

JOURNAL OF THE SENATE,

W. Penn. Clarke

AT THE

EXTRA SESSION

OF THE

FIRST GENERAL ASSEMBLY

OF THE

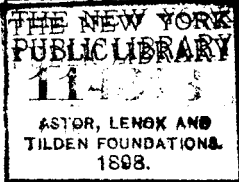
STATE OF IOWA,

BEGUN AND HELD AT IOWA CITY, COMMENCING ON MONDAY, THIRD DAY
OF JANUARY, A. D., 1848, AND ENDING ON THE TWENTY-
FIFTH DAY OF THE SAME MONTH.

IOWA CITY:

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1848.



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SENATE CHAMBER, IOWA CITY, IOWA, }
MONDAY, JANUARY 3, 1848. }

This being the day designated by His Excellency ANSEL BRIGGS, Governor of the State of Iowa, in his Proclamation, dated December 3d, 1847, for the convening of the First General Assembly, in extra session, as provided for in the fifth section of the IXth Article of the Constitution of the State of Iowa, and the hour of 12 o'clock, M. having arrived, the Senate was called to order by the Hon. Philip B. Bradley, of Jackson, the roll called, and the following members were found to be in attendance:

From the county of Lee—JAMES SPROTT, JACOB HUNER.

From the county of Van Buren—JOHN M. WHITAKER, JOHN F. SANFORD.

From the counties of Wapello and Monroe—JAMES DAVIS.

From the counties of Marion, Polk, Dallas, and Jasper—THOMAS BAKER.

From the county of Des Moines—MILTON D. BROWNING, SAMUEL FULLINWIDER.

From the county of Henry—EVAN JAY.

From the counties of Louisa and Washington—FRANCIS SPRINGER.

From the counties of Keokuk and Muhaska—R. R. HARBOUR.

From the counties of Muscatine, Johnson and Iowa—THOMAS HUGHES.

From the counties of Scott and Clinton—LORING WHEELER.

From the counties of Cedar, Linn and Benton—S. A. BISSELL.

From the counties of Jackson and Jones—PHILIP B. BRADLEY.

From the counties of Dubuque, Delaware, Clayton, Fayette, Buchanan, and Blackhawk—THOMAS H. BENTON, Jr.

On motion of Mr. Bradley,

Thomas Hughes, of Johnson, was appointed President, *pro tem*.

On motion of Mr. Bradley,

John B. Russell was appointed Secretary, *pro tem*.

On motion of Mr. Bradley,

C. C. Rockwell was appointed Assistant Secretary, *pro tem*.

On motion of Mr. Bissell,

H. H. Welsh was appointed Sergeant-at-Arms, *pro tem*.

On motion of Mr. Harbour,

John J. Stout was appointed Messenger, *pro tem*.

Mr. Whitaker presented the credentials of John Howel, Senator elect from the county of Jefferson, in place of Robert Brown, resigned. Whereupon Mr. Howel appeared, was sworn, and took his seat.

On motion of Mr. Bradley,

Ordered, That the rules for the government of the Senate at its last session, be adopted for the temporary government of the Senate, and until new rules are adopted.

On motion,

The Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY MORNING, JANUARY 4, 1848.

The Senate met pursuant to adjournment.

Messrs. Crawford and Selman, absent on yesterday, appeared in their seats this morning.

On motion of Mr. Davis,

Resolved, That the Secretary of the Senate be authorized to make arrangements with the Postmaster at Iowa City, for the payment of postage on letters and newspapers to and from the members of the Senate, during the present session.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Benton moved that the Senate now proceed to a permanent organization by the election of its officers.

Mr. Harbour moved that the Senate adjourn, and the yeas and nays being desired, were called, and were as follow :

YEAS—Messrs. Bissell, Crawford, Harbour, Fullinwider, Howel, Huner, Springer and Sprott—8.

NAYS—Messrs. Baker, Benton, Bradley, Browning, Davis, Jay, Sanford, Selman, Wheeler, Whitaker, and Mr. President—11.

So the Senate refused to adjourn.

The question recurring on the motion of Mr. Benton ; Mr. Harbour moved that the selection of President be made by ballot, but being overruled, the question was taken on the original proposition, and carried.

Mr. Bissell nominated Thomas Hughes as a candidate for President.

Whereupon Mr. Benton was called to the chair, and Messrs. Bradley and Browning appointed tellers.

The Senate then proceeded to the choice of a President ; and upon calling the roll it appeared that Mr. Hughes had received fourteen votes, which being a majority of the whole Senate, he was declared to be duly elected its President.

Upon being conducted to the chair, by Messrs. Springer and Crawford, committee appointed for that purpose, the President elect returned thanks in an address as follows :

GENTLEMEN OF THE SENATE—

In accordance with usage, and my own feelings of gratitude for the honor conferred upon me, by the vote just taken, I arise to thank you,

sincerely, for your partiality in having selected me for your presiding officer during the present session.

Not being well versed either in the rules or practice of deliberative assemblies, I fear I shall be guilty of committing many errors, for which I shall ask your kind indulgence; assuring you that they will be errors of judgment, and not of *determination*. Hoping that I shall receive your kind indulgence and counsel in the discharge of the duties of the chair, I assure you that I shall endeavor to discharge them faithfully and impartially.

Gentlemen, permit me again to thank you for the honor conferred, and to assure you that it will always be remembered with feelings of gratitude.

On motion,

The Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY MORNING, JANUARY 5, 1848.

The Senate met pursuant to adjournment.

Mr. Bissell presented the petition of I. H. G. Dunsmore, and sixty-seven other citizens of Dubuque, Jackson, Jones, and Cedar counties, relative to certain roads therein named; which was,

On his motion,

Laid on the table.

Mr. Sanford offered a resolution, which, after proposed amendments, accepted by the mover, was adopted, and reads as follows:

Resolved, That the Secretary of State be requested to furnish each member of the Senate with a copy of the Acts and Resolutions, Journals of the Senate and of the House of Representatives, of the first session of the General Assembly.

On motion of Mr. Davis,

Resolved, That A. H. Palmer, proprietor of the Iowa Capital Reporter, be employed to do the incidental printing of the Senate during the present session of the General Assembly.

Mr. Springer offered a preamble and resolution, which, after propo-

and amendments accepted by the mover, were adopted, and reads as follows :

WHEREAS, It is represented that the seat of the former member of the Senate from the counties of Wapello and Monroe, has, since the adjournment of the General Assembly in February last, become vacant by the resignation of that gentleman and his removal from his district, therefore,

Resolved, That a committee of three members be appointed, with power to send for persons and papers, to investigate the facts of the case, and report to the Senate at an early day.

Messrs. Springer, Bradley and Benton, were appointed said committee.

On motion of Mr. Benton,

Resolved, That the Secretary furnish each member of the Senate with twenty copies, weekly, of such newspaper, published in Iowa City, as he may direct.

On motion of Mr. Bissell,

Ordered, That the Senate now proceed, *viva voce*, to the election of a Secretary and other officers of the Senate.

Mr. Benton nominated John B. Russell, as a candidate for Secretary.

The Senate then proceeded to the choice of a Secretary, and it appeared that John B. Russell received eighteen votes, which being a majority of the whole Senate, he was declared to be duly elected Secretary.

The Senate, then, in like manner, proceeded to the choice of other officers, and by an unanimous vote, made choice of the following officers :

H. H. Welsh, Sergeant-at-Arms.

Israel Kester; Messenger.

John J. Stout, Fireman.

The officers elect were then duly sworn by the President, and entered upon the discharge of the duties of their respective stations.

On motion of Mr. Bissell,

Resolved, That a committee of two be appointed to wait upon the House of Representatives and inform that body that the Senate is now organized and ready to proceed to business.

Messrs. Bissell and Browning, were appointed said committee.

Mr. Bradley moved the adoption of the following preamble and resolution :

WHEREAS, It is understood that His Excellency Gov. Briggs, has

been prevented from meeting the General Assembly up to this time, by an afflicting dispensation of Providence, therefore,

Resolved, That a committee of two be appointed on the part of the Senate, to act in conjunction with a similar committee on the part of the House, to wait upon the Secretary of State, and inquire if he has any communication in his possession from the Governor, for the General Assembly.

Messrs. Bradley and Springer, were appointed said committee.

A committee from the House of Representatives was announced, and Mr. Morton, from the same, announced that the House of Representatives was now organized and ready to proceed to business.

Mr. Baker offered the following resolution :

Resolved, That a committee of three be appointed by the President to draft rules for the government of the Senate.

Lost.

On motion of Mr. Baker,

Ordered, That the rules for the government of the Senate at its first session, be adopted for the government of the Senate for the present session of the General Assembly.

Mr. Bradley, from the committee appointed to wait upon the Secretary of State, to inquire if he has in his possession any communication from the Governor, for the General Assembly, reported that they had performed that duty, and had received from his hands the following

M E S S A G E :

Gentlemen of the Senate

and House of Representatives :

The ninth section of the fifth article of the Constitution of this State, provides that the Executive "may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened." Believing that the interests and welfare of the State called for the exercise of the power thus conferred upon the Executive, I issued my proclamation convening the General Assembly at Iowa City, on the first Monday in January, 1848. You have assembled in obedience to that proclamation, and I now proceed to state, as concisely as possible, the "purpose" for which you have been convened.

Our laws relative to Common Schools, in my judgment, call for your immediate and careful attention. The people of Iowa have ever mani-

fested an earnest and commendable zeal in the spread of education, and especially in the establishment of an efficient and permanent system of Common Schools. Of such prominent importance is this subject in their estimation, that they have made the most ample provisions in the Constitution for the spread of education and the support of common schools; and also, enjoined upon the General Assembly, in an imperative manner, the duty of carrying out those provisions.

The act of the General Assembly, approved Feb. 24th, 1847, entitled "An act supplemental and amendatory to 'an act to establish common schools, approved Jan. 16th, 1840,'" provides "that there shall be annually an election on the first Tuesday of April, in each school district, for the purpose of choosing three directors, who shall hold their office until their successors are elected;" that "at each annual township election, there shall be a school inspector elected, who shall hold his office for one year, and until his successor shall be elected;" that "at the next annual township election, and triennially thereafter, there shall be a Superintendent of Public Instruction elected, who shall hold his office for three years, and until his successor shall be duly elected and qualified;" and "that at the next annual township election, in every organized county in this State there shall be elected a School Fund Commissioner for the county, who shall hold his office for two years, and until his successor is elected and qualified." Soon after its approval, and previous to the last township elections, the law was published in several of the newspapers of the State. Supposing the law to have taken effect and to be in force, the people, on the first Tuesday of April last past, and at the last township election, elected the officers above enumerated. The highest judicial tribunal of the State has since decided, that at the time those elections were held, the school law of 1847 was not in force, and that the elections, so far as their offices were concerned, were void and of no effect.

As it is understood that the law is now in force, and as it expressly repeals all school laws heretofore in force, it seems the people, at the present time, have a school law, but no officers to carry out the provisions of that law.

Some of the school officers thus elected, have entered into bonds, and have endeavored to discharge their duties under the law, and, among others, the Superintendent of Public Instruction. Some of them, however, remain inactive, and uncertain as to the line of conduct they ought to pursue. To be thus situated is extremely embarrassing and detrimental to the cause of education.

The school law of 1847 would, probably, be so construed as to authorize the election of school officers at the coming township elections; but as much confusion undoubtedly prevails in the minds of the people touching their duty under the law, I respectfully recommend that this subject receive your earliest and most earnest attention, and that such measures be taken as will secure to the people, as speedily as possible, the benefit of the liberal provisions made in the Constitution for the spread of education and the support of common schools.

In connexion with the foregoing, I would respectfully invite your attention to an act of the General Assembly, approved Feb. 25th, 1847, entitled "An act to provide for the management and disposition of the school fund." The eighth section of this act provides, "that the manner of selecting the five [hundred] thousand acres of land mentioned in the second section of the tenth article of the Constitution, and the disposition thereof, for the support of schools, shall be as follows, to wit: Any person capable of contracting, having settled upon public lands, the quality whereof, and the improvements thereon, will, in the opinion of the Fund Commissioner of the county, render the selection a safe and profitable one, may in writing signify to said commissioner his or her desire to have the same recognized as school lands, and thereupon the same, not exceeding three hundred and twenty acres, shall be returned by said Fund Commissioner, with the date of their selection, to the Superintendent of Public Instruction, to be by him registered as lands selected by the State under the grant from Congress referred to; after which the said Fund Commissioner shall proceed to contract with such settler for the sale thereof."

The seventeenth section of the act provides that "the Superintendent of Public Instruction shall report, from time to time, all selections made under the eighth section of this act to the Secretary of Treasury of the United States, and to the proper land office."

Selections made according to the provisions of the eighth section of this act, have been reported to the General Land Office, by the gentleman elected as Superintendent of Public Instruction. The report has been returned, as incorrect and invalid, on the ground that the selections thus made conflict with the General Land Office instructions of August 6th, 1847, with reference to State selections under the act of Congress of the 4th Sept., 1841, entitled "an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights." The fifth section of those instructions makes it important and necessary that the selecting agent of the State "should make such careful and thorough

preliminary examinations as will enable him to select lands to which there may exist no valid claim, by pre-emption or otherwise;" and the sixth section provides that, "if notwithstanding such precaution, the State shall hereafter select lands which shall be found to be interfered with by any prior or better claim or claims, the selections, to the whole extent of such claim or claims, will of course be null and void." It will readily be perceived from the foregoing instructions, that it is not contemplated by the act of Congress above referred to, to surrender to the State any land covered by any valid claim "by pre-emption or otherwise;" consequently, the law of this State allowing persons having claims upon the public lands by virtue of improvements thereon, to register them as lands selected by the State, and then to purchase them from our own State officers, conflicts, in a very material point, with the instructions from the General Land Office. It is of the utmost importance to the cause of education in this State, that these selections should be made as soon as practicable. In order to accomplish this object, our laws relative to the making of these selections must harmonize with the requirements of the General Government. I trust that this subject, also, will receive your early attention. The circular of instructions from the General Land Office of Aug. 6th, 1847; the selections reported by the Superintendent of Public Instruction; together with a letter from the General Land Office of Nov. 3d, 1847, relative to those instructions, will hereafter be presented to you.

It is a source of regret that so much confusion prevails in our statute laws. The interests of the State, in my opinion, call for a revision of those laws as soon as practicable. Should you coincide with the Executive in this opinion, I would respectfully recommend that a commissioner, or commissioners, be appointed to revise the code; and that they be instructed or required to report their proceedings at the next regular session of the General Assembly.

The Penitentiary of this State is in an unfinished and inefficient condition. It is important that the provisions of the act of the General Assembly, approved Feb. 25th, 1847, relative to the appointment of an agent, by joint resolution of the General Assembly, to make the necessary contracts for completing the building, shall be carried into effect; and I would therefore suggest that this subject receive your prompt attention.

Since the close of the last session of the General Assembly, all of the Judges of the Supreme Court of this State, who held their offices by virtue of appointment under the general government, have resigned.

The eighth section of the fifth article of the Constitution, provides that, "when any office shall from any cause become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people." As, in my opinion, the contingencies contemplated by the Constitution, had arisen, I filled the vacancies thus occasioned, by granting commissions, which will "expire at the end of the next session of the General Assembly."

The question may possibly be started, whether the Constitution intends that these commissions shall expire at the end of the regular session of the General Assembly, or whether it will be so construed as to render the provisions above mentioned, applicable also to a special session? It can be gathered from the Constitution, that the people of this State are determined to retain as much power in their own hands as they can consistently with a proper and judicious administration of the affairs of the government. As all history and experience teach, that when power is vested in any one man, it is liable to be perverted and abused, they thought proper, in order to prevent any temptations to such abuse, to withhold, as a general rule, all power from their State officers, except such as is absolutely necessary for the performance of their official duties. Consequently, so far as the power of appointment is concerned, the executive of this State is clothed with that power only when a vacancy in an office ensues for which no provision is made in the constitution and laws; and it is further provided, that even those appointments shall exist no longer than until the people can fill such vacancies, either by their own immediate action, or in the manner provided by them. As the executive is thus restricted the power would probably not have been granted, could it properly have been withheld—and as it appears clear that it is the intention of the constitution that the people shall exercise this power as soon as they have an opportunity so to do, I am strongly inclined to the belief that these commissions expire at the end of the present session of the General Assembly; and that if it was the intention of the framers of the Constitution that they should expire at the end of the next regular session, they would have so couched the provision in question, instead of using the language in which it stands clothed.

Should you concur in this opinion of the executive, it will be your duty to elect a Chief Justice and two Associate Justices, in accordance with the third section of the sixth article of the Constitution.

We have emerged from a Territorial into a State government—have taken our stand among our sister states, and are therefore entitled to be represented by two Senators in the Senate of the United States. Many questions of vital importance will come before that body for its consideration during the present session of Congress. War exists between this country and Mexico. Congress has declared by an almost unanimous vote that this war was commenced “by the act of Mexico.”—The administration is advancing the national honor and character, by conducting the war in a thorough and energetic manner, while at every step the olive branch of peace is extended to the enemy. They have rejected all terms of peace heretofore offered. The vigorous prosecution of the war on the part of our government, is more or less opposed by a very respectable portion of our fellow-citizens; and the enemy will, undoubtedly, continue to reject our proffered terms of peace until it is ascertained whether that opposition will gain the ascendancy in this republic. The voice of Iowa, therefore, should be heard, and her true sentiments felt, in the Senate of the United States. Under such considerations, it is believed by the executive, that the duty of electing United States Senators, according to the provisions of the constitution, will be by you speedily and harmoniously performed.

As it is unquestionably the desire of the people, that the affairs of the State should be conducted as economically as possible, consistently with their interests, I have recommended and briefly commented upon those subjects only, which, in my judgment, immediately affect those interests; and I would respectfully suggest that your attention should, at the present session, be confined to those matters in which they are thus concerned, and that, as a general rule, all local legislation be deferred until the regular session of the General Assembly.

ANSEL BRIGGS.

Iowa City, January 3, 1848.

Which was read, and

On motion of Mr. Bissell,

Laid on the table and two thousand copies ordered to be printed for the use of the Senate.

Mr. Browning offered the following preamble and resolution, which was read, considered and adopted:

WHEREAS, It is represented that the seat of the former member of the Senate from the counties of Marion, Polk, Dallas, and Jasper, has, since the adjournment of the General Assembly in February last, be-

come vacant in consequence of the acceptance, by that gentleman, of a lucrative office, therefore,

Resolved, That a committee of three be appointed, with power to send for persons and papers, to investigate the facts of the case, and to report to the Senate at an early day.

Messrs. Browning, Bissell, and Harbour, were appointed said committee.

Mr. Jay offered the following preamble and resolution, which was read, considered, and adopted :

WHEREAS, It is represented that the seat of the sitting member of the Senate from the county of Van Buren, has, since the adjournment of the General Assembly in February last, become vacant in consequence of the acceptance, by that gentleman, of a lucrative office, therefore,

Resolved, That a committee of three be appointed, with power to send for persons and papers, to investigate the facts, and to report to the Senate at as early a day as practicable.

Messrs. Jay, Crawford, and Howel, were appointed said committee.

On motion,

The Senate adjourned.

THURSDAY MORNING, JANUARY 6, 1848.

Mr. Selman presented the petition of J. F. Stratton, and fifteen others, citizens of Appanoose county, praying the passage of a law authorizing Nathan Bartlett, the natural father of John Bartlett, minor heir, to sell certain real estate the property of the said John Bartlett, and appropriate the proceeds of said sale to the benefit of said minor heir.

Which was read, and

On motion of Mr. Browning,

Laid on the table.

The President laid before the Senate the report of the Auditor of State.

Which was read in part by the Secretary, when,

On motion of Mr. Browning,

The further reading was dispensed with, the report laid upon the table, and two thousand copies ordered to be printed for the use of the Senate. (See Appendix, A.)

The President announced the Standing Committees as follows:

On Ways and Means—Messrs. Crawford, Whitaker, Wheeler, Jay, and Howell.

On the Judiciary—Messrs. Bissell, Baker, Browning, Springer, and Benton.

On Federal Relations—Messrs. Selman, Sprott, Sanford, Baker, and Bradley.

On Internal Improvements—Messrs. Davis, Sprott, Harbour, Wheeler, and Whitaker.

On Military Affairs—Messrs. Sprott, Howel, Crawford, Davis, and Fullinwider.

On Schools—Messrs. Benton, Browning, Sanford, Howel, and Bissell.

On Public Buildings—Messrs. Harbour, Huner, Crawford, Sanford and Springer.

On Elections—Messrs. Bradley, Browning, Wheeler, Jay, and Benton.

On Engrossed Bills—Messrs. Baker and Whitaker.

On County Boundaries—Messrs. Harbour, Selman, Bradley, Jay and Crawford.

On Claims—Messrs. Crawford, Browning, Baker, Springer, and Davis.

On Agriculture—Messrs. Selman, Huner, Jay, Bissell, and Whitaker.

On Incorporations—Messrs. Baker, Benton, Browning, Bradley, and Springer.

On Enrolled Bills—Messrs. Sanford and Wheeler.

On New Counties—Messrs. Davis, Harbour, Whitaker, Fullinwider, and Howell.

On Roads—Messrs. Whitaker, Harbour, Fullinwider, Selman, and Wheeler.

Mr. Harbour, on leave, introduced,

Senate file, No. 1, Joint resolution for a mail route from Mount Pleasant to Oskaloosa.

Which was read a first time.

Mr. Browning, on leave asked and obtained, introduced,

Senate file, No. 1, An act re-organizing the Supreme Court.

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Bradley presented the petition of Samuel G. White, and forty others, citizens of the State of Iowa, praying the passage of a law providing for a more ample protection to settlers on public lands.

Which was,

On his motion,

Referred to the committee on the Judiciary.

Mr. Harbour moved that the Senate resolve itself into committee of the whole, for consideration of the Governor's message, which motion, after consultation, was withdrawn by the mover. Whereupon,

Mr. Whitaker renewed the motion, but upon taking the question, it was disagreed to.

On motion of Mr. Bissell,

The petition of J. H. G. Dunsmore and sixty-seven other citizens of Dubuque, Jackson, Jones and Cedar counties, relative to certain roads therein named,

Was taken from the table, and

Referred to a select committee of three, consisting of Messrs. Bissell, Bradley and Wheeler.

The Secretary presented a communication from the Post Master at Iowa City, relative to postage; whereupon,

Mr. Baker introduced

Senate file, No. 2, Joint resolution relative to postage.

Which was read a first and second time.

Mr. Bradley moved to amend by adding thereto:

"Provided, That he shall not be authorized to pay a greater rate of interest than ten per cent. for such loan."

Mr. Sprott moved to amend the amendment, by striking out "ten" and inserting "eight."

Lost.

On motion of Mr. Baker,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Bissell gave notice that he would, on some future day, ask leave to introduce a bill to prevent hawking and peddling without license.

On motion of Mr. Harbour,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Bissell, from the select committee to whom was referred the petition of J. H. G. Dunsmore and others, relative to certain roads therein named, had leave and reported

Senate file, No. 2, A bill for an act to provide for locating and establishing certain roads therein named.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

Senate file, No. 1, An act re-organizing the Supreme Court ;

Reported the same back with amendments, and asked the concurrence of the Senate therein.

Which was agreed to.

Mr. Bradley moved to fill the blank in the first section by inserting "Dubuque."

Which was agreed to.

On motion of Mr. Benton,

The Senate resolved itself into a committee of the whole Senate, for the consideration of said bill, Mr. Whitaker in the chair, and

After some time spent therein,

The committee rose, and by their chairman reported the same back to the Senate with amendments thereto, and asked the concurrence of the Senate therein.

On motion of Mr. Sanford,

Said bill was re-committed to the committee on the Judiciary.

On motion of Mr. Whitaker,

The Senate resolved itself into a committee of the whole for the consideration of the Governor's message, Mr. Baker in the chair, and

On motion of Mr. Hughes,

Ordered, That so much of said message as relates to common schools and the school fund, be referred to the committee on schools.

On motion of Mr. Benton,

Ordered, That so much of said message as relates to the Penitentiary, be referred to the committee on Public Buildings.

On motion of Mr. Harbour,

Ordered, That so much of said message as relates to the revision of the laws, be referred to the committee on the Judiciary.

On motion of Mr. Benton,

Ordered, That so much of said message as relates to the election of U. S. Senators and Judges of the Supreme Court, be referred to the committee on Elections.

On motion of Mr. Bissell,

The committee rose, and by their chairman reported the reference of the message as above stated.

Mr. Bradley gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill for an act for the confinement of prisoners under the authority of the United States in the jails of this State.

Mr. Sanford, on leave asked and obtained, introduced,

Senate file, No. 3, Joint resolution relative to the limitation of legislation during the present session of the General Assembly.

Which was read a first and second time.

Mr. Harbour moved that the same be considered as engrossed, the rule suspended, and said resolution read a third time now.

On motion of Mr. Jay,

Laid on the table.

Mr. Whitaker, on leave asked and obtained, introduced

Senate file, No. 3, A bill to repeal the act allowing county commissioner's clerks pay for filing papers.

Which was read a first and second time.

Mr. Bradley moved to strike out the last clause.

Lost.

On motion of Mr. Harbour,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to. •

On motion,

The Senate adjourned.

FRIDAY MORNING, JANUARY 7, 1848.

Senate met pursuant to adjournment.

Mr. Baker presented the petition of H. G. Scholte, President, and five other commissioners of the Holland Colony, in Marion county, praying the passage of a law uniting townships 76 and 77, range No. 18 west, and extending to the inhabitants thereof the right of citizenship, so far as the election and powers of justices of the peace are concerned.

Which was read, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Davis moved a re-consideration of the vote taken yesterday on the passage of

Senate file, No. 2, Joint resolution relative to postage.

Which was agreed to.

Mr. Davis moved to strike out the proviso.

Mr. Browning moved its reference to a select committee.

Which was agreed to, and

Messrs. Browning, Davis, and Baker, were appointed said committee.

Mr. Browning from said committee reported the same back with an amendment in which the concurrence of the Senate is requested.

Agreed to, and

On motion,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

Senate file, No. 1, An act re-organizing the Supreme Court,

Reported the same back to the Senate with amendments, in which the concurrence of the Senate is requested.

Agreed to.

On motion of Mr. Browning,

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

Mr. Benton presented, for the consideration of the Senate, an abstract of the official transactions of M. Mobley, school fund commissioner of Dubuque county.

Mr. Browning also presented an abstract of the official transactions of Lyman Cook, school fund commissioner of Des Moines county.

On motion of Mr. Benton,

Ordered, That the abstracts with all others of a similar character be referred to the committee on Schools.

On motion of Mr. Baker,

Ordered, That the committee on Schools be instructed to inquire into the official transactions of school fund commissioners generally.

Mr. Bradley, in accordance with previous notice, leave being asked and obtained, introduced

Senate file, No. 4, An act for the confinement of prisoners under the authority of the United States, in the jails of this State.

Which was read a first and second time, and

On motion,

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

On motion of Mr. Selman,

The petition relative to the sale of the real estate of John Bartlett, minor heir, was referred to the committee on the Judiciary.

On motion of Mr. Harbour,

Senate file, No. 1, Joint resolution for a mail route from Mount Pleasant to Oskaloosa,

Was taken from the table, and

On his motion,

The thirteenth rule suspended, read a third time, passed, and title agreed to.

On motion,

Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

I am directed to inform the Senate that the House have passed,
H. R. file, No. 2, A bill for an act to provide for the descending navigation of Skunk river ; and

H. R. file, No. 2, Joint resolution relative to common schools.

In all of which the concurrence of the Senate is requested.

Message from the House of Representatives coming up in order,
H. R. file, No. 2, A bill for an act to provide for the descending navigation of Skunk river,

Was read a first and second time.

Mr. Howel moved to strike out twenty-five, in the second section, and insert forty.

Mr. Jay called for a division of the question ;

Which was had, and.

The question being taken, the Senate refused to strike out.

Mr. Howel moved to refer said bill to a select committee.

Lost.

On motion of Mr. Springer,

Ordered to a third reading on to-morrow.

H. R. file, No. 2. Joint resolution relative to common schools,

Was read a first and second time, and

On motion,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

On motion,

The Senate adjourned till 10 o'clock to-morrow morning.

SATURDAY MORNING, JANUARY 8, 1848.

Senate met pursuant to adjournment.

Senate file, No. 4, An act for the confinement of prisoners under the authority of the United States in the jails of this State.

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

H. R. file, No. 2, An act to provide for the descending navigation of Skunk river,

Was taken from the table and read a third time.

Mr. Baker moved to commit to a select committee, with instructions to report on Monday morning.

Upon which the yeas and nays being called for, were called, and were as follow :

YEAS—Messrs. Baker, Benton, Bissell, Bradley, Browning, Crawford, Davis, Fullinwider, Harbour, Howel, Jay, Selman, Sanford, Springer, Sprott, Wheeler, Whitaker, and Mr. President—18.

NAYS—0.

So said commitment was agreed to, and

Messrs. Howel, Harbour, and Jay, were appointed said committee.

On motion,

The Senate adjourned till 10 o'clock Monday morning.

MONDAY MORNING, JANUARY 10, 1848.

Senate met pursuant to adjournment.

Mr. Whitaker presented the petition of the Board of Commissioners of the county of Van Buren, praying the passage of a law according to the requirements of the United States, to enable them to dispose of the lots in the town of Portland, in said county.

Which was,

On his motion,
Referred to a select committee, and
Messrs. Davis, Springer, and Browning, were appointed said committee.

Mr. Bissell, on leave asked and obtained, introduced,
Senate file, No. 5, A bill to change the time of holding courts in the second judicial district.

Which was read a first and second time, and

On motion of Mr. Bradley,
Referred to a select committee, and
Messrs. Bradley, Wheeler, and Bissell, were appointed said committee.

Mr. Bradley, from the select committee to whom was referred,
Senate file, No. 5, A bill to change the time of holding courts in the second judicial district,

Reported the same back with one amendment, and asked the concurrence of the Senate therein.

Agreed to.

On motion of Mr. Bissell,
The thirteenth rule was suspended, the bill read a third time, passed and title agreed to.

Mr. Browning, on leave being asked and obtained, introduced
Senate file, No. 6, An act in relation to evidence.

Which was read a first and second time, and

On his motion,
Referred to a select committee, and
Messrs. Browning, Baker, and Bissell, were appointed said committee.

On motion,
The Senate adjourned.

TUESDAY MORNING, JANUARY 11, 1848.

The Senate met pursuant to adjournment.
Mr. Browning, from the select committee, to whom was referred

Senate file, No. 6, An act in relation to evidence,

Reported the same back with amendments, and asked the concurrence of the Senate therein.

Which was agreed to.

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

I am directed to inform the Senate that the House have passed,
H. R. file, No. 3, An act to provide for the relocation of the county seat of Jackson county,

In which they ask the concurrence of the Senate.

I herewith return to you,

Senate file, No. 3, A bill to repeal the act allowing county commissioner's clerks pay for filing papers; also,

Senate file, No. 2, Joint resolution relative to postage.

The same having passed the House of Representatives without amendment.

Senate file, No. 6, An act in relation to evidence,

Coming up in order,

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

Mr. Bissell, from the committee on the Judiciary, to whom was referred the petition of the commissioners of the Holland Colony, in Marion county, praying the passage of a law authorizing them to elect magistrates, reported

Senate file, No. 7, A bill to organize the township of Lake Prairie,

Which was read a first and second time, and

On motion of Mr. Browning,

Referred to the committee of the whole, and made the special order of the day for this afternoon.

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

H. R. file, No. 2, A bill to provide for the descending navigation of Skunk river,

Reported the same back with the recommendation that it be so amended as to make the slopes thirty-five feet wide.

Mr. Benton moved to amend the amendment, by striking out five after the word thirty.

Not agreed to.

The question being on concurring with the committee, and

The yeas and nays being requested, were ordered, and were as follows :

YEAS—Messrs. Benton, Bissell, Harbour, Howel, Selman, and Mr. President—6.

NAYS—Messrs. Baker, Bradley, Browning, Crawford, Davis, Fullinwider, Jay, Samord, Springer, Sprott, Wheeler, and Whitaker—12.

So said report was not concurred in.

On motion of Mr. Bissell,

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

Mr. Browning, from the select committee, to whom was referred the resolution of the Senate to inquire into the right of the Hon. Thomas Baker to a seat in the Senate of this State, as a representative from the counties of Polk, Dallas, and Jasper, submitted the following

REPORT:

The committee appointed under a resolution of the Senate, to inquire into the right of the Hon. Thomas Baker to a seat in the Senate of this State, as a representative from the counties of Polk, Dallas, and Jasper, have investigated the matter and beg leave to report the following facts to the Senate.

They have been much relieved from the labor of such investigation, by the Hon. gentlemen frankly making to your committee the following statement of facts:

That in August, and since the adjournment of the last session of the General Assembly, he was elected to the office of Prosecuting Attorney for the county of Polk, in this State, and in conformity with a law of the General Assembly, passed at its last session, he qualified as Prosecuting Attorney of said county, according to the requirements of said act; that he thereupon proceeded as the proper officer to discharge the duties of said office, and still continues to act in that capacity. That said election of Prosecuting Attorney took place since he was elected to the State Senate, after he had served one term as Senator, and that he has not since been elected a member of the General Assembly of the State.

Your committee have concluded that it would be preferable to report the facts to the Senate without any opinion from them as to the effect thereof, so that any member will be free to act according to his own conviction of right and wrong, when the matter as to the right of the gentleman to a seat shall come before the Senate by resolution or otherwise.

