Moved that the amendments which shall be now made to the bill be considered as informal, and that they be referred to the committee merely as suggestions.

The motion was agreed to.

On motion of **Mr. SeEVERS**,

The bill was re-committed to the committee on Banks and Banking.

On motion of **Mr. Drummond**,

Senate File No. 58, A bill for an act creating the Commissioners' Courts, and defining its duties,

Was taken up and read a first and second time, and

On his motion,

Referred to the Select Committee on that subject.

On motion of **Mr. Thompson**,

House File No. 164, A bill for an act providing for appraisement of property taken on execution,

Was taken from the table.

**Mr. Jackson**

Moved to refer the bill to the Committee on the Judiciary.

Which motion was not agreed to.

**Mr. Thompson**

Moved to amend the bill by striking out of the 5th line of Section 6, the word "prior," and inserting before the word "levied," in the fourth line, the word "first,"

Which motion was agreed to.

**Mr. Dana**

Moved to amend the bill by striking out of the 9th line of Section one, the words, "struck down," and inserting in lieu thereof the word "sold,"

Which motion was not agreed to.

On motion of **Mr. SeEVERS**,

The bill was considered as being engrossed and read a third time.

**Mr. Edwards**

Moved to postpone the further consideration of the bill until tomorrow at 10 o'clock A. M.

Which motion was lost.

The question recurring upon the passage of the bill,  
The yeas and nays were demanded and were as follows :

Yeas 32, }

Nays 25. }

The yeas were,

Messrs. Anthony, Bates, Bander, Beal, Bradley, Casey, Cavanaugh, Collins, Dana, Davis, Dewey, Drummond, Grimes, Guberson, Harmon, Lambert, Laney, Lundy, Millard, Millsap, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Seevers, Sprague, Thompson, Trumbull, Waln, Mr. Speaker—32.

The nays were,

Messrs. Ayers, Belknap, Carpenter, Casaday of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Curtis, Dews, Edwards, Foster, Gray, Gue, Jackson, Mahony, McCrary, McCormick, McGrew, Milliser, Mitchell, Moorman, Stearns, Wilson—25.

The bill was lost.

Mr. Charles Sharman, one of the Messengers of the House, was granted leave of absence.

Mr. S. B. Shelledy, Speaker of the House of Representatives, was granted leave of absence for a few days.

Mr. Wright

Submitted the following report :

The committee on Enrolled Bills, report that they have presented to the Governor for his signature the following bills :

House substitute for Senate substitute for Senate File No. 70, An act to change the time of holding courts in the fourth Judicial District. And

House File No. 159, Memorial to Congress for a grant of land for the support of Agricultural Colleges and Scientific Agriculture.

WRIGHT, Chairman.

Mr. Clark of Dubuque,

Moved that the House proceed to the election of a Speaker pro tem., to act during the absence of the Speaker,

Which motion was agreed to.

Mr. Clark nominated Mr. Edwards.

The House proceeded to ballot, whereupon Mr. Edwards received 51 votes.

Mr. Edwards having received a majority of all the votes cast,

was declared duly elected Speaker pro tem., of the House of Representatives.

Mr. Edwards

Presented himself and took the oath of office.

On motion of Mr. Foster,  
The House adjourned.

TWO O'CLOCK, P. M.

House met pursuant to adjournment.

### REPORTS OF COMMITTEES.

Mr. SeEVERS

Submitted the following report from the Codifying Committee, accompanied by House File No. 248, A bill for an act amending Chapter 2 of the Code,

Which was read a first and second time, and

Referred to the committee on Constitutional Amendments.

*Hon. W. H. SeEVERS :*

SIR—We herewith present a draft for a bill, amending Chapter two of the Code. The amendments are all formal, except the provisions of Section five. That Section was deemed advisable, to avoid any future difficulty which may arise in relation to the term of office of the Speaker.

By reference to the Journal of the Extra Session of 1856, it will be seen that the House decided to elect a Speaker, as well as other officers, and it is for the purpose of avoiding the force of that precedent, that the provision is proposed.

W. T. BARKER.

CHAS. BEN DARWIN.

Mr. SeEVERS

Also submitted the following communication from the the same Committee, together with House File No. 249, A bill for an act qualifying the Criminal Jurisdiction of Justices of the Peace,

Which was read a first and second time.

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

The Constitution, by Section 11, of Article 1, leaves a Justice of the Peace jurisdiction, only where the punishment shall be a fine

of not more than one hundred dollars, or imprisonment of not more than thirty days in the county jail.

As the punishment now stands, such Justice has Jurisdiction only in six or eight cases, and has no Jurisdiction in cases of the most trifling nature or assaults.

The bill herewith presented, suggests changes in punishment, so as to confer a larger Jurisdiction on that office.

It is prompted by the thought that slighter punishment, if more sure and speedy, would be more effective than greater, tempered with delay. Also, by a desire to keep out of the District Court, as far as possible, those cases which now consume so much of its time, and in which a jury trial before a Justice would generally secure ample justice. We have declined reducing some, from a reflection on the different natures of the investigation, and a probability that such would not obtain final determination before a magistrate, as illegal voting, &c.

We append a criminal provision that perhaps is needed :

If any person having the control of any minor, as guardian or otherwise, shall cruelly treat or abuse, by chastisement, insufficient food or clothing, or overwork, or by any other cruel act, or by any cruel neglect of such minor, such person so offending, shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding thirty days.

Respectfully submitted,

CHAS. B. DARWIN.

W. T. BARKER.

On motion of Mr. Jackson

The 42d Rule of the House was suspended and the bill read a third time.

Mr. Millard

Moved to re-commit the bill to the committee on the Judiciary with instructions to amend the same,

Which motion was lost.

The question being upon the passage of the bill,

The yeas and nays were ordered and were as follows :

Yeas 61, }

Nays 2. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bander, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren,

Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Drummend, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy, Mahony, McCrary, McCormick, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Streeter, Thompson, Trunbull, Waln, Wilson, Wright—61.

The nays were,

Messrs. Jackson and Millard—2.

The title of the bill was then agreed to.

Message from the Senate, by their Secretary.

MR. SPEAKER:

I herewith present for your signature Senate File No. 105: An act to legalize certain acts of James M. Berry, late County Judge of Linn county, Iowa, and certain other persons,

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Woodward

Was excused from attendance upon the House.

Mr. Wilson,

From the committee on Ways and Means to whom was referred House File No. 213, A bill for an act relating to giving of notices in newspapers,

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

Mr. Wilson

From the same committee to whom was referred House File No. 201, A bill for an act requiring county printing to be done in the county paper having the largest circulation,

Reported the same back to the House without amendment, and recommended that no further action be had upon it.

Mr Harmon.

Moved that House File No. 213, A bill for an act relating to giving of notices in newspapers, be indefinitely postponed.

Upon which question,

The yeas and nays were demanded by Mr. Mahony, and were as follows:

Yeas 44, }  
Nays 12. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Lambert, McCrary, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Richardson, Sprague, Stearns, Streeter, Thompson, Waln, Wright—44.

The nays were,

Messrs. Anthony, Bennett, Bradley, Campbell, Cavanaugh, Clark of Dubuque, Guiberson, Laney, Mahony, Millsap, Reitzel, Scott, Seevers, Sharp, Trumbull, Wilson—12.

The motion prevailed, and the bill was indefinitely postponed.

Mr. Trumbull

Moved that when the House adjourn, it adjourn to meet at 9 o'clock to-morrow morning,

Upon which question

The yeas and nays were demanded and were as follows:

Yeas 35, }  
Nays 29. }

The yeas were,

Messrs. Bates, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dana, Dummond, Edwards, Gray, Gue, Guiberson, Johnson, Lambert, Laney, Lundy, Millard, Mitchell, Millsap, Prentiss, Richardson, Scott, Sharp, Sprague, Thompson, Trumbull, Waln, Watts, Woodward, Wright and Mr. Speaker—35.

The nays were,

Messrs. Anthony, Ayers, Carpenter, Cassaday of Van Buren, Cooley, Collins, Curtis, Davis, Dewey, Dews, Foster, Grimes, Harmon, Jackson, Mahony, McCrary, McCormick, McGrew, Milliser, Moorman, Morgan, Randolph, Rankin, Reitzel, Seevers, Stearns, Streeter, Wilson—29.

The motion prevailed.

Mr. Davis

Moved to adjourn,

Which motion was not agreed to.

Mr. Wilson

Submitted the following report, which was concurred in :

The committee on Ways and Means, to whom was referred the memorial of the Trustees and Faculty of the Iowa Medical College, have had the same under consideration, and have instructed the undersigned to report the same back and recommend that the prayer of the memorialists be not granted.

J. F. WILSON, Chairman.

On motion of Mr. Seevers

Substitute for House File No. 70: A bill for an act to allow interested persons to testify in civil actions;

Also House File No. 247: A bill for an act permitting persons in interest in civil suits to testify as witnesses,

Were taken up, the same being the special order of the House for this hour.

On motion of Mr. Seevers

House File No. 247: A bill for an act permitting persons in interest in civil suits to testify as witnesses,

Was indefinitely postponed.

Mr. Seevers

Moved to amend House File No. 70: A bill for an act to allow interested persons to testify in civil actions, by filling the blank in the fifth line of section seven with the word "eight," and inserting after the word "notice" the words, "if the action is in a Court of record, and ten days notice if before a Justice of the Peace,"

Which motion was agreed to.

Mr. Cooley

Moved to amend the bill by adding the following to the 6th line of section two: "which notice shall contain a brief statement of the matters or points upon which the party will testify, and he shall be permitted to give no testimony except upon the points or matters specified in the notice."

The motion prevailed, and the bill was so amended.

Mr. Jackson

Moved to amend the bill further by striking out the words "the party taking the same," and inserting in lieu thereof the words "either party to the suit,"

Which motion was adopted.

Mr. Seevers

Moved to amend by striking out the words, "and if not used shall be paid for by him."

The motion was adopted.

Mr. Clune

Moved that the further consideration of the bill be indefinitely postponed.

The motion was lost.

Mr. SeEVERS

Moved to fill the blank in line 16, section 7, with the word "eight," and insert after the word "notice," the words, "if the action is in a Court of record, and if before a Justice of the Peace two days notice."

The amendment was adopted.

Mr. Clark, of Dubuque,

Moved to amend by striking out the entire seventh section of the bill,

Upon which question

The yeas and nays were demanded by Mr. Jackson, and were as follows:

Yeas 23, {  
Nays 37. }

The yeas were,

Messrs. Ayers, Bates, Beal, Bennett, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Curtis, Dews, Gray, Guiberson, Johnson, Mahony, McCormick, Millsap, Sharp, Sprague, Thompson, Waln—23.

The nays were,

Messrs. Anthony, Bander, Belknap, Bradley, Carpenter, Casey, Cooley, Collins, Dana, Davis, Dewey, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Streeter, Wilson, Wright, Mr. Speaker—37.

The motion was lost.

Mr. Cooley

Moved to amend by adding to the first section the following: But if upon such examination such party so examined gives other testimony than such as is in reply to the interrogatories of the party calling him, such party so calling him may produce himself as a



witness in his own behalf to rebut such other testimony: Provided, however, that if the answer of the party called tends to change such party, he shall be permitted to give such further testimony as goes to his discharge.

Mr. Bates

Moved to amend the bill by adding to line eight, in section 7, the following:

“But a husband or wife may in all causes be a witness for or against the other, the same as any other person, except that neither shall be allowed to disclose any confidential communication made to the other during coverture.”

Mr. Cooley

Moved to amend the amendment by striking out the words “or against.”

Pending which, on motion of Mr. Bauder,  
The House adjourned.

THURSDAY MORNING, }  
MARCH 4th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Peet.

On motion of Mr. Dana

The reading of the journal was dispensed with.

Mr. Bennett

Moved a call of the House, which motion being sustained,

The Clerk proceeded to call the roll, when the following members were found to be absent and unexcused:

Messrs. Ayers, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Drummond, Laney, Mahony, Sprague and Wilson.

Messrs. Bradley, Johnson and Bates were excused from attendance upon the House.

On motion of Mr. Prentiss

Further proceedings under the call were dispensed with.

The question recurring upon the amendment to the amendment pending at yesterday's adjournment,

Mr. Cooley,

With leave, withdrew the same.

The question recurring upon the amendment offered to section seven by Mr. Bates,

Mr. Clark, of Dubuque,

Moved the previous question,

Which motion was seconded, and upon the question, shall the main question now be put,

The same was agreed to.

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Bennett, and were as follows:

Yeas 9, }

Nays 52. }

The yeas were,

Messrs. Bennett, Cassaday of Van Buren, Mahony, Milliser, Millsap, Rankin, Sharp, Thompson, Waln—9.

The nays were

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bradley, Campbell, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Reitzel, Richardson, Scott, Seever, Sprague, Stearns, Streeter, Trumbull, Wilson, Woodward, Wright—52.

The amendment was lost.

Upon the question of ordering the bill to be engrossed and read a third time to-morrow,

The yeas and nays were demanded by Mr. Bennett, and were as follows:

Yeas 29, }

Nays 33. }

The yeas were,

Messrs Bradley, Carpenter, Collins, Dana, Davis, Dewey, Grimes,

Gue, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Streeter, Waln, Wilson, Wright, Mr. Speaker—29.

The nays were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Crawford, Curtis, Dews, Foster, Gray, Guiberson, Harmon, Johnson, Mahony, McCormick, Millsap, Prentiss, Scott, Sharp, Sprague, Thompson, Trumbull, Woodward—33.

The motion was lost.

Mr. Prentiss

Moved a reconsideration of the vote just taken by which the House refused to order the Bill to be Engrossed and read a third time to-morrow.

Mr. Bennett

Moved to lay the motion upon the table,

Upon which question

The yeas and nays were ordered and were as follows:

Yeas 20,	)
Nays 37.	

The yeas were,

Messrs. Anthony, Ayers, Bauder, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Dews, Gray, Harmon, Laney, Mahony, McCormick, Millsap, Reitzel, Scott, Sprague, Thompson, Woodward—29.

The nays were,

Messrs. Belknap, Bradley, Carpenter, Collins, Dana, Davis, Dewey, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Richardson, Seevers, Sharp, Stearns, Streeter, Trumbull, Waln, Wilson, Wright, Mr. Speaker—34.

The motion to lay the motion on the table was lost.

The question recurring upon the motion to re-consider the vote by which the House refused to order the bill to be engrossed and read a third time,

The yeas and nays were demanded by Mr. Thompson, and were as follows:

Yeas 33, }  
Nays 29. }

The yeas were,

Messrs. Anthony, Belknap, Bradley, Carpenter, Casey, Dana, Davis, Dewey, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Streeter, Trumbull, Waln, Wilson, Wright, Mr. Speaker—33.

The nays were,

Messrs. Ayers, Bauder, Beal, Bennett, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Dews, Gray, Harmon, Laney, Mahony, McCormick, Millsap, Scott, Sharp, Spragne, Stearns, Thompson, Woodward—29.

The motion prevailed.

The question being upon ordering the bill to be engrossed and read a third time to-morrow,

The yeas and nays were demanded by Mr. Curtis, and were as follows:

Yeas 39, }  
Nays 22. }

The yeas were,

Messrs. Anthony, Belknap, Bradley, Carpenter, Casey, Cassiday of Mahaska, Cooley, Dana, Davis, Dewey, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Streeter, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker—39.

The nays were,

Messrs. Ayers, Bauder, Beal, Bennett, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Laney, Mahony, McCormick, Sharp, Sprague, Thompson—22.

The motion prevailed.

Message from the Senate, by their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 95 : A bill for an act to amend Chapter 220 of the session laws of 1856-7.

Senate File No. 111 : A bill for an act making appropriation for the State University.

Substitute for Senate File No. 130 : A bill for an act authorizing a loan from the school fund to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the University of the State of Iowa.

Substitute for Senate File No. 23 : A bill for an act for the Public Instruction of the State of Iowa.

Senate File No. 152 : A bill for an act requiring two at least of the Trustees of the Dubuque and Pacific Railroad Company to reside in the State of Iowa, and to regulate the issue and disposition of the construction bonds of said Company.

GEO. E. SPENCER,

Secretary Senate.

## REPORTS OF COMMITTEES.

Mr. Wright,

From the committee on Enrolled Bills, reported that the committee have examined substitute for Senate File No. 31, A bill for an act fixing the terms of court in the third Judicial District, and found the same correctly enrolled.

Mr. Wilson

Submitted the following report :

The committee on Ways and Means, to whom was referred House File No. 231, A bill for an act to repeal Section 613 of the Code, and amendatory of the law in relation to State Census, for the purpose of filling the blank in the 13th line of the 5th Section, recommend that said blank be filled with the word "two."

J. F. WILSON, Chairman.

The report was concurred in, and

On motion of Mr. Seevers,

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

Mr. Wilson

Also submitted the following report, which was concurred in:  
 The committee on Ways and Means to whom was referred the petition of the county officers and other citizens of Woodbury county, praying for an increase of the salaries of county officers, have instructed the undersigned to report the same back, and recommend that the prayer of the petitioners be not granted.

J. F. WILSON, Chairman.

Mr. Wilson

Also submitted the following report, which was concurred in.

The committee on Ways and Means, to whom was referred the petition of S. N. Lindly and others, praying for the passage of a law respecting the assessment of taxes on unimproved lands, have instructed the undersigned to report the same back and recommend that no further action be had thereon.

J. F. WILSON, Chairman.

Mr. Wilson,

From the same committee, submitted the following report, which was also concurred in :

The committee on Ways and Means, to whom was referred the petition of the County Judge of Woodbury county, and others, praying for an act concerning the assessment of taxes in said county, have instructed the undersigned to report the same back and recommend that no further action be had thereon.

J. F. WILSON, Chairman.

Mr. Mahony,

From the Committee on Ways and Means, to whom was referred the petition of citizens of Lee county, in relation to the Iowa Penitentiary, reported House File No. 250, A bill for an act to prohibit the Inspectors, Wardens, Lessees and other officers of the Iowa State Penitentiary, from being interested in contracts for furnishing such Penitentiary with provisions, clothing or other necessaries, and from being connected or interested in contracts for building or furnishing building material for such Penitentiary,

Which was read a first and second time.

Mr. Wright

Moved to re-commit the bill to the committee, with instructions, Which motion was lost.

On motion of Mr. Curtis,

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

**Mr. SeEVERS**

Submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 37, A bill for an act fixing the punishment for assault or assault and battery, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

The report of the committee was concurred in and the bill indefinitely postponed.

**Mr. SeEVERS**

Submitted the following report :

The committee on the Judiciary, to whom was referred Senate File No. 136, A bill for an act to legalize certain acts of the county Judges and County Clerks of Taylor county, have had the same under consideration and have directed me to recommend its indefinite postponement.

1st. Because the proposed Legislation would be special, and if passed at all, should be applicable to all counties in the State.

2d. A general law has passed this house upon the general subject matter of this bill.

The report of the committee was concurred in, and the bill indefinitely postponed.

**Mr. SeEVERS**

Also submitted the following report :

The committee on the Judiciary, to whom was referred Senate File No. 79, An act to amend Section 2597 of the Code, &c., and to provide for the punishment of assault, have had the same under consideration, and directed me to report the same back, and recommend its indefinite postponement.

The report of the Committee was concurred in, and the bill indefinitely postponed.

**Mr. SeEVERS**

Also submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 228, An act to amend Section 2333 of the Code, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

The report of the committee was concurred in, and the bill indefinitely postponed.

**Mr. SeEVERS**

Also submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 205, A bill for an act to amend Chapter 80 of the Code, have had the same under consideration, and directed me to report the same back and recommend that Section 4 be stricken out, and as thus amended it be passed.

The report of the committee was concurred in, and

On motion of Mr. McCrary,

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

Mr. Seevers

Also submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 227, A bill for an act to regulate the service of original notices, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement. Because, by the law as it has been amended at this Session of the General Assembly, the object of the bill has been accomplished.

The report of the committee was concurred in and the bill indefinitely postponed.

Mr. Seevers

Also submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 213, A bill for an act regulating jurors and juror's fees, have had the same under consideration, and directed me to report a substitute therefor and recommend its passage.

The report of the committee was concurred in, and the substitute adopted.

Mr. Thompson

Moved to amend the substitute by striking out that part referring to Tallymen,

Which motion was lost.

On motion of Mr. Mahony,

The bill was referred to a Select Committee of five.

The Speaker appointed

Messrs. Millard, Thompson, Bradley, Mahony and Wilson said Committee.

Mr. Seevers

Submitted the following report :



The committee on the Judiciary, to whom was referred House File No. 165, A bill for an act to encourage the organization of Fire Companies and for protection of firemen and the property of Fire Companies, have had the same under consideration, and directed me to report a substitute therefor and recommend its passage.

The report of the committee was concurred in, and the substitute adopted.

On motion of Mr. Belknap,

The 42d Rule of the House was suspended, and the bill read a third time, and

Upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 61, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassady of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Olune, Cooley, Crawford, Curtis, Dana, Davis, Dewey, Dewa, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright and Mr. Speaker—61.

The bill passed, and the title of the same was agreed to.

Mr. SeEVERS

Submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 184, A bill for an act providing for the punishment of larceny, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

The report of the committee was concurred in, and the bill was indefinitely postponed.

Mr. SeEVERS

Submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 61, A bill for an act legalizing the election and official

acts of the officers of the city of Glenwood, have had the same under consideration, and directed me to report the same back without recommendation.

1st. Because there is no sufficient evidence before them that such an act is needed or desired, or that it is right and proper to grant the relief asked for—deeming as we do, that acts of legislation should not be passed unless some great public good is to be accomplished—and that they are of doubtful validity.

2d. As an act of legislation, it is too broad in its scope and intent; should it become a law legal and binding, it might effect those not intended by the draftsman, and be very injurious in its character.

3d. As such an act by possibility may be legitimate and proper notwithstanding the foregoing suggestions and others that might be made, the committee thought it best to return it without recommendation, so the member presenting the same could have the opportunity of sustaining it before the House.

On motion of Mr. Davis,

The bill was laid upon the table.

Mr. Clark,

From the committee on the Judiciary, to whom was referred House File No. 244, A bill for an act providing for argumental Terms of the Supreme Court of the State of Iowa, increasing the contingent funds thereof, allowing mileage to the Judges, and additional pay to the Clerk,

Reported the same back to the House with sundry amendments and recommended its passage.

The amendments of the committee were concurred in.

Mr. Wilson

Moved to amend the bill further by striking out of the 24th Section, the words "Jefferson county,"

Which amendment was agreed to.

Mr. Carpenter

Moved to amend by striking out the words "Winnebago, Kosuth and Wright,"

Which amendment was agreed to.

Mr. Clune

Moved to further amend the bill by striking out of Section 2, the word "shall," and inserting in lieu thereof the word "may."

The amendment was adopted.

Mr. Lundy

Moved to further amend the bill by striking out the words "Davenport" and "Scott," when they occur in the second Section, and inserting in lieu thereof the word "Muscatine."

The amendment was agreed to.

On motion of Mr. Foster,

The House adjourned.

TWO O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Bauder

Moved a call of the House, which motion being sustained,

The Clerk proceeded to call the roll, when

On motion of Mr. Bennett,

The call was suspended.

Mr. Crawford

Moved that the vote by which the amendment to House File No. 244, A bill for an act providing for argumental terms of the Supreme Court of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk, to strike out "Davenport" and "Scott," where the words occur in the second Section, and insert in lieu thereof, the word "Muscatine" was adopted, be reconsidered.

The motion prevailed and the same was reconsidered.

The question recurring upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Lundy, and were as follows :

Yeas 17, )

Nays 44. }

The yeas were,

Messrs. Ayers, Belknap, Dana, Dews, Guiberson, Jackson, Lundy, McCrary, McCormick, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Seevers—17.

The nays were,

Messrs. Bates, Bauder, Beal, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casaday of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson,

Clune, Cooley, Crawford, Curtis, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Johnson, Lambert, Mahony, Millard, Millsap, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Woodward, Wright—44.

The amendment was lost.

Mr. Clune

Moved to amend the bill by adding after the word "terms," where it occurs in the first Section, the words, "and shall hear oral arguments.

The amendment was not adopted.

Mr. Clark of Dubuque,

Moved to further amend the bill by filling the blank in Section 8, with the word "five."

The amendment was not adopted.

Mr. SeEVERS

Moved to further amend by filling the blank with the word "three."

Which amendment was not agreed to.

Mr. Mahony

Moved to amend the bill by striking out after the word "court," where it occurs in the 4th line of Section 8.

The amendment was adopted.

Mr. Jackson

Moved to further amend the bill by adding to Section eight the words, "nearest traveled route."

The amendment was adopted.

Mr. Drummond

Moved to further amend the bill by striking out the 9th Section.

The amendment was not agreed to.

Mr. Drummond

Moved to further amend by striking out of the bill the 10th Section.

The amendment was adopted.

Mr. Jackson

Moved to further amend the bill by striking out that part of Section 12 having reference to the 24th Rule.

The amendment was adopted.

Mr. Clark of Dubuque,

Moved that the bill be engrossed and read a third time to-morrow.

**Mr. Jackson**

Moved to further amend the bill by striking out the word "Bancroft," where it occurs in the second Section, and inserting in lieu thereof the word "Tama."

The amendment was adopted.

The question recurring upon ordering the bill to be engrossed and read a third time,

**Mr. Clune**

Demanded the yeas and nays, which were as follows :

Yeas 38, {  
Nays 23. }

The yeas were,

Messrs. Anthony, Bates, Belknap, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Crawford, Dewey, Drummond, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lundy, Mahony, McCrary, McGrew, Millard, Millsap, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Woodward, Wright and Mr. Speaker—38.

The nays were,

Messrs. Ayers, Beal, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Clune, Curtis, Dana, Davis, Dews, Foster, Guiberson, Lambert, McCormick, Mitchell, Moorman, Morgan, Prentiss, Randolph, Sharp, Wilson—22.

The motion prevailed.

**Mr. Millard**

Moved a reconsideration of the vote by which House File No. 164: "A bill for an act providing for appraisement of property taken on execution," was lost.

**Mr. Carpenter**

Moved to lay the motion to reconsider upon the table,

Upon which question

The yeas and nays were demanded by Mr. Millard, and were as follows :

Yeas 26, }  
Nays 37. }

The yeas were,

Messrs. Ayers, Belknap, Bennett, Campbell, Carpenter, Clark

of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Crawford, Curtis, Foster, Gray, Gue, Jackson, Mahony, McCrary, McCormick, McGrew, Mitchell, Moorman, Seevers, Stearns, Wilson, Woodward, Wright—26.

The nays were,

Messrs. Anthony, Bates, Beal, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clune, Dana, Davis, Dewey, Drummond, Grimes, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Millard, Milliser, Millsap, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Streeter, Thompson, Trumbull, Waln, Mr. Speaker—37.

The motion to lay on the table was lost.

The question being upon the motion to reconsider,

The yeas and nays were demanded by Mr. Millard, and were as follows:

Yeas 34, )

Nays 29. }

The yeas were,

Messrs. Anthony, Bates, Beal, Casey, Cavanaugh, Clune, Dana, Davis, Dewey, Drummond, Grimes, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Millard, Milliser, Millsap, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Streeter, Thompson, Trumbull, Waln, Mr. Speaker—34.

The nays were,

Messrs. Ayers, Belknap, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Crawford, Curtis, Dews, Foster, Gray, Gue, Jackson, Mahony, McCrary, McCormick, McGrew, Mitchell, Moorman, Seevers, Stearns, Wilson, Woodward, Wright—29.

The motion to reconsider prevailed.

Mr. Dana

Moved to re-commit the bill to the select committee, together with House File No. 127, with instructions to strike out all of that part of the bill effecting judgments already rendered.

Mr. Mahony

Moved to lay the bill upon the table,

Which motion was lost.

Mr. Cassaday, of Van Buren,

Moved to adjourn,

Which motion was lost.

Mr Harmon

Moved to lay the bill upon the table,

Which motion was lost.

Mr. Thompson

Moved to postpone the further consideration of the bill until to-morrow morning at 11 o'clock,

Upon which motion

The yeas and nays were ordered and were as follows :

Yeas 27, )

Nays 33. )

The yeas were,

Messrs. Anthony, Bates, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Dubuque, Crawford, Dana, Dewey, Drummond, Guiberson, Lancy, Lundy, Millard, Milliser, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Streeter, Thompson, Walu, Mr. Speaker—27.

The nays were,

Messrs. Ayers, Bauder, Peal, Belknap, Bennett, Campbell, Carpenter, Casady of Woodbury, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Curtis, Davis, Dews, Foster, Gray, Grimes, Gue, Harmon, Lambert, Mahony, McCrary, McCormick, Mitchell, Moorman, Morgan, Seevers, Stearns, Trumbull, Wilson, Woodward, Wright—33.

The motion was lost.

Mr. Bates

Moved to adjourn,

Which motion was lost.

Mr. Thompson

Moved a call of the House, which motion being sustained,

The Clerk proceeded to call the roll, when the following members were found to be absent and unexcused :

Messrs. Bradley, Cassiday of Mahaska, McGrew and Steward.

The Sergeant-at-Arms was directed to bring in the absentees.

The Sergeant-at-Arms reported that the absentees were all sick, and unable to be in attendance upon the House.

On motion of Mr. Seevers

Further proceedings under the call were suspended.

Mr. Thompson

Moved to lay the bill upon the table,

Which motion was lost.

Mr. Seevers

Moved to postpone the further consideration of the bill until the fourth day of July next,

Upon which question

The yeas and nays were demanded by Mr. Thompson, and were as follows:

Yeas 31, }  
Nays 33. }

The yeas were,

Messrs. Ayers, Belknap, Bennett, Campbell, Carpenter, Cassiday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Dews, Foster, Gray, Gue, Jackson, Mahony, McCrary, McCormick, McGrew, Moorman, Morgan, Seevers, Stearns, Wilson, Woodward, Wright—31.

The nays were,

Messrs. Anthony, Bates, Bauder, Beal, Casey, Collins, Dana, Davis, Dewey, Edwards, Grimes, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Millard, Milliser, Mitchell, Millsap, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Streeter, Thompson, Trumbull, Waln—33.

The motion was lost.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 34, }  
Nays 31. }

The yeas were

Messrs. Anthony, Bates, Bauder, Beal, Casey, Cavanaugh, Collins, Dana, Davis, Dewey, Drummond, Grimes, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Millard, Milliser, Mitchell, Millsap, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Streeter, Thompson, Trumbull, Waln—34.

The nays were

Messrs. Ayers, Belknap, Bennett, Campbell, Carpenter, Cassiday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Dews, Edwards, Foster, Gray, Gue, Jackson, Mahony, McCrary, McCormick, McGrew, Moorman, Morgan, Seevers, Stearns, Wilson, Woodward, Wright—31.



The bill not having received a constitutional majority, the same was lost.

**Mr. Foster**

Submitted the following report :

The committee on Engrossed Bills report that they have examined House File No. 183: A bill for an act to regulate the Interest of money. Also,

House File No. 185: A bill for an act to authorize Forwarding and Commission merchants and others, to sell unclaimed goods. Also,

House File No. 211, A bill for an act to confirm the division of the rights and liabilities of the county of Webster since its division. Also,

House File No. 133, A bill for an act to legalize the issue of certain Bonds voted by the the city of Dubuque, to the Dubuque and Turkey Valley and to the Dubuque and Bellevue Railroad Companies, and to authorize the proceeds of said bonds to be used outside of Dubuque county. Also,

House File No. 223, A memorial and Joint Resolution asking Congress for a grant of land to aid in the construction of a Railroad from Ft. Dodge to Sioux Bluffs. Also,

House File No. 188, A bill for an act to authorize and regulate the adoption of children. Also,

Substitute for House File No. 226, A bill for an act providing for the election of District Attorney, prescribing the duties thereof, and fixing his compensation, and find the same correctly engrossed.

**Mr. Cooley**

Submitted the following report :

The committee on the Judiciary, to whom was referred a petition of the citizens of Lansing, Alamakee county, praying for the passage of a law legalizing the official acts of the President and Council of the town of Lansing, have had the same under consideration and have directed me to report upon the same, that in the opinion of your committee, no legislation upon the subject matter of said petition is necessary.

The illegalities supposed to exist in the incorporation of said town as set forth in the petition, are first—A failure to record the Town Charter until several months after its adoption, and secondly, an irregularity in canvassing the votes cast for the officers of the Corporation elected under such Charter.

Upon the first point, your committee are of the opinion that that Section of the Code which requires the Charter to be recorded after its adoption, is merely directory, and that a compliance with its provisions is not essential to the validity of the incorporation.

Upon the second point, your committee express the opinion that whatever irregularities may have existed in the canvassing of the votes cast for the Corporation Officers, yet they having been declared elected, and having been qualified and entered upon the discharge of their official duties, they are officers *de facto* of the Corporation, and as such may exercise the powers and discharge the duties of their respective offices, and all acts performed by them in their official character, until they shall have been removed from office under a proceeding at law, instituted for that purpose, and are as valid and binding upon the corporation as though such persons held their offices *de jure*.

COOLEY.

The report of the committee was concurred in.

Mr. Cooley

Submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 234, An act to legalize the official acts of James McDonald, a Notary Public in and for the county of Lee, have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

The report of the committee was concurred in, and the bill indefinitely postponed.

Mr. Cooley

Also submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 224, A bill for an act to legalize the assessment of property in Page county, for the year 1857, and to authorize the collection of taxes therein, have had the same under consideration and have directed me to report the same back and recommend its indefinite postponement.

COOLEY.

The report of the committee was concurred in, and the bill indefinitely postponed.

Mr. Cooley

Also submitted the following report :

The committee on the Judiciary, to whom was referred Senate

File No. 89, A bill for an act to amend Section 112 of the Code, and Chapter 78 of the Session Laws of 1856-7, have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement.

The report of the committee was concurred in and the bill indefinitely postponed.

Mr. Thompson,

From the committee on Schools and State University, to whom was referred House File No. 235, A bill for an act continuing School Fund Commissioners in office until October next,

Reported the bill back to the House without amendment, and recommended its indefinite postponement.

Mr. Seevers

Moved to amend the bill by striking out the first and second Sections.

The amendment was adopted.

On motion of Mr. Seevers,

The 42d Rule of the House was suspended, and the bill read a third time, and

Upon the question, Shall the bill now pass?

The yeas and nays were demanded and were as follows:

Yeas 50, }  
Nays 7. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bennett, Carpenter, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Collins, Curtis, Davis, Dewey, Dews, Foster, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Stearns, Streeter, Trumbull, Waln, Wilson, Wright, Mr. Speaker—50.

The nays were,

Messrs. Clark of Johnson, Clune, Dana, Gray, Guiberson, Sprague, Thompson—7.

The bill passed and the title was agreed to.

Mr. Seevers

Moved to amend the title of the bill by striking out all after the word "office."

The amendment was adopted.

The title as amended was then agreed to.

Mr. Belknap, with leave, introduced

The following resolution, which upon his motion was adopted:

*Resolved*, That a Special Committee of three be appointed to make inquiry as to the amount of arms received by the State of Iowa from the General Government, and that said committee be instructed to ascertain the whereabouts of said arms at the present time, and report to this House as soon as practicable.

The Speaker appointed

Messrs. Belknap, Davis and Thompson as said committee.

On motion of Mr. Clark of Johnson,

Senate File No. 111, A bill for an act making an appropriation to the State University,

Was taken up and read a first and second time, and

Referred to the committee on Ways and Means.

On motion of Mr. Bates,

The House adjourned.

FRIDAY MORNING, }  
MARCH 5th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Peet.

On motion of Mr. Millard,

The reading of the Journal was dispensed with.

Messrs. Bates, Cooley and McCormick were excused from attendance upon the House.

Mr. Beal introduced

House File No. 251, Joint Resolution for mail facilities,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

Mr. Bradley

Offered the following Resolution :

*Resolved*, By the House of Representatives, (the Senate concurring,) that the General Assembly will adjourn *sine die*, on Tuesday, the 16th day of March, A. D. 1858.

**Mr. SeEVERS**

Moved to amend the resolution by striking out "16th," and inserting in lieu thereof "23d,"

Upon which question,

**Mr. Mahony** demanded the yeas and nays, which were as follows:

Yeas 38, }  
Nays 24. }

The yeas were,

Messrs. Anthony, Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, SeEVERS, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright—38.

The nays were,

Messrs. Ayers, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Crawford, Curtis, Gray, Johnson, Mahony, McCormick, Milliser, Millsap, Sharp, Sprague—24.

The amendment was adopted.

The question recurring upon the adoption of the resolution,

The same was adopted.

**Mr. Drummond**

Moved to take from the table the resolution heretofore offered by himself, in relation to the length and number of times members shall be allowed to speak,

Which motion was lost.

**Mr. Beal** introduced

House File No. 252, A bill for an act locating the Deaf and Dumb Asylum at Boonsboro, Boone county, Iowa,

Which was read a first and second time, and

Referred to the committee on Charitable Institutions.

**Mr. Beal** introduced

House File No. 253, A bill for an act locating the Blind Asylum at Jefferson, Greene county, Iowa,

Which was read a first and second time, and

Referred to the committee on Charitable Institutions.

**Mr. Bennett** introduced

House File No. 254, A bill for an act to locate and establish an Asylum for the Deaf and Dumb, in Marion county, Iowa,  
Which was read a first and second time, and  
Referred to the committee on Charitable Institutions.

## REPORTS OF COMMITTEES.

Mr. Belknap

Submitted the following report :

The committee on Public Buildings, to whom was referred the petition of John G. Walker and others, citizens of Lee county, asking that all officers of the Iowa Penitentiary, be prohibited from being concerned in any contract of construction connected with said Penitentiary, ask to be discharged from the consideration of the same, a bill relative to the subject matter of the petition having been already introduced and ordered to a third reading.

The report of the committee was concurred in.

Mr. Lundy

Submitted the following report, which was concurred in :

The committee on Agriculture, to whom was referred sundry petitions, praying for the creation of the office of State Annalist or Geographer, have had the same under consideration, and instructed me to report the same back to the House and recommend that there be no further action taken thereon.

Mr. Randolph,

From the committee on Public Lands, to whom was referred House File No. 208, A bill for an act to authorize the Register of the State Land Office and Governor of Iowa, to issue patents to the purchasers of Des Moines River Lands,

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

On motion of Mr. Mahony,

The bill was laid upon the table.

Mr. Jackson,

From the committee on Banks and Banking, to whom was referred House File No. 141, A bill for an act authorizing the business of Banking in the State of Iowa,

Reported the same back to the House with sundry amendments.

The amendments were concurred in.

On motion of Mr. Seevers,

The bill was made the special order of the House for this day at two o'clock p. m.

Mr. Streeter,

From the committee on New Counties, to whom was referred sundry petitions of Dubuque and Delaware counties, asking for the formation of a New County out of portions of said counties, reported that the petitioners be requested to consult the law on New Counties, providing there be such a law in existence.

The report of the Committee was concurred in.

Mr. Streeter,

From the committee on New Counties, to whom was referred the petitions of citizens of Iowa and Cass counties, remonstrating against any change in the boundaries of said counties, as petitioned for by certain citizens of said counties reported.

That according to the committee's notion of Constitutional rights, the General Assembly has no right whatever, to grant or make the change prayed for by the petitioners, and recommend that the prayers of those remonstrating be concurred in.

The report was concurred in.

Mr. Lambert submitted the following report :

The select committee to whom was referred Senate File No. 135, have had the same under consideration and directed me to report the same back and recommend that the bill be indefinitely postponed.

The report of the committee was concurred in, and the bill indefinitely postponed.

## BILLS INTRODUCED.

Mr. Seevers introduced

House File No. 255, A bill for an act to repeal Section 1763 of the Code, and amendatory of the law providing when causes in Courts of Records shall be tried,

Which was read a first and second time.

On motion of Mr. Seevers,

The 42d rule was suspended, and the bill read a third time, and

Upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 54, )

Nays 5. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casaday of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Curtis, Dana, Davis, Dewey, Drummond, Foster, Grimes, Guiberson, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Seevers, Sharp, Stearns, Streeter, Trumbull, Waln, Wilson, Woodward, Wright and Mr. Speaker—54.

The nays were,

Messrs. Clark of Johnson, Dews, Gray, Gue, Thompson—5.

The bill passed, and the title of the same was agreed to.

Mr. Seevers introduced

House File No. 256, A bill for an act to amend Section 2340 of the Code, and amendatory to the law regulating the trial of appeals from Justices of the Peace,

Which was read a first and second time.

On motion of Mr. Seevers,

The 42d Rule of the House was suspended, and the bill read a third time, and

Upon the question shall the same now pass,

The yeas and nays were ordered, and were as follows:

Yeas 48, )

Nays 7.

The yeas were

Messrs. Anthony, Ayers, Bennett, Campbell, Carpenter, Casey, Cassaday, of Van Buren, Casaday of Woodbury, Cassidy of Mahaska, Clark of Des Moines, Clark of Dubuque, Collins, Curtis, Dana, Davis, Dewey, Foster, Grimes, Guiberson, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Seevers, Sharp, Stearns, Streeter, Trumbull, Waln, Wilson, Woodward, Wright and Mr. Speaker—48.

The nays were,

Messrs. Belknap, Cavanaugh, Clark, of Johnson, Dews, Gray, Gue, Thompson—7.

The bill passed, when the title of the same was agreed to.



Mr. Seevers introduced

House File No. 257, A bill for an act to legalize the assessment of taxes in the several counties of this State for the year 1857,  
Which was read a first and second time.

Mr. Seevers

Moved to amend the bill by adding after the word "year," in the 4th line of the title, the words "1855" and "1856."

The amendment was adopted.

On motion of Mr. Foster,

The bill was referred to a Select Committee composed of the members from Mills and Woodbury counties.

Mr. Wilson introduced

House File No. 258, A bill for an act to authorize the Governor to appoint Commissioners to examine the accounts of the State Officers, and to define the duties of the Governor in certain cases,  
Which was read a first and second time, and  
Referred to the Committee on Ways and Means.

Mr. Laney introduced

House File No. 259, A bill for an act exempting certain property of unmarried persons from seizure upon execution,  
Which was read a first and second time, and  
Referred to the committee on the Judiciary.

Mr. Clark of Johnson, introduced

House File No. 260, A bill for an act to amend an act entitled an act to incorporate Iowa City,  
Which was read a first and second time, and  
Referred to the committee on Incorporations.

Mr. Harmon introduced

House File No. 261, A bill for an act to enable the several counties to dispose of swamp lands,  
Which was read a first and second time, and  
Referred to the committee on Public Lands.

Mr. Mahony introduced

House File No. 263, A bill for an act to repeal Sections 1410 and 1411 of the Code, prescribing the descent of property,  
Which was read a first and second time.

On motion of Mr. Mahony,

The 42d Rule of the House was suspended, and the bill read a third time,

Upon the question, shall the bill pass,

The yeas and nays were ordered and were as follows:

Yeas 61, }  
Nays 1. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassady of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Seevers, Sharp, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright and Mr. Speaker—61.

Mr. Drummond voted in the negative.

The bill passed, and the title was agreed to.

Mr. Mahony introduced

House File No. 263, A bill for an act to re-enact all such acts as may have been repealed or suspended in their operation by the New Constitution, but which are not in conflict therewith,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Milliser, with leave,

Presented the petition of J. W. Starr and others, praying for increased mail facilities in this State,

Which was referred to the Committee on Federal Relations.

Mr. McCrary introduced

House File No. 264, A bill for an act to amend Chapter 104 of the laws of the 4th General Assembly,

Which was read a first and second time, and

Referred to the committee on Agriculture.

Mr. Mahony introduced

House File No. 265, A bill for an act requiring witness fees to be paid into the County Treasury,

Which was read a first and second time, when

Upon motion of Mr. Mahony,

The 42d Rule of the House was suspended, and the bill was read a third time,

And upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 57, ]  
Nays 2. ]

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dana, Davis, Dewey, Drummond, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McCormick, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, SeEVERS, Sharp, Sprague, Stearns, Streeter, Trumbull, Wilson, Woodward, Wright and Mr. Speaker—57.

The nays were,

Messrs. Guiberson, Thompson— 2.

The bill passed, when the title of the same was agreed to.

Message from the Senate, by their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate File No. 154: A bill for an act providing for a revision of the laws of Iowa, and the preparation of a Code of civil and criminal procedure,

In which the concurrence of the House is asked.

I herewith present for your signature Senate File No. 122: An act to provide for the apportionment of the interest on the School Fund for the year 1858, and to legalize the apportionment of said interest made by James D. Eads for the year 1857,

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

J. S. DIMMITT, Assistant Secretary Senate.

Mr. Sharp introduced

House File No. 266: A bill for an act to repeal an act entitled an act to protect game,

Which was read a first and second time.

Mr. Clark, of Dubuque,

Moved that the bill be indefinitely postponed,

Upon which question

The yeas and nays were demanded by Mr. Sharp, and were as follows :

Yeas 44, }  
Nays 19. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Davis, Dewey, Drummond, Foster, Gray, Grimes, Gue, Harmon, Johnson, Lundy, Mahony, McCrary, McGrew, Millsap, Morgan, Prentiss, Randolph, Rankin, Reitzel, Seevers, Sprague, Stearns, Thompson, Trumbull, Waln, Woodward—44.

The nays were

Messrs. Cassaday of Van Buren, Curtis, Dana, Guiberson, Jackson, Lambert, Laney, McCormick, Millard, Milliser, Mitchell, Moorman, Sharp, Streeter, Wilson, Wright, Mr. Speaker—19.

Motion prevailed and the bill was indefinitely postponed.

#### BILLS ON FIRST READING.

Senate File No. 154: A bill for an act providing for a revision of the laws of Iowa, and the preparation of a Code of civil and criminal procedure,

Was read a first and second time, and

On motion of Mr. Wilson,

The bill was referred to the committee on Ways and Means with instructions to report on Monday morning.

Senate File No. 152: A bill for an act requiring two at least of the Trustees of the Dubuque and Pacific Rail Road Company to reside in the State of Iowa, and to regulate the issue and disposition of the construction bonds of said Company,

Was read a first and second time, and

Referred to the committee on the Judiciary.

Substitute for Senate File No. 130: A bill for an act authorizing a loan from the school fund to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the University of the State of Iowa.

Was read a third time.

Mr. Wright

Moved to refer the bill to the committee on Schools and State University.

**Mr. Bennett**

Moved to amend the motion by referring the bill to the committee on **Ways and Means**,

Which motion was lost.

The question recurring upon the reference of the bill to the committee on **Schools and State University**,

The same was agreed to.

Senate File No. 95: A bill for an act to amend Chapter 220 of the session laws of 1856-7,

Was read the first and second time.

**Mr. Thompson**

Moved to refer the bill to the committee on the **Judiciary**,

Which motion was lost.

On motion of **Mr. Clune**

The 42d Rule of the House was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows :

Yeas 58—Nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Dana, Davis, Dewey, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harison, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, SeEVERS, Sharp, Sprague, Stearns, Streeter, Thompson, Waln, Wilson, Woodward, Wright, Mr. Speaker—58.

The title of the bill was then agreed to.

Substitute for Senate File No. 130: A bill for an act authorizing a loan from the School Fund to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the State University of the State of Iowa,

Was read a first and second time.

**Mr. Thompson**

Moved to refer the bill to the committee on **Schools and State University**.

**Mr. Harmon**

Moved to amend the motion by making the bill the special order for Monday next at 7 o'clock, P. M.,

Which motion was agreed to.

### BILLS ON SECOND READING.

House File No. 136: A bill for an act to preserve the purity of elections,

Was read a second time.

On motion of Mr. Curtis

The bill was made the special order for Saturday next at two o'clock, P. M.

### BILLS ON THEIR THIRD READING.

House File No. 226: A bill for an act to regulate the compensation of District Attorneys,

Was read a third time, when

Mr. Curtis

Moved to re-commit the bill to the committee on the Judiciary with instructions to reduce the compensation and make the salary payable out of the State Treasury.

Mr. Thompson

Moved to amend the motion by instructing the committee to strike out all that part of the bill referring to fees,

Which motion was lost.

Mr. Bradley

Moved to amend the motion by instructing the committee to strike out all that portion of the bill relating to fees, and to raise the salary to \$1500.

The motion was lost.

Mr. Drummond

Moved that the House do now adjourn,

Which motion was lost.

The question recurring upon the motion to re-commit the bill with instructions,

The yeas and nays were demanded by Mr. Curtis, and were as follows:

Yeas 26, )  
Nays 36. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Bander, Bennett, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Curtis, Dews, Gue, Johnson, Lundy, McCormick, McGrew, Millard, Milliser, Morgan, Reitzel, Sharp, Thompson, Waln, Mr. Speaker—26.

The nays were,

Messrs. Belknap, Bradley, Carpenter, Casady of Woodbury, Casiday of Mahaska, Clark of Dubuque, Clune, Collins, Crawford, Dana, Davis, Dewey, Drummond, Foster, Gray, Grimes, Guiberson, Harmon, Jackson, Lambert, Laney, Mahony, McCrary, Mitchell, Millsap, Moorman, Prentiss, Randolph, Rankin, Seever, Sprague, Stearns, Streeter, Wilson, Woodward, Wright—36.

Mr. Clune

Moved to re-commit with instructions to strike out all that portion of the bill relating to the fees of the District Attorney.

Pending which, on motion of Mr. Belknap,

The House adjourned.

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## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Wright

Offered the following resolution, which was adopted:

*Resolved*, That the Speaker take charge of the time piece in this House, and that no other person be allowed to meddle with it, except that the Fireman be allowed to wind it up.

On motion of Mr. Clark, of Dubuque,

House File No. 141: "A bill for an act authorizing the business of banking in the State of Iowa,"

Was taken up, it being the special order for this hour.

Mr. Jackson

Moved to amend the bill by adding the following to section one:

"And the expense incurred in executing the provisions of this section shall be audited and settled by the Auditor and paid out of any money in the Treasury not otherwise appropriated, and for the purpose of reimbursing the same, the said Auditor is authorized and required to charge against, and receive from such corpo-

ration applying for such circulating notes, such rates per cent. thereon as may be sufficient to reimburse the State in specie."

The amendment was adopted.

Mr. Curtis

Moved to amend the bill further by adding the following to section five:

"*Provided*, That nothing in this act shall be so construed as to compel any person to receive any such notes as money."

The amendment was not adopted.

Mr. Bradley

Moved to amend the bill by striking out of the third line the words "as money,"

The amendment was adopted.

Mr. Harmon

Moved to amend further by adding the following to section six of the bill:

"But the Auditor shall be liable in the same manner as the Treasurer, while keeping or disposing of such securities."

The amendment was adopted.

Mr. Bennett

Moved to further amend the bill by striking out the words "twenty-five," where they occur in section seven, and inserting in lieu thereof the word "ten."

Mr. Thompson

Moved to amend the amendment by striking out "ten" and inserting "fifty,"

Upon which question

The yeas and nays were demanded by Mr. Belknap, and were as follows:

Yeas 28, {

Nays 26. {

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Eradley, Carpenter, Casey, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Gue, Harmon, Johnson, Lundy, Mahony, Mitchell, Millsap, Moorman, Morgan, Prentiss, Reitzel, SeEVERS, Sprague, Thompson, Waln, Mr. Speaker—28.

The nays were,

Messrs. Bauder, Bennett, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cooley, Collins, Curtis, Davis, Dewey, Fos-



ter, Grimes, Guiberson, Jackson, Lambert, McCrary, Milliser, Randolph, Rankin, Richardson, Sharp, Stearns, Streeter, Wilson, Woodward, Wright—26.

The motion prevailed.

Mr. Curtis

Moved to amend the bill by striking out of section 7 the third and fourth lines,

The amendment was lost.

Mr. Bradley

Moved to amend the bill further by adding after the word "personal," where it occurs in the third line of section ten, the words, "or real."

The amendment was not adopted.

Mr. Clark, of Dubuque.

Moved to further amend the bill by adding to section eleven the following:

"Provided, That three per cent. annually of the entire circulation of such association shall be paid into the State Treasury as a bonus for the privileges granted by this act."

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Clark, of Dubuque, and were as follows:

Yeas 18, }  
Nays 37. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Curtis, Drummond, Johnson, Mahony, Millsap, Sharp—18.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Clark of Johnson, Clune, Cooley, Collins, Davis, Dewey, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lundy, McCrary, Milliser, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sprague, Stearns, Streeter, Thompson, Waln, Wilson, Woodward, Wright, Mr. Speaker—37.

The amendment was not adopted.

Mr. Bradley

Moved to further amend the bill by striking out of the second line of the 12th section the words "as money."

The amendment was adopted.

Mr. Mahony

Moved to amend the bill further by adding the following to section 12:

“The several denominations of paper issues which may be put in circulation under the provisions of this act, shall state upon the face of every note so issued the name of the town and county in which the bank issuing such notes is situated, the amount of capital stock for which securities are deposited with the Auditor according to the provisions of this act, the names of the President and Cashier of the corporation issuing such notes, besides the requirement of countersigning and registering as required by the provisions of this act.”

Mr. Jackson

Moved to amend the amendment by striking out all that portion having reference to the capital stock.

The amendment was not adopted.

The question recurring upon the amendment,

The yeas and nays were ordered and were as follows:

Yeas 29, }  
Nays 32. }

The yeas were,

Messrs. Ayers, Bander, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dews, Drummond, Gray, Gue, Guiberson, Harmon, Johnson, Laney, Mahony, Milliser, Millsap, Richardson, Sharp, Sprague, Trumbull—29.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Clark of Des Moines, Collins, Dana, Davis, Dewey, Foster, Grimes, Jackson, Lambert, Lundy, McCrary, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, SeEVERS, Stearns, Streeter, Thompson, Waln, Wilson, Woodward, Wright and Mr. Speaker—32.

The amendment was lost.

Mr. Bradley

Moved to amend the bill further by inserting after the word “President,” in the third line of section 13, the words “or other officers.”

The amendment was adopted.

Mr. Belknap

Moved to amend the bill further by adding the following additional section, to come in as

SEC. 14. Whenever any note or bill issued by any incorporation authorized by this act has been irrecoverably destroyed, the person who may have been the holder thereof shall be entitled to recover of said incorporation the amount of the note so destroyed.

Mr. Harmon

Moved to amend the amendment by adding the following :

“Provided, That the owner or holder of any such bill so lost or destroyed, shall not be competent evidence to prove such loss or destruction.”

The amendment was not adopted.

Mr. Davis

Moved to amend the amendment further by adding after the word “destroyed,” the words “by casualty.”

The amendment was not adopted.

The question recurring upon the adoption of the amendment,

The yeas and nays were demanded by Mr. SeEVERS, and were as follows :

Yeas 29, )  
Nays 31. )

Mr. Gray

Moved to further amend the bill by inserting after the word “which,” when it occurs in the eighth line of section —, the word “cancelled.”

The amendment was adopted.

Mr. Bates

Moved to amend the bill further by adding after the word “security,” when it occurs in the fifth line of section 14, the following:

“Whenever any such corporation shall go into liquidation, or in any other manner proceeds to close up its affairs,”

The amendment was adopted.

Mr. Harmon

Moved to amend the bill further by adding the following to section fourteen :

“And in case they shall fail to so burn any notes returned to them for that purpose, they shall be deemed guilty of felony, and liable to a fine of not more than five thousand dollars and impris-

onment in the Penitentiary not less than five nor more than twenty years."

The amendment was adopted.

Mr. Curtis

Moved to amend the bill further by adding after the words "New York," where they occur in the third line of section 15, the words "and two newspapers published at the Capitol of the State."

The amendment was not adopted.

Mr. Bradley

Moved to amend the bill by striking out of the second line of section two the words "as money." The amendment was adopted.

Mr. Belknap

Moved to amend the bill further by adding the following to section seventeen :

"All plates, dies and like materials of and peculiar to any banking incorporation which shall have closed business, either by its own voluntary act or by operation of law under the direction of the Auditor, shall be by such Auditor, in the presence of the Governor and Treasurer of State, destroyed; and such destruction, specifying the articles so destroyed, shall be officially certified to by all the three aforesaid officers."

The amendment was adopted.

Mr. Clark, of Johnson,

Moved to amend the bill further by adding to section nineteen the following :

"But the holder of any claim against such bank or banker payable on demand or due at the time of going into liquidation, shall be entitled to interest at the rate of ten per cent. per annum until paid, and all other claims shall bear the same rate of interest after maturity."

The amendment was adopted.

Mr. Seevers

Moved to amend section twenty of the bill by adding thereto the following :

"Provided, That the President, Cashier and Teller of such corporation shall reside in the county where such corporation is located.

The amendment was adopted.

Mr. Clark, of Johnson,

Moved to amend section 21 by striking out of line 3 the words "12 $\frac{1}{2}$ ," and inserting in lieu thereof the words "25."

Mr. Bradley

Moved to amend the motion by striking out "25" and inserting "33½."

The amendment was lost, and upon the question

The yeas and nays were demanded and were as follows:

Yeas 23, }  
Nays 35. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Johnson, Clune, Curtis, Dews, Gray, Guiberson, Lambert, Mahony, McGrew, Milliser, Millsap, Sharp, Sprague—23.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Clark of Des Moines, Collins, Dana, Davis, Dewey, Foster, Grimes, Gue, Harmon, Jackson, Lundy, McCrary, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker—35.