Which was read, whereupon

Mr. Browning offered the following preamble and resolution:

WHEREAS, by the report of the select committee appointed to inquire into the right of the gentleman to a seat in this body, as a Senator from the counties of Polk, Dallas, and Jasper, it appears that said claimant, the Hon. Thomas Baker, since his election to the State Senate, and since the adjournment of the last session of the General Assembly, has been elected to and accepted the office of Prosecuting Attorney for the county of Polk, which is an office provided for by the constitution of this State and the laws passed in conformity thereto, therefore,

Be it resolved, That the seat of the Hon. Thomas Baker, as a member of this body, has become vacant in consequence of his being elected to and accepting the office of Prosecuting Attorney, that he is not a constitutional member of this body, and that said seat is therefore declared vacant.

Which being read, he moved that they be laid upon the table.

On motion of Mr. Bissell,

Said preamble and resolution were referred to a select committee, with instructions to report to-morrow morning.

Messrs. Bissell, Benton, and Wheeler, were appointed said committee.

Message of the House of Representatives coming up in order,

H. R. file, No. 3, An act to provide for the re-location of the county seat of Jackson county,

Was taken from the table and read a first and second time.

On motion of Mr. Bradley,

Said bill was referred to a select committee, and

Messrs. Bradley, Crawford, and Wheeler, were appointed said committee.

Mr. Springer, leave being asked, introduced

A memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque to Keokuk, in the State of Iowa.

Which was read a first and second time, and

On his motion,

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

Mr. Davis, from the select committee, to whom was referred the petition of the board of commissioners of the county of Van Buren, reported

Senate file, No. 8, An act to authorize and empower the Board of Commissioners of the county of Van Buren to sell and convey lots in the town of Portland in said county.

Which was read a first and second time, and

On motion of Mr. Fullinwider,

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

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Harbour, on leave being asked and obtained, offered the following resolution:

Resolved, (the House concurring,) That the Legislature adjourn on Thursday, the twenty-first day of the present month.

Mr. Whitaker moved a reconsideration of the vote on

Senate file, No. 8, An act to authorize and empower the Board of Commissioners of Van Buren county to sell and convey certain lots in the town of Portland in said county.

Which was agreed to, and

On his motion,

Referred to a select committee, and

Messrs. Whitaker, Sanford, and Harbour were appointed said committee.

Mr. Fullinwider, on leave asked and obtained, introduced Senate file, No. 9, An act to repeal certain acts therein named.

Which was read a first and second time, and

On motion of Mr. Sprott,

Referred to the committee on Roads.

Mr. Sanford, on leave asked and obtained, introduced the following resolution:

Resolved, That the Secretary of State be requested to furnish the Senate with the report of the Superintendent of Public Instruction; or if the report has not been received by him, to request that officer to send in his report at the earliest convenient day.

Which was read, and

The question being upon the adoption of the resolution.

The yeas and nays being requested, were ordered, and were as follow:

YEAS—Messrs. Browning, Fullinwider, Jay, Sanford, Springer and Sprott—6.

NAYS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Davis, Harbour, Howell, Hunor, Whitaker, and Mr. President—11.

So the resolution was not adopted.

On motion of Mr. Bissell,

Resolved, That the Secretary of State be requested to furnish the Senate the returns of the census, which have been made to him by the clerks of the board of county commissioners.

Mr. Browning, on leave asked and obtained, introduced

Senate file, No. 10, An act in relation to deeds.

Which was read a first and second time, and

On motion of Mr. Bissell,

Referred to a select committee, and

Messrs. Browning, Bissell, and Bradley, were appointed said committee.

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

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

H. R. file, No. 12, A bill for an act for the relief of Harriet O'Reilly ; and

H. R. file, No. 9, A bill to amend an act entitled "an act to amend an act entitled an act to incorporate the town of Bloomington," approved Dec. 29, 1840.

In which the concurrence of the Senate is requested.

Also,

That the House have passed,

Senate file, No. 1, Joint resolution for a mail route from Mount Pleasant to Oskaloosa,

With the following amendment :

Insert before Richland, the words "Brighton, in Washington county."

In which amendment the concurrence of the Senate is requested.

Mr. Browning, leave being asked and obtained, introduced

Senate file, No. 11, An act relative to printing and distributing the laws of this State.

Which was read a first and second time, and

On his motion,

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

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

H. R. file, No. 3, An act to provide for the relocation of the county seat of Jackson county,

Reported the same back with the following amendment:

Strike out "at the next August," and insert "on the first Monday in May after the said April," and asked the concurrence of the Senate therein.

The question being upon concurring in the report,

The yeas and nays were requested, and being ordered, were as follow :

YEAS—Messrs. Baker, Bissell, Bradley, Crawford, Davis, Harbour, Howel, Huner, and Mr. President—9.

NAYS—Messrs. Benton, Browning, Fullinwider, Jay, Sanford, Springer, Sprott, Wheeler, Whitaker—9.

So the report was not concurred in.

On motion of Mr. Bradley,

The thirteenth rule was suspended, said bill read a third time, passed and title agreed to.

Senate file, No. 7, A bill organizing the township of Lake Prairie,

Being the special order of the day for this afternoon,

The Senate resolved itself into committee of the whole, Mr. Benton in the chair, and

After some time spent therein,

The committee rose, and by their chairman reported the same back without amendment.

On motion of Mr. Bissell,

Said bill was referred to a select committee, and

Messrs. Bissell, Springer, and Baker, were appointed said committee.

Message from the House of Representatives coming up in order, H. R. file, No. 12, A bill for the relief of Harriet O'Reilly,

Was read a first and second time, and

On motion of Mr. Harbour,

Referred to the committee on the Judiciary, with instructions to report to-morrow morning.

H. R. file, No. 9, A bill to amend an act entitled an act to amend an act entitled an act to incorporate the town of Bloomington,

Was read a first and second time, and

On motion of Mr. Hughes,

Mr. Sprott having been called to the chair,

Said bill was ordered to a third reading to-morrow.

Senate file, No. 1, Joint resolution for a mail route from Mount Pleasant to Oskaloosa,

Coming up as amended by the House, to wit: including before Richland the words, "Brighton, in Washington county," and

On motion of Mr. Harbour,

Said amendment was concurred in.

On motion,

The Senate adjourned.

WEDNESDAY MORNING, JANUARY 12, 1848.

The Senate met pursuant to adjournment.

Mr. Bissell presented the petition of Robert McKee and twenty-two other citizens of Iowa county, praying the passage of a law reducing the expenses of said county.

Mr. Selman presented the petition of Elbert Jones, and forty-one other citizens of the counties of Monroe and Lucas, praying the establishment of a state road commencing at Eddyville, in Wapello county, thence, via Clark's Point, Chariton's Point, to the Council Bluffs.

Which was read, and

On his motion,

Referred to the committee on Roads and Highways.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

H. R. file, No. 12, An act to provide for the relief of Harriet O'Reily,

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

The question being on concurring in the report of the committee; It was decided in the affirmative.

On motion of Mr. Spratt,

The thirteenth rule was suspended, said bill was read a third time, passed, and title agreed to.

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

report of the select committee appointed to inquire into the right of the Hon. Thomas Baker to a seat in the Senate of this State, as a representative from the counties of Polk, Dallas, and Jasper, together with a resolution declaring his seat vacant, asked leave to report this afternoon.

Agreed to.

Mr. Springer, from the select committee to whom was referred Senate file, No. 7, A bill organizing the township of Lake Prairie, Reported the same back with sundry amendments.

The question being upon concurring in the report of the committee ;

It was decided in the affirmative.

On motion of Mr. Bissell,

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

Mr. Browning, from the select committee, to whom was referred Senate file, No. 10, An act in relation to deeds,

Reported the same back with one amendment, and recommended its passage.

The question being upon concurring in the report of the committee ;

It was decided in the affirmative.

On motion of Mr. Browning,

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

Mr. Whitaker, from the select committee, to whom was referred Senate file, No. 9, An act to repeal certain acts therein named, Reported adverse to the passage of the bill.

On motion of Mr. Selman,

Said report was laid upon the table.

Mr. Whitaker, from the select committee, to whom was referred Senate file, No. 8, An act to authorize and empower the Board of Commissioners of Van Buren county to sell and convey lots in the town of Portland.

Reported the same back with amendments.

Which were concurred in, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Bradley laid before the Senate the documents intended to have accompanied the Governor's message relative to school lands.

Which were read, and

On his motion,

Referred to the committee on Schools.

The memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque to Keokuk,

Coming up in order, was,

On motion of Mr. Benton,

Referred to a select committee, and

Messrs. Benton, Springer, and Selman, were appointed said committee.

Senate file, No. 11, An act in relation to the printing and distributing the laws of this State.

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

H. R. file, No. 9, A bill to amend an act entitled an act to amend an act entitled an act to incorporate the town of Bloomington, approved Dec. 29th, 1840,

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

Mr. Jay, leave being asked and obtained, introduced Senate file, No. 4, Joint resolution relative to school officers, Which was read a first and second time, and

On motion of Mr. Benton,

Referred to the committee on the Judiciary.

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

The memorial to Congress asking a grant of land to aid in the construction of a rail road from Dubuque to Keokuk,

On leave obtained,

Reported the same back with one amendment ; and

The question being on concurring with the report of the committee ;

It was agreed to, and

Said memorial was read a third time, passed, and title agreed to.

Mr. Browning, on leave obtained, introduced

Senate file, No. 12, An act to legalize the acts of persons exercising and discharging the duties of school officers,

Which was read a first and second time, and

On motion of Mr. Harbour,

Referred to the committee on the Judiciary, with instructions to report to-morrow morning.

Mr. Browning, on leave obtained, introduced the following resolution:

Resolved, That no general law in relation to common schools shall be introduced at the present session, but that the old law be so amended as to answer until the next session of the General Assembly.

The question being on the adoption of said resolution,

The yeas and nays being requested, were ordered, and were as follow:

YEAS—Messrs. Browning, Fullinwider, Jay, Sanford, Springer, Sprott, Wheeler, and Whitaker—8.

NAYS—Messrs. Benton, Bissell, Bradley, Crawford, Davis, Harbour, Howel, Huner, Selman, and Mr. President—10.

So said resolution was disagreed to.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The President laid before the Senate a communication from Elisha Cutler, Jr., Secretary of State, in reply to a resolution of yesterday, transmitting an abstract of the returns of the census of the State for the year 1847.

Which was read for the information of the Senate. (See Appendix, B.)

On motion of Mr. Davis,

Resolved, That the Secretary of State be requested to forward to the Senate the report of the Commissioners appointed to locate the Seat of Government.

Message from the House of Representatives by Mr. Richman, their chief clerk:

Mr. President—

I am directed to inform the Senate that the House have passed, H. R. file, No. 10, A bill for an act for the relief of H. H. Hendrix and Edward Pedigo; also,

H. R. file, No. 7, Joint resolution relative to the adjournment of the two houses.

In which the concurrence of the Senate is requested.

Mr. Bissell, from the select committee, to whom was referred the report of the select committee appointed to inquire into the right of the Hon. Thomas Baker to a seat in the Senate of this State, as a representative from the counties of Polk, Dallas, and Jasper, together with a resolution declaring his seat vacant, made the following

REPORT:

The committee to whom was referred the resolution before the Senate, declaring the seat of the Hon. Thomas Baker vacant, ask leave to report:

That upon a deliberate examination of the constitution of this State, they find two provisions upon which the resolution seems to have been founded. These are the 21st and 22d sections of the 4th article of the constitution, which reads as follows:

Sec. 21. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as are filled by elections by the people.

Sec. 22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to the General Assembly: Provided, That offices in the militia, to which there is attached no annual salary, or the office of Justice of the Peace, or Post Masters, whose compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

The former of these sections, as we think, creates no ground of disqualification, for the following reasons:

1st. The office (that of Prosecuting Attorney) was not created by the General Assembly but by the constitution; nor do the emoluments thereof appear to have been increased at the last session of the General Assembly, when Mr. Baker was a member, but, on the contrary, your committee are of the opinion that the emoluments of that office were at that session very essentially diminished.

2nd. Even if the office had been created or its emoluments increased, there would have been no constitutional incompatibility between it and that of Senator. The case would then fall within the exception

contained in the last clause of the section. The office of Prosecuting Attorney is filled by an election by the people.

3rd. But if the offices were ever so incompatible, the right of the incumbent to a seat in this body would not thereby be affected. The constitution declares that no Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office, &c. Suppose the Senator had been appointed to one of these prohibited offices, would his seat thereby have been vacated? Not at all. "He shall not be appointed" to such an office, neither can he hold it any more than if he were an alien. The appointment would be null and void. His seat in the Senate would not be vacated, but the door to the new office would be impenetrably barred against him. Not the shadow of a reason can therefore be deduced from this section for excluding the Senator from his seat here.

But the 22nd section declares that no person holding any lucrative office shall be eligible to the General Assembly. The office of Prosecuting Attorney is no doubt a lucrative office of the kind intended in this section. Had the gentleman therefore held that office at the time he was elected Senator, such election would have been wholly nugatory; he would have been ineligible. Such, however, was not the fact; his election to the office of Prosecuting Attorney having taken place since he became a member of this body, and since the last session of the General Assembly.

Had the constitution declared that the holding of an office of this kind should be a disqualification for holding that of Senator, the case would have been very different from that presented. It merely renders him ineligible, that is to say, incapable of being elected.

It does not follow that any circumstance which would have rendered his election invalid will, if happening subsequently, work a disqualification. The constitution does not say so; neither does common sense. Ineligibility is one thing, disqualification another. Suppose the state of things reversed, and that the circumstance which renders a person ineligible at the time of his election, was removed before he claimed his seat, would he thereby be qualified to take and retain his seat in the Senate? If the gentleman whose case we are now considering had held a lucrative office at the time of his election, but had resigned afterwards, could he have been received as a member of this body? By no means. He would have been ineligible. The election would have been a nullity, which nothing but another election could have remedied. If the subsequent removal of a disqualifying circumstance will not do away with

the ineligibility contemplated by the constitution, its subsequent occurrence cannot create that ineligibility.

The 22nd section has in fact reference only to the time of the election. For what takes place afterwards, other provisions are made. If he subsequently received an appointment to an office which he has aided to create, the appointment is nugatory, whether made while he is a member, or at any time subsequent, during the term for which he was elected. If his conduct is such as to disqualify him from remaining a member of the General Assembly, he may be expelled. But your committee find no authority in the constitution for declaring a seat vacant after it has been once filled, and rightfully filled, by its incumbent.

The constitution makes each house the proper body to judge of the qualification, election, and return of its own members. All these matters have been once passed upon in the case of Mr. Baker, and he was admitted to his seat.

The adoption, by this body, of the resolution referred to this committee, would be a violation of the constitution, unauthorized by any law whatever, and entirely without a precedent in the proceedings of legislative bodies. The seat of a member who possesses the necessary qualifications at the time of his election can, during the term for which he may have been elected, become vacant only by death resignation, or expulsion. These are the only contingencies under which a seat can be declared vacant. That Mr. Baker was duly elected a member of this body is fully shown by the proceedings of the last session, when the committee on the credentials of members reported him as duly elected, and that he was thus duly elected is not denied by any one. It is not contended that he is dead, has resigned, or has been expelled, or that any reason for his expulsion exists. Legislative bodies have sometimes declared a seat vacant when they have ascertained that there was no fair or legal election by the people, or where the person receiving the greatest number of votes was not at the time eligible to the office, but never, so far as your committee has been able to ascertain, have they done so when there has been an election and no death, resignation, or expulsion.

There is no authority to exclude Mr. Baker now except by expulsion by the consent of two thirds of the members of this body. Had he committed a crime however heinous, this would have been the only remedy. Will the vote of a mere majority be sufficient to expel a member for having been elected a Prosecuting Attorney; while it would have required a vote of two-thirds to have expelled him for the com-

mission of a felony. No provision is made in the constitution for declaring a seat vacant in either case. There can be no expulsion unless for crime or disorderly behaviour, and it has not been pretended that either of these contingencies has existed. Your committee are therefore of the opinion that Mr. Baker is fully entitled to continue to occupy his seat, and they therefore ask to be discharged from the further consideration of this subject.

The question being upon concurring in the report of the committee ;

Mr. Bradley moved a call of the Senate.

When it appeared that Messrs. Baker, Benton, and Harbour were absent.

On motion,

Mr. Baker was excused.

Mr. Benton appearing, the further call of the Senate was,

On motion of Mr. Bradley,

Dispensed with.

The yeas and nays were requested, and being ordered, were as follow :

YEAS—Messrs. Benton, Bissell, Bradley, Crawford, Davis, Harbour, Howel, Huner, Selman, Whitaker, and Mr. President—11.

NAYS—Messrs. Browning, Fullinwider, Jay, Sanford, Springer, Sprott, and Wheeler—7.

So the report was concurred in.

Mr. Browning, on leave obtained, introduced

Senate file, No. 13, An act in relation to the duties of collectors of State revenue.

Which was read a first and second time.

Message from the House of Representatives coming up in order, H. R. file, No. 10, A bill for an act for the relief of H. H. Hendrix and Edward Pedigo,

Was read a first and second time, and

On motion of Mr. Browning,

Said bill was indefinitely postponed.

H. R. file, No. 7, Joint resolution to adjourn.

Was read a first and second time.

On motion,

The Senate adjourned.

THURSDAY MORNING, JANUARY 13, 1848.

Senate met pursuant to adjournment.

Mr. Browning, on leave obtained, presented the petition of the Mayor and Alderman of the City of Burlington, praying the passage of a law to amend the charter of the City of Burlington, accompanied by Senate file, No. 14, A bill to amend the charter of the city of Burlington.

Which was read a first and second time, and

On motion of Mr. Browning,

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

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

I am directed to inform the Senate that the House have passed, H. R. file, No. 18, A bill for an act to locate the seat of justice of Davis county; and

H. R. file, No. 7, A bill for an act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines river, approved February 24, 1847.

In which they ask the concurrence of the Senate.

I herewith return to you,

Senate file, No. 5, A bill to change the time of holding courts in the second judicial district,

The same having passed the House of Representatives without amendment.

Mr. Davis, with leave obtained, introduced .

Senate file, No. 5, Joint resolution relative to the election of United States Senators and Judges of the Supreme Court.

Which was read a first and second time.

Mr. Howel moved to amend by striking out the word "Friday" and inserting "Saturday."

Agreed to.

On motion of Mr. Harbour,

The thirteenth rule was suspended, said joint resolution read a third time.

The question being upon the passage of the joint resolution.

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Davis, Harbour, Howel, Huner, Selman, Whitaker, and Mr. President—12.

NAYS—Messrs. Browning, Fullinwider, Jay, Sanford, Springer, Sprott, and Wheeler—7.

So said joint resolution was passed, and title agreed to.

Mr. Whitaker, from the standing committee on Engrossed Bills, having examined

Senate file, No. 7, An act to organize the township of Lake Prairie; and

Senate file, No. 10, An act in relation to deeds,

Reported the same as correctly engrossed.

Mr. Whitaker, from the committee on Roads, to whom was referred the petition of Elbert Jones, and forty-one other citizens of the counties of Monroe and Lucas, praying the establishment of a State road from Eddyville, in Wapello county, to the Council Bluffs ;

Reported adverse to the prayer of the petitioners.

On motion of Mr. Bradley,

The petition was referred back to the committee on Roads, with instructions to report a bill.

Mr. Springer, from the committee appointed to inquire into the right of the Hon. James Davis to a seat in the Senate of this State, as representative from the counties of Wapello and Monroe, submitted the following

REPORT:

The select committee to whom was referred a resolution of the Senate, passed January 5th, 1848, requiring the appointment of a committee to take into consideration the right of the Hon. James Davis, from the district composed of the counties of Wapello and Monroe, to a seat in this body, have instructed me to make the following report :

The charges presented against the Honorable Senator, as appeared from the testimony given before the committee, were,

1st. That he had removed from his district and settled in the town of Keokuk, in Lee county, of this State.

2nd. That he had been appointed United States Deputy Surveyor, by the Surveyor General of the United States for the State of Iowa and

Territory of Wisconsin, in which capacity he would receive some six or seven hundred dollars for his services.

3rd. That he had resigned his seat as a member of this body, and that these several events had occurred since the adjournment of the legislature last winter.

Your committee are of opinion that the first and second charges were sustained by the testimony adduced before them.

From the evidence relative to the last charge, however, it appeared that Dr. Davis did conditionally resign his seat in the Senate, during the past summer—that he gave his letter of resignation to the Hon. Philip B. Bradley, of Jackson county, in June last, with instructions to deliver the same to His Excellency, Gov. Briggs, when he (Dr. Davis) should subsequently advise him so to do—that Mr. Bradley not having been thus advised refrained from delivering the letter to the Governor, and still holds the same in his possession, clearly showing that the resignation, though made conditionally, has not taken effect.

Your committee are of opinion that the removal of a member from his county or district, subsequent to his election and admission to a seat in the General Assembly, does not disqualify him for holding the same, and discharging the duties of his office. Though by the 4th section of the 4th article of the constitution no person can be a member of the General Assembly who shall not, "at the time of his election, have an actual residence of thirty days in the county or district he may be chosen to represent," yet it does not appear from that instrument that this residence shall be maintained during the entire term for which he has been elected.

Your committee are further of opinion that the fact of Dr. Davis having received and accepted the office of Deputy Surveyor, and of his having received a lucrative consideration for his services as such, does not dissolve or constitutionally affect his connection with this body. If the office in question were an office of this State, and had been created by the General Assembly since his election, and had been conferred upon him in any way other than by an election by the people, then it would necessarily follow that he could not hold it, being ineligible to do so during the time for which he was elected, according to the 21st section of the 4th article of the constitution, by virtue of his being a member of this body, and his acts as Deputy Surveyor would be void, while his rights and privileges as a member of the General Assembly would remain unimpaired, unless other causes of disqualification were shown to exist.

The 22d section of the 4th article of the constitution having reference

only to the eligibility of members, or *qualifications for election*, your committee are conclusively of the opinion that it is not applicable to the case of Dr. Davis, he having been constitutionally and legally elected, and admitted to a seat on this floor.

In view of the foregoing facts your committee beg leave to submit the following resolution :

Resolved, That the Hon. James Davis, Senator from the district composed of the counties of Wapello and Monroe, is constitutionally and legally entitled to his seat in this body.

After which Mr. Springer made a minority report as follows :

The select committee appointed by the Senate, to inquire into the right of the Hon. James Davis to a seat therein, under the following resolution :

WHEREAS, it has been represented that the seat of the former member of the Senate from the counties of Wapello and Monroe, has, since the adjournment of the General Assembly in February last, become vacant by the resignation of that gentleman and his removal from his district, therefore,

Resolved, That a committee of three members be appointed, with power to send for persons and papers, to investigate the facts of the case and report to the Senate at an early day.

Beg leave to report that they have attended to the duty assigned them, and herewith submit to the Senate the evidence taken in the case, which is as follows :

JESSE BOWEN, sworn.

Question 1.—Are you acquainted with the Hon. James Davis, the sitting member of the senate from the counties of Wapello and Monroe?

Answer—I am.

Question 2.—Do you know any thing in relation to the resignation of his seat in the Senate of Iowa, since the adjournment of the General Assembly in February last, or of his having removed from his district since that time?—if so, please state all the information in your possession, whether derived from the sitting member himself or any other source?

Answer—I heard Dr. Davis say since the adjournment of the legislature last winter, that he had resigned his seat in the legislature, and that he was not going to come back here again. Since the commencement of this session I heard Dr. Davis say that he resigned his seat as

Senator before he left here last winter and handed it to a Senator—I think it was Senator Bradley, but that he had understood that it had been withheld from the Governor. During the present session I inquired of Dr. Davis if he had removed from his district, he replied that he had not—that his wife resided in Lee county with her uncle, and that he himself had not resided in Lee county more than ten days since the adjournment of the legislature, but had been absent on a surveying contract part of the season.

Question 3.—Do you know whether the Hon. James Davis has accepted, since the adjournment in February last, any office, either under this State or any other power? If so, please state the particulars.

Answer—I heard Dr. Davis say that he had received a contract of surveying of public lands, upon which he supposed he would realize six or seven hundred dollars.

GEORGE W. JONES, sworn.

Question 1.—Are you Surveyor General of the United States Government, for the State of Iowa and the Territory of Wisconsin?

Answer—I am.

Question 2.—What are the attributes attached to the office or appointment of Deputy Surveyor?

Answer—He is to be acquainted theoretically and practically with the science of surveying—capable of writing a legible hand, and of understanding the instructions of the Surveyor General.

Question 3.—Is it required of a Deputy Surveyor to enter into bonds and take an oath of office?

Answer—It is.

Question 4.—Has a Deputy Surveyor authority to administer oaths in certain cases?

Answer—He has, by law.

Question 5.—Have you at any time appointed the Hon. James Davis to that office. If so, please state the time when, the extent of the appointment or the amount of duties he had to perform, and the emoluments attached thereto?

Answer—I did, during the past summer, in compliance with a promise made some two or three years ago. His contract embraced the subdivision of six townships, at between \$2 50 and \$3 00 per-mile.

Question 6.—Has Mr. Davis accepted the appointment and performed the duties thereof?

Answer—He has accepted the appointment, but has not yet made

his returns to my office, though I expect to receive them to day or to-morrow.

JESSE B. BROWNE, sworn.

Question 1.—Are you acquainted with the Hon. James Davis, the sitting member of the Senate from the counties of Wapello and Monroe?

Answer—I am.

Question 2.—Do you know any thing in relation to the resignation of his seat in the Senate of Iowa, since the adjournment of the General Assembly in February last, or of his having removed from his district since that time? If so, please state all the information in your possession, whether derived from the sitting member himself or any other source.

Answer—Some time in the month of July last Dr. Davis told me in the county of Wapello that he had resigned and intended to remove to Keokuk in ten days, to locate permanently. I subsequently saw him and his family in Keokuk, when he stated to me that he had removed to Keokuk to locate permanently, and that the future prospects of the place had induced him to do so.

W. H. WALLACE, sworn.

Question 1.—Are you acquainted with the Hon. James Davis, the sitting member of the Senate from the counties of Wapello and Monroe?

Answer—I am.

Question 2.—Do you know any thing in relation to the resignation of his seat in the Senate of Iowa since the adjournment of the General Assembly in February last, or of his having removed from his district since that time? If so, please state all the information in your possession, whether derived from the sitting member himself, or any other source.

Answer—At Agency City in July last he (Dr. Davis) informed me that he had resigned his seat in the Senate—that he handed his letter of resignation to the Governor, who threw it back to him and laughingly remarked that he did not allow democratic members to resign—that he afterwards gave or sent the communication to Mr. Bradley with instructions to give it to the Governor—he (witness) did not know whether the Governor had received it or not. Of the second part of the question I know nothing, only from rumor.

HAWKINS TAYLOR, sworn.

Question 1.—Are you acquainted with the Hon. James Davis, the

sitting member of the Senate from the counties of Wapello and Monroe?

Answer—I am.

Question 2.—Do you know any thing in relation to the resignation of his seat in the Senate of Iowa since the adjournment of the General Assembly in February last, or of his having removed from his district since that time? If so, please state all the information in your possession, whether derived from the sitting member himself, or any other source.

Answer—I met Dr. Davis in Keokuk about the time the Governor issued his proclamation to convene the General Assembly. After some conversation about the meeting of the legislature, he informed me that he had determined last winter not to return to the legislature, and so informed his friends—that he had resolved upon removing to Keokuk, and accordingly that he had resigned and sent his resignation off, but what had become of it he did not know—that he had been told that it had not been received, I think, by the Governor—that in accordance with his determination he had removed to Keokuk, and that he did not pretend to disguise the fact from any body that he had become a citizen of Keokuk—that he had determined not to take his seat, but as he came down from his surveying contract he had conversed with a number of the people of Wapello county and that they had all advised him to take his seat—that if he did not, it was too late to order an election and the county would have to go unrepresented; he stated that he did not believe that our constitution required a member to reside in his district.

P. B. BRADLEY, SWORN.

Question 1.—Are you acquainted with the Hon. James Davis, the sitting member of the Senate from the counties of Wapello and Monroe?

Answer—I am.

Question 2.—Do you know any thing in relation to the resignation of his seat in the Senate of Iowa since the adjournment of the General Assembly in February last, or of his having removed from his district since that time? If so, please state all the information in your possession, whether derived from the sitting member himself, or any other source.

Answer—I saw Dr. Davis in Iowa City at the Democratic State Convention in June last—he handed me a letter addressed to the Governor which I think he stated was his resignation, remarking at the same time that he had contemplated removing to Lee county, and desired that a new election should be ordered in case he should do so. I replied to

him that I would take the letter and deliver it to the Governor whenever I received word from him assuring me that he had removed ; not having been advised of his removal I did not and have not yet delivered it to the Governor.

Question 3.—Do you know whether Dr. Davis ever tendered his resignation in person to the Governor ?

Answer—I do not know that he did, but my impression is that he would have done it in about three minutes if I had not taken it.

Question 4.—Are you the private secretary of the Governor, or been in the habit of acting in that capacity ?

Answer—I am not, nor have not been in the habit of so acting.

CHARLES CORKERY, sworn.

Question 1.—Are you acquainted with the Hon. James Davis, the sitting member of the Senate from the counties of Wapello and Monroe ?

Answer—I am.

Question 2.—Do you know any thing in relation to the resignation of his seat in the Senate of Iowa since the adjournment of the General Assembly in February last, or of his having removed from his district since that time ? If so, please state all the information in your possession, whether derived from the sitting member himself, or any other source.

Answer—I had a conversation with Dr. Davis in December last at Keokuk relative to his removal, but do not remember distinctly whether he stated that he had removed or intended to remove—he stated to me that he had sent his resignation to the Governor by Mr. Bradley.

WILLIAM J. COCHRAN, sworn.

Question 1.—Are you acquainted with the Hon. James Davis, the sitting member of the Senate from the counties of Wapello and Monroe ?

Answer—I am.

Question 2.—Do you know any thing in relation to the resignation of his seat in the Senate of Iowa since the adjournment of the General Assembly in February last, or of his having removed from his district since that time ? If so, please state all the information in your possession, whether derived from the sitting member himself, or any other source.

Answer—On the Wednesday or Thursday morning next previous to the meeting of the present session of the General Assembly, Mr. Davis stopped at my door when and where we had a conversation in re-

lation to the called session about to take place. Mr. Davis remarked to me in substance that he had resigned his seat in June last in the Senate of the State—he held out to me the idea that he had fairly abandoned his right to a seat in the Senate, and held out the idea that he persisted in such abandonment. Said he, our democratic Governor don't receive democratic resignations, but that he was going up to see what the fellows wanted to do with him. I think that was the very language. He told me that he had removed and now lived here—we being in Keokuk.

The committee are agreed in the correctness of the foregoing report of the evidence. The undersigned, however, regrets to say that it is his misfortune to differ from his associates in the conclusions to which the evidence leads. In his opinion three things are established by the testimony reported the Senate, namely, resignation, acceptance of a lucrative office, and removal from the district which that gentleman formerly represented; either of which, in the judgment of the undersigned, amounts to a disqualification of membership. These acts will be considered in the order in which they appear to have been committed.

1st.—Resignation. It is observable that our constitution and laws are both silent on the form of a resignation of membership, or the manner in which it shall be made. Resignations are in practice usually made in writing, and it would seem to be immaterial in the case of the resignation of members of the General Assembly, whether they be addressed directly to the Governor by the resigning member, or the officer who issued the certificate of election, and the fact communicated by him to the executive. In this case the evidence shows the resignation to have been made to the Governor. See the testimony of Mr. Wallace. Of the abstract right of a member to resign his seat, it is presumed there can be no question, whatever influences may have been brought to bear against the practical exercise of this right in the State of Iowa; and it would be novel doctrine to say that the executive has any discretion in the matter, or any control over the resignation of members. It is not for him to accept or to refuse to accept the resignation of a member. When vacancies happen and he is advised thereof, it is made his duty by the constitution to issue writs of election to fill them. See article 4, section 13. How stands the case here? The resignation appears to have been deliberately made in writing, and according to the testimony of one witness (Mr. Wallace) handed directly to the Governor, and according to the testimony of another witness (Mr. Corkery) it was sent to the Governor. That he intended it as a resigna-

tion, and considered it a resignation, is obvious from his repeated declarations that he had resigned. [See testimony of Messrs. Browne, Taylor, and Cochran.] The question naturally arises here—what amounts to a resignation, or when is the act complete? and it may be fairly answered by saying, that to intend to resign, to reduce that intention to writing, and to send it to its destination, amounts to a resignation, and completes the act. When the authority delegated is once surrendered it will not be contended by any one that it can be resumed at pleasure. Nothing but the power of the people of the district of a member who has resigned his seat, can reinvest him with the functions of a representative.

2nd—Acceptance of a lucrative office. The constitution, article 4, section 22, reads as follows:

“No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to the General Assembly: Provided, That offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or post masters whose annual salary does not exceed one hundred dollars per annum, shall not be deemed lucrative.”