Mr. SeEVERS

Moved to amend by striking out of line three, in section 21, the words, "equal to 12½ per cent. of its actual circulation," and insert in lieu thereof the word "sufficient."

The motion was agreed to.

Mr. Harmon

Moved to amend section 28 by adding thereto the following:

SEC. 29. Receivers appointed under the provisions of this act shall give bond and security for the faithful performance of their duties, as may be required by the Judge or Court appointing them, but in no case for less amount than one and one half times the amount of the assets and effects of the bank that will come into their hands, and the securities may at any time be increased by order of the Auditor of State, or the Judge appointing them, and all bonds and securities taken in accordance with this section shall be in the name of the \_\_\_\_\_, and in case of maladministration of the assets and effects of the bank by such Receivers or either, suit may be brought on said bond or security, either by the Judge, Auditor of State or any creditor of the bank, or any stockholder thereof. And such Receivers, or either of them, may be removed for cause by the Judge or Auditor.

The amendment was not agreed to.  
On motion of Mr. Jackson  
The House adjourned.

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SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Bauder

Moved a call of the House, which motion being sustained,  
The Clerk proceeded to call the roll, when the following members were found to be absent and unexcused :

Messrs. Bates, Beal, Bradley, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Cooley, Crawford, Davis, Dews, Drummond, Gue, Guiberson, Jackson, Laney, Mahony, Milliser, Mitchell, Pierson, Richardson, Steward, Streeter, Thompson, Trumbull and Watts.

Messrs. Richardson, Casey, Clark of Dubuque and Cooley were excused from attendance upon the House.

On motion of Mr. Morgan

The further proceedings under the call were dispensed with.

Mr. Dana,

From the committee on Enrolled Bills, reported that the committee had presented to the Governor, for his signature, substitute for Senate File No. 31: A bill for an act fixing the terms of Court in the Third Judicial District.

On motion of Mr. Foster

The House resolved itself into committee of the whole to consider House File No. 172: A bill for an act entitled an act for the organization and government of the militia, it being the special order of business for this hour.

At 8 o'clock the committee rose, and by their Chairman, reported the bill back to the House with sundry amendments, and recommended its passage as amended.

The amendments of the committee were concurred in.

Mr. Clune

Moved to adjourn,

Which motion was lost.

On motion of Mr. Wilson

House File No. 172: A bill for an act for the organization of the militia, &c.,

Was re committed to the committee on Military Affairs.

Mr. Belknap introduced

House File No. 267: A bill for an act providing for the organization of the militia, uniformed volunteer corps of this State; also for drawing from the United States and distributing the public arms assigned to this State,

Which was read a first and second time by its title, and  
Referred to the committee on Military Affairs.

Mr. Laney

Moved to adjourn,

Which motion was lost.

Mr. Clune

Moved to take up the message of the Governor in relation to the appointment of Commissioners to examine the books of the different School Fund Commissioners,

Which motion was lost.

Mr. Foster

From the committee on amendments to the Code, to whom was referred House File No. 248: A bill for an act amending Chapter two of the Code,

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

Mr. SeEVERS

Moved to amend the bill by striking out the seventh Section of the same.

Which motion was agreed to.

On motion of Mr. Foster,

The bill was considered as engrossed and ordered to be read a third time on to-morrow.

Mr. Mahony,

With leave, introduced the following resolution:

*Resolved*, That the Attorney General be requested to remain at the Capital until the adjournment of the General Assembly, to give such advice to the respective Houses of the General Assembly, or to the committees thereof as they may require.

On motion of Mr. Wright,

The regular order of business was suspended and substitute for House File No. 129, A bill for an act to provide for the establish-

ment of a State Agricultural College and Farm, with a Board of Trustees, which shall be connected with the entire agricultural interest of the State,

Was taken from the table, and referred to the committee on Ways and Means.

Mr. Anthony, with leave,

Presented the petition of citizens of Clayton county, praying for the repeal of Section 24, Chapter 177 of the acts of the Sixth General Assembly,

Which was referred to the committee on Roads and Highways.

On motion of Mr. Wright,

The House adjourned.

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SATURDAY MORNING, }  
MARCH 6th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Peet.

On motion of Mr. Carpenter,

The reading of the Journal was dispensed with.

#### BILLS ON THIRD READING.

House File No. 226, A bill for an act to regulate the compensation of District Attorneys.

The question recurring upon the motion heretofore made, to recommit the bill with instructions to amend the same by striking out all that portion referring to the fees of the District Attorneys.

The same was lost.

Mr. Bates

Moved to recommit the bill with instructions to make the salary payable out of the State Treasury, and to report immediately.

The motion was lost.

The question being upon the passage of the bill,

The yeas and nays were demanded and were as follows:

Yeas 32, }  
Nays 28. }



The yeas were

Messrs. Belknap, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Clark of Dubuque, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, Mitchell, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Sprague, Stearns, Streeter, Trumbull, Wilson, Woodward, Wright—32.

The nays were

Messrs. Anthony, Ayers, Bates, Bander, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Gue, Guiberson, Johnson, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Thompson, Waln—28.

The bill not having received a Constitutional majority, the same was decided lost.

Mr. Drummond

Moved a re-consideration of the vote just taken, by which House File No. 226, was lost,

Which motion was agreed to.

Mr. Clark of Johnson,

Moved to re-commit the bill with instructions to raise the salary to \$1250, payable out of the State Treasury, and to strike out all that portion having reference to fees.

The motion was lost.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 33, )

Nays 30. {

The yeas were,

Messrs. Belknap, Carpenter, Casady of Woodbury, Clark of Dubuque, Clune, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, Mitchell, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Sprague, Stearns, Streeter, Trumbull, Wilson, Woodward, Wright, Mr. Speaker—34.

The nays were,

Messrs. Anthony, Ayers, Bates, Bander, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Crawford, Curtis, Dews, Gray, Gue, Guiberson, Johnson, Laney, McGrew

Millard, Milliser, Millsap, Moorman, Morgan, Sharp, Thompson, Waln—30.

The bill was lost, not having received a Constitutional majority.

Senate File No. 113, A bill for an act to legalize the taxes, and enforce the collection of the same in the county of Monona, for the years 1854, 1855 and 1856,

Was read a third time, and

On motion of Mr. Seevers,

Laid upon the table.

Senate File No. 118, A bill for an act to legalize the acts of certain School Officers in Monona county,

Was read a third time, and laid upon the table.

House File No. 133, A bill for an act to legalize the issue of certain bonds voted by the city of Dubuque, to the Dubuque and Turkey Valley, and to the Dubuque and Bellevieu Railroad Companies, and to authorize the proceeds of said bonds to be used outside of Dubuque county,

Was read a third time, and

Upon the question shall the same now pass,

The yeas and nays were demanded and were as follows:

Yeas 45, {

Nays 13, {

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Davis, Dewey, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, Mahony, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Prentiss, Randolph, Rankin, Reitzel, Richardson, Sharp, Sprague, Stearns, Streeter, Waln, Woodward and Mr. Speaker—45.

The nays were,

Messrs. Cassiday of Mahaska, Crawford, Dana, Dews, Jackson, Lambert, Lundy, Morgan, Seevers, Thompson, Trumbull, Wilson, Wright—13.

The bill passed, and the title was agreed to.

House File No. 185, A bill for an act to authorize Forwarding and Commission Merchants and others to sell unclaimed goods,

Was read a third time,

And upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 53, }  
Nays 2. }

The yeas were,

Messrs. Anthony, Ayers, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Curtis, Dana, Dewey, Dews, Drummond, Foster, Gray, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Randolph, Rankin, Reitzel, Richardson, Sharp, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker—53.

The nays were,

Messrs. Prentiss, Seevers—2.

The bill passed, and the title was agreed to.

House File No. 183, A bill for an act to regulate the interest on money,

Was read a third time.

Mr. Thompson

Moved to re commit the bill with instructions to make it applicable to all courts of the State, and to make the forfeiture inure to the School Fund.

Mr. Bates

Moved to amend the motion to refer, by instructing the committee to report House File No. 41, A bill for an act to amend an act entitled an act to regulate the interest on money, approved January 20th, 1853, as a substitute.

Mr. Harmon

Moved to indefinitely postpone the further consideration of the whole subject before the House,

Upon which question the yeas and nays were demanded by Mr. Clark of Dubuque, and were as follows :

Yeas 42, }  
Nays 20. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Casey, Cassaday of Van Buren, Clark of Des Moines, Clune, Crawford, Curtis, Dana, Davis, Dews, Drummond, Foster, Gue, Guiberson, Harmon, Lambert, Lundy, Mahony, McCrary, McGrew, Millard,

Milliser, Mitchell, Millsap, Moorman, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Thompson, Trumbull, Wilson, Wright—42.

The nays were,

Messrs. Anthony, Bates, Carpenter, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Collins, Dewey, Gray, Grimes, Jackson, Johnson, Laney, Morgan, Streeter, Waln, Woodward, Mr. Speaker—20.

The motion prevailed.

House File No. 223, Memorial and Joint Resolution, asking Congress for a grant of land to aid in the construction of a Railroad from Ft. Dodge to Sioux Bluffs,

Was read a third time and passed, when the title of the same was agreed to.

House File No. 211, A bill for an act to confirm the division of the rights and liabilities of the county of Webster since its division,

Was read a third time, and

Upon the question shall the bill now pass,

The yeas and nays were ordered and were as follows :

Yeas 52, }  
Nays 2. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bradley, Carpenter, Casey, Casady of Woodbury, Cassidy of Mahaska, Clark of Des Moines, Clark of Dubuque, Clunc, Collins, Crawford, Dana, Davis, Dewey, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Sharp, Sprague, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright and Mr. Speaker—52.

The nays were,

Messrs. Seevers, Stearns—2.

The bill passed, and the title was agreed to.

House File No. 188, A bill for an act to authorize and regulate the adoption of children,

Was read a third time, and

Upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 56, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Dana, Davis, Dewey, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sprague, Stearns, Streeter, Thompson, Waln, Wilson, Woodward, Wright and Mr. Speaker—56.

The nays were none.

The bill passed, and the title of the same was agreed to.

On motion of Mr. Woodward,

Senate File No. 53, A bill for an act relating to delinquent taxes for 1857,

Was taken up, it being the special order for this hour.

Upon the question, Shall the bill now pass?

The yeas and nays were demanded and were as follows:

Yeas 28, }  
Nays 34. }

The yeas were,

Messrs. Bates, Belknap, Bradley, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Crawford, Curtis, Dana, Dewey, Drummond, Gue, Guiberson, Jackson, Johnson, Lambert, Laney, Mahony, McCrary, Milliser, Mitchell, Millsap, Randolph, Rankin, Reitzel, Thompson, Waln and Mr. Speaker—28.

The nays were,

Messrs. Anthony, Ayers, Bauder, Bennett, Campbell, Carpenter, Casey, Cassady of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Johnson, Clune, Collins, Davis, Dewey, Foster, Gray, Grimes, Harmon, McGrew, Millard, Moorman, Morgan, Prentiss, Richardson, Seevers, Sharp, Sprague, Stearns, Streeter, Wilson, Woodward, Wright—34.

The bill was lost.

Mr. Foster

Submitted the following report:

The committee on Engrossed Bills report that they have exam-

ined House File No. 230, A bill for an act to repeal Sections 387, 388, 389 and 390, of Chapter 30 of the Code, amendatory of the law for contesting the election of Governor, and providing for the contesting of the election of Lieutenant Governor. Also,

House File No. 233, A bill for an act to amend Chapter 167 of the laws of the Sixth General Assembly. Also,

House File No. 236, A bill for an act continuing Prosecuting Attorneys in office until January first, 1859, and after that time, providing for the abolition of the same. Also,

House File No. 137, A bill for an act fixing the time and place for the meeting of the Board of Education. Also,

House File No. 239, A bill for an act fixing punishment for malicious mischief. Also,

House File No. 241, A bill for an act to amend an act, approved January 16th, 1857, incorporating the city of Sioux City. Also,

Substitute for House File No. 70, A bill for an act to allow interested persons to testify in civil actions. Also,

House File No. 205, A bill for an act to amend Chapter 80 of the Code of Iowa. Also,

House File No. 231, A bill for an act to repeal Section 613 of the Code, and amendatory of the law in relation to State Census. Also,

House File No. 250, A bill for an act to prohibit the Inspectors, Wardens, Lessees and other officers of the Iowa Penitentiary from being interested in contracts for furnishing such Penitentiary with provisions, clothing or other necessaries, and from being concerned or interested in contracts for building or furnishing building materials for such Penitentiary, and find the same correctly engrossed.

C. J. L. FOSTER, Chairman.

On motion of Mr. Milliser,

House File No. 210, A bill for an act to provide for an additional Justice of the Peace in Union Township, Davis County, Iowa,

Was taken up, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 48, )  
Nays 10. )

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bradley, Campbell,

Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dana, Dewey, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Morgan, Prentiss, Randolph, Rankin, Richardson, Sharp, Sprague, Thompson, Waln, Woodward and Wright—48.

The nays were,

Messrs. Davis, Jackson, Lundy, Mahony, Moorman, Reitzel, Seewers, Streeter, Wilson, Mr. Speaker—10.

The bill passed, when the title of the same was agreed to.

On motion of Mr. Harmon,

House File No. 233, A bill for an act to amend Chapter 167 of the laws of the Sixth General Assembly,

Was taken up, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 48, )

Nays 5. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Morgan, Randolph, Rankin, Richardson, Sharp, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Wright—48.

The nays were,

Messrs. Mahony, Moorman, Seewers, Wilson and Mr. Speaker—5.

The bill passed and the title was agreed to.

On motion of Mr. Clune,

The message heretofore received from the Governor, in relation to the appointment of Commissioners to examine the Books, &c., of the School Fund Commissioners,

Was taken up and read.

Mr. Clune

Moved that the message be laid upon the table, and that 500

copies of the same be printed for the use of the General Assembly.

Mr. Drummond

Moved to amend the motion by adding, "and 500 copies for the use of Dr. Eads."

Mr. Curtis

Moved to adjourn,

Which motion was lost.

The question recurring upon the amendment to the motion to lay on the table and print,

The same was lost.

Upon the question to order 500 copies printed for the use of the General Assembly,

The yeas and nays were ordered and were as follows :

Yeas 29, }

Nays 34. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Jackson, Johnson, Laney, Mahony, Millard, Milliser, Millsap, Sharp, Sprague, Trumbull—29.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Streeter, Thompson, Waln, Wilson, Woodward, Wright, Mr. Speaker—34.

The question recurring upon the motion to lay the message upon the table,

It was not agreed to.

Mr. Wilson

Moved to refer the message to a select committee of three.

Mr. Clune

Moved to amend by adding, "with instructions to patch it up in such manner as will best secure the success of the Republican party."

The amendment was lost.

The reference was then made, and the Speaker appointed



Messrs. Wilson, SeEVERS and Clune, as said committee.

On motion of Mr. Curtis,  
The House then adjourned.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Jackson,

The special order for this hour was suspended, and House File No. 141, A bill for an act authorizing the business of Banking in the State of Iowa, was taken up.

Mr. Clark of Johnson,

Moved to amend the bill by striking out all of the two first lines, except the words "citizens of," and inserting in lieu thereof, the following :

"At the next General Election after this act takes effect, and every two years thereafter, there shall be elected in the same manner as other State officers are elected, three."

Mr. Mahony

Moved to amend the amendment by striking out "three," and inserting "five,"

Which amendment was not adopted.

The question recurring upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Clark of Johnson, and were as follows :

Yeas 30, {  
Nays 29.

The yeas were

Messrs. Ayers, Bates, Bander, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday, of Van Buren, Casaday of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Dews, Drummond, Gray, Guiberson, Harmon, Johnson, Mahony, Millard, Milliser, Millsap, Sharp, Sprague—30.

The nays were,

Messrs. Anthony, Carpenter, Cassiday of Mahaska, Collins, Dana, Dewey, Foster, Grimes, Gue, Jackson, Lambert, Lundy, McCrary, Moorman, Morgan, Randolph, Rankin, Reitzel, Rich-

ardson, Secvers, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright and Mr. Speaker—29.

The amendment was adopted.

Message from the Senate,

By their Secretary, Mr. Spencer.

MR. SPEAKER:

The Senate has passed bills of the following titles :

Senate File No. 66, An act for the benefit of Railroad Companies.

Senate File No. 147, An act amending Section 2913 of the Code of Iowa, in regard to the endorsing of the names of witnesses upon indictments.

Senate File No. 156, A bill for an act to attach the counties of Emmett, Clay, Buena Vista, O'Brien and Osceola, to the county of Dickinson, for certain purposes.

Senate File No. 157, A bill for an act for the relief of certain tax payers of Jackson county.

Senate File No. 164, A bill for an act to amend chapter 256 of the Session Laws of 1856-7, approved January 29th, 1857, in all of which the concurrence of the House is asked.

GEO. E. SPENCER,  
Sec'y of Senate

Mr. Drummond

Moved a re-consideration of the vote just taken,

Upon which question

The yeas and nays were demanded by Mr. Curtis, and were as follows :

Yeas 35, }

Nays 27, }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, Millard, Milliser, Moorman, Morgan, Randolph, Rankin, Reitzel, Richardson, Secvers, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker—35.

The nays were,

Messrs. Ayers, Bander, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune,

Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Laney, Mahony, Millsap, Sharp, Sprague—25.

The motion prevailed.

Mr. Drummond

Moved the adoption of the following Substitute: Strike out the first two lines of Section 33, and insert the following:

“There shall be elected at each regular biennial session of the General Assembly, by the two Houses thereof, when in Joint Convention assembled, five electors.”

Upon the adoption of the substitute,

The yeas and nays were demanded by Mr. Bennett, and were as follows:

Yeas 35, }  
Nays 27. }

The yeas were,

Messrs. Anthony, Ayers, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seever, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker—35.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Laney, Mahony, Millard, Milliser, Millsap, Sharp, Sprague—27.

The substitute was adopted.

Upon the question of incorporating the substitute as a part of the bill,

The yeas and nays were demanded, by Mr. Bradley, and were as follows:

Yeas 21, }  
Nays 41. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cooley, Collins, Dana, Drummond, Foster, Grimes, Gue, Harmon, Lambert, Lundy, McGrew, Millard, Prentiss, Rankin, Reitzel, Seever, Waln and Mr. Speaker—21.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dewey, Dews, Gray, Guiberson, Jackson, Johnson, Laney, Mahony, McCrary, Milliser, Millsap, Moorman, Morgan, Randolph, Richardson, Sharp, Sprague, Stearns, Streeter, Thompson, Trumbull, Wilson, Woodward and Wright—41.

The motion was lost.

Mr. Clark of Johnson,

Moved to amend the bill by striking out the first and second lines thereof, and inserting the following :

“ At the next General Election after this act takes effect, and every two years thereafter, there shall be elected in the same manner as other State Officers are elected, four citizens of.”

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Casady of Woodbury, and were as follows :

Yeas 34, }  
Nays 28. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Dews, Drummond, Gray, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Mahony, Millard, Milliser, Millsap, Sharp, Sprague, Waln—34.

The nays were,

Messrs. Anthony, Carpenter, Cassiday of Mahaska, Collins, Dana, Dewey, Foster, Grimes, Jackson, Lundy, McCrary, McGrew, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Streeter, Thompson, Trumbull, Wilson, Woodward, Wright and Mr. Speaker—28.

The amendment was adopted.

Mr. Harmon

Moved to amend the bill by adding the following to Section 33:

“ Provided, that neither of the Commissioners elected in accordance with the provisions of this Section, shall be engaged either directly or indirectly in Banking, under this act, either as stockholder, director, or under officer, and should either of them so en-

gage in Banking so elected, it shall be construed as a full resignation of his office as Commissioner."

The amendment was adopted.

Mr. Bates

Moved to amend the bill further, by adding the following as Section 36 :

Thomas Hedge, of Des Moines county, George L. Davenport, of Scott county, P. Gad Bryan, of Warren county, Thomas A. Graham, of Tama county, shall and they are hereby appointed Bank Commissioners, who shall hold their office until their successors are elected and qualified ; said Commissioners shall, during their term of office perform the duties prescribed by this act."

Mr. Mahony

Moved to amend the amendment, by striking out the name of "Thomas A. Graham," and inserting in lieu thereof, Mr. "E. G. Potter," of Jackson county,

Which motion was lost.

The question recurring upon the amendment,

The same was adopted.

Mr. Bradley

Moved to amend the bill further by striking out "10," where it occurs in Section 42, and inserting in lieu thereof, the word "seven."

The amendment was not adopted.

Mr. Mahony

Offered the following as an additional clause to section 42 :

The stockholders in every corporation or association organized under the provisions of this act, shall be individually responsible to its creditors, and liable for its liabilities, and should any stockholder be unable to meet his share of such liabilities, such share of liabilities shall be paid by the solvent stockholders, in proportion to the amount of their respective amounts of stock in the corporation failing to meet its liabilities.

Pending the adoption of the amendment,

The House adjourned.

MONDAY MORNING, }  
 MARCH 8th, 1858. }

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Summerbell.

On motion of Mr. Foster

The reading of the journal was dispensed with.

The question recurring upon the amendment offered to House File No. 141 on Saturday,

The yeas and nays were demanded by Mr. Curtis, and were as follows:

Yeas 26, }  
 Nays 39. }

The yeas were,

Messrs. Ayers, Bander, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Laney, Mahony, Milliser, Millsap, Sharp, Sprague—26.

The nays were

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Thompson, Trumbull, Wahn, Watts, Wilson, Woodward, Wright, Mr. Speaker—39.

The amendment was not adopted.

Mr. Clark, of Dubuque,

Moved to amend the bill by inserting after the word "advance" where it occurs in the third line of section 42, the following:

"But discount shall not be taken in addition to interest."

The amendment was adopted.

Mr. Mahony

Moved to amend the bill further by adding the following to section 42:

The several banking corporations which may be created or come into existence under the provisions of this act, shall receive in payment of debts due them the paper issues of each other, and it is hereby made an express condition of the grant of powers herein

contained that the corporations hereby created shall conform to this condition of this act.

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Curtis, and were as follows :

Yeas 24, {  
Nays 39. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bradley, Campbell, Casey, Cassiday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Laney, Mahony, Milliser, Millsap, Sprague—24.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Johnson, Lundy, McCrary, McGrew, Millard, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—39.

The amendment was not adopted.

Mr. Clark, of Dubuque,

Moved to amend the bill further by striking out the word "one" where it occurs in the fourth line of section one, and inserting in lieu thereof the word "ten."

Mr. Thompson

Moved to amend the amendment by striking out the words "different denominations not less than one dollar," and inserting in lieu thereof the following: "of the denominations of five, ten, twenty, fifty and one hundred dollars."

The amendment was not adopted.

The question recurring upon the amendment,

The yeas and nays were demanded by Mr. Bradley, and were as follows :

Yeas 26, {  
Nays 39. }

The yeas were

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune,

Crawford, Curtis, Dews, Gray, Johnson, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—26.

The nays were

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—39.

The amendment was not adopted.

Mr. Mahony

Moved to further amend the bill by adding thereto the following section:

SEC. 43. The question shall be submitted to the people at the same time that this act shall be submitted, whether they are in favor or against the issue of bank notes of a less denomination than five dollars, and if a majority of the votes cast at such election on the proposition hereby submitted shall be against the issue of bank notes of a less denomination than five dollars, then the corporations hereby created shall not issue notes of a less denomination than five dollars. The ballots to test the sense of the people shall be inscribed "For notes of a less denomination than five dollars," and "Against notes of a less denomination than five dollars."

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Mahony, and were as follows:

Yeas 27, {  
Nays 40. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague, Thompson—27.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richard-



son, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—38.

The amendment was not adopted.

Mr. Belknap

Moved to amend the bill further by adding the following provision to section one:

“Provided, That no banking incorporation under this act shall be authorized to issue bills for circulation of less denomination than five dollars to an amount exceeding one tenth of their whole issue.”

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Gue, and were as follows:

Yeas 29, )

Nays 37. {

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Lambert, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague, Thompson—29.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lundy, McCrary, McGrew, Millard, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—37.

The amendment was not adopted.

Mr. Belknap

Moved to amend the bill further by adding the following to section one:

“Provided, That no banking incorporation under this act shall be authorized to issue bills for circulation of less denomination than five dollars to an amount exceeding one-fifth of their whole issue.”

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Bauder, and were as follows:

Yeas 32, {  
Nays 35. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Lambert, Laney, Lundy, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague, Thompson—30.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Foster, Grimes, Gue, Harmon, Jackson, McCrary, McGrew, Millard, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—35.

The amendment was not adopted.

Mr. Curtis

Moved to amend the bill by striking out the word "one" where it occurs in the first section, and inserting in lieu thereof the word "five."

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Bradley, and were as follows:

Yeas 29, {  
Nays 37. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Lambert, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague, Thompson—29.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lundy, McCrary, McGrew, Millard, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—37.

The amendment was not adopted.

Mr. Harmon

Moved a reconsideration of the vote by which the House adopted the amendment to section 33 on Saturday last.

Mr. Mahony

Moved to lay the motion upon the table,

Upon which question

The yeas and nays were demanded by Mr. Bennett, and were as follows :

Yeas 28, }  
Nays 39. }

The yeas were,

Messrs. Ayes, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Lambert, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—28.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—39.

The motion was lost.

The question recurring upon the motion to reconsider

The yeas and nays were demanded by Mr. Clune, and were as follows :

Yeas 39, }  
Nays 28. }

The yeas were,

Messrs. Anthony, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lundy, McCrary, McCormick, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—39

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh,

Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Lambert, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—28.

The motion prevailed.

Mr. Drummond

Moved the adoption of the following as a substitute for the first two lines of section 33:

“There shall be elected at each regular biennial session of the General Assembly by the two Houses thereof in joint convention assembled, five electors.”

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Clune, and were as follows:

Yeas 38, }  
Nays 28. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—38.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Lambert, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—28.

The amendment was adopted.

Mr. Bradley

Moved to amend the 36th section of the bill by inserting the name of “E. G. Potter, of Jackson county.”

The amendment was adopted.

Mr. Jackson

Moved that the bill be engrossed and read a third time on next Wednesday, upon which question

The yeas and nays were demanded by Mr. Jackson, and were as follows:

Yeas 42, }  
Nays 23. }

The yeas were,

Messrs. Anthony, Bates, Belknap, Carpenter, Cassiday of Mahaska, Clark of Des Moines, Clune, Cooley, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, Millard, Mitchell, Moorinan, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—42.

The nays were,

Messrs. Ayers, Bauder, Bennett, Bradley, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Crawford, Curtis, Dews, Gray, Johnson, Laney, Mahony, McGrew, Milliser, Millsap, Pierson, Sharp, Spragne—23.

The motion prevailed.

#### PETITIONS PRESENTED.

Mr. Bradley

Presented the petition of citizens of Maquoketa, Jackson county, asking for the repeal of the law incorporating said city,

Which was referred to the committee on Incorporations.

Mr. Jackson

Presented the petition of citizens of Marshall county, asking for the amendment of the law restraining the sale of intoxicating liquors, so as to make the same more stringent in its operations,

Which was referred to a select committee of three.

The Speaker appointed

Messrs. Casady of Woodbury, Dana and McCrary said committee.

Mr. Woodward

Presented the petition of citizens of Black Hawk county, asking for the creation of the office of "State Annalist," or "Geographer,"

Which was referred to the committee on New Counties.

Mr. Harmon

Presented the petition of citizens of Chickasaw county, asking for an increase of the compensation of county officers,

Which was referred to a select committee of three.

The Speaker appointed

Messrs. Harmon, Cavanaugh and Lambert said committee.

Mr. Collins

Presented the petition of citizens of Clayton, Alamakee and Delaware counties, asking for the passage of a law creating a new county out of portions of said counties,

Which was referred to the committee on New Counties.

**Mr. Morgan**

Presented the petition of citizens of Webster, Keokuk county, praying for the enactment of a more stringent prohibitory liquor law,

Which was referred to the select committee on that subject.

**Mr. Streeter**

Presented the petition of citizens of Black Hawk, Benton and Tama counties, praying for the passage of a law regulating the toll of millers,

Which was referred to the committee on Agriculture.

**Mr. Lundy**

Presented the petition of citizens of Muscatine, asking for the enactment of a law assessing a tax upon Railroads,

Which was referred to the committee on Roads and Highways.

**Mr. Lundy**

Presented the petition of citizens of Muscatine, asking for a change of the location of a certain State road in said county,

Which was referred to the committee on Roads and Highways.

**Mr. Dana**

Presented the petition of citizens of Story county, asking for the location of the Agricultural College and Experimental Farm in said county,

Which was referred to the Committee on Ways and Means.

**Mr. Rankin**

Presented the petition of citizens of Washington county, praying for the passage of an act making felony for any person to make, vend or give away adulterated or drugged liquors,

Which was referred to the committee on that subject.

**Mr. Prentiss**

Presented the petition of citizens of Tøolsboro, Louisa county, remonstrating against having said town attached to the town of Burris,

Which was referred to the committee on Incorporations.

## RESOLUTIONS.

**Mr. Seevers**

Offered the following Resolution :

*Resolved*, That the apportionment Committee be instructed to so draft the Apportionment Bill, that the number of members of this House, of the next General Assembly, shall not exceed seventy-five.

**Mr. Casady of Woodbury,**

Moved to lay the resolution upon the table,

Upon which question

The yeas and nays were demanded by **Mr. Seevers**, and were as follows :

Yeas 43, }  
Nays 21. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Curtis, Davis, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Johnson, Lambert, Laney, Mahony, McGrew, Millard, Milliser, Millsap, Morgan, Pierson, Reitzel, Sprague, Steward, Thompson, Trumbull, Waln, Watts and **Mr. Speaker**—42.

The nays were,

Messrs. Carpenter, Cassaday of Van Buren, Clune, Cooley, Dana, Dewey, Jackson, Lundy, McCrary, Mitchell, Moorman, Prentiss, Randolph, Rankin, Richardson, Seevers, Stearns, Street-er, Wilson, Woodward, Wright—21.

The motion prevailed, and the resolution was laid upon the table.

**Mr. Wilson,**

From the committee on Ways and Means, to whom was referred House File No. 258, A bill for an act to authorize the Governor to appoint Commissioners to examine the accounts of State Officers, and to define the duties of the Governor in certain cases,

Reported the same back with sundry amendments and recommended its passage.

The amendments were concurred in, and

On motion of Mr. Wilson,

The 42d Rule of the House was suspended, and the bill read a third time,

And on the question of the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 47, }  
Nays 14. }

The yeas were,

Messrs. Anthony, Bradley, Carpenter, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Cooley, Collins, Dana, Dewey, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker—47.

The nays were,

Messrs. Ayers, Bates, Bauder, Beal, Belknap, Bennett, Casey, Casady of Woodbury, Clark of Johnson, Clune, Crawford, Curtis, Gray, Johnson, Pierson—14.

The title of the bill was then agreed to.

Mr. Wilson,

From the same committee, to whom was referred Senate File No. 111, A bill for an act making an appropriation for the State University,

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

On motion of Mr. Wilson,

The 42d Rule of the House was suspended, and the bill was read a third time,

Upon the passage of the bill,

The yeas and nays were demanded and were as follows:

Yeas 56, }  
Nays 2, }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Dewey, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Jackson,



Johnson, Lambert, Laney, Lundy, Mahony, McOrary, McGrew, Millard, Mitchell, Millsap, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright—56.

The nays were,

Messrs. Curtis and Moorman—2.

The title of the bill was then agreed to.

Mr. Wilson

From the same committee, to whom was referred Senate File No. 154, A bill for an act providing for a revision of the laws of Iowa, and the preparation of a code of civil and criminal procedure,

Reported the same back with the recommendation that the second Section be stricken out, and as thus amended, that the bill pass.

The amendment of the committee was concurred in.

Mr. Trumbull

Moved that the bill be ordered engrossed and read a third time on to-morrow.

On motion of Mr. Seevers,  
The House adjourned.

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## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question recurring upon the motion to order House File No. 154, A bill for an act providing for the revision of the laws of Iowa, and the preparation of a code of civil and criminal procedure, to a third reading to-morrow,

Mr. Seevers

Moved to amend the same by adding the following as Section two:

SECTION 2. The Secretary of State shall have five hundred copies of said report published, at the expense of the State, at least one month previous to the meeting of the General Assembly, and send one copy thereof, by mail, to each member, at his Post Office address, and shall carefully preserve the remainder for the use of the General Assembly.

**Mr. Cooley**

Offered the following as a substitute for the amendment :

“Immediately after the filing of their Report by said Commissioners, the Secretary of State shall procure to be printed, 500 copies of said report, and one month previous to the next session of the General Assembly, whether the same be an extra or regular one, shall mail to each member thereof, one copy of such printed report, and shall retain the residue for the General Assembly.”

The substitute was adopted.

The amendment was then agreed to.

On motion of **Mr. Foster**,

The 42d Rule of the House was suspended and the bill read a third time, and upon the question,

Shall the same now pass ?

The yeas and nays were ordered and were as follows :

Yeas 45, }  
Nays 18. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Crawford, Dana, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Milliser, Millsap, Rankin, Sharp, Sprague, Steward, Thompson, Trumbull, Waln, Watts, Woodward, Mr. Speaker—45.

The nays were,

Messrs. Anthony, Carpenter, Collins, Curtis, Davis, Dewey, Jackson, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Reitzel, SeEVERS, Stearns, Streeter, Wilson—18.

The bill passed, and the title was agreed to.

**Mr. Wilson**,

From the committee on Ways and Means, to whom was referred House File No. 180, A bill for an act to encourage immigration into the State of Iowa,

Reported the same back to the House without amendment, and without recommendation.

**Mr. Bradley**

Moved that the bill be indefinitely postponed,

Upon which question,

The yeas and nays were demanded by Mr. Mahony, and were as follows :

Yeas 84, )  
Nays 31. )

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cavanaugh, Clark of Des Moines, Clune, Collins, Crawford, Curtis, Davis, Dews, Drummond, Gray, Grimes, Jackson, Lambert, Laney, Millsap, Moorman, Prentiss, Rankin, Reitzel, Sharp, Sprague, Stearns, Steward, Thompson, Watts, Wilson, Mr. Speaker—34.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Cooley, Dana, Dewey, Foster, Gue, Guiberson, Harmon, Johnson, Lundy, Mahony, McCrary, McGrue, Millard, Milliser, Mitchell, Morgan, Pierson, Randolph, Richardson, Seevers, Streeter, Trumbull, Wain, Woodward—31.

The motion prevailed, and the bill was indefinitely postponed.

Mr. Curtis

Submitted the following report :

The Judiciary Committee to whom was referred Senate File No. 100, A bill for an act to establish a ferry and build a bridge across the Missouri River, on or near the 42d parallel of north latitude, have had the same under consideration, and instruct the undersigned to report the same back to this House, and recommend that said bill be referred to the committee on Incorporations.

The report of the committee was concurred in.

Mr. Thompson

Submitted the following report :

The Committee on the Judiciary, to whom was referred House File No. 156, An act to amend Chapter 64 of the Code of Iowa, having had the same under consideration, instruct me to report the same back, and recommend that it be indefinitely postponed, for the reason that the change proposed in the law by this bill has been disposed of and acted upon by this House, in passing Senate File No. —.

COM. ON THE JUDICIARY,  
Per THOMPSON.

The report of the Committee was concurred in, and the bill indefinitely postponed.

The committee on the Judiciary, to whom was referred House File No. 169, A bill for an act to incorporate the Florence Bridge Company, having had the same under consideration, instruct me to report the same back, and recommend that it be referred to the committee on Incorporations, as in the opinion of your committee, said bill is the subject of a general law, they therefore ask to be discharged from the consideration of the same.

COM. ON JUDICIARY,  
Per THOMPSON.

The report of the Committee was concurred in.

Mr. Thompson

Submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 131, A bill for an act allowing costs to the prevailing party in civil actions, having had the same under consideration, instruct me to report the same back with the accompanying substitute, and recommend the adoption and passage of the substitute.

COM. ON JUDICIARY,  
Per THOMPSON.

The House refused to adopt the substitute.

On motion of Mr. SeEVERS,

House File No. 131, A bill for an act allowing cost to the prevailing party in civil actions,

Was indefinitely postponed.

Mr. Clark of Dubuque,

From the committee on the Judiciary, to whom was referred House File No. 207, An act to amend Section two of an act entitled an act to change the name of New Haven, in Buchanan county,

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

On motion of Mr. Clark of Dubuque,

The 42d Rule was suspended and the bill read a third time,

And upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 43, }  
Nays 2. }

The yeas were,

Messrs. Anthony, Ayers, Bander, Belknap, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark, of Dubuque, Cooley, Crawford, Dana, Davis, Dewey, Dews, Foester, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, Millard, Millsap, Moorman, Pierson, Prentiss, Randolph, Reitzel, Richardson, Sharp, Sprague, Stearns, Steward, Streeter, Watts, Wilson, Woodward, Mr. Speaker—43.

The nays were,

Messrs. Collins, Mahony.

The title of the bill was then agreed to.

The Committee on Schools and State University, was granted leave of absence.

Mr. SeEVERS,

From the committee on the Judiciary, to whom was referred House File No. 238, A bill for an act regulating liens of judgments on real estate,

Reported the same back to the House without amendment and recommended its indefinite postponement.

The report of the committee was concurred in and the bill indefinitely postponed.

Mr. Cooley

Submitted the following report :

The committee on the Judiciary, to whom was referred Senate File No. 161, An act more fully defining the duties of executors, have directed me to report the same back and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Bates,

From the committee on Incorporations, to whom was referred the petition of Charles Grant and others, asking for the passage of an act incorporating a company to build a bridge, and establish a ferry across the Missouri River at a point upon said river near the town of Kenosha, Fremont county,

Reported the same back to the House and recommended that the prayer of said petitioners be not granted.

On motion of Mr. Clark of Dubuque,

The petitions were laid upon the table.

Mr. Cooley

Submitted the following report :

The committee on Federal Relations, to whom were referred Senate File Nos. 126 and 146, and House File Nos. 186, 187, 189, 221, 222, 245 and 246, Joint Resolutions for additional mail facilities, together with certain petitions for like objects, have had the same under consideration, and have instructed me to report for said Senate and House Files, the accompanying substitute, granting the prayer of said petitions and embracing the subject matter of said Senate and House Files, and recommend its passage.

E. E. COOLEY, Chairman.

The report of the committee was concurred in, and the substitute adopted.

On motion of Mr. SeEVERS,

The 42d rule was suspended, and the Joint Resolution read a third time and passed.

Mr. Bradley .

Moved that when the House adjourn, it adjourn to meet at 9 o'clock to-morrow,

Which motion prevailed.

Mr. Cooley

Submitted the following report :

The committee on Federal Relations to whom was referred House File No. 121, Joint Resolution and memorial of the General Assembly of the State of Iowa, asking an appropriation of money for a double track Railroad around the lower rapids of the Mississippi River, on the Iowa or west side thereof, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

E. E. COOLEY,  
Chairman.

The report of the committee was concurred in.

On motion of Mr. SeEVERS,

The 42d rule was suspended, and the Joint Resolution was read a third time and passed.

Mr. Mahony

Submitted the following report :

The Special Committee to whom was referred House File No 176, A bill for an act to re-organize the county court and to define its duties and jurisdiction, have had the same under consideration, and have instructed me to report "That the change of jurisdiction in the county court, provided in the bill under consideration makes

it desirable that the incumbent county judges should be legislated out of office, so that the people of the several counties may be afforded the opportunity of electing Judges with reference to the character of the duties proposed to be imposed by this bill. Your committee are of the opinion that to accomplish this object it is necessary to so change the Bill as to abolish the office of County Judge as it now exists, and to organize the Court under a different title. Your committee have therefore prepared a substitute for the bill under consideration, which does not change it materially, but which conforms its provisions to meet objections which might be urged against it, were the incumbent County Judges continued in office.

D. A. MAHONY,  
Chairman.

The report of the committee was concurred in, and the substitute adopted.

On motion of Mr. Seevers,

The bill was made the special order for to-morrow morning at 9 o'clock, A. M.

Mr. Wilson introduced

House File No. 268, A bill for an act to regulate the location of R. R. Depots, and Station Houses,  
Which was read a first and second time and  
Referred to the committee on Railroads.

Mr. Lundy introduced

House File No. 269 A bill for an act regulating the manner of commencing actions against Railroads and Railroad Companies,  
Which was read a first and second time, and  
Referred to the committee on Railroads.

Mr. Sharp introduced

House File No. 270, A bill for an act for the relief of James Phillips,

Which was read a first and second time, and  
Referred to the committee on the Judiciary.

On motion of Mr. Clark of Dubuque,  
The House adjourned.

TUESDAY MORNING, }  
 MARCH 9th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Summerbell.

On motion of Mr. Edwards

The reading of the Journal was dispensed with.

House File No. 176: A bill for an act to establish the Court of Quarter Sessions and define its jurisdiction, and also to provide for the election of a Judge and Clerk of said Court, and the manner of selecting jurors to serve therein, and also to establish the County Court and the office of County Judge,

Was taken up, it being the special order for this hour.

Mr. Seevers

Moved that the bill be indefinitely postponed,

Upon which question

The yeas and nays were demanded by him, and were as follows:

Yeas 26, }

Nays 36. }

The yeas were,

Messrs. Anthony, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Clark of Des Moines, Curtis, Davis, Dewey, Edwards, Gue, Guiberson, Jackson, Lambert, McGrew, Moorman, Morgan, Prentiss, Randolph, Sprague, Steward, Thompson, Watte, Wilson, Wright—26.

The nays were,

Messrs. Ayers, Bates, Bauder, Belknap, Bradley, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Dews, Foster, Gray, Grimes, Harmon, Johnson, Laney, Lundy, Mahony, McCrary, Millard, Mitchell, Millsap, Pierson, Reitzel, Richardson, Seevers, Sharp, Stearns, Streeter, Trumbull, Waln, Woodward, Mr. Speaker—36.

The motion was lost.

On motion of Mr. Curtis

The bill was referred to the committee on the Judiciary.

On motion of Mr. Mahony

The select committee to whom was referred House File No. 58: A bill for an act creating the Commissioners Court and defining its duties,



Was discharged from the further consideration of the same.

On motion of Mr. Mahony

The bill was referred to the committee on the Judiciary.

### BILLS INTRODUCED.

Mr. Casady, of Woodbury, introduced

House File No. 271: A bill for an act to repeal Chapter 44 of the acts of the Sixth General Assembly,

Which was read a first and second time, and

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

Message from the Senate, by their Secretary.

**MR. SPEAKER:**

The Senate has passed bills of the following titles, viz:

Senate File No. 149: A bill for an act making appropriations to meet the ordinary and contingent expenses of the Deaf and Dumb Asylum.

Senate File No. 14: A bill for an act to provide for the election of an Attorney General, and defining his duties.

Senate File No. 174: A bill for an act to legalize the election and official acts of certain officers of the city of Council Bluffs.

Senate File No. 37: A bill for an act for the formation of limited partnerships.

Senate File No. 144: Joint Resolution of the General Assembly of the State of Iowa touching the opinions of some of the Judges of the Supreme Court of the United States, on political questions incorporated in the opinion of that Court in the case of Scott vs. Sanford.

Senate File No. 170: A bill for an act to repeal Chapter 23 of the acts of the Sixth General Assembly.

Senate File No. 171: A bill for an act for the appointment of a Commissioner to settle with the sureties of Jas. D. Eads.

Senate File No. 133: A bill for an act authorizing Courts to set aside sales of real estate where there was no title in the judgment debtor at the time of the levy.

I am directed to inform the House that the Senate has amended House File No. 114: A bill for an act allowing bounty upon the scalps of certain animals.

I am also directed to inform the House that the Senate has refused to pass House File No. 198; A bill for an act repealing so

much of Chapter 175 of the acts of the Sixth General Assembly of the State of Iowa as authorizes the holding of District Court in the counties of Boone and Greene.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Trumbull introduced

House File No. 172: A bill for an act to annex Butler county to the Tenth Judicial District, and prescribing the time for holding courts therein,

Which was read a first and second time by its title, and

Referred to the delegation from the 10th and 13th Judicial Districts.

Mr. Thompson introduced

House File No. 273: A bill for an act to limit the eligibility of Sheriffs to re-election,

Which was read a first and second time by its title, and Ordered to be engrossed and read a third time to-morrow.

Mr. Pierson introduced

House File No. 274: A bill for an act regulating shows,

Which was read a first and second time, and

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

Mr. Mitchell introduced

House File No. 275: A bill for an act entitled an act to repeal an act incorporating the city of Des Moines, approved January 28th, 1857,

Which was read a first and second time, and

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

Mr. Harmon introduced

House File No. 276: A bill for an act to secure to settlers on and near swamp lands a portion of the same at the appraised value,

Which was read a first and second time, and

Referred to the committee on Public Lands.

Mr. Guiberson introduced

House File No. 277: A bill for an act proposing to amend section 17 of the third Article of the Constitution,

Which was read a first and second time, and

Referred to the committee on Constitutional Amendments.

Mr. Curtis introduced

House File No. 278: A bill for an act proposing an amendment to the Constitution of the State of Iowa,

Which was read a first and second time, and

On motion,

Referred to the committee on Constitutional Amendments.

Mr. Carpenter introduced

House File No. 279: A bill for an act in relation to the funds of Hamilton county,

Which was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Gue introduced

House File No. 280: A bill for an act to provide for the enrollment of the militia and the organization of uniform corps, and the discipline of the military forces of this State,

Which was read a first and second time by its title, and

Referred to the committee on Military Affairs.

Mr. Carpenter introduced

House File No. 281: Joint Resolution asking the establishment of a mail route from Webster City via. Hewett, Buffalo Grove and Blue Earth City, to Mankato, in Minnesota,

Which was read a first and second time by its title, and

Referred to the committee on Federal Relations.

Mr. Dews introduced

House File No. 282: Joint Resolution to procure additional mail facilities,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

Mr. Bennett introduced

House File No. 283: A bill for an act proposing an amendment to Section four of Article first of the Constitution of the State of Iowa,

Which was read a first and second time, and

Referred to the committee on Constitutional Amendments.

Mr. Carpenter introduced

House File No. 284: Joint Resolution instructing our Senators and requesting our Representatives to urge upon the attention of Congress the propriety of dividing the State into two United States District Court Districts,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

On motion of Mr. Wright

Substitute for Senate File No. 23: A bill for an act for the Public Instruction of the State of Iowa,

Was taken up.

Mr. Trumbull

Moved to amend the third line of the fourth division of section 30 by striking out the words "the unanimous," and inserting after "consent" the words "of a majority."

Mr. Drummond

Offered as a substitute for the motion the following:

"Strike out all after the word "upon," in the second line in the fourth division of section 30, and insert, "except colored pupils, who must in all cases be educated in separate schools."

Pending which, on motion of Mr. Curtis,

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question recurring upon the adoption of the substitute pending at adjournment,

The same was lost.

Mr. Bennett

Moved a call of the House, which motion being sustained,

The Clerk proceeded to call the roll, when the following members were found to be absent and unexcused:

Messrs. Anthony, Bradley, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, McCormick, Milliser, Streeter and Wilson.

On motion of Mr. SeEVERS

The further proceedings under the call were dispensed with.

The question recurring upon the adoption of the amendment, The yeas and nays were ordered and were as follows:

Yeas 11, }

Nays 51. }

The yeas were,

Messrs. Bates, Carpenter, Dana, Drummond, Gwe, Lambert, Rankin, Steward, Streeter, Thompson, Trumbull, Waln—11.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Curtis, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Wilson, Woodward, Wright, Mr. Speaker—51.

The amendment was not adopted.

Mr. Drummond

Moved to amend the fourth clause of section 30 of the bill by striking out all after the word "upon," where it occurs in the second line.

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Curtis, and were as follows :

Yeas 11, )  
Nays 52. )

The yeas were,

Messrs. Bates, Carpenter, Clark of Dubuque, Dana, Drummond, Gue, Lambert, Rankin, Streeter, Trumbull, Waln—11.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Cooley, Curtis, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Steward, Thompson, Watts, Wilson, Woodward, Wright, Mr. Speaker—52.

The amendment was not adopted.

Mr. Seevers

Moved to amend section 32 of the bill by striking out all from the word "divide," where it occurs in the first line, to the word "said," in the third line, and inserting at the end of the section the following :

*Provided*, That the taxes collected from each District shall be apportioned to the same.

Upon the adoption of the amendment

The yeas and nays were demanded by **Mr. Mahony**, and were as follows:

Yeas 9, }  
Nays 44. }

The yeas were,

**Messrs. Anthony, Belknap, Bradley, Casey, Lambert, Mahony, McCrary, Seevers—9.**

The nays were,

**Messrs. Ayers, Bauder, Bennett, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Dana, Davis, Edwards, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, Lundy, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Sharp, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—44.**

The amendment was not adopted.

**Mr. Lambert**

Moved to amend the second section of the bill by striking out the word "sixteen," where it occurs in the second line, and inserting in lieu thereof the word "twelve."

The amendment was not adopted.

**Mr. Wright**

Moved that the 42d Rule be suspended and that the bill be read a third time now.

**Mr. Cavanaugh**

Moved to amend the bill further by striking out of section 76 the name of "W. H. Barnes," and inserting in lieu thereof the name of "William Crum."

Upon the adoption of the amendment

The yeas and nays were demanded by **Mr. Bauder**, and were as follows:

Yeas 26, }  
Nays 26. }

The yeas were,

**Messrs. Anthony, Bates, Bennett, Campbell, Carpenter, Cassiday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Collins, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson,**

Johnson, Lambert, McCrary, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright—26.

The nays were,

Messrs. Bauder, Belknap, Bradley, Cooley, Dana, Davis, Edwards, Harmon, Jackson, Lundy, Mitchell, Millsap, Moorman, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Steward, Mr. Speaker—26.

The amendment was not adopted.

Mr. Clune

Moved to amend the bill by striking out from the 31st to the 36th Section, inclusive,

Upon the adoption of the amendment,

The yeas and nays were demanded and were as follows:

Yeas 18, }  
Nays 43. }

The yeas were,

Messrs. Anthony, Bradley, Campbell, Casey, Casady of Woodbury, Clark of Des Moines, Clune, Collins, Dews, Grimes, Guiberson, Mahony, Millsap, Moorman, Pierson, Reitzel, Sharp, Trumbull—18.

The nays were,

Messrs. Ayers, Bates, Bauder, Belknap, Bennett, Carpenter, Cassaday of Van Buren, Cassiday of Mahaska, Clark of Dubuque, Clark of Johnson, Cooley, Dana, Davis, Dewey, Drummond, Edwards, Gray, Gue, Harmon, Jackson, Johnson, Lundy, McCrary, McGrew, Mitchell, Morgan, Prentiss, Randolph, Rankin, Richardson, Seevers, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker—43.

The amendment was not adopted.

The question recurring upon the motion to suspend the 42d rule, and read the bill a third time now,

It was agreed to.

Upon the passage of bill,

The yeas and nays were ordered and were as follows:

Yeas 45, }  
Nays 18. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Cooley, Dana, Davis,

Dewey, Edwards, Foster, Gray, Gue, Harmon, Jackson, Johnson, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Richardson, SeEVERS, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—45.

The nays were,

Messrs. Anthony, Bradley, Casey, Cassaday of Van Buren, Clark of Des Moines, Clune, Collins, Dews, Drummond, Grimes, Guiberson, Lambert, Mahony, Millsap, Pierson, Reitzel, Sharp, Trumbull—18.

The bill passed and the title was agreed to.

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

MR. SPEAKER:

The Senate has passed bills of the following titles, viz :

Senate File No. 150, A bill for an act to provide for the continuation of the Geological Survey of the State.

Substitute for Senate File No. 49, A bill for an act, amendatory of an act entitled an act fixing the salary of the Governor and State officers of the State of Iowa, approved January 29th, 1857.

Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa, in all which the concurrence of the House of Representatives is asked.

GEORGE. E. SPENCER,  
Secretary Senate.

On motion of Mr. Bradley,  
The House adjourned.

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WEDNESDAY MORNING, }  
MARCH 10th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Summerbell.

On motion of Mr. Millard,

The reading of the Journal was dispensed with.



## BILLS INTRODUCED.

**Mr. Millard**

Introduced House File No. 285, A bill for an act to amend an act, entitled an act to fix the time of holding courts in the Eleventh Judicial District,

Which was read a first and second time.

On motion of Mr. Millard,

The 42d rule was suspended and the bill read a third time, and upon the question, shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 51, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Johnson, Collins, Dana, Davis, Dewey, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Sprague, Stearns, Steward, Streeter, Waln, Watts, Woodward, Wright, Mr. Speaker—51.

The nays were none.

The bill passed and the title was agreed to.

**Mr. Bauder**

Introduced House File No. 286, A bill for an act to authorize married women to transact business in their own names as sole traders,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

**Mr. Bradley**

Introduced House File No. 287, Joint Resolution for increased mail facilities,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

**Mr. Belknap**

Introduced House File No. 288, A bill for an act in relation to the measure of damages in suits brought for breach of covenants of warranty, in deeds conveying real estate,

Which was read a first and second time, and  
 Referred to the committee on the Judiciary.

**Mr. Belknap**

Introduced House File No. 289, A bill for an act increasing the  
 number of voting places,

Which was read a first and second time, and  
 Referred to the committee on the Judiciary.

**Mr. Gue**

Introduced House File No. 290, A bill for an act prohibiting  
 and punishing the crime of holding slaves in this State,

Which was read a first and second time, and  
 Referred to the committee on the Judiciary.

### REPORTS OF COMMITTEES.

**Mr. Dana**

From the Special Committee, to whom was referred the subject  
 of re-districting the State into Senatorial and Representative Dis-  
 tricts, &c., reported House File No. 291, A bill for an act deter-  
 mining the ratio of apportionment of the State into Representative  
 Districts, and defining the boundaries thereof,

Which was read a first and second time, and

On motion of Mr. Edwards,

Laid upon the table and ordered to be printed for the use of the  
 General Assembly.

**Mr. Dews,**

From the same committee to whom was referred the same sub-  
 ject, submitted a minority Report, together with House File No.  
 292, A bill for an act fixing the ratio of representation, and to de-  
 fine the boundaries of Representative Districts,

Which was read a first and second time and laid upon the  
 table and ordered to be printed for the use of the General Assembly.

**Mr. Davis**

Presented the petition of citizens of Page county, asking for the  
 passage of a law exempting from taxation the property of all in-  
 stitutions of learning in the State of Iowa,

Which was referred to the Committee on Ways and Means.

**Mr. Mitchell**

Presented the petition of citizens of Mitchell, Polk county, in  
 relation to the location of a State Road,

Which was referred to the committee on Roads and Highways.

Mr. Wilson,

From the committee on Ways and Means, to whom was referred substitute for House File No. 108, A bill for an act to locate and provide for the location of an Institution for the education of the Blind of the State of Iowa,

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

Mr. Bates

Moved to amend the bill by filling the Blank in Section first, with the names of James O. Traer, of Benton county, John W. Jones, of Hardin county, and Hosea W. Gray, of Linn county.

The amendment was adopted.

On motion of Mr. Drummond,

The 42d Rule was suspended, and the bill read a third time, and

Upon the question, shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 47, }  
Nays 15. }

The yeas were,

Messrs. Anthony, Bates, Belknap, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Grimes, Gue, Guberson, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Millard, Milliser, Morgan, Prentiss, Randolph, Rankin, Reitzel, Seevers, Sprague, Stearns, Steward, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—47.

The nays were,

Messrs. Ayers, Bennett, Bradley, Campbell, Casady of Woodbury, Clark of Johnson, Crawford, Gray, Johnson, Mahony, Mitchell, Millsap, Moorman, Pierson, Wright—15.

The bill passed and the title was agreed to.

Mr. Wilson,

From the committee on Ways and Means, to whom was referred House File No. 59, A bill for an act to establish an Asylum for the Deaf and Dumb,

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

Mr. Cassiday of Mahaska,

Moved that the further consideration of the bill be postponed until Tuesday next,

Which motion was lost.

On motion of Mr. Prentiss,

The bill was laid upon the table and ordered to be printed for the use of the House.

Mr. Trumbull

Presented the petition of citizens in relation to the re-location of the Capital, accompanied by House File No. 93, A bill for an act to fix the site of the Capital of the State of Iowa,

Which was read a first and second time.

Mr. Trumbull

Moved to refer the bill to a Select Committee,

Which motion was lost.

Mr. Bradley

Moved to refer the bill to the Committee on Constitutional Amendments,

Which motion was lost.

Mr. McCrary

Moved to refer the bill to the committee on the Judiciary,

Upon which motion,

The yeas and nays were demanded by Mr. Mitchell, and were as follows:

Yeas 37, }  
Nays 25, }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Clark of Des Moines, Clark of Dubuque, Davis, Dewey, Edwards, Harmon, Jackson, Lambert, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sprague, Stearns, Thompson, Wilson, Woodward, Wright—37.

The nays were,

Messrs. Anthony, Bates, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Johnson, Collins, Crawford, Curtis, Dana, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Johnson, Lundy, Milliser, Steward, Streeter, Trumbull, Waln, Watts—25.

The motion prevailed.

Mr. Wilson,

From the committee on Ways and Means, to whom was referred substitute for House File No. 129, A bill for an act to provide for the establishment of a State Agricultural College, with a State Board of Agriculture, which shall be connected with the entire interests of the State of Iowa,

Reported the same back to the House without amendment, and recommended that the further consideration of the same be indefinitely postponed.

The committee also recommended that the Committee on Agriculture be instructed to prepare and report a bill for the establishment of an Agricultural Bureau in connection with one of the State offices at the Capital of the State.

Mr. Lundy

Moved to amend the bill by striking out "\$30,000," and inserting in lieu thereof "\$10,000."

The amendment was adopted.

Mr. Lundy

Moved to amend the bill further by filling the blank in Section 31, "thirty thousand."

The amendment was adopted.

Mr. Jackson

Moved to amend the bill further by striking out the word "regular," where it occurs in Section 6.

The amendment was adopted.

Mr. Prentiss

Moved to amend the bill further by filling the blank in Section 27, with the name of "Francis Springer."

Mr. Casey

Moved to amend the motion by inserting the name of "Mr. H. D. Stewart."

On motion of Mr. Clark, of Johnson,

The 27th Section was passed over without consideration.

On motion of Mr. Wright,

The bill was ordered to be engrossed and read a third time, when the apportionment bill for Judicial Districts shall be read.

Mr. Seevers,

Submitted the following report:

The committee on the Judiciary, to whom was referred House File No. 263, A bill for an act to re-enact all such acts as may

have been repealed or suspended in their operation by the New Constitution, but which are not in conflict therewith, have had the same under consideration, and directed me to report the same back and recommend its passage.

On motion of Mr. Seevers,

The 42d rule was suspended, and the bill read a third time, and

Upon the question, shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 57, }

Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Foster, Grimes, Harmon, Jackson, Lambert, Laney, Mahony, McCrary, McGrew, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward and Mr. Speaker—57.

The yeas were none.

The bill passed and the title was agreed to.

Mr. Mahony, with leave,

Introduced House File No. 294, A bill for an act, supplemental to an act entitled an act for the Public Instruction of the State of Iowa,

Which was read a first and second time, and

Referred to the committee on Schools and State University.

Mr. Thompson,

From the committee on Schools and State University, to whom was referred House File No. 217, A bill for an act authorizing School Districts to subscribe for the Voice of Iowa,

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

On motion of Mr. Bates,

The 42d Rule was suspended, and the bill read a third time, and

Upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 41, )  
Nays 20. }

The yeas were,

Messrs. Anthony, Bates, Bennett, Cassaday of Van Buren, Cassady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Collins, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Laney, Mahony, McCrary, McGrew, Mitchell, Millsap, Morgan, Randolph, Rankin, Reitzel, Richardson, Sprague, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Wright, Mr. Speaker—41.

The nays were,

Messrs. Ayers, Bander, Belknap, Bradley, Campbell, Casey, Clark of Des Moines, Crawford, Dews, Gray, Johnson, Lambert, Milliser, Moorman, Pierson, Prentiss, Sharp, Stearns, Steward, Wilson—20.

The bill passed and the title was agreed to.

Message from the Senate, by their Secretary :

Mr. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed bills, of the following titles, to wit :

Senate File No. 134, A bill for an act for the punishment of Foeticide.

Senate File No. 141, A bill for an act in relation to the Keokuk & Des Moines Valley Plank Road Company, in all of which the concurrence of the House is asked.

I am also directed to inform the House of Representatives that the Senate has passed substitutes for the following bills to which the agreement of the House is asked, viz :

Senate substitute for House File No. 165, A bill for an act to provide for the recording of certain instruments in writing, belonging to the State.

Senate Substitute for House File No. 104, A bill for an act making an appropriation for the Iowa Penitentiary.

I am further directed to inform the House that the Senate has amended sub. for House File No. 73, A bill for an act in relation to Divorce and Alimony, by striking out the words "second and," in the 2d section, in which the agreement of the House is asked.

I herewith return the following named House Bills, the same having passed the Senate without amendment.

House File No. 233, A bill for an act to amend chapter 167 of the laws of the Sixth General Assembly.

House File No. 125, A bill for an act to amend section 1209 of chapter 78 of the Code.

House File No. 168, A bill for an act to amend section 1610 of the Code of Iowa.

House File No. 249: A bill for an act qualifying the criminal jurisdiction of Justices of the Peace.

House File No. 223: Memorial and Joint Resolution to Congress for a grant of land to aid in the construction of a Railroad from Fort Dodge to Sioux Falls.

Substitute for House File No. 150: A bill for an act to encourage the organization of Fire Companies, and for the protection of Firemen and the property of Fire Companies.

House File No. 210: A bill for an act to provide for an additional Justice of the Peace in Union township, Davis county, Iowa.

House File No. 95: A bill for an act for the punishment of willful and malicious oppression.

House File No. 233: A bill for an act continuing School Fund Commissioners in office.

House File No. 204: A bill for an act to permit certain Indians to reside within the State.

House File No. 211: A bill for an act to confirm the division of the rights and liabilities of the county of Webster since its division.

House File No. 206: A bill for an act fixing the compensation of future General Assemblies.

House File No. 216: A bill for an act to attach the county of Worth to the county of Cerro Gordo for certain purposes.

I am also directed to inform the House that the Senate has concurred in the amendment made by the House to Senate File No. 154: A bill for an act providing for a revision of the laws of Iowa and the preparation of a Code of civil and criminal procedure.

GEORGE E. SPENCER,

Secretary Senate.

MR. SPEAKER:

I herewith return to the House of Representatives House File No. 285: A bill for an act to amend an act entitled an act to fix the times of holding Court in the 11th Judicial District.

The same having passed the Senate without amendment.

GEORGE E. SPENCER, Secretary Senate.



**MR. SPEAKER:**

I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, viz:

Senate File No. 160: A bill for an act to legalize the sale of certain school lands by Albert S. Hoisington, School Fund Commissioner of Greene county.

Senate File No. 179: A bill for an act to designate Sundays and the Holidays to be observed in the acceptance and payment of bills of exchange and promissory notes.

Senate File No. 180: A bill for an act to amend Chapter 122 of the session laws of the 6th General Assembly of the State of Iowa, In all which the concurrence of the House is asked.

GEORGE E. SPENCER,  
Secretary Senate.

**Mr. Drummond**

Presented the petition of citizens of Benton county asking for a change in the boundaries of said county,

Which was referred to the committee on New Counties.

**Mr. Foster,**

From the committee on Engrossed Bills, reported that the committee had examined House File No. 244: A bill for an act providing for argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk.

Also, House File No. 141: "A bill for an act to authorize the business of banking in the State of Iowa," and had found the same correctly engrossed.

**Mr. Streeter,**

From the committee on New Counties, to whom was referred sundry petitions of citizens of Clayton and Alamakee counties, asking for the formation of a new county out of portions of said counties,

Reported that the prayer of the petitioners be not granted.

**Mr. Trumbull,**

From the same committee, to whom was referred the same petitions, submitted the following minority report:

The committee on New Counties, to whom was referred Senate File No. 128: A bill for an act explanatory of an act entitled an act to create the county of Humboldt, and locate the county seat hereof, report,

That it appears from evidence produced before the committee, that at the session of the last General Assembly an act was passed, approved January 28th, 1857, creating the county of Humboldt and defining its boundaries, by which act townships 90, 91, 92 and 93 of ranges 27, 28, 29 and 30, west, were constituted the county of Humboldt; that by mistake or fraud the said act was printed in the public laws so that township No. 90 in said range was omitted; that said original bill, as the same was passed, has been lost, and cannot be found; that the act, as published in the newspapers according to law, included township 90 aforesaid in Humboldt county. Your committee therefore recommend that the bill be referred to the committee on the Judiciary.

Mr. Clark, of Johnson,

Moved to re-commit the bill to the committee on New Counties, with instructions to report the evidence to the House.

Mr. Bauder

Moved to adjourn,

Which motion was lost.

The question recurring upon concurring in the report of the committee, the same was lost.

Mr. Clark, of Dubuque,

Moved to re-commit the bill with instructions,

Which motion was lost.

Mr. Trumbull

Moved that the 42d Rule be suspended, and that the bill be read a third time now.

Pending which motion,

On motion of Mr. Clark, of Dubuque,

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question recurring upon the motion to suspend the 42d Rule and to read Senate File No. 128: "A bill for an act explanatory of an act entitled an act to create the county of Humboldt and locate the county seat thereof," a third time,

Mr. Carpenter

Moved to amend the bill by adding thereto the following sections :

Sec. 3. And it is further enacted that the question involved in the passage of this bill shall be submitted to a vote of the legal voters of the two counties by the County Judges thereof at the next April election, if this act shall be published ten days before the said election, and if not so published, then at the next general election.

Sec. 4. The form of submission shall be "For the change" and "Against the change," and the votes shall be given by ballot, and canvassed in the same manner as the votes for County and State officers; and if a majority of all the votes cast in Humboldt county shall be "For the change," and a majority of all the votes cast in Webster county shall be "For the change," then this shall be considered the law; but if the said majorities shall be "Against the change," then this act shall be void and of no effect.

Sec. 5. This act shall take effect from and after its publication in the Iowa Weekly Citizen and the Fort Dodge Sentinel.

The amendment was not adopted.

Upon the question of suspending the 42d Rule, and of reading the bill a third time,

The same was agreed to.

Mr. Clark, of Johnson,

Moved to be excused from voting upon the passage of the bill,

Which motion was lost.

Upon the question, Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 40, }  
Nays 21. }

The yeas were,

Messrs. Anthony, Bates, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Mahony, McCrary, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Wright, Mr. Speaker—40.

The nays were,

Messrs. Ayers, Bauder, Belknap, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dews, Lambert, Laney, Lundy, Mitch-

ell, Pierson, Seevers, Sharp, Sprague, Stearns—21.

The bill was passed and the title agreed to.

Mr. Wright

Submitted the following report:

The committee on Enrolled Bills have examined the following bills, and find them correctly enrolled:

House File No. 235: An act continuing the School Fund Commissioners in office.

House File No. 285: An act to amend an act entitled an act to fix the time of holding Courts in the 11th Judicial District.

House File No. 210: An act providing for an additional Justice of the Peace in Union township, Davis county, Iowa.

Mr. Randolph,

From the committee on Public Lands, to whom was referred sundry petitions of citizens of Iowa county, concerning the school lands of said county, reported

House File No. 295: A bill for an act for the relief of claimants and pre-emptors of certain school lands,"

Which was read a first and second time.

Mr. Foster

Moved that the 42d Rule be suspended, and that the bill be read a third time now.

On motion of Mr. Mahony

The bill was referred to the committee on Schools and State University.

Mr. Clark, of Dubuque,

Offered the following resolution, which was adopted:

*Resolved*, That the time for bringing in bills shall be extended until the adjournment of the afternoon session of the House on the 23d inst.

Mr. Gray,

From the committee on Public Lands, to whom was referred substitute for House File No. 88: A bill for an act to enable the several counties in this State to sell and dispose of the swamp and overflowed lands within their limits,

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

Mr. Gray

Moved that the bill be engrossed and read a third time on Monday next.

On motion of Mr. Edwards

The bill was laid upon the table and ordered to be printed.

Mr. Thompson

Submitted the following report:

The committee on Schools and State University, to whom was referred substitute for Senate File No. 130: "A bill for an act authorizing a loan from the School Fund to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the State University of the State of Iowa,"

Having had the same under consideration instruct me to report the same back and recommend its passage.

THOMPSON, Chairman.

Mr. Mahony

Moved to amend the fourth section of the bill by striking out of said section the words "some competent person appointed by the Governor," and inserting in lieu thereof the words "Attorney General."

On motion of Mr. Wright

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 56, }  
Nays 7. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Collins, Curtis, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Richardson, Sharp, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Wright, Mr. Speaker—55.

The nays were,

Messrs. Anthony, Clark of Des Moines, Clune, Crawford, Guiberson, Lambert, Watts—7.

The bill passed and the title was agreed to.

Mr. Curtis, with leave, introduced

House File No. 296: A bill for an act authorizing a loan

from the School Fund to the Central University of Iowa,  
Which was read a first and second time.

Mr. Curtis

Moved that the 42d Rule be suspended, and that the bill be read a third time now.

On motion of Mr. Wright

The bill was referred to the committee on Schools and State University.

Mr. Waln introduced

House File No. 297: A bill for an act authorizing a loan from the School Fund to Cornell College, at Mt. Vernon, Linn county, Iowa,

Which was read a first and second time, and

Referred to the committee on Schools and State University.

Mr. Bates introduced

House File No. 298: A bill for an act authorizing a loan from the School Fund to the Cedar Rapids Collegiate Institute,

Which was read a first and second time, and

Referred to the committee on Schools and State University.

Mr. Rankin introduced

House File No. 299: A bill for an act authorizing a loan from the School Fund to Washington College, situated in Washington county, State of Iowa,

Which was read a first and second time, and

Referred to the committee on Schools and State University.

Mr. Lundy

Offered the following resolution, which was adopted:

*Resolved*, That the use of this House be tendered to Mr. Detwiler for to-morrow evening, for the purpose of delivering a lecture on the subject of temperance.

Mr. Bauder

Moved that when the House adjourn it adjourn to meet at nine o'clock to-morrow.

Which motion was adopted.

Mr. Jackson

Submitted the following report:

The committee on Banks and Banking beg leave to submit the following report:

That they have had under consideration the subject of submitting the banking systems to the people, and after mature delibera-

tion thereon, they are of the opinion that said systems of banking should be submitted to the people at the earliest practicable moment.

In conformity with said opinion they have drawn up an "Act ordering a special election for the submission of the banking systems," and they respectfully urge its passage.

It is proper to add that some of the members of the committee do not unite in this report.

JACKSON, Chairman.

House File No. 300: A bill for an act ordering a special election for the purpose of submitting to the people certain acts therein named regulating the business of banking,

Was read a first and second time.

Mr. Bauder

Moved to amend the bill by striking out the word "special," where it occurs in the bill, and inserting in lieu thereof the word "general."

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Bauder, and were as follows:

Yeas 18, }  
Nays 44. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Crawford, Dews, Gray, Johnson, Millsap, Pierson, Sharp—18.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Clark of Des Moines, Clune, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—44.

The amendment was not adopted.

On motion of Mr. Jackson

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

Mr. Foster offered the following resolution:

WHEREAS, Rumors that are now fast assuming the phase of facts

are being daily circulated questioning the integrity of certain agents of the State, and

WHEREAS, There is no way of permitting their conduct to pass without censure, except when it passes without observation, and

WHEREAS, To bring this about it is proper to direct the attention of the public to some other locality. Therefore

*Resolved*, That the committee on Constitutional Amendments be instructed to report a bill providing for an amendment to the Constitution removing the seat of government from the City of Des Moines to Marshall, in Marshall county.

On motion of Mr. Wright

The resolution was referred to the committee on Charitable Institutions.

Mr Trumbull

Submitted the following report :

The committee on Railroads to whom was referred House File No. 268, A bill for an act in relation to the location of R. Road Depots and Stations, have had the same under consideration, and have directed me to report the same back and recommend its passage.

Mr. Bates

Moved that the bill be indefinitely postponed,

Upon which question,

The yeas and nays were demanded by Mr. Woodward, and were as follows :

Yeas 26, {  
Nays 34. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bradley, Campbell, Cavanaugh, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Davis, Dewey, Edwards, Foster, Jackson, Millard, Millsap, Pierson, Prentiss, Richardson, Sharp, Sprague, Stearns, Waln, Woodward.

The nays were

Messrs. Bennett, Carpenter, Casey, Casady of Woodbury, Cassidy of Mahaska, Clark of Des Moines, Curtis, Dana, Dews, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy, Mahony, McGrew, Milliser, Mitchell, Moorman, Morgan, Randolph, Rankin, Reitzel, SeEVERS, Thompson, Trumbull, Watts, Wilson, Wright, Mr. Speaker.

The motion was lost.



On motion of Mr. Gue,  
The bill was laid upon the table.

Mr. Wright

Submitted the following report :

The committee on enrolled bills report that the following bills  
ve been presented to the Governor for his signature.

House File No. 210, An act providing for an additional Justice  
the Peace in Union Township, Davis county, Iowa.

House File No. 235, An act continuing the School Fund Com-  
missioners in office.

House File No. 285, An act to amend an act entitled an act to  
the time of holding Courts in the 11th Judicial District.

Mr. Trumbull,

From the committee on Railroads, to whom was referred House  
file No. 267, A bill for an act regulating the manner of com-  
encing actions against Railroads and Railroad Companies,

Reported a substitute therefor, and recommended its passage.

The substitute was adopted, and

On motion of Mr. Bradley,

Referred to the committee on the Judiciary.

On motion of Mr. Clune,

The House adjourned.

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THURSDAY MORNING, }  
MARCH 11th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Summerbell.

On motion of Mr. Bennett

The reading of the journal was dispensed with.

#### BILLS INTRODUCED.

Mr. Bennett introduced

House File No. 301: A bill for an act to amend an act entitled

an act to fix the time of holding Courts in the Eleventh Judicial District,

Which was read a first and second time.

On motion of Mr. Bennett

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 42, }  
Nays 4. }

The yeas were,

Messrs. Bates, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Collins, Dana, Davis, Edwards, Foster, Grimes, Guiberson, Jackson, Lundy, McCrary, Millard, Mitchell, Millsap, Moorman, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Sharp, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Woodward, Wright, Mr. Speaker—42.

The nays were,

Messrs. Clune, Gray, Harmon, Watts—4.

The bill passed and the title was agreed to.

Mr. Foster

Presented the petition of citizens of Jackson township, Powesheik county, Iowa, asking for an additional Justice of the Peace in said township, with House File No. 302: A bill for an act to provide for the election of an additional Justice of the Peace in Jackson township, Powesheik county, Iowa,

Which was read a first and second time.

On motion of Mr. Foster

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 43, }  
Nays 10. }

The yeas were,

Messrs. Bates, Bennett, Bradley, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Curtis, Dana, Drummond, Foster, Grimes, Gue,

Guiberson, Harmon, Laney, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Richardson, Sharp, Sprague, Trumbull, Watts, Wright—40.

The nays were,

Messrs. Anthony, Ayers, Campbell, Davis, Edwards, Gray, Lambert, Millsap, Reitzel, SeEVERS, Streeter, Woodward, Wright—13.

The bill was passed and the title agreed to.

Mr. Trumbull,

From the committee to whom was referred House File No. 272: A bill for an act to annex Butler county to the Tenth Judicial District, and prescribing times of holding Courts therein,

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

On motion of Mr. Trumbull

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were demanded and were as follows:

Yeas 45, }  
Nays 8. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Crawford, Dana, Davis, Drummond, Edwards, Foster, Grimes, Guiberson, Harmon, Johnson, Lambert, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Pierson, Randolph, Rankin, Reitzel, Richardson, Sharp, Sprague, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright—45.

The nays were,

Messrs. Carpenter, Clark of Johnson, Clune, Cooley, Collins, Gray, Millsap, Thompson, Mr. Speaker—8.

The bill was passed and the title agreed to.

Mr. Jackson introduced

House File No. 303: A bill for an act explanatory of an act to establish new counties and to define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes,

Which was read a first and second time, and

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

Mr. Jackson introduced

House File No. 304: A bill for an act to amend Chapter 62 of the Code,

Which was read a first and second time, and  
Referred to the committee on the Judiciary.

Mr. Collins

Submitted the following report:

*To the House of Representatives:*

The special committee constituted by a resolution of the House to investigate the alleged frauds committed in the location of the Capitol of the State, beg leave to make the following special report:

In the course of the examination of Mr. J. A. Williamson, the following questions were put by the counsel for the memorialists in reference to certain lots alleged to have been sold by Scott to Pegram:

Q. Was there any money paid, or was there any consideration, as you understood, except the services of Pegram as Commissioner in improving the value of the land?

A. Ten thousand dollars was the sum talked of. If anything further was mentioned, it was in a professional manner, which I do not choose to divulge.

Q. Do you know of any property being conveyed or money given to Baldwin?

(Objected to by counsel for the accused.)

A. If I have any knowledge about that, it is of a professional character. I wanted the influence of Baldwin, and would have been willing to have paid him for it.

Q. Were the Commissioners to have any interest in town lots or land?

A. I solicited persons to make such donations after knowing that similar appliances had been used by parties on the other side of the river. If ever such donation was made, it was by myself, and would be a part of my private business, concerning which I decline answering any question.

In the course of the examination of Mr. Thomas Mitchell, the following question was asked by counsel for memorialists:

Q. Do you, Mr. Mitchell, upon your oath, say that you did not, on or about, or soon after the location was made, or that you do not know of Crookham's procuring an interest in some property on the east side of the river; I do not mean the title, but the right to procure a title in certain contingencies?

Counsel for the accused objected to the question.

The witness then replied: I decline answering that question, because it will open my whole private business. I am willing to answer any question relating to the Capitol location.

Upon consideration the committee refused to entertain the excuse proffered, because it does not comply either in letter or spirit to the statute exempting witnesses in certain cases from testifying. Whereupon counsel for the memorialists declined questioning the witness further.

In the course of the examination of Mr. W. A. Scott, the counsel for the memorialists put the following question:

Q. Did you at or about the time of the location of the said Capitol, sell and convey, or agree to convey, or agree to hold in trust, any part of your said property for Mr. Street, one of said Commissioners?

Objected to by counsel for the accused, and the following refusal was filed by the witness:

The witness refuses to answer this question on the ground and for the reason that if any act done or transaction had between Mr. Street and this affiant would tend to impeach the conduct of Mr. Street, it would, and will, operate to impeach and disgrace affiant; and he further bases his objection and refusal to answer, that the answer he would be compelled to give, taken in connection with evidence already taken, and questions that might follow this answer, will tend to disgrace this affiant.

The committee refused to excuse the witness from answering, because the excuse for each refusal does not conform to the requisitions of section 2397 of the Code, which exempts witnesses from answering in certain cases.

The following question was then put by counsel for memorialists:

Q. Did you convey, or agree to convey, any of your said property in trust for Guy Wells, at or about the time of the location of the Capitol?

Upon this question the same proceedings were had as upon the preceding one.

Whereupon the counsel for the memorialists put the following question:

Q. Did you, at or about the time of the location of the Capitol, convey, or agree to convey, or to hold in trust any of your said property for Mr. Pegram?

Upon which question the same proceedings were had as upon the first above written question.

Whereupon the counsel for the memorialists put the following question :

Q. Did you, or did you not, at or about the time of the location of the said Capitol, convey, or agree to convey, or to hold in trust any portion of your said property to said Commissioners, or to any or either of them ?

Upon which question the same proceedings were had as upon the first above written.

The object for making this report is to have the instructions of the House as to the course that should be taken in view of the refusal of witnesses to testify on material points of the investigation.

Respectfully submitted.

On motion of Mr. Mahony

The report was referred to the committee on the Judiciary, with instruction to examine the questions as to their relevency, and to report to the House.

Mr. Dews,

From the special committee to whom was referred House File No. 257: A bill for an act to legalize the assessment of taxes made in the several counties of this State for the years 1855, 1856 and 1857,

Reported the same back to the House with sundry amendments in which the concurrence of the House was asked.

The amendments were concurred in and the bill ordered to be engrossed and read a third time to-morrow.

Message from the Senate, by their Secretary :

MR. SPEAKER :

I am directed to inform the House of Representatives that the Senate has passed Senate File No. 169 : Joint Resolution ratifying a settlement with the Des Moines Navigation and R. R. Company, to which the agreement of the House is asked.

I am also directed to inform the House of Representatives that the Senate has amended substitute for House File No. 10 : A bill for an act respecting aliens, in which amendment the agreement of the House is asked.

I herewith return House File No. 262 : A bill for an act to repeal sections 1410 and 1411 of the Code, prescribing the descent of

property, the same having passed the Senate without amendment.

GEORGE E. SPENCER,  
Secretary Senate.

**MR. SPEAKER:**

I herewith present for your signature Senate File No. 154: An act providing for a revision of the laws of Iowa, and the preparation of a Code of civil and criminal procedure; also

Senate File No. 95: An act to amend Chapter 220 of the session laws of 1856-7; also

Senate File No. 111: An act making an appropriation for the State University.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEORGE E. SPENCER,  
Secretary Senate.

**MR. SPEAKER:**

I am directed to inform the House that the Senate has concurred in the amendment made by the House to substitute for Senate File No. 130: A bill for an act authorizing a loan from the school fund to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the University of the State of Iowa.

I herewith present for your signature Senate File No. 128: An act explanatory of "an act to create the county of Humboldt, and to locate the county seat thereof."

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEORGE E. SPENCER,  
Secretary Senate.

**Mr. Mitchell introduced**

House File No. 305: A bill for an act to encourage emigration to the State of Iowa,

Which was read a first and second time.

**Mr. Harmon**

Moved that the bill be indefinitely postponed.

**Mr. Wright**

Moved to refer the bill to the committee on Internal Improvements.

**Mr. Woodward**

Moved to amend the motion by referring the bill to the committee on Ways and Means,

Which motion was agreed to.

**Mr. Watts** introduced

House File No. 306: A bill for an act to provide for the laying out of roads and highways,

Which was read a first and second time, and  
Referred to the committee on Roads and Highways.

**Mr. Bates**

Submitted the biennial report of the State Librarian,  
Which was referred to the committee on State Library.

**Mr. Dews**

Introduced House File No. 307, A bill for an act for establishing, locating and changing highways,

Which was read a first and second time, and  
Referred to the committee on Roads and Highways.

**Mr. Rankin**

Introduced House File No. 308, A bill for an act to punish the making and vending of drugged and adulterated intoxicating liquors, and amendatory to an act entitled an act supplementary and amendatory to an act for the suppression of Intemperance, approved January 22d, 1855,

Which was read a first and second time.

**Mr. Davis**

Moved to amend the bill by striking out of Sections one and two, the words, "as a beverage."

On motion of Mr. SeEVERS,

The bill was referred to a select committee on that subject.

**Mr. Streeter**

Introduced House File No. 309, A bill for an act to appoint Commissioners to locate the seat of Justice of Buena Vista county,

Which was read a first and second time, and  
Referred to the committee on Township and County Organizations.

**Mr. Foster**

Introduced House File No. 310, A bill for an act to loan one million dollars from the School Fund, to Buncombe Literary Institute,

Which was read a first and second time.

**Mr. Bennett**

Moved that the bill be referred to a select committee, to be



called the committee on Buncombe, of which Mr. Foster should be Chairman.

On motion of Mr. Seevers,  
The bill was laid upon the table.

Mr. Carpenter

Introduced House File No. 311, A bill providing for submitting to the legal voters of Webster and Humboldt counties, a proposition to change the boundaries of the two counties, and divide the liabilities of the same,

Which was read a first and second time, and

On motion of Mr. Carpenter,  
Ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Jackson,  
House File No. 141, A bill for an act to authorize the business of Banking in the State of Iowa,

Was taken up and read a third time, and upon the question,

· Shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 40, )

Nays 25. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Clark of Des Moines, Clune, Cooley, Collins, Dana, Davis, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker—40.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Crawford, Curtis, Dews, Gray, Johnson, Laney, Mahony, McGrew, Milliser, Milsap, Pierson, Sharp, Sprague—25.

The bill passed.

Mr. Bradley,

Moved to amend the title of the bill by striking out the word "Banking," and inserting in lieu thereof, the word "swindling."

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Mahony, and were as follows :

Yeas 14, }  
Nays 51. }

The yeas were,

Messrs. Ayers, Bennett, Bradley, Casady of Woodbury, Cavanaugh, Clark of Johnson, Crawford, Curtis, Johnson, Laney, Mahony, Milliser, Pierson, Sharp—14.

The nays were,

Messrs. Anthony, Bates, Bauder, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Dana, Davis, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker—51.

The amendment was not adopted.

The motion being upon concurring in the title of the bill,

The same was agreed to.

On motion of Mr. Edwards,

Senate File No. 68, A bill for an act to authorize the counties to use the swamp lands to aid in the construction of Railroads,

Was taken from the table.

Mr. Edwards

Moved that the bill be referred to a select committee, with instructions.

On motion of Mr. Cooley,

The bill was referred to the committee on the Judiciary.

Mr. Clark of Johnson,

From the committee on Schools and State University, to whom was referred House Files No. 296, 297, 298 and 299, Bills for acts making appropriations to certain Schools and Colleges,

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

The committee state that the Treasurer's Report shows that there is \$36,908 34 of this fund remaining in the Treasury; \$2,689,00 of this sum is interest, accruing upon loans of the permanent fund; leaving \$34,219 34 of permanent fund subject to

loan, in the hands of the Treasurer. The aggregate of loans provided by these bills and the one passed on the 10th inst., amounts to \$35,000.

Mr. Curtis

Moved that the 42d Rule of the House be suspended, and that House File No. 296, A bill for an act authorizing a loan from the school fund to the Central University of Iowa, be read a third time now.

Mr. Seevers

Moved that each of the bills reported by the committee be engrossed and read a third time to-morrow.

Mr. Clark of Des Moines,

Moved to amend the bill by adding the following as an additional Section :

“ That in no case shall property belonging to any of the institutions to which money belonging to the school fund is loaned, shall be received as security for such loan.”

Pending the adoption of the amendment,

On motion of Mr. Prentiss,

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question recurring upon the adoption of the amendment to House File No. 296,

The yeas and nays were demanded by Mr. Bates, and were as follows :

Yeas 22, {  
Nays 32, }

The yeas were,

Messrs. Bradley, Clark of Des Moines, Clark of Dubuque, Davis, Gray, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, Mahony, McGrew, Moorman, Morgan, Reitzel, Richardson, Seevers, Sprague, Stearns, Watts, Woodward—22.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of

Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Cooley, Collins, Curtis, Dana, Dews, Edwards, Foster, Harmon, Johnson, McCrary, Millard, Millsap, Pierson, Randolph, Sharp, Thompson, Waln, Mr. Speaker—32.

The amendment was not adopted.

The question recurring upon the motion to have the bill engrossed and read a third time to-morrow,

The same was agreed to.

On motion of Mr. Thompson,

House File No. 244, A bill for an act providing for argumental terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk,

Was taken up and read a third time, and

Upon the question shall the same now pass,

The yeas and nays were ordered and were as follows:

Yeas 48, ]  
Nays 12. ]

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bradley, Carpenter, Casey, Casady of Woobury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Dana, Dewey, Dews, Drummond, Edwards, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Millsap, Morgan, Rankin, Richardson, SeEVERS, Sprague, Stearns, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Wright and Mr. Speaker—48.

The nays were,

Messrs. Ayers, Campbell, Cassaday of Van Buren, Davis, Foster, Guiberson, Lambert, Moorman, Pierson, Randolph, Reitzel, Wilson—12.

The bill passed and the title was agreed to.

#### SENATE MESSAGES TAKEN UP.

Substitute for House File No. 10, A bill for an act respecting aliens,

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

Substitute for House File No. 73, A bill for an act to amend an act in relation to divorce and alimony,

Was taken up and the amendments of the Senate thereto concurred in.

House File No. 114, A bill for an act allowing a bounty upon scalps of certain animals,

Was taken up and the amendments of the Senate thereto concurred in.

House File No. 165, A bill for an act to provide for the recording of certain instruments in writing belonging to the State, together with the substitute adopted by the Senate,

Was taken up, when the House refused to adopt the substitute.

House File No. 104, A bill for an act making an appropriation for the Iowa Penitentiary, together with the substitute adopted by the Senate,

Was taken up.

Mr. Wilson

Moved to amend the substitute by striking out of the first section the words "ten hundred," and inserting in lieu thereof, the words "eight hundred."

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Wilson, and were as follows:

Yeas 27, }  
Nays 35. }

The yeas were,

Messrs. Carpenter, Cassiday of Mahaska, Clark of Dubuque, Collins, Curtis, Dana, Davis, Drummond, Edwards, Gray, Grimes, Gue, Guiberson, Johnson, Lambert, Mahony, McGrew, Moorman, Rankin, Reitzel, SeEVERS, Sharp, Streeter, Waln, Watts, Wilson, Mr. Speaker—27.

The nays were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Dewey, Dews, Foster, Harmon, Jackson, Laney, Lundy, McCrary, Millard, Milliser, Mitchell, Millsap, Morgan, Pierson, Prentiss, Randolph, Richardson, Sprague, Stearns, Woodward, Wright—35.

The amendment was not adopted.

## BILLS ON FIRST READING.

Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa,

Was read a first and second time.

Mr. Clark of Johnson,

Moved that the bill be laid upon the table and printed for the use of the House.

The motion was not agreed to.

Mr. Mitchell

Moved to amend the bill by striking out of the 3d Section, the words, "Iowa City," and inserting in lieu thereof the words "Des Moines."

The amendment was not adopted.

Mr. Jackson

Moved to amend the same section of the bill, by striking out of the 20th line, the words, "as soon after the first;" also by striking out of the same line, the words, "as practicable," and inserting in lieu thereof the words, "or within one week thereafter."

The amendment was not adopted.

Mr. Mahony

Moved to amend the bill further by adding the following as Section 9:

SECTION 9. The Directors of the State Bank of Iowa, shall require that each stockholder in each branch shall deposit with said Bank, collateral security for the notes for circulation issued to such branch, in addition to the amount contributed to the Safety Fund as is heretofore provided for in the manner following, to wit: Each and every stockholder in such branch shall deposit with the branch in which he is a stockholder, and such branch shall deliver to the State Bank of Iowa either in stocks of the United States or interest paying stocks of States, or mortgages on real estate within this State, to such an amount as will equal said stockholders proportion of thirty-three and one-third per cent. of the entire amount of notes issued to such branch for circulation. If in United States stocks, or State stocks, they shall be deposited at their market value at the time in the city of New York, and in case of a depreciation of any portion of said stocks, the stockholders owning the same shall be required to make up said deficiency by depositing additional stocks, under the direction of the State Bank of Iowa.

If in mortgages on real estate, it shall be the duty of the State Bank of Iowa to appoint one or more disinterested persons to examine such real estate, who shall go on to the premises and make a careful examination of the same, and shall make a return of its actual value under oath, irrespective of perishable improvements. If the State Bank of Iowa is satisfied to receive mortgages on such real estate so examined, valued and reported, said mortgages shall be taken at thirty-three and one-third per cent discount on their valuation. Mortgages so taken shall be made to the State Bank of Iowa, or assignable to it.

Whenever such branch shall apply for an additional amount of notes for circulation, it shall at the same time deposit on behalf of each of its stockholders a proportionate amount of such stocks or mortgages. The stocks and mortgages required by this section, shall be held by the State Bank of Iowa as security for any advances that said Bank shall be compelled to make for the redemption of the notes of any failing branch or branches, and for no other purpose, and all interest, rents or profits arising thereon shall, while held by the State Bank of Iowa, before the failure of any such branch or branches, be paid to the stockholders.

Mr. Clark of Johnson,

Moved to amend the 7th and 15th lines of the amendment by striking out "thirty-three and one-third," and inserting in lieu thereof "fifty."

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Curtis, and were as follows :

Yeas 25, }

Nays 37. }

The yeas were,

Messrs. Ayers, Bander, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dews, Gray, Johnson, Lambert, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—25.

The nays were,

Messrs. Anthony, Bates, Carpenter, Clark of Des Moines, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph,

Rankin, Reitzel, Seevers, Stearns, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright—37.

The amendment was not adopted.

The question recurring upon the adoption of the amendment, The yeas and nays were demanded by Mr. Mahony, and were as follows :

Yeas 29, }  
Nays 30. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dana, Dews, Gray, Gue, Guiberson, Jackson, Johnson, Lambert, Laney, Mahony, Milliser, Millsap, Pierson, Sharp—29.

The nays were,

Messrs. Anthony, Carpenter, Cooley, Collins, Davis, Dewey, Drummond, Foster, Grimes, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—30.

The amendment was not adopted.

Mr. Seevers

Moved to amend the 9th Section of the bill by inserting before the words, " five dollars," the words, " one dollar," " two dollars" and " three dollars."

Upon the adoption of the amendment,

The yeas and nays were demanded by Mr. Bradley and were as follows :

Yeas 35, }  
Nays 28. }

The yeas were,

Messrs. Anthony, Bates, Cooley, Collins, Dana, Davis, Dewey, Drummond, Foster, Grimes, Gue, Harmon, Jackson, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker—35.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury,



Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dews, Gray, Guiberson, Johnson, Lambert, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—28.

The amendment was adopted.

Mr. Prentiss

Moved to amend the bill further by adding to Section 9 the following :

Of the notes furnished to any branch not more than ten per cent. of the amount shall be in notes of one dollar each, not more than ten per cent, in notes of three dollars each, not more than twenty per cent. shall be in notes of all denominations under five dollars, not more than fifty per cent. in notes of all denominations under ten dollars.

The amendment was not adopted.

Mr. Clark of Johnson,

Moved to amend Section 10 of the bill by striking out all after the words, "United States."

The amendment was not adopted.

Mr. Bates

Moved to amend the same Section by inserting after the words, "same time," the words, "by the same person."

The amendment was not adopted.

Mr. Clark of Johnson,

Moved to amend the same Section by striking out all after the word "act."

The amendment was not adopted.

Mr. Clune

Moved to amend Section 11 of the bill by striking out the words, "or others who."

The amendment was not adopted.

Mr. Mahony

Moved to amend Section 14 of the bill by adding to the end of said Section the following words :

"Except the 12½ per cent deposited in the Safety Fund."

The amendment was not adopted.

On motion of Mr. Bradley,

The House adjourned.

FRIDAY MORNING,  
MARCH 12th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Summerbell.

On motion of Mr. Woodward

The reading of the journal was dispensed with.

Senate File No. 78: A bill for an act to incorporate the State Bank of Iowa,

Was taken up.

Mr. Bradley

Moved to amend section 26 of the bill by striking out "three fifths" and inserting in lieu thereof "one-fifth."

The amendment was not adopted.

Mr. Pierson

Moved to amend the same section by striking out of the fourth line the words "one-fifth," and inserting in lieu thereof the words "three-fifths."

The amendment was not adopted.

Mr. Bradley

Moved to amend section 27 of the bill by inserting after the word "Director" in the fourth line, the words "removing from this State or."

The amendment was adopted.

Mr. Jackson

Moved to amend section 27 of the bill by striking out all between the words "more" and "provided."

The amendment was not adopted.

Mr. Mahony

Moved to amend section 49 of the bill by striking out the words "nor shall two branches be established in the same town or city."

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Mahony, and were as follows:

Yeas 18, }  
Nays 35. }

The yeas were,

Messrs. Ayers, Belknap, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Johnson, Crawford,

Curtis, Dana, Gray, Guiberson, Johnson, Mahony, McGrew, Milliser, Mitchell, Prentiss—18.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Cooley, Collins, Dewey, Dews, Drummond, Edwards, Foster, Grimes, Harmon, Jackson, Lambert, Lundy, McCrary, Millsap, Moorman, Pierson, Randolph, Rankin, Reitzel, Richardson, Seevers, Sprague, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—35.

The amendment was not adopted.

Mr. Casady, of Woodbury,

Moved to amend section 51 of the bill by striking out the name of "W. S. Dart," of Mahaska county, and inserting in lieu thereof the name of "G. W. F. Sherwin," of Woodbury county.

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Casady, of Woodbury, and were as follows:

Yeas 19, }  
Nays 38. }

The yeas were,

Messrs. Ayers, Campbell, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clune, Cooley, Collins, Curtis, Dana, Davis, Drummond, Grimes, Gue, Prentiss, Reitzel, Richardson, Sprague, Mr. Speaker—19.

The nays were,

Messrs. Anthony, Bates, Bauder, Carpenter, Casey, Clark of Des Moines, Clark of Johnson, Crawford, Dewey, Dews, Edwards, Foster, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Randolph, Rankin, Seevers, Stearns, Streeter, Waln, Watts, Wilson, Wright—38.

The amendment was not adopted.

Message from the Senate, by their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bills, in which the concurrence of the House is asked:

Substitute for Senate File No. 94: A bill for an act to authorize County Judges to subscribe stock in Agricultural Societies.

Substitute for Senate File No. 131: A bill for an act authorizing the construction of bridges in the State of Iowa.

Senate File No. 186: A memorial to Congress to confirm and legalize certain locations made with land warrants.

Senate File No. 188: A bill for an act in regard to practice in the Supreme Court of Iowa.

J. S. DIMMITT,  
Assistant Secretary Senate.

Mr. Edwards

Moved to amend section 51 by inserting after the words "Potawattamie county," the name of "Edgar L. Edgerton," of Lucas county.

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Edwards, and were as follows:

Yeas 35, }  
Nays 27. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bander, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Cooley, Collins, Crawford, Curtis, Davis, Dews, Drummond, Edwards, Grimes, Guiberson, Johnson, Laney, Millard, Milliser, Mitchell, Pierson, Reitzel, Seevers, Sprague, Wilson, Woodward—35.

The nays were,

Messrs. Clark of Dubuque, Clark of Johnson, Clune, Dana, Dewey, Foster, Gray, Gue, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Stearns, Streeter, Waln, Watts, Wright, Mr. Speaker—27.

The amendment was adopted.

Mr. Seevers

Moved to amend the same section by striking out the name of "L. W. Babbitt" and inserting in lieu thereof the name of "A. B. Laramier."

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Casady, of Woodbury, and were as follows:

Yeas 15, }  
Nays 46. }

The yeas were,

Messrs. Cooley, Dana, Dewey, Mahony, McCrary, McGrew, Mitchell, Moorman, Prentiss, Reitzel, Richardson, Seevers, Stearns, Streeter, Mr. Speaker—15.

The nays were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Curtis, Davis, Dews, Foster, Gray, Grimes, Gue, Guberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Millard, Milliser, Millsap, Morgan, Pierson, Randolph, Rankin, Sharp, Sprague, Waln, Watts, Wilson, Woodward, Wright—46.

The amendment was not adopted.

Mr. Crawford

Moved to amend section 56 of the bill by adding thereto the following provision :

“At the same time that this act shall be submitted to a vote of the people for their ratification or rejection, the question shall be submitted to them whether they are in favor of or against the issue of bank notes of a less denomination than five dollars. And if a majority of the votes cast for and against the issue of notes of a less denomination at such election be against such issue, then the bank or banks hereby incorporated shall not issue bank notes of a less denomination than five dollars. The question so submitted shall be by ballot, on which shall be written or printed respectively, “For notes of a less denomination than five dollars,” or “Against notes of a less denomination than five dollars.”

Upon the adoption of the amendment

The yeas and nays were demanded by Mr. Mahony, and were as follows :

Yeas 26,	}
Nays 36.	

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Crawford, Curtis, Gray, Guiberson, Johnson, Laney, Lundy, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—26.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—36.

The amendment was not adopted.

Mr. Clark, of Johnson,

Moved to amend the bill by adding to section 52 the following: "And the said Commissioners shall have the power to reject the application of any such association at their discretion."

The amendment was not adopted.

On motion of Mr. Jackson

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 45, )  
Nays 18. )

The yeas were,

Messrs. Anthony, Bates, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clune, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Sprague, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—45.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Crawford, Curtis, Gray, Johnson, Laney, Mahony, Millsap, Pierson, Sharp—18.

The bill passed and the title was agreed to.

Mr. Millard was granted leave of absence till Monday morning next.

Mr. Wright

Submitted the following report:

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled:

House File No. 249: An act qualifying the criminal jurisdiction of Justices of the Peace.

House File No. 233: An act to amend Chapter 167 of the laws of the Sixth General Assembly.

House File No. 168: An act to amend section 1610 of the Code.

House File No. 206: An act fixing compensation of future General Assemblies.

House File No. 216: An act to attach the county of Worth to the county of Cerro Gordo for certain purposes.

House File No. 204: An act to permit certain Indians to reside within the State.

House File No. 95: An act to provide for the punishment of willful and malicious oppression.

House File No. 223: A memorial and joint resolution asking Congress for a grant of land to aid in the construction of a Railroad from Fort Dodge to Sioux Falls.

Substitute for House File No. 150: An act to encourage the organization of Fire Companies and for the protection of Firemen and the property of Fire Companies.

House File No. 125: An act to amend section 1209, Chapter 78 of the Code.

Mr. Clark, of Johnson,

Moved to suspend the regular order of business for the introduction of petitions. Motion lost.

#### BILLS ON FIRST READING.

Senate File No. 180: A bill for an act to amend Chapter 123 of the Session Laws of the 6th General Assembly of the State of Iowa.

Was read a first and second time.

Mr. Foster

Moved to amend the bill by inserting in section second the words "and Iowa Weekly Citizen."

The amendment was adopted.

On motion of Mr. Foster

The 42d Rule was suspended and the bill read a third time.

And upon the question shall the same now pass,

The yeas and nays were ordered and were as follows:

Yeas 52. )

Nays 6.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clunc, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorinan, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Sprague, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—52.

The nays were,

Messrs. Carpenter, Clark of Dubuque, Cooley, Crawford, SeEVERS, Sharp—6.

The bill passed.

Mr. Foster

Moved to amend the title of the bill by inserting the following in lieu of the original:

“An act to correct an error in an act entitled an act to incorporate the town of Newton, in Jasper county.”

The amendment was adopted, when the title as amended was agreed to.

Mr. Bates, with leave,

Presented the petition of citizens of Des Moines remonstrating against the repeal of the City Charter of said city.

On motion of Mr. Bennett

The reading of the petition was dispensed with, and the same laid upon the table.

Mr. Mitchell

Presented the petition of citizens of Des Moines City, asking for the repeal of the City Charter of said city,

Which was laid upon the table.

On motion of Mr. Bennett

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.



Mr. Clune

Offered the following resolution :

*Resolved*, (If the Senate concur) That the use of the Hall of the House of Representatives, Senate Chamber, Supreme Court room and Library, be given to Messrs. Coolbaugh, Kirkwood, Patterson, Edwards, Lundy, Jackson and Clune, on Thursday evening, March 16th, for the purpose of giving a festival to the citizens of Des Moines.

Mr. Cooley

Moved to amend the resolution by striking out "16th" and inserting in lieu thereof "23d."

The amendment was not adopted.

Mr. Anthony

Moved to amend the resolution further by striking out the word "Library."

The amendment was not adopted.

The question recurring upon the adoption of the resolution,

The same was adopted.

Senate File No. 169: Joint resolution ratifying a settlement with the Des Moines Navigation and Railroad Company,

Was read a first and second time.

On motion of Mr. Bates

The further consideration of the bill was postponed until Monday morning next.

Message from the Senate, by their Secretary:

MR. SPEAKER:

I herewith present for your signature substitute for Senate File No. 23: A bill for an act for the Public Instruction of the State of Iowa. Also,

Substitute for Senate File No. 104: A bill for an act making appropriations for the Iowa Penitentiary.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEO. E. SPENCER, Secretary Senate.

Senate File No. 157: A bill for an act for the relief of certain tax payers of Jackson county,

Was read a first and second time, when,

On motion of Mr. Bradley,

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 56—Nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooly, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Sprague, Stearns, Streeter, Waln, Wilson, Woodward, Wright, Mr. Speaker—56.

The bill passed and the title was agreed to.

Senate File No. 174, A bill for an act to legalize the election and official acts of certain officers of the city of Council Bluffs,

Was read a first and second time.

On motion of Mr. Casady of Woodbury,

The 42d Rule was suspended, and the bill read a third time, and

Upon the question, shall the same now pass,

The yeas and nays were ordered and were as follows:

Yeas 52, {  
Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassady of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Johnson, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, Sprague, Stearns, Streeter, Waln, Woodward, Wright, Mr. Speaker—52.

The nays were none.

The bill passed and the title was agreed to.

Senate File No. 188, An act in regard to practice in the Supreme Court of Iowa,

Was read a first and second time.

On motion of Mr. Jackson,

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows :

Yeas 48, }  
Nays 5. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassady of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Sprague, Streeter, Waln, Watts, Woodward, Mr. Speaker—48.

The nays were,

Messrs. Dana, Reitzel, Seevers, Stearns, Wilson—5.

The bill passed and the title was agreed to.

Senate File No. 144, Joint Resolution of the General Assembly of the State of Iowa, touching the opinions of some of the Judges of the Supreme Court of the United States, on political questions incorporated in the opinion of that Court in the case of Scott vs. Sanford,

Was read a first and second time.

Mr. Clark of Dubuque,

Moved that the Joint Resolution be referred to the Committee on Federal Relations,

Which motion was not agreed to.

Mr. Cooley

Moved that the 42d Rule be suspended and that the Joint Resolutions be read a third time now.

Mr. Clune .

Moved to amend the motion by referring the Joint Resolutions to a select committee of five, of which Mr. Wilson should act as Chairman,

Upon which question,

The yeas and nays were demanded. The Clerk proceeded to call the roll, when Mr. Clune asked to be excused from voting.

Mr. Bennett

Moved that Mr. Clune be excused from voting.

The Chair decided that Mr. Clune could not be excused from voting except by the unanimous consent of the House. From which decision Mr. Clune asked an appeal, and

Upon the question shall the decision of the Chair stand as the decision of the House,

The yeas and nays were ordered and were as follows:

Yeas 53, }

Nays 2. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassady of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sprague, Stearns, Streeter, Waln, Watts, Wilson, Wright and Mr. Speaker—53.

The nays were,

Messrs. Bates, Laney—2.

The decision of the Chair was sustained.

Mr. Drummond

Moved the previous question, which was seconded.

Mr. Crawford

Moved a call of the House, which being seconded, the Clerk proceeded to call the roll, whereupon the following named gentlemen were found to be absent and unexcused, viz:

Messrs. Curtis, Dews and Milliser.

Mr. Bates

Moved that further proceedings under the call be suspended, whereupon,

Mr. Bradley demanded the yeas and nays which were as follows:

Yeas 50, }

Nays 4. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Belknap, Campbell, Carpenter, Cassady of Van Buren, Cassiday of Mahaska, Clark of Des Moines

Clark of Dubuque, Clark of Johnson, Cooley, Collins, Crawford, Dana, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Scott, SeEVERS, Sprague, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—50.

The nays were,

Messrs. Bennett, Casady of Woodbury, Clune, Sharp—1.

The proceedings under the call were suspended.

Upon the question, shall the main question now be put,

The yeas and nays were ordered and were as follows:

Yeas 45, )

Nays 14. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Campbell, Carpenter, Cassiday of Mahaska, Cavanaugh, Clune, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—45.

The nays were,

Messrs. Bauder, Bennett, Bradley, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Crawford, Gray, Guiberson, Johnson, Laney, Sharp—14.

The question recurring upon the motion to suspend the 42d Rule and read the Joint Resolutions now,

Mr. Bradley demanded the yeas and nays, which were as follows:

Yeas 44, )

Nays 17: )

The yeas were,

Messrs. Anthony, Ayers, Bates, Carpenter, Cassiday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clune, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—44.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Crawford, Dews, Guiberson, Johnson, Laney, Sharp, Sprague—17.

Mr. Seevers

Moved that the Joint Resolution be referred to the Committee on the Judiciary.

Which motion was agreed to.

Senate File No. 150, A bill for an act to provide for the continuation of the Geological survey of the State,

Was read a first and second time, and

Was referred to the committee on Ways and Means.

Mr. Wright submitted the following report:

The committee on Enrolled Bills, report that the following bills have been presented to the Governor for his Signature :

House File No. 204, An act to permit certain Indians to reside within the State.

House File No. 95, An act to provide for the punishment of willful and malicious oppression.

House File No. 233, An act to amend Chapter 167 of the laws of the sixth General Assembly.

House File No. 249, An act qualifying the criminal jurisdiction of Justices of the Peace.

House File No. 125, An act to amend Section 1209, Chapter 78 of the Code.

House File No. 150: An act to encourage the organization of Fire Companies, and for the protection of Firemen and the property of Fire Companies.

House File No. 216: An act to attach the county of Worth to the county of Cerro Gordo for certain purposes.

House File No. 168: An act to amend section 1610 of the Code.

House File No. 206: An act fixing compensation of future General Assemblies.

House File No. 223: A memorial and joint resolution asking Congress for a grant of land to aid in the construction of a Railroad from Fort Dodge to Sioux Falls.

Senate File No. 186: A memorial to Congress to confirm and legalize certain locations made with land warrants,

Was read a first and second time.

On motion of Mr. Woodward

The 42d Rule was suspended and the joint resolution read a third time and passed.

The title of the same was then agreed to.

Mr. Seevers

Offered the following resolution, which was laid over for one day under the rule:

*Resolved*, That the rules be so changed that the introduction of bills, petitions and resolutions shall be always in order on to-morrow, the 13th inst.

Senate File No. 160: A bill for an act to legalize the sale of certain school lands by Albert S. Hoisington, School Fund Commissioner of Greene county,

Was read a first and second time, and

Referred to the committee on Schools and State University.

Senate File No. 179: A bill for an act to designate Sundays and the Holidays to be observed in the acceptance and payment of bills of exchange and promissory notes,

Was read a first and second time.

Mr. Cooley

Moved to amend the bill by striking out the second section.

The amendment was adopted.

On motion of Mr. Crawford

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 56, )  
Nays 00. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassidy, of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Streeter, Wain, Watts, Wilson, Woodward, Wright, Mr. Speaker—56.

The nays were—None.

The bill passed and the title was agreed to.

Senate File No. 131: An act authorizing the construction of bridges in the State of Iowa,

Was read a first and second time, and  
Referred to the committee on Incorporations.

**Mr. Foster**

Was excused from attendance upon the House during the evening.

**Mr. Bauder**

Moved that when the House adjourn, it adjourn to meet at nine o'clock to-morrow.

The motion was agreed to.

Senate File No. 141: A bill for an act in relation to the Keokuk and Des Moines Valley Plank Road Company,

Was read a first and second time, and  
Referred to the committee on Railroads.

Substitute for Senate File No. 49: An act amendatory of an act entitled an act fixing the salary of the Governor and State officers of the State of Iowa, approved January 29th, 1858,

Was read a first and second time, and  
Referred to the Committee on Ways and Means.

Senate File No. 171: A bill for an act for the appointment of a Commissioner to settle with the sureties of James D. Eads,

Was read a first and second time.

On motion of **Mr. Belknap**

The 42d Rule was suspended and the bill read a third time.

And upon the question shall the same now pass,  
The yeas and nays were ordered and were as follows:

Yeas 49, }  
Nays 1. }

The yeas were,

**Messrs.** Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Dewey, Dews, Edwards, Gray, Gue, Guiberson, Jackson, Lambert, Laney, Lundy, Mahony, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Randolph, Richardson, SeEVERS, Sharp, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—49

**Mr Harmon** voted in the negative.



The bill passed and the title was agreed to.

Substitute for Senate File No. 147: An act amending section 2913 of the Code of Iowa, in regard to the endorsing of the names of witnesses upon indictments,

Was read a first and second time, and

On motion of Mr. Seevers,

Was referred to the committee on Ways and Means.

Senate File No. 170: An act to repeal chapter 23 of the acts of the Sixth General Assembly,

Was read a first and second time, when

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 44.

Nays 4.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bander, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Edwards, Gray, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Pierson, Prentiss, Rankin, Reitzel, Richardson, Seevers, Sharp, Waln, Watts, Wilson, Mr. Speaker—44.

The nays were,

Messrs. Jackson, Mahony, Randolph, Woodward—4.

The bill passed and the title was agreed to.

Senate File No. 149: A bill for an act making appropriations to meet the ordinary and contingent expenses of the Deaf and Dumb Asylum,

Was read a first and second time, and

Referred to the committee on Ways and Means.

Senate File No. 133: A bill for an act authorizing Courts to set aside sales of real estate where there was no title in the judgment debtor at the time of the levy,

Was read a first and second time, and

On motion of Mr. Clark, of Dubuque,

Referred to the committee on the Judiciary.

Senate File No. 164: A bill for an act to amend chapter 256 of the session laws of 1856-7, approved January 29th, 1857,

Was read a first and second time, when  
 The 42d Rule was suspended, and the bill read a third time, and  
 Upon the question, shall the same now pass,  
 The yeas and nays were ordered and were as follows :

Yeas 49, }  
 Nays 2. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dewey, Dews, Edwards, Gray, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, McCrary, McGrew, Milliser, Mitchell, Moorman, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Sharp, Sprague, Streeter, Waln, Watts, Wilson, Woodward, Mr. Speaker—49.

The nays were,

Messrs. Dana and Mahony—2.

The bill passed and the title was agreed to.

Senate File No. 14: An act to provide for the election of Attorney General, and defining his duties,

Was read a first and second time, and

Referred to the committee on Ways and Means.

Senate File No. 134: A bill for an act for the punishment of foeticide,

Was read a first and second time.

On motion of Mr. Bennett

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows :

Yeas 53, }  
 Nays 1. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Gray, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew,

Millsap, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Sprague, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—53.

Mr. Cooley voted in the negative.

The bill passed and the title was agreed to.

Senate File No. 156: A bill for an act to attach the counties of Emmett, Clay, Buena Vista, O'Brien and Osceola to the county of Dickinson for certain purposes,

Was read a first and second time, and laid upon the table.

Senate File No. 66: An act for the benefit of Rail Road Companies,

Was read a first and second time, and

Referred to the committee on Railroads.

Senate File No. 37: An act for the formation of limited partnerships,

Was read a first and second time, and

Referred to the committee on Commerce.

On motion of Mr. Laney

The House adjourned.

SATURDAY MORNING, }  
MARCH 13th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Summerbell.

On motion of Mr. Harmon,

The reading of the Journal was dispensed with.