The evidence shows that since the adjournment of the General Assembly in February last the sitting member has been appointed by the Surveyor General of the United States for Iowa and Wisconsin to the office of Deputy Surveyor—that he accepted the appointment, qualified and has been engaged in discharging the duties of said appointment. Is the appointment an office in the sense of the constitution? What is an office? Webster defines it to be “a particular duty, charge or trust conferred by public authority and for a public purpose; an employment undertaken by commission or authority from government or those who administer it.” Does the office of deputy surveyor come within this definition? What are its attributes? The appointee is required to take an oath of office, enter into bond, is invested with authority by law, and entitled to compensation. It is an office created by law, and known to the law, just as much as that of deputy post master, which is expressly recognized in the clause of the constitution quoted, as an office---just as much as the office of deputy sheriff, and much more than the appointment of a special deputy sheriff, which has been decided by the highest tribunal of the Territory of Iowa to be an office. Is it lucrative? If the constitution declares what offices shall not be deemed lucrative, does it not follow that all others should be deemed so? The

testimony of Dr. Bowen and Gen. Jones is sufficient to remove all doubt upon this point.

3d---Removal from his district. Has he removed? His acts and declarations would seem to establish this fact beyond dispute. Would the act of removing from his district vacate his seat? This question involves a principle interwoven in the texture of our free institutions, and which seems eminently to distinguish them from the genius of other governments. What is the undertaking of a representative, but to reflect the will and wishes of his district, local as well as general. How can he be supposed to know what that will and those wishes are unless he is a resident of the district he represents, unless he is among, of, and a part of the people of that his district. It is the principle of resident representation which gives vitality to our system of government, and renders it estimable to the people—and strange indeed would it be if a principle so excellent in itself and so conducive to their welfare were not found incorporated in our constitution. It is there found in all its force. What are the qualifications of members of the General Assembly as prescribed by the constitution? Sections 3, 4, and 5, of article IV, read as follows :

“3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the first Monday in August, whose term of office shall continue two years from the day of the general election.

“4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years ; be a free white male citizen of the United States, and have been an inhabitant of this State or Territory one year next preceding his election ; and at the time of his election, have an actual residence of thirty days in the county or district he may be chosen to represent.

“5. Senators shall be chosen for the term of four years, at the same time and place as Representatives ; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.”

In these sections the principle is expressly embodied, and it would be a poor reply to the position here assumed, to say that these qualifications apply only to candidates ; to eligibility to be elected in the first instance. It may be asked with great force, does the constitution anywhere dispense with those qualifications, or either of them? Not at all ; they are continuing qualifications. Why how absurd to say that what is a necessary qualification to be elected to membership, is not necessary

to continue that membership. Are less qualifications required in a representative than in a voter? If a member may remove from one district to another without vacating his seat, so by the same rule he might remove from the State and not forfeit his seat—or go to New Brunswick, swear allegiance to Queen Victoria, be elected a member of the provincial parliament, serve during a summer session, and have a perfect right to come back to Iowa and take his seat in the Senate. To this result the doctrine contended for leads. Again, if only previous and not constant residence be meant, what is there to hinder one half of the members of the General Assembly from being residents of the town of Keokuk? On the eve of the next general election let that town send some score of candidates into the various districts of this State in time to secure a previous residence of thirty days, become elected, and the next day after they obtain their certificates of election, return to Keokuk, fortified with passports to seats in the General Assembly whose legislation they would be strong enough to control; and what is to prevent them from taking their seats and keeping their seats under the construction contended for—thus directly disfranchising one half of the electoral districts of the State. It would seem to be a mockery of all that is serious in an organic law to require residence as an essential qualification to be elected, if this qualification could be dispensed with the next day after the election. The truth is the language of the constitution will bear no such construction. Its obvious import and common sense meaning are just the reverse—and this plain view of the subject is supported by analogy drawn from other offices. Could a justice of the peace, or a sheriff, exercise the functions of his office after removal from his district? Going higher in the grade of office, could the Governor, or one of our representatives in Congress, continue to exercise constitutionally the duties of his office after removal from the State? These questions answer themselves.

One observation more on another point. It has been said that to declare a seat vacant is tantamount to an expulsion and would require a vote of two-thirds of the members of the Senate. There is conceived to be a broad distinction between the expulsion of a member and the act of declaring his seat vacant; the one implies the commission of an offence, the other the voluntary exercise of a right which every freeman is supposed to possess of doing certain acts which amount to a forfeiture, abandonment, or vacation of his seat; such as resignation, the acceptance of incompatible offices, or removal from his district. We do not seek to expel the former Senator from Wapello and Monroe, be-

cause we claim that his seat is vacant by the operation of the constitution upon his own acts, voluntarily committed, and which involve no crime or offence.

The undersigned therefore presents for the action of the Senate the following resolution :

Resolved, That the seat of the former member of this body from the counties of Wapello and Monroe is hereby declared vacant.

All which is respectfully submitted,

FRANCIS SPRINGER, Chairman.

On motion,

Senate adjourned till 2 o'clock, P. M..

TWO O'CLOCK, P. M.

The question being upon concurring in the report of the committee ;

The yeas and nays being requested; were ordered, and were as follow :

YEAS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Harbour, Howel, Huner, Selman, Whitaker, and Mr. President—11.

NAYS—Messrs. Browning, Fullinwider, Jay, Sanford, Springer, Sprott, and Wheeler—7.

So the report of the committee was concurred in.

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

I am directed to inform the Senate that the House have passed, H. R. file, No. 19, An act to amend an act entitled an act to divide the State into two congressional districts ;

H. R. file, No. 17, A bill for an act amendatory of an act entitled an act to divide the State into judicial districts ;

H. R. file, No. 15, An act to authorize the Mississippi Rapids Rail Road Company to acquire the right of way ;

H. R. file, No. 8, A bill for an act to amend an act entitled an act regulating practice in the district courts of the Territory of Iowa, approved February 10th, 1843; and

H. R. file, No. 23, An act amendatory of an act entitled an act to lay out and establish a state road from Iowaville, in Van Buren county, to Lancaster, in Keokuk county, by the way of Creaseville, in Jefferson county.

In which they ask the concurrence of the Senate.

I herewith return to you,

Senate file, No. 1, A bill re-organizing the Supreme Court.

The same having passed the House of Representatives without amendment.

The President laid before the Senate a communication from the Secretary of State, in accordance with a resolution of yesterday, transmitting the report of the Commissioners appointed to re-locate the Seat of Government.

On motion of Mr. Browning,

The reading was dispensed with, and said report was

Referred to the committee on Public Buildings.

Senate file, No. 7, An act to organize the township of Lake Prairie,

Was read a third time, and

The question being upon the passage of the said bill,

The yeas and nays being requested, were ordered, and were as follow:

YEAS—Messrs. Baker, Benton, Bissell, Browning, Davis, Fullenwider, Harbour, Howel, Jay, Selman, Sanford, Springer, Wheeler, Whitaker, and Mr. President—15.

NAYS—Messrs. Crawford, Huner, and Sprott—3.

So said bill was passed and title agreed to.

Mr. Davis, with leave obtained, introduced

Senate file, No. 15, A bill to amend an act entitled an act to authorize general incorporations.

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Senate file, No. 10, An act in relation to deeds,

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

Mr. Davis, with leave obtained, introduced the following resolution:

Resolved, That the committee on Internal Improvements be instructed

ted to inquire into the expediency of amending an act entitled an act creating a Board of Public Works, and providing for the improvement of the Des Moines river, so as to authorize the Board of Public Works, at their discretion, to commence the improvement of the Des Moines river at a point above the intersection of the northern boundary of Missouri with said river; and furthermore to authorize said Board to construct a rail road or canal, from the point aforesaid, to a point on the Mississippi river: provided, it shall be found that the cost of improving said river from the first named point to its mouth, by locks and dams, will greatly exceed the cost of said rail road or canal: or provided, that, the interest of the State in the improvement of the Des Moines river will be enhanced by the construction of a rail road or canal: provided also, that, if necessary, the consent of Congress to the proposed change in the character of the work be first obtained, and the committee have leave to report by bill or otherwise.

Which was,

On motion of Mr. Fullinwider,

Laid on the table.

Senate file, No. 13, An act in relation to the duties of collectors of State revenue,

Was taken from the table and read a third time.

On motion of Mr. Browning,

The first blank in said bill was filled by inserting \$5 00; and the second by inserting ten cents per mile.

The question being upon the passage of the bill.

The yeas and nays were called for, and being ordered, were as follow:

YEAS—Messrs. Bradley, Browning, Davis, Fullinwider, Howel, and Mr. President—6.

NAYS—Messrs. Baker, Harbour, Huner, Jay, Selman, Sanford, Springer, Sprott, and Whitaker—9.

So the question was decided in the negative.

H. R. file, No. 7, A bill for an act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines river, approved January 24, 1847.

Was read a first and second time, and

On motion of Mr. Harbour,

Referred to the committee on Internal Improvements, with instructions to report to-morrow morning.

H. R. file, No. 18, A bill for an act to locate the seat of justice of Davis county,

Was read a first and second time, and

On motion of Mr. Selman,

Referred to a select committee, with instructions to report to-morrow morning ;

Messrs. Selman, Whitaker, and Sanford, were appointed said committee.

H. R. file, No. 8, A bill for an act to amend an act entitled an act regulating practice in the District Courts of the Territory of Iowa, approved February 10th, 1843,

Was read a first and second time, and

On motion of Mr. Bradley,

Said bill was ordered to a third reading to-morrow.

H. R. file, No. 15, An act to authorize the Mississippi Rapids Rail Road Company to acquire a right of way,

Was read a first and second time, and

On motion of Mr. Browning,

Said bill was made the special order of the day for to-morrow afternoon.

Mr. Davis, on leave obtained, introduced

Senate file, No. 16, A bill for an act to provide for the election of Representatives to Congress.

Which was read a first and second time, and

On his motion,

Referred to a select committee, and

Messrs. Springer, Baker, and Davis, were appointed said committee.

H. R. file, No. 17, A bill for an act amendatory to an act entitled an act to divide the State into judicial districts,

Was read a first and second time, and

On motion of Mr. Hughes,

Mr. Bradley having been called to the chair,

Said bill was ordered to a third reading to-morrow.

H. R. file, No. 19, An act to amend an act entitled an act to divide the State into two congressional districts,

Was read a first and second time, and

On motion of Mr. Springer,

Said bill was laid upon the table and made subject to the order of the Senate for to-morrow afternoon.

H. R. file, No. 23, An act amendatory to an act entitled an act to lay out and establish a State road from Iowaville, in Van Buren county, to Lancaster in Keokuk county, via Creaseville, in Jefferson county,

Was read a first and second time, and

On motion of Mr. Whitaker,

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

Mr. Springer moved a re-consideration of the vote taken yesterday on

H. R. file, No. 10, A bill for an act for the relief of H. H. Hendrix and Edward Pedigo,

Which was agreed to, and

On his motion,

Said bill was laid on the table and made subject to the further order of the Senate.

Mr. Whitaker, from the committee on Roads, introduced

Senate file, No. 17, An act for a State road from Eddyville, in Wapello county, to Council Bluffs.

Which was read a first and second time, and

On motion of Mr. Davis,

Said bill was laid on the table.

On motion,

The Senate adjourned.

FRIDAY MORNING, JANUARY 14, 1848.

Senate met pursuant to adjournment.

Mr. Springer presented the petition of James Sterling and twenty other citizens of Louisa county, praying a review of the State road from Walling's Landing to Columbus City.

Which was,

On his motion,

Referred to a select committee, and

Messrs. Springer, Jay, and Whitaker, were appointed said commit-

The President laid before the Senate a memorial of the Iowa Prison Discipline and Anti-Capital Punishment Society, praying some immediate action of the legislature in relation to the State Penitentiary.

On motion of Mr. Sanford,

Said memorial was referred to the committee on Public Buildings.

Mr. Whitaker, with leave obtained, introduced

Senate file, No. 6, Joint resolution relative to United States District Court room:

Which was read a first and second time, and

On motion of Mr. Springer,

Said joint resolution was laid upon the table and made subject to the order of the Senate.

Mr. Selman presented the petition of John N. Dunbar and five hundred and ninety-nine other citizens of Davis county, praying the relocation of the county seat of Davis county; together with the remon-
- stance of Wm. Hoskins and six hundred and twenty-nine other citizens of said county.

Which were,

On his motion,

Referred to the select committee to whom was referred

H. R. file, No. 18, An act to re-locate the seat of justice of Davis county.

Mr. Sanford offered the following resolution :

Resolved, That no person be permitted to smoke in the Senate Chamber during the time the Senate is in session.

Mr. Jay moved to amend by inserting after the word person, "or the stove in the lobby."

Which was agreed to.

The question being upon the adoption of the resolution.

It was decided in the affirmative.

Mr. Davis, from the committee on Internal Improvements, to whom was referred

H. R. file, No. 7, A bill for an act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines river,

Reported the same back without amendment and recommended its passage.

Mr. Harbour moved to amend by striking out \$2 00, in the third section, and inserting \$1 25.

Lost.

On motion of Mr. Davis,

The thirteenth rule was suspended, said bill was read a third time, passed, and title agreed to.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

Senate file, No. 15, An act to amend an act entitled an act to authorize general incorporations,

Reported the same back with an amendment.

The question being upon concurring in the report of the committee ;

It was decided in the affirmative.

Said bill was read a third time, and

On motion of Mr. Benton,

Made the special order of the day for to-morrow afternoon.

Mr. Whitaker, from the standing committee on Engrossed Bills, having examined

Senate file, No. 14, An act to amend the charter of the city of Burlington,

Reported the same as correctly engrossed.

Mr. Jay, from the select committee to whom was referred a resolution relative to the eligibility of the sitting member of the Senate from Van Buren county, made the following

REPORT:

The select committee to whom was referred a resolution relative to the eligibility of a sitting member of the Senate from Van Buren county, have had the same under consideration and have instructed me to make the following report to wit :

That although they have ascertained by a communication from the General Land Office, dated June 25th, and directed to James Harlan, Superintendent of Public Instruction, that John M. Whitaker was, on the 18th of June, appointed Agent of the Treasury Department to make the selections for the purpose stated, under the act of Congress, approved 20th July, 1840, and by a subsequent communication to the Superintendent of Public Instruction it is ascertained that there are no provisions by which the said Mr. W. will receive any compensation from the said department for his services, and there being no law in this State by which any compensation can be made for such services, your committee are therefore inclined to regard said appointment as an

agency and not incompatible with the Hon. John M. Whitaker's holding his seat as a member of the Senate.

The question being on concurring in the report of the committee ;
It was decided in the affirmative.

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

The petition of James Stirling and twenty other citizens of Louisa county, praying the review of the State road from Walling's Landing to Columbus City, reported

Senate file, No. 18, A bill to review part of the State road from Walling's Landing to Columbus City.

Which was read a first and second time, and

On motion of Mr. Springer,

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

H. R. file, No. 8, An act to amend an act regulating practice in the District Court,

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

H. R. file, No. 17, An act to amend an act entitled an act to divide the State into judicial districts,

Was read a third time, and

On motion of Mr. Harbour,

Said bill was referred to a select committee, and

Messrs. Harbour, Baker, and Springer, were appointed said committee.

Mr. Davis, with leave obtained, offered the following resolution:

Resolved, That the committee on Internal Improvements be instructed to report a bill to the Senate making it the duty of the Board of Public Works to confine all appropriations on the improvement of the Des Moines river above the junction of the northern boundary of the State of Missouri and within the State of Iowa, until after the adjournment of the next legislature of this State.

On motion of Mr. Harbour,

Said resolution was laid on the table.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

I am directed to inform the Senate that the House have passed,
H. R. file, No. 6, Joint resolution relative to a grant of land from Congress ;

H. R. file, No. 5, Joint resolution relative to claim of Amos Ladd ;

H. R. file, No. 21, A bill for an act to authorize John Brophy to keep a ferry across the Missouri river ;

H. R. file, No. 20, An act to authorize Adam Hine, his heirs and assigns, to establish and keep a ferry across the Mississippi river at the city of Keokuk, in Lee county ;

H. R. file, No. 14, A bill fixing the times and places of holding the District courts in the first judicial district ;

H. R. file, No. 26, A bill for an act to relocate a part of the agency road in Des Moines county ;

In all of which the concurrence of the Senate is requested.

I herewith return,

Senate file, No. 8, An act to authorize and empower the Board of County Commissioners of Van Buren county to sell and convey lots in the town of Portland in said county ; also,

A memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque to Keokuk, in the State of Iowa ;

The same having passed the House without amendment.

Senate file, No. 14, An act to amend the charter of the city of Burlington,

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

H. R. file, No. 15, An act to authorize the Mississippi Rapids Rail Road Company to acquire the right of way,

Being the special order of the day,

The Senate resolved itself into a committee of the whole, Mr. Bissel in the chair, and

After some time spent therein,

The committee rose, and by their chairman reported the same back without amendment.

On motion of Mr. Harbour,

Said bill was ordered to a third reading to-morrow.

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

H. R. file, No. 17, A bill for an act amendatory of an act entitled an act to divide the State into judicial districts,

Reported the same back with amendments ; and

The question being upon concurring in the report of the committee ;

It was decided in the affirmative.

Said bill was read a third time, and

On motion of Mr. Harbour,

Laid upon the table subject to the order of the Senate.

H. R. file, No. 19, An act to amend an act entitled an act to divide the State into two Congressional districts,

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

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

A bill for an act to provide for the election of Representatives to Congress,

Reported back a substitute.

Which was read a first and second time, and

On his motion,

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

Mr. Benton, with leave obtained, introduced

Senate file, No. 19, An act supplemental and amendatory to an act entitled an act for the organization of townships.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 5, Joint resolution relative to the claim of Amos Ladd.

Was read a first and second time, and

On motion of Mr. Davis,

Referred to the committee on Claims.

H. R. file, No. 21, A bill for an act to authorize John Brophy to keep a ferry across the Missouri river at Council Bluffs,

Was read a first and second time, and

On motion of Mr. Bradley,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 20, A bill to authorize Adam Hine, to keep a ferry crossing the Mississippi river at the city of Keokuk,

Was read a first and second time, and

On motion of Mr. Sprott,

Referred to the committee on Incorporations.

H. R. file, No. 14, An act fixing the time and place of holding courts in the first judicial district,

Was read a first and second time, and

On motion of Mr. Sprott,

Ordered to a third reading to-morrow.

H. R. file, No. 26, An act to locate certain roads therein named,

Was read a first and second time.

Mr. Browning moved to amend the last section by adding, "that the same be published in the Burlington Gazette and Hawkeye."

Agreed to.

Mr. Springer, on leave obtained, offered the following resolution :

Resolved, That the committee on Military Affairs be instructed to inquire into the expediency of requiring by law a list of all persons subject to military duty to be made by the several county assessors and reported to the Governor.

On motion,

The Senate adjourned.

SATURDAY MORNING, JANUARY 15, 1848.

Senate met pursuant to adjournment.

Mr. Jay presented a memorial to Congress asking a division of the United States District Court for the District of Iowa.

Mr. Baker moved to lay said memorial on the table.

Lost.

On motion of Mr. Bissell,

Said memorial was indefinitely postponed.

Mr. Selman presented the petition of John David and one hundred and twenty-one other citizens of the State of Iowa, praying the repeal of the law of the last session providing for the relocation of the seat of

government for the State of Iowa; and gave notice that he would on Monday next, introduce a bill in accordance with the prayer of the petitioners.

On motion of Mr. Davis,

Said petition was referred to the committee on Public Buildings.

Mr. Bissell, from the select committee, to whom was referred Senate file, No. 12, An act to legalize the acts of school officers,

Reported the same back without amendment, and recommended its reference to the committee on Schools.

The question being upon concurring in the report of the committee, It was decided in the negative.

On motion of Mr. Davis,

Said bill was referred to a select committee, and

Messrs. Baker, Springer, and Browning, were appointed said committee.

On motion of Mr. Davis,

The resolution requesting the committee on Internal Improvements to report a bill to confine operations on the improvement of the Des Moines river above the junction of the Missouri boundary, till the adjournment of the next session of the General Assembly.

Was taken from the table, and

The question being upon the adoption of the resolution,

The yeas and nays being requested, were ordered, and were as follow:

YEAS—Messrs. Baker, Bissell, Davis, Harbour, Howel, Selman, Sprott, Whitaker, and Mr. President—9.

NAYS—Messrs. Benton, Bradley, Browning, Crawford, Fullinwider, Huner, Jay, Sanford, Springer, and Wheeler—10.

So said resolution was not adopted.

On motion of Mr. Baker,

H. R. file, No. 17, An act to amend an act entitled an act to divide the State into judicial districts,

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

Senate file, No. 6, Joint resolution relative to U. S. District Court room,

Was taken from the table.

Mr. Springer moved to amend by striking the word "permanently," and inserting "until otherwise ordered."

Agreed to.

On motion of Mr. Baker,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Sanford, on leave obtained, introduced

Senate file, No. 20, An act to amend an act in relation to mills and millers.

Which was read a first and second time, and

On motion of Mr. Sanford,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

On motion of Mr. Harbour,

H. R. file, No. 10, An act for the relief of H. H. Hendrix and Edward Pedigo,

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

H. R. file, No. 15, An act to authorize the Mississippi Rapids Railroad company to acquire a right of way,

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

On motion,

The Senate adjourned till 10 o'clock Monday morning.

MONDAY MORNING, JANUARY 17, 1848.

Senate met pursuant to adjournment.

Mr. Benton presented the petition of Henry Smith, and twenty other journeyman carpenters and laborers, praying the passage of a law providing for the security of their wages.

Which was,

On his motion,

Referred to a select committee, and

Messrs. Benton, Crawford, and Sanford, were appointed said committee.

Mr. Whitaker presented the petition of James Shepherd, and forty-five other citizens of the city of Keosauqua, praying the repeal of the 16th section of an act to incorporate the city of Keosauqua, approved Feb. 17th, 1842, and the 6th section of an act to amend an act entitled an act to incorporate the city of Keosauqua, approved Feb. 10th, 1843.

Which was,

On his motion,

Referred to the delegation from Van Buren county.

Mr. Crawford, from the committee on Claims, to whom was referred

H. R. file, No. 5, Joint resolution relative to the claim of Amos Ladd,

Reported a substitute.

Which was read a first and second time, and

The question being upon concurring in the report of the committee, It was decided in the affirmative.

On motion of Mr. Sprott,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Benton, from the committee on Schools, reported.

Senate file, No. 20, A bill for an act to establish a system of common schools.

On motion of Mr. Bissell,

The reading was dispensed with, and the usual number of copies ordered to be printed for the use of the General Assembly.

Senate file, No. 20, An act to amend an act in relation to mills and millers,

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

Senate file, No. 18, A bill to review a part of the State road from Walling's Landing to Coldmibus City,

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

Senate file, No. 15, A bill to amend an act to authorize general incorporations,

Being the special order of the day,

The Senate resolved itself into committee of the whole, Mr. Bradley in the chair, and

After some time spent therein,

The committee rose, and by their chairman reported the same back with amendments.

The question being on concurring in the report of the committee; It was decided in the affirmative.

On motion of Mr. Benton,

Said bill was referred to a select committee, and

Messrs. Benton, Baker, and Springer, were appointed said committee.

Mr. Howel, with leave obtained, introduced Senate file, No. 21, An act to re-locate a State road therein named. Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Message from the House of Representatives by Mr. Parmer, their assistant clerk :

Mr. President—

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

H. R. file, No. 4, Joint resolution relative to the appointment of an agent to carry out the provisions of an act relative to the Penitentiary, approved February 25th, 1847 ;

H. R. file, No. 24, A bill for an act to repeal an act therein named ;

H. R. file, No. 6, A bill for an act to provide for the appointment of commissioners to prepare a code of laws ;

H. R. file, No. 26, A bill for an act to amend an act establishing the prices of public printing, approved Feb. 2, 1843 ;

H. R. file, No. 30, A bill for an act to compensate the agent employed to select University lands for this State ;

H. R. file, No. 8, Joint resolution for a mail route ;

H. R. file, No. 28, A bill for an act to amend an act entitled an act to incorporate the Dubuque Mining company, approved February 13, 1843 ; and

H. R. file, No. 31, An act to organize the county of Poweshiek and to provide for the location of the seat of justice thereof.

In all of which the concurrence of the Senate is requested.

The House have also passed,

A memorial to Congress for a donation of the site of Fort Atkinson.

In which the concurrence of the Senate is requested.

Mr. Whitaker, from the delegation to whom was referred the petition of James Shepherd and sundry other citizens of Keosauqua, reported

Senate file, No. 25, An act to amend an act entitled an act to incorporate the city of Keosauqua.

Which was read a first and second time, and

On his motion,

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

H. R. file, No. 4, Joint resolution relative to the appointment of an

agent to carry out the provisions of an act relative to the Penitentiary, approved Feb. 25, 1847,

Was read a first and second time, and

On motion of Mr. Hunor,

Said joint resolution was referred to a select committee, and

Messrs. Huner, Harbour, and Sprott, were appointed said committee.

H. R. file, No. 24, A bill for an act to repeal an act therein named ;

Was read a first and second time, and

On motion of Mr. Harbour,

The thirteenth rule was suspended, said bill was read a third time, passed, and title agreed to.

H. R. file, No. 26, A bill for an act to amend an act establishing the prices of public printing, approved Feb. 2, 1843 ;

Was read a first and second time, and

On motion of Mr. Baker,

Said bill was referred to the committee on Ways and Means, with instructions to report to-morrow morning.

H. R. file, No. 6, A bill for an act to provide for the appointment of commissioners to prepare a code of laws ;

Was read a first and second time, and

On motion of Mr. Harbour,

Said bill was referred to the committee on the Judiciary, with instructions to report day after to-morrow morning.

H. R. file, No. 30, A bill for an act to compensate the agent employed to select University lands for this State ;

Was read a first and second time, and

On motion of Mr. Bissell,

Referred to the committee on Ways and Means.

H. R. file, No. 8, Joint resolution providing for a mail route from Tipton, in Cedar county, via Pioneer Grove, to the county seat of Benton county,

Was read a first and second time

Mr. Harbour moved to amend by striking out the words "his Excellency Governor Briggs," and inserting, "the Secretary of State."

Agreed to.

On motion of Mr. Davis,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

H. R. file, No. 28, A bill for an act to amend an act entitled an act

to incorporate the Dubuque Mining company, approved February 13, 1843,

Was read a first and second time, and

On motion of Mr. Benton,

Referred to a select committee, and

Messrs. Benton, Baker, and Bissell, were appointed said committee.

H. R. file, No. 21, An act to organize the county of Poweshiek and to provide for the location of the seat of justice thereof.

Was read a first and second time, and

On motion of Mr. Baker,

Referred to the committee on County Boundaries.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Browning, with leave obtained, introduced

Senate file, No. 7, Joint resolution relative to the seat of government,

Which was read a first and second time, and

On motion of Mr. Davis,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Davis, with leave obtained, introduced

Senate file, No. 22, An act to lay out and establish a State road from Eddyville, in Wapello county, to Chariton Point.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Sanford, with leave obtained, introduced

Senate file, No. 23, An act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington.

Which was read a first and second time, and

On his motion,

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

Mr. Baker, from the select committee, to whom was referred Senate file, No. 12, An act legalizing the acts of persons exercising and discharging the duties of school officers,

Reported the same back without amendment and recommended its passage.

The question being upon concurring in the report of the committee;

The yeas and nays were requested, and being ordered, were as follow :

YEAS—Messrs. Browning, Fullinwider, Jay, Sanford, Springer, Sprott, and Wheeler—7.

NAYS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Davis, Harbour, Howel, Huner, Whitaker, and Mr. President—11.

So the report was not concurred in.

Mr. Baker, from a minority of said committee, reported a substitute for Senate file, No. 12.

Which was read a first and second time.

Mr. Bradley moved to lay on the table.

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Davis, Harbour, Howel, Huner, Sanford, Whitaker, and Mr. President—12.

NAYS—Messrs. Browning, Fullinwider, Jay, Springer, Sprott, and Wheeler—6.

So said substitute was laid on the table.

A memorial to Congress for a donation of the site of Fort Atkinson.

Was read a first and second time, and

On motion of Mr. Bradley,

The thirteenth rule was suspended, said memorail read a third time, passed, and title agreed to.

Mr. Springer, with leave obtained, introduced

Senate file, No. 8, Preamble and joint resolution relative to a grant of land on Muscatine Island.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, the joint resolution read a third time, passed, and title agreed to.

Mr. Springer, with leave obtained, introduced

Senate file, No. 24, A bill to authorize A. W. Thompson to keep a ferry across the Mississippi river.

Which was read a first and second time, and

On his motion,

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

Mr. Springer, with leave obtained, offered the following resolution:

Resolved, That the committee on Ways and Means be instructed to inquire into the expediency of reporting a bill requiring the Governor of the State to reside and keep his office at the seat of government of the State.

Which was adopted.

On motion,

The Senate adjourned.

TUESDAY MORNING, JANUARY 18, 1848.

The Senate met pursuant to adjournment.

Mr. Bissell, with leave obtained, introduced

Senate file, No. 9, Joint resolution relative to books in the library.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Baker, with leave obtained, introduced

Senate file, No. 26, A bill for an act to attach the counties of Marion, Polk, Jasper, and Dallas, for the election of members of the General Assembly.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Bissell, with leave obtained, introduced

Senate file, No. 27, An act to authorize N. B. Brown and others to resurvey a part of the town of Cedar Rapids.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Crawford, from the committee on Ways and Means to whom was referred

H. R. file, No. 26, A bill for an act to amend an act entitled an act to establish the prices of public printing, approved Feb. 2d, 1847,

Reported the same back without amendment and recommended its passage.

On motion of Mr. Sprott,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Harbour, from the committee on County Boundaries, to whom was referred

H. R. file, No. 31, A bill for an act to organize the county of Poweshiek, and establish the seat of justice thereof,

Reported the same back with amendments.

Which were concurred in by the Senate ; and

On motion of Mr. Baker,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

H. R. file, No. 6, A bill for an act to provide for the appointment of commissioners to prepare a code of laws,

Reported the same back without amendment.

On motion of Mr. Springer,

Said bill was laid upon the table and made subject to the further order of the Senate.

Mr. Bradley, with leave obtained, offered the following resolution:

Resolved, That the Secretary of the Senate be instructed to inform the House, that the Senate will meet the House of Representatives, in the Hall of the House, for the purpose of electing two Senators to the Congress of the United States, one Chief Justice and two Associate Justices of the Supreme Court, on any day which may be fixed by the House during the present session of the legislature, upon the House giving the Senate twenty-fours notice thereof.

Which was adopted.

Mr. Browning presented the following

P R O T E S T :

We, the undersigned, members of the Senate of the State of Iowa, who voted against the report of the committee declaring that the Hon. Thomas Baker was entitled to a seat in this Senate, as a representative from the counties of Polk, Dallas, and Jasper, and believing that the action of the Senate on said report, in admitting said gentleman to a seat as said representative, was contrary to the obvious meaning and manifest intention of the constitution of the State of Iowa, do protest against the action of the Senate in admitting said gentleman to a seat as a member of this body, and ask leave to have this our protest, with the reasons for our course upon that question, spread upon the journals of the Senate.

The objections to the Hon. gentleman's holding his seat are, that he had been elected to, accepted and qualified to the office of Prosecuting Attorney for the county of Polk, which office he now holds, and to which he had been elected since the adjournment of the last session of the General Assembly. The provisions of the constitution bearing upon the question are the following : First—Article 4th of the constitution says, the powers of the government of Iowa shall be divided into three separate departments, the Legislative, the Executive, and Judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others, except in cases hereinafter expressly directed or provided.

Section 22nd of the same article says: No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to the General Assembly. The office of Prosecuting Attorney is created by the constitution, is a lucrative office, having compensation fixed to it by law, and is not contained in any of the excepted cases. It is also charged with the exercise of powers properly belonging to some other department of the government than the legislative, and therefore under either of the provisions of the constitution the said gentleman is not eligible to a seat as a member of the General Assembly; and cannot hold a seat in it under the provisions of the constitution.

In the report of the committee in that case, we understood it to be assumed that the seat cannot be declared vacant except by a vote of two-thirds of the Senate; this we cannot concur in. A member cannot be expelled but by a vote of two-thirds; the question here is not, shall a

member be expelled, but is a certain seat vacant. The two questions are entirely different. Expulsion is only for misconduct or moral turpitude of a member, who is in other respects constitutionally entitled to his seat.

In section 10, article 4, of the constitution, the proviso is: Each house may determine the rules of proceeding, punish members for disorderly behaviour, and with the consent of two-thirds, expel a member, but not a second time for the same offence.

Therefore, for the reasons above stated, we do protest against the action of the Senate in admitting said gentleman to a seat in this house as a member thereof.

M. D. BROWNING,
FRANCIS SPRINGER,
JNO. F. SANFORD,
LORING WHEELER,
SAM'L FULLINWIDER,
EVAN JAY,
JAMES SPROTT.

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

I am directed to inform the Senate that the House have passed,
H. R. file, No. 22, A bill for an act to license and tax pedlars ;
H. R. file, No. 11, A bill for an act to prevent the sale of intoxicating liquors in less quantities than one gallon ;

H. R. file, No. 5, A bill for an act to vacate portions of certain roads therein named ;

H. R. file, No. 12, Joint resolution to furnish Poweshiek county with 15 copies of the statutes of Iowa ;

H. R. file, No. 11, Joint resolution to furnish Appanoose county with 10 copies of the revised statutes ;

In all of which the concurrence of the Senate is requested.

I herewith return,

Senate file, No. 21, An act to re-locate a State road therein named.

Senate file, No. 14, An act to amend the charter of the city of Burlington,

Senate file, No. 19, A bill for an act supplemental and amendatory to an act to amend an act entitled an act for the organizations of townships.

Senate file, No. 20, An act to amend an act regulating to mills and millers, approved Feb. 3, 1843; and also,

Senate file, No. 22, An act to lay out and establish a State road from Eddyville, in Wapello county, to Chariton Point, in Lucas county.

The same having passed the House without amendment.

I am also directed to inform the Senate that the House have disagreed to the first amendment made by the Senate to

H. R. file, No. 17, A bill for an act amendatory of an act entitled an act to divide the State of Iowa into judicial districts, approved Feb. 4, 1847;

But have agreed to the second amendment made by the Senate to said bill.

In which the concurrence of the Senate is requested.

Senate file, No. 24, A bill to authorize A. W. Thompson to keep a ferry across the Mississippi river,

Was read a third time.

The question being upon the passage of the bill.

Mr. Benton moved a call of the Senate.

When it appeared that Messrs. Huner, Selman, and Whitaker, were absent.

The further call of the Senate being dispensed with.

The yeas and nays being requested, were ordered, and were as follow:

YEAS—Messrs. Bissell, Browning, Davis, Fullinwider, Harbour, Howel, Jay, Sanford, Springer, Sprott, and Wheeler—11.

NAYS—Messrs. Baker, Benton, Bradley, Crawford, and Mr. President—5.

So said bill was passed and title agreed to.

Mr. Baker, from the committee on Incorporations, to whom was referred

H. R. file, No. 20, An act to authorize Adam Hine, his heirs and assigns, to keep a ferry crossing the Mississippi river at the city of Keokuk, in Lee county,

Reported adverse to the passage of the bill.

On motion of Mr. Harbour,

Said report was laid on the table.

On motion,

Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate file, No. 25, An act to amend an act entitled an act to incorporate the city of Keosauqua.

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

Message from the House coming up in order,

H. R. file, No. 22, A bill for an act to license and tax pedlars,

Was read a first and second time, and

On motion of Mr. Bissell,

Ordered to a third reading to-morrow.

H. R. file, No. 11, A bill for an act to prevent the sale of intoxicating liquors in less quantities than one gallon.

Was read a first and second time, and

On motion of Mr. Harbour,

Laid on the table.

H. R. file, No. 5, A bill for an act to locate certain portions of roads therein named,

Was read a first and second time, and

On motion of Mr. Jay,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 12, Joint resolution to furnish Poweshiek county with 15 copies of the revised statutes,

Was read a first and second time, and

On motion of Mr. Davis,

The thirteenth rule was suspended, said joint resolution was read a third time, passed, and title agreed to.

H. R. file, No. 11, Joint resolution to furnish Appanoose county 10 copies of the revised statutes,

Was read a first and second time, and

On motion of Mr. Selman,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

On motion of Mr. Harbour,

Ordered, That the Senate insist upon the amendment to

H. R. file, No. 5, An act amendatory to an act to divide the State of Iowa into judicial districts, approved Feb. 4, 1847,

Disagreed to by the House.

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

I am directed to inform the Senate that the House have passed, H. R. file, No. 37, A bill for an act amendatory of an act prescribing the general duties of the Governor, approved Feb. 17, 1847.

H. R. file, No. 33, A bill for an act to authorize Josephus Beall and James Brierly, their heirs and assigns, to establish and keep a ferry across the Mississippi river at Nashville, in Lee county.

H. R. file, No. 35, A bill for the relief of Edward Foster; and

H. R. file, No. 36, A bill for an act to establish a State road from Elkader, in Clayton county, to Quasqueton, in Buchanan county.

In which they ask the concurrence of the Senate.

The House has agreed to the substitute made by the Senate for

H. R. file, No. 5, Joint resolution authorizing the Auditor to audit and allow certain certificates therein named,

With one amendment, to wit: Strike out 42 and insert 37.

In which the concurrence of the Senate is requested.

On motion of Mr. Harbour,

The Senate resolved itself into committee of the whole, Mr. Brown- ing in the chair, for the consideration of

Senate file, No. 28, A bill for an act to establish a system of common schools.

After some time spent therein,

The committee rose, and by their chairman reported the same back with sundry amendments, and asked the concurrence of the Senate therein.

On motion of Mr. Benton,

Said report was laid on the table subject to the order of the Senate.

Mr. Jay, with leave obtained, introduced Senate file, No. 10, Joint resolution.

Which was read a first and second time, and

On motion of Mr. Baker,

Laid on the table.

On motion,

The Senate adjourned.

WEDNESDAY MORNING, JANUARY 19, 1848.

The Senate met pursuant to adjournment.

The President laid before the Senate the memorial of the National Medical Society.

On motion of Mr. Sanford,

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

Messrs. Sanford, Davis, and Fullinwider, were appointed said committee.

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

H. R. file, No. 18, An act to re-locate the seat of justice of Davis county.

Reported the same back and recommended its passage ; and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 22, A bill for an act to license and tax pedlars,

Was read a third time, and

On motion of Mr. Browning,

Referred to the committee on the Judiciary, with instructions to report to-morrow morning.

H. R. file, No. 33, A bill for and act to authorize Josephus Beall and James Brierly to keep a ferry across the Mississippi river,

Was read a first and second time, and

On motion of Mr. Sprott,

Ordered to a third reading to-morrow.

H. R. file, No. 35, A bill for the relief of Edward Foster,

Was read a first and second time, and

On motion of Mr. Springer,

Referred to the committee on Claims.

H. R. file, No. 36, A bill for an act to establish a State road from Elkader, in Clayton county, to Quasqueton, in Buchanan county,

Was read a first and second time, and

On motion of Mr. Crawford,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 37, A bill for an act amendatory to an act prescribing the general duties of Governor, approved Feb. 17, 1847,

Was read a first and second time, and

On motion of Mr. Bradley,

Referred to the committee on Ways and Means.

The amendment of the House to

H. R. file, No. 5, Joint resolution authorizing the Auditor of State to audit and allow certain certificates therein named,

Was read, and

On motion of Mr. Browning,

The Senate concurred in the amendment.

H. R. file, No. 6, A bill for an act to appoint commissioners to prepare a code of laws,

Was read a first and second time.

Mr. Baker moved to strike out the names of Davis and Palmer.

Upon which,

The yeas and nays being requested, were ordered, and were as follow :

YEAS—Messrs. Baker, Benton, Browning, Fullinwider, Harbour, Howel, Jay, Sanford, Springer, Wheeler, and Whitaker—11.

NAYS—Messrs. Bissell, Bradley, Crawford, Davis, Huner, Selman, Sprott, and Mr. President—8.

So said amendment was agreed to.

Mr. Sanford moved to strike out the name of Charles Mason, and insert that of William G. Woodward.

Upon which,

The yeas and nays being requested, were ordered, and were as follow :

YEAS—Messrs. Browning, Huner, Jay, Sanford, Springer, Sprott, and Wheeler—7.

NAYS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Davis, Fullinwider, Harbour, Howel, Selman, Whitaker, and Mr. President—12.

So said motion was disagreed to.

Mr. Howel moved that the thirteenth rule be suspended, and said bill read a third time now.

Lost.

On motion of Mr. Browning,

Said bill was ordered to a third reading to-morrow.

Message from the House of Representatives by Mr. Richman, their chief clerk :

Mr. President——

I am directed to inform the Senate that the House refuses to recede from its vote disagreeing to the first amendment made by the Senate to H. R. file, No. 17, An act to amend an act entitled an act to divide the State into judicial districts,

And that the House have appointed Messrs. Bonham, Goodrell, and Hebard, as a committee of conference, to act with a similar committee from the Senate, on the subject of the disagreeing vote.

I am also directed to inform you

That the House have concurred in the amendments made by the Senate to

H. R. file, No. 31, An act to organize the county of Poweshiek and to provide for the location of the seat of justice thereof.

I herewith return to you,

Senate file, No. 24, An act to authorize A. W. Thompson to keep a ferry across the Mississippi river.

Senate file, No. 11, An act in relation to the printing and distribution of the laws of this State.

Senate file, No. 10, An act in relation to deeds.

Senate file, No. 7, A bill for an act to organize the township of Lake Prairie.

Senate file, No. 18, A bill to review part of the State road from Walling's Landing to Columbus City.

Senate file, No. 6, An act in relation to evidence.

Senate file, No. 6, Joint resolution relative to United States District Court room.

Senate file, No. 25, An act to amend the several acts for the incorporation of the city of Keosauqua.

Senate file, No. 27, A bill for an act to authorize Nicholas B. Brown and others to resurvey a portion of the town of Cedar Rapids.

Senate file, No. 23, An act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington, in Van Buren county; and,

Preamble and joint resolution for a grant of land to improve the Muscatine Island.

The same having passed the House of Representatives without amendment.

The report of Mr. Baker, from the committee on Incorporations, to whom was referred

H. R. file, No. 20, An act to authorize Adam Hine, his heirs and assigns, to keep a ferry across the Mississippi river at the city of Keokuk,

Was taken from the table, and

The question being upon concurring in the report of the committee;

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Baker, Benton, Bradley, Crawford, Huner, and Mr. President—6.

NAYS—Messrs. Bissell, Browning, Davis, Fullinwider, Harbour, Howel, Jay, Sanford, Springer, Sprott, and Whhitaker—12.

So said report was not concurred in.

Mr. Springer moved to refer to a select committee.

Which was agreed to, and

Messrs. Springer, Sprott, and Huner, were appointed said committee.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

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

H. R. file, No. 40, A bill for an act to legalize the election of Samuel A. Evans, as a justice of the peace of Keokuk county.

H. R. file, No. 45, A bill for an act to vacate a part of the territorial road from Davenport, via Rochester, to Iowa City.

H. R. file, No. 15, Joint resolution relative to reports of Supreme Court.

And with amendments,

Senate file, No. 21, An act to relocate a State road therein named ; and

Senate file, No. 16, An act to provide for the election of representatives in Congress.

In all of which the concurrence of the Senate is requested.

On motion of Mr. Jay,

Senate file, No. 10, Joint resolution,

Was taken from the table and read a third time.

Mr. Bissell moved to strike out the word Friday, and insert Saturday.

Agreed to.

The question being upon the adoption of the resolution.

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Browning, Fullinwider, Howel, Jay, Selman, Sanford, Springer, Wheeler, and Whitaker—9.

NAYS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Davis, Harbour, Huner, Sprott, and Mr. President—10.

So said resolution was not adopted.

Mr. Baker, with leave obtained, introduced

Senate file, No. 30, A bill to amend an act to divide the State into congressional districts.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

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

H. R. file, No. 39, A bill to amend an act to define the duties of prosecuting attorneys, and provide compensation for their services ; and

H. R. file, No. 38, A bill for an act regulating the mode of selecting grand and petit jurors for the several district courts in Lee county.

In which the concurrence of the Senate is requested.

And also,

That the House has concurred in the amendment made by the Senate to

H. R. file, No. 8. Joint resolution for a mail route.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

H. R. file, No. 22, An act to license and tax pedlars,

Reported the same back with amendments, and asked the concurrence of the Senate therein.

The question being upon concurring in the report of the committee, It was decided in the affirmative; and

On his motion,

So said bill was read a third time, passed, and title agreed to.

On motion of Mr. Benton,

The report of the committee of the whole Senate upon

Senate file, No. 28, An act to establish a system of common schools,

Was taken from the table, and

The question being on concurring in the report of the committee;

It was decided in the affirmative, save the amendment of the committee to section 7.

Which was not concurred in.

Mr. Browning moved to amend the 72nd section by striking out the words "August, A. D., 1851," and inserting "April next."

Which was agreed to.

Mr. Jay moved to amend the 72nd section by inserting after the word "Instruction," the words "and one School Fund Commissioner."

Upon which,

The yeas and nays were called for, and being ordered, were, as follow :

YEAS—Messrs. Browning, Jay, Sanford, Springer, Sprott, and Wheeler—6.

NAYS—Messrs. Baker, Benton, Bissell, Crawford, Davis, Harbour, Howel, Huner, Whitaker, and Mr. President—10.

So said amendment was disagreed to.

Mr. Benton moved to amend the 72nd section by striking out all after the word "the," in the first line, to the word "and," in the second line, and inserting, "the general election on the first Monday in August next."

Upon which,

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Baker Benton, Bissell, Crawford, Davis, Howel, Selman, and Mr. President—8.

NAYS—Messrs. Browning, Huner, Sanford, Springer, Sprott, and Wheeler—7.

So said amendment was agreed to.

Mr. Benton moved to amend the 17th section, by striking out after the word "board," in the third line, "they shall serve for one year, and until their successors are elected and qualified," and insert "the first moderator so elected, shall serve one year, the director two years, and the assessor three years; and in case a vacancy shall happen in either of said offices, the person appointed to fill such vacancy shall only serve out the unexpired term. In all the above cases the incumbent shall retain his office until his successor shall be elected and qualified."

Which was agreed to.

Mr. Benton moved to strike out the word after in the 45th section. Agreed to.

On motion of Mr. Baker,

The thirteenth rule was suspended, and said bill read a third time.

The question being upon the passage of the bill,

Mr. Benton moved a call of the Senate.

When it appeared that Messrs. Bradley, Crawford, and Fullinwider, were absent.

Messrs. Bradley and Crawford appearing,

The further call of the Senate was dispensed with.

The yeas and nays were requested, and being ordered, were as follow :

YEAS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Davis, Harbour, Howel, Hunor, Selman, Whitaker, and Mr. President—12.

NAYS—Messrs. Browning, Jay, Sanford, Springer, Sprott, and Wheeler—6.

So said bill was passed and title agreed to.

On motion of Mr. Baker,

A committee of conference was appointed upon H. R. file, No. 17.

Messrs. Baker, Benton, and Bissell, were appointed said committee.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

I am directed to inform the Senate that the House have passed,
H. R. file, No. 16, Joint resolution authorizing the Secretary of State
to distribute the decisions of the Supreme Court of Iowa.

In which they ask the concurrence of the Senate.

On motion of Mr. Sprott,

H. R. file, No. 20, An act to fix the time and place of holding courts
in the first judicial district,

Was taken up, read a first and second time, and

On his motion,

Referred to a select committee, and

Messrs. Huner, Sprott, and Springer, were appointed said committee.

On motion,

The Senate adjourned.

THURSDAY MORNING, JANUARY 20, 1848.

Senate met pursuant to adjournment.

Mr. Benton presented the petition of Wm. Tibbetts and sixteen other
citizens of Blackhawk county, praying the establishment of a State road
from the Cedar rapids, to the falls in Blackhawk county.

Which was,

On his motion,

Referred to a select committee, and

Messrs. Benton, Crawford, and Bradley, were appointed said committee.

Mr. Crawford, from the standing committee on Claims, to whom was
referred

H. R. file, No. 35, A bill for the relief of Edward Foster,

Reported the same back and recommended its indefinite postponement.

On motion of Mr. Sanford,

The report was laid on the table.

Message from the House of Representatives by Mr. Richman, their chief clerk :

Mr. President—

I am directed to inform the Senate that the House have, by a vote taken this morning, rescinded a resolution adopted by them on Tuesday the 11th instant, in these words, to wit :

Resolved, That this House will meet the Senate in joint convention, for the purpose of electing Senators and Judges, as soon as the questions now pending are settled, relating to persons holding their seats as members of the General Assembly.

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

H. R. file, No. 33, An act to authorize Adam Hine, his heirs and assigns, to keep a ferry crossing the Mississippi river at the city of Keokuk, in Lee county,

Reported the same back with amendments.

The question being on concurring in the report of the committee ;
It was decided in the affirmative, and

On his motion,

The thirteenth rule was suspended, said bill was read a third time, and

The question being upon the passage of the bill,

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Browning, Davis, Fullinwider, Harbour, Huner, Jay, Sanford, Springer, Sprott, and Wheeler—10.

NAYS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Howel, Selman, Whitaker, and Mr. President—9.

So said bill was passed, and title agreed to.

Mr. Jay, with leave obtained, introduced
Senate file, No. 11, Joint resolution.

Which was read a first and second time, and

On motion of Mr. Bissell,

Laid on the table.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

I am directed to inform the Senate that the House have passed,
H. R. file No. 48, A bill for an act to locate the county seat of Clinton county.

after thus making known their views, request to be discharged from the further consideration of the subject.

Mr. Browning from said committee on Elections, submitted the following minority

REPORT:

The minority of the committee on Elections, would beg leave to submit the following report upon that part of the Governor's Message which relates to the election of U. S. Senators and Judges of the Supreme Court.

That, in their opinion, if the Governor had the power to appoint said judges to office, he will also have the said power and authority after the adjournment of the present session of the General Assembly.

M. D. BROWNING,
EVAN JAY.

Mr. Crawford, from the committee on Ways and Means, to whom was referred

H. R. file, No. 37, A bill for an act amendatory to an act prescribing the general duties of Governor, approved Feb. 17, 1847,

Reported the same back and recommended its indefinite postponement.

The question being upon concurring in the report of the committee;

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Fullinwider, Harbour, Howel, Selman, Wheeler, and Whitaker—11.

NAYS—Messrs. Browning, Davis, Huner, Jay, Sanford, Springer, Sprott, and Mr. President—8.

So said report was concurred in.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

I herewith return for your signature,

An act in relation to evidence.

An act organizing the Supreme Court.

An act to repeal the act allowing county commissioners clerks pay for filing papers.

An act in relation to deeds.

An act to organize the township of Lake Prairie, in Marion county.

An act to amend the charter of the city of Burlington.

An act to authorize and empower the Board of Commissioners of the county of Van Buren to sell and convey lots in the town of Portland, in said county.

An act to authorize A. W. Thompson to establish and keep a ferry across the Mississippi at a point opposite Keithsburg.

An act to change the time of holding courts in the second judicial district of this State.

An act to lay out and establish a State road from Eddyville, in Wapello county, to Chariton Point, in Lucas county.

An act to amend an act regulating mills and millers, approved Feb. 3, 1843.

An act to review part of the State road from Walling's Landing to Columbus City.

An act for an act supplemental and amendatory to an act to amend an act entitled an act for the organizations of townships.

An act in relation to the printing and distribution of the laws of this State.

An act to authorize Nicholas B. Brown and others to resurvey a portion of the town of Cedar Rapids, in Linn county, Iowa.

An act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington, in Van Buren county, Iowa.

An act to amend the several acts for the incorporation of the city of Keosauqua; and

Joint resolution for a mail route from Mount Pleasant to Oskaloosa.

Joint resolution relative to postage.

Joint resolution relative to U. S. District Court room.

Memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque to Keokuk in the State of Iowa; and a

Preamble and joint resolution for a donation of land for the improvement of Muscatine Island.

The same having passed both houses, been reported as correctly enrolled, and been signed by the Speaker of the House of Representatives.

I am also directed to inform you that the House has passed,

H. R. file, No. 53, An act concerning claimants on the half breed tract, in Lee county.

H. R. file, No. 58, A bill for an act to permit the people of the town of Fairfield to repeal their charter.

H. R. file, No. 60, A bill for an act to authorize the directors of school district No. 3, in the township of Brighton, in Washington county, to levy a tax for school purposes; and

H. R. file, No. 57, An act to authorize George L. Davenport and others to erect a toll bridge.

In which the concurrence of the Senate is requested.

Mr. Wheeler presented the report of John Brophy, the agent appointed by the Governor to select salt springs.

Which was,

On his motion,

Referred to the committee on Claims.

Mr. Baker, from the committee appointed to confer with a committee on the part of the House, in relation to the disagreeing vote on the amendment made by the Senate, to

H. R. file, No. 18, An act to amend an act entitled an act to divide the State into judicial districts,

Recommended that the Senate insist upon its amendment.

The question being upon concurring in the report of the committee,

It was decided in the affirmative.

Mr. Harbour presented the claim of A. W. Carpenter, for a set of seals for Keokuk county.

Which was,

On his motion,

Referred to the committee on Claims.

Mr. Benton, from the select committee, to whom was referred the petition of B. Blalak and nine others, praying for a change of the boundaries of Blackhawk county, reported

Senate file, No. 36, A bill for an act amendatory to an act to establish new counties and define their boundaries, in the late cession of the Sac and Fox Indians, approved Feb. 17th, 1843.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Springer, with leave obtained, introduced

Senate file, No. 37, A bill to authorize arrests in any part of the State.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Benton, with leave obtained, introduced

Senate file, No. 38, A bill for an act to attach to Benton the county of Blackhawk.

Which was read a first and second time, and

On his motion,

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

Mr. Browning, with leave obtained, introduced

Senate file, No. 39, An act to authorize a district school tax.

Which was read a first and second time, and

On his motion,

Referred to the committee on Schools.

The President laid before the Senate a communication from the Governor relative to the agent employed to select salt springs; also,

A communication from the Auditor of State relative to the claim of Murray & Sanxay.

On motion of Mr. Springer,

Said communications were referred to the committee on Claims.

H. R. file, No. 6, A bill for an act to provide for the appointment of commissioners to prepare a code of laws,

Was read a third time, and

On motion of Mr. Browning,

Referred to the committee on the Judiciary.

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

H. R. file, No. 28, A bill for an act to amend an act to authorize the Dubuque Mining company,

Reported the same back and recommended its indefinite postponement.

The question being upon concurring in the report of the committee;

It was decided in the affirmative.

H. R. file, No. 16, Joint resolution authorizing the Secretary of State to distribute the reports of the Supreme Court of Iowa.

Was read a first and second time, and

On motion of Mr. Browning,

Said bill was ordered to a third reading to-morrow.

11-13-13

H. R. file, No. 53, A bill for an act concerning the half bread tract, in Lee county,

Was read a first and second time, and

On motion of Mr. Sprott,

Said bill was ordered to a third reading to-morrow.

H. R. file, No. 58, A bill to provide for the citizens of Fairfield to repeal the charter of said town,

Was read a first and second time, and

On motion of Mr. Howell,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 60, A bill for an act to authorize directors of a school district in the town of Brighton to levy a school tax,

Was read a first and second time.

H. R. file, No. 57, An act to authorize Geo. L. Davenport and others to construct a bridge across Wapsipinicon river,

Was read a first and second time, and

On motion of Mr. Wheeler,

Said bill was referred to the committee on the Judiciary, together with the petition of sundry citizens of Scott county relating thereto.

Mr. Benton, with leave obtained, introduced

Senate file, No. 40, A bill for an act to amend an act for the organization of townships.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Benton, with leave obtained, introduced

Senate file, No. 41, An act to amend an act to incorporate the city of Dubuque.

Which was read a first and second time, and

On motion of Mr. Browning,

Said bill was referred to the committee on the Judiciary.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Richman, their chief clerk:

Mr. President—

I herewith return for your signature,

An act for the relief of H. H. Hendrix.

An act to provide for the descending navigation of Skunk river.

An act to authorize John Brophy to keep a ferry across the Missouri river.

An act to amend an act entitled an act to amend an act entitled an act to incorporate the town of Bloomington, approved Dec. 29th, 1840.

An act to amend an act entitled an act to divide the State into two congressional districts.

An act to provide for the relocation of the county seat in the county of Jackson.

An act to vacate portions of certain roads therein named.

An act for the relief of Harriet O'Reilly.

An act to amend an act entitled an act to lay out and establish a State road from Iowa ville, in Van Buren county, to Lancaster, in Keokuk county, by the way of Creaseville, in Jefferson county, approved Feb. 20th, 1847.

An act to amend an act establishing the prices of public printing, approved Feb. 2, 1843.

An act to amend an act entitled an act regulating practice in the district courts in the Territory of Iowa, approved January the 10th, 1843.

An act to repeal an act herein named.

An act to organize the county of Poweshiek and to provide for the location of the seat of justice thereof.

An act to authorize the Mississippi Rapids Rail Road company to acquire the right of way.

Joint resolution to furnish Appanoose county with 10 copies of the revised statutes.

Joint resolution for a mail route.

Joint resolution for a grant of land from Congress.

Joint resolution relative to common schools.

Joint resolution to furnish Powesheik county with the statutes of Iowa; and

Memorial to Congress for a donation of the site of Fort Atkinson.

The same having passed both houses, been reported as correctly enrolled, and been signed by the Speaker of the House of Representatives.

Mr. Benton, from the select committee to whom was referred Senate file, No. 15, An act to authorize general incorporations, Reported a substitute, and recommended its passage.

The question being on concurring in the report of the committee; It was decided in the affirmative, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Jay moved to take from the table,

H. R. file, No. 11, A bill for an act to prevent the sale of intoxicating liquors,

Which was read a first and second time, and

On his motion,

Referred to a select committee, and

Messrs. Jay, Crawford, and Bradley, were appointed said committee.

On motion of Mr. Benton,

H. R. file, No. 60, A bill to authorize the directors of district No. 3, in Brighton township, to levy a tax for school purposes,

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

Senate file, No. 16, Joint resolution relative to the printing and distribution of the laws of this State,

Was read a first and second time.

Mr. Browning moved to fill the blank with \$200 00.

Agreed to, and

On his motion,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Bradley, with leave obtained, introduced

Senate file, No. 42, An act to provide for the payment of expenses incurred in the arrest and detention of Adam Cameron, a fugitive from justice from the State of Pennsylvania.

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

H. R. file, No. 57, An act to authorize Geo. L. Davenport and others to build a bridge,

Reported the same back with one amendment.

Which was agreed to, and

On motion of Mr. Wheeler,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

Senate file, No. 41, An act to amend an act entitled an act to incorporate the city of Dubuque,

Reported the same back without amendment.

On motion of Mr. Benton,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Sanford, from the committee on Enrolled Bills, reported that he had this day presented to the Governor for his approval, the following bills :

An act in relation to evidence.

An act organizing the Supreme Court.

An act to repeal the act allowing the county commissioners clerk pay for filing papers.

An act in relation to deeds.

An act to organize the township of Lake Prairie, in Marion county.

An act to amend the charter of the city of Burlington.

An act to authorize and empower the Board of Commissioners of the county of Van Buren to sell and convey lots in the town of Portland, in said county.

An act to authorize A. W. Thompson to keep a ferry across the Mississippi river, at a point opposite Keithsburg.

An act to change the time of holding courts in the second judicial district of this State.

An act to lay out and establish a State road from Eddyville, in Wapello county, to Chariton Point, in Lucas county.

An act to amend an act regulating mills and millers, approved Feb. 3d, 1843.

An act to review a part of the State road from Walling's Landing to Columbus City.

An act supplemental and amendatory to an act to amend an act entitled an act for the organization of townships.

An act in relation to the printing and distribution of the laws of this State.

An act to authorize Nicholas B. Brown and others to resurvey a portion of the town of Cedar Rapids, in Linn county.

An act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington, in Van Buren county, Iowa.

An act to amend the several acts for the incorporation of the city of Keosauqua; and

Joint resolution for a mail route from Mount Pleasant to Oskaloosa.

Joint resolution relative to postage.

Joint resolution relative to United States District Court room.

Memorial to Congress for a donation of land to aid in the construction of a rail road from Dubuque to Keokuk, in the State of Iowa; and

Resolution for a donation of land for the improvement of Muscatine Island.

Mr. Springer, with leave obtained, introduced the following resolution:

Resolved, That the committee on Ways and Means be instructed to inquire into the expediency of recommending an appropriation for the purpose of so far completing the north room of the second story of the capitol as to render it suitable for the use of the Senate at the next session of the General Assembly.

Which was adopted.

Mr. Benton, with leave obtained, introduced

Senate file, No. 42, An act to amend an act to prohibit and prevent the sale of intoxicating liquors to Indians.

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

On motion,

The Senate adjourned.

SATURDAY MORNING, JANUARY 22, 1848.

Senate met pursuant to adjournment.

Mr. Crawford, from the committee on Ways and Means, to whom was referred

H. R. file, No. 30, An act to compensate the agent employed to select University lands,

Reported the same back without amendments, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

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

H. R. file, No. 4, Joint resolution relative to the appointment of an agent to carry out the provisions of an act relating to the Penitentiary,

Reported the same back with amendments and recommended its passage.

Mr. Bissell moved a call of the Senate.

When it appeared that Messrs. Benton and Sanford were absent.

Messrs. Benton and Sanford appearing,

The further call of the Senate was dispensed with.

The question being upon concurring in the report of the committee ;

The yeas and nays being requested, were ordered, and were as follow :

YEAS—Messrs. Huner, and Sprott—2.

NAYS—Messrs. Baker, Benton, Bissell, Bradley, Browniug, Crawford, Davis, Fullinwider, Harbour, Howel, Jay, Selman, Sanford, Wheeler, Whitaker, and Mr. President—16.

So said report was not concurred in.

On motion of Mr. Baker,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

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

H. R. file, No. 63, A bill for an regulating the fees of jurors in Lee county.

H. R. file, No. 65, A bill for an act to lay out and establish a road from the city of Keokuk, in Lee county, to the Raccoon fork of the Des Moines river.

H. R. file, No. 55, A bill for an act to amend an act to provide for the management and distribution of the school fund, approved Feb. 28, 1847.

H. R. file, No. 41, A bill for an act to amend an act providing for levying and collecting revenue for State and county purposes.

H. R. file, No. 62, A bill for an act in relation to the publication of the laws and journals.

H. R. file, No. 18, Joint resolution for a donation of land from Congress for the purpose of erecting an Orphan Asylum and Manual Labor School.

H. R. file, No. 59, An act to amend an act for the limitation of actions and for avoiding vexatious law suits, approved Feb. 15, 1843.

H. R. file, No. 42, A bill for an act making county orders bear interest.

H. R. file, No. 32, A bill for an act amendatory of an act supplemental and amendatory to an act establishing common schools, approved Jan. 24, 1847; and

H. R. file, No. 43, A bill for an act to amend an act for the organization of townships, approved Feb. 17, 1842.

In all of which the concurrence of the Senate is requested.

I herewith return to you,

Senate file, No. 41, An act to amend an act to incorporate the city of Dubuque.

The same having passed the House without amendment.

The House has concurred in the amendments made by the Senate to H. R. file, No. 14, A bill fixing the time of holding courts in the second judicial district; and

H. R. file, No. 20, An act to authorize Adam Hine, his heirs and assigns, to keep a ferry crossing the Mississippi river at the city of Keokuk, in Lee county,

The President laid before the Senate a communication from the Governor on executive business.

On motion of Mr. Bradley,

The Senate resolved itself into an executive session.

On motion of Mr. Browning,

H. R. file, No. 16, Joint resolution relative to reports of the Supreme Court.

Was taken from the table, and read a third time

The question being upon the passage of the joint resolution.

The yeas and nays were called for, and being ordered, were, as follow :

YEAS—Messrs. Baker, Benton, Bissell, Browning, Davis, Harbour, Huner, Selman, Sanford, and Whitaker—10.

NAYS—Messrs. Bradley, Crawford, Howel, Jay, Springer, Sprott, Wheeler, and Mr. President—8.

So said joint resolution was passed and title agreed to.

Mr. Davis moved to excuse those gentlemen from taking the reports who *conscientiously* voted against the resolution.

The yeas and nays being requested, were ordered, and were as follow :

YEAS—Messrs. Baker, Benton, Bradley, Browning, Crawford, Davis, Harbour, Huner, Jay, Selman, Sanford, Springer, Sprott, Wheeler and Whitaker—15.

NAYS—Messrs. Bissell, Fullinwider, Howel, and Mr. President—4.

So said *conscientious* gentlemen were excused.

H. R. file, No. 53, A bill for an act concerning the claimants on the half breed tract, in Lee county.

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

Mr. Benton, with leave obtained, introduced

Senate file, No. 44, A bill for an act in relation to the University and school fund.

Which was read a first and second time, and

On motion of Mr. Harbour,

Ordered, That said bill be laid upon the table and the usual number of copies printed.

On motion of Mr. Springer,

Senate file, No. 29, A bill for an act to repeal an act to provide for the relocation of the seat of government.

Was made the special order of the day for this afternoon.

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

H. R. file, No. 11, A bill to prevent the sale of intoxicating liquors, Reported the same back and recommended its indefinite postponement.

The question being on concurring in the report of the committee,

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Baker, Bissel, Bradley, Crawford, Davis, Harbott, Howel, Huner, and Mr. President—9.

NAYS—Messrs. Benton, Browning, Fullinwider, Jay, Selman, Sanford, Springer, Sprott, and Wheeler—9.

So said report was not concurred in.

After which Mr. Jay, from the minority of said committee, recommended its passage with the following amendment :

Insert after the word "paid," in the twenty-fourth line, first section, the words "or replevied."

Which was disagreed to.

Mr. Bradley moved to lay said bill on the table.

Upon which,

The yeas and nays being requested, were ordered, and were as follow :

YEAS—Messrs. Baker, Bissel, Bradley, Crawford, Davis, Howel, and Mr. President—7.

NAYS—Messrs. Benton, Browning, Harbour, Huner, Jay, Selman, Sanford, Springer, Sprott, Wheeler, and Whitaker—12.

So the question was decided in the negative.

Mr. Baker moved to amend by inserting after the word "paid," the words "or security therefor."

Lost.

Mr. Davis moved to refer to the committee on the Judiciary.

Lost.

Mr. Crawford moved to refer to a select committee, with instructions to report when they get ready.

Lost.

Mr. Selman moved said bill be read a third time on Monday next.

Lost.

Mr. Davis moved its indefinite postponement.

Upon which,

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Baker, Bissel, Bradley, Crawford, Davis, Harbour, Howel, Whitaker, and Mr. President—9.

NAYS—Messrs. Benton, Browning, Fullinwider, Huner, Jay, Selman, Sanford, Springer, Sprott, and Wheeler—10.

So said motion was lost.

Mr. Browning offered the following amendment :

Strike out after the word "act," to make complaint to some justice who shall proceed against said offender for said violation, in a summary manner, as is now provided for similar offences.

Upon which,

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Baker, Benton, Browning, Fullinwider, Harbour, Huner, Selman, Sanford, Wheeler, and Whitaker—10.