Senate File No. 94, A bill for an act to authorize County Judges to subscribe stock in Agricultural Societies,

Was read a first and second time, and

On motion of Mr. SeEVERS,

Referred to the committee on Agriculture.

On motion of Mr. Wright,

House File No. 232, A bill for an act to provide for the making

and repairing of Public Highways, and prescribing the duties of Township Officers in certain cases,

Was taken up.

Mr. Wright

Moved to amend the 4th Section of the bill by adding thereto the following proviso :

“ Provided, that no person shall be required to perform the duties of supervisor for two successive years, in the same district.”

The amendment was adopted.

Mr. Clark of Des Moines,

Moved to amend the 5th line of the 6th Section, by striking out the words, “ Township Clerk,” and inserting in lieu thereof the words, “ Township Trustees.”

The amendment was not adopted.

Mr. Lundy

Moved to amend the second line of the same Section by striking out the words, “ forty-five,” and inserting in lieu thereof the word “ fifty.”

The amendment was not adopted.

Mr. SeEVERS

Moved that the House resolve itself into Committee of the Whole, to consider the bill now before the House.

The motion was not agreed to.

Mr. Wright

Moved to amend the 8th line of Section 7, by inserting the following words, “ in payment of Road Tax.”

The amendment was adopted.

Mr. Wright

Moved to amend the same Section by inserting after the word “ Team,” in the 10th line, the words “ consisting of two horses or their equivalent.”

The amendment was adopted.

Mr. Milliser

Moved to amend the 6th line of Section 8 by striking out “ \$1,25,” and inserting in lieu thereof, “ \$2,00.”

The amendment was not adopted.

Mr. Milliser

Moved to amend the same Section and same line, by striking out “ \$1,25,” and inserting in lieu thereof “ \$1,50.”

The amendment was not adopted.

Mr. Davis

Moved to amend the same line of the same Section by striking out "25 cents."

The amendment was not adopted.

Mr. Bauder

Moved to amend the 2d line of Section 9, by inserting after "one dollar," the words, "and fifty cents."

The amendment was adopted.

Mr. Richardson

Moved to amend the same section by striking out all between the word "day," in the second line, and the word "which," in the third line.

The amendment was not adopted.

Mr. Milliser

Moved to amend the bill further by striking out the 10th Section.

The amendment was not adopted.

Mr. Crawford

Moved to amend further by striking out the 12th Section.

The amendment was not adopted.

Mr. Milliser

Moved to amend further by striking out the word "first" and inserting the word "second."

The amendment was adopted.

Mr. Wright

Moved to amend the 12th Section of the bill by inserting after the word "year," in the second line, the words, "or as soon thereafter as the Assessment Book is received by the Clerk."

The amendment was adopted.

Mr. Wain

Moved to amend the same line of the same Section, by inserting before the word "amount," the word "additional."

The amendment was adopted.

Mr. Wain

Moved to amend the same Section by inserting after the word "Bridges," the word "Plows."

The amendment was adopted.

Mr. Clark of Des Moines,

Moved to amend the bill further by adding the following to Section 13:

"And said tax shall be collected as other county taxes, and paid over to the Township Clerk of each township, from which the same was collected."

The amendment was not adopted.

Mr. Davis

Moved to amend the bill further by striking out of the second line of section 14, the words, "and seal."

The amendment was adopted.

Mr. Gue

Moved to amend the same Section by striking out the words, "first Monday," and inserting the words, "second Monday."

The amendment was adopted.

Mr. Cavanaugh

Moved to amend the 17th Section by inserting after the word "designate," in the 5th line, the words, "having said implements in his possession."

The amendment was adopted.

Mr. Davis

Moved to amend the 19th Section of the bill by striking out the words, "the sum of one hundred dollars," where they occur in the 8th line, and inserting in lieu thereof the words, "a sum equal to the amount of taxes on said land."

The amendment was adopted.

Mr. Curtis

Moved to amend Section 19 by striking out the words, "Justices of the Peace in said township," where they occur in the 9th line, and inserting in lieu thereof the words, "any Court having competent jurisdiction."

The amendment was adopted.

Mr. Clark of Des Moines,

Moved to amend the 26th Section by striking out the word, "reasonable," in the third line, and inserting the words, "not to exceed six months."

The amendment was adopted.

Mr. Lundy

Moved to amend the same Section by striking out the word "five," where it occurs in the 3d line, and inserting in lieu thereof, the word "fifteen."

The amendment was adopted.

Mr. Casey

Moved to amend the same Section as amended, by striking out the word "five," and inserting in lieu thereof the word "ten."

The amendment was adopted.

Mr. Clark of Des Moines,

Moved to amend Section 30 by striking out the words, "public interest," where they occur in the 5th line, and inserting in lieu thereof, the words, "road purposes."

The amendment was adopted.

Mr. Milliser

Moved to amend the 32d Section, by inserting after the word "dollar," in the first line, the words, "and 50 cents."

The amendment was adopted.

Mr. Bauder

Moved to amend the bill further by striking out the 34th Section, and inserting in lieu thereof, the following words:

"All acts and parts of acts, inconsistent with the provisions of this act are hereby repealed."

The amendment was adopted.

Mr. Lambert

Moved to amend the 25th Section by striking out the words, "ten dollars," and inserting in lieu thereof the words, "one dollar and 25 cents per day."

The amendment was not adopted.

Mr. Milliser

Moved to amend the bill further by adding the following words to Section 13:

"It shall be the duty of the County Judge to furnish the several Townships, books of his county, with printed blanks necessary to carry into effect the provisions of this act."

The amendment was adopted.

Mr. Lundy

Moved to amend the bill by adding the following words to the end of Section 2:

"But no person shall be required to serve as Supervisor, who is exempt by this act from performing labor on the highway."

The amendment was adopted.

Mr. Clark of Des Moines,

Moved to amend the second section of the bill by striking out all after the word "elected."

The amendment was not adopted.

**Mr. Davis**

Moved to amend the 15th Section by adding thereto the following words :

The Supervisor shall within ten days after receiving such tax list, post up in three conspicuous places in his district, written notices of the amount of road tax assessed to each tax payer in said district.

The amendment was adopted.

**Mr. Richardson**

Moved to amend Section 28 of the bill by striking out of the 2d and 3d lines, the words, "when ordered so to do by the Township Trustees," and inserting in lieu thereof, the words, "and shall pay the expense of creating the same out of any road funds in his possession."

The amendment was adopted.

**Mr. Clark of Johnson,**

Moved to amend the 14th Section of the bill by adding thereto the following words : "All lands incorrectly charged in said list against any resident, shall be returned by the Supervisors and included in the list of non-resident lands."

The amendment was not adopted.

**Mr. Davis**

Moved to amend Section 25, by adding thereto the following :  
"Provided, in all cases, the persons so notified shall have the privilege of paying the value of such work in money.

The amendment was adopted.

On motion of Mr. Wright,

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

On motion of Mr. SeEVERS,

The following resolution, heretofore offered by him, was taken up and adopted:

*Resolved*, That the rules be so changed that the introduction of bills, petitions and resolutions, shall be always in order on tomorrow, the 13th inst.

#### BILLS INTRODUCED.

**Mr. Bradley** introduced

House File No. 312, A bill for an act to amend chapter — of the Code of Iowa,



Which was read a first and second time, and  
Referred to the committee on the Judiciary.

Mr. Pierson introduced

House File No. 313, An act regulating the sale and the proceeds arising from the sale of the saline lands,

Which was read a first and second time, and  
Referred to the Committee on Ways and Means.

Mr. Clark of Dubuque, introduced

House File No. 314, An act to submit to the people the question of providing for a Convention to revise and amend the Constitution of this State,

Which was read a first and second time, and  
Referred to the committee on Constitutional Amendments.

Mr. Cassidy of Mahaska, introduced

House File No. 315, A bill for an act for the relief of Thomas Morgan,

Which was read a first and second time, and  
Referred to the committee on Ways and Means.

Mr. Anthony,

From the committee on State Library, to whom was referred the report of the State Librarian,

Reported the same back to the House, accompanied by House File No. 316, An act to increase the salary of the State Librarian,

Which was read a first and second time, and  
Referred to the committee on Ways and Means.

Also, House File No. 317, An act making appropriation for the purchase of Books for the State Library, and shelving the Library,

Which was read a first and second time, and  
Referred to the committee on Ways and Means,

Mr. SeEVERS introduced

House File No. 318, A bill for an act providing for the publication of the act creating the State Bank of Iowa, and the act to authorize the business of Banking in the State of Iowa,

Which was read a first and second time, and  
Referred to the Committee on Ways and Means.

Mr. SeEVERS also introduced

House Files No. 319, A bill for an act fixing the terms of District Courts in the several Judicial Districts,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Seevers also introduced

House File No. 320, A bill for an act fixing the salary of the Judge and Clerk of the Court of Quarter Sessions,

Which was read a first and second time, and laid upon the table.

Mr. Seevers also introduced

House File No. 321, A bill for an act fixing the fees in the Court of Quarter Sessions,

Which was read a first and second time, and laid upon the table.

Mr. Seevers also introduced

House File No. 322, A bill for an act defining the duties of the Clerk of the Court of Quarter Sessions,

Which was read a first and second time, and laid upon the table.

Message from the Senate.

MR. SPEAKER:

I am directed by the Senate to return to the House of Representatives the following bills:

Substitute for Senate Files No.'s 126 and 146, and House Files No.'s 186, 187, 189, 221, 222, 245 and 246, Joint Resolutions for additional mail facilities.

House File No. 302: A bill for an act to provide for the election of an additional Justice of the Peace in Jackson township, Poweshiek county, Iowa.

House File No. 217: An act authorizing school districts to subscribe for the Voice of Iowa.

House File No. 207: An act to amend section two of an act entitled "An act to change the name of New Haven, in Buchanan county."

House File No. 203: A bill for an act to provide for levying a tax on certain land to complete and keep in repair a levee on Muscatine Island, and for the election of a Levee Commissioner to superintend the same.

House File No. 272: A bill for an act to annex Butler county to the Tenth Judicial District, and prescribing the time for holding Courts therein.

House File No. 188: A bill for an act to authorize and regulate the adoption of children.

Substitute for House Files No.'s 69 and 155: A bill for an act regulating and defining the notice to be given in all cases of judicial sales of property.

The same having passed the Senate without amendment.

I am also directed to inform the House that the Senate has amended House File No. 121: Joint Resolution asking of Congress an appropriation of money for a double track railroad around the lower rapids of the Mississippi River on the Iowa or West side thereof.

I am also directed to inform the House that the Senate has passed substitute for House File No. 218: A bill for an act to determine the weight per bushel of certain seeds named therein.

And the concurrence of the House is asked to the amendment and substitute.

The Senate has passed Senate File No. 190: Joint Resolution allowing the transfer of books from among those in the Library of the State to the Library of the State University,

In which the concurrence of the House is asked.

GEORGE E. SPENCER,  
Secretary Senate.

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed Senate File No. 177: A bill for an act creating eleven Judicial Districts, and defining their boundaries,

In which the concurrence of the House is asked.

I am also directed to inform the House that the Senate has amended House File No. 244: A bill for an act providing for Argument Terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk,

And the Senate asks the agreement of the House to its amendment.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Cooley

Submitted the following report:

The committee on the Judiciary, to whom was referred substitute for House File No. 176: An act to establish the Court of Quarter Sessions and define its jurisdiction, and also to provide for the election of a Judge and Clerk of said Court, and the manner

of selecting jurors to serve therein, and also to abolish the County Court and the office of County Judge, have had the same under consideration and a majority of said committee have directed me to report the accompanying substitute for the same, and recommend its passage.

The substitute was adopted.

**Mr. Edwards**

Moved the substitute be laid upon the table and ordered printed for the use of the General Assembly.

The motion was not agreed to.

On motion of Mr. Bradley

The House then adjourned.

## TWO O'CLOCK, P. M.

House met pursuant to adjournment.

**Mr. Trumbull** introduced

House File No. 323: A bill for an act to provide for the election of an additional Justice of the Peace in Butler township, Butler county,

Which was read a first and second time, and

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

**Mr. Trumbull** also introduced

House File No. 324: A bill for an act to provide for the incorporation of Rail Road Companies, and prescribing the privileges, duties and liabilities thereof,

Which was read a first and second time, and

Referred to the committee on Railroads.

Message from the Senate, by their Secretary:

**MR. SPEAKER:**

I am directed to inform the House of Representatives that the Senate refuses to concur in the amendments made by the House to Senate File No. 78: A bill for an act to incorporate the State Bank of Iowa, and that the Senate has appointed Senators Patterson, Coolbaugh and Kirkwood a committee of conference on the part of the Senate to act with a similar committee on the part of the House to confer in relation to matters in disagreement between the two Houses.

GEORGE. E. SPENCER, Secretary Senate.

Substitute for House File No. 176: An act to establish the Court of Quarter Sessions and define its jurisdiction, and also to provide for the election of a Judge and Clerk of said Court, and the manner of selecting jurors to serve therein, and also to abolish the County Court and the office of County Judge,

Was taken up.

On motion of Mr. Cooley

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 35, }  
Nays 22. }

Messrs. Ayers, Bates, Bradley, Clark of Dubuque, Cooley, Collins, Crawford, Dana, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Morgan, Pierson, Rankin, Reitzel, Richardson, Scott, Seevers, Sprague, Stearns, Streeter, Trumbull, Woodward, Mr. Speaker—35.

The nays were,

Messrs. Anthony, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Clark of Des Moines, Clune, Curtis, Davis, Dewey, Edwards, Lambert, Laney, Moorman, Randolph, Waln, Watts, Wilson, Wright—22.

The bill not receiving a constitutional majority it was lost.

Mr. Wright

Submitted the following report:

The committee on Enrolled Bills report that they have examined the following bills and find them correctly enrolled:

House File No. 114: An act allowing bounty upon the scalps of certain animals.

House File No. 73: An act to amend the law in relation to divorce and alimony.

House File No. 262: An act to repeal sections 1410 and 1411 of the Code, prescribing the descent of property.

House File No. 211: An act to confirm the rights and liabilities of the county of Webster since its division.

House File No. 10: An act respecting aliens.

Mr. Clark, of Dubuque,

From the committee on the Judiciary, to whom was referred

Senate File No. 152: An act requiring two, at least, of the Trustees of the Dubuque and Pacific Railroad Company to reside in the State of Iowa, and to regulate the issue and disposition of the construction bonds of said Company,

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

On motion of Mr. Clark, of Dubuque,

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 60—Nays none.

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Streeter, Trumbull, Waln, Wilson, Woodward, Wright and Mr. Speaker—60.

The nays were none.

The bill passed and the title was agreed to.

Mr. Wilson

Submitted the following report:

The committee of conference appointed by this House to confer with a similar committee on the part of the Senate respecting the disagreement between the two Houses concerning the amendment of this House to Senate File No. 12: A bill for an act in relation to county records, report

That the two committees, upon conferring together, have agreed on the following amendment in lieu of the amendment of the House: Strike out of the third section the words, "shall not exceed two dollars per day of eight hours actual and faithful labor," and insert "not exceeding six cents for each one hundred words of the records proper, and twelve and one half cents for each one hundred words of indexing."

Your committee therefore recommend that the House recode from

its original amendment, and adopt the foregoing amendment in lieu thereof.

J. F. WILSON, Chairman House Com. of Conference.

The report of the committee was concurred in.

Mr. Clark, of Des Moines, introduced

House File No. 325: An act to establish the office of County Assessor, and provide for Township Assessors,

Which was read a first and second time, and

Referred to the committee on Ways and Means.

Mr. Bennett introduced

House File No 326: A bill for an act providing for an additional Justice of the Peace in Lilarity township, Marion county, Iowa,

Which was read a first and second time, and

Ordered to be engrossed and read a third time on Monday.

Mr. Milliser introduced

House File No. 327: A bill for an act defining the mode of laying out and establishing State Roads,

Which was read a first and second time, and

Referred to the committee on Roads and Highways.

Mr. Harmon introduced

House File No. 328: A bill for an act to change the name of Forest City,

Was read a first and second time.

Mr. Harmon

Moved that the bill be engrossed and read a third time on Monday.

Mr. Woodward

Moved that the bill be laid upon the table,

Which motion was lost.

The question recurring upon ordering the bill to be engrossed and read a third time,

The same was agreed to.

Mr. Harmon introduced

House File No. 329: A bill for an act to prevent the making and circulating of bills, notes and certificates in the similitude of bank notes contrary to law.

Mr. Bradley

Moved that the bill be rejected, upon which question

The yeas and nays were demanded by Mr. Bradley, and were as follows:

Yeas 5, }  
Nays 53. }

The yeas were,

Messrs. Bradley, Clark of Dubuque, Clark of Johnson, Laney,  
Millsap—5.

The nays were,

Messrs. Anthony, Ayers, Bates, Bander, Belknap, Bennett,  
Campbell, Carpenter, Casey, Casady of Woodbury, Cavanaugh,  
Clark of Des Moines, Clune, Cooley, Collins, Curtis, Dana, Davis,  
Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon,  
Lambert, Lundy, Mahony, McCrary, McGrew, Mitchell, Moorman,  
Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson,  
Scott, SeEVERS, Sharp, Sprague, Stearns, Streeter, Trumbull, Walz,  
Watts, Wilson, Woodward, Wright, Mr. Speaker—53.

The motion was lost.

The bill was then read a first and second time, and

On motion of Mr. Harmon,

Referred to the committee on Banks and Banking.

Mr. Sharp

Presented the petition of citizens of Wayne county, asking for  
the passage of a law exempting certain lands from taxation,

Which was referred to the committee on Agriculture.

Mr. Foster

Presented the petition of citizens of Montezuma, Powesheik  
county, asking for the passage of a law changing the number of  
certain town lots in said town,

Which was referred to the committee on the Judiciary.

Mr. Casady, of Woodbury, introduced

House File No. 330: Joint Resolution asking for increased mail  
facilities,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

Mr. Casady also introduced

House File No. 331: Joint Resolution asking additional mail  
facilities,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

Mr. Mahony introduced

House File No. 332: A bill for an act to amend an act entitled  
an act in relation to county seats,



Which was read a first and second time.

**Mr. Mahony**

Moved that the 42d Rule be suspended, and that the bill be read a third time now.

**Mr. Bradley**

Moved that the bill be referred to a select committee.

The Speaker appointed Mr. Bradley said committee.

**Mr. Clark**, of Johnson, introduced

House File No. 333: An act granting to George H. Parker the right to run a ferry across the Mississippi River,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

**Mr. Bates** introduced

House File No. 334: A bill for an act to amend an act to authorize John M. May and his associates to construct a dam across the Cedar river in Linn county,

Which was read a first and second time.

On motion of **Mr. Bates**

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were demanded and were as follows:

Yeas 37, }  
Nays 19. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Bennett, Carpenter, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Dana, Dews, Gue, Guiberson, Harmon, Jackson, Laney, McCrary, McGrew, Milliser, Mitchell, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, Stearns, Trumbull, Waln, Woodward, Wright, Mr. Speaker—37.

The nays were,

Messrs. Bander, Clune, Crawford, Curtis, Davis, Dewey, Gray, Grimes, Millsap, Moorman, Seevers, Streeter, Watts, Wilson—14.

The bill passed and the title was agreed to.

**Mr. Harmon**,

From the select committee to whom was referred the petition of S. D. Boswith and others, asking for an increase in the salaries of certain county officers, reported

House File No. 335: A bill for an act to increase the salary of county officers in certain cases,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Woodward introduced

House File No. 336: A bill for an act to provide for the registry of the names of all legal voters in the State of Iowa,

Which was read a first and second time, and

Referred to the committee on Elections.

Mr. Jackson

Moved that the message from the Senate in relation to Senate File No. 78: "A bill for an act to incorporate the State Bank of Iowa," be taken up,

Which motion was agreed to.

Mr. Bradley

Moved that the House recede from its amendments to Senate File No. 78, permitting the circulation of notes of a less denomination than "five dollars."

Upon the adoption of the motion,

The yeas and nays were demanded by Mr. Bradley, and were as follows:

Yeas 26, }

Nays 36. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Lambert, Lancy, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague.

The nays were

Messrs. Anthony, Bates, Carpenter, Cooley, Collins, Dana, Davis, Dewey, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker.

The motion was lost.

Mr. Wilson

Moved that a committee of conference be appointed to confer with the committee heretofore appointed on the part of the Senate,

in relation to the disagreements between the two Houses.

The motion prevailed, and

The Chair appointed Messrs. Wilson, Clark of Des Moines and Edwards as said committee.

**Mr. Curtis**

Moved that the vote by which the House refused to pass substitute for House File No. 176, A bill for an act to establish the Court of Quarter Sessions and define its jurisdiction, and also to provide for the election of a Judge and Clerk of said Court, and the manner of selecting jurors to serve therein, and also to abolish the county court, and the office of County Judge, be reconsidered.

Which motion was agreed to.

**Mr. Prentiss**

Moved that the bill be recommitted to the committee on the Judiciary with instructions.

The motion was not agreed to.

Upon the question of the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 37, }  
Nays 24. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bradley, Clark of Dubuque, Cooley, Collins, Crawford, Dana, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lancy, Lundy, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Pierson, Rankin, Richardson, Scott, SeEVERS, Sharp, Stearns, Streeter, Trumbull, Waln Woodward, Mr. Speaker—37.

The nays were,

Messrs. Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Curtis, Davis, Dewey, Edwards, Jackson, Lambert, Moorman, Morgan, Prentiss, Randolph, Reitzel, Sprague, Watts, Wilson, Wright—24.

The title of the bill was then agreed to.

**Mr. Carpenter** introduced

House File No. 337: A bill for an act in relation to the assessment and collection of taxes,

Which was read a first and second time, and

Referred to the committee on Ways and Means.

Mr. Mitchell was excused from attendance upon the House during the remainder of the day.

Mr. Gue introduced

House File No. 338: A bill for an act providing for printing and binding the report of the Commissioners to revise and codify the laws, and prepare and arrange a civil and criminal practice act, by contract with the lowest responsible bidder,

Which was read a first and second time, and

Referred to the committee on Expenditures.

Mr. Carpenter introduced

House File No. 339: Memorial and joint resolution praying for a mail route from Des Moines via Dayton, Fort Dodge, Addison, and Paoli, to Spirit Lake, in Dickinson county,

Which was read a first and second time, and

Referred to the committee on Federal Relations.

Mr. Carpenter

Presented the petition of citizens of Worth county, asking for the legalization of the election of certain officers in said county.

Which was referred to the committee on New Counties.

Mr. Anthony introduced

House File No. 340: A bill for an act providing for the distribution of the laws of the State, and such other books as the General Assembly may from time to time order to be distributed,

Which was read a first and second time, and

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

Mr. Milliser introduced

House File No. 341: A bill for an act to repeal section 1642 of the Code, and to provide a section in lieu thereof,

Which was read a first and second time, and

Referred to the committee on the Judiciary.

Mr. Rankin

Presented the petition of citizens of Washington county remonstrating against the postponement of terms of court in the Fourth Judicial District,

Which was laid upon the table.

Mr. Dana

Presented the petition of citizens of Grundy, Hardin and Story counties, praying for increased mail facilities,

Which was referred to the committee on Federal Relations.

On motion of Mr. Wilson,

House File No. 136, "A bill for an act to preserve the purity of elections,

Was taken up, and made the special order for Monday, at 2 o'clock P. M.

On motion of Mr. Wright,

House File No. 242, A bill for an act revising and amending title four of the Code, and further providing for elections, filling vacancies in office, resignations, and contesting elections,

Was taken from the table.

Mr. Wright

Moved to amend the bill by inserting in the first line of section 4, the words, "except Supervisors."

The amendment was adopted.

Mr. SeEVERS

Moved to amend further by striking out the 5th and 6th sections of the bill.

The amendment was not adopted.

Mr. PRENTISS

Moved to amend the bill by striking out the 5th, 6th and 7th sections.

The amendment was not adopted.

Mr. SeEVERS

Moved to amend the bill further by inserting after the word "Court," in the first line of section 16, the words, "and Clerk of the Court of Quarter Sessions."

The amendment was adopted.

Mr. ANTHONY

Moved to amend further by striking out the word "one," where it occurs in the first line of section 16, and inserting in lieu thereof, the word "four."

The amendment was not adopted.

Mr. SeEVERS

Moved to amend the 17th Section of the bill by striking out the words "County Judges," where they occur in the first line.

The amendment was adopted.

Mr. SeEVERS

Moved to amend the 12th section of the bill by inserting after the word "Court," the words, "Judges of the Court of Quarter Sessions."

The amendment was adopted.

**Mr. Wright**

Moved to amend the 19th section of the bill by inserting after the word "Constable," the words, "one Assessor."

The amendment was adopted.

**Mr. Wright**

Moved to amend Section 21, by striking out of the third line the words, "which includes an Incorporated town."

The amendment was adopted.

**Mr. SeEVERS**

Moved to amend section 22, by striking out the words, "and Constables."

The amendment was adopted.

**Mr. SeEVERS**

Moved to amend the 12th line of section 24, by striking out the words, "County Judge," and inserting in lieu thereof the words, "Clerk of Quarter Sessions."

The amendment was adopted.

**Mr. Wright**

Moved to amend the bill further by adding the following words to section 30: "And the office shall be declared vacant."

The amendment was not adopted.

**Mr. Mahony**

Moved to amend section 30, line 8, by inserting after the word "thereafter," the words, "unless the person elected shall signify his acceptance in writing."

The amendment was agreed to.

**Mr. Clune**

Moved to amend the section by striking out the proviso, as amended.

Which motion was lost.

**Mr. Curtis**

Moved to amend the section by adding thereto the words, "and the office shall be deemed vacant."

The motion prevailed.

**Mr. SeEVERS**

Moved to amend section 35, line 11, by striking out the words, "County Judge," and insert in lieu thereof, the words, "Judge of the Court of Quarter Sessions, to the County Commissioners."

The amendment was agreed to.

**Mr. SeEVERS**

Moved to further amend the same section by striking out in line 12, the words, "County Judge" and insert in lieu thereof, "County Commissioners."

The amendment was agreed to.

Mr. Pierson

Moved to amend section 37, by adding thereto the words, "and ten day's notice of such election shall be given."

Which amendment was agreed to.

On motion of Mr. Mahony,

Section 18 was amended by striking out "1859," and inserting "1858."

Mr. Davis

Moved to amend section 19, by adding thereto the words, "but no person shall vote for more than one candidate for the office of Supervisor."

Which amendment was not agreed to.

On motion of Mr. Mahony,

The 42d rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 49, }  
Nays 2. }

The yeas were,

Messrs. Ayers, Bates, Bander, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Curtis, Dana, Davis, Dewey, Foster, Gray, Grimes, Gue, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McFarley, McGrew, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright and Mr. Speaker—49.

The nays were,

Messrs. Guiberson, Trumbull—2.

The bill passed, and the title was agreed to.

Mr. Clark of Dubuque,

From the Committee on the Judiciary, to whom was referred Senate File No. 64, A bill for an act to authorize the Dubuque and Pacific Railroad Company to bridge the Mississippi river at Dubuque,

Reported the bill back without amendment and recommended its passage.

On motion of Mr. Clark,

The 42d rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 47, }

Nays 3. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Cooley, Dana, Davis, Dewey, Dews, Foster, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Randolph, Rankin, Reitzel, Richardson, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Wright, Mr. Speaker—47.

The nays were,

Messrs. Clune, Gray, Scott—3.

On motion of Mr. Clark of Dubuque,

The title of the bill was amended by inserting after the word Company, the words, "and others."

The title was then agreed to.

Mr. Bates,

From the committee on Incorporations, to whom was referred Senate File No. 100, A bill for an act to establish a ferry across the Missouri river,

Reported a substitute therefor and recommended its passage.

Mr. Bates, with leave, introduced

House File No. 342, A bill for an act, to authorize the construction of a free bridge over the Cedar River, in Rapids Township, Linn County, Iowa,

The bill was read a first and second time, when

On motion of Mr. Foster,

The further consideration of the same was indefinitely postponed.

On motion of Mr. Bennett,

The House adjourned.



MONDAY MORNING,  
MARCH 15th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Brook.

On motion of Mr. Dana,

The reading of the Journal was dispensed with.

Mr. Ayers

Was granted leave of absence from the sessions of the House.

The substitute reported by the Committee on Incorporations,  
Senate File No. 100, A bill for an act to establish a ferry across  
the Missouri River,

Was taken up and adopted.

Mr. Wright

Moved to amend the first Section of the bill by striking out the  
word "exclusive."

On motion of Mr. Casady of Woodbury,

The bill was laid upon the table.

#### BILLS ON THIRD READING.

House File No. 239, A bill for an act fixing punishment for ma-  
licious mischief,

Was read a third time, and upon the question shall the same  
now pass,

The yeas and nays were ordered and were as follows :

Yeas 50, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett,  
Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of  
Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Johnson,  
Clune, Collins, Crawford, Curtis, Dana, Davis, Foster, Gray,  
Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert,  
Laney, Mahony, McCrary, McGrew, Millsap, Moorman, Morgan,  
Prentiss, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns,  
Streeter, Waln, Watts, Woodward, Wright, Mr. Speaker—50.

The nays were none.

The bill passed and the title was agreed to.

On motion of Mr. Mahony,

The petition of citizens of Dubuque, in relation to certain Railroads,

Was taken from the table and referred to the delegation from Dubuque County.

House File No. 205, A bill for an act to amend Chapter 80 of the Code of Iowa,

Was read a third time,

And upon the question, shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 46, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bander, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Clune, Collins, Crawford, Dana, Davis, Dewey, Foster, Gray, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Mahony, McCrary, McGrew, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Streeter, Watts, Woodward, Wright, Mr. Speaker—46.

The nays were none.

The bill passed and the title was agreed to.

Substitute for House File No. 70, A bill for an act to allow interested persons to testify in civil actions,

Was read a third time, and

On motion of Mr. Seevers,

Referred to a committee of three.

The Speaker appointed

Messrs. Cooley, Bradley, Curtis and Lambert, said Committee.

House File No. 241, A bill for an act to amend an act, approved January 16th, 1857, incorporating the City of Sioux City,

Was read a first and second time, and

Upon the question, shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 43, }  
Nays 11. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque,

ark of Johnson, Crawford, Curtis, Dana, Dewey, Drummond, Iwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, McCrary, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Streeter, Waln, Watts, Woodward, r. Speaker—43.

The nays were,

Messrs. Bates, Clune, Collins, Davis, Lambert, Mahony, Mc-rew, Millsap, Moorman, Morgan, Seevers —11.

The bill passed and the title was agreed to.

House File No. 337, A bill for an act fixing the time and place for the meeting of the Board of Education,

Was read a third time, and

Upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 53, )  
Nays 00. )

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Dalley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday, of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Collins, Crawford, Curtis, Dana, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Mahony, McCrary, McGrew, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Streeter, Trumbull, Waln, Watts, Wright, Mr. Speaker—53.

The nays were—None.

The bill passed and the title was agreed to.

Message from the Senate, by their Secretary.

MR. SPEAKER:

The Senate has passed bills of the following titles, viz :

Substitute for Senate File No. 182, A bill for an act to provide for the election of the members of the Board of Education, &c.

Substitute for Senate File No. 161, A bill for an act providing for the election of District Attorneys, prescribing their duties, and fixing their compensation.

Senate File No. 91, A bill for an act in relation to executions and sales thereon.

Senate File No. 207, A bill for an act to legalize the election

and official acts of School Officers of School District No. 5, Black Hawk county.

Senate File No. 203, A bill for an act, supplementary to an act for the Public Instruction of the State of Iowa.

Substitute for Senate File No. 47, A bill for an act to change the names of towns and villages.

In all which the concurrence of the House is asked.

The Senate has amended House File No. 185: A bill for an act to authorize forwarding and commission merchants and others to sell unclaimed goods, and the concurrence of the House is asked, to amendments.

GEORGE E. SPENCER,

Secretary Senate.

House File No. 248: A bill for an act amending Chapter two of the Code,

Was read a third time, and upon the question

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 52, }  
Nays 3. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley Collins, Crawford, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson, Lambert, Laney, Mahony, McCrary, McGrew, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—52.

The nays were,

Messrs. Bennett, Curtis, Trumbull—3.

The bill passed and the title was agreed to.

House File No. 230: A bill for an act to repeal sections 387, 388, 389 and 390 of Chapter 30 of the Code, amendatory of the law for contesting the election of Governor and providing for the contesting of the election of Lieutenant Governor,

Was read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 56. }  
Nays 00. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson, Lambert, Laney, Mahony, McCrary, McGrew, Millsap, Moorman, Morgan, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Sprague, Stearns, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—56.

The nays were—None.

The bill passed and the title was agreed to.

The Speaker laid before the House a communication from the Commissioner of the Des Moines River Improvement, which was read, and

Upon motion of Mr. Belknap,

Laid upon the table.

The report of the committee in relation to the settlement with the Des Moines Navigation and Rail Road Company being the special order for this hour,

The same was taken up.

Mr. SeEVERS

Moved to refer the communication to the joint committee on the Des Moines River Improvement.

Mr. Bates

Moved to amend the motion by adding the following instructions: "To report that the division of said lands, if any is made, shall be as follows, to-wit: 12½ per cent. of the proceeds to the McGregor Railroad; 12½ per cent. to the Iowa, Chicago and Nebraska Railroad; 12½ per cent. to the Philadelphia, Fort Wayne and Platte River Railroad Company; 12½ per cent. to the Keokuk and Missouri Railroad, and the balance to the Des Moines Valley Railroad.

Mr. Bennett

Moved that the instructions be laid upon the table,

Upon which question

The yeas and nays were ordered and were as follows:

Yeas 25, }  
Nays 33. }

The yeas were,

Messrs. Ayers, Bauder, Belknap, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Dewey, Edwards, Guiberson, Jackson, McCrary, McGrew, Mitchell, Moorman, Morgan, Pierson, Reitzel, Seewers, Wilson, Wright, Mr. Speaker—25.

The nays were,

Messrs. Anthony, Bates, Bradley, Cavanaugh, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Davis, Drummond, Foster, Gray, Grimes, Gue, Harmon, Johnson, Laney, Lundy, Mahony, Milliser, Millsap, Prentiss, Rankin, Scott, Sharp, Sprague, Stearns, Trumbull, Waln, Watts, Woodward—33.

The motion was lost.

Pending the adoption of the motion,

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question recurring upon the adoption of the motion pending at adjournment,

The yeas and nays were demanded by Mr. Bates, and were as follows:

Yeas 25, {  
Nays 37. }

The yeas were,

Messrs. Anthony, Bates, Bradley, Cavanaugh, Clark of Johnson, Clune, Cooley, Collins, Crawford, Foster, Gray, Grimes, Harmon, Johnson, Laney, Mahony, Milliser, Millsap, Prentiss, Rankin, Sprague, Trumbull, Waln, Watts—25.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Gue, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Pierson, Reitzel, Scott, Seewers, Stearns, Wilson, Woodward, Wright, Mr. Speaker—37.

The motion was not adopted.

The question recurring upon the motion to refer the communication to the committee without instructions,

**Mr. Bates**

Moved to amend the motion by "instructing the committee to provide in the settlement that not more than one half of said lands shall be used in the construction of said Keokuk, Ft. Des Moines and Minnesota Railroad, between the cities of Keokuk and Ft. Des Moines.

Upon the adoption of the amendment

**Mr. Bates**

Demanded the yeas and nays, which were as follows :

Yeas 29, {  
Nays 35. }

The yeas were,

Messrs. Anthony, Bates, Casady of Woodbury, Cavanaugh, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Drummond, Foster, Gray, Grimes, Gue, Harmon, Johnson, Laney, Mahony, Milliser, Millsap, Prentiss, Richardson, Scott, Sharp, Trumbull, Waln, Watts, Woodward—29.

The nays were

Messrs. Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Clark of Des Moines, Curtis, Davis, Dewey, Dews, Edwards, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Pierson, Rankin, Reitzel, Seevers, Sprague, Stearns, Wilson, Wright, Mr. Speaker—35.

The amendment was not adopted.

The question recurring upon the motion to refer the communication to the committee without instructions,

The yeas and nays were demanded by Mr. Bates, and were as follows :

Yeas 29, {  
Nays 35. }

The yeas were,

Messrs. Anthony, Bates, Bennett, Casady of Woodbury, Cavanaugh, Clune, Crawford, Curtis, Dana, Dews, Drummond, Foster, Grimes, Johnson, Laney, Mahony, Millard, Millsap, Moorman, Morgan, Prentiss, Richardson, Sharp, Sprague, Trumbull, Waln, Watts, Woodward, Wright—29.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Davis, Dewey, Edwards, Gray, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Milliser, Mitchell, Pierson, Rankin, Reitzel, Scott, Seevers, Stearns, Wilson, Mr. Speaker—35.

The amendment was lost.

Mr. Mahony .

Offered a substitute for the joint resolutions.

On motion of Mr. Seevers

The further consideration of the subject was postponed until to-morrow morning at 10 o'clock.

Mr. Clune

Moved that when this House adjourn, it adjourn to meet at nine o'clock to-morrow.

The motion was adopted.

Mr. Bennett

Offered the following resolution, which was laid over for one day under the rule:

*Resolved*, That the Governor be requested to report to this House at as early a day as practicable, what disposition, if any, has been made of the fifteen hundred copies of his Excellency's Inaugural Address which the House ordered to be printed in the Holland language.

On motion of Mr. Wilson

House File No. 136: A bill for an act to preserve the purity of elections,

Was taken up and made the special order for Wednesday morning next, at 10 o'clock.

On motion of Mr. Milliser

House File No. 181: A bill for an act to provide for laying out and establishing public highways,

Was taken up and referred to the committee on Roads and Highways.

Mr. Wilson

Submitted the following report:

The committee of conference on the part of the House, appointed to confer with a similar committee on the part of the Senate, with regard to the difference existing between the two Houses



concerning Senate File File 78, beg leave to report that the two committees have agreed upon the following agreement:

The Senate is recommended by the committee to concur in the amendments, after first amending the House amendment to section nine, by inserting in said section the following:

“Of the notes furnished any branch not more than ten per cent. of the amount shall be in notes of one dollar each; not more than ten per cent. in notes of two dollars each; and not more than twenty-five per cent. shall be in notes of all denominations under five dollars: and not more than fifty per cent. in notes of all denominations under ten dollars.”

The committee on the part of the House join in the above recommendation to the House.

J. F. WILSON,  
JUSTUS CLARK, } Committee.  
JNO. EDWARDS, }

On motion of Mr. SeEVERS

The report was laid upon table.

Mr. WRIGHT

Submitted the following report:

The committee on Enrolled Bills report that the following bills have been presented to the Governor for his signature:

House File No. 10: An act respecting aliens.

House File No. 114: An act allowing a bounty upon the scalps of certain animals.

Substitute for House File No. 73: An act to amend the law in relation to divorce and alimony.

House File No. 211: An act to confirm the rights and liabilities of the county of Webster since its division.

House File No. 262: An act to repeal sections 1410 and 1411 of the Code, prescribing the descent of property.

Message from the Senate, by their Secretary:

MR. SPEAKER:

I herewith present for your signature the following acts:

Senate File No. 180: An act to correct an error in an act entitled “an act to incorporate the town of Newton, in Jasper county.

Senate File No. 186: A memorial to Congress to confirm and legalize certain locations made with land warrants.

Senate File No. 157: An act for the relief of certain tax payers of Jackson county, Iowa.

Senate File No. 164: An act to amend Chapter 256 of the session laws of 1856-7, approved January 29th, 1858.

Senate File No. 174: An act to legalize the election and official acts of the city of Council Bluffs.

Senate File No. 171: An act for the appointment of a Commissioner to settle with the sureties of J. D. Eads.

Senate File No. 134: An act for the punishment of festicide.

Senate File No. 170: An act to repeal Chapter 23 of the acts of the Sixth General Assembly.

Senate File No. 188, An act in regard to practice in the Supreme Court of Iowa.

Senate File No. 130: An act authorizing a loan from the school fund to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the University of the State of Iowa.

All of which have passed both Houses of the General Assembly and been duly enrolled by the Senate.

GEORGE E. SPENCER,  
Secretary Senate.

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has concurred in the amendments made by the House, and also the amendment reported by the committee of conference to Senate File No. 78: A bill for an act to incorporate the State Bank of Iowa.

GEO. E. SPENCER,  
Secretary Senate.

On motion of Mr. Bennett  
The House adjourned.

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TUESDAY MORNING,  
MARCH 16th, 9 o'clock, A. M. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

On motion of Mr. Trumbull

The reading of the journal of yesterday was dispensed with.

Mr. Trumbull

Submitted the following report:

The committee on Railroads, to whom was referred Senate File No. 141, have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

TRUMBULL, Chairman.

On motion of Mr. Belknap

The 42d Rule was suspended, and the bill read a third time, and upon the question of its passage

The yeas and nays were ordered and were as follows:

Yeas 46, }  
Nays 1. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clune, Cooley, Collins, Curtis, Dewey, Edwards, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Streeter, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—46.

Mr. Crawford voted in the negative.

The title of the bill was then agreed to.

Mr. Trumbull,

From the same committee, submitted the following report:

The Committee on Railroads, to whom was referred Senate File No. 66: A bill for an act for the benefit of Railroad Companies, have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

TRUMBULL, Chairman.

Mr. Clark, of Des Moines,

Moved that the 42d Rule be suspended and the bill read a third time now by its title.

The motion was agreed to.

Upon the question of the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 25, }  
Nays 34. }

Messrs. Anthony, Ayers, Bauder, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassidy of Mahaska, Clark of Des Moines, Clune, Dana, Edwards, Foster, Gue, Lundy, McCrary, McGrew, Reitzel, Scott, Seevers, Sprague, Trumbull, Wilson, Wright—25.

The nays were,

Messrs. Bates, Bennett, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Crawford, Curtis, Dewey, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Mahony, Milliser, Mitchell, Millsap, Moorman, Pierson, Prentiss, Rankin, Richardson, Stearns, Streeter, Waln, Watts, Woodward, Mr. Speaker—34.

The House refused to pass the bill.

Message from the Senate,

By their Secretary, Mr. Spencer:

MR. SPEAKER:

The Senate has passed bills of the following titles, viz:

Senate File No. 211: A bill for an act fixing the time when laws published in newspapers shall take effect.

Senate File No. 212: A bill for an act to amend an act entitled an act to protect game.

Senate File No. 214: Joint resolution for a tri-weekly mail route from Des Moines, in Polk county, to Delhi, Delaware county, via Marengo and Marion.

Senate File No. 215: A bill for an act to legalize the assessment of property in Guthrie county for the year 1856.

In all which the concurrence of the House is asked.

The Senate has passed the following named House Bills without amendment, viz:

House File No. 193: A bill for an act to repeal a part of section 12 of Chapter 156 of the Code, in relation to swamp lands.

House File No. 301: A bill for an act entitled an act to fix the time of holding Courts in the Eleventh Judicial District.

The Senate has amended House File No. 199: A bill for an act to amend an act entitled an act to incorporate the city of Davenport, and to amend the several acts amendatory thereto.

In which amendment the concurrence of the House is asked.

GEORGE E. SPENCER,  
Secretary Senate.

Mr. Wright

Submitted the following report:

The committee on Enrolled Bills report that they have examined the following bills and find them correctly enrolled:

House File No. 217: An act authorizing school districts to subscribe for the Voice of Iowa.

House File No. 203: An act to provide for levying a tax on certain lands to complete and keep in repair a levee on Muscatine Island, and for the election of a Levee Commissioner to superintend the same.

Substitute for House Files No.'s 49 and 155: An act regulating and defining the notice to be given in all cases of judicial sales of property.

House File No. 207: An act to amend section two of an act entitled an act to change the name of New Haven, in Buchanan Co., approved January 27th, 1857.

House File No. 272: An act to annex the county of Butler to the Tenth Judicial District, and prescribing the time for holding Court therein.

House File No. 302: An act to provide for the election of an additional Justice of the Peace in Jackson township, Poweshiek county, Iowa.

House File No. 188: An act to authorize and regulate the adoption of children.

Substitute for Senate Files No.'s 126 and 146 and House Files No.'s 186, 187, 189, 221, 222, 245 and 246: Joint Resolution for increased mail facilities.

Mr. Foster

Submitted the following report:

The committee on Engrossed Bills report that they have examined the following bills:

House File No. 232, A bill for an act to provide for the making and repairing of Public Highways, and prescribing the duties of Township officers in certain cases. Also,

House Files No. 296, A bill for an act authorizing a loan from the School Fund to the Central University of Iowa. Also,

House File No. 297, An act authorizing a loan from the School Fund to Cornell College at Mount Vernon, Linn county, Iowa. Also,

House File No. 298, A bill for an act authorizing a loan from the School Fund, to the Cedar Rapids Collegiate Institute. Also,

House File No. 299, A bill for an act authorizing a loan from the School Fund to Washington College, situated in Washington county, State of Iowa. Also,

House File No. 323, A bill for an act to provide for the election of an additional Justice of the Peace in Butler township, Butler county, Iowa.

Substitute for House File No. 129, A bill for an act to provide for the establishment of a State Agricultural College and Farm, with a Board of Trustees, which shall be connected with the entire agricultural interests of the State of Iowa. Also,

House File No. 303, A bill for an act explanatory of an act to establish new counties and define their boundaries in the late cessions from the Sac and Fox Indians, and for other purposes. Also,

House File No. 257, A bill for an act to legalize the assessment of taxes made in the several counties of this State, for the years 1855, 1856 and 1857. Also,

House File No. 311, A bill for an act providing for submitting to the legal voters of Webster and Humboldt counties, a proposition to change the boundaries of the two counties and divide the liabilities of the same. Also,

House File No. 300, A bill for an act ordering a special election for the purpose of submitting to the people certain acts herein named, regulating the business of Banking.

House File No. 274, A bill for an act regulating Public Shows. Also,

House File No. 271, A bill for an act to repeal Chapter 44 of the acts of the Sixth General Assembly. Also,

House File No. 273, A bill for an act to limit the eligibility of Sheriffs to re-election. Also,

House File No. 295, A bill for an act entitled an act incorporating the city of Des Moines, approved January 28th, 1857. Also,

House File No. 279, A bill for an act in relation to the funds in Hamilton county, and find the same correctly engrossed.

On motion of Mr. Gue,

House File No. 199, A bill for an act to amend an act entitled an act to incorporate the city of Davenport, and amend the several acts amendatory thereto,

Was taken up, together with the amendments made by the Senate thereto, and the Senate amendments were concurred in.

On motion of Mr. Clark of Dubuque,

House File No. 244, A bill providing for argument terms of the Supreme Courts of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk,

Was taken up together with the amendments of the Senate thereto, and the amendments of the Senate were concurred in.

### BILLS ON THEIR THIRD READING.

House File No. 231, A bill for an act to repeal Section six hundred and thirteen, Chapter thirty-nine of the Code, and amendatory of the laws in relation to State Census.

Was read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 51, }  
Nays 8. }

The yeas were,

Messrs. Anthony, Ayers, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Curtis, Dana, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—51.

The nays were,

Messrs. Clark of Des Moines, Clune, Crawford, Johnson, Mahony, Pierson, Sharp, Sprague—8.

The title of the bill was then agreed to.

House File No. 250, A bill for an act to prohibit the Inspectors, Wardens, Lessees and other officers of the Iowa Penitentiary from being interested in contracts for furnishing such penitentiary with provisions, clothing or other necessaries, and from being concerned or interested in contracts for building or furnishing building materials for such Penitentiary,

Was read a third time, and

On motion of Mr. Wilson,

Was re-committed to the committee on Ways and Means, with instructions to so amend the bill that it will not be applicable to Lessees.

House File No. 236, A bill for an act continuing Prosecuting Attorneys in office until January first, 1859, and after that time, providing for the abolishment of the same,

Was read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 55, }

Nays 1. }

The yeas were,

Messrs. Anthony, Ayers, Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Dewey, Dews, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson, Laney, Lundy, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Sprague, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—55.

Mr. Harmon voted in the negative.

The title of the bill was then agreed to.

House File No. 232, A bill for an act to provide for the making and repairing of Public Highways, and prescribing the duties of township officers in certain cases,

Was read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 46, }

Nays 10. }

The yeas were,

Messrs. Ayers, Bates, Bauder, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Cooley, Collins, Curtis, Dana, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Trumbull, Watts, Woodward, Wright, Mr. Speaker—46.



The nays were,

Messrs. Bradley, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Johnson, Mahony, Sprague, Waln—10.

The title of the bill was then agreed to.

On motion of Mr. Seevers,

The special order for this hour, Senate File No. 169, Joint Resolutions ratifying a settlement with the Des Moines Navigation and Railroad Company, together with the substitute therefor,

Was taken up.

On motion of Mr. Anthony,

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

The question recurring upon the substitute heretofore offered by

Mr. Mahony,

The yeas and nays were ordered and were as follows:

Yeas 27. }

Nays 38.

The yeas were,

Messrs. Anthony, Bates, Bradley, Casady of Woodbury, Cavanaugh, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Dews, Foster, Gray, Grimes, Harmon, Johnson, Lancy, Mahony, Milliser, Millsap, Prentiss, Scott, Sharp, Trumbull, Waln, Watts—27.

The nays were,

Messrs. Ayers, Bander, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Curtis, Davis, Dewey, Edwards, Gue, Guberson, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Morgan, Pierson, Rankin, Reitzel, Seevers, Sprague, Stearns, Steward, Streeter, Thompson, Wilson, Woodward, Wright, Mr. Speaker—38.

The substitute was not adopted.

Mr. Mahony.

Moved to amend the Joint Resolution by striking out all of the last clause, excepting the last four lines, and inserting in lieu thereof the following:

And it is further agreed by and between the contracting parties, that the Company being one of the contracting parties hereto shall assume all the liabilities which have or may attach, accrue or may accrue, in consequence of the contracts already entered into by and between such Company and persons contracting with them for material, labor or for any other purpose whatever, connected with the Improvement of the Des Moines River Improvement, in pursuance of the contracts entered into between the State and the said Des Moines Navigation and Railroad Company, and that the State of Iowa shall not assume nor be liable to assume any liability which may result or have resulted, from any contract entered into between the State and any other parties whatever; nor shall the State of Iowa be hereafter obliged to expend any money for the improvement of the Des Moines River, nor for any part thereof, nor on any of the works constructed or partly constructed, for the Improvement of said River, by virtue of any trust assumed by the State, or contract entered into between the State and any person or party whatever.

Upon the question of concurring in the amendment,

Mr. Mahony demanded the yeas and nays, which were as follows :

Yeas 35, }  
Nays 31. }

The yeas were,

Messrs. Anthony, Bates, Bennett, Bradley, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Crawford, Curtis, Dana, Dews, Drummond, Gray, Grimes, Gue, Harmon, Johnson, Laney, Mahony, Milliser, Millisap, Prentiss, Richardson, Scott, Sharp, Stearns, Steward, Trumbull, Waln, Watts, Woodward—35.

The nays were,

Messrs. Ayers, Bauder, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Cassiday of Mahaska, Clark of Dubuque, Davis, Dewey, Edwards, Foster, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Pierson, Rankin, Reitzel, Seevers, Sprague, Streeter, Wilson, Wright, Mr. Speaker—31.

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

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa.

ives, that the Senate has passed House File No. 241, A bill for an act to amend an act, approved January 16th, 1857, Incorporating the city of Sioux City.

J. S. DIMMITT,  
Assistant Sec'y Senate.

Mr. Mahony

Moved to further amend by adding to the proviso of the last clause, the following :

“ And provided further, that there shall be no diversion of the lands from the Improvement of the Des Moines River, until the locks, dams and other works in the course of construction, on and near the said Des Moines River, in pursuance of a contract or contracts entered into by and between the State and other parties shall have been constructed and completed.

Upon which question,

Mr. Mahony demanded the yeas and nays which were as follows :

Yeas 22, }  
Nays 42. }

The yeas were,

Messrs. Anthony, Bates, Bradley, Cavanaugh, Clark of Johnson, Clune, Collins, Crawford, Dana, Dews, Gray, Grimes, Johnson, Laney, Lundy, Mahony, Milliser, Millsap, Sharp, Trumbull, Waln, Watts—22.

The nays were,

Messrs. Ayers, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Cooley, Curtis, Dewey, Drummond, Foster, Gue, Guiberson, Harmon, Jackson, Lambert, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Pierson, Prentiss, Rankin, Richardson, Scott, Seever, Sprague, Stearns, Steward, Streeter, Wilson, Woodward, Wright, Mr. Speaker—42.

Mr. Seever

Moved that the whole subject be referred to the committee on the Des Moines Improvement, and that Messrs. Mahony, Bradley Bates and Cooley be added to said Committee.

Which motion was agreed to.

Mr. Wright

Submitted the following report :

The committee on Enrolled Bills, report that the following bills have been presented to the Governor for his signature :

House File No. 272, An act to annex the county of Butler to the 10th Judicial District, and prescribe the time for holding court therein.

House File No. 188, An act to authorize and regulate the adoption of children.

Substitute for House Files Nos. 69 and 155, An act regulating and defining the notice to be given in all cases of Judicial sales of property.

Substitute for Senate Files Nos. 126 and 146, and House Files Nos. 186, 187, 189, 221, 222, 245 and 246, Joint Resolutions for increased mail facilities.

House File No. 203, An act to provide for levying a tax on certain land to complete and keep in repair a levee on Muscatine Island, and for the election of a Levee Commissioner to superintend the same.

House File No. 207, An act to amend Section two of an act, entitled an act to change the name of New Haven, in Buchanan county, approved January 27th, 1857.

House File No. 302, An act to provide for the election of an additional Justice of the Peace in Jackson township, Poweshiek county, Iowa.

House File No. 217, An act authorizing School Districts to subscribe for the "Voice of Iowa." WRIGHT.

On motion of Mr. Bennett,

The resolution heretofore offered, asking information from the Governor, relative to the copies of His Excellencies Inaugural Address, printed in the Holland language,

Was taken up and adopted.

On motion of Mr. Bennett,

The House adjourned.

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WEDNESDAY MORNING, }  
MARCH 17th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

On motion of Mr. Waln

The reading of the journal was dispensed with.

Mr. Grimes

Moved to take from the table House File No. 209: A bill for an act relative to new counties and changing the boundaries thereof.

The motion prevailed and the bill was so taken up, and

Upon his motion,

Made the special order for to-morrow at two o'clock, P. M.

On motion of Mr. Lundy

House File No. 129: A bill for an act to provide for the establishment of a State Agricultural College, with a State Board of Agriculture which shall be connected with the entire agricultural interests of the State of Iowa,

Was taken up.

Mr. Lundy

Moved to fill the blank in section two with the following names:

1. M. W. Robinson, of Des Moines county.
2. Timothy Day, of Van Buren           “
3. John D. Wright, of Union           “
4. G. W. F. Sherwin, of Woodbury   “
5. Wm. Duane Wilson, of Polk       “
6. Richard Gaines, of Jefferson     “
7. Suel Foster, of Muscatine       “
8. J. W. Henderson, of Linn       “
9. Clement Coffin, of Delaware     “
10. E. H. Williams, of Clayton     “
11. E. G. Day, of Story             “

Mr. Bennett

Moved to strike out the name of “Richard Gaines” and insert the name of “Claiborn Hall, of Marion county.”

The motion was lost.

The motion to fill was then agreed to.

Upon the question, shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 49, }  
Nays 5. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahas-

ka, Cavanaugh, Clark of Dubuque, Clark of Johnson, Collins, Dana, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Morgan, Pierson, Prentiss, Rankin, Richardson, Seevers, Sprague, Stearns, Steward, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—49.

The nays were,

Messrs. Casey, Clark of Des Moines, Lambert, Moorman, Trumbull—5.

The bill passed and the title was agreed to.

**Mr. McCrary**

Moved that Messrs. Curtis and Edwards be added to the committee on the Des Moines Improvement,

Which motion was agreed to.

**Mr. Wright**

Submitted the following report:

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled:

House File No. 301: An act to amend an act entitled an act to fix the time of holding Courts in the 11th Judicial District.

House File No. 193: An act to repeal a part of the 12th section of Chapter 156, in relation to swamp lands, approved January 25, 1855.

House File No. 241: An act to amend an act approved January 16th, 1857, incorporating the city of Sioux City.

Message from the Senate,

By their Secretary, Mr. Spencer:

**MR. SPEAKER:**

I herewith present for your signature Senate File No. 152: An act requiring two at least of the Trustees of the Dubuque and Pacific Railroad Company to reside in the State of Iowa, and to regulate the issue and disposition of the construction bonds of said Company.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

**GEORGE E. SPENCER,**

Secretary Senate.

**MR. SPEAKER:**

The Senate has passed bills of the following titles, viz:

Senate File No. 195: Memorial and joint resolution of the Gen-

eral Assembly of the State of Iowa in regard to the five per cent school fund.

Senate File No. 184: A bill for an act requiring suit to be instituted and prosecuted against County Treasurers.

Senate File No. 194: A bill for an act to provide for the publication of certain laws in the several counties of the State.

Substitute for Senate File No. 148: A bill for an act to tax dogs.

Senate File No. 218: Joint resolution and memorial to Congress opposing the renewal or extension of patents.

In all of which the concurrence of the House is asked.

The Senate has concurred in the amendment made by the House to Senate File No. 179: A bill for an act to designate Sundays and Holidays to be observed in the acceptance and payment of bills of exchange and promissory notes.

The Senate has amended the concurrent resolutions of the House in relation to the use of the Capitol for a festival to the citizens of Des Moines, by striking out "Tuesday, 16th March," and inserting "Thursday, 18th March."

The Senate has indefinitely postponed the further consideration of House File No. 134: A bill for an act to legalize the issue of certain bonds voted by the city of Dubuque to the Dubuque and Turkey Valley and to the Dubuque and Bellevue Railroad Companies, and to authorize the proceeds of said bonds to be used outside of Dubuque county.

On motion of Mr. Wilson

House File No. 136: A bill for an act to preserve the purity of elections,

Was taken up, the same being the special order for this hour. ■

Mr. Curtis

Moved to amend line four of section two by striking out the words, "without any present intention of removing therefrom."

Upon which question Mr. Bates

Demanded the yeas and nays, which were as follows:

Yeas 24, }  
Nays 30. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Curtis, Gray,

Guiberson, Johnson, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—24.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Collins, Dana, Dewey, Foster, Grimes, Gue, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Waln, Watts, Wilson, Woodward, Mr. Speaker—30.

The amendment was not concurred in.

Mr. Curtis

Moved to amend the same line by striking out the word "removing," and inserting in lieu thereof the words, "immediate removal."

Upon which question Mr. Clune

Demanded the yeas and nays, which were as follows:

Yeas 22, }  
Nays 35. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Curtis, Gray, Guiberson, Johnson, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—22.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Grimes, Gue, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—35.

Mr. Bennett

Moved to amend the same section by striking out all of the first clause after the word "fixed."

Upon which question Mr. Clark, of Des Moines,

Demanded the yeas and nays, which were as follows:

Yeas 23, }  
Nays 35. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Curtis, Gray, Guiberson,



Johnson, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—23.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Grimes, Gue, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward,  
**Mr. Speaker—35.**

**Mr. Curtis**

Moved to amend the same clause and section, by inserting after the word "therefrom" the words, "within thirty days after said election."

Upon which question **Mr. Clark, of Des Moines,**

Demanded the yeas and nays, which were as follows:

Yeas 10, }  
Nays 45. }

The yeas were,

Messrs. Anthony, Clark of Johnson, Davis, Gray, Guiberson, Lundy, Millsap, Pierson, Sharp, Sprague—10.

The nays were,

Messrs. Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Curtis, Dana, Dewey, Grimes, Jackson, Johnson, Lambert, Laney, Mahony, McCrary, McGrew, Milliser, Mitchell, Moorman, Morgan, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, **Mr. Speaker—45.**

**Mr. Bennett**

Moved to amend the same section by striking out the entire first clause.

Upon which question **Mr. Clark, of Des Moines,**

Demanded the yeas and nays, which were as follows:

Yeas 23, }  
Nays 31. }

The yeas were,

Messrs. Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Gray,

Guiberson, Johnson, Laney, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague—23.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Grimes, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—31.

Mr. Clark, of Johnson,

Moved to amend the section by inserting after the word "therefrom," the words "within ten days from the day of the election at which he offers to vote."

Mr. Lundy

Moved to amend the amendment by striking out "ten" and inserting in lieu thereof "sixty."

Which motion was not agreed to.

The question recurring upon the adoption of the amendment,

Mr. Clark, of Johnson,

Demanded the yeas and nays, which were as follows :

Yeas 12, }

Nays 40. }

The yeas were,

Messrs. Anthony, Belknap, Bennett, Campbell, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Gray, Guiberson, Johnson, Laney, Mahony—12.

The nays were,

Messrs. Bates, Bradley, Carpenter, Casey, Cassiday of Mahaska, Clark of Des Moines, Cooley, Collins, Curtis, Dana, Davis, Dewey, Edwards, Grimes, Gue, Lambert, Lundy, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Pierson, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—40.

Mr. Clark, of Dubuque,

Moved that the further consideration of the bill be indefinitely postponed.

Upon which motion Mr. Bennett

Demanded the yeas and nays, which were as follows :

Yeas 21, }

Nays 33. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Curtis, Gray, Guiberson, Johnson, Laney, Mahony, Milliser, Millsap, Reitzel—21.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Edwards, Foster, Grimes, Gue, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Prentiss, Rankin, Richardson, Scott, SeEVERS, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—33.

Mr. Wilson

Moved that the bill be ordered engrossed and read a third time on to-morrow.

Mr. Bennett

Moved to lay the motion on the table.

Mr. Bauder

Moved a call of the House, which being sustained,

The Clerk proceeded to call the roll, whereupon the following named gentlemen were found to be absent and unexcused:

Messrs. Crawford, Drummond, Harmon, Jackson and Wright.

Messrs. Jackson and Crawford were excused from attendance, when,

On motion of Mr. Prentiss,

Further proceedings under the call were suspended.

The question recurring upon the motion to table the motion to order the bill engrossed and read a third time on to-morrow,

Mr. Bennett

Demanded the yeas and nays, which were as follows:

Yeas 25, {  
Nays 33. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Curtis, Dews, Gray, Guiberson, Johnson, Mahony, Milliser, Millsap, Pierson, Sharp, Sprague, Watts—25.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Collins, Davis, Dewey, Edwards, Foster, Grimes, Gue, Lambert, Lun-

dy, McCrary, McGrew, Millard, Mitchell, Mooranan, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Wilson, Woodward, Wright—33.

On motion of Mr. Bauder  
The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Message from the Senate,

By Mr. Spencer, their Secretary:

MR. SPEAKER:

I herewith present for your signature Senate File No. 141: An act in relation to the Keokuk and Des Moines Valley Plank Road Company. Also

Senate File No. 179: An act to designate Sundays and the Holidays to be observed in the acceptance of bills of exchange and promissory notes.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEO. E. SPENCER,  
Secretary Senate.

MR. SPEAKER:

The Senate has passed the following concurrent resolution, viz: "Resolved, (The House concurring) That the documents printed by the late State Printer, P. Moriarty, and purporting to be "Senate Documents" and "House Documents" of the Sixth General Assembly of the State of Iowa, are not printed by authority of the State, and are not State Documents."

GEO. E. SPENCER,  
Secretary Senate.

Mr. Bradley

Moved to amend by inserting at the end of the 8th line in Section 13, the following:

"And if he be a native born citizen he shall produce a certificate to that effect, from the midwife or accoucher, present at his birth, or give a satisfactory reason for its non-production."

Which amendment was lost.

Mr. Prentiss

Moved the previous question, which motion was seconded.

Mr. Bennett

Moved a call of the House, which call being sustained, the Clerk proceeded to call the roll, whereupon the following named members were found absent and unexcused :

Messrs. Bates, Cavanaugh, Harmon, Lundy and Wright.

On motion of Mr. Shelledy,

Mr. Wright and Harmon were excused.

Mr. Foster

Moved to suspend further proceedings under the call.

And upon this question,

Mr. Bennett demanded the yeas and nays which were as follows :

Yeas 48, }  
Nays 11. }

The yeas were,

Messrs. Anthony, Carpenter, Casey, Cassaday of Van Buren, Cassiday, of Mahaska, Clark of Dubuque, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—48.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casady of Woodbury, Clark of Des Moines, Clune, Lancy, Pierson, Sprague—11.

The motion was sustained.

Upon the question shall the main question be now put,

Mr. Bennett

Moved to adjourn, which motion the Chair decided out of order and from which decision, Mr. Clune appealed,

And upon the question, shall the decision of the Chair stand as the decision of the House,

Mr. Clune demanded the yeas and nays which were as follows :

Yeas 29, }  
Nays 24. }

The yeas were,

Messrs. Bates, Carpenter, Cassiday of Mahaska, Clark of Des Moines, Cooley, Collins, Davis, Dewey, Foster, Grimes, Guiberson, Lambert, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Prentiss, Rankin, Reitzel, Richardson, Stearns, Waln, Watts, Wilson, Woodward and Mr. Speaker—29.

The nays were,

Messrs. Anthony, Bauder, Belknap, Bennett, Bradley, Cassaday of Van Buren, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Clune, Drummond, Gray, Johnson, Laney, Mahony, Millard, Millsap, Morgan, Pierson, Scott, SeEVERS, Sprague, Steward, Streeter, Trumbull—24.

The decision of the Chair was sustained.

Upon the question, shall the bill be engrossed and read a third time to-morrow,

The yeas and nays were ordered and were as follows :

Yeas 39, }  
Nays 23. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Lambert, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Steward, Streeter, Waln, Watts, Wilson, Woodward, Mr. Speaker—39.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dews, Gray, Guiberson, Johnson, Laney, Mahony, Millsap, Sharp, Sprague, Trumbull—23.

The motion was sustained.

Mr. Mitchell

Moved to reconsider the vote by which the House refused to pass Senate File No. 66, An act for the benefit of Railroad Companies,

Which motion was sustained and the bill was taken up.

Mr. SeEVERS

Moved to lay the bill on the table.

The motion prevailed, and the bill was laid upon the table.

**Mr. Wilson**

Moved to take from the table House File No. 291, An act determining the ratio of apportionment of the State into Representative Districts, and defining the boundaries thereof.

The motion prevailed and the bill was taken from the table.

**Mr. Mills**

Introduced a substitute, and upon the adoption of the substitute, The yeas and nays were ordered and were as follows :

Yeas 21, ]  
Nays 37. ]

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Johnson, Clune, Dews, Gray, Guiberson, Johnson, Laney, Milliser, Millsap, Pierson, Sharp, Sprague—21.

The nays were,

Messrs. Anthony, Bates, Carpenter, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Lambert, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—37.

The substitute was lost.

**Mr. Trumbull**

Moved to amend Section 56 by striking out "Franklin," in line 3d, and insert "Benton."

Motion prevailed.

**Mr. Wilson**

Moved to insert in Section 59, after "Winnebago," the word "Floyd."

Motion was sustained.

**Mr. Carpenter**

Moved to amend the 3d line of Section 62, by striking out "Buena Vista," and insert "Kossuth."

The motion was sustained.

**Mr. Lambert**

Moved to strike out Section 63.

Agreed to.

**Mr. Casady of Woodbury,**

Moved to amend Section 37, line 3d, by striking out "Audubon," and insert "Harrison."

Also, in line 3d, Section 46, strike out "Carroll," and insert "Monona."

The motion was sustained.

On motion of Mr. Seevers,

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 40, }

Nays 21. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Casey, Cooley, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—40.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Johnson, Clune, Curtis, Dews, Gray, Guiberson, Johnson, Laney, Milliser, Millsap, Pierson, Sharp, Sprague—21.

The bill passed and the title was agreed to.

On motion of Mr. Seevers,

Senate File No. 177, A bill for an act creating 11 Judicial Districts, and defining their boundaries,

Was taken up, and read a first and second time.

Mr. Cassaday of Van Buren,

Moved to amend the bill by detaching Van Buren county from the second District, and annexing it to the first.

The motion was lost.

Mr. Millard

Moved to amend the bill by adding Clark county to the fifth District.

The motion was not agreed to.

Mr. Carpenter

Moved to amend the bill by detaching the counties of Hum-



boldt and Kossuth from the sixth District, and attaching them to the 11th District.

Which motion was agreed to.

**Mr. Lundy**

Moved to attach Muscatine county to the 8th District, and Jones county to the 7th District.

The motion was not agreed to.

**Mr. Streeter**

Moved to attach Hardin and Franklin counties to the 9th District.

The motion was not agreed to.

**Mr. Bennett**

Moved to attach Marion county to the 2d District.

Which motion was not agreed to.

**Mr. Bennett**

Moved to attach Marion county to the fifth District.

The motion was not agreed to.

**Mr. Bennett**

Moved to detach Jefferson county from the 6th District.

The motion was not agreed to.

On motion of **Mr. Edwards**,

It was ordered that when this House adjourn it adjourn to meet on to-morrow morning, at 9 o'clock.

On motion of **Mr. Mitchell**,

The vote by which the House refused to adopt the amendment, to attach Clark county to the 5th Judicial District, was reconsidered.

The question recurring upon the amendment,

**Mr. Laney** demanded the yeas and nays which were as follows:

Yeas 24, )

Nays 19. }

The yeas were,

**Messrs. Anthony, Bates, Belknap, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Collins, Curtis, Dana, Dewey, Drummond, Gue, Guiberson, Harmon, Lambert, McCrary, Millard, Mitchell, Rankin, Reitzel, Streeter, Trumbull, Woodward, Mr. Speaker—24.**

The nays were,

**Messrs. Clark of Johnson, Cooley, Davis, Foster, Gray, Jackson, Lancy, Mahony, McGrew, Moorman, Morgan, Pierson, Pren-**

tiss, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Waln, Watts, Wilson—19.

On motion of Mr. Seevers,

The 42d Rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 43, }  
Nays 15. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassaday of Van Buren, Clark of Johnson, Cooley, Collins, Dana, Dewey, Dewa, Drummond, Foster, Gray, Grimes, Gue, Harmon, Jackson, Lambert, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sprague, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—43.

The nays were,

Messrs. Belknap, Bennett, Bradley, Casady of Woodbury, Clark of Des Moines, Clune, Curtis, Davis, Edwards, Guiberson, Johnson, Laney, Lundy, Pierson, Sharp—15.

The title of the bill was then agreed to.

On motion of Mr. Bates,

Senate File No. 293, A bill for an act supplementary to an act, for the Public Instruction of the State of Iowa,

Was taken up and read a first and second time, and

On motion of Mr. Bates,

The 42d Rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 49, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Bates, Belknap, Bennett, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Johnson, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dewa, Drummond, Foster, Grimes, Gue, Guiberson, Harmon, Lambert, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker.

The nays were none.

The title of the bill was then agreed to.

Mr. Bennett, with leave, introduced the following resolution:

*Resolved*, That the committee to whom was referred the special message of His Excellency, relating to the amounts which have been audited and allowed to certain individuals for examining into the condition of the School Fund, be and they are hereby requested to report said message and all other information, if any there be, to this House at as early a day as practicable.

The resolution was not adopted.

On motion of Mr. Bennett

The House adjourned.

THURSDAY MORNING, }  
MARCH 18th, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

On motion of Mr. Bennett

The reading of the journal was dispensed with.

Mr. Bennett

Offered the following resolution, which was laid over for one day under the rule:

*Resolved*, That the Auditor of State be directed to report to the House to-morrow the several amounts which have been paid in warrants to each of the State officers during the year ending December 31st, 1856, with reference to the law under which the said warrants have been issued."

Message from the Senate,

By Mr. Spencer, their Secretary:

MR. SPEAKER:

The Senate has passed bills of the following titles, viz:

Substitute for Senate File No. 172: A bill for an act to re-apportion the State into Senatorial Districts.

Senate File No. 223: Joint Resolution in relation to a pension for Catharine Dickerson.

Senate File No. 220: A bill for an act legalizing the acts of the Judge of Pottawattamie county in purchasing real estate for a Poor House Farm, and in drawing drafts on the treasury of said county for the purchase money.

Senate File No. 225: A bill for an act to amend an act in relation to the assessment of property, approved January 28th, 1857.

Substitute for Senate File No. 40: A bill for an act to provide for the equalization of the assessment of real estate for the year A. D. 1857.

Senate File No. 183: A bill for an act for the relief of swamp land pre-emptors.

Senate File No. 224: Joint Resolution in relation to the State printing for the year 1856.

Senate File No. 226: A bill for an act to amend section 96 of an act for the public instruction of the State of Iowa.

In all of which the concurrence of the House is asked.

I herewith return House File No. 334: A bill for an act to amend an act to authorize John M. May and his associates to construct a dam across the Cedar River in Linn county.

Also, House File No. 239: A bill for an act fixing punishment for malicious mischief.

The same having passed the Senate without amendment.

The Senate has amended bills of the following titles, and asks the concurrence of the House to the amendments:

House File No. 232: A bill for an act to provide for the making and repairing of public highways, and prescribing the duties of township officers in certain cases.

House File No. 265: A bill for an act requiring witness fees to be paid into the county treasury.

House File No. 141: A bill for an act to authorize the business of banking in the State of Iowa.

GEO. E. SPENCER,  
Secretary Senate.

On motion of Mr. Cooley

House File No. 174: A bill for an act to prevent the obstructing of streams of water by dams or otherwise against the passage of fish,

Was taken from the table and read a third time, and upon the question, shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 32, }  
Nays 27. }

The yeas were,

Messrs. Bennett, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Clark of Dubuque, Cooley, Collins, Curtis, Dana, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Johnson, Lundy, McGrew, Millard, Milliser, Mitchell, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Mr. Speaker—32.

The nays were,

Messrs. Anthony, Bradley, Campbell, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Crawford, Davis, Dewey, Dews, Edwards, Harmon, Lambert, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Sharp, Sprague, Watts, Woodward—27.

The bill was rejected.

#### BILLS ON THIRD READING.

House File No. 257: A bill for an act to legalize the assessment of taxes made in the several counties of this State for the years 1855, 1856 and 1857,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 58, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Mogan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—58.

The nays were—None.

The bill passed and the title was agreed to.

House File No. 275: A bill for an act entitled an act to repeal an act incorporating the city of Des Moines, approved January 28th, 1857,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 42, }  
Nays 19. }

The yeas were,

Messrs. Bander, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Gray, Guiberson, Johnson, Lambert, Laney, McCrary, Milliser, Mitchell, Moorman, Pierson, Rankin, Reitzel, Richardson, SeEVERS, Sharp, Stearns, Steward, Thompson, Trumbull, Wilson, Woodward, Mr. Speaker—42.

The nays were,

Messrs. Anthony, Bates, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Foster, Grimes, Gue, Harmon, Lundy, Mahony, McGrew, Millsap, Morgan, Prentiss, Scott, Streeter, Waln, Watts—19.

The bill passed and the title was agreed to.

Mr. Milliser

Moved to reconsider the vote.

Mr. Woodward

Moved to table the motion.

Mr. Bates

Moved a call of the House, which call being sustained,

The Clerk proceeded to call the roll, whereupon the following members were found to be absent and unexcused:

Messrs. Mahony and Casey.

On motion of Mr. Pierson

Further proceedings under the call were suspended.

Upon the motion to table the motion to reconsider the vote by which the bill was passed,

Mr. Bates

Demanded the yeas and nays, which were as follows :

Yeas 38, }  
Nays 25. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Crawford, Curtis, Dewey, Drummond, Edwards, Gray, Guiberson, Jackson, Johnson, Lambert, Laney, McCrary, Mitchell, Moorman, Pierson, Rankin, Reitzel, Richardson, Seevers, Sharp, Sprague, Stearns, Steward, Wilson, Woodward, Mr. Speaker—38.

The nays were

Messrs. Anthony, Bates, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Collins, Dana, Dews, Foster, Grimes, Gue, Harmon, Lundy, McGrew, Milliser, Millsap, Morgan, Prentiss, Scott, Streeter, Thompson, Trumbull, Waln, Watts—25.

Motion prevailed.

House File No. 273: A bill for an act to limit the eligibility of Sheriffs to re-election,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 40, {  
Nays 20. }

The yeas were,

Messrs. Bradley, Campbell, Carpenter, Cassaday of Van Buren, Clark of Dubuque, Clark of Johnson, Collins, Dana, Davis, Dewey, Drummond, Edwards, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, Lundy, McCrary, McGrew, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson—40.

The nays were,

Messrs. Bauder, Belknap, Bennett, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Cooley, Crawford, Curtis, Dews, Foster, Jackson, Lambert, Seevers, Waln, Woodward, Wright, Mr. Speaker—20.

The bill passed and the title was agreed to.

House File No. 271: A bill for an act to repeal Chapter 44 of the acts of the Sixth General Assembly,

Was read a third time, and

On motion of Mr. Casady, of Woodbury,

The bill was indefinitely postponed.

House File No. 279: A bill for an act in relation to the funds of Hamilton county,

Was read a third time, and upon the question,  
Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 52—Nays none.

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Crawford, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Guiberson, Harmon, Jackson, Johnson, Lambert, McCrary, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Rankin, Richardson, Scott, Seever, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—52.

The nays were—None.

The bill passed and the title was agreed to.

House File No. 274: A bill for an act regulating public houses,  
Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered, and were as follows :

Yeas 52—Nays none.

The yeas were,

Messrs. Bauder, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Curtis, Dana, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, McCrary, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Seever, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—52.

The bill passed and the title was agreed to.

Mr. Dana

Submitted the following report :

The committee on Enrolled Bills report that they have presented to the Governor for his signature the following bills :

House File No. 301 : An act to amend an act entitled an act to fix the time of holding Courts in the Eleventh Judicial District.



House File No. 193: An act to repeal a part of the 12th section of Chapter 156 in relation to swamp lands, approved January 25th, 1855.

DANA.

House File No. 303: A bill for an act explanatory of an act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 51, }

Nays 1. }

The yeas were,

Messrs. Bauder, Bennett, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Collins, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, McCrary, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Rankin, Reitzel, Richardson, Scott, Seever, Sharp, Stearns, Streeter, Thompson, Trumbull, Waln, Watts Woodward, Mr. Speaker—51.

Mr. Carpenter voted in the negative.

The bill passed and the title was then agreed to.

House File No. 311: A bill for an act providing for submitting to the legal voters of Webster and Humboldt counties a proposition to change the boundaries of the two counties and divide the liabilities of the same,

Was read a third time, and

On motion of Mr. Drummond,

Was recommitted to the committee on New Counties with instructions.

House File No. 323: A bill for an act to provide for the election of an additional Justice of the Peace in Butler township, Butler county,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 52, }

Nays 2. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Casaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clune, Cooley, Curtis, Dana, Dewey, Dewa, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, McCrary, McGrew, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Sprague, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—52.

The nays were,

Messrs. Collins and Davis—2.

The bill passed and the title was then agreed to.

House File No. 296: A bill for an act authorizing a loan from the School Fund to the Central University of Iowa,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 32, }  
Nays 29. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Cooley, Curtis, Dana, Drummond, Edwards, Foster, Grimes, Gue, Laney, McCrary, McGrew, Millard, Mitchell, Pierson, Rankin, Scott, Sharp, Sprague, Trumbull, Waln, Mr. Speaker—32.

The nays were,

Messrs. Bradley, Cassaday of Van Buren, Clark of Des Moines, Clune, Collins, Crawford, Davis, Dewey, Gray, Guiberson, Harmon, Johnson, Lambert, Lundy, Milliser, Millsap, Moorman, Morgan, Prentiss, Reitzel, Richardson, Seevers, Stearns, Steward, Streeter, Watts, Wilson, Woodward—29.

The bill was lost.

House File No. 299: A bill for an act authorizing a loan from the School Fund to Washington College, situated in Washington county, State of Iowa,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 16. }  
Nays 34. }

The yeas were,

Messrs. Bates, Bennett, Carpenter, Cavanaugh, Clark of Johnson, Curtis, Dana, Drummond, Laney, McCrary, McGrew, Millard, Mitchell, Rankin, Waln, Mr. Speaker—16.

The nays were,

Messrs. Bradley, Cassaday of Van Buren, Clark of Des Moines, Clark of Dubuque, Clune, Cooley, Collins, Crawford, Davis, Dewey, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Reitzel, Richardson, Scott, SeEVERS, Stearns, Steward, Streeter, Watts, Wilson, Woodward—34.

The bill was lost.

House File No. 297: A bill for an act authorizing a loan from the School Fund to Cornell College, at Mt. Vernon, Linn county, Iowa,

Was read a third time.

Mr. Lambert

Moved to indefinitely postpone the further consideration of the bill, upon which question

Mr. Bates

Demanded the yeas and nays, which were as follows:

Yeas 37, }  
Nays 15. }

The yeas were,

Messrs. Bauder, Belknap, Bradley, Casey, Cassaday of Van Buren, Clark of Des Moines, Clune, Cooley, Dana, Davis, Dewey, Edwards, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Pierson, Prentiss, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Streeter, Watts, Wilson, Woodward—37.

The nays were,

Messrs. Anthony, Bates, Bennett, Carpenter, Clark of Johnson, Collins, Curtis, Drummond, Johnson, Laney, Millard, Rankin, Steward, Waln, Mr. Speaker—15.

The motion prevailed and the bill was indefinitely postponed.

Message from the Senate, by their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has refused to concur in the amendments made by the House to Senate File No. 177: A bill for an act cre-

ating eleven Judicial Districts and defining their boundaries.

GEO. E. SPENCER,

Secretary Senate.

House File No. 298: An act authorizing a loan from the School Fund to the Cedar Rapids Collegiate Institute,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 25, }

Nays 34. }

The yeas were,

Messrs. Bates, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Collins, Curtis, Dana, Drummond, Foster, Grimes, Laney, McCrary, Millard, Rankin, Scott, Steward, Thompson, Trumbull, Waln—25.

The nays were,

Messrs. Bander, Bradley, Cassaday of Van Buren, Clark of Des Moines, Clune, Crawford, Davis, Dewey, Dews, Gray, Gue, Guiberson, Johnson, Lambert, Lundy, Mahony, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Reitzel, Sharp, Sprague, Stearns, Streeter, Watts, Wilson, Woodward, Mr. Speaker—34.

The bill was lost.

On motion of Mr. Wilson

The report of the committee of conference in relation to Senate File No. 78: A bill for an act to incorporate the State Bank of Iowa,

Was taken up and concurred in.

House File No. 185: A bill for an act to authorize forwarding and commission merchants and others to sell unclaimed goods, with amendments of the Senate, was taken up.

Mr. Clark, of Johnson,

Moved that the amendments of the Senate be concurred in, and upon that question

Demanded the yeas and nays, which were as follows :

Yeas 35, }

Nays 20. }

The yeas were,

Messrs. Carpenter, Casey, Casady of Van Buren, Cassiday of

Mahaska, Clark of Des Moines, Collins, Dana, Davis, Dewey, Dews, Foster, Guiberson, Jackson, Lambert, Mahony, McCrary, McGrew, Millard, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Wilson, Woodward, Mr. Speaker—35.

The nays were,

Messrs. Anthony, Bander, Belknap, Campbell, Casady of Woodbury, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Gray, Grimes, Gue, Johnson, Lundy, Scott, Sprague, Stearns, Waln, Watts—20.

Message from the Senate,

By their Secretary, Mr. Spencer :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed substitute for Senate File No. 107: A bill for an act defining the mode of laying out and establishing State roads,

In which the concurrence of the House is asked.

I herewith return substitute for House File No. 129: A bill for an act to provide for the establishment of a State Agricultural College and Farm, with a Board of Trustees, which shall be connected with the entire agricultural interests of the State of Iowa,

The same having passed the Senate without amendment.

I herewith present for your signature Senate File No. 203: An act supplementary to "an act for the public instruction of the State of Iowa," and relating to the election of County Superintendents of Common Schools.

Also, Senate File No. 64: An act to authorize the Dubuque and Pacific Railroad Company and others to bridge the Mississippi River at Dubuque.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEORGE E. SPENCER,  
Secretary Senate.

Mr. Carpenter

Submitted the following report :

The committee on the Des Moines River Improvement, having had the contract between the committee on the part of the State and the Des Moines Navigation and Railroad Company under consideration, together with the amendment thereto offered by Mr. Mahony, a majority of said committee have directed me to report

the same back with the recommendation that the amendment be stricken out and the following substitute therefor be adopted, and with said substitute attached to the joint resolution they recommend its passage.

C. C. CARPENTER, Chairman.

Mr. Bates,

From the minority of the same committee, submitted the following report :

The undersigned, from the select committee, to whom was referred the report of the committee upon a settlement with the Des Moines Navigation and Railroad Company, ask leave to make the following report :

The time allowed your committee by the House, to investigate the matters in dispute between the Company and the officers of the State, and make report of the nature of the settlement, which ought to be made, has been so short that the undersigned, members of your committee, are unable to fix the exact amount of land which ought to be allowed to the Company, by the State, in case the remaining portion of the contract should remain as drawn by the committee who at first reported it ; but we are all of the opinion, that it should be much less than sixty-one thousand acres. We are of opinion that the clause in the contract which provides for the State assuming the works, contracts and debts of the Company is too loosely drawn and entirely ambiguous as to the amount of liability thus assumed. We are further of the opinion that the Company has forfeited all right to a specific performance on the part of the State, of existing contracts between said Company and the State, for the reason that the Company have in no manner performed their own covenants in said contract made. We are not opposed to a diversion of the Des Moines River Grant to the construction of a Railroad in the Des Moines Valley, provided any Railroad Company to whom such diversion may be made, shall be made liable to indemnify the State of any and all liability growing out of the contracts made with the said Navigation Company, whenever the said Company shall have had the said liability adjudicated and fixed by some proper Judicial tribunal.

D. A. MAHONY,

P. B. BRADLEY,

E. E. COOLEY,

E. N. BATES.

Mr. Clark of Johnson,

Moved to add to the proviso reported by the committee, the following :

Provided, that said settlement is only on condition that the lands remaining to the State, belonging to the Des Moines River Improvement, are diverted by act of Congress, from the improvement of the Navigation of the Des Moines River, to aid in the construction of a Railroad from the city of Keokuk, up the Des Moines Valley, and on condition that.

On motion of Mr. Clune,

The whole subject was re-committed to the committee on the Des Moines Improvement, with instructions to report on to-morrow morning,

Which report was made the special order for ten o'clock to-morrow.

On motion of Mr. Bradley,

Senate File No. 177, A bill for an act to create eleven Judicial Districts, and to define their boundaries, as amended by the House,

Was taken up, and upon the question shall the House recede from its amendments,

It was not agreed to.

On motion of Mr. Wilson

It was ordered that the House ask a conference, whereupon the Speaker appointed Messrs. Millard, Carpenter and Wilson, a committee to conduct said conference on the part of the House.

House File No. 209, A bill for an act relating to new counties, and changing the boundaries thereof, being the special order for this hour,

Was taken up.

On motion of Mr. Morgan,

The following amendment was agreed to : After the word "voters," in the third line, strike out the words, "from the counties," and insert "of each county."

Mr. Lambert

Moved to add to the second section the words, "and if there is no newspaper published in said county, then and in that case, by posting a written or printed notice at three of the most public places in each township, in said county."

The bill was then read a third time, and

Upon the question of its passage,

The yeas and nays were demanded and were as follows :

Yeas 47, }  
Nays 1. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bradley, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Dana, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, McCrary, McGrew, Millard, Milliser, Millsap, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Watts, Wilson, Woodward, Mr. Speaker—47.

Mr. Trumbull voted in the negative.

The title of the bill was then agreed to.

Mr. Bradley,

From the select committee to whom was referred House File No. 332, A bill for an act to amend an act entitled an act in relation to county seats,

Reported the same back without amendment and recommended its passage.

The bill was read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 46, }  
Nays 00. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bradley, Campbell, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Dana, Dewey, Drummond, Edwards, Foster, Gray, Gue, Guiberson, Johnson, Lambert, Laney, Lundy, McCrary, McGrew, Millard, Milliser, Millsap, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—46.

The nays were none.

Mr. Wilson,

From the committee on Ways and Means, to whom was referred House File No. 194, a bill for an act providing for the assessment and payment of the State Revenue,



Reported the same back with sundry amendments, and as amended recommended its passage.

The amendments were concurred in and the bill was ordered to be engrossed and read a third time to-morrow.

Mr. Wilson,

From the same committee, to whom was referred Senate File No. 14, An act to provide for the election of an Attorney General and defining his duties,

Reported the same back with sundry amendments, and recommended the passage of the bill when amended.

The bill was then read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 46, }  
Nays 7. }

The yeas were,

Messrs. Anthony, Bauder, Belknap, Campbell, Carpenter, Casaday of Van Buren, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Dewey, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—46.

The nays were,

Messrs. Bennett, Casey, Casady of Woodbury, Crawford, Drummond, Johnson, Millsap—7.

The bill passed and the title was agreed to.

Mr. Wilson

From the same committee, to whom was referred House File No. 318, A bill for an act to provide for the publication of the act creating the State Bank, and the act to authorize the business of banking in the State of Iowa,

Reported the same back with amendments, and recommended its passage as amended.

On motion of Mr. Drummond,

The report was so amended as to allow the publishers of newspapers designated by the Secretary of State, to publish the said acts.

The report of the committee was then concurred in.

The bill was then ordered to be engrossed.

Mr. Wilson,

From the said committee, to whom was referred House File No. 243, A bill for an act to provide for the codifying and distributing of the laws relating to the duties of township officers,

Reported the same back without amendment and recommended that the further consideration of the bill be indefinitely postponed.

Mr. Drummond

Moved to amend the bill by adding to the third Section the following: Provided that no part of the appropriation herein made, shall be paid over from the State Treasury, until said laws shall have been distributed in every organized county as herein contemplated.

Mr. Lundy

Moved that the bill be ordered to be engrossed and read a third time on to-morrow.

Which motion was not agreed to.

Mr. Wilson,

From the same committee, to whom was referred House File No. 305, A bill for an act to encourage emigration to the State of Iowa,

Reported the same back and recommended its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Wilson,

From the same committee, to whom was referred House File No. 250: A bill for an act to prohibit the Inspectors, Wardens, lessees and other officers of the Iowa Penitentiary from being interested in contracts,

Reported the same back with amendments and recommended its passage when amended.

Mr. Seevers

Moved to fill the first blank in Sec. two, with "2000."

Which motion was agreed to.

Mr. Wilson

Moved to fill the second blank with "500."

Mr. Belknap

Moved to amend by filling the blank with "1000."

The motion was not agreed to.

The motion to fill was then agreed to.

**Mr. Wilson**

Moved that the words "more" and "less," where they occur in the latter part of section two, be transposed.

The motion was agreed to.

The bill was then read a third time, and upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 43, }
Nays 6. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday, of Van Buren, Casady of Woodbury, Clark of Des Moines, Clark of Johnson, Collins, Dana, Dewey, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Johnson, Lambert, Laney, Lundy, McGrew, Millsap, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward—43.

The nays were,

Messrs. Clune, Harmon, Jackson, McCrary, Milliser, and Mr. Speaker—6.

The title of the bill was then agreed to.

**Mr. SeEVERS** submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 107: A bill for an act for the punishment of blasphemy and profane swearing, have had the same under consideration, and directed me to report the same back without amendment and recommend its passage.

On motion of **Mr. SeEVERS**

The House resolved itself into a committee of the whole to consider the same.

**Mr. Drummond** in the Chair.

At 4 o'clock the committee rose, and by its Chairman, reported the bill back to the House and recommended its passage.

**Mr. Clark**, of Dubuque,

Moved that the further consideration of the bill be indefinitely postponed.

Upon which question

The yeas and nays were demanded by **Mr. Waln**, and were as follows :

Yeas 28, }  
Nays 19. }

The yeas were,

Messrs. Bauder, Campbell, Cassaday of Van Buren, Cavanaugh, Clark of Des Moines, Clark of Dubnque, Clune, Cooley, Collins, Crawford, Dews, Drummond, Foster, Gray, Gue, Guiberson, Jackson, Johnson, Lambert, McGrew, Milliser, Millsap, Morgan, Prentiss, Sprague, Stearns, Wilson, Woodward—

The nays were,

Messrs. Anthony, Casady of Woodbury, Dana, Dewey, Grimes, Harmon, Laney, Lundy, McCrary, Rankin, Reitzel, Scott, Steward, Streeter, Trumbull, Waln, Watts, Mr. Speaker—19.

The bill was indefinitely postponed.

On motion of Mr. Jackson

The House then adjourned.

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FRIDAY MORNING, {  
MARCH 19th, 9 o'clock. }

House met pursuant to adjournment.

On motion of Mr. Bennett

The reading of the journal was dispensed with.

Mr. Woodward

Moved a call of the House, which call being sustained,

The clerk proceeded to call the roll, whereupon the following members were found to be absent and unexcused:

Messrs. Bauder, Bradley, Casey, Carpenter, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Cooley, Davis, Dews, Drummond, Gue, Harmon, Jackson, Laney, Mahony, Millard, Milliser, Rankin, Scott, Sprague, Thompson, Trumbull.

On motion of Mr. Bennett

Mr. Sprague was granted leave of absence.

On motion of Mr. Crawford

Mr. Cooley was granted leave of absence for the remainder of the session.

**Mr. Mahony**

Submitted the following report:

*To the House of Representatives:*

The undersigned, who was appointed by a resolution of the House to procure a lease from the Capitol Building Association for the temporary Capitol Building now in the occupancy of the State, beg leave to report,

That in compliance with the resolution aforesaid, I have made several efforts to procure such a lease as I thought would be proper and satisfactory. I had an interview, yesterday morning, the 18th inst., with the officers of the Building Association, and gave them a form of lease which I told them would be satisfactory, and left them under the impression that they would execute it, but instead of doing so they signed another form, which I have refused to accept, being of the opinion that it did not comply with the requisitions of the act re-locating the Seat of Government, by virtue of which the temporary Capitol Building was erected for the use of the State. The House will understand, without any recommendation from me, what course to pursue under the circumstances.

Respectfully submitted,

D. A. MAHONY.

**Mr. Mitchell**

Submitted a lease on the part of the Capitol Building Association.

**Mr. Wilson**

Moved to refer the report together with the papers to a select committee.

The motion prevailed and the Chair announced as said committee, Messrs. Seevers, Curtis and Clark of Dubuque.

**Mr. Seevers,**

From the Committee on the Judiciary, submitted the following report :

The committee on the Judiciary, to whom was referred Substitute to Senate File No. 147, An act amending Section 2913 of the Code of Iowa, in regard to the endorsing of the names of witnesses upon indictments, have had the same under consideration and directed me to report the same back without amendment, and recommend its passage.

**Mr. Wilson**

Moved to amend by adding to the — line of section —, after

the word "—" "whose name shall be set out in said section."

Amendment concurred in,

And upon the passage of the bill

The yeas and nays were ordered and were as follows :

Yeas 45, }

Nays 6. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Collins, Curtis, Dana, Dewey, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lundy, McCrary, McGrew, Millard, Milliser, Millsap, Mooran, Morgan, Pierson, Prentiss, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Woodward, Mr. Speaker—45.

The nays were,

Messrs. Anthony, Casady of Woodbury, Clune, Crawford, Johnson, Lambert—6

The bill passed and the title was agreed to.

Message from the Senate, by their Secretary :

MR. SPEAKER :

I am directed to inform the House that the Senate has refused to concur in the report of the committee on conference in relation to the matters in dispute between the two Houses to Senate File No. 177: A bill for an act creating eleven Judicial Districts and defining their boundaries, and that the Senate still refuses to adopt the amendments made by the House.

GEO. E. SPENCER,  
Secretary Senate.

Mr. SeEVERS,

From the committee on the Judiciary, submitted the following report, which was concurred in :

The committee on the Judiciary, to whom was referred a petition of sundry citizens of Montezuma, in Powesheik county, praying for the passage of a law legalizing the conveyance of certain lots in said town, have had the same under consideration and instructed me to recommend that the prayer of petitioners be not granted.

Mr. SeEVERS,

From the same committee, submitted the following report, which was concurred in and the bill indefinitely postponed.

The committee on the Judiciary, to whom was referred House File No. 289: A bill for an act increasing the number of voting places, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

Mr. SeEVERS,

From the same committee, submitted the following report, which was concurred in :

The committee on the Judiciary, to whom was referred House File No. 286: An act to authorize married women to transact business in their own name as sole traders, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

Mr. SeEVERS,

From the same committee, submitted the following report, which was concurred in and the bill indefinitely postponed :

The committee on the Judiciary, to whom was referred House File No. 288: A bill for an act in relation to the measure of damages in suits brought for breach of covenants of warranty in deeds conveying real estate, have had the same under consideration, and directed me to report the same back and recommend its indefinite postponement.

Mr. SeEVERS,

From the same committee, submitted the following report, which was concurred in :

The committee on the Judiciary, to whom was referred House File No. 304: An act to amend Chapter 62 of the Code, have had the same under consideration, and directed me to report the same back and recommend its passage.

On motion of Mr. SeEVERS

The the 42d Rule was suspended, and upon the question,

Shall the bill now pass ?

The yeas and nays were ordered and were as follows :

Yeas 57, }

Nays 00. }

The yeas were,

Messrs. Anthony, Bauder, Belknap, Bennett, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Dews, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lun-

dy, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—57.

The nays were—None.

The bill passed and the title was agreed to.

**Mr. SeEVERS,**

From the committee on the Judiciary, submitted the following report, which was concurred in :

The committee on the Judiciary, to whom was referred substitute for House File No. 269: A bill for an act regulating the manner of commencing actions against Railroads and Railroad Companies, have had the same under consideration, and directed me to report the same back with one amendment, and so amended recommend its passage.

**Mr. SeEVERS**

Moved to fill the blank in section four with "100."

Which was lost.

**Mr. Prentiss**

Moved to amend by inserting "10."

**Mr. Clune**

Moved to amend by inserting "25," and upon this question

**Mr. Crawford**

Demanded the yeas and nays, which were as follows :

Yeas 14, {  
Nays 35. }

The yeas were,

Messrs. Anthony, Cassaday of Van Buren, Cassiday of Mahaska, Clune, Collins, Dana, Jackson, McCrary, Moorman, Rankin, SeEVERS, Stearns, Streeter, Woodward—14.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Crawford, Curtis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Lambert, Lundy, Millard, Milliser, Mitchell, Millsap, Morgan, Prentiss, Scott, Sharp, Steward, Trumbull, Waln, Watts and Mr. Speaker—35.

The amendment was lost.

**Mr. Jackson**



Moved to amend by adding "not to exceed ten dollars," and upon this question

Mr. Bauder

Demanded the yeas and nays, which were as follows:

Yeas 21, }  
Nays 34. }

The yeas were,

Messrs. Anthony, Bates, Bennett, Carpenter, Cassiday of Mahaska, Curtis, Dana, Harmon, Jackson, Laney, McCrary, Millard, Moorman, Prentiss, Rankin, Richardson, Seevers, Stearns, Streeter, Trumbull, Woodward—21.

The nays were,

Messrs. Bauder, Belknap, Bradley, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Dews, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Lambert, Lundy, McGrew, Milliser, Mitchell, Millsap, Morgan, Pierson, Reitzel, Scott, Sharp, Steward, Walsh, Watts, Wilson, Mr. Speaker—34.

The amendment was lost.

Mr. Milliser

Moved to strike out the first proviso in section four to the word "and."

Mr. Jackson

Moved to fill the blank with five.

Motion lost.

The motion to strike out prevailed.

The bill was then read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 55, }  
Nays 2. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassiday of Van Buren, Cassiday of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Curtis, Dana, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter,

Trumbull, Waln, Watts, Woodward and Mr. Speaker—55.

The nays were,

Messrs. Crawford and Johnson—2.

The title of the bill was then agreed to.

Mr. Carpenter,

From the committee on the Des Moines River Improvement, submitted the following report:

The committee on the Des Moines River Improvement have had the proposed contract between the State of Iowa and the Des Moines Navigation and Railroad Company under consideration, with the amendments thereto, and have directed me to report a substitute therefor and recommend its passage.

Which was concurred in and substitute adopted.

Mr. Mahony

Moved that the 42d Rule be suspended, and the bill be read a third time now.

Mr. Bates

Moved to insert after the word "contract," in first section, the words, "but no other liability of any name or nature except as herein provided."

The amendment was agreed to.

The 42d Rule was suspended, and upon the question

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 58, }  
Nays 1. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Seever, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—58.

Mr. Clune voted in the negative.

The bill passed and the title was agreed to.

Mr. Mahony

Introduced House File No. 343: Joint Resolution instructing the Governor to enjoin the Des Moines Navigation and Railroad Company in certain contingencies,

Which was read a first and second time, and

On motion of Mr. Mahony

The 42d Rule was suspended, the resolution read a third time, and on its final passage

The yeas and nays were ordered and were as follows:

Yeas 57, }

Nays 00. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—57.

The nays were—None.

The bill passed and the title was then agreed to.

On motion of Mr. SeEVERS

Substitute for Senate File No. 173: A bill for an act to re-apportion the State into Senatorial Districts,

Was taken up and read a first and second time.

Mr. Drummond

Moved to suspend the 42d Rule and read the bill a third time now.

Mr. Cassaday, of Van Buren,

Moved to strike Greene county out of the 32d District.

Motion lost.

The rule was suspended and the bill read a third time.

Mr. Clune

Moved to reconsider the vote to suspend the rule.

Mr. Drummond

Moved to table the motion to reconsider, and upon this question

Mr. Clune

Demanded the yeas and nays, which were as follows:

Yeas 34, }  
Nays 22. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Clark of Dubuque, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Harmon, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—34.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Crawford, Curtis, Gray, Gue, Guiberson, Johnson, Mahony, Mitchell, Moorman, Morgan—22.

The motion to table was agreed to.

Mr. Drummond

Moved a call of the House, which call being sustained,

The Clerk proceeded to call the roll, whereupon the following members were found to be absent and unexcused:

Messrs. Cassiday of Mahaska, Collins and Thompson.

On motion of Mr. Gue

Mr. Thompson was excused.

On motion of Mr. Bauder

Further proceedings under the call were dispensed with, and upon the question

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 41, )  
Nays 17. )

The yeas were,

Messrs. Anthony, Bates, Carpenter, Clark of Dubuque, Collins, Crawford, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Sprague, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—41.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Cassaday

of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Johnson, Clune, Dews, Gray, Guiberson, Johnson, Millsap, Pierson—17.

The bill passed and the title was agreed to.

Mr. Prentiss,

With leave, introduced the following resolution :

*Resolved*, That the Secretary of State be requested to lay upon the desks of the members of the House of Representatives one set of Clark's Reports, in order to enable the members of the House to become acquainted with the decisions of the Supreme Court of the State of Iowa.

Mr. Clark, of Des Moines,

Moved to amend by inserting after the word "Reports," the words "and one of Ray & Clarkson's plows,"

Which amendment was lost.

Upon the adoption of the resolution,

Mr. Wilson

Demanded the yeas and nays, which were as follows :

Yeas 37, }  
Nays 20. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Casey, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Collins, Dana, Dewey, Dews, Drummond, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, Lundy, Mahony, McCrary, Milliser, Mitchell, Pierson, Prentiss, Rankin, Richardson, Scott, Sharp, Steward, Streeter, Waln, Watts, Woodward—37.

The nays were,

Messrs. Bennett, Carpenter, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Davis, Edwards, Lambert, McGrew, Millard, Millsap, Moorman, Morgan, Reitzel, SeEVERS, Stearns, Trumbull, Wilson, Mr. Speaker -20.

On motion of Mr. Bauder

The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Lundy

Moved that the vote by which the House adopted a resolution requiring the Secretary of State to furnish members of the House with copies of Clark's Reports, be reconsidered.

Mr. Drummond

Moved to lay the motion to reconsider on the table, and upon that question,

Demanded the yeas and nays, which were as follows:

Yeas 35, }  
Nays 20. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Campbell, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Dubuque, Collins, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Johnson, Laney, Mahony, Milliser, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Sharp, Stearns, Steward, Streeter, Watts, Woodward, Wright—35.

The nays were,

Messrs. Anthony, Bennett, Carpenter, Crawford, Curtis, Davis, Lambert, Lundy, McGrew, Millard, Millsap, Moorman, Morgan, SeEVERS, Thompson, Trumbull, Wilson, Mr. Speaker—20.

Message from the Senate,

By Mr. Dimmitt, their Assistant Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has appointed Senators McPherson, Pusey and Warner a committee of conference to act with a committee appointed by the House in relation to the matters in dispute between the two Houses on the amendments made to Senate File No. 177: A bill for an act creating eleven Judicial Districts and defining their boundaries.

J. S. DIMMITT,

Assistant Secretary Senate.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed Senate File No. 213, a bill for an act to provide for fencing and improving the Capitol Square, in the city of Des Moines, in which the concurrence of the House is asked.

J. S. DIMMITT,

Assistant Sec'y Senate.

**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following concurrent resolution, in which the concurrence of the House is asked :

*Resolved*, (The House concurring,) that the Supreme Court's Reports shall not be sent by mail at the expense of the State.

J. S. DIMMITT,  
Assistant Sec'y Senate.

On motion of Mr. SeEVERS,

Senate File No. 66, A bill for an act for the benefit of Railroads,

Was taken from the table and read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 43, }

Nays 9. }

The yeas were,

Messrs. Bauder, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Clark of Des Moines, Clune, Cooley, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lundy, Mahony, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Steward, Streeter, Thompson, Trumbull, Wilson, Woodward, Wright, Mr. Speaker—43.

The nays were,

Messrs. Anthony, Bennett, Crawford, Curtis, Dews, Gray, Johnson, Lambert, Watts—9.

The title of the bill was then agreed to.

Mr. SeEVERS,

From the committee on the Judiciary, submitted the following report :

The committee on the Judiciary, to whom was referred Senate File No. 68, An act to authorize the counties to use the swamp lands to aid in the construction of Railroads, have had the same under consideration, and directed me to report back a substitute therefor and recommend its passage.

The substitute was adopted, when

Mr. SeEVERS

Moved to amend the same by striking out the proviso, and in-

serting in lieu thereof the following: Provided, said claimant has fully complied with the provisions of said act, and has not assigned said pre-emption.

The amendment was adopted.

On motion of Mr. SeEVERS,

The 42d Rule was suspended and the bill read a third time, and upon the question of its passage,

The yeas and nays were ordered and were as follows:

Yeas 45, }  
Nays 4. }

The yeas were,

Messrs. Anthony, Bauder, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Lambert, Laney, Milliser, Mitchell, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Wright, Mr. Speaker—45.

The nays were,

Messrs. Gray, Johnson, McGrew, Millsap—4.

Mr. SeEVERS

Moved to amend the title by adding the words, "and other purposes."

The motion was concurred in and the title agreed to.

Mr. SeEVERS,

From the same committee, to whom was referred House File No. 270, A bill for an act, for the relief of James Phillips,

Reported a substitute therefor, and recommended its passage.

The substitute was adopted, and read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows:

Yeas 53, }  
Nays 1. }

The yeas were,

Messrs. Bates, Belknap, Campbell, Carpenter, Casey, Cassaday of Van Buren, Casady of Woodbury, Cassiday, of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Curtis, Davis, Dewey, Dewes, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy,



McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright. Mr. Speaker—52.

Mr. Anthony voted in the negative.

On motion of Mr. Seevers,

The title of the bill was then agreed to.

Mr. Bates

Moved that the vote by which the House laid the motion to reconsider the vote by which House File No. 275, A bill for an act to repeal an act entitled an act incorporating the city of Des Moines, on the table, be reconsidered.

Mr. Clark of Dubuque,

Moved the previous question,

Which motion was not seconded.

Upon the question to reconsider,

Mr. Bates

Demanded the yeas and nays, which were as follows:

Yeas 29, }

Nays 31. }

The yeas were,

Messrs. Anthony, Bates, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Collins, Curtis, Dews, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lundy, Mahony, McGrew, Milliser, Millsap, Morgan, Prentiss, Scott, Steward, Streeter, Trumbull, Waln and Watts—29.

The nays were,

Messrs. Bander, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Clark of Des Moines, Clark of Dubuque, Clune, Crawford, Davis, Dewey, Drummond, Gray, Jackson, Johnson, Lambert, Laney, McCrary, Mitchell, Moorman, Pierson, Rankin, Reitzel, Seevers, Stearns, Thompson, Wilson, Woodward—31.

Mr. Seevers

Submitted the following report:

The committee on the Judiciary, to whom was referred House File No. 341, A bill for an act to repeal Section 1642 of the Code and to provide a Section in lieu thereof, have had the same under consideration and directed me to report the same back and recommend its indefinite postponement.

The report was concurred in, and the bill was indefinitely postponed.

Mr. Clark of Dubuque,

Submitted the following resolution, which upon his motion, was unanimously adopted :

*Resolved*, That the thanks of this House are hereby tendered to the Hon. Stephen B. Shelledy, for the dignity, impartiality and justice with which he has, during the present session, presided over the deliberations of the House.

On motion of Mr. Wilson,

The message from the Senate in relation to the disagreements between the two Houses, respecting Senate File No. 177, A bill for an act creating eleven Judicial Districts, and defining their boundaries,

Was taken up, when

Upon motion of Mr. Wilson,

It was ordered that the House insist upon its amendments.

On motion of Mr. Wilson,

A committee of conference was appointed in relation to the disagreement between the two Houses upon said bill.

The Speaker appointed

Messrs. Wilson, Wain and Dews said committee.

Mr. SeEVERS

Submitted the following report :

The committee on the Judiciary, to whom was referred Senate File No. 132, A bill for an act requiring sheriffs to keep a record of writs of attachment and executions from foreign counties, have had the same under consideration, and directed me to report the same back with sundry amendments and recommend the adoption of the amendments and the passage of the bill as amended.

The report of the committee was concurred in.

Mr. SeEVERS

Moved to strike out "forthwith," and insert in lieu thereof, "within three days,"

Which amendment was agreed to.

Mr. SeEVERS

Moved to add the following as a proviso : Provided such entry be within three days.

The amendment was agreed to and the bill ordered to be engrossed and read a third time to-morrow.

Mr. Seevers

Submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 219, An act relating to the crime of placing obstructions on Railroad tracks, or removing any rail therefrom, or committing any injuries to Railroads in this State, have had the same under consideration, and directed me to report back a substitute therefor and recommend its passage.

The substitute was adopted.

On motion of Mr. Seevers,

The 42d Rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 47, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson, Lambert, Lundy, McCrary, McGrew, Milliser, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—47.

The nays were none.

The title of the bill was then agreed to.

Mr. Seevers

Submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 74, An act for the relief of John Ives, had the same under consideration, and directed me to report back a substitute therefor and recommend its passage.

The report was concurred in, and the substitute adopted.

On motion of Mr. Bauder,

The 42d Rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 38, }  
Nays 10. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Dubuque, Clune, Collins, Crawford, Davis, Foster, Grimes, Gue, Guiberson, Harmon, Lambert, Laney, McCrary, McGrew, Millsap, Moorinan, Morgan, Pierson, Prentiss, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Woodward—38.

The nays were,

Messrs. Clark of Johnson, Gray, Jackson, Johnson, Lundy, Rankin, Reitzel, Scott, Thompson, Mr. Speaker—10.

Mr. SeEVERS

Moved the adoption of the following substitute for the title of the bill :

“ A bill for an act for the relief of all persons heretofore divorced, to whom the disability to marry again has been attached either by the laws under which the divorce was had, or by decree of the court granting the same.”

Mr. SeEVERS

Submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 259, A bill for an act exempting certain property of unmarried persons from seizure upon execution, have had the same under consideration and instructed me to report the same back and recommend that the same be indefinitely postponed.

On motion of Mr. Bates,

The bill was made the special order for to-morrow at 2 o'clock P. M.

Mr. SeEVERS

Submitted the following report :

The committee on the Judiciary, to whom was referred House File No. 333, A bill for an act granting to George H. Parker the right to run a ferry across the Mississippi River, have had the same under consideration and directed me to report the same back without recommendation.

Upon the passage of the resolution,

The yeas and nays were demanded and were as follows :

Yeas 13, }

Nays 31. }

The yeas were,

Messrs. Anthony, Cassaday of Van Buren, Casady of Woodbury, Cavanaugh, Clark of Johnson, Drummond, Gue, Jackson, Laney, McCrary, Millard, Milliser, Trumbull—13.

The nays were,

Messrs. Bates, Bauder, Bradley, Campbell, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Davis, Dews, Edwards, Foster, Grimes, Guiberson, Johnson, Lambert, McGrew, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Steward, Streeter, Waln, Watts, Wilson, Woodward, Mr. Speaker—31.

Mr. Bauder

Moved that when this House adjourn it adjourn to meet tomorrow morning, at 8½ o'clock.

Mr. Seevers

Submitted the following report :

The committee on the Judiciary, to whom was referred Senate File No. 133, A bill for an act authorizing courts to set aside sales of real estate where there was no title in the judgment debtor at the time of the levy, have had the same under consideration and directed me to report the same back without amendment and recommend its passage.

On motion of Mr. Waln,

The bill was amended by inserting after the word "sheriff," the words, "or judgment creditor," and striking out the proviso of the same section.

The 42d Rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 39,	}
Nays 12.	

The yeas were,

Messrs. Anthony, Bates, Belknap, Carpenter, Cassaday of Van Buren, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Johnson, Collins, Davis, Dews, Edwards, Gray, Grimes, Guiberson, Harmon, Laney, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Steward, Streeter, Trumbull, Waln, Watts—39.

The nays were,

Messrs. Bauder, Campbell, Clark of Dubuque, Clune, Foster,

Johnson, Lambert, Millsap, SeEVERS, Wilson, Woodward and Mr. Speaker—12.

The title of the bill was then agreed to.

Mr. SeEVERS,

From the committee on the Judiciary, submitted the following report:

The committee on the Judiciary, to whom was referred the report of the select committee appointed to investigate the alleged frauds committed in the location of the Capitol of the State, with instructions to report whether certain witnesses therein named should be compelled to answer certain interrogations propounded them by said committee, have had the same under consideration, and instructed me to report that, in the opinion of a majority of said committee, said witnesses cannot be legally compelled to answer said interrogatories. Your committee ask to be discharged from further consideration of the matter.

We dissent from the foregoing.