NAYS—Messrs. Bissell, Bradley, Crawford, Davis, Howel, Jay, Springer, Sprott, and Mr. President—9.

So said amendment was agreed to.

Mr. Bissel moved to strike out the word "gallon" and insert "quart."

Agreed to.

Mr. Benton moved to lay said bill on the table subject to the order of the Senate.

Lost.

Mr. Davis moved said bill be read a third time on Monday next.

Lost.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

H. R. file, No. 11, A bill to prevent the sale of intoxicating liquors, Being in order.

On motion of Mr. Sanford,

The thirteenth rule was suspended, and said bill read a third time.

The question being upon the passage of the bill,

The yeas and nays were requested, and being ordered, were as follow :

YEAS—Messrs. Browning, Fullinwider, Jay, Sanford, and Wheeler—5.

NAYS—Messrs. Baker, Bissell, Bradley, Crawford, Davis, Howel, and Mr. President—7.

So the question was decided in the negative.

Mr. Baker, with leave obtained, introduced Senate file, No. 45, An act to organize Pella.

Which was read a first and second time, and

On his motion,

Referred to the committee on Incorporations.

Mr. Sanford, with leave obtained, introduced

Senate file, No. 46, A bill to authorize county commissioners to accept road surveys.

Which was read a first and second time, and

On his motion,

Referred to the committee on Roads.

Message from the House of Representatives by Mr. Richman, their chief clerk :

Mr. President—

I herewith present for your signature,

An act to amend an act entitled an act fixing the times of holding the district courts in this State, approved February 17th, 1847.

An act to provide for the location of the county seat of the county of Clinton.

An act for the relief of Edward Foster.

An act to vacate a part of the territorial road from Dubuque, via Rochester, to Iowa City.

An act fixing the compensation per diem of the members of the General Assembly.

An act to amend an act entitled an act to provide for the management and distribution of the school fund, approved 25th February, 1847.

An act to legalize the election of Samuel A. Evans, as a justice of the peace of Richland township, in Keokuk county.

An act to establish a State road from Elkader, in Clayton county, to Quasqueton, in Buchanan county.

An act to authorize David Sterritt, his heirs and assigns, to build a dam across the Pittsburg Chute of the Iowa river, and a mill race thence to Wapello.

An act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines river, approved February 24, 1847.

An act regulating the mode of selecting grand and petit jurors for the several district courts in Lee county.

An act to define the duties of prosecuting attorneys, and provide compensation for their services.

An act to authorize Josephus Beall and James Brierly, their heirs and assigns, to keep a ferry at Nashville, in Lee county.

An act relating to the school fund of Clayton county.

An act to provide for the relocation of the seat of justice of Davis county.

Joint resolution authorizing the Auditor of State to audit and allow certain certificates therein named.

An act to authorize the directors of school district No. 3, in the township of Brighton, Washington county, to levy a tax for school purposes.

An act to permit the people of the town of Fairfield to repeal their charter.

The same having passed both houses, been reported as correctly enrolled, and been signed by the Speaker of the House of Representatives.

Mr. Springer presented a memorial to Congress for 500,000 acres of land.

Which was read a first and second time, and

On motion of Mr. Harbour,

The thirteenth rule was suspended, said memorial read a third time, passed, and title agreed to.

On motion of Mr. Sanford,

Senate file, No. 29, A bill to repeal an act to relocate the seat of government,

Was taken from the table, and

On motion of Mr. Baker,

The thirteenth rule was suspended, and said bill read a third time.

Mr. Hughes (Mr. Bradley having been called to the chair) offered a substitute to said bill.

Mr. Benton moved to lay said bill and substitute upon the table.

Upon which,

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Browning, Davis, Harbour, Howel, Huner, Jay, Sanford, Sprott, and Whitaker—9.

NAYS—Messrs. Baker, Benton, Bissel, Bradley, Crawford, Fullinwider, Selman, Sanford, Springer, Wheeler, and Mr. President—10.

So the question was decided in the negative.

Mr. Hughes, with leave obtained, withdrew the substitute to Senate file, No. 29.

Mr. Selman moved the suspension of the thirteenth rule.

Upon which,

The yeas and nays being called for, and being ordered, were as follow :

Y A A S—Messrs. Benton, Bissell, Bradley, Crawford, Davis, Fullinwider, Howel, Selman, Springer, Wheeler, Whitaker, and Mr. President—12.

N A Y S—Messrs. Baker, Browning, Harbour, Huner, Jay, Sanford, and Sprott—7.

So the question was decided in the negative.

Mr. Whitaker moved the bill be read a third time on Monday next.

Upon which,

The yeas and nays were called for, and being ordered, were as follow :

Y E A S—Messrs. Benton, Bissell, Bradley, Crawford, Davis, Fullinwider, Howel, Selman, Springer, Wheeler, Whitaker, and Mr. President—12.

N A Y S—Messrs. Baker, Browning, Harbour, Huner, Jay, Sanford, and Sprott—7.

So said bill was ordered to a third reading on Monday next.

Mr. Baker presented an account of Peter Roberts.

Which was,

On his motion,

Referred to the committee on Claims.

The President laid before the Senate a communication from the Secretary of State.

Which was,

On motion of Mr. Harbour,

Referred to the committee on Claims.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

H. R. file, No. 6, A bill for an act to appoint commissioners to prepare a code of laws,

Reported the same back without amendment and recommended its passage.

The question being upon concurring in the report of the committee ;

The yeas and nays were called for, and being ordered, were as follow :

YAYS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Davis, Harbour, Howel, Selman, Whitaker and Mr. President—11.

NAYS—Messrs. Browning, Fullinwider, Jay, Sanford, Springer, Sprott, and Wheeler—7.

So the report was concurred in.

On motion of Mr. Bradley,

Said bill was ordered to a third reading on Monday next.

Mr. Benton, from the committee on Schools, to whom was referred

H. R. file, No. 34, A bill for the establishment of branches of the State University.

Reported the same back with one amendment.

The question being on concurring in the report of the committee;

It was decided in the negative.

Mr. Bissell moved to strike out the enacting clause.

Which was agreed to.

Mr. Benton, from the committee on Schools, to whom was referred

Senate file, No. 39, An act to authorize a district school tax,

Reported the same back and recommended its passage.

On motion of Mr. Sanford,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

On motion,

The Senate adjourned.

MONDAY MORNING, JANUARY 24, 1848.

The Senate met pursuant to adjournment.

Mr. Baker, with leave obtained, presented the petition of Charles Cartright and thirty-seven other citizens of Johnson county, praying an alteration in the revenue laws.

On motion of Mr. Sanford,

The reading was dispensed with, and the petition referred to the committee on Ways and Means.

Mr. Bissell presented the petition of J. K. Speake, and twenty oth-

er citizens of Linn and Benton counties, praying a union of school districts.

Which was,

On his motion,

Referred to the committee on Schools.

Mr. Harbour presented the petition of Robert Blacher, and sundry other citizens of Keokuk county, praying for a State road.

And, with leave obtained, introduced

Senate file, No. 47, An act to establish a State road therein named.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

I am directed to inform the Senate that the House have passed, Senate file, No. 15, Joint resolution relative to adjournment.

Without amendment.

Mr. Sanford, from the standing committee on Enrolled Bills, reported that they had examined

Senate file, No. 16, An act to provide for the election of representatives in Congress.

Senate file, No. 21, An act to relocate a portion of a State road therein named.

Senate file, No. 4, An act for the confinement of prisoners under the authority of the United States in the jails of this State ; and

Senate file, No. 9, Joint resolution relative to books in the library.

And find them correctly enrolled.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

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

H. R. file, No. 56, An act making an appropriation for the public buildings at Iowa City.

H. R. file, No. 20, Joint resolution to furnish Buchanan county with the laws.

H. R. file, No. 21, Joint resolution relative to mail routes.

H. R. file, No. 22, Joint resolution in relation to school lands.

In which they ask the concurrence of the Senate.

Mr. Harbour, from the committee on Public Buildings, to whom was referred the report of the Commissioners to relocate the Seat of Government, reported the same back and recommended that it be filed in the office of the Secretary of State.

The question being on concurring in the report of the committee, It was decided in the affirmative.

Mr. Howel, with leave obtained, introduced
Senate file, No. 48, An act to provide for the selection of the balance of the 500,000 acres of land.

Which was read a first and second time, and

On motion of Mr. Sanford,
Referred to the committee on Schools.

Senate file, No. 29, An act to repeal an act to provide for the relocation of the seat of government,

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

H. R. file, No. 6, A bill to appoint commissioners to prepare a code of laws,

Was read a third time, and

On motion of Mr. Browning,
Laid on the table.

H. R. file, No. 64, An act to incorporate the town of Fort Madison,
Was read a first and second time, and

On motion of Mr. Hunor,
Laid on the table.

H. R. file, No. 42, A bill for an act making county orders bear interest,

Was read a first and second time, and

On motion of Mr. Browning,
Referred to the committee on the Judiciary.

H. R. file, No. 32, A bill for an act supplemental and amendatory to an act to establish a system of common schools,

Was read a first and second time, and

On motion of Mr. Baker,
Referred to the committee on Schools.

H. R. file, No. 59, An act to amend an act for the limitation of actions and for avoiding vexatious lawsuits,

Was read a first and second time, and

On motion of Mr. Bradley,
Referred to the committee on the Judiciary.

Mr. Bissell, from the committee on the Judiciary, to whom was referred

H. R. file, No. 42, A bill for an act to make county orders bear interest,

Reported the same back with amendments, and recommended its passage.

The question being on concurring in the report of the committee;

It was decided in the affirmative.

Mr. Davis moved that the thirteenth rule be suspended, and said bill read a third time now.

Lost; and

On his motion,

Ordered to a third reading to-morrow.

H. R. file, No. 18, Joint resolution for a donation of land from Congress for the purpose of erecting an Orphan Asylum and Manual Labor School.

Was read a first and second time, and

On motion of Mr. Bradley,

The thirteenth rule was suspended, the joint resolution read a third time, passed, and title agreed to.

H. R. file, No. 62, A bill for an act in relation to the publication of the laws and journals.

Was read a first and second time, and

On motion of Mr. Davis,

Referred to a select committee, and

Messrs. Davis, Bradley, and Wheeler, were appointed said committee.

H. R. file, No. 65, A bill for an act to lay out and establish a road from the city of Keokuk, in Lee county, to the Raccoon fork of the Des Moines river.

Was read a first and second time, and

On motion of Mr. Whitaker,

Said bill was referred to the committee on Roads.

H. R. file, No. 55, A bill for an act to amend an act to provide for the management and distribution of the school fund, approved Feb. 28, 1847.

Was read a first and second time, and

On motion of Mr. Whitaker,

Referred to the committee on Schools.

H. R. file, No. 63, A bill for an act regulating the fees of jurors in Lee county.

Was read a first and second time.

Mr. Sprott moved to amend by striking out "eight," and inserting "six."

Agreed to.

On motion of Mr. Sprott,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Crawford, with leave obtained, offered the following resolution:

Resolved, That the Secretary and Assistant Secretary, be allowed the sum of four dollars per day each; the Sergeant-at-Arms, two dollars; Messenger, and Fireman, each two dollars, for their services during the present session of the General Assembly.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Richman, their chief clerk:

Mr. President—

I herewith present for your signature,

An act concerning claimants on the half breed tract, in Lee county.

An act to locate and establish a road therein named.

An act to compensate the agent employed to select the University lands of this State.

An act to authorize George L. Davenport and others to erect a toll bridge across the Wapsipinicon river.

An act to repeal an act herein named.

An act fixing the times and places of holding the district courts in the first judicial district.

An act to authorize Adam Hine, his heirs and assigns, to keep a ferry crossing the Mississippi river at the city of Keokuk, in Lee county.

An act to license and tax peddlars.

The same having passed both houses, been reported as correctly enrolled, and been signed by the Speaker of the House of Representatives.

I herewith return,

An act to provide for the election of representatives to Congress.

Joint resolution relative to books in the library.

An act to relocate a portion of a State road therein named.

An act for the confinement of prisoners under the authority of the United States in the jails of this State.

The same having been signed by the Speaker of the House of Representatives.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

I am directed to inform the Senate that the House have passed, Senate file, No. 35, A bill for an act concerning the limitation of suits.

A memorial in relation to 500,000 acres of land ; and

Senate file, No. 28, A bill for an act to establish a system of common schools,

With amendments.

In which the concurrence of the Senate is requested.

Mr. Sanford, from the committee on Enrolled Bills, reported that he had this day presented to the Governor for his approval, the following bills :

An act to relocate a portion of a State road therein named.

An act for the confinement of prisoners under the authority of the United States in the jails of this State.

An act to provide for the election of representatives in Congress.

Joint resolution relative to books in the library.

Message from the House of Representatives, by Mr. Parmer, their assistant clerk :

Mr. President—

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

H. R. file, No. 24, Joint resolution authorizing the Governor to make a deed for a certain lot in Iowa City, to the heirs of William Kemp, deceased.

H. R. file, No. 23, Joint resolution requesting our Representatives

in Congress to procure the services of one of the Topographical Engineers to run the north line of this State.

In all of which the concurrence of the Senate is requested.

Mr. Crawford, with leave obtained, introduced Senate file, No. 51, An act for the relief of Dubuque county. Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said bill was read a third time, passed, and title agreed to.

Mr. Springer, with leave obtained, presented the account of Anson Hart.

Which was,

On his motion,

Referred to the committee on Claims.

Mr. Bradley, with leave obtained, offered the following resolution:

Resolved, That the committee on Claims be instructed to incorporate into the appropriation bill of the present session, a general contingent appropriation of three hundred dollars, for the purpose of paying for services required by law for which no appropriations have been made.

Which was,

On his motion,

Referred to the committee on Claims.

Mr. Harbour, from the committee on Public Buildings, to whom was referred

H. R. file, No. 56, An act for an appropriation on the public buildings at Iowa City,

Reported the same back and recommended its indefinite postponement.

The question being upon concurring in the report of the committee;

It was decided in the negative.

Mr. Fullinwider moved that the thirteenth rule be suspended and the bill read a third time now.

Agreed to.

Mr. Bradley moved a call of the Senate.

When it appeared that Messrs. Benton and Sanford were absent.

Mr. Benton appearing, the further call was suspended, and

The question being upon the passage of the bill,

The yeas and nays were called for, and being ordered, were as follow:

YEAS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Fullinwider, Springer, Wheeler, and Mr. President—9.

NAYS—Messrs. Browning, Davis, Harbour, Howel, Haner, Jay, Selman, Sprott, and Whitaker—9.

So the question was decided in the negative.

On motion of Mr. Browning,

The vote was reconsidered, and said bill referred to a select committee with instructions to report this afternoon.

Messrs. Browning, Springer, and Bradley, were appointed said committee.

On motion of Mr. Bradley,

Senate file, No. 44, A bill for an act in relation to the University and school fund.

Was taken from the table, and

On motion of Mr. Browning,

Laid on the table.

The Senate resolved itself into a committee of the whole, for the consideration of

H. R. file, No. 41, A bill for an act to amend an act providing for levying and collecting revenue for State and county purposes.

After some time spent therein,

The committee rose, and by their chairman reported the same back with sundry amendments thereto, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee;

It was decided in the affirmative,

Mr. Whitaker moved to amend by striking out "two and three-fourths per cent." and inserting "two and one-half."

Agreed to.

Mr. Springer moved to reinstate the second section of the bill.

Which was agreed to.

On motion of Mr. Jay,

The section was amended by striking out nine and inserting eight.

On motion of Mr. Whitaker,

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

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

H. R. file, No. 62, An act in relation to the publication of the laws and journals,

Reported the same back with amendments.

Which were concurred in; and

On motion of Mr. Harbour,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Benton, from the committee on Schools, to whom was referred Senate file, No. 48, A bill for an act to provide for the selection of the balance of the 500,000 acres of school lands,

Reported the same back with amendments,

Which were concurred in.

On motion of Mr. Harbour,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

On motion of Mr. Bradley,

The Senate resolved itself into a committee of the whole, Mr. Harbour, in the chair, for the consideration of

Senate file, No. 44, A bill for an act in relation to the University and school fund,

After some time spent therein,

The committee rose, and by their chairman reported the same back with amendments thereto, and asked the concurrence of the Senate therein.

The question being upon concurring in the report of the committee,

It was decided in the affirmative.

Mr. Bradley moved to strike out the 14th and 15th sections.

Agreed to, and

On motion of Mr. Baker,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Senate file, No. 28, An act to establish a system of common schools.

Was taken from the table, and

On motion of Mr. Bissell,

The Senate concurred in all amendments made by the House thereto, save amendment to the 72nd section.

Upon which,

The yeas and nays were called for, and being ordered, were as follow :

YEAS—Messrs. Browning, Fullinwider, Jay, Sanford, Springer, Sprott, and Wheeler—7.

NAYS—Messrs. Baker, Benton, Bissell, Bradley, Crawford, Davis, Harbour, Howel, Huner, Selman, Whitaker, and Mr. President—12.

So the amendment was not concurred in.

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

H. R. file, No 55, A bill for an act to amend an act entitled an act for the management and disposition of the school fund,

Reported the same back without amendments and recommended its passage.

Which report was concurred in.

On his motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Crawford, from the committee on Ways and Means, to whom was referred

H. R. file, No. 24, Joint resolution to authorize the Governor to sell and convey a lot in Iowa City, to the heirs of William Kemp, deceased.

Reported the same back without amendments, and

On his motion,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

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

H. R. file, No. 56, A bill for an appropriation on the public buildings at Iowa City.

Reported the same back with amendments.

Which were concurred in.

On motion of Mr. Springer,

The thirteenth rule was suspended, said bill was read a third time, and

The question being upon the passage of the bill.

The yeas and nays were called for, and being ordered, were, as follow :

YEAS—Messrs. Baker, Benton, Bissell, Bradley, Browning, Crawford, Davis, Fullinwider, Howel, Springer, Wheeler, Whitaker, and Mr. President—13.

NAYS—Messrs. Jay, Selman, Sanford, and Sprott—4.

So said bill was passed, and title agreed to.

H. R. file, No. 23, Joint resolution requesting our Representatives in Congress to procure the services of a Topographical Engineer to run the north line of this State,

Was read a first and second time, and

On motion,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

On motion,

The Senate adjourned till 6 o'clock, P. M.

SIX O'CLOCK, P. M.

The President announced to the Senate that he had a communication from the Governor.

On motion of Mr. Harbour,

The Senate resolved itself into an executive session, and after some time spent therein, the session rose.

Mr. Bradley offered the following resolution :

Resolved, That the President of the Senate be entitled to receive two dollars per day, during the present session, as an extra compensation.

Which was adopted.

Mr. Springer offered the following resolution :

Resolved, That the thanks of the Senate be tendered to the Hon. Thomas Hughes, for the highly satisfactory manner in which he has discharged the duties of President during the present session.

Which was adopted.

On motion,

The Senate adjourned till 8 o'clock to-morrow morning.

TUESDAY MORNING, JANUARY 25, 1848.

Senate met pursuant to adjournment.

Mr. Baker, with leave obtained, introduced

Senate file, No. 18, Joint resolution in relation to mails.

Which was read a first and second time, and

On his motion,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Baker, from the committee on Incorporations, to whom was referred

Senate file, No. 45, An act to organize Pella.

Reported the same back and recommended its indefinite postponement; and asked leave to withdraw the bill.

Which was agreed to.

Mr. Benton, from the committee on Schools, to whom was referred

Senate file, No. 4, Joint resolution relative to school officers, and

H. R. file, No. 34, A bill for the establishment of branches of a State University,

Reported the same back and recommended their indefinite postponement.

Mr. Benton reported certain documents from the Governor, referred to the committee on Schools, and recommended that they be filed in the office of the Secretary of State.

Mr. Benton offered the following resolution:

Resolved, That A. H. Palmer be employed to print four hundred and eighty copies of the Journals of the Senate of the present session, at the prices allowed by law.

Which was adopted.

H. R. file, No. 42, A bill for an act making county orders bear interest.

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

Mr. Sanford from the standing committee on Enrolled Bills, reported that he had this day presented to the Governor for his approval, the following bills:

An act to legalize the sales of school lands.

An act to authorize a district school tax.

An act to legalize the acts of S. A. Styles as a justice of the peace.

An act concerning the limitation of suits.

An act to amend an act to incorporate the city of Dubuque.

Joint resolution relative to the printing and distribution of the laws of this State.

Joint resolution requesting our Representatives in Congress to procure the services of one of the Topographical Engineers to run the north line of this State.

Joint resolution for a mail route from Cedar Rapids, in Linn county, to the falls of Cedar, in Buchanan county.

An act to provide for the appointing of commissioners to draft, revise and arrange a code of laws.

H. R. file, No. 71, A bill for an act, &c.

Was read a first and second time, and

On motion,

Said bill was ordered to a third reading to-morrow.

Message from the House of Representatives by Mr. Richman, their chief clerk:

Mr. President—

I herewith present for your signature,

Joint resolution to furnish Buchanan county with the laws.

An act regulating jurors fees in Lee county.

Joint resolution relative to certain mail routes.

Joint resolution for a donation of land.

Joint resolution authorizing the Governor to make a deed for a certain lot in Iowa City to the heirs of Wm. Kemp.

The same having passed both houses, been reported as correctly enrolled, and been signed by the Speaker of the House of Representatives.

I herewith return to you,

Senate file, No. 51, An act for the relief of Dubuque county.

A memorial, &c.

Joint resolution relative to adjournment.

The same, having been signed by the Speaker of the House of Representatives.

The House have agreed to the amendments made by the Senate to

H. R. file, No. 41, An act to amend an act providing for levying and collecting revenue for State and county purposes,

With one exception.

In which the concurrence of the Senate is requested.

H. R. file, No. 58, An act to amend an act to incorporate the city of Keokuk,

Was read a first and second time, and

On motion of Mr. Sprott,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 66, An act to provide for holding elections,

Was read a first and second time, and

On motion of Mr. Sanford,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Sprott moved to take from the table,

H. R. file, No. 64, An act to incorporate the town of Fort Madison.

Agreed to.

Said bill was read a first and second time.

Mr. Sprott moved that the thirteenth rule be suspended and said bill read a third time now.

Agreed to.

The question being on the passage of the bill.

It was decided in the affirmative.

Mr. Crawford moved a reconsideration of the vote just taken, and that said bill be referred to the gentleman from Polk.

Agreed to.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

I herewith return

Senate file, No. 13, Joint resolution.

The same having been signed by the Speaker of the House of Representatives.

The House have passed,

Joint resolution relative to mail route.

Senate file, No. 31, A bill requiring the assessors to take lists of persons subject to military duty.

The House has concurred in the amendments made by the Senate to

H. R. file, No. 71, An act to provide for the compensation of members, officers, and printers of the General Assembly, and others.

H. R. file, No. 71, An act making general appropriations,

Was read a first and second time, and

On motion of Mr. Springer,
Referred to the committee on Claims.

Mr. Bradley moved that the Senate recede from its amendment to
H. R. file, No. 41, A bill to provide for a tax for State and county
revenue,

Disagreed to by the House.

Agreed to.

Mr. Baker, to whom was referred
H. R. file, No. 64, A bill for an act to incorporate the town of Fort
Madison,

Reported the same back and recommended its passage.

On motion of Mr. Sprott,
The thirteenth rule was suspended, said bill read a third time, pas-
sed, and title agreed to.

Mr. Benton, with leave obtained, introduced
Senate file, No. 18, Joint resolution to authorize the commissioners
appointed to revise a code of laws to take books from the library.

Which was read a first and second time, and

On his motion,
The thirteenth rule was suspended, said joint resolution read a third
time, passed, and title agreed to.

Mr. Crawford, from the standing committee on Claims, to whom was
referred

H. R. file, No. 71, A bill for appropriations for payment of officers
of the General Assembly, &c.,

Reported the same back with amendments.

Which were concurred in, and

On motion,
The thirteenth rule was suspended, said bill read a third time, pas-
sed, and title agreed to.

Message from the House of Representatives, by Mr. Richman, their
chief clerk :

Mr. President—

I am directed to inform the Senate that the House have passed with-
out amendment,

Senate file, No. 17, Joint resolution for a mail route from Cedar Ra-
pids, in Linn county, to the falls of Cedar river, in Blackhawk county.

Senate file, No. 12, An act to legalize the sales of school lands.

Senate file, No. 16, Joint resolution relative to the distribution of the
laws.

The House have also passed,

H. R. file, No. 68, A bill for an act to amend an act to incorporate the city of Keokuk.

H. R. file, No. 71, An act to change the name of Fremont county in this State.

Senate file, No. 39, An act to authorize a district school tax; and

Senate file, No. 50, An act to legalize the acts of S. A. Styles as a justice of the peace.

H. R. file, No. —, Joint resolution relative to printing the laws and journals,

Was read a first and second time, and

On motion of Mr. Crawford,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

H. R. file, No. 72,

Was read a first and second time, and

On motion of Mr. Bradley,

Laid on the table.

H. R. file, No. 25,

Was read a first and second time, and

On motion,

The thirteenth rule was suspended, said bill read a third time, passed, and title agreed to.

On motion of Mr. Browning,

The Senate proceeded to the election of an Assistant Secretary.

Mr. Bradley nominated C. C. Rockwell.

C. C. Rockwell having received eighteen votes, being a majority of the whole Senate, was declared duly elected, and was sworn for the faithful discharge of his duties.

Mr. Browning moved to reconsider the vote on

H. R. file, No. 72,

Which was,

On his motion,

Referred to the committee on Claims.

On motion of Mr. Sanford,

Messrs. Sanford and Baker were appointed a committee to inform the House that the Senate was ready to adjourn *sine die*.

Message from the House of Representatives, by Mr. Richman, their chief clerk :

Mr. President—

The House has passed,

H. R. file, Joint resolution relative to printing laws in newspapers.

H. R. file, No. 72, allowing compensation to Isaac R. Atlee and others.

H. R. file, No. 26, Joint resolution to allow com., &c.

H. R. file, No. 27, Joint resolution.

H. R. file, No. 25, Joint resolution.

In which the concurrence of the Senate is requested.

On motion,

Messrs. Bradley and Springer were appointed a committee, to act with a like committee on the part of the House, to inform the Governor that the General Assembly is now ready to adjourn *sine die*.

Mr. Bradley, from said joint committee, reported that they had waited upon his Excellency, and were informed by him that he had no further communications to make to the General Assembly.

H. R. file, No. —, Joint resolution relative to the officers and soldiers from this State in the Mexican war,

Was read a first and second time, and

On motion of Mr. Springer,

The thirteenth rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Messrs. Springer and Benton were appointed a committee to carry out the provisions of said resolution.

Mr. Crawford moved that the Senate adjourn *sine die*.

Upon which the President delivered the following address :

GENTLEMEN OF THE SENATE:—Permit me, before we separate, to return you my sincere and heartfelt thanks for the kind indulgence you have shown me in the discharge of the duty of presiding over your deliberations.

This is the second time that we have met together to deliberate upon the interests of our young and growing commonwealth; if we have discharged our duties faithfully, conscientiously, and to the best of our abilities, we have done all that an enlightened constituency will ask at our hands. But if, on the other hand, we have suffered party zeal, or personal prejudice, or passion, to bias our minds, and lead us astray from the rule of right, the people have a sure way of letting their voice be heard, and they will be certain to visit our acts with a just condemnation.

The session has been a short though a stormy one—in which party

zeal has ran high; yet it gives me pleasure to believe that no personal animosity has grown out of our contentions for political principles.

Gentlemen, allow me to congratulate you upon the prospect you have of a speedy return to the bosom of your families, and if the good wishes of an individual as humble as myself, can be of any service, rest assured you have them to the fullest extent.

Gentlemen, permit me again to thank you for the kind indulgence you have shown me in the discharge of the duties which by your kindness devolved upon me; and to again assure you that your partiality will ever be gratefully remembered.

The question was then put,
Shall the Senate adjourn *sine die*?

It was decided in the affirmative.

And the Senate adjourned *without day*.

APPENDIX.

[A]

AUDITOR'S REPORT.

STATE OF IOWA, AUDITOR'S OFFICE, }
IOWA CITY, JANUARY 3, 1848. }

Gentlemen of the Senate

and House of Representatives :

In accordance with the requirements of law, I have the honor to submit the following statement of the revenues, taxable funds, resources, incomes, and property of the State, known to this office; also, the expenditures and disbursements of the fiscal year which closed on the 30th of November last, together with an estimate of the appropriations necessary to be made for the present year.

It affords me pleasure to report to you that the revenue of the year 1847 will be fully equal to the current expenses of the State and the payment of interest on the loan; though the revenue law will not yield as much as was anticipated, in consequence of its not going into operation until after the assessment was made, yet the levy in July was made under the new law.

From the returns received from the several counties, it appears that the aggregate value of property taxed within the State amounts to \$11,277,139, which, at two mills on the dollar, yields a revenue of \$22,554 27; deduct from this, say 30 per cent. for delinquencies and expences of collection, and we have the sum, of \$15,788 00.

The annual expenses of salaries, interest on loan, &c., amount to \$15,250 00. If, therefore, there had been no session of the General Assembly this year, we should have been able to meet all our liabilities with promptness. The loan of \$55,000 has enabled the State to maintain her credit at home, and keep the warrants issued from this office at par. The first six months interest on the loan, which is required to be paid semi-annually at the Philadelphia Bank, amounting to \$2730 23, has been remitted to John B. Trevor, Esq., of Philadelphia, for that purpose.

The Treasurer of State has received during the year, up to the 1st of Nov., the sum of \$50,782 36, and paid on warrants during that time the sum of \$59,184 36, the interest paid to holders of warrants is not included in this amount. During the year up to the 1st of December, the warrants drawn on the Treasurer amount to \$52,103 17.

By a provision of the Constitution, "no money can be drawn from the Treasury, but in consequence of appropriations made by law." Several laws are in force, requiring compensation to be made on the performance of certain services; but, as appropriations were not made to cover them, I deemed it my duty to suspend the allowance of such claims, and submit the same to the General Assembly, and ask for appropriations to meet them, which will be found under the proper head. I would respectfully suggest that there be a general contingent fund set apart to meet such cases, which should only be used where the law is plain requiring the payment of money, and the appropriation has been neglected.

By the act of the 8th of February last, relative to the Miners' Bank of Dubuque, I was required to issue a warrant on the Treasurer to the President, Directors, & Co., of that institution, or their assigns, for any balance of debt or interest that might be due from the Territory of Iowa, on their surrendering to me the evidences of debt executed by the Territorial Agent. On the 6th day of May an injunction from the District Court of Dubuque county was served upon me at the instance of the Trustees appointed to wind up the affairs of the Bank, enjoining me not to audit and allow the debt. On the 24th of June the notes and evidences of debt were presented to me for settlement by the assignee of the Bank. Upon an examination of the question I discovered that an assignment of the effects of the Bank, and of the notes given by the Territorial Agent, had been made several days previous to the taking effect of the act appointing the Trustees, and believing it to be an improper interference of the court with my duties as a government officer, I dis-

regarded the injunction, and issued my warrant on the Treasurer for the sum of \$6,931 23. I have since been served with a notice to appear before the District Court of Dubuque county, to show cause why an attachment should not issue against me for contempt. I appeared before the court at its last session and was fully acquitted, and the rule against me dismissed. Thus has ended this vexed question with the Miners' Bank, which has been before the Legislature, in some shape or other, for the last ten years.

By a reference to the tabular statements herewith submitted, it will be discovered that great inequality in the valuation of property exists in the several counties; which proves one of two things, either that in some counties a large amount of property escapes taxation, or that the assessment is made at a very low rate; and no doubt both causes have their effect. It would be well to require of the assessors to procure from the Land Offices, annually, an abstract of the lands sold in their respective counties; the Registers will cheerfully furnish such abstracts for a small fee, which should be paid for out of the county treasuries. It is estimated that the sum of \$500 has been added to the taxes of Johnson county, this year by such an abstract, which would have been wholly lost without it.

By a comparative statement of the value of property in 1846 and 1847, herewith submitted, it will be perceived that, while in most of the counties there has been a gradual increase, in the counties of Cedar, Des Moines, Muscatine and Scott, there has been a great decrease, and as it is well known that there has been a large addition to the population of those counties the past year, it must be attributed to an imperfect valuation.

The tables which follow, showing the several kinds of property taxed, and for what purposes, have been made up from the best information I could obtain from the several Commissioner's Clerks. Though there is no law requiring them to specify the several kinds of property, they have generally very promptly complied with my request, by furnishing the items. Some have objected to do so, because the County Commissioners will not compensate them for their labor. I would therefore suggest that such service should be paid for out of the county treasuries, and that the clerks be liable to a penalty in case of neglect or refusal to discharge the duty.

The Commissioner's Clerk of Dubuque county has neglected to furnish an abstract of the assessed value of property in that county since

the year 1843, consequently there has been nothing charged in all that time. Sometime since I authorized the Prosecuting Attorney of the district to institute proceedings against the clerk by mandamus, to compel him to discharge his duty. At the last court the cause came up and a peremptory mandamus was ordered out against the clerk.

The assessment next year under the new law will doubtless bring much property on the lists that has heretofore escaped taxation, yet there will certainly be a great deficiency in the revenue to meet all the expenses and liabilities, and also those which will grow out of your present session, which ought to be provided for immediately. I would therefore suggest the propriety of effecting an additional loan of \$25,000; which can in all probability be obtained within the State at a reasonable interest.