W. H. SEEVERS,  
LINCOLN CLARK.

*To the House of Representatives:*

The special committee constituted by a resolution of the House to investigate the alleged frauds committed in the location of the Capitol of the State, beg leave to make the following special report:

In the course of the examination of Mr. J. A. Williamson, the following question was put by the counsel for the memorialists in reference to certain lots alleged to have been sold by Scott and Pegram:

Q. Was there any money paid, or was there any consideration, as you understood, except the services of Pegram as Commissioner, in improving the value of the land or lots.

A. \$10,000 was the sum talked of. If anything further was mentioned it was in a professional manner, which I do not choose to divulge.

Q. Do you know of any property being conveyed or money given to Baldwin?

Objected to by counsel for the accused.

A. If I have any knowledge about that, it is of a professional character. I wanted the influence of Baldwin, and would have been willing to have paid him for it.

Q. Were the Commissioners to have any interest in town lots or land?

A. I solicited persons to make such donations, after knowing that similar appliances had been used by parties on the other side of the river. If ever such donation was made it was by myself, and would be a part of my private business, concerning which I decline answering any question.

In the course of the examination of Mr. Thomas Mitchell, the following question was asked by counsel for memorialist:

Q. Do you, Mr. Mitchell, upon your oath, say that you did not on or about, or soon after the location was made, or that you do not know of Crookham's procuring an interest in some property on the East side of the river—I do not mean the title, but the right to procure a title in certain contingencies?

The counsel for the accused objected to the question.

The witness then replied: I decline answering that question, because it will open my whole private business. I am willing to answer any question relating to the Capitol location.

Upon consideration the committee refused to entertain the excuse proffered, because it does not comply either in letter or spirit to the statute exempting witnesses in certain cases from testifying.

Whereupon the counsel for the memorialist declined questioning the witness further.

In the course of the examination of Mr. W. A. Scott, the counsel for the memorialists put the following question:

Q. Did you, at or about the time of the location of the said Capitol, sell and convey, or agree to convey, or agree to hold in trust, any part of your said property for Mr. Street, one of said Commissioners?

Objected to by counsel for the accused, and the following refusal was filed by the witness:

The witness refuses to answer this question on the ground and for the reason that if any act done or transaction had between Mr. Street and this affiant would tend to impeach the conduct of Mr. Street, it would, and will operate to impeach and disgrace affiant; and he further bases his objection and refusal to answer, that the answer he would be compelled to give, taken in connection with evidence already taken, and questions that might follow this answer, will tend to disgrace this affiant.

The committee refused to excuse the witness from answering,

because the excuse for such refusal does not conform to the requirements of section 2397 of the Code, which exempts witnesses from answering in certain cases.

The following question was then put by counsel for memorialists:

Q. Did you convey, or agree to convey, any of your said property in trust for Gny Wells, at or about the time of the location of the Capitol?

Upon this question the same proceedings were had as upon the preceding one.

Whereupon the counsel for the memorialists put the following question:

Q. Did you, at or about the time of the location of the Capitol, convey, or agree to convey, or to hold in trust, any of your said property for Mr. Pegram?

Upon which question the same proceedings were had as upon the first above written question.

Whereupon the counsel for the memorialists put the following question:

Q. Did you, or did you not, at or about the time of the location of the said Capitol, convey, or agree to convey, or to hold in trust, any portion of your said property to said Commissioners, or to any or either of them?

Upon which question the same proceedings were had as upon the first above written.

The object of making this report is to have the instructions of the House as to the course that should be taken in view of the refusal of witnesses to testify on material points of the investigation.

Respectfully submitted,

L. G. COLLINS, Chairman.

Mr. Bates

Moved to re-commit the report to the Judiciary committee, with instructions to designate who of the committee agree and who dissent from the report.

The motion was not agreed to.

Upon the question of concurring in the report of the committee

Mr. Bates

Demanded the yeas and nays, which were as follows:

Yeas 10. }  
Nays 38. }

The yeas were,



Messrs. Campbell, Carpenter, Clark of Des Moines, Davis, Dewey, Lambert, McGrew, Prentiss, Rankin, Reitzel—10.

The nays were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Casey, Cassidy of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Clune, Collins, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Harmon, Lundy, Mahony, McCrary, Millsap, Moorman, Pierson, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—38.

On motion of Mr. Mahony

The report of the Judiciary committee was ordered to be spread upon the journals of the House.

Mr. Foster

Submitted the following report:

The committee on Engrossed Bills report they have examined the following bills, and find the same correctly engrossed:

House File No. 136: A bill for an act to preserve the purity of elections. Also,

House File No. 326: A bill for an act providing for an additional Justice of the Peace in Liberty township, Marion county, Iowa.

Also, House File No. 328: A bill for an act to change the name of Forest City. Also,

House File No. 340: A bill for an act providing for the distribution of the laws of the State and such other books as the General Assembly may from time to time order to be distributed.

On motion of Mr. Seevers

Senate File No. 91: A bill for an act in relation to executions and sales thereon,

Was taken up and read a first time, when,

On motion of Mr. Seevers,

The bill was indefinitely postponed.

On motion of Mr. Harmon

The House then adjourned.

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SATURDAY MORNING, }  
 MARCH 20th, 1858. }

House met pursuant to adjournment.

## REPORTS OF COMMITTEES.

Mr. Seevers submitted the following majority report:

The committee on the Judiciary, to whom was referred House File No. 293: A bill for an act to fix the site of the Capitol of the State of Iowa, have instructed me to report that, in their opinion, by the provisions of the law of 1854-5, Chapter 72, page 105, and the subsequent action of the Commissioners thereunder, in selecting and fixing a site for the Capitol on the East side of the Des Moines river, and particularly designating the identical spot where such location was made, which is now on file in the office of the Secretary of State, the Capitol of the State became, and was "fixed by law" at and upon the particular parcel of ground so selected. That by the provisions of the 8th section of Art. 11 of the Constitution, the seat of government or Capitol was permanently established where it was then "fixed by law." The committee are therefore of opinion that it would be clearly unconstitutional for the General Assembly to pass a law removing the Capitol from the point fixed by law as aforesaid and ratified, adopted and fixed by the Constitution.

The report of the committee was concurred in.

Mr. Seevers,

From the committee on the Judiciary, to whom was referred Senate File No. 58: A bill for an act creating the Commissioners Court and defining its duties,

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

Mr. McCrary

Moved that the bill be laid upon the table,

Which motion was not agreed to.

Mr. Drummond

Moved the adoption of the following as a substitute for section two of the bill:

SEC. 2. Such Commissioners, together with the Judge of the county, shall compose the Commissioners Court, the sessions of which shall be held at the office of said Judge on the second Monday of January, April, July and October in each year, and may be continued from day to day until the business before the Court is disposed of. The Clerk of the District Court shall be the Clerk of the Commissioners Court, and shall keep a record of its proceedings, and the same shall be signed at the close of each session by

ach of the members in attendance. Such records shall at all times be open to the inspection of any citizen of the county.

The substitute was adopted.

Mr. Drummond

Moved to amend the bill further by striking out the first clause of the same, and inserting in lieu thereof the following words:

“The Clerk shall keep the records of said Court in the following named books:”

The amendment was adopted.

On motion of Mr. SeEVERS

The further consideration of the bill was postponed until 2 o'clock this P. M.

Mr. Dana submitted the following report:

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled:

House File No. 199: An act to amend an act entitled an act to incorporate the city of Davenport, and to amend the several acts amendatory thereto.

House File No. 134: An act to amend an act to authorize John M. May and his associates to construct a dam across the Cedar River in Linn county.

House File No. 239: An act fixing punishment for malicious mischief.

House File No. 244: An act providing for Argument Terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk of said Court.

DANA.

Mr. Rankin,

From the committee on Schools and State University, to whom was referred House File No. 240: A bill for an act to authorize the purchase of Webster's Unabridged Dictionary for the Common School Districts of this State,

Reported a substitute therefor and recommended its adoption and passage.

The substitute was adopted.

Mr. SeEVERS

Moved that the bill be indefinitely postponed,

Upon which question

The yeas and nays were demanded by Mr. Bates, and were as follows:

Yeas 31, }  
Nays 20. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Drummond, Edwards, Foster, Gray, Grimes, Guiberson, Jackson, Johnson, Lambert, Mahony, Moorman, Pierson, Prentiss, Reitzel, Scott, Seevers, Stearns, Steward, Wilson, Woodward—31.

The nays were,

Messrs. Bates, Clark of Johnson, Dana, Davis, Harmon, Lundy, McCrary, McGrew, Millard, Milliser, Millsap, Morgan, Rankin, Streeter, Thompson, Trumbull, Watts, Mr. Speaker—20.

The motion prevailed and the bill was indefinitely postponed.

Mr. Wilson

Submitted the following report:

The committee of conference appointed by the House to confer with a like committee on the part of the Senate, concerning the disagreement between the two Houses respecting Senate File No. 177: A bill for an act creating eleven Judicial Districts, and defining their boundaries, report

That they have conferred with the Senate committee, and that said conference resulted in a recommendation that the House recede from its amendments to said bill.

J. F. WILSON.

E. D. WALN,

J. M. DEWS.

Upon the question of concurring in the report of the committee,

The yeas and nays were demanded by Mr. Bates, and were as follows:

Yeas 36, }  
Nays 12. }

The yeas were,

Messrs. Anthony, Bennett, Bradley, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Dana, Davis, Foster, Gray, Grimes, Guiberson, Jackson, Johnson, Laney, Mahony, McCrary, McGrew, Millsap, Moorman, Morgan, Pierson, Prentiss, Reitzel, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Trumbull, Wilson, Woodward, Mr. Speaker—36.

The nays were,

Messrs. Bates, Campbell, Casady of Woodbury, Cassidy of Mahaska, Clark of Johnson, Drummond, Harmon, Millard, Rankin, Thompson, Watts—12.

The motion prevailed and the report was concurred in.

Mr. Bates

Rose to a question of privilege respecting certain invidious reports put in circulation concerning the disappearance of certain papers from the Clerk's Desk.

Mr. Collins,

From a select committee, submitted the following report:

The special committee appointed by the House of Representatives to investigate the alleged frauds in the location of the Capitol of the State of Iowa, and to whom was referred the memorial of citizens of Polk county, alleging that the Commissioners appointed to locate the seat of government did not act for the best interests of the State, but that they did act fraudulently and corruptly in making such location, have had the whole matter under consideration and beg leave to

#### R E P O R T :

The charges contained in the memorial appeared to the committee not to be sufficiently explicit or specific. They therefore notified the memorialists, through W. C. Burton, one of their number, that to warrant an investigation more specific charges should be preferred. Accordingly certain of the memorialists whose signatures are thereto subscribed preferred the charges accompanying this report, marked F, for the convenience of reference.

The substance of these charges, it will be seen, is

FIRST—That the said Commissioners, viz: J. H. D. Street, Steward Goodrell, Benjamin R. Pegram, Guy Wells and John A. L. Crookham, in making the location on the East side of the Des Moines river, did not act with a "strict regard to the interests of the entire State," and

SECONDLY—That they, or a majority of them, suffered themselves to be, and were, improperly influenced in their decision, and were induced to make, and did make said location for the promotion of their private and personal ends, and not with a strict regard to the interests of the State, and that said Commissioners did locate said seat of government, or Capitol, at the point where the inhabitants and proprietors of the land did offer to and did pay the said Commissioners the largest personal bribe or bonus for said location.

The charges the memorialists offered to prove if an opportunity were given them so to do.

In the outset of the investigation, your committee thought it the most prudent and proper course to make the examination *ex parte*, but some of the parties accused complained of this course, and asked the privilege of appearing before the committee by counsel, which was granted; thenceforth the investigation assumed a more formal course, as will be seen by the testimony appended to this report.

To sustain the first charge the memorialists introduced the testimony of F. C. Grimmel, Lovell White, W. C. Burton and others.

From the testimony of Mr. Grimmel, it appears that twenty acres of land was offered to the Commissioners for the State, to be used as the location of the Capitol. This land appears, from the testimony, to have been worth nearly one hundred thousand dollars. It appears from the testimony of Lovell White, W. C. Burton and F. R. West, and others, that besides this twenty acres of land, various persons, proprietors of lands and otherwise interested on the West side of the river, offered, or gave the Commissioners notice that they would offer, \$200,000 worth of real estate at a fair price, as a further inducement or bonus to the State, for the location of the Capitol on the West side of the Des Moines River, or in Des Moines City proper. When the Commissioners received the notice that the subscription for the \$200,000 worth of real estate would be made and offered to them for the benefit of the State, they signified their willingness to give the proposition due consideration, and delay their final decision till the next day; but it appears that instead of so delaying or giving the parties interested in the raising of the \$200,000 aforesaid, an opportunity to present their proposition, they came to a decision which debarred those interested parties from making their proposition in time for its having any effect.

Compared with the advantages and benefits both in the location itself and the comparative value of the land offered by Grimmel and others on the West side of the Des Moines, your committee are of opinion that the Commissioners did not act with a "strict regard to the interest of the entire State," in preferring the location on the East side of the river, where the Commissioners received less land and worth at the time not more than \$150 per acre; and without taking into consideration the personal and private ends

which might have influenced the Commissioners in giving a preference to the location which they did make, your committee can not perceive by what considerations of advantage or benefit to the State the Commissioners were actuated.

It may be proper to add, that the subscription actually made as a part of the \$200,000 proposed to be raised on the west side of the river, amounted to \$159,330. It will be seen also, from the testimony, that the accused attempted to prove that these subscriptions were not made in good faith; but as the Commissioners could have required the payment of these subscriptions as a condition precedent or contingent upon the location of the Capitol, your committee set no value upon that part of the testimony. Your committee are therefore of the opinion that each and all of the Commissioners did not act with a strict regard to the interests of the entire State, and that the first charge is substantiated.

To prove the second charge, the Memorialists introduced, among others, Messrs. Baldwin, Scott, Williamson and Mitchell, upon whose testimony they relied to show that a large amount of property, estimated to be worth about fifty thousand dollars, was given to the Commissioners as a bribe, bonus or gratuity, to influence them in making the location. These witnesses, as the committee have already reported to the House of Representatives, refused to testify on important points of the investigation, and the House have not yet determined whether they should or should not give true and proper answers to the interrogatories of the committee. This contumacy of the principal witnesses, as your committee are obliged to consider it, leaves the committee without evidence, which may, if elicited, settle the whole question at issue. But even without this, sufficient has been elicited to convince your committee that Mr. Pegram, one of the Commissioners, was influenced, as charged, in making the location, by personal and private considerations, and that he, the said Pegram, did receive a bribe or bonus in consideration of his vote for the location of the Capitol. That these conclusions are warranted, your committee are of opinion by the evidence before them, and which accompanies this report.

It appears from the testimony of Mr. Van, that two hundred and fifty lots were set apart by proprietors of land and town lots on the east side of the river to influence the location of the Capitol, and it appears from the testimony of both Mr. Lyon, who gave

some property, and of Mr. Baldwin, who received it for his influence with the Commissioners, as it was understood, that town lots or interests in town lots were given to effect the location. It has already been stated as the opinion of the committee, that Mr. Pegram was bribed, and if any thing were wanting to confirm this belief, it is furnished both in the testimony of Mr. Baldwin and of others, who prove the close intimacy which existed between Baldwin and Pegram, pending the sessions of the Commissioners. Indeed, it appears conclusive, that Baldwin was the agent or go-between Pegram, if not more of the Commissioners, and the proprietors of lands and others interested in town property, on both sides of the river. He, Baldwin, appeared to have Pegram, if not a majority of the Commissioners, for sale to the highest bidder, whether by the knowledge or consent of the Commissioners, except Pegram, is left to presumption.

Mr. J. B. Stewart testifies, that Guy Wells, one of the Commissioners, was interested to the extent of ten acres at the time, and before the Capitol was located, in lands near the said located, which of course, would be largely appreciated in value by the location.

It appears further, this purchase was made at or about the time the act was passed for re-locating the Capital or Seat of Government. Your committee content themselves with stating this fact although they might be warranted in drawing an inference unfavorable to the Commissioner, from the circumstance of his being interested as before stated.

Although there is no positive testimony connecting Mr. Street and Mr. Crookham with any of the two hundred and fifty lots which were said to be placed at some persons disposition, for the use and benefit of the Commissioners, yet the circumstantial testimony of several of the witnesses goes far, if not to a necessary extent, to connect them in interest with some of that property, and that they became so interested in consideration of their having voted to locate the Seat of Government where it now is. The testimony by which it was expected, and by which only it could be proved that they, and it was alleged, that all of the Commissioners, except Pegram, could be positively identified with fraud and corruption, was withheld, and it was not in the power of the committee to bring it out. In justice to themselves, the committee will state here, what is already known to the House, that they



made a special report of the fact that several of the witnesses refused to testify, or more properly speaking, that they refused to answer interrogatories put to them, and that the House have not, up to this time, directed what disposition should be made of these witnesses.

With regard to the fifth Commissioner, Mr. Goodrell, there appears to be nothing in the testimony elicited, implicating him in the frauds alleged in the second charge. It does appear, that he purchased property near the Capitol site, after the location was made, as, of course, he had a right to do.

In bringing this investigation and report to a close, your committee beg leave to say, that the position in which they have been placed was disagreeable in the extreme. Placed between two excited parties, whose passions were aroused, it was extremely difficult to avoid incurring the displeasure of one or the other in every step of the investigation, but we trust that our duty to both parties and to the State, has been discharged with all the impartiality which disinterested umpires could bring to such an investigation. Of this, however, let the proper tribunal be the judge.

Finally, in order that the conclusions of the committee may not mislead or prejudice the judgment of others, or in any way effect other persons opinions than their own, they hereby append the testimony taken by the committee to this report.

All of which is respectfully submitted.

(Signed,)

L. G. COLLINS,  
H. ANTHONY,  
B. MILLARD,  
D. A. MAHONY.

The undersigned, a member of the aforesaid committee, desires to state a few particulars in which he does not fully agree with a majority of the committee.

The undersigned does not give his opinion as to whether the location of the Capitol, made by the Commissioners, was the best that could have been made or not, believing as he does, that the committee is not called upon to express an opinion upon that point. He conceives the question to be decided by the committee to be, whether the Commissioners *knowingly* and *intentionally* disregarded the best interests of the whole State. The question as to where the location should, under all circumstances, have been made, is one about which men may honestly differ, being simply

a matter of opinion. He does not desire that the Commissioners should suffer on account of having acted contrary to what he might conceive to be for the best interests of the State. He would not have them judged by his mere opinion, nor does he believe they ought to be judged by the opinion of the committee, unless the committee believe from the evidence, that they wilfully disregarded the interests of the whole State. As one of the committee, bound to believe that the Commissioners acted in accordance with their oaths, until the contrary is proven, the undersigned feels bound to say that, with the exception of Commissioner Pegram, he can see no sufficient evidence of a willful disregard of the interests of the State.

The undersigned believes from the evidence that at least a very considerable part of the subscription which was raised on the west side of the river, was not *bona fide*, and that a number of those who signed the same did so without expecting ever to be called upon to pay the same. The undersigned does not believe that the amount of said subscription, which it is reasonable to presume would have been paid in real estate, at the then inflated prices, ought to have been sufficient to induce the Commissioners to locate the Capitol at any place where in their opinion, it ought not to have been located, with a view to the future of the State. The undersigned deems it proper to say that there is some testimony tending strongly to show that the subscription was not presented to the Commissioners, until after they had agreed upon a location.

The undersigned is not willing to presume that the answers of witnesses who refused to testify, would implicate persons who are not implicated by the other testimony. He thinks such a presumption both dangerous and unwarranted. When the answers are elicited he will give them all the force they deserve.

The undersigned thinks there is no force in the fact that Guy Wells owned a small tract of land near where the location was made, inasmuch as he purchased it long before the location was made and before the law was passed under which he was appointed a Commissioner.

The undersigned believes that the charges are sustained by the evidence as to Commissioner Pegram, but not as to the other Commissioners.

GEO. W. McCRARY,  
Of said Committee.

**Mr. Collins,**

From the same committee, also submitted the following report :

The special committee appointed to investigate the alleged frauds in the location of the Seat of Government, recommend that Section 2647 of the Code be so amended that every employee of the State, county or city be included in the provisions of that portion of the criminal law of the State for the causes set forth in that section of the Code, and which are made criminal thereby.

Also, that the Attorney General be instructed to institute proceedings against the Commissioners for re-locating the seat of Government for the recovery from them of any bonus they may have received for their vote or influence in making said location, as any such bonus should have been for the benefit of the State, and not for the benefit of said Commissioners.

(Signed,)

L. G. COLLINS, Chairman.

**Mr. Bates**

Offered the following resolution, and moved its adoption.

*Resolved*, That the Secretary of State be instructed to superintend the printing of 2000 copies of the report and testimony taken before the Investigating Committee appointed to examine into the alleged frauds in the location of the Capitol, and that he be further instructed to forward ten copies of the same to each member of the General Assembly, and one copy to each newspaper editor in the State.

The resolution was adopted.

**Mr. Mahony**

Moved that a committee of three be appointed to examine the bills on the Clerk's Desk, and report the same to the House.

The motion was agreed to,

And the Speaker appointed Messrs. Mahony, Edwards and Waln as said committee.

**Mr. Seevers**

Offered the following resolution :

*Resolved*, That the testimony taken by the special committee appointed to investigate the alleged frauds touching the location of the Capitol, be not printed in the Journal.

The resolution was adopted.

On motion of Mr. Bates,

The committee on Capitol frauds was discharged.

**Mr. Clark of Johnson,**

Submitted the following report :

The committee on Schools and State University, to whom was referred House File No. 294, A bill for an act supplemental to an act entitled an act for the public instruction of the State of Iowa, having had the same under consideration, instructed me to report the same back and recommend its passage.

THOMPSON, Chairman.

On motion of Mr. Seevers,

The bill was indefinitely postponed.

Mr. Rankin,

From the committee on Schools and State University, to whom was referred Senate File No. 160, A bill for an act to legalize the sale of certain School Lands by Albert J. Hoisington, School Fund Commissioner of Greene county,

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

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass ?

The yeas and nays were ordered and were as follows :

Yeas 35, }

Nays 5. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Cooley, Collins, Crawford, Dana, Dewey, Gray, Grimes, Gue, Harmon, Johnson, Lambert, McCrary, Moerman, Rankin, Reitzel, Scott, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Mr. Speaker—35.

The nays were,

Messrs. Drummond, Lundy, Seevers, Wilson, Woodward—5.

Mr. Milliser

Moved a call of the House, which motion being sustained, the Clerk proceeded to call the roll, when the following members were found to be absent and unexcused :

Messrs. Cavanaugh, Foster, Guiberson, Mahony and Richardson.

On motion of Mr. Milliser,

The further proceedings under the call were suspended.

On motion of Mr. Bates,

A committee of three was appointed to ascertain the amount of mileage due to members.

The Speaker appointed Messrs. Drummond, Gray and CcCrary said committee.

Mr. Clark of Johnson,

From the committee on Schools and State University, to whom was referred House File No. 200, A bill for an act providing for the management of the School Fund, and sales of the School Lands,

Reported the same back to the House with sundry amendments, and as amended recommended its passage.

The amendments were concurred in, and

On motion of Mr. Drummond,

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

Message from the Governor, by his private Secretary, Mr. Withrow.

EXECUTIVE CHAMBER, IOWA, }  
Des Moines, March 20th, 1858. }

*To the Speaker and House of Representatives :*

I have the honor to submit a communication from the State Printer, Mr. Teesdale, explaining the reason why the Inaugural Address delivered by myself had not been printed in the Holland language.

Further than this, I have no information touching the enquiry contained in your resolution, as I was not charged personally or officially with the superintendence of that matter.

RALPH P. LOWE.

OFFICE OF STATE PRINTER, }  
Des Moines, March 17th, 1848. }

*To His Excellency Gov. Lowe.*

DEAR SIR:—Your note of inquiry is before me. In reply I would state that the Inaugural Address of the present Governor has not been printed in the Holland Language, for the reason that the only establishment in the State, where it can be printed, has refused to print it. The reason rendered for such refusal, is that the translating of the document was not given to the proprietor of said establishment.

Respectfully yours,

J. TEESDALE, State Printer.

**Mr. Morgan**

From the committee on the Militia, to whom was referred House Files No.'s 267, 280 and 172: Bills providing for the organization of the Militia and Uniform Volunteer Corps of the State, and providing for the drawing of public arms from the United States,

Reported the same back to the House and recommended the passage of House File No. 172.

On motion of Mr. Jackson

The report and bill was laid upon the table.

**Mr. Streeter,**

From the committee on New Counties, to whom was referred the petition of citizens of Worth county, asking for the legalization of an election held in said county on the 13th day of October, 1857, reported the same back accompanied by House File No. 344: A bill for an act to legalize an election held in Worth county October 13th, 1857,

Which was read a first and second time.

**Mr. Drummond**

Moved to amend the bill by striking out the words "without expense to the State."

The amendment was adopted.

On motion of Mr. Carpenter

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

**Mr. Streeter,**

From the committee on New Counties, to whom was referred House File No. 311: A bill for an act providing for submitting to the legal voters of Webster and Humboldt counties a proposition to change the boundaries of the two counties, and divide the liabilities of the same,

Reported the same back to the House with sundry amendments and, as amended, recommended its passage.

**Mr. Stearns,**

From the same committee, to whom was referred the same bill, submitted the following minority report:

The minority of your committee on New Counties, beg leave to report that we do not concur in the majority report on House File No. 311:

Reason—first, we have not received any evidence that the county of Humboldt desires any such change.

Secondly, we are aware of no change in the interests of said counties since the act was passed explanatory of an act in relation to Webster and Humboldt counties.

W. H. STEARNS,  
JOS. GRIMES.

The amendments of the majority were concurred in.

Mr. Bennett

Moved that the bill be engrossed and read a third time to-morrow,  
Upon which question

The yeas and nays were demanded by Mr. Gue, and were as follows:

Yeas 36, }  
Nays 19. }

The yeas were,

Messrs. Anthony, Belknap, Bradley, Campbell, Carpenter, Casey, Cassidy of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Crawford, Dewey, Dews, Drummond, Edwards, Gray, Harmon, Lancy, Lundy, McCrary, Milliser, Mitchell, Millsap, Pierson, Rankin, Reitzel, Scott, Seevers, Sharp, Steward, Streeter, Thompson, Watts, Wilson, Woodward, Mr. Speaker—36.

The nays were,

Messrs. Bates, Bander, Casady of Woodbury, Collins, Dana, Davis, Grimes, Gue, Guiberson, Johnson, Lambert, McGrew, Moorinan, Morgan, Prentiss, Stearns, Trumbull, Waln—19.

The motion prevailed.

Mr. Lundy,

From the committee on Agriculture, to whom was referred Senate File No. 94: A bill for an act to authorize County Judges to subscribe stock in Agricultural Societies,

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

On motion of Mr. Seevers

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 37, }  
Nays 16. }

The yeas were,

Messrs. Anthony, Bander, Belknap, Campbell, Casey, Casady of

Woodbury, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Grimes, Gue, Harmon, Laney, Lundy, McCrary, Millard, Milliser, Millsap, Moorman, Morgan, Pierson, Rankin, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Trambull, Waln, Watts, Mr. Speaker—37.

The nays were,

Messrs. Carpenter, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dews, Gray, Guiberson, Johnson, Lambert, Mitchell, Prentiss, Reitzel, Wilson, Woodward—16.

The bill passed and the title was agreed to.

Mr. Drummond

Submitted the following report:

The committee on Township and County Organization, to whom was referred House File No. 309: A bill for an act to appoint Commissioners to locate the Seat of Justice of Buena Vista county,

Report, that section 30 of Article third of the Constitution expressly prohibits the legislature from passing "local or special laws for locating or changing county seats," and therefore recommend that the bill be laid upon the table.

DRUMMOND, Chairman.

The report was concurred in, and the bill laid upon the table.

Mr. Lundy,

From the committee on Agriculture, to whom was referred House File No. 202: A bill for an act in relation to estrays,

Reported a substitute therefor and recommended its passage.

The substitute was adopted.

Mr. Milliser

Moved to amend the first section of the bill by adding thereto the following words, "or holding realty by virtue of lease or otherwise for a term of one year or more."

The amendment was adopted.

On motion

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

Mr. Lundy,

From the committee on Agriculture, to whom was referred the petition of W. C. Taylor and others, citizens of Wayne county, asking for the passage of an act exempting from taxation certain lands,



Reported the same back to the House and recommended that no further action be had thereon.

The report of the committee was concurred in.

Mr. Bates,

From the committee on Incorporations, to whom was referred Senate File No. 131: A bill for an act entitled an act authorizing the construction of bridges in the State of Iowa,

Reported the same back to the House with sundry amendments, and as amended recommended its passage.

The report of the committee was concurred in.

Mr. Rankin

Moved to amend the bill by striking out the words, "a point two miles below the junction of the Cedar and Iowa," and inserting in lieu thereof the word "Wapello."

The amendment was adopted.

On motion of Mr. Seevers

The 42d Rule was suspended and the bill read a third time.

And upon the question shall the same now pass,

The yeas and nays were ordered and were as follows:

Yeas 37, }  
Nays 15. }

The yeas were,

Messrs. Anthony, Bates, Belknap, Bennett, Carpenter, Cassiday of Mahaska, Clark of Dubuque, Clark of Johnson, Collins, Curtis, Dana, Davis, Drummond, Edwards, Guiberson, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Raukin, Reitzel, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Thompson, Trumbull—37.

The nays were,

Messrs. Clark of Des Moines, Clune, Crawford, Dewey, Foster, Gray, Grimes, Johnson, Streeter, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—15.

The bill passed and the title was agreed to.

Mr. Bates,

From the committee on Incorporations, to whom was referred House File No. 84: A bill for an act to repeal an act to amend the Charter of the city of Keokuk, passed at the extra session of the Fifth General Assembly of the State of Iowa,

Reported the same back without amendment and recommended its passage.

Mr. Belknap

Moved that the bill be indefinitely postponed,

Upon which question

The yeas and nays were ordered and were as follows :

Yeas 52, }  
Nays 5. }

The yeas were,

Messrs. Anthony, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Curtis, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Gue, Guiberson, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker —52.

The nays were,

Messrs. Ayers, Bennett, Collins, Grimes, Johnson—5.

The motion prevailed and the bill was indefinitely postponed.

Message from the Senate, by their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has appointed as a committee of conference on the matter of disagreement to the amendments to substitute for Senate File No. 177, A bill for an act dividing the State into eleven Judicial Districts and defining their boundaries, Senators Warner, Brown and Atkins.

Also, that the Senate has passed the following bills without amendment :

House File No. 257: A bill for an act to legalize the assessment of taxes made in the several counties of the State for the years 1855, 1856 and 1857.

House File No. 291: A bill for an act determining the ratio of apportionment of the State into Representative Districts and defining the boundaries thereof.

Also, the Senate has adopted the substitute for Senate File No. 169: Joint resolution containing propositions for a settlement with the Des Moines Navigation and Railroad Company.

Also, substitute for Senate File No. 68: A bill for an act to authorize the counties to use the swamp lands to aid in the construction of Railroads and other purposes.

Also, that the Senate has passed Senate File No. 219: A bill for an act disposing of the grant of lands made by an act of Congress granting lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in which the concurrence of the House is asked.

Also, that the Senate has amended substitute for House File No. 108: A bill for an act to locate and provide for the erection of an institution for the education of the blind of the State of Iowa, in which the concurrence of the House is asked.

Also, that the Senate has passed Senate File No. 221: A bill for an act appointing a Commissioner to procure the lands granted for improving the navigation of the Des Moines river to be certified to the State, in which the concurrence of the House is asked.

Also, that the Senate has passed House File No. 279: A bill for an act in relation to the funds of Hamilton county.

Also, House File No. 255: A bill for an act to repeal section 1763 of the Code, and amendatory of the laws providing where causes in Courts of Record shall be tried.

J. S. DIMMITT,  
Assistant Secretary Senate.

On motion of Mr. Crawford  
The House adjourned.

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TWO O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Bates,

From the committee on Incorporations, to whom was referred House File No. 169: A bill for an act to incorporate the Florence Bridge Company,

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

Mr. SeEVERS

Moved that the 42d Rule be suspended and the bill put upon its passage.

The motion prevailed and the bill was read a third time, and upon the question

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 31, }  
Nays 17. }

The yeas were,

Messrs. Anthony, Bates, Bander, Belknap, Bradley, Carpenter, Casey, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Dana, Dewey, Edwards, Gue, Guiberson, Harmon, Johnson, Laney, McCrary, Milliser, Mitchell, Millsap, Pierson, Prentiss, Rankin, Reitzel, Scott, Sharp, Stearns, Steward, Thompson—31.

The nays were,

Messrs. Bennett, Campbell, Cassiday of Mahaska, Clark of Des Moines, Davis, Dews, Foster, Gray, Grimes, Lambert, Mahony, McGrew, Millard, Moorman, Seevers, Watts, Wilson, Mr. Speaker—17.

The bill not having received a constitutional majority was declared lost.

Message from the Senate.

MR. SPEAKER:

I herewith present for your signature Senate File No. 66: An act for the benefit of Railroad Companies.

Also, Senate File No. 172: An act to apportion the State into Senatorial Districts.

Also, Senate File No. 78: An act to incorporate the State Bank of Iowa.

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Bates,

From the committee on Incorporations, to whom was referred House File No. 60: A bill for an act to authorize W. F. Tool and others to erect a toll bridge across the Iowa River,

Reported the same back to the House and recommended its indefinite postponement.

The bill was indefinitely postponed.

Mr. Bates,

From the same committee, to whom was referred House File No. 139: A bill for an act to amend an act to incorporate the city of Barris, in Louisa county, approved January 28th, 1857,

Reported the same back to the House and recommended that the same be indefinitely postponed.

The bill was so postponed.

Mr. Bates

Also reported back certain petitions of citizens of Camanche, and also of Mt. Pleasant, Henry county,

Which were laid upon the table.

Mr. Bates,

From the same committee, to whom was referred House File No. 260: A bill for an act to amend an act entitled an act to incorporate Iowa City,

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

Mr. Crawford

Moved to amend the bill by striking out the proviso to section thirty-four.

The amendment was adopted.

On motion of Mr. Seevers

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

Mr. Bates,

From the same committee, to whom was referred Senate File No. 18: An act concerning taxes levied by municipal authority,

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

On motion of Mr. Seevers

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 31, }

Nays 19. }

The yeas were,

Messrs. Anthony, Bates, Casady of Woodbury, Cassiday of Mahaska, Clark of Johnson, Collins, Dana, Dewey, Gue, Guiberson, Harmon, Jackson, Laney, McCrary, McGrew, Milliser, Mitchell, Moorman, Pierson, Rankin, Reitzel, Seevers, Sharp, Stearns, Steward, Streeter, Waln, Watts, Wilson, Mr. Speaker—31

The nays were,

Messrs. Bauder, Bradley, Campbell, Carpenter, Casey, Clark of

Des Moines, Clark of Dubuque, Crawford, Davis, Fester, Gray, Grimes, Johnson, Lambert, Millsap, Prentiss, Scott, Thompson, Woodward—19.

The bill not having received a constitutional majority, the same was lost.

Mr. Thompson

Moved a reconsideration of the vote just taken, by which Senate File No. 18 was lost,

Which motion was agreed to.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows :

Yeas 47, }  
Nays 11. }

The yeas were,

Messrs. Anthony, Bates, Belknap, Campbell, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Clark of Johnson, Collins, Dana, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Mr. Speaker—47.

The nays were,

Messrs. Bauder, Bennett, Bradley, Clark of Des Moines, Clark of Dubuque, Clune, Crawford, Davis, Gray, Johnson, Richardson—11.

The bill passed and the title was then agreed to.

Mr. Mahony

Submitted the following report :

The special committee who were directed to examine the bills in the Clerk's Files, and to report such as are thought to be of general interest, beg leave to report the following and recommend that they be put upon their passage :

House File No. 255, returned from the Senate with amendments.

Senate File No. 219, disposing of the grant of the Des Moines River lands.

Senate File No. 221, appointing a Commissioner to procure the lands for improving the Des Moines River.

Substitute for House File No. 103, to locate the Asylum for the Blind.

House File No. 232, providing for the making and repairing of public highways, reported from the Senate with an amendment.

House File No. 121, Joint Resolution for a double track Rail Road around the Des Moines Rapids, passed the Senate with an amendment.

House File No. 265: An act requiring witness fees to be paid into the County Treasury, amended by the Senate.

House File No. 141, To authorize the business of Banking, variously amended by the Senate.

On the last named bill the committee are divided, the undersigned being opposed to the passage of the bill, Messrs. Edwards and Waln, of the committee, being in favor of it.

D. A. MAHONY, Chairman.

The select committee to whom was referred the Senate bills on the Clerk's Files, for the purpose of ascertaining what bills among them were of general interest, report that they have made that examination, and recommend that the following Senate bills be taken from the files and put upon their passage:

Substitute for Senate File No. 107, Relating to the laying out and establishing State Roads.

Senate substitute for House substitute for House File No. 218, To determine the weight per bushel of certain seeds.

Senate File No. 223.

Senate File No. 195, Joint Resolution in relation to the five per cent. fund.

Senate File No. 226, To amend the act for the public instruction of the State of Iowa.

Senate File No. 224, Joint Resolution in relation to the State Printing.

Substitute for Senate File No. 40, To provide for the equalization of the State taxes.

Senate File No. 211, To fix the time when the laws published in newspapers shall take effect.

Substitute for Senate File No. 47, To change the names of towns and cities.

Senate File No. 184, To prosecute delinquent County Treasurers.

Substitute for Senate File No. 182, To provide for the election of members of the Board of Education.

Substitute for Senate File No. 161, To provide for the election of District Attorneys, prescribing their duties, &c.

There are several other Senate bills which are of a more local character than the foregoing, and not of such general interest, which it may be well to consider if there be time for that purpose. Some of those recommended to be passed by the committee, are required to take effect by the Constitution and by the passage of other acts of this General Assembly.

All of which is respectfully submitted.

D. A. MAHONY, Chairman.

### SENATE MESSAGES TAKEN UP.

House File No. 255: A bill for an act to repeal section 1763 of the Code, and amendatory of the law providing where causes in Courts of Record shall be tried, together with the amendments of the Senate thereto,

Was taken up and the amendments concurred in.

Senate File No. 219: A bill for an act disposing of the grant of lands made by an act of Congress granting lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River,

Was read a first and second time, and

On motion of Mr. Mahony,

Referred to the committee on the Des Moines River Improvement, with instructions.

Senate File No. 221, A bill for an act appointing a Commissioner to procure the lands granted for improving the Navigation of the Des Moines River, to be certified to the State,

Was read a first and second time.

Mr. Seevers

Moved to amend the bill by striking out all after the word "agent," where the same occurs in the first Section, and inserting in lieu thereof, the words, "is hereby ratified and confirmed."

The amendment was adopted.

On motion,

The 4<sup>th</sup> Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas	52,	}
Nays	1.	}



The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Gray, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward and Mr. Speaker—52.

Mr. Clune voted in the negative.

The bill passed and the title was agreed to.

Substitute for House File No. 108, A bill for an act to locate and provide for the erection of an Institute for the education of the Blind, together with the amendments of the Senate thereto,

Was taken up, and upon the question of concurring in the amendments made by the Senate,

The yeas and nays were demanded by Mr. Woodward, and were as follows :

Yeas 43, }  
Nays 6. }

The yeas were,

Messrs. Anthony, Bates, Belknap, Bradley, Campbell, Carpenter, Cassiday of Mahaska, Cavanaugh, Clune, Collins, Crawford, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Grimes, Gue, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, Milliser, Mitchell, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts—43.

The nays were,

Messrs. Bander, Casey, Casady of Woodbury, Clark of Des Moines, Moorman, Woodward—6.

The motion prevailed, and the amendments were concurred in.

House File No. 232, A bill for an act to provide for the making and repairing Public Highways, and prescribing the duties of Township Officers in certain cases,

Was taken up, and the amendments of the Senate thereto concurred in.

House File No. 121, Joint Resolution of the General Assembly of the State of Iowa, asking an appropriation of money for a

double track Railroad around the Lower Rapids of the Mississippi River, on the lower or west side thereof,

Was taken up, and the amendments of the Senate thereto concurred in.

House File No. 265, A bill for an act requiring witness fees to be paid into the County Treasury,

Was taken up, and the amendments of the Senate thereto concurred in.

House File No. 141, A bill for an act to authorize the business of banking in the State of Iowa, together with the amendments of the Senate thereto, was taken up.

On motion of Mr. Jackson,

The House refused to concur in the amendment made by the Senate to the 44th Section of the bill.

On motion of Mr. Jackson,

All of the amendments of the Senate to the bill, excepting the one to the 44th Section were concurred in.

Mr. Mahony

Moved to add Mr. Clune to the committee on Enrolled Bills.

Motion prevailed.

On motion of Mr. Foster,

Mr. Grimes was added to the committee on Engrossed Bills.

Mr. Dana,

From the committee on Enrolled Bills, submitted the following report:

The committee on Enrolled Bills, report that they have examined the following and find it correctly enrolled:

House File No. 185, An act to regulate the sale of unclaimed goods in the possession of Forwarding and Commission Merchants, Express Companies and other common carriers.

House File No. 129, An act to provide for the establishment of State Agricultural College and Farm, with a Board of Trustees which shall be connected with the entire Agricultural interests of the State of Iowa.

**DANA.**

The committee on Enrolled Bills report that they have presented to the Governor for his signature, the following bills:

House File No. 199, An act to amend an act entitled an act to incorporate the city of Davenport, and to amend the several acts amendatory thereto.

House File No. 244, An act providing for argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk of said Court.

## DANA.

Senate substitute for House File No. 218, A bill for an act to regulate the weight of different seeds,

Was adopted.

Senate File No. 223, Joint Memorial in relation to a pension for Catharine Dickerson,

Was read a first and second time, and

On motion of Mr. Seevers,

The 42d Rule was suspended, the bill read a third time and passed.

Senate File No. 195, Memorial and Joint Resolutions of the General Assembly of the State of Iowa in regard to the five per cent school fund,

Which was read a first and second time, and

On motion

The 42d Rule was suspended, the bill read a third time and passed.

Mr. Mahony

With leave, introduced House File No. 345, Joint Resolution relating to the five per cent. Fund,

Which was read a first and second time, and

On motion,

The 42d Rule was suspended, the Joint Resolution read a third time and passed.

Senate File No. 40, A bill for an act to provide for the equalization of the assessment of real estate, for the year A. D. 1857,

Was read a first and second time, and

On motion,

The 42d Rule was suspended, the bill read a third time, and upon the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 44. }

Nays 1.

The yeas were,

Messrs. Bates, Bauder, Belknap, Bradley, Carpenter, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Du-

buque, Clark of Johnson, Clune, Collins, Crawford, Dana, Dewey, Edwards, Foster, Grimes, Guiberson, Johnson, Lambert, Lancy, Mahony, McCrary, McGrew, Milliser, Moorman, Morgan, Prentiss, Rankin, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—44.

Mr. Casady of Woodbury voted in the negative.

The bill was passed and the title was then agreed to.

Senate File No. 226, A bill for an act to amend Section 96 of an act for the Public Instruction of the State of Iowa,

Which was read a first and second time, and

The 42d Rule was suspended and the bill read a third time, and

Upon the passage of the bill,

The yeas and nays were ordered and were as follows :

Yeas 48, {

Nays 00. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bradley, Campbell, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Dana, Davis, Dewey, Edwards, Foster, Gray, Grimes, Guiberson, Jackson, Johnson, Lambert, Lancy, Lundy, Mahony, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Rankin, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—48.

The nays were none.

The bill passed and the title was agreed to.

Senate File No. 211, A bill for an act fixing the time when laws published in newspapers shall take effect,

Was read a first and second time, and

On motion

The 42d Rule was suspended, and the bill read a third time, and

Upon the question, shall the same now pass,

The yeas and nays were ordered, and were as follows :

Yeas 44, {

Nays 00. }

The yeas were,

Messrs. Bauder, Belknap, Bradley, Campbell, Carpenter, Casady of Woodbury, Cassidy of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Davis, Dewey, Ed-

wards, Gray, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, Milliser, Mitchell, Millisap, Moorman, Morgan, Pierson, Prentiss, Rankin, Richardson, SeEVERS, Sharp, Steward, Streeter, Trumbull, Waln, Watts, Woodward, Mr. Speaker—44.

The nays were—None.

The bill passed and the title was agreed to.

Message from the Senate,

By Mr. Dimmitt, their Assistant Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 48, A bill for an act to amend Section nine of Chapter 157 of the laws passed at the regular session of the sixth General Assembly.

Senate File No. 193, A bill for an act for the Government of the Iowa Insane Hospital, and the care of the Insane and Idiots.

I herewith present for your signature, Senate File No. 177, An act creating eleven Judicial Districts, and defining their boundaries.

Senate File No. 133, An act authorizing courts to set aside sales of real estate where there was no title in the judgment debtor, at the time of the levy, the same having passed both branches of the General Assembly, and been duly enrolled by the Senate.

J. S. DIMMITT,  
Assistant Sec'y Senate.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 229, A bill for an act to amend Section seven of Chapter 254 of the laws of the Sixth General Assembly, approved January 29th, 1857, in relation to assignments.

I herewith return House File No. 273, A bill for an act to limit the eligibility of sheriffs to re-election, the further consideration of same having been indefinitely postponed.

J. S. DIMMITT,  
Assistant Sec'y Senate.

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives, that the Senate has passed bills of the following titles :

Senate File No. 163, A bill for an act to repeal Sections 2561, 2562 and 2563 of the Code, and to regulate the fees of Attorneys at Law.

Senate File No. 192, An act legalizing the official acts of John Craig, late County Judge of Monona county, in which the concurrence of the House is asked. -

I herewith return to the House the following bills, the same having passed the Senate without amendment, viz :

House File No. 304, An act to amend Chapter 62 of the Code.

House File No. 323, A bill for an act to provide for the election of an additional Justice of the Peace in Butler Township, Butler county.

House File No. 303, A bill for an act explanatory of an act to establish new counties, and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes.

House File No. 219, A bill for an act relating to the crime of placing obstructions on Railroad tracks or removing any rail therefrom, or committing any injury to Railroads.

House File No. 343, Joint Resolution instructing the Governor to enjoin the Des Moines Navigation and Railroad Company in certain contingencies.

I am directed by the Senate to inform the House of Representatives, that the Senate has appointed Senators Kirkwood, Grinnell and Pusey, a committee of conference on the part of the Senate, to act with a similar committee on the part of the House to consider the amendments made by the Senate to House File No. 141, A bill for an act to authorize the business of Banking in the State of Iowa.

J. S. DIMMITT,  
Assistant Sec'y Senate.

Senate File No. 47, A bill for an act to change the names of Towns and Villages,

Was read a first and second time, and

On motion,

The 42d Rule was suspended, the bill read a third time, and upon the question shall the bill now pass,

The yeas and nays were ordered and were as follows :

Yeas 45—Nays none.

The yeas were,

Messrs. Anthony, Bauder, Belknap, Campbell, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Morgan, Prentiss, Rankin, Richardson, SeEVERS, Sprague, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Woodward, Mr. Speaker—45.

The nays were—None.

The bill passed and the title was agreed to.

On motion of Mr. Jackson

A committee of conference was appointed on the part of the House to act with a similar committee on the part of the Senate in relation to the disagreement of the two Houses on House File No. 141: A bill for an act to authorize the business of Banking in the State of Iowa.

The Speaker appointed as said committee, Messrs. Jackson, Anthony and Clark of Des Moines.

Senate File No. 224: Joint Resolution in relation to the State Printing in 1856,

Was read a first and second time, and

On motion,

The 42d Rule was suspended, the joint resolution read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 46, }

Nays 5. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clune, Collins, Crawford, Curtis, Dana, Drummond, Edwards, Foster, Gray, Grimes, Gue, Jackson, Johnson, Lambert, Lundy, Mahony, McCrary, McGrew, Milliser, Millsap, Moorman, Pierson, Prentiss, Rankin, Richardson, Scott, SeEVERS, Stearns, Steward, Streeter, Thompson, Trumbull, Wilson, Woodward, Mr. Speaker—46.

The nays were,

Messrs. Guiberson, Mitchell, Morgan, Waln, Watts—5.

The joint resolution passed and the title was then agreed to.

**Mr. Jackson**

Submitted the following report:

The committee of conference on the part of the House, appointed to confer with a similar committee on the part of the Senate, with regard to the difference existing between the two Houses concerning the amendment of the Senate to House File No. 141, striking out section forty-four, beg leave to report,

That they have conferred with the Senate committee, and as the result of said conference, they recommend that the House recede from its disagreement to the said Senate amendment, and that it concur therein.

T. W. JACKSON, } Committee  
H. ANTHONY, } of  
JUSTUS CLARK. } Conference

Senate File No. 184: A bill for an act requiring suit to be instituted and prosecuted against County Treasurers,

Was read a first and second time, and

On motion,

The 42d Rule was suspended, the bill read a third time, and upon the question,

The yeas and nays were ordered and were as follows:

Shall the bill now pass?

Yeas 47, }  
Nays 00. }

The yeas were,

Messrs. Bauder, Belknap, Bradley, Campbell, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clune, Collins, Crawford, Dana, Davis, Foster, Gray, Grimes, Gue, Guiberson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—47.

The bill passed and the title was agreed to.

Substitute for Senate File 161: A bill for an [act] providing for the election of Districts Attorneys, prescribing the duties thereof and fixing their compensation,

Was read a first and second time.

**Mr. Clune**



Moved to strike out of section nine the words "800," and insert "1000."

Mr. Drummond

Moved to amend by striking out section "ten."

And upon this question

The yeas and nays were ordered and were as follows :

Yeas 17, }  
Nays 40. }

The yeas were,

Messrs. Bauder, Bradley, Campbell, Casey, Drummond, Gue, Guiberson, Johnson, Lancy, Milliser, Millsap, Scott, Seevers, Sharp, Thompson, Trumbull, Wilson—17.

The nays were,

Messrs. Anthony, Bates, Belknap, Bennett, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Curtis, Dana, Davis, Dewey, Dews, Edwards, Foster, Gray, Grimes, Laubert, Lundy, Mahony, McCrary, Mitchell, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Stearns, Steward, Streeter, Waln, Watts, Woodward, Mr. Speaker—40,

Upon the motion to strike out "800" and insert "1000,"

The yeas and nays were ordered and were as follows :

Yeas 25, }  
Nays 32. }

Messrs. Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dana, Drummond, Gray, Grimes, Guiberson, Johnson, Lambert, Lancy, Lundy, Mahony, McCrary, Milliser, Morgan, Reitzel, Steward, Trumbull, Watts—25.

The nays were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Collins, Curtis, Davis, Dewey, Dews, Edwards, Foster, Gue, Mitchell, Millsap, Moorman, Prentiss, Rankin, Richardson, Scott, Seevers, Sharp, Stearns, Streeter, Thompson, Waln, Wilson, Woodward, Mr. Speaker—32.

The amendment was not agreed to.

Mr. Drummond

Moved to add to section ten the following:

"And for every conviction of a violation of the act for the suppression of intemperance the sum of ten dollars."

The amendment did not prevail.

On motion

The House adjourned until 7 o'clock this P. M.

SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Drummond

Moved a call of the House, which call being sustained,

The clerk proceeded to call the roll, when the following members were found to be absent and unexcused :

Messrs. Ayers, Bauder, Carpenter, Cassaday of Van Buren, Cassady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Dana, Davis, Dewey, Dews, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Johnson, Laney, McCormick, McGrew, Millard, Moorman, Morgan, Pierson, Randolph, Reitzel, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward.

On motion of Mr. SeEVERS

The further proceedings under the call were suspended.

Mr. Jackson

Moved that the House take a recess for half an hour.

Mr. Bradley

Moved to amend by adjourning till Monday morning at 8 o'clock.

The amendment was lost.

The question recurring upon the motion to adjourn for half an hour,

The same was agreed to.

SEVEN AND ONE-HALF O'CLOCK, P. M.

House met pursuant to adjournment.

Mr. Anthony

Moved a call of the House, which motion being sustained, the Clerk proceeded to call the roll, whereupon the following named gentlemen were found to be absent and unexcused :

Messrs. Bauder, Casey, Cavanaugh, Clark of Des Moines, Clune, Davis, Dewey, Harmon, Lambert, Laney, Millard, Peirson, Richardson, Sharp, Thompson, Trumbull and Waln.

Several members appeared and took their seats, when

On motion of Mr. Bennett,

Further proceedings under the call were suspended.

Mr. Drummond

Submitted the following report:

The committee appointed to ascertain the amount of mileage due each member of this House, find and report as follows, according to the representation of members themselves to the committee:

Alger,.....	320	MILES,	.....	\$48
Anthony,.....	480	"	.....	72
Ayers,.....	300	"	.....	45
Bates,.....	360	"	.....	54
Bauder,.....	360	"	.....	54
Beale,.....	80	"	.....	12
Belknap,.....	360	"	.....	54
Bennett,.....	100	"	.....	15
Bradley,.....	480	"	.....	72
Campbell,.....	200	"	.....	30
Carpenter,.....	200	"	.....	30
Casey,.....	360	"	.....	54
Cassaday, of Van Buren,...	300	"	.....	45
Casady, of Woodbury,....	640	"	.....	96
Cassiday, of Mahaska,....	140	"	.....	21
Cavanaugh,.....	300	"	.....	45
Clark, of Des Moines,....	360	"	.....	54
Clark, of Dubuque,.....	480	"	.....	72
Clark, of Johnson,.....	280	"	.....	42
Clune,.....	360	"	.....	54
Cooley,.....	640	"	.....	96
Collins,.....	600	"	.....	90
Crawford,.....	560	"	.....	84
Curtis,.....	80	"	.....	12
Dana,.....	120	"	.....	18
Davis,.....	200	"	.....	30
Dewey,.....	320	"	.....	48
Dewa,.....	400	"	.....	60
Drummond,.....	360	"	.....	54

Edwards,.....	120	MILES,	18
Foster,.....	160	"	24
Gray,.....	700	"	105
Grimes,.....	560	"	84
Gue,.....	440	"	66
Guiberson,.....	80	"	12
Harmon,.....	440	"	66
Jackson,.....	260	"	39
Johnson,.....	480	"	72
Lambert,.....	80	"	12
Laney,.....	320	"	48
Lundy,.....	320	"	48
Mahony,.....	480	"	72
McCrary,.....	360	"	54
McCormick,.....	200	"	30
McGrew,.....	240	"	36
Millard,.....		"	
Milliser,.....	320	"	48
Mitchell,.....	40	"	6
Millsap,.....	480	"	72
Moorman,.....	240	"	36
Morgan,.....	240	"	36
Pierson,.....	360	"	54
Prentiss,.....	360	"	54
Randolph,.....	320	"	48
Rankin,.....	280	"	42
Reitzel,.....	160	"	24
Richardson,.....	600	"	90
Scott,.....	440	"	66
SeEVERS,.....	140	"	21
Sharp,.....	400	"	60
Sprague,.....	360	"	54
Stearns,.....	600	"	90
Steward,.....	400	"	60
Streeter,.....	400	"	60
Thompson,.....	400	"	60
Trumbull,.....	440	"	66
Wain,.....	400	"	60
Watts,.....	480	"	72
Wilson,.....	240	"	36

Woodward,.....	400 MILES,	.....	60
Wright,.....	360	"	54
Shelley,.....	80	"	12
Hepburn, Chief Clerk,....	160	"	24

THOS. DRUMMOND,  
GEO. W. McCRARY,  
W. H. STEARNS.

**Mr. Drummond**

Moved the adoption of the report.

**Mr. Clark, cf Johnson,**

Moved the previous question, which was not seconded.

**Mr. Mahony**

Offered the following as a substitute for the report :

*Resolved,* That the Auditor of State is hereby authorized to audit and issue warrants for the mileage of the members of this House.

The substitute was not adopted.

The question recurring upon the adoption of the report,

The same was adopted.

**Mr. Bennett**

Moved to take up the resolution calling upon the Auditor of State for information in relation to the amount paid to State officers as salaries.

The motion was lost.

Message from the Senate, by their Secretary :

**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed substitute for House File No. 74: A bill for an act for the relief of all persons heretofore divorced to whom the disability to marry again has been attached, either by the laws under which the divorce was had, or by decree of the Court granting the same.

**J. S. DIMMITT, Assistant Sec'y Senate.**

**MR. SPEAKER :**

The Senate has passed the following bills, in which the concurrence of the House is asked :

Senate File No. 162: A bill for an act in relation to revenues.

Senate File No. —: A bill for an act to define the times of holding Courts in the several Judicial Districts.

I herewith return House File No. 242: An act amending title four of the Code.

The same having been amended by the Senate, and the concurrence of the House is asked to the amendment.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Clark, of Dubuque,

Offered the following resolution :

*Resolved*, That the Secretary of State is hereby authorized to furnish to each of the three Clerks of this House, and the regular reporters of the Iowa Weekly Citizen and Iowa State Journal, in this House, a copy of Clark's Reports, the Constitutional Debates and the Code of Iowa.

Mr. Gue

Moved to amend the resolution by adding the words, "each of the Clerks of the House and Sergeant-at-Arms."

The amendment was not adopted.

Mr. Seevers

Moved to lay the resolution upon the table,

Upon which question

The yeas and nays were demanded by Mr. Gue, and were as follows:

Yeas 19, }  
Nays 35. }

The yeas were,

Messrs. Bradley, Clark of Des Moines, Clune, Curtis, Drummond, Lambert, Lundy, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Reitzel, Richardson, Stearns, Wilson—19.

The nays were,

Messrs. Anthony, Bates, Belknap, Bennett, Campbell, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Clark of Dubuque, Clark of Johnson, Collins, Dana, Davis, Dewey, Dewa, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Johnson, Laney, Milliser, Prentiss, Rankin, Scott, Sharp, Steward, Streeter, Thompson, Waln, Watts, Woodward, Mr. Speaker—35.

The motion was lost.

Mr. Clune

Moved to amend by adding, "and the lobby members of the House."

The amendment was not adopted.

The question recurring upon the adoption of the resolution,

The same was adopted.

Mr. Dana

Submitted the following report:

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled:

House substitute for Senate File No. 169: Joint Resolutions containing propositions for a settlement with the Des Moines Navigation and Railroad Company.

House File No. 257: An act to legalize the assessment of taxes made in the several counties of this State for the years 1855, 1856 and 1857. DANA.

Mr. Bates

Offered the following resolution:

*Resolved*, (The Senate concurring) that the Chief Messenger of the House be employed for two weeks after the adjournment of the General Assembly, to take charge of such mail matter as may come to the Des Moines post office directed to members and officers of the Senate and House, and forward the same to the home post-offices of the members, and that the sum of forty dollars be allowed for the same.

Mr. Edwards

Moved to amend the resolution by striking out "Chief Messenger" and inserting "Post Master."

The amendment was adopted.

The question recurring upon the adoption of the resolution,

The same was adopted.

Mr. Mahony,

From the committee to whom was referred Senate File No. 219: A bill for an act disposing of the grant of lands made by an act of Congress granting lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River,

Reported the same back to the House with sundry amendments, and as amended, recommended its passage.

The amendments were concurred in, and

On motion,

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 46, }  
Nays 1. }

The yeas were,

Messrs. Belknap, Bradley, Campbell, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—46.

Mr. Clune voted in the negative.

The bill passed and the title was agreed to.

Senate File No. 229, A bill for an act to amend section seven of Chapter 254 of the laws of the sixth General Assembly, approved January 29th, 1857,

Was read a first and second time.

On motion,

The 42d Rule was suspended and the bill read a third time, and upon the question shall the same now pass,

The yeas and nays were ordered and were as follows:

Yeas 47, }  
Nays 1. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Davis, Dewey, Edwards, Foster, Gray, Grimes, Gue, Guiberson, Jackson, Johnson, Lambert, Laney, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—47.

Mr. Lundy voted in the negative.

The bill passed and the title was agreed to.

Senate File No. 190, Joint Resolution allowing the transfer of books from among those in the Library of the State, to the Library of the State University,

Was read a first and second time.

On motion,

The 42d Rule was suspended, and the Resolution read a third time and passed.

Substitute for Senate File No. 182, A bill for an act to provide



for the election of the members of the Board of Education,  
Was read a first and second time.

On motion,

The 42d Rule was suspended and the bill read a third time, and  
Upon the question shall the same now pass,

The yeas and nays were demanded and were as follows :

Yeas 32, }  
Nays 15. }

The yeas were,

Messrs. Anthony, Bauder, Belknap, Carpenter, Casey, Cassiday  
of Mahaska, Dana, Davis, Dewey, Drummond, Edwards, Foster,  
Jackson, Lambert, Laney, Lundy, Mahony, McCrary, McGrew,  
Milliser, Mitchell, Morgan, Rankin, Reitzel, Scott, Seevers,  
Sprague, Stearns, Streeter, Waln, Watts, Woodward, Mr. Speaker  
—32.

The nays were

Messrs. Bradley, Clark of Des Moines, Clark of Dubuque, Clark  
of Johnson, Clune, Collins, Dews, Grimes, Gue, Guiberson,  
Johnson, Moorman, Prentiss, Sharp, Steward—15.

The bill having failed to receive a constitutional majority, the  
same was declared to be lost.

House File No. 192, A bill for an act to prevent Banking Insti-  
tutions from circulating or receiving foreign Bank Bills of a less  
denomination than five dollars.

Was read a first and second time.

On motion,

The 42d Rule was suspended and the bill read a third time, and  
Upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 31, }  
Nays 12. }

The yeas were,

Messrs. Bauder, Belknap, Campbell, Carpenter, Casey, Cassiday  
of Van Buren, Casady of Woodbury, Cassiday of Mahaska,  
Clark of Des Moines, Clark of Dubuque, Collins, Dana, Davis,  
Dews, Drummond, Foster, Grimes, Guiberson, Jackson, Lambert,  
Laney, Mahony, McCrary, McGrew, Mitchell, Millsap, Moorman,  
Morgan, Rankin, Seevers, Stearns, Steward, Mr. Speaker—31.

The nays were,

Messrs. Anthony, Bates, Bradley, Dewey, Gue, Prentiss, Reit-

zel, Streeter, Thompson, Waln, Watts and Woodward—12.

The bill was lost for the want of a constitutional majority.

House File No. 300, A bill for an act ordering a special election for the purpose of submitting to the people certain acts therein named, regulating the business of Banking,

Was read a first and second time, and

On motion of Mr. Jackson,

The further consideration of the same was postponed until Monday morning at 8 o'clock.

Mr. Clune

Moved to adjourn,

Which motion was lost.

Mr. Mahony introduced .

House File No. 346, A bill for an act to abolish the office of the Commissioner of the Des Moines River Improvement,

Which was read a first and second time, and

Referred to the committee on the Judiciary, with instructions.

Mr. Jackson

Moved a re-consideration of the vote by which House File No. 300, A bill for an act ordering a special election for the purpose of submitting to the people certain acts therein named, regulating the business of Banking, was postponed until Monday.

The motion was agreed to.

Mr. Jackson

Moved to strike out the words, "an act to authorize the business of banking in the State of Iowa," and insert, "An act to permit General Banking in the State of Iowa," also strike out the words passed A. D. 1858, ———— and approved ———— A. D. 1858, wherever they occur.

The amendments were agreed to.

Mr. Jackson

Moved to amend the bill by filling the blank in Section one, with the words, "second Monday in July."

Mr. Bradley

Moved to amend the motion by inserting the words, "second Tuesday in October,

Upon which question,

The yeas and nays were demanded by Mr. Belknap, and were as follows:

Yeas 17, }  
Nays 40. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Dews, Gray, Johnson, Laney, Milliser, Millsap, Sharp, Stearns—17.

The nays were,

Messrs. Bates, Carpenter, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Collins, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seever, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Wright, Mr. Speaker—40.

The motion was lost.

The question recurring upon the motion to fill the blank with the words, "second Monday in July,"

The same was lost.

Mr. Jackson

Moved to fill the blank with the words, "4th Monday in June."

Which motion was agreed to.

On motion of Mr. Jackson,

The 42d Rule was suspended, and the bill read a third time, and

Upon the question shall the same now pass,

The yeas and nays were ordered and were as follows:

Yeas 42, {
Nays 14. }

The yeas were,

Messrs. Anthony, Bates, Belknap, Carpenter, Casey, Cassiday of Mahaska, Clark of Des Moines, Clune, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, Mahony, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seever, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—42.

The nays were,

Messrs. Bennett, Bradley, Campbell, Casady of Woodbury, Clark of Dubuque, Clark of Johnson, Curtis, Dews, Gray, Laney, Milliser, Millsap, Sharp—14.

The bill passed and the title was agreed to.

Mr. Bradley

Moved that the House adjourn,  
Which motion was lost.

Mr. Seevers

Submitted a report from the Attorney General, in response to a resolution calling for information in relation to State Land Titles in Des Moines.

Mr. Bates

Moved that a copy of the same be entered upon the Journals, and that the Clerk be directed to deposite the original copy with the Secretary of State.

On motion of Mr. Clune,

The report was laid upon the table.

### BILLS ON THIRD READING.

House File No. 340, An act providing for the distribution of the laws of the State, and such other books as the General Assembly may from time to time order to be distributed,

Was read a third time.

On motion of Mr. Wilson,

The same was indefinitely postponed.

House File No. 328, A bill for an act to change the name of Forest City,

Was read a third time, and

On motion of Mr. Edwards,

Indefinitely postponed.

House File No. 336, A bill for an act providing for an additional Justice of the Peace in Liberty Township, Marion county, Iowa,

Was read a third time, and

On motion of Mr. Seevers,

Indefinitely postponed.

House File No. 136, A bill for an act to preserve the purity of elections,

Was read a third time.

Mr. Wilson

Moved that the bill be indefinitely postponed,

Which motion was not agreed to.

Mr. Milliser

Asked the unanimous consent of the House to strike out of the first clause of Section two, the words, "without any present intention of removing therefrom,"

Messrs. Bennett and Milliser objected to the amendment.

Mr. Drummond

Moved to re-commit the bill to the committee, with instructions to strike out the words, "without any present intention of removing therefrom."

Mr. Bennett

Moved to amend the motion to refer, by instructing the committee to strike out the 13th Section,

Upon which question

The yeas and nays were demanded by Mr. Milliser, and were as follows :

Yeas 21, {  
Nays 34. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Casady of Woodbury, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dews, Gray, Guiberson, Johnson, Laney, Mahony, Milliser, Millsap, Scott, Sharp—21.

The nays were,

Messrs. Anthony, Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Waln, Watts, Wilson, Woodward, Mr. Speaker—34.

The motion was lost.

Mr. Bennett

Moved to lay the motion to re-commit upon the table.

Mr. Clark of Johnson,

Moved to adjourn,

Upon which question,

The yeas and nays were demanded by Mr. Bennett, and were as follows :

Yeas 9, {  
Nays 42. }

The yeas were,

Messrs. Bennett, Bradley, Clark of Dubuque, Collins, Johnson, Laney, Millsap, Scott—9.

The nays were,

Messrs. Anthony, Bauder, Belknap, Campbell, Carpenter, Ca-

sey, Casady of Woodbury, Cassiday of Mahaska, Clark of Des Moines, Clune, Dana, Davis, Dewey, Drummond, Edwards, Foster Gray, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Waln, Watts, Woodward, Mr. Speaker—42.

The motion was lost.

Mr. Edwards

Moved the previous question, which was sustained, and

Upon the question to lay the motion to re-commit upon the table,

The yeas and nays were ordered, and were as follows :

Yeas 2, }  
Nays 34. }

The yeas were,

Messrs. Anthony, Guiberson—2.

The nays were,

Messrs. Bates, Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—34.

The motion was lost.

Mr. Scott was excused from voting upon the above question.

Mr. Edwards

Moved a call of the House.

On motion of Mr. McCrary,

The House adjourned.

MONDAY MORNING,  
MARCH 22d, 1858. }

House met pursuant to adjournment.

Prayer by the Rev. Mr. Jocelyn.

The reading of the Journal was dispensed with.

The question at the adjournment being, shall the main question now be put,

The same was agreed to.

The question to lay the motion upon the table, was lost.

Message from the Senate,

By Mr. Spencer, their Secretary :

MR. SPEAKER :

I herewith return House File No. 250: A bill for an act to prohibit Inspectors, Wardens and other officers of the Iowa Penitentiary from being interested in contracts for furnishing such Penitentiary with provisions, clothing and other necessaries, and from being concerned or interested in contracts for building materials for such Penitentiary.

Also, House File No. 248: A bill for an act amendatory of Chapter two of the Code.

The same having passed the Senate without amendment.

The Senate has refused to pass substitute for House File No. 176: An act to establish the Court of Quarter Sessions, and define its jurisdiction.

GEO. E. SPENCER,  
Secretary Senate.

The question recurring upon the motion to re commit the bill to the committee,

The same was agreed to.

Mr. Edwards

Submitted the following report :

The committee on Ways and Means, to whom was referred substitute for Senate File No. 49: A bill for an act amendatory of an act entitled an act fixing the salary of the Governor and State officers of the State of Iowa, approved January 29th, 1857,

Have had the same under consideration, and a majority of said committee have authorized me to report the same back to the House, amending the same so as to strike out all relative to the increase of the salary of the Superintendent of Public Instruction, for the reason that that office has been provided for, and then ask the passage of the bill.

JNO. EDWARDS, Chairman.

The report of the committee was concurred in, and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 51, }  
Nays 2. }

The yeas were,

Messrs. Anthony, Bates, Bander, Belknap, Bradley, Campbell, Carpenter, Casey, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Dewey, Dews, Drummond, Edwards, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Missap, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seever, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Mr. Speaker—51.

The nays were,

Messrs. Moorman and Wilson—2.

The bill passed and the title was agreed to.

On motion of Mr. Anthony

Senate File No. 183: A bill for an act for the relief of Swamp Land pre-emptors,

Was taken up and read a third time.

Mr. Mahony

Moved to amend the bill by adding thereto the following:

Strike out in the first section from "such" to "provided," and insert the following:

"Or where any person, since the said fifth day of September, A. D. 1857, has made, or within six months from the passage of this act, shall make a bona fide pre-emption claim to any swamp land of this State, and make valid and permanent improvements of the value of fifty dollars on the premises, shall be allowed to enter the same as hereinafter provided."

The amendment was not adopted.

On motion of Mr. Mahony

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the same now pass?

The yeas and nays were ordered and were as follows:

Yeas 44, }  
Nays 6. }

The yeas were,



Messrs. Anthony, Bates, Bauder, Campbell, Carpenter, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lundy, McCrary, McGrew, Millard, Milliser, Millsap, Prentiss, Rankin, Reitzel, Scott, Sharp, Steward, Streeter, Thompson, Trumbull, Waln, Woodward, Mr. Speaker—44.

The nays were,

Messrs. Mitchell, Moorman, Morgan, Seevers, Stearns and Watts—6.

The bill was passed and the title was then agreed to.

Mr. McCrary

Submitted the following report:

The committee on Commerce, to whom was referred Senate File No. 37: A bill for an act for the formation of limited partnerships, beg leave to report the bill back to the House and recommend its passage.

D. A. MAHONY, Chairman.

The 42d Rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows:

Yeas 43, )

Nays 1. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Carpenter, Casey, Casady of Woodbury, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Collins, Dana, Davis, Dewey, Dews, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lambert, Lancy, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Morgan, Prentiss, Rankin, Reitzel, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Woodward, Mr. Speaker—42.

Mr. Clune voted in the negative.

The title of the bill was then agreed to.

Mr. McCrary

Submitted the following report:

The committee on Constitutional Amendments, to whom was referred House File No. 283: A bill for an act proposing an amendment to section four of Article first of the Constitution of the State of Iowa, have had the same under consideration, and a majority

of said committee have authorized me to report the same back and recommend its indefinite postponement

**McCRARY,**  
Of said Committee.

Upon the question of concurring in the recommendation of the committee,

The yeas and nays were ordered and were as follows :

Yeas 35, }  
Nays 22. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Midlard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—35.

The nays were,

Messrs. Bauder, Belknap, Bennett, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dews, Guiberson, Johnson, Laney, Milliser, Millsap—22.

Mr. Harmon

From the committee to whom was referred House File No. 314: A bill for an act providing for submitting to the people the question of providing for a convention to revise and amend the Constitution of the State of Iowa,

Reported the same back and recommended its indefinite postponement.

Mr. Clark, of Dubuque,

Moved that the House refuse to concur in the report of the committee.

Mr. Edwards

Moved to lay the report and the motion on the table, upon which question

Mr. Bennett

Demanded the yeas and nays, which were as follows :

Yeas 40, }  
Nays 16. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Col-

lins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—40.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dews, Guiberson, Milliser, Millsap—16.

Mr. SeEVERS

Offered the following resolution, and moved its adoption :

*Resolved*, That the Chief Clerk be authorized to employ a sufficient number of Enrolling Clerks to enroll all bills as fast as they may be passed by the General Assembly.

The resolution was adopted.

Mr. Clune

Offered the following resolution, which, upon his motion, was unanimously adopted :

*Resolved*, That the thanks of this House be tendered to the Clerks for the faithful and courteous manner in which they have discharged their respective duties.

Mr. Harmon

Offered the following resolution :

*Resolved*, That the several Clergymen of Des Moines, who have officiated as Chaplains to this House during the present session, shall receive as compensation for such service the sum of three dollars per day for so many days as they may have officiated.

On motion of Mr. Bates

The resolution was referred to the com. on Ways and Means.

Mr. Guiberson,

From the committee on Constitutional Amendments, submitted the following report :

The standing committee to whom was referred House File No. 278: A bill proposing amendments to the Constitution, have had the same under consideration, and have directed me to report the same back to the House and recommend that the same be indefinitely postponed.

Upon the question of concurring in the report of the committee,

The yeas and nays were ordered and were as follows :

Yeas 36, }  
Nays 18. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward,  
Mr. Speaker—36.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dews, Guiberson, Johnson, Laney, Millisap, Sharp—18.

Mr. Guiberson,

From the same committee, also submitted the following report:

The standing committee to whom was referred House File No. 277: A bill proposing to amend section 17 of the third Article of the Constitution, have had the same under consideration and have instructed me to report the bill back to the House and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Bates,

From the committee on Expenditures, to whom was referred House File No. 338: A bill for an act providing for printing and binding the report of the Commissioners to revise and codify the laws, and prepare and arrange a civil and criminal practice act, to the lowest bidder,

Reported the same back and recommended its passage.

The 42d Rule was suspended and the bill read a third time, and upon the question of its passage,

The yeas and nays were ordered and were as follows:

Yeas 23, }  
Nays 34. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dews, Guiberson, Harmon, Johnson, Laney, Milliser, Millisap, Sharp, Thompson—23.

The nays were,

Messrs. Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Jackson, Lambert, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Woodward, and Mr. Speaker—34.

Mr. Reitzel

From the committee to whom was referred substitute for Senate File No. 107: A bill for an act for establishing and laying out roads,

Reported the same back with sundry amendments and recommended its passage.

The 42d Rule was suspended, the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 42, }  
Nays 1. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beale, Campbell, Carpenter, Casey, Cavanaugh, Clark of Dubuque, Collins, Dana, Davis, Dewey, Edwards, Grimes, Gue, Guiberson, Jackson, Johnson, Lambert, Laney, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Mr. Speaker—42.

Mr. Clune voted in the negative.

The bill passed and the title was agreed to.

Mr. Seevers,

From the committee on the Judiciary, submitted the following report:

The undersigned can see no necessity for inserting in the lease the following words, to-wit:

“In pursuance of, and in compliance with, an act of the General Assembly of the State of Iowa, entitled an act to re-locate the Seat of Government, approved 25th January, 1855.”

The terms would constitute no part of the consideration, and they are not necessary to make the lease good. It is believed that the State has a right to lease a building for any purpose it may

deem fit. Whether it is legally competent for the General Assembly to hold its sittings in the building described, is a question independent of the validity of the lease. If it is competent, then there is no difficulty in the case; if it is not competent, the lease does not bind the Legislature to hold its sittings in such building.

If the persons executing the lease are in fact the Board of Directors of the "Association" owning the same, the lease is believed to be good.

LINCOLN CLARK,  
W. H. SEEVERS.

**Mr. Seevers**

Submitted the following resolution and moved its adoption :

*Resolved*, (The Senate concurring,) that the lease made by the Board of Directors of the Capitol Building Association, is hereby accepted, and the Chief Clerk is directed to cause the same to be filed in the office of the Secretary of State, who shall have the same recorded in the Recorder's Office, of Polk county.

**Mr. Clune**

Moved to amend by adding an additional resolution.

*Resolved*, That the member from Linn be furnished, at his own expense, with a long eared animal to ride up the hill to the Capitol, and a hand sled to slide down said hill in going to and from his lodgings.

The amendment was not adopted.

The question recurring upon the motion to adopt the resolution,

**Mr. Bates**

Demanded the yeas and nays, which were as follows :

Yeas 37, }  
Nays 15. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Davis, Dewey, Drummond, Edwards, Foster, Guiberson, Jackson, Johnson, Lambert, Laney, McCrary, McGrew, Millard, Mitchell, Moorman, Rankin, Reitzel, Richardson, Scott, Seevers, Steward, Thompson, Trumbull, Wilson, Woodward and Mr. Speaker—37.

The nays were,

Messrs. Anthony, Bates, Cavanaugh, Collins, Dana, Grimes, Gue, Lundy, Milliser, Morgan, Prentiss, Stearns, Streeter, Waln, Watts—15.

Mr. Woodward,

From the committee on Elections, to whom was referred House File No. 136, A bill for an act to provide for the purity of elections, reported the same back and recommended that it be amended as follows, and then passed: Strike out of the first sub-division of Section two, all after the word "fixed." In the first clause of the thirteenth Section, strike out all that portion included between the 2d question and the 2d sub-division, and in the 16th Section strike out all after the word "evidence," in the third line, to the word "and," in the fourth line.

Mr. Milliser

Moved to further amend the bill by striking out the 8th sub-division of Section two.

Which motion was lost.

Mr. Bennett

Moved to lay the report on the table, and

Upon the question, demanded the yeas and nays, which were as follows:

Yeas 20. }  
Nays 38. }

The yeas were,

Messrs. Anthony, Bauder, Beal, Belknap, Bennett, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dews, Guiberson, Johnson, Laney, Milliser, Sharp—20.

The nays were,

Messrs. Bates, Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gué, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—38.

Upon the question of concurring in the report of the committee,

The yeas and nays were demanded by Mr. Bennett, and were as follows:

Yeas 40, }  
Nays 15. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassiday of Mahaska, Clark of Dubuque, Clark of Johnson, Collins, Dana, Davis, Dewey,

Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—40.

The nays were,

Messrs. Bauder, Beal, Belknap, Bennett, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clune, Dews, Johnson, Laney, Milliser, Sharp—15.

Mr. Bennett

Moved that the further consideration of the bill be indefinitely postponed,

And upon that question,

Demanded the yeas and nays, which were as follows :

Yeas 16, }  
Nays 36. }

The yeas were,

Messrs. Bauder, Beal, Belknap, Bennett, Campbell, Casey, Casady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dews, Guiberson, Laney, Sharp—16.

The nays were,

Messrs. Anthony, Fates, Carpenter, Cassidy of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Milliser, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, SeEVERS, Stearns, Steward, Streeter, Trumbull, Waln, Wilson, Woodward, Mr. Speaker—36.

The question recurring upon the passage of the bill,

The yeas and nays were demanded and were as follows :

Yeas 39, }  
Nays 18. }

The yeas were,

Messrs. Anthony, Bates, Carpenter, Cassidy of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Millard, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward and Mr. Speaker—39.



The nays were

Messrs. Bauder, Beal, Belknap, Bennett, Campbell, Casey, Cassidy of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Dews, Guiberson, Johnson, Laney, Milliser, Sharp—18.

Mr. Clune

Moved to amend the title to the bill as follows: "A bill for an act to prevent naturalized citizens from voting,"

And upon the question,

Demanded the yeas and nays, which were as follows:

Yeas 9,  
Nays 36. )

The yeas were,

Messrs. Bauder, Belknap, Bennett, Campbell, Clark of Des Moines, Clune, Laney, McGrew, Sharp—9.

The nays were,

Messrs. Carpenter, Cassidy of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lambert, Lundy, McCrary, Millard, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward and Mr. Speaker—36.

The title of the bill was then agreed to.

Mr. Dana submitted the following report:

The committee on Engrossed Bills, report that they have examined the following bills and find the same correctly engrossed:

House File No. 344, A bill for an act to legalize an election held in Worth county, Oct. 13th, 1857. Also,

House File No. 311, A bill for an act providing for submitting to the legal voters of Webster and Humboldt counties, a proposition to change the boundaries of the two counties, and divide the liabilities of the same. Also,

Substitute for House File No. 202, A bill for an act in relation to estrays. Also,

House File No. 260, A bill for an act to amend an act entitled an act to incorporate Iowa City.

The committee on Enrolled Bills, report that they have examined the following bills and find the same correctly enrolled.

House File No. 315, Joint Resolution relating to the five per cent. fund.

House File No. 219, An act relating to the crime of placing obstructions on Railroad tracks, or removing any rail therefrom, or committing any injuries to Railroads.

DANA.

The committee on Enrolled Bills, report that they have presented to the Governor for his signature, the following bills :

House Substitute for Senate File No. 169, Joint Resolution containing proposition for a settlement with the Des Moines Navigation and Railroad Company.

House File No. 185, An act to regulate the sale of unclaimed goods in the possession of Forwarding and Commission Merchants, Express Companies, and other common carriers.

House File No. 257, An act to legalize the assessment of taxes made in the several counties of this State, in the years 1855, 1856, and 1857.

Substitute for House File No. 129, An act to provide for the establishment of a State Agricultural College and Farm, with a Board of Trustees, which shall be connected with the entire agricultural interests of the State.

DANA.

Mr. Foster

Submitted the following report :

The committee on Engrossed Bills, report that they have examined the following bills and find them correctly engrossed :

House File No. 194, A bill for an act to provide for the assessment and payment of the State Revenue. Also,

House File No. 318, A bill for an act providing for the publication of the act creating the State Bank of Iowa, and to authorize the business of Banking in the State of Iowa.

On motion of Mr. Milliser,

The House adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Lambert,  
Substitute for House File No. 83, was taken up.

Mr. SeEVERS

Moved to amend by striking out "Commissioners," and insert "Judge," in the first and second section,

Which motion prevailed.

Mr. Seevers

Moved to fill the blank with "County Judge,"

Which motion was agreed to.

Mr. Seevers

Moved to fill the blank in section 7, with "County Treasurers,"

Which motion was agreed to.

Mr. Seevers

Moved to strike out "County Auditor," and insert "Treasurer,"

Which was agreed to.

Mr. Anthony,

Moved a call of the House, which was seconded. The roll was called and the following named gentlemen were found to be absent and unexcused :

Messrs. Bauder, Bradley, Campbell, Carpenter, Casey, Casady of Woodbury, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dewey, Dews, Drummond, Gray, Harmon, Jackson, Mahony, Millard, Milliser, Mitchell, Pierson, Reitzel, Scott, Seevers, Streeter, Thompson, Trumbull.

Mr. Lambert

Moved to suspend Rule No. 42, and read House File No. 83, a third time now.

Upon the question shall the same now pass,

The yeas and nays were ordered and were as follows :

Yeas 33, }  
Nays 2. }

The yeas were,

Messrs. Anthony, Bates, Beal, Belknap, Campbell, Carpenter, Casey, Clark of Des Moines, Clark of Johnson, Collins, Curtis, Dana, Davis, Edwards, Foster, Grimes, Gue, Guiberson, Johnson, Lambert, Lundy, McCrary, McGrew, Moorman, Morgan, Prentiss, Rankin, Richardson, Scott, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Mr. Speaker—33.

The nays were,

Messrs. Bennett, Millsap—2.

The title of the bill was then agreed to.

Mr. Shelleday

Moved to take up House File No. 29, An act to establish an Asylum for the Deaf and Dumb,

Which was agreed to.

Mr. Jackson

Moved to indefinitely postpone the further consideration of the bill.

The yeas and nays were demanded by Mr. Shelleday and were as follows:

Yeas 27, }  
Nays 18. }

The yeas were,

Messrs. Anthony, Bauder, Beal, Bennett, Campbell, Cassiday of Mahaska, Clark of Johnson, Collins, Crawford, Curtis, Foster, Grimes, Harmon, Jackson, Johnson, Lancy, McCrary, Mitchell, Moorman, Prentiss, Rankin, Richardson, Scott, SeEVERS, Sharp, Stearns, Streeter, Watts, Woodward—27.

The nays were,

Messrs. Bradley, Casey, Dana, Davis, Dewey, Edwards, Gue, Guiberson, Lambert, McGrew, Milliser, Morgan, Reitzel, Steward, Thompson, Trnmbull, Wilson, Mr. Speaker—18.

Message from the Senate,

By Mr. Spencer, their Secretary:

MR. SPEAKER:

The Senate has passed Senate File No. 206, A bill for an act to exempt farming lands from taxation for town and city corporation purposes, in which the concurrence of the House is asked.

I herewith return House File No. 209, A bill for an act relating to new counties and changing the boundaries thereof, the same having been rejected by the Senate. Also,

House File No. 231, A bill for an act to repeal Section 613 of Chapter 29 of the Code, and amendatory of the laws in relation to State Census, the same having been indefinitely postponed by the Senate.

GEORGE E. SPENCER,  
Secretary Senate.

On motion of Mr. SeEVERS,

Senate File No. 230, A bill for an act to prescribe the times for holding courts in the several Judicial Districts in the State of Iowa,

Was taken up and read a first and second time.

Mr. Thompson

Moved to amend the bill as follows :

Strike out section 8 and insert the following : In the seventh Judicial District, commencing at Muscatine, on the second Monday in January, third Monday in April, third Monday in August, and first Monday in November in each year. At Davenport, in Scott County, on the fourth Monday in January, first Monday in May, first Monday in September and second Monday in November in each year. At DeWitt, in Clinton county, on the first Monday in March, first Monday in June, first Monday in October and second Monday in December in each year. At Bellevue, Jackson county, on the third Monday in March, third Monday in June, third Monday in October, and third Monday in December in each year.

The amendment was adopted.

Mr. Woodward

Moved to amend section ten by inserting "at Waterloo,"

Which amendment was adopted.

Mr. Drummond

Moved to refer the bill to the delegation from the Eighth Judicial District,

Which motion was agreed to.

Mr. Belknap

Offered the following resolution :

*Resolved*, That the thanks of this House are hereby tendered Hon. John Edwards, of Lucas, for the able, impartial and courteous manner in which he has discharged the duties of Speaker pro tem. during the present session.

The resolution was adopted.

The committee on Enrolled Bills report that they have examined the following bills, and find them correctly enrolled :

House File No. 274 : An act regulating public shows.

House File No. 343 : Joint Resolution instructing the Governor to enjoin the Des Moines Navigation and Railroad Company in certain contingencies.

Substitute for House File No. 270 : An act for the relief of Jas. Phillips.

Senato File No. 193 : A bill for an act for the government of the Iowa Insane Hospital, and the care of the Insane and Idiots,

Was taken up and read a first and second time.

The 42d Rule was suspended, the bill read a third time, and upon the passage of the bill,

The yeas and nays were ordered and were as follows :

Yeas 51, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Bauder, Beal, Belknap, Bradley, Campbell, Carpenter, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Curtis, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lancy, Lundy, McCrary, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—51.

The nays were—None.

Senate File No. 175: A bill for an act to provide for the incorporation of villages and towns,

Was taken up and read a first and second time.

Mr. Thompson

Moved to amend by striking out all after the word "act," in section sixty-one,

Which motion was agreed to.

The 42d Rule was suspended, the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 43, }  
Nays 6. }

The yeas were,

Messrs. Anthony, Bates, Beal, Belknap, Campbell, Carpenter, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Davis, Dewey, Dewey, Drummond, Foster, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, McCrary, McGrew, Mitchell, Moorman, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Woodward, Mr. Speaker—43

The nays were,

Messrs. Bauder, Bennett, Lundy, Milliser, Millsap and Morgan—6.

Senate File No. 228: A memorial and joint resolution in relation

to the grant of lands by Congress for the improvement of the navigation of the Des Moines River,

Was taken up and read a first and second time.

The 42d Rule was suspended and the memorial read a third time and passed.

**MR. SPEAKER:**

The Senate has passed Senate Files No.'s 228, 233, 232, 131, 231, 236 and 175, in which the concurrence of the House is asked.

I herewith return House File No. 345: Joint Resolution in relation to the five per cent. fund, the same having passed the Senate without amendment.

I am directed by the Senate to inform the House that the Senate has passed Senate Files No.'s 51, 204, 235 and 200, in which the concurrence of the House is asked.

I herewith return House File No. 274, and substitute for House File No. 270, the same having passed the Senate without amendment.

I also present for your signature Senate Files No.'s 229 and 221, The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

I herewith present for your signature Senate File No. 131: An act authorizing the construction of bridges in the State of Iowa,

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

I am directed by the Senate to inform the House that the Senate has passed Senate File No. 237: Joint Resolution in relation to the care and control of the property of the State,

In which the concurrence of the House is asked.

House File No. 258: A bill for an act to authorize the Governor to appoint Commissioners to examine the accounts of the State officers, and define the duties of the Governor in certain cases,

Has passed the Senate with one amendment, in which amendment the concurrence of the House is asked.

I herewith return House File No. 135: A bill for an act to be entitled an act to define and punish common barrotry and maintenance, the further consideration of the same having been indefinitely postponed.

I herewith return substitute for House File No. 269: A bill for an act regulating the manner of commencing actions against Railroads and Railroad Companies.

Also, House File No. 256: A bill for an act to amend section 2340 of the Code, and amendatory of the laws regulating the trial of appeals from Justices of the Peace,

The Senate having refused to pass the same.

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution:

*Resolved*, (The House concurring) That there be, and hereby is appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of one hundred dollars as an additional sum to be paid to Horace Mann and Amos Dean, for their services as Commissioners appointed by the Governor to prepare and report a general school law for the State of Iowa, and

*Resolved*, Further, that the Superintendent of Public Instruction be instructed to forward the same to Messrs. Mann and Dean by mail or otherwise.

I herewith present for your signature Senate Files No.'s 229, 211, 190, 218, 12, 14, 147, 18, 226, 184, 161, 224, 195, sub. for 94, 40 and 47.

The same having passed both Houses of the General Assembly and been duly enrolled by the Senate.

GEORGE. E. SPENCER, Secretary Senate.

Senate File No. 51: A bill for an act for the incorporation of benevolent, charitable, scientific or missionary societies,

Was taken up and read a first and second time.

Mr. Bates

Moved to strike out the sixth section,

Which motion was lost.

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 38, }  
Nays 13. }

The yeas were,

Messrs. Anthony, Bauder, Beal, Campbell, Carpenter, Casey, Cassiday of Mahaska, Cavanaugh, Collins, Dana, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Lambert, Laney, Lundy, McCrary, McGrew, Mitchell, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, Seever, Steward, Streeter, Thompson, Trambull, Waln, Watts, Wilson, Woodward—38.



The nays were,

Messrs. Bates, Belknap, Bennett, Clark of Des Moines, Clark of Dubuque, Clune, Crawford, Guiberson, Johnson, Milliser, Richardson, Sharp, Stearns—13.

The title was agreed to.

Senate File No. 237: Joint Resolution in relation to the care and control of the property of the State,

Was taken up and read a first and second time.

The 42d Rule was suspended and the Joint Resolution read a third time and passed.

Senate File No. 213: A bill for an act to provide for fencing and improving the Capitol Square, in the city of Des Moines,

Was taken up and read a first and second time.

The Rule was suspended, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 38, }  
Nays 12. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Crawford, Dana, Davis, Dewey, Drummond, Edwards, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, McCrary, Mitchell, Millsap, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Steward, Thompson, Trumbull, Wilson, Woodward—38.

The nays were,

Messrs. Anthony, Bates, Cassiday of Mahaska, Cavanaugh, Clark of Johnson, Gray, Grimes, McGrew, Moorman, Morgan, Streeter, Waln—12.

Mr. Milliser

Moved to re-consider the vote last taken.

Mr. SeEVERS

Moved to lay the motion to re-consider on the table,

Upon which motion

The yeas and nays were demanded by Mr. Bates, and were as follows:

Yeas 34, }  
Nays 17. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Campbell, Carpenter, Casey,

Clark of Des Moines, Clark of Dubuque, Clune, Crawford, Davis, Dewey, Drummond, Edwards, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, McCrary, Mitchell, Millsap, Moorman, Pierson, Rankin, Reitzel, Richardson, SeEVERS, Thompson, Trumbull, Wilson, Woodward—34.

The nays were,

Messrs. Anthony, Bates, Cavanaugh, Clark of Johnson, Collins, Dana, Dewey, Foster, Grimes, Gue, Millard, Milliser, Prentiss, Sharp, Steward, Streeter, Waln, Watts—17.

Senate File No. 253: An act to provide for the publication of the substitute for Senate File No. 68,

Was taken up and read a first and second time.

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 37, }  
Nays 3. }

The yeas were,

Messrs. Anthony, Bauder, Bennett, Campbell, Carpenter, Clark of Des Moines, Clark of Dubuque, Clune, Crawford, Dana, Dewey, Dews, Drummond, Edwards, Guiberson, Harmon, Jackson, Johnson, Laney, McCrary, Milliser, Mitchell, Moorman, Pierson, Prentiss, Rankin, Reitzel, Richardson, SeEVERS, Sharp, Steward, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—37.

The nays were,

Messrs. Lambert, Lundy, Millsap—3.

The bill passed and the title was agreed to.

Mr. Jackson,

From the committee to whom was referred Senate File No. 230:

A bill for an act to prescribe the times for holding Courts in the several Judicial Districts in the State of Iowa,

Reported the same back without amendment.

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 49, }  
Nays 2. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Campbell, Carpenter, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Davis, Dewey, Dews, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lambert, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Seevers, Sharp, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—49.

The nays were,

Messrs. Jackson and Lundy—2.

The title of the bill was agreed to.

The committee on Enrolled Bills report that they have examined the following bills, and find the same correctly enrolled :

Substitute for House File No. 108: An act to locate and provide for the erection of an Institution for the education of the Blind of the State of Iowa.

House File No. 279: An act in relation to the funds of Hamilton county.

House File No. 255: An act to amend section 1763 of the Code, amendatory of the law providing where causes in Courts of Record shall be tried.

DANA.

Senate File No. 218: Memorial and joint resolution to Congress opposing the renewal or extension of Patents,

Was taken up and read a first and second time.

The rule was suspended, and upon the question,

Shall the same pass?

The same was lost.

Senate File No. 48: A bill for an act to amend section nine of Chapter 157 of the laws passed at the regular session of the Sixth General Assembly,

Was taken up and read a first and second time.

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows:

Yeas 35, }

Nays 16. }

The yeas were,

Messrs. Bates, Bauder, Beal, Belknap, Carpenter, Casey, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Col-

lins, Crawford, Dana, Dewey, Dews, Edwards, Grimes, Gue, Harmon, Johnson, Lambert, McGrew, Milliser, Mitchell, Pierson, Prentiss, Rankin, Reitzel, Richardson, Seevers, Thompson, Watts, Wilson, Woodward, Mr. Speaker—35.

The nays were,

Messrs. Bennett, Davis, Foster, Guiberson, Jackson, Lundy, McCrary, Millsap, Moorman, Morgan, Sharp, Stearns, Streeter, Trumbull, Waln—16.

The title of the bill was agreed to.

Mr. Jackson

Moved to re-consider the vote last taken.

Mr. Milliser

Moved to lay the motion to re-consider on the table,

Upon which question

The yeas and nays were demanded and were as follows :

Yeas 10, }  
Nays 40. }

The yeas were,

Messrs. Anthony, Bennett, Clark of Dubuque, Clark of Johnson, Guiberson, Lundy, Milliser, Moorman, Stearns, Streeter, Waln—10

The nays were,

Messrs. Bates, Bauder, Beal, Belknap, Carpenter, Casey, Clark of Des Moines, Clune, Collins, Crawford, Dana, Dewey, Dews, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Johnson, Lambert, McGrew, Mitchell, Pierson, Prentiss, Rankin, Reitzel, Richardson, Seevers, Sharp, Steward, Thompson, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—40.

The title of the bill was agreed to.

The question recurring upon the motion to re-consider,

The same was agreed to.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows :

Yeas 37, }  
Nays 17. }

The yeas were,

Messrs. Bates, Bauder, Beal, Belknap, Campbell, Carpenter, Casey, Cassidy of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Dewey, Dews, Drummond, Edwards, Grimes, Gue, Harmon, Johnson, Lambert, Mitchell, Pierson, Prentiss, Rankin, Reitzel, Richardson, Seevers,

Sharp, Thompson, Watts, Wilson, Woodward, Mr. Speaker—37.

The nays were,

Messrs. Bennett, Dana, Davis, Foster, Guiberson, Jackson, Lundy, McCrary, McGrew, Milliser, Millsap, Moorman, Morgan, Scott, Stearns, Steward, Streeter, Waln—17.

Senate File No. 306: An act to exempt farming lands from taxation for town and city corporation purposes,

Was taken up and read a first and second time.

Mr. Anthony

Moved to amend the bill by adding thereto the following:

Provided, That nothing in this act contained shall be construed so as to apply to any city heretofore incorporated, unless at a regularly appointed election a majority of the voters voting at such election shall decide to adopt it as a part of their City Charter.

Which amendment was lost.

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows:

Yeas 34, }  
Nays 20. }

The yeas were,

Messrs. Bauder, Carpenter, Casey, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Curtis, Dana, Dews, Drummond, Edwards, Foster, Guiberson, Jackson, Johnson, Lambert, Laney, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Pierson, Richardson, Scott, SeEVERS, Stearns, Streeter, Waln, Wilson, Woodward, Mr. Speaker—34.

The nays were,

Messrs. Anthony, Belknap, Bennett, Campbell, Cavanaugh, Clark of Johnson, Crawford, Davis, Dewey, Harmon, Milliser, Prentiss, Rankin, Reitzel, Sharp, Steward, Thompson, Trumbull, Watts—20.

Senate File No. 192: An act legalizing the official acts of John Craig, late County Judge of Monroe county,

Was taken up and read a first and second time, and

On motion,

The same was indefinitely postponed.

Senate File No. 207: A bill for an act to legalize the election and official acts of school officers of school district number five, Black Hawk county,

Was taken up and read a first and second time.

The 42d Rule was suspended, the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 44, }  
Nays 2. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Curtis, Dana, Dewey, Dews, Edwards, Foster, Guiberson, Harmon, Lambert, Lundy, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Stearns, Steward, Streeter, Trunbull, Watts, Woodward, Mr. Speaker—44.

The nays were,

Messrs. Crawford and Scott—2.

The bill passed and the title was agreed to.

Senate File No. 225: An act to amend an act in relation to the assessment of property, approved January 28th, 1857,

The 42d Rule was suspended, the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 43, }  
Nays 3. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Campbell, Carpenter, Casey, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Davis, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Laney, Lundy, McCrary, McGrew, Millard, Milliser, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Richardson, Scott, Stearns, Steward, Streeter, Thompson, Watts—43.

The nays were,

Messrs. SeEVERS, Woodward, Mr. Speaker—3.

Senate File No. 220, An act legalizing the acts of the County Judge of Pottawattamio county, in purchasing real estate for a

Poor House Farm, and in drawing drafts on the Treasury of said county, for the purchase money,

Was taken up and read a first and second time.

Mr. Milliser

Moved that the further consideration of the bill be indefinitely postponed, upon which motion,

Mr. Belknap

Demanded the yeas and nays, which were as follows :

Yeas 36, }  
Nays 12. }

The yeas were,

Messrs. Anthony, Bates, Bander, Beal, Clark of Dubuque, Clark of Johnson, Collins, Crawford, Dewey, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, McCrary, McGrew, Milliser, Mitchell, Moorman, Pierson, Prentiss, Rankin, Reitzel, Scott, Seevers, Steward, Thompson, Trumbull, Waln, Watts, Woodward, Mr. Speaker—36.

The nays were,

Messrs. Belknap, Carpenter, Casey, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clune, Dana, Dews, Drummond, Lundy, Stearns—12.

The committee on Enrolled Bills, report that they have examined the following bills and found them correctly enrolled :

House File No. 303, An act explanatory of an act to establish new counties and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes.

House File No. 265, An act requiring witnesses' fees to be paid into the County Treasury.

House File No. 304, An act to amend Chapter ninety-six of the Code.

DANA.

Senate File No. 163, A bill for an act to repeal Sections 2561, 2562 and 2563 of the Code,

Was taken up and read a first and second time, when

The 42d Rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 34, }  
Nays 10. }

The yeas were,

Messrs. Bates, Beal, Belknap, Bennett, Carpenter, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dana, Davis, Dewey, Drummond, Foster, Gue, Guiberson, Jackson, Johnson, Lambert, Laney, Lundy, McCrary, Milliser, Mitchell, Morgan, Rankin, Seevers, Stearns, Thompson, Watts, Wilson, Woodward—34.

The nays were,

Messrs. Anthony, Millsap, Moorman, Pierson, Prentiss, Reitzel, Scott, Steward, Streeter, Waln, Mr. Speaker—10.

Senate File No. 212, A bill for an act to amend an act to protect game,

Was read a first and second time, when

The 42d Rule was suspended, and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 38, )

Nays 14. )

The yeas were,

Messrs. Bates, Belknap, Bennett, Campbell, Carpenter, Casey, Cassiday of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Curtis, Dana, Dewey, Drummond, Edwards, Foster, Grimes, Guiberson, Harmon, Jackson, Johnson, Laney, Lundy, McCrary, Milliser, Mitchell, Moorman, Rankin, Scott, Steward, Trumbull, Waln, Watts, Wilson, Woodward and Mr. Speaker—38.

The nays were,

Messrs. Anthony, Beal, Clark of Johnson, Crawford, Dewey, Lambert, McGrew, Millsap, Pierson, Prentiss, Reitzel, Seevers, Stearns, Streeter, Thompson—14.

Message from the Senate,

MR. SPEAKER:

I herewith return House File No. 300, A bill for an act ordering a special election for the purpose of submitting to the people certain acts named therein, regulating the business of Banking, the same having passed the Senate with one amendment.

I also present for your signature, Senate File No. 49, An act amendatory of an act entitled an act fixing the salaries of the Governor and State Officers of the State of Iowa, approved January 29th, 1857, the same having passed both Houses of the General Assembly and been duly enrolled by the Senate.



I am directed by the Senate to inform the House of Representatives that the Senate has passed House Files Nos. 251, 281, 282, 287, 330, 331 and 339, Joint Resolutions for increased mail facilities.

J. S. DIMMITT,  
Assistant Sec'y Senate.

On motion of Mr. Jackson,

House File No. 300, A bill for an act ordering a special election for the purpose of submitting to the people certain acts therein named, regulating the business of Banking, together with the amendments made thereto by the Senate,

Was taken up, and the amendments concurred in.

Mr. Thompson

Submitted the following report:

The committee on Schools and State University, to whom was referred House File No. 295, A bill for the relief of certain claimants and pre-emptors on School Lands, having had the same under consideration, instruct me to report the same back with the accompanying substitute, and recommend the adoption and passage of the substitute.

THOMPSON, Chairman.

Mr. SeEVERS

Moved to amend by adding to Section one: "Provided that where any county seat has been located on any of the lands mentioned in this Section, the several counties in which said county seats are situate shall have and be entitled to purchase said lands, to the amount of one hundred and sixty acres, at the appraised value thereof, exclusive of amendment.

The amendment was adopted.

The 42d Rule was then suspended, the bill read a third time,

And upon the question of its passage,

The yeas and nays were ordered, and were as follows:

Yeas 52, )  
Nays 00. )

The nays were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bennett, Campbell, Carpenter, Casey, Cassidy of Mahaska, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Davis, Dewey, Drummond, Edwards, Fester, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert,

Laney, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Thompson, Wain, Watts, Woodward, Mr. Speaker—52.

The nays were none.

The bill passed and the title was agreed to.

Mr. Drummond

Offered the following resolution :

*Resolved*, That no member be allowed to throw at another member a paper ball more than three inches in diameter, 'cause it hurts.

On motion of Mr. Seevers,

The resolution was laid upon the table.

Message from the Senate,

By Mr. Spencer, their Secretary :

MR. SPEAKER :

The Senate has passed Senate File No. 143, A bill for an act to repeal Section 2 of an act, entitled an act for a further appropriation for the State Insane Asylum. Also,

Senate File No. 222, A bill for an act to repeal Section 9, of Chapter 136, of the Session Laws of A. D. 1855.

Senate File No. 52, A bill for an act for the registration of births, marriages and deaths, in which the concurrence of the House is asked.

I herewith return House File No. 205, A bill for an act to amend Chapter 80 of the Code of Iowa, the same having passed the Senate without amendment.

I also return House File No. 256, A bill for an act to amend Section 2340 of the Code, and amendatory of the law regulating the trial of appeals from Justices of the Peace, the same having been rejected by the Senate.

I am directed to request the House to return to the Senate House File No. 256, A bill for an act to amend Section 2340 of the Code, and amendatory of the laws regulating the trial of appeals from Justices of the Peace.

I am directed to inform the House of Representatives, that the Senate has amended the concurrent resolution of the House, employing E. H. Brown, to re-mail the mail matter of the members of the General Assembly for two weeks, by striking out the name of "E. H. Brown," and inserting the name of "Wm. Lebo," and

striking out "\$40," and inserting "\$20," in which amendments the concurrence of the House is asked.

I herewith present for your signature the following bills :

Senate File No. 37, An act for the formation of limited partner ; ships.

Senate File No. 183, A bill for the relief of Swamp Land pre-emptors.

Senate File No. 219, An act disposing of the Grant of Land made by an act of Congress granting land to the Territory of Iowa, to aid in the improvement of the Navigation of the Des Moines River, the same having passed both Houses of the General Assembly and been duly enrolled by the Senate.

I herewith present for your signature the following bills, the same having passed both Houses of the General Assembly, and been duly enrolled by the Senate :

Senate File No. 237, Joint Resolution in relation to the care and control of the property of the State.

Senate File No. 228, A Memorial and Joint Resolution in relation to the grant of lands by Congress for the Improvement of the Navigation of the Des Moines River.

GEO. E. SPENCER,  
Secretary Senate.

The House then adjourned until seven o'clock.

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### SEVEN O'CLOCK, P. M.

House met pursuant to adjournment.

On motion of Mr. Harmon,

The vote by which the House refused to pass Senate File No. 220, A bill for an act legalizing the acts of the County Judge of Pottawattamie county, in real estate, for a Poor House Farm, &c., was reconsidered, and

Upon the passage of the bill,

The yeas and nays were ordered and were as follows :

Yeas 44, }  
Nays 4. }

The yeas were,

Messrs. Anthony, Beal, Belknap, Bennett, Bradley, Campbell,

Carpenter, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clune, Collins, Curtis, Dana, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Richardson, Scott, Sharp, Stearns, Steward, Streeter, Watts, Wilson, Woodward, Mr. Speaker—44.

The nays were,

Messrs. Bates, Crawford, Johnson, Prentiss—4.

Mr. Crawford

Moved to reconsider the vote by which the House passed Senate File No. 48, A bill for an act to amend Section 9, of Chapter 157 of the laws passed at the regular session of the sixth General Assembly.

Mr. Seevers

Moved to lay the motion on the table,

Upon which question,

The yeas and nays were ordered and were as follows :

Yeas 32, }  
Nays 13. }

The yeas were,

Messrs. Anthony, Bates, Beal, Belknap, Carpenter, Casey, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dewey, Dews, Edwards, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, McGrew, Mitchell, Pierson, Prentiss, Richardson, Stearns, Sharp, Steward, Watts, Wilson, Woodward, Mr. Speaker—32.

The nays were,

Messrs. Bennett, Bradley, Campbell, Crawford, Dana, Drummond, Guiberson, Lundy, McCrary, Moorman, Stearns, Streeter, Waln—13.

Mr. Dana

Submitted the following report :

The committee on Enrolled Bills report that they have examined the following bills, and found the same correctly enrolled :

House File No. 250, An act to prohibit the Inspectors, Wardens and other officers of the Iowa Penitentiary from being interested in contracts for furnishing such Penitentiary with provisions, clothing or other necessaries, and from being concerned or interested in contracts for building or furnishing building materials for such Penitentiary.

House Substitute for Senate File No. 68, An act to authorize the counties to use the swamp lands to aid in the construction of Railroads and other purposes.

House File No. 323, An act authorizing the election of an additional Justice of the Peace in Butler Township, Butler county, Iowa.

House File No. 74, An act for the relief of persons heretofore divorced to whom the disability to marry again has been attached, either by the law under which the divorce was had, or by decree of the court granting the same.

House File No. 291, An act determining the ratio of apportionment of the State into Representative Districts, and defining the boundaries thereof.

House File No. 248, An act amending Chapter 2 of the Code.

DANA.

Message from the Senate,

MR. SPEAKER:

I herewith return substitute for House File No. 295: A bill for an act for the relief of certain claimants and pre-emptors of School Lands,

The same having passed the Senate without amendment.

GEO. E. SPENCER,

Secretary Senate.

Senate File No. 162: A bill for an act in relation to revenues, Was taken up and read a first and second time.

Mr. Seevers

Moved to amend the bill by adding to the end of the third line of section three the words, "and all improvements on Swamp, School, Saline or University lands."

The amendment was agreed to.

On motion of Mr. Wain

The fifth section was amended by striking out all in said line before the word "benevolent" in the 11th line, and inserting, "all grounds and buildings of literary or scientific institutions incorporated under the laws of this State, also the grounds and buildings of."

On motion of Mr. Seevers

Line four of section three was amended by inserting after "franchises" the words "and toll bridges."

Mr. Milliser

Moved to fill the blank in the second line of section twelve with the word "two."

Mr. Bauder

Moved to amend by inserting four years,

Which motion was lost.

The motion of Mr. Milliser was then lost.

Mr. Jackson

Moved to amend by striking out the thirteenth line of section three.

On motion of Mr. Clark, of Johnson,

The following was adopted as a substitute for sections 71 and 72:

The County Treasurer shall make and transmit to the Auditor of State on or before the 10th day of every month, a statement under oath, showing the amount of money in his hands due the State on the last day of the preceding month, and he shall each year, unless otherwise directed by the State Auditor, pay into the State Treasury on or before the 10th day of February, all the money due to the State remaining in his hands on the 15th day of January; and on or before the 10th day of October, all of the money due the State remaining in his hands on the 15th day of September. He shall also, at any time when directed by the Auditor of State, forthwith pay into the State Treasurer, to the Treasurer of any other county, or to any other bank incorporated under the laws of this State, any or all the money due the State and remaining in his hands, or to hold the same subject to his order.

Mr. Clark, of Johnson,

Moved to amend by adding seven additional sections to the bill, to come in as sections 84, 85, 86, 87, 88, 89, 90, the same to be inserted between sections 83 and 84, as in the original bill.

Upon the question of adopting the amendment,

The yeas and nays were ordered and were as follows:

Yeas 20, }  
Nays 29. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bennett, Cassidy of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dewey, Grimes, Gue, Lundy, Milliser, Mitchell, Scott, Waln—20.

The nays were,

Messrs. Carpenter, Casey, Dana, Davis, Edwards, Foster, Guiber-

son, Harmon, Jackson, Lambert, McCrary, McGrew, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Seevers, Sharp, Stearns, Steward, Streeter, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—29.

On motion of Mr. Waln

The 42d Rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 50, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Crawford, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Richardson, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—50.

The nays were—None.

Senate File No. 200: A bill for an act in relation to County Seats,

Was taken up and read a first and second time, when

Mr. Clune

Moved that the further consideration of the same be indefinitely postponed, and upon that question

Demanded the yeas and nays, which were as follows :

Yeas 27, }  
Nays 25. }

The yeas were,

Messrs. Bander, Beal, Belknap, Bradley, Campbell, Casey, Cassiday of Mahaska, Clark of Des Moines, Clune, Collins, Crawford, Dewey, Dews, Foster, Johnson, Lambert, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Sharp, Steward, Watts, Mr. Speaker—27.

The nays were,

Messrs. Anthony, Bates, Carpenter, Clark of Dubuque, Drummond, Edwards, Grimes, Gue, Guiberson, Harmon, Jackson, Lundy, McCrary, Rankin, Reitzel, Richardson, Scott, Seevers, Stearns, Streeter, Trumbull, Waln, Wilson, Woodward—25.

**Senate File No. 204: A bill for an act to provide for taking the Census,**

Was taken up and read a first and second time, and upon the question of its passage

The yeas and nays were ordered and were as follows:

Yeas 46, )  
Nays 00. )

The yeas were,

Messrs. Anthony, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassidy of Mahaska, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Collins, Curtis, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Johnson, Lambert, Lundy, McCrary, McCormick, Mitchell, Millsap, Moorman, Morgan, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward -46.

The nays were—None.

Message from the Senate,

**MR. SPEAKER:**

The Senate has passed Senate File No. 240: Joint Resolution providing for Commissioners to investigate the affairs of State officers, in which the concurrence of the House is asked.

I herewith present for your signature Senate Files No.'s 51 and 207,

The same having passed both Houses of the General Assembly and been duly enrolled by the Senate.

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the concurrent House resolution providing for the adjournment of the General Assembly on the 23d inst.

I herewith present for your signature the following bills:

Senate File No. 213: An act to provide for fencing and improving the Capitol Square, in the city of Des Moines.

Senate File No. 233: An act for the publication of the substitute for Senate File No. 68,

The same having passed both Houses of the General Assembly and been duly enrolled by the Senate.

The Senate has passed Senate File No. 239: Joint resolution in relation to the State Bonds, in which the concurrence of the House is asked.



**MR. SPEAKER:**

I am directed by the Senate to inform the House of Representatives that the Senate has adopted a substitute for House File No. 237: A bill for an act providing for the election and compensation of the members of the Board of Education, and fixing the time and place for the meeting of the same.

J. S. DIMMITT, Assistant Sec'y Senate.

Mr. Dana submitted the following report:

The committee on Enrolled Bills report that they have presented to the Governor for his signature the following bills:

House File No. 304: An act to amend Chapter 96 of the Code.

House File No. 303: An act explanatory of an act to establish new counties and define their boundaries, in the late cession from the Sac and Fox Indians, and for other purposes.

House File No. 265: An act requiring witness fees to be paid into the county treasury.