The warrants drawn on the Treasurer, when there is no money on hand, generally depreciate in value from ten to fifty per cent. I think this could in a great measure be obviated if the warrants were printed in the style of bank notes of the denomination of ten, twenty, and fifty dollars, and allowed to draw as much interest as we would be willing to pay for a loan, they would then probably circulate on a par with bank paper throughout the State, and become a circulating medium amongst our citizens; if such a plan is adopted a loan would be unnecessary. An appropriation of \$250 will furnish the plate and the printing of warrants sufficient for three or four years. Some specimens are herewith submitted. I would suggest that a sinking fund be established, to which should be appropriated, annually, the sum of \$5,500, for the purpose of meeting the amount obtained by loan, which will be due in the year 1857.

By estimates herewith submitted it appears that it will be necessary to raise the present year the sum of \$24,686 00; to accomplish this the levy for State purposes should be increased to three mills on the dollar.

In some of the States it is made the duty of the Auditor, after he has ascertained the amount of property assessed, and the amount it will be necessary to raise for the year, to make the levy and inform the county officers accordingly. By this means a greater tax than is actually needed is not imposed upon the people. Whether such a system would be proper in this State I am not prepared to say.

Of the tax levied in 1846, amounting to \$7,454 42, only \$4,830 75 has been paid into the Treasury.

I am using every means within my power to enforce a more prompt settlement with the County Treasurers than has been the practice under

the Territorial government. Accounts have been sent to the Prosecuting Attorneys of several counties, with instructions to use the most efficient measures to enforce the collection of the sums now due. The sum of \$5,186 00 stands charged on the books of this office against the Treasurers of twenty-one of the counties prior to the year 1847. How much of that amount can be collected I am unable to estimate.

Respectfully submitted,

JOS. T. FALES.

A DETAILED STATEMENT *of the Receipts and Disbursements during the year ending 30th November, 1847.*

RECEIPTS.

Amount of tax paid to M. RENO, Esq., Treasurer.

From the county of Appanoose, for 1846,	\$9 95
" " " Benton, " "	10 35
" " " Cedar, " "	126 00
" " " Clayton, " 1845, '46,	70 33
" " " Clinton, " 1846,	90 34
" " " Davis, " "	108 00
" " " Delaware, " 1845,	28 90
" " " Des Moines, " 1844, '45, '46,	969 00
" " " Dubuque, " 1846,	242 43
" " " Henry, " 1844, '46,	445 78
" " " Iowa, " 1846,	3 50
" " " Jackson, " 1844, '45, '46,	112 83
" " " Jefferson, " 1844, '45, '46,	276 01
" " " Johnson, " 1846,	296 77
" " " Jones, " 1846, '47,	102 00
" " " Keokuk, " 1846,	52 48
" " " Lee, " 1846,	705 24
" " " Linn, " 1845, '46, '47,	404 72
" " " Louisa, " 1844, '46,	232 11
" " " Mahaska, " 1846,	38 10
" " " Marion, " 1846,	25 00
" " " Monroe, " 1846,	25 00
" " " Muscatine, " 1843,	259 80
" " " Scott, " 1846,	285 44
" " " Van Buren, " 1846,	595 97
" " " Wapello, " 1845, '46,	72 31
" " " Washington, " 1846,	194 00

Total amount of tax received, \$5,782 36

Amount of loan received through Wm. F. Coolbaugh, 55,000 00

\$60,782 36

DISBURSEMENTS.

Amount of warrants drawn upon the Treasury for the payment of appropriations made by law for the purposes specified :

For general appropriation bill,	-	-	-	\$20,221 07
" C. A. Robbins, for seals,	-	-	-	55 00
" E. Cutler, Jr., for indexing and distributing laws,	-	-	-	300 00
" A. H. Palmer, for printing and binding laws of 1847,	-	-	-	2,105 68
" Charles Mason, as attorney, Iowa vs. Missouri,	-	-	-	200 00
" Silas Foster, for printing laws in the Standard,	-	-	-	179 00
" A. H. Palmer, " " " Reporter,	-	-	-	109 00
" A. P. Wood, " " " Tribune,	-	-	-	18 00
" Geo. Greene, " " " Express,	-	-	-	18 00
" A. Sanders, " " " Day. Gazette,	-	-	-	6 00
" Edwards & Broadwell, for printing Journal of H. of R.,	-	-	-	1,199 87
" M. Mobley, assignee Miners' Bank of Dubuque,	-	-	-	6,931 23
" A. H. Palmer, for printing Journal of Senate,	-	-	-	818 27
" " " School laws, pamphlet form,	-	-	-	33 10
" Wm. F. Coolbaugh, for expenses and services in procuring loan,	-	-	-	600 00
" Convention of 1844,	-	-	-	1,128 00
" " 1846,	-	-	-	3,812 96
" Governor's salary,	-	-	-	1,000 00
" Secretary's " "	-	-	-	500 00
" Auditor's " "	-	-	-	600 00
" Treasurer's " "	-	-	-	400 00
" Librarian's " "	-	-	-	112 50
" Lessee of Penitentiary,	-	-	-	233 00
" Expenses of Penitentiary,	-	-	-	289 96
" Deputy Sheriff of Supreme Court,	-	-	-	13 50
" Governor's contingent fund,	-	-	-	500 00
" Secretary's " "	-	-	-	300 00
" Auditor's " "	-	-	-	300 00
" Treasurer's " "	-	-	-	300 00
" Librarian's " "	-	-	-	75 00
" Judges Supreme Court salaries,	-	-	-	2,413 88
" " District " "	-	-	-	2,000 00
" Fund for arresting fugitives from justice,	-	-	-	400 00
" Interest on loan up to January 1, 1848,	-	-	-	2,730 23
" Public Buildings at Iowa City,	-	-	-	2,200 00
				<hr/>
				\$52,103 17

AN ESTIMATE of appropriations necessary to pay for services required by law.

Compensation of Agent to select Salt Springs,	\$800 00
Costs due Dubuque county, U. S. vs. Wm. Evans et. al.,	1,286 00
Salary of Superintendent of Public Instruction,	1,200 00
Contingent fund for " " "	150 00
Reports of Supreme Court,	750 00
Expenses of Penitentiary,	500 00
Fees of Sheriff in Supreme Court,	50 00
	<hr/>
	\$4,736 00
	<hr/>

OTHER ESTIMATES.

Warrants outstanding,	\$5,700 00
Expenses of present session,	9,300 00
Sinking Fund,	5,500 00
Salaries, &c., already appropriated,	15,250 00
	<hr/>
	\$40,486 00
Amount of revenue of 1847,	15,800 00
	<hr/>
Amount necessary to be raised in 1848,	\$24,686 00
	<hr/>

AMOUNT *due from the Treasurers of the following named counties
previous to the year 1847.*

Appanoose,	-	-	-	-	-	-	-	\$6 40
Cedar,	-	-	-	-	-	-	-	259 69
Clayton,	-	-	-	-	-	-	-	197 19
Clinton,	-	-	-	-	-	-	-	92 20
Delaware,	-	-	-	-	-	-	-	68 68
Des Moines,	-	-	-	-	-	-	-	1,448 83
Dubuque,	-	-	-	-	-	-	-	417 29
Iowa,	-	-	-	-	-	-	-	8 59
Jackson,	-	-	-	-	-	-	-	255 07
Jefferson,	-	-	-	-	-	-	-	74 86
Johnson,	-	-	-	-	-	-	-	85 03
Leokuk,	-	-	-	-	-	-	-	9 45
Lee,	-	-	-	-	-	-	-	48 00
Linn,	-	-	-	-	-	-	-	80 23
Louisa,	-	-	-	-	-	-	-	95 25
Muscatine,	-	-	-	-	-	-	-	1,051 42
Polk,	-	-	-	-	-	-	-	2 65
Scott,	-	-	-	-	-	-	-	111 68
Van Buren,	-	-	-	-	-	-	-	702 31
Wapello,	-	-	-	-	-	-	-	40 24
Washington,	-	-	-	-	-	-	-	131 68

\$5,186 74

A LIST of the organized counties in the year 1846, with the names of County Commissioner's Clerks, County Treasurers, the value of property taxed, and the amount levied for State purposes, at three-fourths of a mill on the dollar :

Counties.	Clerks.	Treasurers.	Val. of property.	State tax.
Appanoose,	J. F. Stratton,	Jesse Wood,	\$21,795 00	\$16 35
Benton,	D. S. Pratt,	S. S. Morse,	14,793 00	11 90
Cedar,	Wm. K. Whittlesey,	Robert M. Long,	483,756 00	325 70
Clayton,	Robt. R. Reed,	D. D. Walker,	138,124 00	104 43
Clinton,	John P. Soliss,	E. Dunning,	155,612 00	115 77
Davis,	Israel Kister,	D. Trullinger,	168,574 00	126 43
Delaware,	John W. Clark,	H. A. Carter,	70,988 00	53 32
Des Moines,	R. W. Dolbee,	Geo. Blickhahn,	1,671,890 00	1,253 92
Dubuque,	Geo. L. Nightingale,	C. J. Leist,	No return.	
Henry,	N. Lathrop,	H. W. Snyder,	673,040 00	504 78
Iowa,	Geo. W. Kitchens,	John B. Irwin,	12,070 00	9 07
Jackson,	S. S. Fenn,	Robert Reed,	287,121 00	215 34
Jefferson,	John Shields,	Jesse Wollarb,	484,539 00	362 90
Johnson,	S. B. Gardner,	Thomas Snyder,	517,248 00	387 93
Jones,	B. Whittemore,	J. B. Ryan,	142,496 00	108 87
Keokuk,	J. B. Whisler,	E. Shockley,	105,952 00	79 46
Lee,	Daniel McCready,	Robert A. Russell,	1,368,458 00	1,026 34
Linn,	Alpheus Brown,	A. R. Sausman,	496,572 00	372 43
Louisa,	S. W. Kirkpatrick,	Geo. F. Thomas,	395 490 00	296 61
Mahaska,	F. C. Porter,	Geo. W. Saer,	85,870 00	64 40
Marion,	Joseph Clarke,	David T. Durham,	32,745 00	24 56
Monroe,	Dudley C. Barber,	John Webb,	24 635 00	18 48
Muscatine,	Z. Washburn,	J. M. Kane,	732,780 00	549 51
Polk,	Lewis Whitten,		354 00	2 65
Scott,	John Pope,	A. H. Miller,	406,452 00	304 83
Van Buren,	J. L. T. Mitchell,	G. B. Alexander,	1,019,002 00	764 25
Wapello,	J. C. Tolmam,	J. Baker,	140,408 00	105 85
Washington,	R. H. Marsh,	C. S. Cleaves,	340,557 00	255 41
			\$9,939,221 00	\$7,454 42

THE FOLLOWING TABLE shows the value of property taxed in each county in the years 1846 and 1847, and the comparative increase or decrease in the value in those years :

Counties.	Value in 1846.	Value in 1847.	Increase in val.	Dec. in value.
Appanoose	\$21,795 00	\$27,532 00	\$5,747 00	
Benton,	14,793 00	19,299 00	4,506 00	
Cedar,	433,756 00	415,105 00		\$18,651 00
Clayton,	138,124 00	234,218 00	96,094 00	
Clinton,	155,612 00	172,637 00	17,025 00	
Davis,	168,574 00	225,584 00	57,410 00	
Delaware,	70,988 00	76,921 00	5,933 00	
Des Moines	1,671,890 00	1,459,170 00		212,720 00
Dubuque,	No return.			
Henry	673,040 00	707,634 00	34,591 00	
Iowa,	12,070 00	16,836 00	4,766 00	
Jackson,	287,121 00	352,127 00	65,006 00	
Jefferson,	484,339 00	603,424 00	119,085 00	
Johnson,	517,248 00	608,737 00	91,489 00	
Jones,	142,496 00	175,414 00	32,918 00	
Keokuk,	105,952 00	153,248 00	47,296 00	
Lee,	1,368,458 00	1,655,532 00	287,074 00	
Linn,	496,572 00	511,223 00	14,651 00	
Louisa,	395,490 00	538,496 00	143,006 00	
Mahaska,	85,870 00	171,232 00	85,360 00	
Marion,	32,745 00	65,478 00	32,733 00	
Monroe,	24,635 00	35,978 00	11,343 00	
Muscatine,	732,680 00	693,008 00		39,672 00
Polk	354 00	51,488 00	51,134 00	
Scott,	406,452 00	353,121 00		23,331 00
Van Buren,	1,019,002 00	1,276,000 00	256,998 00	
Wapello	140,408 00	237,945 00	97,539 00	
Washington,	340,557 00	386,302 00	45,745 00	

A TABULAR STATEMENT of the organized Counties, with the names of the Commissioner's Clerks, Treasurers, and Prosecuting Attorneys—the aggregate amount of property taxed—the amount levied on the same for State purposes at two mills on the dollar; also, the County, Poll, and School taxes, so far as the same have been reported, for the year 1847.

Counties.	Clerks.	Treasurers.	Pros. Attorneys.	Aggregate of prop. taxed.	State tax.	County tax	Poll tax.	School tax.
1 Appanoose,	J. F. Stratton,	Jesse Wood,		27,532 00	\$55 06	\$110 12	\$91 59	\$13 76
2 Benton,	David S. Pratt,	D. S. Pratt,	I. M. Preston,	19,299 00	38 59	77 19	33 50	9 65
3 Cedar,	Wm. K. Whittlesey,	Wm. K. Whittlesey,	J. P. Cook,	415,105 00	830 21	1,972 00	312 00	207 23
4 Clayton,	Robert R. Reed,	Robert R. Reed,	Reuben Noble,	234,218 00	468 43	926 87	262 00	117 11
5 Clinton,	T. B. Butterfield,	Robert Bedford,	W. E. Leffingwell,	172,637 00	345 27			
6 Dallas,	Stephen K. Scovell,			7,935 00	15 87		20 50	
7 Davis,	Wm. Cameron,	Wm. S. Stevens,	S. S. Carpenter,	225,984 00	451 96	903 92	428 00	225 98
8 Delaware,	John W. Clark,	Ira W. Green,		76,921 00	153 84	307 68	105 00	38 46
9 Des Moines,	W. M. Wallbridge,	Geo. Blickhahn,	J. W. Woods,	1,459,170 00	2,918 34	5,836 68	993 00	1,469 17
10 Dubuque,	G. L. Nightingale,	I. P. Van Hagen,	L. A. Thomas,	No returns.				
11 Henry,	N. Lathrop,	H. M. Snyder,		707,634 00	1,415 26	2,759 45	663 00	698 81
12 Iowa,	G. W. Kitchens,	Robert McKee,	Geo. W. Kitchens,	16,836 00	32 67	67 34	44 50	8 41
13 Jackson,	Stephen Decatur,	S. S. Fenn,	F. Bangs,	352 127 00	704 25	1,353 45	623 00	331 31
14 Jasper,	Jesse Richman,	Seth Hammer,		15,115 00	30 23	60 46	44 50	7 55
15 Jefferson,	Sam'l H. Bradley,	— Ford,	Geo. Acheson,	603,424 00	1,206 84		673 50	
16 Johnson,	S. B. Gardner,	Hiram Watts,	H. D. Downey,	608,737 00	1,218 95	2,793 38	360 50	611 73
17 Jones,	C. C. Rockwell,	Wm. Sterling,	C. C. Rockwell,	175,413 00	350 83	701 63	194 00	87 50
18 Keokuk,	Sedley C. Harris,	Joel Long,		153,248 00	306 50	612 99	308 00	153 25
19 Lee,	Eli Stoddard,	Rob't A. Russell,		1,655,532 00	3,311 06	4,966 59	1,255 00	827 66
20 Linn,	Alpheus Brown,	Wm. M. Harris,	D. P. Palmer,	511,223 00	1,022 44	2,044 89	387 50	255 61
21 Louisa,	S. W. Kirkpatrick,	Samuel Townsend,	E. H. Thomas,	538,496 00	1,080 83	1,621 44	378 50	270 21
22 Mahaska,	Moses McLean,	G. W. Bear,		171,232 00	342 46	684 92	338 50	242 46
23 Marion,	James F. Wilson,	Isaac M. Walters,	E. G. Stanfield,	65,478 00	130 95	261 51	255 00	65 47
24 Monroe,	D. C. Barber,	John Webb,		35,978 00	71 95	143 91	119 00	35 97
25 Muscatine,	Nathaniel Halleck,	Fred. H. Stone,	Wm. G. Woodward,	693,008 00	1,387 76	2,775 00	321 50	345 65
26 Polk,	Lewis Whitten,	Jas. Campbell,	Thomas Baker,	51,488 00	102 97	209 95	206 00	
27 Scott,	John Pope,	A. H. Miller,	A. W. McGregor,	383,121 00	771 21	1,542 82	311 50	386 40
28 Van Buren,	John D. Mitchler,	G. B. Alexander,	Geo. G. Wright,	1,276,000 00	2,731 52	4,164 04	1,033 00	1,309 46
29 Wapello,	A. I. Rodenbaugh,	Joseph Leighton,		237,945 00	475 89	817 23	561 50	113 54
30 Washington,	R. H. Marsh,	Caleb S. Cleaves,	Wm. Churchman,	386,302 00	772 60	1,545 20	356 00	192 15

A TABULAR STATEMENT exhibiting the number of polls, the number of acres of land assessed in the several counties, with the value thereof; the value of the several kinds of property in each county, so far as the same have been returned, for the year 1847.

Counties.	No. of polls	Acres of Land.	Value of Land and Improvements.	Value of town lots & improvements	Amount of money at interest.	Value of merchandise.	Value of machinery.	Value of Cattle.	Value of Horses.	Value of Sheep.	Val. of Swine.	Val. of mules, jacks & carriages.	Value of wagons & carriages.	Value of Furniture.	Miscellaneous.
Appanoose,	193	1,775	\$8,415	\$14	\$747	\$250	\$1,500	\$6,081	\$5,733	\$562	\$1,761	\$100	\$2,276		\$18
Benton,	67	2,893	5,821		787			5,008	4,360	225	1,100	80	1,252	\$25	638
Cedar,	624	76,203	233,692	23,997	1,281	7,235	3,752	25,706	41,332	3,922	8,574		14,339	180	1,881
Clayton,	524		146,650	24,000	1,824	5,300	5,000	22,085	16,541	875	4,220	280	6,292	200	1,576
Clinton,		26,454	98,414	16,077	3,060	1,000	4,700	20,101	18,581	1,273	2,550	70	6,676	50	85
Dallas,	41		1,858		830			2,433	1,050	183	342		850		299
Davis,	856	33,351	115,756	2,173	2,604	5,250	2,115	28,117	38,705	5,777	8,331	310	12,261	250	4,393
Delaware,	211	25,652	48,055	684	675	500		10,455	9,231	1,141	2,049	160	3,974		
Des Moines,	1986		1,145,796	included	11,032	81,900	10,080	47,481	76,778	11,032	13,325		31,443	3,250	4,310
Dubuque,	No Returns		492,525	in lands.	9,229	24,450	5,708	33,139	60,165	8,436	15,409	125	23,825		3,430
Henry,	1326	177,480	3,846	725				4,480	3,250	382	1,482		2,060	75	630
Iowa,	89	1,994	No Returns												
Jackson,	1046		990	561	362	733	600	4,536	3,615	405	1,105	30	2,148	30	
Jasper,	89	495	402,488	30,486	6,462	14,195	2,225	42,046	57,288	12,564	14,746	230	23,010	250	
Jefferson,	1347	181,058	319,921	166,403	5,063	11,244	3,275	27,243	33,295	3,671	9,140		15,493	4,573	13,064
Johnson,	721	83,137	120,559	1,368	2,078	410	1,170	16,987	19,401	2,109	4,324	55	6,338	95	
Jones,	353	34,702	65,906	3,781	2,218	2,822	7,400	20,251	24,937	3,638	6,567	84	10,091		2,690
Keokuk,	616	30,310	869,778	361,776	13,112	83,740	18,405	74,894	110,296	14,471	18,755	943	52,155	15,761	8,390
Lee,	2510	299,697	353,367	40,687											
Linn,	775	83,993	395,081	25,636	3,238	6,670	1,605	27,971	37,137	4,767	10,565	140	13,501	225	12,160
Louisa,	757	117,264	9,075	1,911	4,400	960		22,677	28,680	4,738	7,764	230	12,039		
Mahaska,	677	27,771	77,398	1,852	2,985	1,486		22,035	17,199	2,514	5,083	75	9,459	120	256
Marion,	510		1,548		1,008	125	200	9,478	8,470	1,416	2,041		4,108	20	298
Monroe,	233		8,814		2,000	26,435	1,325	20,771	30,021	8,790	6,419	360	13,264	2,076	549
Muscataine,	643	120,918	1,388		1,675	10,935	5,844	25,286	29,244	1,608	2,806	80	7,461	28	2,301
Polk,	412		1,388		2,517	46,554	61,199	95,758	16,843	4,013	4,224	210	1,825	1,965	800
Scott,	623	73,264	823,797	344,191	17,723	25,176		41,996	48,437	5,440	11,041	395	37,744	1,060	13,939
Van Buren,	2066	213,876	77,691	4,519	5,621	16,995	2,800						18,696		4,314
Wapello,	1123	34,506	280,147	27,733	4,902	11,874	1,370	22,192	32,673	3,942	7,575		12,811	50	
Washington,	718	83,233													

LIST OF COUNTIES IN THE STATE.

[Those in *Italic* are not organized.]

1	<i>Alamakee,</i>	27	Lee,
2	Appanoose,	28	Linn,
3	Benton,	29	Louisa,
4	<i>Blackhawk,</i>	30	<i>Lucas,</i>
5	Boone	31	<i>Madison,</i>
6	Buchanan,	32	Mahaska,
7	Cedar,	33	Marion,
8	<i>Clarke,</i>	34	<i>Marshall,</i>
9	Clayton,	35	Monroe,
10	Glinton,	36	Muscatine,
11	Dallas,	37	<i>Page,</i>
12	Davis,	38	Polk,
13	<i>Decatur,</i>	39	<i>Pottawatomie,</i>
14	Delaware,	40	<i>Poweshiek,</i>
15	Des Moines,	41	<i>Ringgold,</i>
16	Dubuque,	42	Scott,
17	<i>Fayette,</i>	43	<i>Story,</i>
18	<i>Fremont,</i>	44	<i>Tama,</i>
19	Henry,	45	<i>Taylor,</i>
20	Iowa,	46	Van Buren,
21	Jackson,	47	Wapello,
22	Jasper,	48	<i>Warren,</i>
23	Jefferson,	49	Washington,
24	Johnson,	50	<i>Wayne,</i>
25	Johes,	51	<i>Winnechick,</i>
26	Keokuk,		

[B]

SECRETARY'S OFFICE, IOWA, }
IOWA CITY, JAN. 12th, 1848. }

Gentlemen of the General Assembly:

In reply to a resolution of the Senate, of yesterday, I have the honor to transmit to you an abstract of the returns of the census of this State for the year 1847, showing the counties arranged according to the number of inhabitants in each, and the time when said returns were filed in this office; by which it will be perceived that the returns from the counties of Van Buren, Jefferson, Jackson, Dubuque, Benton, Marion, Scott, and Winneshiek, were not filed in this office until *after* the time prescribed by the 3d Section, of the 8th Chapter of the Laws of Iowa, of 1846-7.

No return has yet been received from the county of Buchanan, and it may be proper to state that it is doubtful if this county and that of Winneshiek were organized in time to render the assessors and clerks of the same liable for the forfeiture occasioned by the neglect of duty in the premises.

Very respectfully, gentlemen,

Your ob't serv't,

ELISHA CUTLER, Jr., Secretary of State.

ABSTRACT OF RETURNS OF CENSUS OF 1847.

No.	Counties.	When filed.	Number of inhabitants.
1	Lee,	Aug. 21st, 1847,	13,231
2	Van Buren,	Oct. 28th, "	10,203
3	Des Moines,	July 28th, "	10,071
4	Jefferson,	Nov. 12th, "	8,463
5	Dubuque,	Dec. 21st, "	7,440
6	Henry,	Sept. 19th, "	6,759
7	Wapello,	Sept. 4th, "	5,660
8	Jackson,	Nov. 15th, "	4,639
9	Davis,	Aug. 20th, "	4,467
10	Linn,	Sept. 28th, "	3,954

No.	Counties.	When filed.	Number of inhabitants.
11	Mahaska,	July 26th, 1847,	3,774
12	Scott,	Oct. 23d, "	3,652
13	Louisa,	Sept. 22d, "	3,648
14	Washington,	Aug. 18th, "	3,518
15	Johnson,	Aug. 12th, "	3,387
16	Muscatine,	Aug. 12th, "	3,010
17	Keokuk,	Aug. 21st, "	2,918
18	Cedar,	Sept. 10th, "	2,809
19	Marion,	Oct. 18th, "	2,350
20	Clayton,	Oct. 1st, "	2,176
21	Polk,	Sept. 19th, "	1,792
22	Jones,	Sept. 28th, "	1,779
23	Clinton,	Oct. 5th, "	1,570
24	Monroe,	Aug. 5th, "	1,222
25	Delaware,	July 26th, "	1,111
26	Appanoose,	Sept. 4th, "	948
27	Jasper,	July 15th, "	560
28	Iowa,	Oct. 13th, "	435
29	Benton,	Nov. 29th, "	312
30	Winneshiek,	January 6th, 1848,	unofficial, 182
31	Dallas,	Sept. 19th, 1847,	164
32	Buchanan,	No return.	

116,204

R U L E S
OF
T H E S E N A T E ,
OF THE STATE OF IOWA.

ADOPTED AT ITS EXTRA SESSION, COMMENCED ON THIRD JANUARY, 18

ORDER OF DAILY BUSINESS.

After the Journal is read the following order shall govern :

1st—Petitions and memorials to be offered.

2d—Resolutions.

3rd—Reports of Committees.

4th—Communications on the President's table.

**5th—Reports in possession of the Senate, which offer grounds
a bill.**

**6th—Bills or other matters before the Senate and unfinished
preceding day.**

**7th—The above business being despatched, the general file of
and other papers will then be taken up, agreeably to their
introduction into the Senate.**

STANDING RULES.

**1. The Senate shall choose by viva voce, one of their own num
to occupy the Chair. He shall be styled President, and shall hold
office during the session of the Senate at which he was elected.
shall take the Chair at the hour to which the Senate is adjourned,**

all the members to order ; and, if a quorum be present, he shall direct the Journal of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Senate. In committee of the whole, he shall call some member to the chair ; he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall, unless otherwise directed by the Senate, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President, the Senate may appoint a President *pro tem.*, to occupy the chair during such absence.

2. Any member may have a call of the Senate, and absent members excepted. If, upon such call, absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Senate.

3. All questions (except on motion) shall be put in this form :— "You who are of opinion (as the case may be) say aye ; those of a contrary opinion, say no ;" and, in all cases, any member may call for a division, and any two members for the yeas and nays, which shall be recorded by the Secretary.

4. When a motion has been made and seconded, it shall be stated by the member making the same, or read by the Secretary previous to debate. If any member shall make a motion (except to adjourn, postpone, or commit) he shall reduce the same to writing upon the request of the President or any member of the Senate. Any motion may be withdrawn by consent of the Senate before final decision on the same.

5. Every member present, when a question is put, shall vote, unless excused, for special cause, be excused by vote of the Senate.

6. A motion to adjourn shall always be in order, and be decided without debate.

7. When a member is about to speak, he shall rise in his place and address himself to the President ; the President shall address the member entitled to the floor by name ; and when a member is speaking, no person shall pass between him and the President's chair, nor shall he be interrupted when speaking, except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Senate.

8. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a certain day, to amend, or to take the previous question ; which several motions shall have precedence in the order they stand arranged.

THE SENATE

9. The previous question shall be put in these words: "Shall main question be now put?" and it shall be admitted on the demand of four members rising in their places for that purpose, and until decided shall preclude all amendments under debate of the main question.

10. Any member may call for a division of the question, when same will admit thereof.

11. No committee shall absent themselves from the Senate Chamber by reason of their appointment, during the sitting of the Senate, without special leave.

12. Every bill shall be introduced on the report of a committee by motion for leave, on giving at least one day's previous notice.

13. Every bill shall receive three several readings previous to passage, but no bill shall have its second and third readings on the same day, without a suspension of this rule.

14. The first reading of a bill shall be for information, and if objections be made to it, the question shall be "shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

15. Upon the second reading of a bill or resolution, the President shall state it as ready for commitment or engrossment; and if committed then the question shall be whether to a select or standing committee or a committee of the whole. If to a committee of the whole, the Senate shall determine on what day. But if the bill be ordered to be engrossed the Senate shall appoint the day when it shall be read the third time. No bill or resolution that requires three readings shall be committed until it shall have been twice read.

16. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On the third reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

17. When a bill or resolution is engrossed, the President shall at the time previously appointed by the Senate, announce the same as ready for a third reading, without a question.

18. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by a committee other than a committee of the whole, the bill or resolution may be again considered in committee of the whole, the question for its engrossment and third reading shall again be put.

JOURNAL OF

9. In filling blanks, the largest sum and longest time shall be first.
10. When the Senate is equally divided on a question, the same shall be lost.
11. When a motion or question has been once made and carried in affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.
12. All acts, addresses and resolutions shall be signed by the President, and all writs, warrants and subpoenas issued by order of the Senate, shall be under his hand and seal, attested by the Secretary.
13. Petitions, Memorials, and other papers, addressed to the Senate, shall be presented by any member in his place; a brief statement of the contents thereof, shall be made verbally by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless the Senate shall direct otherwise, but shall lie on the table (to be taken up in the order they were read) or be referred, on motion, to a committee.
14. Before a bill shall have passed the Senate, it shall be the duty of the Secretary to have the same engrossed, after which it shall be examined by a standing committee for that purpose, who shall carefully compare the original with the engrossed bill, and, correcting any errors that may be discovered in the engrossed bill, shall make their report forthwith to the Senate.
15. A Secretary and Assisting Secretary shall be appointed, to hold their places during the pleasure of the Senate; they shall take an oath of the true and faithful discharge of their duties in their respective offices. The Secretary shall keep a correct journal of the daily proceedings, and perform such other duties as shall appertain to his office. He shall not remove any journals, records, accounts or papers be taken from the table or out of his custody, other than by the regular mode of business of the Senate; and if any papers in his charge shall be missing, he shall make report to the President.
16. A Sergeant-at-Arms, Messenger and Fireman shall be appointed, to hold their offices during the pleasure of the Senate. It shall be their duty to attend the Senate during its sittings, and to execute the commands of the President and Senate; they shall take an oath truly and faithfully to discharge their respective duties in office.
17. When a message shall be sent from the Governor to the Senate, it shall be communicated to the chair by the person by whom it is sent.

28. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given.

29. When nominations shall be made in writing by the Governor, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration.

30. It shall be the duty of members and officers, when in secret session to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, inviolably secret; also the proceedings and business of the Senate when in secret Executive session.

31. Before acting on confidential or Executive business, requiring secrecy, the Senate shall be cleared, by direction of the President, of all persons except the Secretary and Sergeant-at-Arms.

32. The proceedings of the Senate, when they shall act in their Executive capacity, shall be kept in separate and distinct books; and no part of the Executive journal shall be published but by special order.

33. The President is authorized and required to administer all oaths prescribed by these rules.

34. Every resolution read by the Secretary, by direction of a member, shall be considered to be before the Senate; and the question to adopt or reject may be immediately put on such motion—or, on motion of a member, the same may be laid on the table.

35. No standing rule or order of the Senate shall be rescinded or suspended, except by a vote of three-fourths of the members present.

36. All bills brought into the Senate by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

37. When any member shall be called to order he shall sit down until the President determines whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any two members; and, if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President and Senate may be better able to judge of the matter.

38. No member shall vote on any question in the event of which he is immediately or particularly interested, nor in any case where he was not present when the question was put.

39. The following officers and persons, present at any time during the sitting of the Senate, shall be entitled to a seat within the bar: The Governor, Secretary, Judges of the Supreme Court, members of

Congress, members of the House of Representatives, members of the State Legislatures, Editors wishing to take down the debates, and such others as the Senate may direct.

40. The rules of parliamentary practice, comprised in Jefferson's Manual, shall govern in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Senate, and Joint Rules of the Senate and House of Representatives.

JOINT RULES.

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

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

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

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

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

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

7. After examination and report, each bill shall be signed in the

respective Houses; first by the Speaker of the House—then by the President of the Senate.

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

9. All orders, resolutions and votes which are to be presented to the Governor for his approbation, shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

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

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

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

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

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

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

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

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



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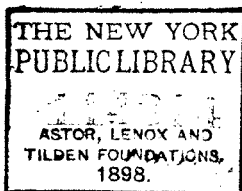
JOURNAL OF THE SENATE,
AT THE
SECOND REGULAR SESSION
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF IOWA,

BEGUN AND HELD AT IOWA CITY, COMMENCING ON MONDAY THE FOURTH
DAY OF DECEMBER, A. D. 1848, AND ENDING ON THE FIFTEENTH
DAY OF JANUARY, A. D. 1849.

ANDREW:

PRINTED AT THE JACKSON COUNTY DEMOCRAT OFFICE.

1849.



JOURNAL OF THE SENATE.

SENATE CHAMBER, IOWA CITY, IOWA,
MONDAY, DECEMBER 4, 1848.

This being the day designated by the Constitution for the convening of the second General Assembly, and the hour of 12 o'clock, M., having arrived, the Senate was called to order by John B. Russell, Secretary of the Senate, at the last session thereof, and

On motion of Mr. Bradley,

R. R. Harbour was appointed President *pro tem.*, and upon a call of the roll, the following members were found to be in attendance:

From the county of Lee, James Sprott, and Thomas S. Espy.