House File No. 255: An act to amend section 1763 of the Code, and amendatory of the law providing where causes in Courts of Record shall be tried.

House File No. 219: An act relating to the crime of placing obstructions on railroad tracks, or removing any rail therefrom, or committing any injuries to railroads.

House File No. 343: Joint Resolution instructing the Governor to enjoin the Des Moines Navigation and Rail Road Company in certain contingencies.

House File No. 323: An act authorizing the election of an additional Justice of the Peace in Butler township, Butler county, Iowa.

House File No. 291: An act determining the ratio of apportionment of the State into Representative Districts, and defining the boundaries thereof.

House File No. 250: An act to prohibit the Inspectors, Wardens and other officers of the Iowa Penitentiary from being interested in contracts for furnishing such Penitentiary with provisions, clothing or other necessaries, and from being concerned or interested in contracts for building or furnishing building materials for such Penitentiary.

Also, House File No. 74: An act for the relief of persons heretofore divorced to whom the disability to marry again has been attached, either by the law under which the divorce was had, or by decree of the Court granting the same.

House File No. 248: An act amending Chap. two of the Code.

House substitute for Senate File No. 68: An act to authorize the counties to use the swamp lands to aid in the construction of railroads and other purposes.

Substitute for House File No. 108: An act to locate and provide for the erection of an Institution for the education of the Blind of the State of Iowa.

House File No. 279: An act in relation to the funds of Hamilton county.

House File No. 274: An act regulating public shows.

House File No. 345: Joint Resolution relating to the five per cent. fund.

Substitute for House File No. 270: An act for the relief of Jas. Phillips.

### DANA.

Senate File No. 194: A bill for an act to provide for the publication of certain laws in the several counties of this State,

Was taken up and read a first and second time.

Mr. Drummond

Moved to amend the tenth line of the third section by striking out "thirty" and inserting "forty."

The amendment was agreed to, when

The 42d Rule was suspended and the bill read a third time, and upon the question of its passage,

The yeas and nays were ordered and were as follows:

Yeas 39, }
Nays 16. }

The yeas were,

Messrs. Bates, Beal, Belknap, Bennett, Carpenter, Cassiday of Mahaska, Clark of Johnson, Collins, Crawford, Dana, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Pierson, Rankin, Reitzel, Richardson, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward—39.

The nays were,

Messrs. Anthony, Bauder, Bradley, Campbell, Casey, Clark of Des Moines, Clark of Dubuque, Clune, Curtis, Davis, Dews, Johnson, Lambert, Milliser, Millsap, Prentiss—16.

The title of the bill was then agreed to.

On motion of Mr. Clark, of Johnson,

House File No. 200: A bill for an act providing for the management of school funds and the sale of school lands,

Was taken up, when

The 42d Rule was suspended and the bill read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows :

Yeas 43, }

Nays 1. }

The yeas were,

Messrs. Bates, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Dewey, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lundy, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—44.

Mr. Anthony voted in the negative.

The title of the bill was then agreed to.

House File No. 318: A bill for an act providing for the publication of the act creating the State Bank of Iowa, and authorizing the business of Banking in the State of Iowa,

Was taken up and read a third time, and upon the question of its passage

The yeas and nays were ordered and were as follows :

Yeas 40, }

Nays 1. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Beal, Belknap, Bradley, Carpenter, Casey, Cassiday of Mahaska, Clark of Des Moines, Clune, Collins, Dana, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, Mitchell, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Richardson, Scott, SeEVERS, Steward, Streeter, Thompson, Waln, Wilson, Mr. Speaker—40.

Mr. Pierson voted in the negative.

The title of the bill was then agreed to.

On motion of Mr. Beal

House File No. 208: A bill for an act to authorize the Register of the State Land Office and Governor to issue patents to the purchasers of the Des Moines River Improvement Lands,

Was taken from the table, when

The 42d Rule was suspended and the bill read a third time, and upon the question of its passage

The yeas and nays were ordered and were as follows :

Yeas 26, }  
Nays 16. }

The yeas were,

Messrs. Anthony, Bates, Bander, Beal, Belknap, Campbell, Carpenter, Casey, Clark of Dubuque, Clune, Collins, Dana, Davis, Dews, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lambert, Laney, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward—43.

The nays were,

Mr. Curtis and Mr. Speaker—2.

The title of the bill was then agreed to.

House File No. 194: A bill for an act to provide for the assessment and payment of the State revenue,

Was read a third time, when,

On motion of Mr. Harmon,

The further consideration of the bill was indefinitely postponed.

House File No. 311: A bill for an act providing for submitting to the voters of Humboldt and Webster counties a proposition to change their boundaries, &c.,

Was read a third time, and upon the question of its passage

The yeas and nays were ordered and were as follows :

Yeas 26, }  
Nays 16. }

The yeas were,

Messrs. Anthony, Belknap, Bennett, Campbell, Carpenter, Cassidy of Mahasha, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Curtis, Dana, Edwards, Foster, Lambert, Laney, Milliser, Mitchell, Prentiss, Rankin, Reitzel, SeEVERS, Steward, Streeter, Thompson, Woodward, Mr. Speaker—26.

The nays were,

Messrs. Bates, Collins, Davis, Dewey, Grimes, Gue, Guiberson, Johnson, McGrew, Moorman, Morgan, Scott, Sharp, Stearns, Waln, Watts—16.

Mr. Belknap

Moved a call of the House, which motion being sustained, the Clerk proceeded to call the roll, whereupon the following named gentlemen were found to be absent and unexcused :

Messrs. Casady of Woodbury, Cavanaugh, Curtis, Gue, McCrary, Millard, Milliser, Richardson and Trumbull.

On motion

Messrs. Richardson, Millard and Cavanaugh were excused from attendance upon the House for the remainder of the evening.

On motion of Mr. Belknap

Further proceedings under the call were suspended.

House File No. 344: A bill for an act to legalize an election held in Worth county,

Was read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were demanded and were as follows:

Yeas 42, }  
Nays 5. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Collins, Dana, Davis, Dews, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Pierson, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Sharp, Stearns, Seward, Streeter, Thompson, Wilson, Woodward, Mr. Speaker—42.

The nays were,

Messrs. Anthony, Beal, Crawford, Johnson, Watts—5.

The title of the bill was agreed to.

House File No. 202: A bill for an act in relation to estrays,

Was read a third time, and

Upon the question of its passage,

The yeas and nays were ordered and were as follows:

Yeas 45, }  
Nays 4. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Dubuque, Clark of Johnson, Collins, Dana, Davis, Dewey, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Johnson, Lambert, Lancy, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Morgan, Pierson,

Prentiss, Rankin, Reitzel, Scott, Sharp, Stearns, Steward, Streeter, Waln, Watts, Wilson, Woodward, Mr. Speaker—45.

The nays were,

Messrs. Beal, Clark of Des Moines, Clune, Crawford—4.

Message from the Senate,

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed House File No. 263, A bill for an act to re-enact all such acts as may have been repealed or suspended in their operation by the New Constitution, but which are not in conflict therewith, with one amendment in which the concurrence of the House is asked.

I am directed to inform the House that the Senate has appointed Senators Mann, Rankin, Trimble a committee of Conference, on the part of the Senate to act with the committee already appointed by the House in relation to the disagreement between the two Houses to the amendments to Senate File No. 194, A bill for an act to provide for the publication of certain laws in the several counties of the State.

The Senate has refused to concur in the amendment made by the House to Senate File No. 194, A bill for an act to provide for the publication of certain laws in the several counties of the State.

GEO. E. SPENCER,  
Secretary Senate.

On motion of Mr. Drummond,

The House refused to recede from its amendments to House File No. 194.

On motion of Mr. Drummond,

A committee of conference was appointed to confer with a similar committee on the part of the Senate, in relation to the disagreements between the Houses regarding Senate File No. 194.

Messrs. Drummond and Bates were appointed said committee.

Mr. Wilson introduced

House File No. 347, A bill for an act making appropriations for the support of the State Government and for the payment of the per diem and mileage of the General Assembly,

Which was read a first and second time, when

Mr. Mitchell

Moved to amend the same by adding to the appropriation to the Iowa Weekly Citizen, the sum of \$187,50,

Which motion was agreed to.

Mr. Wilson

Moved to amend by adding as follows :

T. W. Gill, for Fireman of Committee Rooms, 61 days, at \$3 per day, \$184,00.

Which motion was agreed to.

Mr. Drummond

Moved to amend by adding :

To C. Ben Darwin, as revising Commissioner, mileage, \$27.

To T. W. Barker, " " " \$36.

To W. Smyth, " " " \$27.

To R. J. Thomas, as Clerk for Revising Commissioners, mileage, \$36.

The amendment was agreed to.

Mr. Clune

Moved to amend that part of the bill referring to the Burlington Gazette, so as to increase the appropriation to said Journal to \$40, or so much thereof as is necessary to pay said Journal according to its published rates for subscription.

The amendment was agreed to.

On motion of Mr. Belknap,

The bill was amended so as to allow the second, third and fourth Messengers \$2,50 per day, each.

Mr. Clark of Dubuque,

Moved to amend the 23d Section, by adding as follows: And two hundred and fifty dollars for contingent expenses for the office of the Superintendent of Public Instruction, for the past year.

The amendment was adopted.

Mr. Clark of Johnson,

Moved to amend Section 23d, 5th line, by adding "and fifty," after the word "hundred," add each after the word "dollars," in 6th line.

The amendment was adopted.

Mr. Clark of Dubuque,

Moved to amend the eleventh Section by increasing the appropriation for Clerk hire in State Register's Office, to two thousand dollars.

Mr. Belknap

Moved a call of the House. The Clerk proceeded to call the roll, when,

On motion of Mr. Wilson,

Further proceedings under the call were suspended.

The question recurring upon the pending amendment to section eleven,

Mr. Drummond

Demanded the yeas and nays, which were as follows:

Yeas 27, }

Nays 19.

The yeas were,

Messrs. Bates, Beal, Belknap, Bennett, Bradley, Campbell, Casey, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dews, Drummond, Gue, Guiberson, Harmon, Johnson, Laney, Lundy, McCrary, McGrew, Milliser, Millsap, Pierson, Scott, Sharp Steward—27.

The nays were,

Messrs. Anthony, Carpenter, Dana, Dewey, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Seevers, Stearns, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—19.

On motion of Mr. Bradley,

The appropriation to the Chief Clerk for distributing, &c., the Journals of the House, was increased from \$400 to \$500.

On motion of Mr. Cassiday of Mahaska,

The compensation to the Fireman was increased to \$3 per day.

Mr. Belknap

Moved to amend by increasing the compensation to the Iowa Weekly Citizen and Iowa State Journal 25 per cent.,

Upon which question,

The yeas and nays were ordered and were as follows:

Yeas 17, }

Nays 31. }

The yeas were,

Messrs. Beal, Belknap, Bennett, Bradley, Campbell, Clark of Johnson, Clune, Crawford, Edwards, Harmon, Lambert, Laney, Milliser, Mitchell, Pierson, Steward, Watts—17.

The nays were,

Messrs. Bates, Carpenter, Cassiday of Mahaska, Collins, Curtis, Dana, Davis, Dewey, Dews, Jackson, Lundy, McCrary, McGrew, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, Seevers, Stearns, Streeter, Thompson, Trumbull, Waln, Wilson, Woodward, Mr. Speaker—31.



**MR. SPEAKER :**

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following bills :

House File No. 208, A bill for an act to authorize the Register of the State Land Office and Governor of Iowa to issue Patents to the purchasers of Des Moines River lands.

House File No. 344, A bill for an act to legalize an election held in Worth county, Oct. 13th, 1857.

**MR. SPEAKER :**

I herewith return House File No. 200, A bill for an act providing for the management of the School Fund, and sale of the School Lands, the same having passed the Senate without amendment.

GEO. E. SPENCER,  
Secretary Senate.

**MR. SPEAKER :**

The Senate has passed Senate File No. 241, Joint Resolution in relation to the publication of the laws, in which the concurrence of the House is asked.

The Senate has adopted the report of the committee of Conference in relation to Senate File No. 194.

I herewith present for your signature, Senate Files No. 230, 220, 48, 225, 212, 107, the same having passed both Houses of the General Assembly and been duly enrolled by the Senate.

GEORGE E. SPENCER,  
Secretary Senate.

**Mr. Clark of Dubuque,**

Moved to amend Section 25, by striking out the appropriation to Lincoln Clark as Speaker pro tem.

The motion was not agreed to.

**Mr. Bates**

Moved to amend Section 9, by striking out the words, " for the fiscal year 1859, \$200," and inserting " for the remainder of the present fiscal year, and for the year 1859, \$800."

Upon the question,

The yeas and nays were demanded and were as follows :

Yeas 33, }  
Nays 13. }

The yeas were,

Messrs. Anthony, Bates, Beal, Belknap, Bradley, Campbell,

Casey, Clark of Johnson, Collins, Crawford, Dews, Drummond, Foster, Gue, Guiberson, Harmon, Johnson, Lambert, McCrary, McGrew, Milliser, Millsap, Pierson, Rankin, Scott, Seevers, Steward, Streeter, Trumbull, Waln, Watts, Woodward—33.

The nays were,

Messrs. Carpenter, Dana, Laney, Lundy, Mitchell, Moorman, Morgan, Prentiss, Reitzel, Thompson, Wilson, Mr. Speaker—13.

Mr. Trumbull

Moved to amend by adding, "to the Richmond Enquirer \$2."

Which motion was agreed to.

Mr. Grimes

Moved to amend so as to increase the compensation of the Rev. Mr. Shin, from \$3 to \$10.

The motion was lost.

Mr. Jackson

Moved to amend by increasing the appropriation to \$25.

The motion was not agreed to.

Mr. Clark of Johnson

Moved to amend by increasing the appropriation to Wm. Lee, from \$175,35, to \$192,88.

The motion was lost.

Mr. Belknap

Moved to amend by increasing the appropriation to the Iowa Weekly Citizen and State Journal 20 per cent.,

And upon that question,

Demanded the yeas and nays, which were as follows :

Yeas 23, }  
Nays 29. }

The yeas were,

Messrs. Bander, Beal, Belknap, Bradley, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dana, Edwards, Foster, Harmon, Jackson, Johnson, Laney, Milliser, Mitchell, Pierson, Rankin, Sharp, Watts—23.

The nays were,

Messrs. Bates, Campbell, Carpenter, Cassidy of Mahaska, Collins, Davis, Dewey, Dews, Drummond, Grimes, Gue, Guiberson, Lundy, McCrary, McGrew, Millsap, Moorman, Morgan, Prentiss, Reitzel, Scott, Seevers, Stearns, Streeter, Thompson, Waln, Wilson, Woodward and Mr. Speaker—29.

Dr. Dana

Submitted the following report:

The committee on Enrolled Bills report that they have examined House File No. 141, and found the same correctly enrolled.

DANA.

Also, House File No. 300, An act ordering a special election for the purpose of submitting to the people certain acts therein named, regulating the business of Banking.

Substitute for House File No. 295, An act for the relief of certain claimants and pre-emptors on School Lands.

House File No. 121, Joint Resolution of the General Assembly of the State of Iowa, asking an appropriation of money for a double track Railroad around the Lower Rapids in the Mississippi River, on the Iowa or west side thereof.

DANA.

Mr. Crawford

Moved to amend by increasing the compensation of the Sergeant-at-arms to \$4.

Lost.

Mr. Bates

Moved to amend as follows: For the salary of the State Librarian, and for Clerk hire in said office for the remainder of the present fiscal year, and for the fiscal year 1859, the sum of eight hundred dollars.

Lost.

On motion of Mr. Carpenter,

The appropriation to B. F. Reno, for expenses in subpoenaing witnesses, &c., was increased \$52.

Mr. Clark of Johnson,

Moved to increase the contingent fund of the Auditor of State \$400.

The motion was not agreed to.

Mr. Bates

Moved to amend Section 2 by striking out \$1000, and inserting \$500,

Upon which question,

Mr. Bates

Demanded the yeas and nays, which were as follows:

Yeas 11, }  
Nays 37. }

The yeas were,

Messrs. Anthony, Bates, Clark of Dubuque, Clune, Dewa, Johnson, Laney, Milliser, Millsap, Seevers, Thompson—11.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Johnson, Collins, Crawford, Dana, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Pierson, Rankin, Reitzel, Scott, Sharp, Stearns, Steward, Streeter, Watts, Wilson, Woodward, Mr. Speaker—37.

Mr. Dana

Submitted the following report:

The committee on Enrolled Bills, report that they have examined the following bills and found the same correctly enrolled:

House File No. 205, An act to amend Chapter 80 of the Code of Iowa.

Substitute for House File No. 251, 281, 282, 230, 231, 339, Joint Resolutions for increased mail facilities.

DANA.

Mr. Bradley

Moved to amend by increasing the appropriation to W. A. Scott, from \$750 to \$1400, and upon that,

Demanded the yeas and nays, which were as follows:

Yeas 20, }  
Nays 19. }

The yeas were,

Messrs. Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Casey, Clark of Dubuque, Clark of Johnson, Clune, Crawford, Dana, Edwards, Johnson, Laney, Milliser, Mitchell, Pierson, Scott, Steward—20.

The nays were,

Messrs. Anthony, Bates, Cassiday of Mahaska, Dewey, Dewa, Lundy, McCrary, McGrew, Moorman, Morgan, Prentiss, Rankin, Reitzel, Seevers, Stearns, Streeter, Waln, Woodward, Mr. Speaker—19.

On motion of Mr. Gue,

The compensation to B. F. Jones was increased to \$4 per day.

Mr. Harmon

Moved to amend Section 2 as follows: Strike out "sixty days," and insert "seventy days," as the time during which the Fireman of the Committee Rooms shall receive pay.

Which amendment was adopted.

Mr. Bates

Moved to amend by adding as follows: Cedar Valley Times, 4 copies, \$2,00; Cedar Rapids Democrat, 2 copies, \$1,00,

Which amendment was adopted.

Mr. Clark of Johnson,

Moved to amend by adding to Section 2: "Also to the Governor, \$3,000 per annum, who is hereby authorized to rent a building for the use of the State officers and the General Assembly, or so much of said appropriation as is needed for that purpose,"

Upon which motion to amend,

The yeas and nays were ordered, and were as follows:

Yeas 5, }  
Nays 45. }

The yeas were,

Messrs. Bates, Beal, Clark of Johnson, Collins, Crawford, Miller—5.

The nays were,

Messrs. Anthony, Bauder, Belknap, Bennett, Bradley; Campbell, Carpenter, Casey, Cassidy of Mahaska, Clark of Dubuque, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, McCrary, McGrew, Mitchell, Millsap, Moorman, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Wilson, Woodward, Mr. Speaker—45.

Mr. Mitchell

Moved to amend by adding 4.50 to the account of the Burlington Hawk-Eye,

Which motion prevailed.

Mr. Wilson

Moved to amend by striking out of section four, all that part relating to Clerk hire,

Which motion was agreed to.

On motion of Mr. Wilson

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 44, }  
Nays 5. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Campbell, Carpenter, Cassiday of Mahaska, Clark of Dubuque, Clark of Johnson, Clune, Collins, Dana, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Jackson, Johnson, Lambert, Laney, Lundy, McCrary, McGrew, Milliser, Mitchell, Millsap, Morgan, Pierson, Prentiss, Rankin, Reitzel, Scott, Seevers, Sharp, Stearns, Steward, Streeter, Waln, Wilson, Woodward, Mr. Speaker—44.

The nays were,

Messrs. Bradley, Crawford, Davis, Moorman—4.

Mr. Clark, of Dubuque,

From the minority of the committee on Federal Relations, submitted the following report :

The committee on Federal Relations, to whom was referred so much of the Governor's Message as relates to the subjects of slavery, Kansas affairs, and the decision of the Supreme Court of the United States in the case of Dred Scott vs. Sandford, ask leave to make the following minority

#### R E P O R T : .

In the message will be found the following extracts :

“The founders of this Republic entertained no doubt that Congress had power to make all needful rules and regulations for the government of the Territories of the United States, and that a prohibition of the introduction of African Slavery within these Territories was legitimately within the scope of this authority.”

From the foregoing the inference is clear that the Governor meant to affirm that Congress has plenary power to govern the Territories of the United States; this would no doubt be the understanding of every reader. But it is believed by the undersigned that the doctrine is not true, and that it is the source of most serious and grievous errors.

Such power is no where expressly given in the Constitution; neither can it be logically or fairly deduced from any power therein contained. It is not said in the Constitution that Congress shall have power to make all “needful rules” for the government of the Territories, but that they shall have power to dispose of, and make such rules as may be necessary respecting the Territory or *other property* belonging to the United States.

This is clearly a power to manage property, not to govern a community. The term territory is used in this connection to indicate property; the terms *other property*, are relative; they have reference not only to something else, but to something of the *same kind*; to what can it by possibility refer, except to the term "territory?" And the concluding part of the same Section goes to prove that this construction is correct—"nothing in this Constitution shall be so construed as to prejudice any *claims* of the United States or of any particular State." What claim? A claim to *govern*. There is no question raised here about the right to govern; if there is, the States were individually interested in it, as well as the States in their aggregate capacity—"or the claims of any particular State." Was any particular State contending for a power to govern; if so, what? The constitution is simply absurd. The meaning must be gathered from the entire clause—the potent idea in it is one, not of government, but of property.

But the United States had property, that is to say, claims to property which might be prejudiced by the adoption of the new government, and hence this clause in the Constitution, to guard against such prejudice. They had a claim to all the north west territory for the purpose of paying the common debt of the States; and by the Constitution, this claim was to be as valid in the new government, as in the confederation; the States also separately had claims that this immense Territory should be used for that purpose. The United States also had claims to conceded lands in North Carolina and Georgia, which they did not mean to yield by adoption of the new government under the Constitution.

The Message proceeds to say: "Such was the universal sentiment of the country, and the principle was recognized in numerous instances by Congress prior to 1854."

It is not believed that this position can be sustained by authoritative adjudicated cases; and so far as it is sustained by instances of legislation, it has been in the midst of seriously conflicting opinion, and the results destitute of the weight of authority. It is no strange thing that statutes should be deemed by the law makers to be unconstitutional when they will not stand judicial scrutiny. And such, in the opinion of the undersigned, is clearly true respecting the Missouri Compromise Line. It is surely in time to have the constitutionality of a statute tested by the judicial tribunals, when a proper case is brought before them for that.

purpose. But because no such case had arisen respecting that enactment since its passage, until that of *Scott vs. Sandford*, we do not see that it can be affirmed with the certainty of conviction that the power to exclude slavery from the Territories by Congress is "legitimately within the scope of their authority." Even if it were deemed to be so, it would seem to be sufficient to convince all right minded men that it was otherwise when the highest judicial tribunal in the land had so determined, at least so far as to conduce to a ready conformity of action. Nothing is more common than for those who entertain the views of the Executive upon this subject, to refer to the ordinance of 1787, for the government of the north-west Territory, in support of those views. But that ordinance illustrates no power of the Constitution, because it was adopted by the Confederate States, which had the power to do any thing they wished; at least there was no limitation of power. But it is said that Congress, after the adoption of the Constitution, passed an act in confirmation of the provisions of that Ordinance. And this is so. But it must be remembered that the Ordinance contained many provisions besides that of the exclusion of slavery; it contained an elaborate system of government—and the object of Congress was simply to recognize the system as they found it. This it was both their privilege and their duty to do: it was expected by all concerned; and any other course would have been in bad faith, and unjust. This therefore was no test of the power of the Constitution, nor a precedent to be followed under it.

It is further declared in the Message that "the theory of popular sovereignty has been overthrown by the decision of the Supreme Court." We cannot but think that the very nature and intent of popular sovereignty have been utterly misapprehended by the Executive. One would think that he supposed it was to be found in the unlimited power of the Representatives of the people in Congress: the complaint is that the Supreme Court have decided that they have no such power. If this is not the point of the assertion, it is that the Territories while they remain such, have not the power to legislate upon the subject of slavery. Even in that point of view, the decision is not militant to the doctrine of popular sovereignty, but it substantiates and protects it. What is popular sovereignty? It is undoubtedly the right which the people of a State have to mould their own institutions. This right is not alone inherent in the present population of a territory;



but it is prospective ; it looks to the population as it shall be found when application shall be made for admission as a State. In other words, the population of Kansas as it existed two years ago, had no right to forestall the will and pleasure, respecting the establishment of permanent institutions there, of the population which might be found there in one, two, or three years to come. This would not only not be popular sovereignty, but it would be a perfect monopoly, utterly destitute of it.

It is undoubtedly true that the General Government holds the Territories in trust, for all the States alike—their interests are common—their rights are equal ; and the General Government, as an impartial and honest trustee, is bound to see that those rights are not on the one hand invaded, nor on the other monopolized.

The message is bitter towards the Court, because after having decided that the Circuit Court had no jurisdiction because of the fact that Scott was not a citizen, it proceeded to consider the merits of the case. The Governor affirms that because the Court below had not jurisdiction of the party plaintiff, therefore the superior Court had none to revise the case upon all that was embraced in the record. If this were true, the conclusion to which the Governor arrives, to-wit: that the decision is not binding, would no doubt be correct. But, happily for all those who desire correct information upon a subject of so much importance, they are not left in the dark. The Court did not stumble from the question of jurisdiction in the Court below, to the consideration of the more substantial portion of the case. They carefully considered whether they had the power to investigate and adjudge the whole case, after that point had been made and fully argued.

It may be a question whether good citizens, desirous of holding to the law both for the sake of order and conscience, shall give the greater heed as to what the law really is, to the well considered, solemn decision of the highest tribunal in the land, or to the opinion of a partizan Governor in his message ; and this must be determined by every one for himself. But independent of the fact that the Court had determined that the law gave them the right to consider the whole case, it is not difficult to see that such is the reasonableness of the thing. Nothing is more common than that when a cause comes before a Court of last resort upon a multiplicity of points, which might be reversed by the decision of a single one, and the Court thus relieved of the consideration of the remainder,

they should revise the entire proceedings. This course saves a vast amount of litigation, expense and labor on the part of counsel and parties, and is the only just and proper manner of the disposition of causes.

It is not denied that the Circuit Court had jurisdiction of the subject matter, though Scott had no right to sue because of personal disability. Was it therefore incompetent and wrong for the Court to declare the law in the cause before it, for the benefit of future litigants, and for the quiet of the whole country? We think not; and that no such grave charge lies against the decision as that it may be treated with contempt.

The Governor concludes this part of his message with these remarkable words: "The decision cannot bind the conscience or command the obedience of any man." The undersigned hardly think that language of reprobation so strong against any department of the Government, by the official of a State Government, can be found since the War of 1812 and the times of the Hartford Convention. We do not say that such language is treasonable; but if there is any such thing as moral treason, this is believed to be that thing. It is not resistance to the Government in the shape of an overt act; but it is encouragement to resistance; it breathes the spirit of it, and would result in it when moved to corresponding action.

The undersigned consider it a matter of no trifling nature for persons in high station, no matter what it may be, whether in the executive chair, in the capacity of legislator, or in the pulpit, to teach doctrines constitutionally and morally heretical; and above all to attempt to destroy the confidence of the people in the highest judicial tribunal in the land; the rock on which the whole fabric rests. Political and sectional parties may rage and contend for this or that construction of the Constitution, or this or that measure of legal right, if we can in the midst of the strife fall back upon a tribunal for the determination of the right, eminent for its knowledge, and standing high in the confidence of the people by reason of tried character and integrity, the safety will be like that of the cable chain which holds the ship fast while all is furious around. It is the very last thing which the poorest patriot ought to do, to attempt to pull down the Superior Court of the United States.

Further, the message declares, "that by the decision in question it is held that freedom is no longer national, and slavery local;

and that the logical result of the decision is, that it carries slavery into every State in this Union." These statements are erroneous, and the conclusion wild. Freedom is certainly national, because it prevails in all the States as fully as it did at the adoption of the Constitution, and slavery prevails no more than under the Constitution it has a right to do. Should the Executive deny the right, that would be begging the whole question. Who can properly determine that right when it is disputed? Surely no power but the Judiciary. The Court, by their decision, say that the General Government holds the Territories in trust for the benefit of the people of all the States alike, and that it is bound to administer the trust impartially, so that none shall monopolize rights, or be deprived of them. The decision admits that when a Territory shall be erected into a State, the trust ceases, and the State has full power to legislate on the subject of slavery, as well as on all others not given by some power in the Constitution to Congress. The decision in no sense invades the sovereignty of the States, nor in the slightest degree curtails their power. It is difficult to see how slavery can go into any State where by the Constitution and laws of the State it is excluded.

The General Government owns a part of the domain of this State, but that gives it no more right to enact legislation here, than the fact of ownership gives to rail road companies the right to legislate for the lands owned by them; neither does the decision in question look to any such result, and the conclusion of the Executive is not only logically untrue, but it is a wild chimera, "a baseless vision."

The undersigned take occasion to say that in their opinion it is not competent for the Executive or the Legislature of a State, to review the decisions of the Supreme Court of the United States. It is in substance an infringement of that part of the Constitution which requires the respective departments of the Government not to invade each other.

In conclusion the undersigned have to say that so long as the Constitution is maintained in its purity and integrity, unimpaired by the narrow views of sectionalism, prejudice and fanaticism, the Union will, in their opinion be safe; but in the degree to which these shall be permitted to prevail, the Union will be jeopardized.

W. HENRY OLUNE.

LINCOLN OLARK.

On motion, the House adjourned till one o'clock.

MARCH 23d, 1858, ONE O'CLOCK, A. M.

House met pursuant to adjournment.

Mr SeEVERS

Moved a call of the House, when the following members were found to be absent and unexcused :

Messrs. Casey, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Milliser, Millsap and Trumbull.

Mr. Drummond

Moved to dispense with further proceedings under the call, Which was agreed to.

The committee on Enrolled Bills report that they have examined the following Bills, and find the same correctly enrolled :

House File No. 208, An act to authorize the Register of the State Land Office and Governor of Iowa to issue Patents to the purchasers of Des Moines River Lands.

House File No. 299, An act in relation to the funds of Hamilton county.

House File No. 232, An act to provide for the making and repairing of Public Highways, and prescribing the duties of township officers in certain cases.

The committee on enrolled bills report that they have presented to the Governor for his signature the following bills :

Substitute for House File No. 295, A bill for an act for the relief of certain claimants and pre-emptors on school land.

House File No. 208, An act to authorize the Register of the State Land Office and Governor of Iowa to issue Patents to the purchasers of Des Moines River Lands.

House File No. 199, An act in relation to the funds of Hamilton county.

The committee on Enrolled Bills report that they have presented to the Governor for his signature the following bills :

House File No. 141, An act authorizing General Banking in the State of Iowa.

House File No. 300, An act ordering a special election for the purpose of submitting to the people certain acts therein named, regulating the business of Banking.

Substitute for House File No. 295, An act for the relief of certain claimants and pre-emptors on School Lands.

House File No. 205, An act to amend chapter 80 of the Code of Iowa.

Also, House File No. 121, Joint Resolution of the General Assembly of the State of Iowa, asking an appropriation of money for a double track Rail Road around the lower Rapids of the Mississippi River on the Iowa, or west side thereof.

DANA.

On motion of Mr. Drummond

Senate File No. 194: A bill for an act to provide for the publication of certain laws in the several counties of the State,

Was taken up and the report of the joint committee of conference was concurred in.

On motion of Mr. Bennett

House File No. 25: A bill for an act exempting certain property of unmarried persons from seizure upon execution,

Was taken up and read a third time, and upon the question,  
Shall the bill pass?

The yeas and nays were demanded and were as follows:

Yeas 30, }  
Nays 25. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Johnson, Curtis, Dewey, Dews, Foster, Gue, Guiberson, Harmon, Laney, Lundy, Morgan, Scott, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watta, Woodward—30.

The nays were,

Messrs. Anthony, Bradley, Clune, Collins, Crawford, Dana, Davis, Drummond, Edwards, Grimes, Jackson, Johnson, Lambert, McCrary, McGrew, Mitchell, Moorman, Pierson, Prentiss, Rankin, Reitzel, SeEVERS, Wilson—25.

Mr. Drummond

Moved a re-consideration of the vote last taken,

Which prevailed.

The question recurring upon the passage of the bill,

The yeas and nays were ordered and were as follows:

Yeas 32, }  
Nays 21. }

The yeas were,

Messrs. Bates, Bauder, Beal, Belknap, Bennett, Campbell, Car-

penter, Casey, Cassidy of Mahaska, Clark of Johnson, Curtis, Dewey, Dews, Drummond, Foster, Grimes, Gue, Guiberson, Harmon, Laney, Lundy, Milliser, Morgan, Scott, Sharp, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Woodward, Mr. Speaker—32.

The nays were,

Messrs. Bradley, Clune, Collins, Crawford, Dana, Davis, Edwards, Jackson, Johnson, Lambert, McCrary, McGrew, Moorman, Pierson, Prentiss, Rankin, Reitzel, Seevers, Wilson—21.

The committee on Federal Relations, to whom was referred Senate File No. 144: Joint Resolution of the General Assembly of the State of Iowa touching the opinions of some of the Judges of the Supreme Court of the United States on political questions incorporated in the opinion of that Court in the case of Scott vs. Sandford, have had the same under consideration, and a majority of said committee have instructed me to report the same back without amendment and recommend its passage.

COOLEY, Chairman.

Mr. Bennett

Moved that the consideration of the resolution be indefinitely postponed,

Which was withdrawn.

Mr. Clark, of Johnson,

Offered the following resolution:

*Resolved*, That this General Assembly has no authority to legislate upon the action of the Supreme Court of the United States, and all time spent thereon is useless and unwise.

The question being upon the adoption of the resolution,

The yeas and nays were demanded by Mr. Clark, and were as follows:

Yeas 16, }  
Nays 34. }

The yeas were,

Messrs. Bauder, Beal, Belknap, Bennett, Campbell, Casey, Clark of Johnson, Clune, Crawford, Curtis, Dews, Guiberson, Johnson, Laney, Milliser, Pierson, Sharp—16.

The nays were,

Messrs. Carpenter, Cassidy of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan,

Prentiss, Rankin, Reitzel, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward and Mr. Speaker—34.

The question recurring upon concurring in the report of the committee,

Mr. Clune

Moved to strike out "majority" and insert "minority,"

Upon which question Mr. Clune

Demanded the yeas and nays, which were as follows :

Yeas 13, }  
Nays 34. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Casey, Clune, Crawford, Dews, Drummond, Guiberson, Laney, Milliser and Sharp—13.

The nays were,

Messrs. Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Edwards, Foster, Grimes, Gue, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Waln, Watts, Wilson, Woodward, Mr. Speaker—34.

The question recurring upon concurring in the report of the majority of the committee,

The yeas and nays were ordered and were as follows :

Yeas 35, }  
Nays 13. }

The yeas were,

Messrs. Bates, Carpenter, Cassiday of Mahaska, Collins, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Harmon, Jackson, Lambert, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, Seevers, Stearns, Steward, Streeter, Thompson, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—35.

The nays were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Clark of Johnson, Clune, Dews, Guiberson, Johnson, Laney, Milliser—13.

The committee on Ways and Means, to whom was referred Senate File No. 149: A bill for an act making appropriations meet the ordinary and contingent expenses of the Deaf and Dumb

**Asylum, have instructed the undersigned to report the same back and recommend its passage.**

**J. F. WILSON, Chairman.**

On motion, the report of the committee was concurred in.

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill pass?

Yeas 41, }  
Nays 00. }

The yeas were,

Messrs. Bates, Belknap, Bradley, Campbell, Carpenter, Cassiday of Mahaska, Clark of Johnson, Clune, Collins, Crawford, Dana, Davis, Dewey, Edwards, Foster, Grimes, Guiberson, Harmon, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—41.

The nays were none.

The committee on Ways and Means, to whom was referred House File No. 315: A bill for an act for the relief of Thomas Morgan, have instructed me to report the same back to the House and recommend that it be indefinitely postponed.

**J. F. WILSON, Chairman.**

The House refused to concur in the report of the committee.

Mr. SeEVERS

Moved to strike out "\$1000" and insert "\$200,"

Which amendment was agreed to.

The 42d Rule was suspended, and upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows:

Yeas 42, }  
Nays 3. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Johnson, Clune, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Harmon, Lambert, Laney, McCrary, McGrew, Milliser, Mitchell, Millsap, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Woodward, Mr. Speaker—42.



The nays were,

Messrs. Bradley, Crawford, Johnson—3.

Message from the Senate,

MR. SPEAKER:

I am directed by the Senate to present for your signature Senate File No. 194, A bill for an act providing for the publication of certain laws in the several counties of the State, the same having passed both branches of the General Assembly and been duly enrolled by the Senate.

I herewith present for your signature, Senate File No. 204, An act to provide for taking the State Census, the same having passed both Houses of the General Assembly, and been duly enrolled by the Senate.

The Senate has passed Senate File No. 243, Joint Resolution for the publication of the laws.

Also, Senate File No. 244, Joint Resolution in relation to the translation and printing of the Banking and School Laws into the German language, in which the concurrence of the House is asked.

GEORGE E. SPENCER,  
Secretary Senate.

Mr. Wilson,

From the committee to whom was referred House File No. 44, A bill for an act making appropriations for the adjustment of the expenses incurred in the "Spirit Lake Expedition," and for the services of the volunteers in the same,

Reported the same back with a recommendation that it be passed,

Which report was concurred in.

The 42d Rule was then suspended, the bill read a third time,

Upon the question shall the bill pass,

The yeas and nays were ordered and were as follows :

Yeas 42, }  
Nays 00. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Campbell, Carpenter, Casey, Clark of Johnson, Clune, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Morgan, Rankin, Reitzel, Scott, SeEVERS, Sharp, Stearns,

Steward, Streeter, Trumbull, Waln, Watta, Wilson, Woodw.  
Mr. Speaker—42.

The nays were none.

The committee on Ways and Means, to whom was referred House File No. 317, A bill for an act making appropriation for the purchase of books for the State Library, and shelving the library, have instructed the undersigned to report the same back to the House with the following amendments :

Strike out of the 3d line of the 1st Section, the word "five," and insert the word "three."

Strike out of the second line of Section 2 the words, "two thousand," and insert the words, "fifteen hundred."

Strike out of the 1st line of the 3d Section, the words, "twenty-five hundred," and insert "one thousand."

Add to the 3d Section, the following words: "To be expended under the supervision of the State Librarian."

Strike out the 4th Section, and insert in lieu thereof the following section :

SECTION 4. The Governor of the State shall select and purchase the books in this act provided to be purchased for the State Library, and to enable the Governor to carry out the provisions of this act, he is hereby authorized to draw from the State Treasury, on warrants to be furnished him by the Auditor of State, whenever the Governor may require the same for the purpose of carrying out the provisions of this act, and the Governor shall preserve a list of the books so purchased, with the amount paid for each book, or set of books, to be by him reported to the next General Assembly.

And the committee recommend the passage of the bill so amended.

J. F. WILSON, Chairman.

On motion,

The report of the committee was concurred in.

The 42d Rule was suspended and the bill read a third time, and

Upon the question shall the bill pass,

The yeas and nays were ordered and were as follows :

Yeas 37, }  
Nays 00. }

The yeas were,

Messrs. Bates, Bauder, Belknap, Bennett, Bradley, Campbell,

sey, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Mr. Speaker—37.

The nays were—None.

Mr. Wilson,

From the committee to whom was referred House File No. 313, an act regulating the sale and the proceeds arising from the sale of the saline lands, without recommendation.

On motion of Mr. Lambert,

The bill was laid upon the table.

The Select Committee to whom was referred House File No. 33, in relation to Dower, have had the same under consideration, and find that to change the bill by engrafting an amendment as constructed, would entirely destroy the object and provisions of the original bill, and therefor ask to be discharged, and would recommend the passage of the original bill.

Mr. SeEVERS

Moved to lay the bill upon the table,

Which motion was lost.

The 42d Rule was suspended, the bill read a third time, and upon the question,

Shall the bill pass?

The yeas and nays were ordered and were as follows :

Yeas 28, }  
Nays 10. }

The yeas were,

Messrs. Bates, Bradley, Campbell, Carpenter, Clark of Johnson, Clune, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, McCrary, McGrew, Mitchell, Morgan, Prentiss, Rankin, SeEVERS, Stearns, Steward, Streeter, Trumbull, Wilson—28.

The nays were,

Messrs. Bauder, Belknap, Lundy, Moorman, Reitzel, Scott, Waln, Watts, Woodward and Mr. Speaker—10.

Senate File No. 241, Joint Resolution for the publication of the laws,

Was taken up and read a first and second time.

The 42d Rule was suspended and the resolution was passed.

Senate File No. 235, A bill for an act to authorize the publication of certain laws,

Was taken up and read a first and second time,

The 42d Rule was suspended, and the bill read a third time, and

Upon the question shall the bill pass,

The yeas and nays were ordered and were as follows :

Yeas 44, }  
Nays 00. }

The yeas were,

Messrs. Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Johnson, Clune, Crawford, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Watts, Wilson, Mr. Speaker—44.

The nays were none.

House File No. 263, A bill for an act to re-enact all such acts as may have been repealed or suspended in their operation, by the New Constitution, but which are not in conflict therewith,

Was taken up and the amendments made by the Senate, on motion, were concurred in.

House File No. 258, A bill for an act to authorize the Governor to appoint a Commissioner to examine the accounts of the State Officers, and to define the duties of the Governor in certain cases,

Was taken up, and on motion, the amendments made by the Senate, were concurred in.

Senate File No. 242, A bill for an act revising and amending title 4 of the Code, and further providing for elections, filling vacancies in office, resignations, and contesting elections,

Was taken up and the amendments made by the Senate were concurred in.

Senate Substitute for House File No. 237, A bill for an act fixing the time and place for the meeting of the Board of Education,

Was taken up and read a first and second time,

Mr. Wilson

Moved to amend the bill by striking out the 2d section.

Which motion prevailed.

The 42d Rule was suspended and the bill read a third time, and

Upon the question shall the bill pass,  
The yeas and nays were ordered, and were as follows :

Yeas 38, )  
Nays 2. )

The yeas were,

Messrs. Bates, Bauder, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clune, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Jackson, Lambert, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Morgan, Prentiss, Rankin, Reitzel, Scott, SeEVERS, Sharp, Stearns, Steward, Streeter, Trumbull, Waln, Wilson, Woodward, Mr. Speaker—38.

The nays were,

Messrs. Bennett, Clark of Johnson—2.

Mr. Wilson

Moved to amend the title by striking out all that part relating to the appropriation.

Senate File No. 240: Joint Resolution providing for Commissioners to investigate the affairs of the State officers,

Was taken up and read a first and second time.

The 42d Rule was suspended and the resolution read a third time, and the question being

Shall the resolution pass?

The same was passed.

Senate File No. 243: Joint Resolution for the publication of the laws,

Was taken up and read a first and second time.

The 42d Rule was suspended, the resolution read a third time and passed.

Senate File No. 244: Joint Resolution in relation to the translation and printing of the Banking and School laws into the German language,

Was taken up and read a first and second time.

Mr. Rankin

Moved to strike out "as a beverage."

Mr. Clune

Moved that the further consideration of the bill be indefinitely postponed,

Which motion was lost.

The amendment was then agreed to.

The 42d Rule was suspended and the joint resolution read a third time, and upon the question,

Shall the joint resolution pass?

The yeas and nays were ordered and were as follows :

Yeas 40, }  
Nays 2. }

The yeas were,

**Messrs. Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassiday of Mahaska, Clark of Johnson, Clune, Dala, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guberson, Jackson, Lundy, McCrary, McGrew, Milliser, Mitchell, Moorman, Morgan, Rankin, Reitzel, Scott, SeEVERS, Stearns, Steward, Streeter, Trumbull, Waln, Wilson, Woodward, Mr. Speaker**  
—40.

The nays were,

**Messrs. Crawford and Prentiss—2.**

Message from the Senate,

**MR. SPEAKER:**

I herewith present for your signature Senate File No. 149: An act making appropriations to meet the ordinary and contingent expenses of the Deaf and Dumb Asylum,

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

**J. S. DIMMITT,**

Assistant Secretary Senate.

Senate File No. 232: Memorial to Congress asking a diversion of lands,

Was taken up and read a first and second time.

The 42d Rule was suspended and the memorial read a third time and passed.

Senate File No. 236: An act to authorize the holding of a special term of the District Court in the city of Keokuk, Lee Co., Iowa, for the purpose of trying criminal causes,

Was taken up and read a first and second time.

The 42d Rule was suspended, the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 37, }  
Nays 2. }

The yeas were,

Messrs Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Casey, Cassidy of Mahaska, Clark of Johnson, Dana, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Laney, Lundy, McCrary, McGrew, Moorman, Morgan, Prentiss, Randolph, Rankin, Scott, Seevera, Stearns, Streeter, Waln, Watts, Wilson, Woodward, Mr. Speaker—38.

The nays were,

Messrs. Clune and Crawford—2.

Senate File No. 231: Memorial to Congress for the repeal of the duty on Sugar,

Was taken up and read a first and second time.

The 42d Rule was suspended and the memorial read a third time and passed.

Senate File No. 214: Joint Resolution for a tri-weekly mail route from Des Moines, in Polk county, to Delhi, in Delaware county, via Marengo and Marion,

Was taken up and read a first and second time.

The 42d Rule was suspended and the resolution read a third time, and upon the question,

Shall the resolution pass?

The same was lost.

Senate File No. 143: A bill for an act to repeal section two of an act entitled an act for a further appropriation for the State Insane Asylum,

Was taken up and read a first and second time.

The 42d Rule was suspended and the bill read a third time, and upon the question,

Shall the bill now pass?

The yeas and nays were ordered and were as follows:

Yeas 37, }  
Nays 4. }

The yeas were,

Messrs. Bauder, Beal, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassidy of Mahaska, Clark of Johnson, Clune, Dana, Davis, Drummond, Edwards, Foster, Grimes, Gue, Guiberson, Jackson, Lambert, Lundy, McCrary, Milliser, Mitchell, Moorman, Morgan, Prentiss, Rankin, Seever, Stearns, Streeter, Trumbull, Waln, Wilson, Woodward, Mr. Speaker—37.

The nays were,

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Messrs. Crawford, Dewey, Reitzel, Scott—4.

The bill passed and the title was agreed to.

The committee on Enrolled Bills report that they have examined the following bills, and find the same correctly enrolled:

House File No. 344: An act to legalize an election held in Worth county October 13th, 1857.

House File No. 268: An act to re-enact all such acts as may have been repealed or suspended in their operation by the New Constitution, but which are not in conflict therewith.

DANA.

The committee on Enrolled Bills report that they have presented to the Governor for his signature the following bills:

House File No. 121, Joint Resolution of the General Assembly of the State of Iowa, asking an appropriation of money for a double track Rail Road around the lower Rapids in the Mississippi river on the Iowa or west side thereof.

Substitute for House File No. 251, 281, 282, 230, 231, 239, Joint Resolutions for increased mail facilities.

House File No. 205, An act to amend chapter 80 of the Code of Iowa.

House File No. 344, An act to legalize an election held in Worth county, Oct. 13th, 1857.

DANA.

The committee on Enrolled bills report that they have presented to the Governor for his signature

House File No. 268, An act to enact all such acts as may have been repealed or suspended in their operations by the New Constitution, but which are not in conflict therewith.

DANA.

Senate File No. 215, A bill for an act to legalize the assessment of property in Guthrie county, for the year 1856,

Was taken up and read a first and second time.

Mr. Drummond

Moved that the further consideration of the bill be indefinitely postponed,

Which motion prevailed.

Senate File No. 222, An act to repeal section 9, of chapter 136, of Session Laws of 1855,

Was taken up and read a first and second time.

Mr. Lambert



Moved the further consideration of the bill be indefinitely postponed,

Which motion was agreed to.

Substitute for Senate File No. 148, A bill for an act to tax dogs,  
Was taken up and read a first and second time.

Mr. Seevers

Moved that the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The 42d Rule was suspended and the bill read a third time, and upon the question of its passage

The yeas and nays were ordered and were as follows :

Yeas 25. }  
Nays 14. }

The yeas were,

Messrs. Beal, Bradley, Campbell, Carpenter, Casey, Cassidy of Mahaska, Clark of Johnson, Crawford, Davis, Edwards, Foster, Grimes, Gue, Jackson, Laney, Lundy, McCrary, McGrew, Mitchell, Prentiss, Rankin, Streeter, Waln, Wilson, Woodward, and Mr. Speaker—25.

The nays were,

Messrs. Anthony, Bates, Bauder, Belknap, Clune, Dewey, Drummond, Guiberson, Lambert, Moorman, Reitzel, Seevers, Stearns, Trumbull—14.

The bill not having received a Constitutional majority, it was lost.

Senate File No. 52, A bill for an act for the registration of Births, Marriages and Deaths,

Was taken up and read a first and second time, and

Upon the question, shall the bill now pass?

The yeas and nays were ordered and were as follows :

Yeas 31. }  
Nays 8. }

The yeas were,

Messrs. Anthony, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassidy of Mahaska, Clark of Johnson, Davis, Dewey, Drummond, Edwards, Foster, Gue, Guiberson, Laney, Lundy, McCrary, Milliser, Mitchell, Prentiss, Rankin, Seevers, Stearns, Streeter, Waln, Watts, Woodward—31.

The nays were

Messrs. Crawford, Grimes, Jackson, Lambert, Moorman, Trumbull, Wilson, Mr. Speaker—8

The bill not having received a Constitutional majority, it was lost.

Mr. Seevers

Offered the following resolution :

*Resolved*, That 1,500 copies of the Journal of the House of Representatives be printed and distributed as follows : Five copies to each member ; five copies to each organized county ; one copy to each Senator, and the balance deposited in the office of Secretary of State

Which resolution was adopted.

On motion of Mr. Clark, of Johnson,

House File No. 260 : A bill for an act to amend an act entitled an act to incorporate Iowa City,

Was taken from the table, and upon the question,

Shall the bill now pass ?

The yeas and nays were ordered and were as follows :

Yeas 23, }  
Nays 11. }

The yeas were,

Messrs. Anthony, Bates, Bander, Beal, Bennett, Bradley, Campbell, Carpenter, Casey, Cassidy of Mahasha, Clark of Johnson, Davis, Dewey, Edwards, Foster, Grimes, Guiberson, Laney, McCrary, Mitchell, Moorman, Prentiss, Stearns, Trumbull, Waln, Watts, Woodward, Mr. Speaker—23.

The nays were,

Messrs. Clune, Curtis, Dana, Gue, Harmon, Jackson, Lundy, Rankin, Reitzel, Seevers, Wilson—11.

The bill not having received a constitutional majority, the same was lost.

The concurrent resolution in relation to the appointment of E. H. Brown to attend to the mail matter of the members and officers of the General Assembly, was taken up, together with the amendment of the Senate thereto, when,

On motion of Mr. Lundy,

The House refused to concur in the amendment of the Senate.

On motion of Mr. Carpenter

House File No. 156 : A bill for an act to attach Emmett and other counties to Dickinson for certain purposes,

Was taken from the table and read a third time, and upon the question of its passage,

The yeas and nays were ordered and were as follows:

Yeas 32, }  
Nays 00. }

The yeas were,

Messrs. Anthony, Bates, Bauder, Belknap, Bennett, Bradley, Campbell, Carpenter, Casey, Cassidy of Mahaska, Davis, Dewey, Drummond, Edwards, Foster, Grimes, Guiberson, Jackson, Laney, McCrary, Moorman, Prentiss, Rankin, Reitzel, Seever, Stearns, Streeter, Trumbull, Watts, Wilson, Woodward, Mr. Speaker—32.

The nays were—None.

Message from the Senate:

MR. SPEAKER:

I herewith return House File No. 347, the same having passed the Senate with amendments.

GEO. E. SPENCER,  
Secretary Senate.

MR. SPEAKER:

I herewith present for your signature Senate File No. 240, The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEORGE E. SPENCER,  
Secretary Senate.

MR. SPEAKER:

I herewith present for your signature Senate Files No.'s 175 and 193,

The same having passed both branches of the General Assembly and been duly enrolled by the Senate.

GEORGE E. SPENCER,  
Secretary Senate.

House File No. 347, together with the Senate amendments thereto, was taken up, and

Upon motion of Mr. Bradley,

It was resolved that the House refuse to concur in the Senate amendments.

Message from the Senate:

MR. SPEAKER:

The Senate insists on its amendments to House File No. 347.

GEO. E. SPENCER, Secretary Senate.

On motion of Mr. Bradley

A committee of conference was appointed to confer with a similar committee on the part of the Senate in relation to the disagreement between the two Houses relative to House File No. 347.

The motion prevailed, and the Speaker appointed Messrs. Bradley, Bates, Clune and Wilson as said committee.

Message from the Senate,

MR. SPEAKER:

The Senate has appointed Senators Foster, Sanders and Trimble committee of Conference on the part of the Senate to act with the committee already appointed by the House to consider the matters in disagreement between the two Houses on House File No. 349.

GEO. E. SPENCER,  
Secretary Senate.

On motion of Mr. SeEVERS,

A committee of two was appointed to wait upon his Excellency the Governor, and ask if he had any farther communication to make to the General Assembly.

The Speaker appointed Messrs SeEVERS and Clark of Johnson said committee.

Mr. Clune

From the committee of conference, reported that the committee had made several amendments to House File No. 347, and recommended that the House concur in the same.

The report was concurred in.

Message from the Senate.

MR. SPEAKER:

I herewith present for your signature the following bills:

Senate Files Nos. 242, 143, 231, and substitute for House File No. 237, the same having passed both branches of the General Assembly, and been duly enrolled by the Senate.

GEORGE E. SPENCER, Secretary Senate.

Mr. SeEVERS

From the committee appointed to wait upon his Excellency the Governor, reported that they had discharged the duty assigned the committee, and that His Excellency had informed them that he had no further communication to make to the House of Representatives.

On motion of Mr. Woodward,

The House took a recess until 9 o'clock.

JANUARY 23, 1858, 9 O'CLOCK, A. M.

House met pursuant to adjournment.

On motion of Mr. Edwards,

The following resolution was unanimously adopted:

*Resolved*, That the members of this House do hereby tender their warmest thanks to the citizens of Des Moines for their generosity and hospitality during their sojourn among them.

Mr. Dana.

Offered the following resolution:

*Resolved*, That as a testimonial of our regard for our honored Speaker, and to evince our appreciation of his unvarying kindness and urbanity, that he be presented with the Chair which he now occupies.

The resolution was unanimously adopted.

Mr. Dana

Submitted the following report:

The committee on Enrolled Bills report that they have examined the following bills and find the same correctly enrolled:

House File No. 347, An act making appropriations for the support of the State Government and for the payment of the per diem and mileage of the General Assembly and other purposes.

House File No. 242, An act revising and amending title four of the Code, and further providing for elections, filling vacancies in office, resignations, and contesting elections, and that they have been presented to the Gouvernor for his signature.

DANA.

Message from the Senate,

MR. SPEAKER:

The Senate has passed Senate Files No. 243, 236, 244 and 162, the same having passed both Houses of the General Assembly and been duly enrolled by the Senate.

MR. SPEAKER:

I herewith present for your signature, Senate Files No. 232, 144, 235 and 244, the same having passed both Houses of the General Assembly, and been duly enrolled by the Senate.

GEO. E. SPENCER,  
Secretary Senate.

Mr. Clune

Offered the following resolution, which upon his motion was adopted :

*Resolved*, That the thanks of this House are due to the Postmaster, Messengers and Fireman, for the faithful manner in which they have performed their respective duties.

Mr. Harmon

Introduced the following resolution, which upon his motion was adopted :

*Resolved*, That the thanks of the members of this House are hereby given to Messrs. Stephen Sibley and J. A. Stickney, the courteous and able reporters of the Journal and Citizen, for the generally respectability and impartiality of their reports of the proceedings of this House during the present session.

Message from the Senate,

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Senate is now in session.

GEO. E. STENOER,

Secretary of Senate.

Mr. Dana

Submitted the following report :

The committee on Enrolled Bills have examined House File No. 258, A bill for an act to authorize the Governor to appoint Commissioners to examine the accounts of the State Officers, and to define the duties of the Governor in certain cases, also, House File No. 200, and find the same correctly enrolled.

W. H. CLUNE.

Mr. Edwards

Introduced the following resolution which was adopted :

*Resolved*, That the Chief Clerk inform the Senate that the House of Representatives is now ready to adjourn *sine die*, and ask whether the Senate has any further communications to make to this House.

The Chief Clerk having returned,

Mr. Clark of Dubuque,

Moved that the House do now adjourn *sine die*.

Before announcing the vote, the Speaker said :

I take pleasure, gentlemen, in bearing my testimony to the gentlemanly bearing and friendly feeling that has characterized your intercourse with each other during the session.

And I am constrained to say that for devotion to labor and perseverance in the discharge of your various duties, too great commendation cannot be bestowed, and I have no doubt that when you return to your constituents, you will be welcomed by them as faithful servants.

In conclusion, I tender to each of you my best wishes for your happiness and prosperity, with my sincere prayer that when you have finished your work on earth we may all receive the approbation of that Supreme Being to whom we must all render an account.

I again thank you, gentlemen, for your kindness and courtesy.

I now declare this House adjourned without day.

Attest

W. P. HEPBURN,  
Chief Clerk House of Representatives.





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