From the county of Van Buren, George C. Wright.

From the counties of Davis and Appanoose, John J. Selman.

From the counties of Wappelo and Monroe, Barney Royston.

From the counties of Marion, Polk, Dallas and Jasper, P. M. Cassady.

From the county of Des Moines, Milton D. Browning and Alfred S. Fear.

From the county of Henry, Evan Jay.

From the county of Jefferson, John Howell.

From the counties of Louisa and Washington, Francis Springer.

From the counties of Keokuk and Mahaska, R. R. Harbour.

From the counties of Muscatine, Johnson, and Iowa, Freeman Alger.

From the counties of Scott and Clinton, Loring Wheeler.

From the counties of Cedar, Linn, and Benton, John P. Cook.

From the counties of Jackson and Jones, P. B. Bradley.

From the counties of Dubuque, Clayton, Delaware, and Blackhawk, Theophilus Crawford and John G. Shields.

On motion of Mr. Bradley,

John B. Russell was appointed Secretary *pro tem*,

On motion of Mr. Bradley,

C. C. Rockwell was appointed Assistant Secretary *pro tem*.

On motion of Mr. Howell,

John J. Stout was appointed Messenger *pro tem*.

On motion of Mr. Selman,

Israel Keister was appointed Sergeant-at-arms *pro tem*.

On motion of Mr. Selman,

Charles Evans was appointed fireman *pro tem*.

Mr. Springer moved that a committee of three be appointed to examine the credentials of members, which was agreed to, and

Messrs. Springer, Bradley, and Crawford were appointed said committee.

On motion of Mr. Bradley,

The Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY MORNING, DECEMBER 5, 1848,

Senate met pursuant to adjournment.

Mr. Springer, from the committee appointed to examine credentials, reported that they had performed that duty, and found them formal and correct.

Whereupon, the following gentlemen were sworn for the faithful discharge of their duties:

Messrs. Alger, Cassady, Cook, Espy, Fear, Howell, Royston, Selman, Shields, and Wright.

On motion of Mr. Springer,

The rules of the last session were adopted for the temporary government of the Senate.

On motion of Mr. Bradley,

Ordered, That the Senate proceed, *viva voce*, to the election of a President and other officers.

Mr. Bradley nominated John J. Selman.

Mr. Springer nominated Evan Jay.

The vote being taken, it appeared that Mr. Jay received five votes, Mr. Bradley one, Mr. Cook one, and John J. Selman ten; which being a majority of the whole Senate, he was declared duly elected President of the Senate.

Upon being conducted to the chair by Messrs. Browning and Howell, a committee appointed for that purpose, the President elect returned thanks in the following address:

GENTLEMEN OF THE SENATE—

I cannot but thank you for the honor just conferred upon me. However laborious may be the duties of the chair, and however inadequate may be my abilities to their proper discharge, I cannot but feel, and feel most deeply, that you have paid me a very high compliment.

Order, gentlemen, is Heaven's first law. The task of the presiding officer can be made easy, and his road rendered smooth, by your generous aid and support. I feel that I may look for this assistance at your hands; and, therefore, assume the duties of the chair, with the less reluctance, again thanking you for the confidence reposed in me. I have only to add, that it will be my effort throughout the session, to prove myself worthy of the place to which you have thought proper to elevate me.

The Senate then proceeded to the election of a Secretary; when it appeared that John B. Russell received 7 votes, and John M. Perry received 11 votes; which being a majority of the whole Senate, he was declared duly elected.

The Senate then proceeded to the election of an Assistant Secretary; when C. C. Rockwell, having received all the votes cast, was declared unanimously elected.

The Senate then proceeded, and, in like manner, made choice as follows:

For Sergeant-at-arms, George W. Warrick.

For Messenger, John J. Stout.

For Fireman, A. W. Russell.

The officers elect were then duly sworn, and entered upon the discharge of the duties of their respective stations.

Mr. Crawford, with leave obtained, offered the following resolution:

Resolved, That the Secretary of the Senate be authorized to make arrangements with the Postmaster, at Iowa City, for the payment of postage on letters and papers, to and from members of the Senate, during the present session of the Legislature, and

The question being upon the adoption of the resolution, it was decided in the affirmative.

On motion of Mr. Harbour,

Resolved, That Palmer & Paul, proprietors of the Iowa Capital Reporter, be employed to do the incidental printing of the Senate during the present session.

Mr. Harbour moved that a committee of three be appointed to wait upon the House of Representatives, and inform that body that the Senate is now permanently organized, and ready to proceed to business;

Which was agreed to, and

Messrs. Harbour, Bradley, and Sprott were appointed said committee.

Mr. Bradley, with leave obtained, offered the following resolution:

Resolved, That the editors of the different newspapers in this State, be admitted to seats within the bar of the Senate, at pleasure, and that the Treasurer prepare a desk for their accommodation;

Which was adopted.

Mr. Cook presented a communication to the President of the Senate, from J. Scott Richman, informing that body of his intention to contest the seat of Freeman Alger, Senator from the district composed of the counties of Muscatine, Johnson, and Iowa, and moved its reference to a select committee;

Which was agreed to, and

Messrs. Cook, Espy, and Crawford were appointed said committee.

Mr. Harbour, with leave obtained, offered the following resolution:

Resolved, That the Secretary of the Senate furnish each member of the Senate, with thirty copies of such newspapers published in this place, as he may direct.

Mr. Cook moved to amend, by striking out the words "in this place;"

Which was agreed to.

Mr. Jay moved to amend, by striking out the word "thirty," and inserting "twenty."

The question being upon the adoption of the amendment,

The yeas and nays were called for, and being ordered, were as follows:

Yeas—Messrs. Alger, Bradley, Browning, Cook, Jay, Springer, Sprott, Wheeler, and Wright—9.

Nays—Messrs. Cassidy, Crawford, Espy, Fear, Harbour, Howell, Royston, and Shields—8.

So the question was decided in the affirmative.

The question now being upon the adoption of the resolution, Was decided in the affirmative.

On motion of Mr. Crawford,

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

WEDNESDAY MORNING, DECEMBER 6, 1848.

Senate met pursuant to adjournment,

The President announced the standing committees of the session, as follows:

On Ways and Means—Messrs. Espy, Jay, Royston, Wheeler and Fear.

On the Judiciary—Messrs. Bradley, Wright, Browning, Cassidy and Espy.

On Federal Relations—Messrs. Harbour, Springer, Shields, Jay and Alger.

On Internal Improvements—Messrs. Royston, Wright, Cassidy, Springer and Bradley.

On Military Affairs—Messrs. Sprott, Howel, Wheeler, Harbour and Sanford.

On Schools—Messrs. Shields, Springer, Espy, Sanford and Fear.

On Roads—Messrs. Howel, Cook, Alger, Wright and Harbour.

On Public Buildings—Messrs. Cassady, Browning, Crawford, Sanford and Bradley.

On Elections—Messrs. Espy, Browning, Bradley, Sprott, and Howel.

On Engrossed Bills—Messrs. Shields and Cook.

On Claims—Messrs. Crawford, Jay, Shields, Wheeler, and Casady.

On County Boundaries—Messrs. Fear, Sanford, Crawford, Cook, and Howel.

On Agriculture—Messrs. Alger, Wheeler, Royston, Sprott, and Bradley.

On Incorporations—Messrs. Crawford, Wright, Shields, Cook, and Espy.

On Enrolled Bills—Messrs. Espy and Springer.

On New Counties—Messrs. Harbour, Browning, Alger, Cook, and Crawford.

Mr. Wright presented a communication to the President of the Senate, from James Nessler, informing that body of his intention to contest the right of Hon. Barney Royston, Senator from the district composed of the counties of Wapello and Monroe, to a seat in this body;

Which was,

On his motion,

Referred to a select committee, with power to send for persons and papers, and

Messrs. Wright, Bradley, and Espy were appointed said committee.

Mr. Crawford presented the petition of T. S. Wilson and sixteen other citizens of Dubuque county, praying for an appropriation to cover the bridges over the North and South Forks of the Maquoketa river, and the Wapsipipicon and English rivers, and that the future repairs be a county instead of township

charge, and moved its reference to a select committee; which was agreed to, and

Messrs. Crawford, Shields, and Bradley, were appointed said committee.

Mr. Bradley introduced Senate file No. 1, a bill for an act granting certain rooms in the capitol; for the use of the U. S. District Court;

Which was read a first and second time, and,

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Crawford introduced Senate file No. 2, Joint Resolution requesting our Senators and Representatives in Congress to procure an appropriation to defray the expenses of surveying the boundary line between Missouri and Iowa;

Which was read a first and second time, and,

On motion of Mr. Harbour,

The 13th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

On motion of Mr. Shields,

Resolved, That the Secretary of State be requested to furnish each member of the Senate, with a copy of the acts and resolutions of the extra session of the first General Assembly of the State of Iowa.

Mr. Bradley moved that a committee of two be appointed, to act with a similar committee on the part of the House, to wait upon his Excellency, Governor Briggs, and inquire if he had any communication to make to the General Assembly;

Which was agreed to, and

Messrs. Bradley and Cook were appointed said committee.

A committee from the House of Representatives was announced, composed of Messrs. Read, Harrison, and Goodrell, who informed the Senate that the House was permanently organized, and ready to proceed to business.

Mr. Harbour introduced Senate file No. 3, joint resolution relating to the election of U. S. Senators, and Judges of the Supreme Court,

Which was read a first and second time, and,

On his motion,

The 13th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

On motion of Mr. Bradley,

Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The President laid before the Senate a communication, and the accompanying report of the Secretary of State, relative to contingent expenses of 1848; which was,

On motion of Mr. Crawford,

Laid on the table, and made subject to the order of the Senate; also,

A communication and report of the Secretary of State, in relation to criminal returns. [See Appendix.]

On motion of Mr. Browning,

Said report and communication were laid on the table, subject to the further order of the Senate.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk:

Mr. President—

I am directed to inform the Senate, that the House of Representatives have concurred in the resolution relative to the election of Senators and Judges, with two amendments, viz: By striking out "to-morrow, the 7th inst.," and inserting the words "on Wednesday, the 6th inst., at 3 o'clock," also, strike out all after the words "United States Senators."

In all of which the concurrence of the Senate is requested.

The question being upon the adoption of the amendments of the House, to

Senate file No. 3, joint resolution relative to the election of U. S. Senators and Judges of the Supreme Court,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Espy, Fear, Howel, Royston, and Mr. President—6.

Nays—Messrs. Alger, Bradley, Browning, Cook, Crawford, Harbour, Jay, Shields, Springer, Sprott, Wheeler, and Wright—12.

So the Senate refused to concur.

Mr. Bradley, from the committee appointed to wait upon his Excellency, Governor Briggs, reported that they had performed that duty, and received from him a message in writing, which was read as follows :

Gentlemen of the Senate

and House of Representatives :

You have assembled as a co-ordinate branch of the government, for the purpose of performing the duties imposed upon you by the constitution of the State. It is a source of gratification and pride that we compose one of the States of this great confederacy, and that we live in a country, the government of which is superior to any that has ever been formed by the wit of man. Republics possessing some of the features of our own, have arisen and passed away. For nearly three quarters of a century, our country has prospered in an unprecedented manner; she has stood unshaken amidst internal commotions, wars of invasion, and a foreign war; and our citizens are, at the present time, equal, if not superior to any upon the face of the earth, in all that can ennoble and dignify mankind. But our own sagacity has not produced these great and happy results. The eye of Almighty God has watched over us; His arm has been stretched out to protect and assist us; and our deepest gratitude at all times, is a poor, but it may possibly be an acceptable offering to Him, for the many and great favors which he has bestowed upon us. Being thus favored by heaven, every citizen is under the most solemn obligations to preserve unimpaired our Union and our institutions. Every State exerts an influence. We have lately entered the confederacy, and it should be our great desire to labor earnestly and faithfully to promote the happiness

of the people of our own State, while at the same time we should be equally solicitous touching the prosperity and honor of our common country.

You, fellow citizens, are the representatives of the people of this State. You are fresh from their midst, and understand their wishes and interests. It will undoubtedly be a prominent consideration that we are their servants; that they expect us to perform our duties with dignity and energy; and especially may they reasonably expect that all legislative business will be dispatched as speedily as possible, consistent with accuracy and propriety, in order that they may not be harrassed with unnecessary burdens.

If the matters which I shall feebly and imperfectly present for your consideration, fall short of what the people expect at your hands, or if they in any way conflict with their best interests, it is the earnest hope of the Executive that you will, by your superior wisdom and acquaintance with their wants, supply the proper remedy.

The following statement exhibits the amount of the receipts and disbursements of the treasury, since the annual report of the territorial treasurer, dated November 16th, 1846.

	Receipts.	Payments.
Receipts from 16th Nov. 1846, to 15th March 1847,	\$1,379 97	
Payments " " " " "		\$1,377 35
Receipts from 1st March, 1847, to 11th June, 1847,	3,316 28	
Payments " " " " "		3,309 76
Receipts from 11th June, 1847, to 6th Sept., 1847,	54,697 69	
Payments " " " " "		49,097 88
Receipts from 6th Sept., 1847, to 30th Nov., 1847,	1,210 29	
Payments " " " " "		6,812 54
Receipts from 30th Nov., 1847, to 6th March, 1848,	13,278 95	
Payments " " " " "		8,028 58
Receipts from 6th March, 1848, to 6th June, 1848	2,580 56	
Payments " " " " "		2,960 96
Receipts from 6th June 1848, to 31st Oct., 1848,	180 63	
Payments " " " " "		3,663 20
	<hr/>	<hr/>
	\$76,644 67	\$75,250 27
	75,250 27	
	<hr/>	<hr/>
Balance on 31st October, 1848,	\$1,394 40	

It will be perceived by the foregoing statement, that on the 31st of October, 1848, there was a balance in the treasury of one thousand three hundred and ninety-four dollars, and forty cents.

There is no object for the promotion of which an enlightened legislator will more readily apply his best energies, than that of education. It is generally conceded that our present school law is, in many respects, exceedingly defective. One of the prominent purposes for which the General Assembly was convened in extra session, in January last, was the amendment of this law, or the substitution of a different one. Numerous petitions were presented to the legislature, in which the solicitude of the people in reference to this subject, could not have been mistaken. The law, however, was not amended, and neither was a new one enacted. It is to be regretted that the earnest wishes of the people in this particular, should have been thus frustrated.

In inviting your attention to this subject, I would respectfully suggest that there are one or two points connected with it, upon which your immediate action would be of essential service to the cause of education throughout the State.

The second section of the tenth article of the constitution makes appropriations for a perpetual State school fund, the *interest* of which alone shall be applied to the support of common schools. By the school law of 1847, all the moneys constituting this perpetual fund, flow into the hands of the school fund commissioners. The fourth section of the foregoing article of the constitution, provides that "the money which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid or fine collected, among the several school districts of said counties, in the proportion to the number of inhabitants in such districts, to the support of common schools, or the establishment of libraries, as the General Assembly shall from time to time provide by law." It would seem clear that it is not the intention of the constitution that the *interest* of the funds accruing under this section, should be applied to the support of common

schools in the several counties, but that the *principal* itself should be thus applied; and it would also seem clear that these funds should be kept separate and apart from the permanent school fund. By the twenty third section of the school law of 1847, it is made the duty of the county treasurer to pay over to the school fund commissioner of the proper county, on the fifteenth day of February annually, for the use of common schools within the county, all the moneys specified in the fourth section of the foregoing article of the constitution, together with "all funds in the treasury arising from the sale of water crafts, lost goods and estrays." And the nineteenth section of the law provides for levying a tax by the county commissioners of the several counties throughout the State, for the support of common schools in their respective counties. These taxes, when collected, are also paid into the hands of the school fund commissioners, on the fifteenth day of February annually. These funds were likewise unquestionably intended to be kept separate from the permanent school fund, and to be wholly distributed in the several counties where the tax is levied and collected. There are no provisions in the law, however, for keeping these funds, and those arising from the sources heretofore specified, separate and apart from the permanent fund, nor for their separate distribution. On the fifteenth day of February annually, they are paid over to the school fund commissioners, where they must either lie idle, or be loaned out in accordance with the thirty-seventh section of the school law, which section was evidently intended to apply exclusively to the management of the permanent fund. I would therefore recommend that some measure be speedily adopted by which the fund commissioners will be enabled, when these funds come into their hands in February next, to manage and distribute them according to the intention of the constitution and the laws; and I would further recommend that all other defects in our common school system, receive your earliest and most earnest attention.

In my message delivered at the special session of January last, I called the attention of the General Assembly to "an act of the General Assembly, approved February 25, 1847, entitled "an act to provide for the management and disposition of the

school fund.'” The eighth section of this act provides “that the manner of selecting the five hundred thousand acres of land mentioned in the second section of the tenth article of the constitution, and the disposition thereof, for the support of schools, shall be as follows, to wit: any person capable of contracting, having settled upon the public lands, the quality whereof, and the improvements thereon, will in the opinion of the fund commissioner of the county, render the selection a safe and profitable one, may in writing signify to said commissioner his or her desire to have the same recognized as school lands, and thereupon the same, not exceeding three hundred and twenty acres, shall be returned by said fund commissioner, with the date of their selection, to the superintendant of public instruction, to be by him registered as lands selected by the State under the grant from Congress referred to; after which the said fund commissioner shall proceed to contract with such settler for the sale thereof.”

“The seventeenth section of the act provides that ‘the superintendent of public instruction shall report, from time to time, all selections made under the eighth section of this act to the Secretary of the Treasury of the United States, and to the proper land office.’

“Selections made according to the provisions of the eighth section of this act, have been reported to the general land office, by the gentleman elected as superintendant of public instruction. The report has been returned, as incorrect and invalid, on the ground that the selections thus made conflict with the general land office instructions of August 6th, 1847, with reference to State selections under the act of Congress of the 4th September, 1841, entitled ‘an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights.’ The fifth section of those instructions makes it important and necessary that the selecting agent of the State ‘should make such careful and thorough preliminary examinations as will enable him to select lands to which there may exist no valid claim, by pre-emption or otherwise;’ and the sixth section provides that if, notwithstanding such precaution, the State shall hereafter select lands which shall be found to be interfered with by any prior

or better claim or claims; the selections, to the whole extent of such claim or claims, will of course be null and void.' It will readily be perceived from the foregoing instructions, that it is not contemplated by the act of Congress above referred to, to surrender to the State any land covered by any valid claim 'by pre-emption or otherwise;' consequently the law of this State, allowing persons having claims upon the public lands by virtue of improvements thereon, to register them as lands selected by the State, and then to purchase them from our own State officers; conflicts in a very material point, with the instructions from the general land office. It is of the utmost importance to the cause of education in this State, that these selections should be made as soon as practicable. In order to accomplish this object, our laws relative to the making of these selections, must harmonize with the requirements of the general government."

The General Assembly addressed a memorial to Congress, protesting against the instructions of the general land office, and praying that those instructions might be so modified as to give our State the benefit of the act of Congress of the 4th of September, 1841. Of the fate of that memorial the Executive, up to the present time, has received no intelligence. Whether it will be more advantageous to the cause of education and the interests of the State, to await the result of that memorial, than immediately to cause our laws relative to these selections, to harmonize with the instructions of the general land office, I leave for you to determine. As the selections are at present suspended, and as they will so continue, until either Congress or the General Assembly shall act upon the matter, I trust the subject will receive that attention at your hands which its high importance demands.

Below is presented the number of all able bodied white male citizens, between the ages of eighteen and forty-five years, subject to military duty, in each of the counties which have been reported to me, in accordance with an act entitled "an act requiring the assessors to take lists of persons subject to military duty," approved January 25, 1848.

Lee county,	-	-	-	-	-	2,688
Johnson "	-	-	-	-	-	666

Poweshiek county,	-	-	-	-	-	61.
Lynn,	"	-	-	-	-	704
Cedar,	"	-	-	-	-	539
Iowa,	"	-	-	-	-	81
Clinton,	"	-	-	-	-	383
Jackson,	"	-	-	-	-	1025
Jasper,	"	-	-	-	-	108
Keokuk,	"	-	-	-	-	485
Louisa,	"	-	-	-	-	668
Washington,	"	-	-	-	-	566
Davis,	"	-	-	-	-	721
Dallas,	"	-	-	-	-	59
Polk,	"	-	-	-	-	678
Clayton,	"	-	-	-	-	449
Henry,	"	-	-	-	-	950
Jefferson,	"	-	-	-	-	1100
Muscatine,	"	-	-	-	-	897
Van Buren,	"	-	-	-	-	1,640
Buchanan,	"	-	-	-	-	71

Whole number reported, 14,310

Several of the counties have failed to forward an abstract, in obedience to the act above mentioned. However irksome the performance of this species of military duty may to some appear, it cannot be denied that a well organized militia is, in every point of view, essentially necessary in this State; and, without further comment, I would suggest that at least such an organization be effected as will entitle us to receive our quota of arms from the General Government.

At the special session, in January last, the General Assembly forwarded a memorial to Congress praying for an appropriation of lands for the construction of a rail road from Dubuque to Keokuk, through the interior of the State. It was there referred to a committee, the chairman of which, it is understood, reported adversely to the prayer of the memorial, on the ground that the route had not been surveyed, nor its practicability and distance reported. A rail road through the centre of our State would most eminently contribute to the developement of our

agricultural, mineral, and other resources. The efforts of the legislature to obtain from Congress a donation of land for that purpose, must be a source of extreme gratification to the people of the State; and, notwithstanding the failure of those efforts, for causes above stated, there are powerful reasons for a repetition of the attempt to obtain the desired donation. Before another memorial is presented, however, it seems it will be necessary to make a survey of the contemplated route, and to lay before Congress all the information relative thereto, that can be conveniently obtained. Whether you will deem it expedient to leave this preliminary labor to private enterprise and energy, or adopt such measures as will secure its performance on the part of the State, will be a question properly belonging to you to decide. Should you deem it your duty to renew the application on the part of the State, there would seem no impropriety in furnishing Congress, at the expense of the State, all necessary information connected with such application.

It may not be improper to state here, that I have received copies of resolutions adopted by the legislatures of several of the States, approving of Mr. Asa Whitney's plan of a rail road, to connect the Atlantic and Pacific oceans; and which resolutions contain instructions to the representatives in Congress from those States, requesting them to give the project their support. It is believed that this subject will be vigorously pressed upon the attention of Congress at its coming session. Should this project, or a similar one be favorably viewed by Congress, it may not be unworthy of consideration, whether a subsequent application by you to that body, for a donation of land for a rail road through the centre of this State, might not be partly based upon the fact that such road could be made to form one of the links in the great chain of rail roads connecting the Atlantic and Pacific. A road connecting with the Chicago and Galena road, and then running through the centre of this State to Council Bluffs, would, it is believed, effect that object, and at the same time be of great advantage to our citizens. But whatever may be thought of this suggestion, should you deem it your duty to present another memorial to Congress, for a donation of land for a rail road through the State, I trust, at least, that such

a route will be selected as will advance the best interests of the people.

The Board of Public works have received thirty thousand dollars from the sale of the lands granted by Congress to aid in the improvement of the navigation of the Des Moines river, and one half of that sum has been expended on the improvement. I have certified these facts to the President of the United States, as required by the act granting the lands. It is understood that the improvement is rapidly progressing, under the management of the Board.

In the sale of the lands, the thirtieth section of the act entitled "an act creating a Board of Public Works, and providing for the improvement of the Des Moines river," provides that, "at the time of the sale, the treasurer and Secretary shall issue their certificates of the same to the respective purchasers, retaining duplicates thereof, patents shall thereupon issue, signed by the governor, subject to such regulations as may be prescribed by law."

No regulations have yet been prescribed by law, for the issuing of these patents, and I would suggest that the Board of Public Works be authorized to prepare and fill them up, and then forward them to the Executive, for his signature.

One of the most important duties devolving upon the General Assembly, at its present session, is the apportionment of the State, in accordance with the thirty-first section of the fourth article of the constitution. I rest assured that you will meet this duty with that deliberation which its proper performance demands.

The remarks in my message, delivered at the special session, relative to the unfinished condition, and the necessity of completing the penitentiary of this State, I respectfully reiterate at the present time.

The commissioners appointed to revise the statutes of this State, have submitted a report to me, which is herewith transmitted.

The suit relative to the boundary line between this State and Missouri, has, I understand, been taken to the Supreme Court of the United States, where it will probably be heard and decided during the present winter.

During the interval between the adjournment of the first General Assembly under the constitution, and the opening of the special session, all of the Judges of the Supreme Court of this State, who held their offices by virtue of appointment under the general government, tendered their resignations to me. The eighth section of the fifth article of the constitution provides that, "when any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting commissions, which shall expire at the end of the next session of the General Assembly, or at the next election by the people." I accordingly filled the vacancies in the Supreme Court by issuing commissions, which, in my judgment, expired at the close of the special session. As the General Assembly neglected to elect judges during that session, at its close, I issued commissions to the gentlemen now filling the offices of chief justice and associate justices of the Supreme Court. Those commissions will expire at the close of the present session, and it will be your duty to elect judges of the Supreme Court in compliance with the constitution and laws. It will also be your duty to elect two United States Senators. Two sessions of the General Assembly have been held since our State organization, during which the election of United States Senators, and Judges of our Supreme Court, were duties enjoined upon it by the constitution. Unfortunately for the State, those duties have not yet been performed. If this result arose from difficulties which presented themselves, and which members felt unable to surmount without further consultation with their constituents, I feel confident that, as you are fresh from the people, you have received such instructions from them, as will enable you to discharge these duties with promptitude and harmony.

I cannot refrain from again impressing upon your minds the propriety of a speedy and energetic discharge of your various duties; that accuracy and dispatch should characterize all of your proceedings; that no matters foreign to the interests of the State should be introduced into your deliberations; and may we all so perform our duties as to receive the approbation of the

people, of our own consciences, and the approving smile of Heaven.

ANSEL BRIGGS.

Iowa City, December 5, 1848.

Which was read, and

On motion,

The Senate adjourned till 10 o'clock, to-morrow morning.

THURSDAY MORNING, DECEMBER 7, 1848.

Senate met pursuant to adjournment.

The President being absent, Mr. Springer was called to the chair.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk:

Mr. President—

I am instructed to inform the Senate that the House has receded from its amendments to

Senate file, No. 3, Joint Resolution relative to the election of Senators and Judges, and passed the same without amendment.

The House has passed

Senate file, No. 1, a bill for an act granting certain rooms in the capitol, for the use of the United States District Court; also,

Senate file, No. 2, Joint resolution requesting our Senators and Representatives in Congress, to procure an appropriation to defray the expense of running the north and western boundaries of the State of Iowa.

Mr. Wright presented a petition from William Steel, and 10 other citizens of Van Buren, Jefferson and Henry counties, praying for a road from Keosauqua, via. Van Buren county, to Mt. Pleasant, in Henry county.

Which was,

On his motion,

Referred to the committee on Roads.

Mr. Sanford appeared, and took his seat, as Senator from Van Buren county.

Mr. Jay, with leave obtained, introduced Senate file, No. 4, joint resolution for the restriction of slavery; Which was read a first and second time, and,

On motion of Mr. Crawford,

A call of the Senate was had, when it appeared

That Mr. Harbour and Mr. President were absent.

Mr. Harbour appearing, a further call was suspended.

Mr. Crawford moved the indefinite postponement of said joint resolution.

The yeas and nays being requested,

Mr. Harbour moved a call of the Senate, which was ordered, when it appeared that Mr. President was absent.

Mr. President appearing, and having taken the chair, a further call was suspended.

Mr. Bradley moved the postponement of said joint resolution, until Wednesday next, at 2 o'clock, P. M.

Mr. Crawford moved the indefinite postponement of said joint resolution.

Mr. Bradley offered the following amendment:

Strike out all after the words "seventeen hundred and eighty-seven."

The question being upon the adoption of the amendment,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Fear, Harbour, Howell, Royston, Shields, and Mr. President—11.

Nays—Messrs. Browning, Cook, Jay, Sanford, Springer, Sprott, Wheeler, and Wright—8.

So the question was decided in the affirmative.

On motion of Mr. Springer,

Said joint resolution was laid upon the table, and made subject to the order of the Senate.

Mr. Cook, with leave obtained, introduced

Senate file, No. 5, Joint Resolution concerning the election of United States Senators.

Mr. Bradley moved that said joint resolution be laid on the table.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Fear, Howel, Royston, Shields, and Mr. President—10.

Nays—Messrs. Browning, Cook, Jay, Sanford, Springer, Sprott, Wheeler, and Wright—8.

And said question was decided in the affirmative.

The President laid before the Senate the report [See Appendix] of the Secretary of State, accompanying certain bills,

Which was,

On motion of Mr. Bradley,
Referred to the committee on Claims.

Mr. Cassady, on leave obtained, introduced
Senate file, No. 6, A bill to increase the number of judicial districts,

Which was read a first and second time, and,

On motion of Mr. Bradley,
Laid on the table, subject to the order of the Senate.

The President laid before the Senate the annual report of the Auditor of State. [See Appendix.]

On motion of Mr. Cook,

Ordered, That said report be laid on the table, and 1,000 copies be printed for the use of the Senate.

On motion,

Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr. Espy,

Resolved, That C. C. Rockwell be appointed Secretary of the Senate, and John M. Perry Assistant Secretary.

The Secretaries elect were then each duly sworn for the faithful performance of the duties of their respective stations.

Messrs. Harrison and Goodrell were announced, a committee appointed to inform the Senate, that the House of Representatives were ready to receive the Senate in joint convention.

Whereupon, Mr. Shields was appointed teller, and

The hour of 2, P. M., having arrived, The Senate, preceded by their President, Secretaries, and Sergeant-at-arms, repaired to the hall of the House of Representatives, for the purpose of balloting for United States Senators, and Judges of the Supreme Court. The two branches of the legislative assembly having met in the hall of the House,

A call of the members was had, when it appeared that all the members of both Houses were present and answered to their names.

After which,

On motion of Mr. Bradley,

The convention proceeded to the election of United States Senators, to represent the State of Iowa, and

Messrs. Shields, of the Senate, and Read, of the House, having been appointed tellers,

Mr. Bradley nominated Augustus C. Dodge.

Mr. Thompson nominated Wm. H. Wallace.

And, after the roll had been called by the Secretary, and all the members had voted,

It appeared that Augustus C. Dodge had received thirty-eight votes, and

Wm. H. Wallace nineteen.

Those who voted for Augustus C. Dodge, were

Messrs. Alexander, Alger, Babbit, Baker, Betts, Bonham, Bradley, Cassady, Collins, Corse, Crawford, Davison, Elmer, Espy, Evans, Fear, Flint, Gifford, Griffith, Harrison, Harbour, Howel, Jacobs, Langton, Mahony, McFarland, Morton, Penny, Reed, Riggs, Royston, Sales, Sergeant, Shields, Walker, Weyand, Wood, and Mr. President.

Those who voted for Wm. H. Wallace, were,

Messrs. Allison, Bourne, Browning, Burroughs, Cook, Goodrell, Jay, McCrary, McManaman, Sanford, Springer, Sprott,

Stevenson, Timmons, Thompson, Wheeler, Williams, Woodworth and Wright.

And it appearing that Augustus C. Dodge had received a majority of all the votes cast,

The President announced that Augustus C. Dodge was duly elected a Senator, to represent the State of Iowa, in the Senate of the United States.

Mr. McFarland nominated Geo. W. Jones.

Mr. Springer nominated Ralph P. Lowe.

The Convention proceeded to elect; when it appeared that

Geo. W. Jones had received thirty-eight votes, and Ralph P. Lowe, nineteen.

Those who voted for Geo. W. Jones, were

Messrs. Alexander, Alger, Babbit, Betts, Baker, Bonham, Bradley, Cassady, Collins, Corse, Crawford, Davison, Elmer, Evans, Espy, Fear, Flint, Gifford, Griffith, Harrison, Harbour, Howel, Jacobs, Langton, Mahony, McFarland, Morton, Penny, Read, Riggs, Royston, Sales, Sergeant, Shields, Walker, Weyand, Wood, and Mr. President.

Those who voted for Ralph P. Lowe, were

Messrs. Allison, Bourne, Browning, Burroughs, Cook, Goodrell, Jay, McCrary, McManaman, Sanford, Springer, Sprott, Stephenson, Timmons, Thompson, Wheeler, Williams, Woodworth and Wright.

And it appearing that George W. Jones had received a majority of all the votes cast,

The President declared that Geo. W. Jones was duly elected a Senator, to represent the State of Iowa, in the Senate of the United States.

The Convention proceeded to the election of a Chief Justice of the Supreme Court of this State.

Mr. Griffith nominated Joseph Williams.

Mr. Stephenson nominated Stephen Whicher.

The vote being taken, resulted as follows:

For Joseph Williams thirty-nine votes.

For Stephen Whicher eighteen votes.

Those who voted for Joseph Williams, were

Messrs. Alexander, Alger, Babbit, Baker, Betts, Bonham,

Bradley, Cassady, Collins, Corse, Crawford, Davison, Elmer, Espy, Evans, Fear, Flint, Griffith, Gifford, Harrison, Harbour, Howel, Jacobs, Langton, McFarland, Mahony, Morton, Penny, Read, Riggs, Royston, Sales, Sergeant, Shields, Sprott, Walker, Weyand, Wood, and Mr. President.

Those who voted for Stephen Whicher, were

Messrs. Allison, Bourne, Browning, Burroughs, Cook, Goodrell, Jay, McCrary, McManaman, Sanford, Springer, Stephenson, Timmons, Thompson, Wheeler, Williams, Woodworth and Wright.

And it appearing that Joseph Williams had received a majority of all the votes cast,

The President declared that Joseph Williams was duly elected Chief Justice of the Supreme Court of this State.

Mr. McFarland nominated John F. Kinney an associate Justice of the supreme court of this State.

Mr. McManaman nominated James B. Howell.

The vote being taken, resulted as follows :

For John F. Kinney, thirty-nine votes.

For James B. Howel, eighteen votes.

Those who voted for John F. Kinney, were

Messrs. Alexander, Alger, Babbit, Baker, Betts, Bonham, Bradley, Cassady, Collins, Corse, Crawford, Davison, Elmer, Espy, Evans, Fear, Flint, Gifford, Griffith, Harrison, Harbour, Howel, Jacobs, Langton, Mahony, McFarland, Morton, Penny, Read, Riggs, Royston, Sales, Sergeant, Shields, Sprott, Walker, Weyand, Wood, and Mr. President.

Those who voted for James B. Howel, were

Messrs. Allison, Bourne, Browning, Burroughs, Cook, Goodrell, Jay, McCrary, McManaman, Sanford, Springer, Stephenson, Timmons, Thompson, Wheeler, Williams, Woodworth and Wright.

And it appearing that John F. Kinney had received a majority of all the votes cast,

The President declared that John F. Kinney was duly elected an Associate Justice of the supreme court of the State of Iowa.

Mr. Bradley-nominated George Green, an Associate Justice of the supreme court of the State of Iowa.

Mr. Timmons nominated Timothy Davis.

The vote being taken, resulted as follows:

For George Green, thirty-nine votes.

For Timothy Davis, eighteen votes.

Those who voted for George Green, were

Messrs. Alexander, Alger, Babbit, Baker, Betts, Bonham, Bradley, Cassady, Crawford, Corse, Davison, Elmer, Espy, Evans, Fear, Flint, Gifford, Griffith, Harrison, Harbour, Howell, Jacobs, Langton, Mahony, McFarland, Morton, Penny, Read, Riggs, Royston, Sales, Sergeant, Shields, Sprott, Walker, Weyand, Wood, and Mr. President.

Those who voted for Timothy Davis, were

Messrs. Allison, Bourne, Browning, Cook, Goodrell, Jay, McCrary, McManaman, Sanford, Springer, Stephenson, Timmons; Thompson, Wheeler, Williams, Woodworth and Wright.

And it appearing that George Green had received a majority of all the votes cast,

The President declared that George Green was duly elected an Associate Justice of the Supreme Court of the State of Iowa.

The Senate then returned from the joint convention of the two Houses of the Legislative Assembly.

FRIDAY MORNING, DECEMBER 8, 1848.

Senate met pursuant to adjournment.

Mr. Shields, on leave obtained, introduced,

Joint Resolution relative to the standing committee on schools;

Which was read a first and second time.

Mr. Shields moved the suspension of the 13th rule, and that said joint resolution be read, a third time now.

Mr. Sanford offered the following amendment:

Strike out the words, "and House of Representatives," and insert, "the House concurring," making it as follows:

Resolved, by the Senate, the House concurring, that the two standing committees on common schools, confer together, and submit a joint report and bill, for the organization of a common school system.

Which was adopted.

Mr. Cassady moved to take from the table,

Senate file, No. 6, A bill for an act to increase the number of judicial districts.

Which was,

On his motion,

Referred to a select committee of one from each judicial district, composed of

Messrs. Espy, Bradley, Wright, Cook and Cassady.

On motion of Mr. Bradley,

A committee of three were appointed to prepare rules for the government of the Senate.

Messrs. Bradley, Springer and Harbour, were appointed said committee.

On motion of Mr. Harbour,

The Senate resolved itself into a committee of the whole, for the consideration of the Governor's message, Mr. Jay in the chair, and

After some time spent therein, the committee rose by their chairman, and reported the same back to the Senate without reference.

On motion of Mr. Crawford,

Resolved, That the Secretary inform the House, that the Senate is now ready to meet the House of Representatives in the hall of the House, for the purpose of making out certificates of the election of U. S. Senators, and Judges of the Supreme Court.

On motion of Mr. Espy,

The report of the revising committee was referred to the committee on the Judiciary.

On motion of Mr. Cook,

That portion of the Governor's message relating to the apportionment of the State into electoral districts, was referred to a select committee of one from each senatorial district, composed of

Messrs. Fear, Cook, Springer, Harbour, Sanford, Howel, Jay, Crawford, Cassady, Royston, Espy, Alger and Bradley.

A committee composed of

Messrs. Corse and Griffith, were announced, who informed the President and members of the Senate, that the House were ready to receive them in joint convention.

The Senate then, preceded by its President, Secretaries and Sergeant-at-Arms, repaired to the hall of the House.

The Senate, having taken the seats assigned to them by the President of the convention, and the roll of the General Assembly having been called by the Secretary of the convention,

Messrs. Sanford and Springer were absent.

On motion of Mr. Crawford,

A further call of the roll was suspended.

The President announced the purpose of the convention.

Mr. Sanford appeared and took his seat.

After which the following certificates were signed by the President, and attested by the letters of the convention.

Hall of the House of Representatives of the State of Iowa, }
December 8th, 1848. *}*

This will certify, that at an election by the General Assembly of the State of Iowa, in joint convention, on Thursday the seventh day of December, A. D., 1848, Augustus C. Dodge was duly elected a Senator to represent this State in the Senate of the United States.

JOHN J. SELMAN,
President of the Joint Convention.

Attest :

J. G. SHIELDS, *}*
W. C. READ, *}* Tellers.

Hall of the House of Representatives of the State of Iowa, }
December 8th, 1848. *}*

This will certify, that at an election by the General Assembly of the State of Iowa, in joint convention, on Thursday the

7th day of December, A. D., 1848, George W. Jones was duly elected a Senator to represent this State in the Senate of the United States.

JOHN J. SELMAN,
President of the Joint Convention.

Attest:

J. G. SHIELDS, }
W. C. READ, } Tellers.

*Hall of the House of Representatives of the State of Iowa, }
December 8th, 1848. }*

This will certify, that at an election by the General Assembly of the State of Iowa, in joint convention, on Thursday the 7th day of December, A. D., 1848, Joseph Williams was duly elected Chief Justice of the Supreme Court of this State.

JOHN J. SELMAN,
President of the Joint Convention.

Attest:

J. G. SHIELDS, }
W. C. READ, } Tellers.

*Hall of the House of Representatives of the State of Iowa, }
December 8, 1848. }*

This will certify, that at an election by the General Assembly of the State of Iowa, in joint convention, on Thursday, the 7th day of December, A. D. 1848, John F. Kinney was duly elected an Associate Justice of the Supreme Court of this State.

JOHN J. SELMAN,
President of the Joint Convention.

Attest:

J. G. SHIELDS, }
W. C. READ, } Tellers.

*Hall of the House of Representatives of the State of Iowa, }
December 8, 1848. }*

This will certify that at an election by the General Assembly of the State of Iowa, in Joint Convention, on Thursday, the 7th day of December, A. D. 1848, George Green was duly elected an Associate Justice of the Supreme Court of this State.

JOHN J. SELMAN,
President of the Joint Convention.

Attest:

J. G. SHIELDS, }
W. C. REED, } Tellers.

The business for which the convention met having been transacted, the Senate returned.

On motion of Mr. Crawford,

That portion of the Governor's message, relating to receipts and disbursements,

Was referred to the committee on Ways and Means.

On motion of Mr. Bradley,

That portion of the Governor's message relating to schools,
Was referred to the committee on Schools;

Also,

That portion relating to the penitentiary,

Was referred to the committee on Public Buildings.

On motion of Mr. Crawford,

That part relating to the militia,

Was referred to the committee on Military Affairs.

On motion of Mr. Bradley,

That portion relating to railroads, and the improvement of the Des Moines,

Was referred to the committee on Internal Improvements.

On motion of Mr. Shields,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk:

Mr. President—

I am instructed to inform the Senate that the House of Representatives have passed,

H. R. file, No. 4, An act authorizing William S. Townsend to keep a ferry across the Missouri river, at Trader's Point.

Also,

H. R. file, No. 6, A bill for an act to incorporate the city of Keokuk.

In all of which the concurrence of the Senate is requested.

And, also, that the House have ordered 1,000 copies of the report of the Board of Public Works to be printed, for the use of the General Assembly.

Mr. Harbour, on leave obtained, introduced

Senate file, No. 8, A bill for an act to repeal an act entitled an act supplemental to an act establishing a Board of Public Works, and providing for the improvement of the Des Moines river, approved February 5th, 1848.

Which was read a first and second time, and,

On motion of Mr. Bradley,

Referred to the committee on Internal Improvements.

Mr. Wright, on leave obtained, introduced

Senate file, No. 9, Joint Resolution, asking an appropriation to build a bridge across the Des Moines river, on the military road,

Which was read a first and second time, and,

On his motion,

The 13th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

H. R. file, No. 6, A bill to incorporate the city of Keokuk,

Was read a first and second time, and,

On motion of Mr. Sprott,
Referred to a select committee, and
Messrs. Espy, Sprott, and Fear were appointed said committee.

On motion of Mr. Sanford,

Resolved, That the Secretary be requested to furnish each member of the Senate with a copy of the acts, resolutions, and memorials of the first session of the General Assembly, and also a copy of the Journal of the extra session of the first General Assembly.

H. R. file, No. 4, A bill for an act authorizing William S. Townsend to keep a ferry across the Missouri river, at Trader's Point,

Was read a first and second time, and,

On motion of Mr. Springer,

Said bill was amended as follows :

Insert Section 3; " This act may be altered or repealed at any time, by the General Assembly of this State."

On motion of Mr. Harbour,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Browning, on leave obtained, introduced

Senate file, No. 10, A bill for an act authorizing the several boards of commissioners of the different counties in this State, to buy and sell real estate,

Which was read a first and second time, and,

On his motion,

Laid on the table.

Mr. Espy offered the following resolution :

Resolved, That, the House concurring, R. W. Albright, Silas Height, and Thomas C. Young, be a committee to visit and examine the penitentiary of this State, and make a report of its situation, in all respects, to the General Assembly, at as early a day as possible.

On motion of Mr. Harbour,

Laid on the table until to-morrow.

On motion,

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

SATURDAY MORNING, DECEMBER 9, 1848.

Senate met pursuant to adjournment.

Mr. Selman, (Mr. Browning having been called to the chair,) presented a petition from John J. Shiller, and 50 other citizens of the State of Iowa, praying for a State road from Eddyville, in Wapello county, to Bloomfield, in Davis county,

Which was,

On his motion,

Referred to the committee on Roads.

Mr. Royston offered the following resolution:

Resolved, That the committee on the Judiciary be requested to inquire into the propriety of vacating Monroe City, refunding the money obtained from, and cancelling the obligations given by purchasers of lots in said city, and that the committee report by bill, or otherwise.

On motion of Mr. Sanford,

Laid on the table, subject to the order of the Senate.

Mr. Crawford, from the select committee, to whom was referred the petition of T. S. Wilson and others, relative to the bridges on the military road, introduced

Senate file, No. 11, A bill for an act making an appropriation to cover, and otherwise repair, certain bridges therein named,

Which was read a first and second time, and,

On his motion,

Referred to the committee on Public Buildings.

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

H. R. file, No. 6, A bill for an act to incorporate the city of Keokuk,

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

Mr. Espy, from the committee on Enrolled Bills, reported that they had examined

Senate file, No. 2, Joint resolution, requesting our Senators

and Representatives in Congress, to procure an appropriation to defray the expenses of running the north and western boundaries of the State of Iowa, and found the same correctly enrolled.

Mr. Espy, from the select committee to whom was referred, Senate file, No. 6, A bill for an act to increase the number of judicial districts,

Reported the same back, and recommended its passage.

Mr. Bradley moved to lay said bill on the table, until Thursday next, and that the usual number of copies be printed.

The yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Alger, Bradley, Crawford, Fear, Harbour, Jay, Royston, Shields, Springer, and Wheeler—10.

Nays—Messrs. Browning, Cassady, Cook, Espy, Howel, Sanford, Wright, and Mr. President—8.

So said motion was adopted.

Mr. Shields, with leave, introduced

Senate file, No. 12, Joint Resolution to accept a reconnoissance, and preliminary survey, of the Dubuque and Keokuk railroad.

On motion of Mr. Shields.

The 13th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith return

Senate file, No. 2, Joint Resolution requesting our Senators in Congress, to procure an appropriation, to defray the expense of running the north-western boundary of the State of Iowa,

The same having received the signature of the House of Representatives.

On motion of Mr. Espy,

H. R. file, No. 6, A bill for an act to incorporate the city of Keokuk,

Was read a first and second time, and,

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Espy's resolution relative to the appointment of a committee to visit the penitentiary, being the special order,

Was taken from the table, and,

On motion of Mr. Cook,

Referred to the committee on Public Buildings.

On motion,

The Senate adjourned till Monday morning, 10 o'clock P. M.

MONDAY MORNING, DECEMBER 11, 1848.

Senate met pursuant to adjournment.

Mr. Crawford presented a petition from Wm. Phillips and forty-nine other citizens of the State of Iowa, praying for a state road from Iowa City to Elkador, in Clayton county—which was,

On his motion,

Referred to the committee on Roads.

Mr. Shields presented a petition from J. P. Stoughton, and forty other citizens of Buchanan and Delaware counties, praying for a state road from Delhi, in Delaware county, to Independence, county seat of Buchanan county.

On his motion,

Referred to the committee on Roads.

Mr. Shields presented a petition from Hugh Bowen, and sixty-nine other citizens of Dubuque and Jones counties, asking for an appropriation to cover the bridges crossing the North and South branches of the Maquoketa river, and the Wapsipicon river.

On his motion,

Referred to the committee on Public Buildings.

Mr. Espy offered the following resolution:

Resolved, That the committee on Public Buildings, to whom was referred the resolution to appoint a committee to exam-

me the Penitentiary, be requested to report at 2 o'clock, P. M. this day.

On motion of Mr. Sanford,

Laid on the table.

Mr. Espy offered the following resolution :

Resolved, That the Governor be requested to furnish the Senate with a copy of the Journal of the proceedings of the committee appointed to draught, revise and prepare a code of laws ; and also a copy of the rules and regulations adopted by said committee, or a majority of them, for the government of their deliberations.

The question being upon the adoption of the resolution;
It was decided in the negative.

The President laid before the Senate the report of the State Treasurer, relative to the contingent expenses of 1848. [See Appendix.]

On motion of Mr. Shields,

Referred to the committee on claims.

The President laid before the Senate the annual report of the Superintendant of Public Instruction. [See Appendix.]

On motion of Mr. Bradley,

Ordered, That said report be laid on the table, and 1000 copies be printed for the use of the Senate.

On motion of Mr. Browning,

Senate file, No. 10, A bill for an act authorising the Boards of Commissioners of the several counties in this State, to buy and sell real estate,

Was taken from the table and read a first time, and

On motion of Mr. Cook,

Referred to the committee on the Judiciary, with instructions to add a section legalizing the acts of Boards of County Commissioners heretofore made.

On motion of Mr. Bradley,

The vote taken on the passage of

H. R. file, No. 6, A bill for an act to incorporate the city of Keokuk, was reconsidered.

On motion of Mr. Sanford,

Ordered, That 1000 copies of the report of the Board of Pub-

lic Works for the improvement of the Des Moines river, be printed ; 700 for the use of the Senate, and 300 for the use of the Board. [See Appendix.]

Mr. Wright, with leave, introduced

Senate file, No. 7, A bill for an act to establish an additional election precinct in Van Buren township, in the county of Van Buren, Iowa.

On his motion,

Referred to the delegation from Van Buren county.

Mr. Springer, with leave obtained, introduced

Senate file, No. 13, Memorial to Congress for an appropriation of lands to improve the navigation of the Iowa river,

Which was read a first and second time, and

On his motion,

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

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The President laid before the Senate the annual report of the Lessee of the Penitentiary.

On motion of Mr. Sanford,

The Senate resolved itself into a committee of the whole, Mr. Cook in the chair, and

After some time spent therein, the committee rose, and by their chairman reported the same back, with sundry amendments.

On motion of Mr. Springer,

Said report was referred to the committee on Public Buildings.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

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

H. R. file, No. 10, A bill for an act to amend an act entitled "An act for laying out certain roads therein named," approved Feb. 18th, 1848, in which the concurrence of the Senate is requested. Also,

Senate resolution for the conference of the standing committees on schools, for the purpose of reporting a bill for a permanent school system.

Also, that the House has passed Senate file, No. 9, Joint Resolution, asking an appropriation for the purpose of building a bridge across the Des Moines river, at the crossing of the military road.

I herewith return to the Senate,

H. R. file, No. 6, A bill for an act to incorporate the city of Keokuk.

I herewith present for your signature,

H. R. file, No. 4, A bill for an act authorizing William S. Townsend to keep a ferry across the Missouri river, at Trader's Point;

The same having passed both Houses of the General Assembly, and received the signature of the Speaker of the House of Representatives.

The President laid before the Senate the communication of John Brophy, in relation to the selection of saline springs.

On motion of Mr. Bradley,

Referred to the committee on Claims.

Mr. Bradley presented a bill for services as attorney, by Curtis Bates, Esq., which was,

On his motion,

Referred to the committee on Claims.

The Senate, on motion of Mr. Bradley,

Resolved itself into a committee of the whole, for the consideration of

H. R. file, No. 6, A bill for an act to incorporate the city of Keokuk, Mr. Bradley in the chair, and

After some time spent therein,

The committee rose, and by their chairman reported the same back, with the following amendment, viz :

That section 35th, be so amended as to read, "This act to take effect and be in force from and after its passage."

The question being on concurring in the report of the committee, was decided in the affirmative.

Said bill was read a second time, and,

On motion of Mr. Cook,

The 13th rule was suspended, and said bill read a third time.

The question being upon the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Browning, Cook, Espy, Fear, Harbour, Jay, Royston, Shields, Springer, Sprott, Wheeler, and Mr. President—14.

Nays—Messrs. Cassady, Howel, and Wright—3.

H. R. file, No. 10, A bill for an act to amend an act entitled an act for laying out and establishing certain roads therein named, approved February 18, 1848,

Was read a first and second time, and,

On motion of Mr. Cook,

Referred to the committee on Roads.

Mr. Browning, with leave obtained, introduced

Senate file, No. 14, A bill for an act to amend an act entitled an act supplemental and amendatory to an act establishing common schools, approved January 16, 1840.

Which was read a first and second time, and,

On his motion,

Referred to the committee on Schools.

On motion of Mr. Harbour,

The Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY MORNING, DECEMBER 12, 1848.

Senate met pursuant to adjournment.

Mr. Crawford presented the petition of John W. Clark, and fifty-four other citizens of this State, praying for a State road from Delhi, in Delaware county, to Quasqueton, in Buchanan county.

Which was,

On motion of Mr. Bradley,

Referred to the committee on Roads.

Mr. Crawford also presented a petition from John W. Clark, and fifty others, praying for a State road from Cascade, in Dubuque county, to Delhi, in Delaware county, which was,

On his motion,

Referred to the committee on Roads.

Mr. Browning offered the following resolution:

Resolved, That the message of the Governor, with the accompanying report of the lessee of the penitentiary, be published by one insertion in the Iowa Capital Reporter, and Iowa Republican, published in Iowa City.

The question being on the adoption of said resolution,

Was decided in the negative.

Mr. Bradley offered the following resolution:

Resolved, That John G. Nichols & Co. be employed to print four hundred and eighty copies of the journals of the Senate, of the present session, at the prices allowed by law.

Mr. Crawford moved to lay said resolution on the table.

Agreed to.

The question then being upon the adoption of the resolution,

It was decided in the affirmative.

Mr. Wright, from the select committee to whom was referred Senate file, No. 7, A bill for an act to establish an additional election precinct in Van Buren township, in Van Buren county, Iowa.

Reported the same back, and recommended its passage.

The question then being upon concurring in the report of the committee,

It was decided in the affirmative.

The question was then put,

"Shall the bill pass?"

And was decided in the affirmative, and title agreed to.

Mr. Bradley, from the committee on the Judiciary, to whom was referred

The report of the committee appointed to draft, revise, and prepare a code of laws, made the following

REPORT:

The committee on the Judiciary, to whom was referred the report of the committee appointed by an act of the Legislature of the State of Iowa, of January the 25th, 1848, "to draft, revise and prepare a code of laws for this State," respectfully submit the following report, viz:

The subject involves much that is of vital interest to the citizens of the State. The revising committee have been appointed for the discharge of a duty, the full and faithful performance of which, necessarily required of those entrusted with it, diligence, patience, perseverance, and high legal attainment.— We deem it just to say of the persons composing the committee of revision, that they have our highest confidence in their ability and desire to reflect honor upon themselves and confer enduring benefit upon the State, by performing the high duty assigned them, in the best manner possible, and with all proper dispatch. To them, and the Legislature of our young, fertile, and fair State does our rapidly increasing population, with intense interest, look with hope and confidence for the establishment, maintenance and permanency of civil prosperity and security, by the preparation and enactment of such a code of laws as will be in accordance with the spirit of the day in which we live, and lay a safe and firm foundation for the future. We feel assured that the honorable committee, whose report we have carefully examined and considered, entertain an enlightened view of its position in the relation it sustains to the State; and that the

persons composing it, feel themselves actuated by a sincere desire to perform the task entrusted to them, as well and speedily as its importance will allow. To collect the material necessary for such a work, requires great labor and much research, directed by an enlightened judgment, and experience. To adjust and harmoniously arrange the matter collected, into a perfect system, is the work of a master statesman and jurist, possessed of lights both old and new. To urge hasty action on the committee, or call for the work already done in an unfinished condition, in order to complete it by the ordinary process in legislation, would only thwart the Legislature in the accomplishment of the design which induced the appointment of the committee of revision. By granting further and full time to the committee to finish their work, no additional expense will be incurred by the State.

It is therefore the opinion of this committee, that the Committee of Revision, on the criminal and civil code, have further time to report.

In accordance with the views above expressed, and to carry out the purpose by the proper acts of legislation, this committee respectfully recommend the passage of the following resolutions, viz:

1st. *Resolved, by the General Assembly of the State of Iowa,* That when this legislative assembly adjourn, it will adjourn *sine die*.

2d. *Resolved,* That the committee appointed by the last Legislative Assembly to draft, revise and prepare a code of laws for the State of Iowa, have further time to report, and that they are hereby requested to notify the Governor of this State of their preparation and readiness to report as soon as practicable, and that as soon thereafter, as may be convenient, he be requested to convene the General Assembly, in order to receive and set upon the code then reported by the Commissioners.

The question being upon concurring in the report of the committee,

Was decided in the affirmative.

On motion of Mr. Sanford,

Ordered, that 500 copies of the report of said committee be printed for the use of the Senate.

Senate file, No. 16, Joint Resolution accompanying said report,

Was read a first and second time, and,

On motion of Mr. Browning,

The 18th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Espy, on leave obtained, introduced

Senate file, No. 15, A bill for an act establishing a ferry across the Des Moines river, at Boatman's mill,

Which was read a first and second time, and,

On motion of Mr. Bradley,

Referred to the committee on Corporations.

Mr. Sanford introduced

Senate file, No. 17, A bill for an act relative to the penitentiary.

Said bill was read a first and second time, and,

On motion of Mr. Harbour,

Referred to the committee on Public Buildings, with instructions to report to-morrow.

Mr. Royston, with leave, introduced

Senate file, No. 18, Joint Resolution for a construction of the law granting lands for the improvement of the Des Moines river,

Which was read a first and second time, and

Mr. Sanford moved to amend, by striking out the word, "Governor," and insert the words "Secretary of State."

Agreed to.

On motion of Mr. Wright,

The 13th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Mr. Jay offered the following resolution:

Resolved, The House concurring, that the General Assembly adjourn *sine die* on the 21st inst.

On motion of Mr. Sanford,

Laid on the table.

Mr. Wright presented the claim of the estate of Samuel C. Reed, for supplies furnished, per order of the Marshall of the Territory of Iowa.

On motion of Mr. Wright,

Referred to the committee on Claims.

Mr. Espy, with leave, introduced

Senate file, No. 19, Joint Resolution for an appropriation to improve the Des Moines and Rock river rapids in the Mississippi river.

On motion of Mr. Sanford,

Referred to the committee on the Judiciary, with instructions to draft a memorial.

On motion of Mr. Royston,

The resolution requesting the committee on the Judiciary to inquire into the propriety of vacating Monroe City, &c.,

Was taken from the table, and,

On motion of Mr. Cook,

Said resolution was adopted.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Cook, moved that the vote had upon the passage of Senate file, No. 16, Joint Resolution accompanying the report of the committee on the Judiciary,

To whom was referred the report of the committee appointed to draft, revise, and prepare a code of laws, be reconsidered.

Upon this question,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Browning, Cassady, Cook, Espy, Fear, Harbour, Howel, Jay, Shields, Springer, Sprott, Wheeler, Wright, and Mr. President—16.

Nays—Messrs. Crawford and Sanford—2.

So said question was decided in the affirmative.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed, by the House of Representatives, to inform the Senate, that the House has passed

H. R. file, No. 23, A bill for an act to amend the charter of the city of Burlington.

Also,

H. R. file, No. 15, Joint Resolution asking a donation of land for the improvement of the Muscatine Island.

Also,

H. R. file, No. 18, Joint Resolution requesting our Senators and Representatives in Congress, to procure an appropriation to pay the citizens of Iowa, for services rendered in the Missouri war.

In all of which the concurrence of the Senate is respectfully asked.

I herewith present for your signature,

H. R. file, No. 6, An act to incorporate the city of Keokuk,

The same having passed both houses of the General Assembly, and received the signature of the Speaker of the House of Representatives.

Mr. Crawford, from the committee on Incorporations, to whom was referred

Senate file, No. 15, A bill for an act creating a ferry across the Des Moines river at Boatman's mill.

Reported the same back, with the following amendment: Strike out "two," in section 2d, and insert "one."

The question being upon concurring in the report of the committee,

Was decided in the affirmative.

Mr. Cook moved to lay said bill and report on the table.

Upon this question,

The yeas and nays being requested, were ordered, and were as follows:

Yeas—Messrs. Alger, Bradley, Browning, Cook, Harbour, Jay, Royston, Springer, Wheeler, Wright, and Mr. President
—11.

Nays—Messrs. Cassady, Crawford, Espy, Fear, Howel, Sanford, Shields, and Sprott—8.

So it was decided to lay on the table.

Senate file, No. 13, Memorial to Congress for an appropriation to improve the Iowa river,

Being in order,

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

Senate file, No. 6, A bill for an act to increase the number of judicial districts,

Being the special order,

Was taken from the table, and read a second time.

Mr. Springer moved to refer said bill to the committee on the Judiciary.

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Bradley, Cook, Crawford, Espy, Harbour, Shields, Springer, Sprott, Wheeler, and Mr. President—10.

Nays—Messrs. Alger, Browning, Cassady, Fear, Howel, Jay, Royston, Sanford, and Wright—9.

Mr. Alger moved that the resolution offered by Mr. Bradley, employing Nichols & Co. to print 480 copies of the journals of the Senate, at its present session, be recinded.

Upon this question, the yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Alger, Cassady, Crawford, Espy, Fear, Harbour, Howel, Royston, Shields, and Mr. President.—10.

Nays—Messrs. Bradley, Browning, Cook, Jay, Sanford, Springer, Sprott, Wheeler, and Wright—9.

So said resolution was recinded.

H. R. file, No 15, Joint Resolution asking an appropriation of land to improve the Muscatine Island,

Was read a first and second time, and,

On motion of Mr. Alger,

Ordered to a third reading to-morrow.

H. R. file, No. 18, Joint Resolution requesting our Senators and Representatives in Congress, to procure an appropriation to pay the citizens of Iowa, for services rendered in the Missouri war,

Was read a first and second time, and

On motion of Mr. Browning,

Ordered to a third reading to-morrow.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith return to the Senate, Senate file No. 16, Joint Resolution, accompanying the report of the committee of revision of the Laws.

H. R. file, No. 23, A bill for an act to amend the charter of the city of Burlington,

Was read a first and second time, and

On motion of Mr. Browning,

Referred to the delegation from Des Moines county.

Senate file, No. 16, Joint Resolution, accompanying the report of the committee on the Judiciary, to whom was referred the report of the committee of Revision, being in order,

Mr. Cook moved to refer said joint resolution to a select committee.

Disagreed to.

Mr. Cook moved to lay said joint resolution on the table till to-morrow morning.

Disagreed to.

Mr. Springer moved to lay said joint resolution on the table till to-morrow afternoon.

Disagreed to.

On motion of Mr. Browning,

The Senate resolved itself into a committee of the whole, for the consideration of said joint resolution, Mr. Browning in the chair, and

After some time spent therein,

The committee rose, and by their chairman reported the same back without amendment thereto, and asked the concurrence of the Senate therein.

The question being upon concurring in the report of the committee,

Was decided in the affirmative.

Mr. Cook moved to amend said joint resolution, by striking

out the words, "*sine die*," and insert the words "on the 1st Monday in November next,"

Upon which the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cook, Springer, and Mr. President—3.

Nays—Messrs. Alger, Bradley, Browning, Cassady, Crawford, Espy, Fear, Harbour, Howel, Jay, Royston, Sanford, Shields, Sprott, Wheeler and Wright—16.

So said amendment was disagreed to.

On motion of Mr. Bradley,

Said joint resolution was ordered to a third reading to-morrow.

On motion,

The Senate adjourned till 10 o'clock. A. M., to-morrow.

WEDNESDAY MORNING, DECEMBER 13, 1848.

Senate met pursuant to adjournment.

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

H. R. file, No. 25, A bill for an act to amend the charter of the city of Burlington,

Reported the same back with an additional section.

The question being upon concurring in the report of the committee,

Was decided in the affirmative, and,

On motion of Mr. Browning,

Ordered to be read a third time to-morrow.

Mr. Cassady, from the committee on the Judiciary, to whom was referred

Senate file, No. 6, A bill for an act to increase the number of judicial districts,

Reported the same back, with the following amendment.

Strike out, in section 5, the words, "which is, or shall be attached to any of them, for judicial purposes," and insert the words "lying West."

The question being on concurring in the report of the committee,

It was decided in the affirmative.

Mr. Harbour moved to amend said bill, by striking out the words, "and all the territory lying west."

Message from the House of Representatives, by Mr. Leffingwell, chief clerk:

Mr. President—

I herewith return

Senate file, No. 18, Memorial and joint resolution to Congress, asking for their construction of the act appropriating lands for the improvement of the Des Moines river,

The same having passed the House of Representatives.

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 7, A bill for an act authorizing John A. McFarland, his heirs and assigns, to establish and keep a ferry across the Mississippi river, at the town of Montrose, in the county of Lee, and State of Iowa.

Also,

H. R. file, No. 16, A bill for an act authorizing the county commissioners to build a court house on the public square, in the town of Fairfield, in Jefferson county.

Also,

H. R. file, No. 17, A bill for an act authorizing George Keil to keep a wharf boat at Fort Madison.

In which the concurrence of the Senate is requested.

On motion of Mr. Sanford,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Lef-
fingwell, chief clerk :

Mr. President—

I herewith return

Senate file, No. 13, Memorial to Congress, for an appropriation of lands to improve the navigation of the Iowa river.

Also,

Senate file, No 7, A bill for an act to establish an additional election precinct in Van Buren township, in the county of Van Buren, Iowa.

I am directed to inform the Senate that the House of Representatives has passed

H. R. file, No. 11, A bill for an act to preserve the purity of elections.

In which the concurrence of the Senate is respectfully requested.

The question being upon the amendment proposed by Mr. Harbour to

Senate file, No. 6, A bill for an act to increase the number of judicial districts,

A call of the Senate was had, when it appeared that Mr. Sanford was absent.

Mr. Sanford appearing, the further call was suspended, and

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Crawford, Espy, Fear, Harbour, Howel, Royston, Shields, and Mr. President—9.

Nays—Messrs. Alger, Bradley, Browning, Cook, Jay, Sanford, Springer, Sprott, Wheeler, and Whight—10.

Mr. Bradley moved to amend said bill, by striking out "Muscatine" from the fourth judicial district, and adding it to the

second, and striking out "Poweshiek and Tama" from the 5th judicial district, and adding it to the 4th.

Disagreed to.

Mr. Bradley moved to strike out "Cedar" from the fourth judicial district, and add it to the second.

Upon this question the yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Bradley, Crawford, Harbour, Howel, Wheeler and Mr. President—6.

Nays—Messrs. Alger, Browning, Cassady, Cook, Espy, Fear, Royston, Sanford, Shields, Sprott, and Wright—12.

So said motion was disagreed to.

Mr. Haabour moved to strike out the word "Poweshiek" from the 5th judicial district, and add it the 3d.

Disagreed to.

Mr. Springer moved to amend said bill, by adding to the 5th judicial district, "the county of Pottawatamie."

Upon which the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Browning, Cook, Jay, Sanford, Springer, Sprott, Wheeler, and Wright—8.

Nays—Messrs. Alger, Bradley, Cassady, Espy, Fear, Harbour, Howel, Royston, Shields, and Mr. President.—11.

So said amendment was disagreed to.

Mr. Sanford moved that said bill be engrossed and read a third time to-morrow.

Upon this question the yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Alger, Cassady, Cook, Espy, Jay, Sprott, and Wright—7.

Nays—Messrs. Browning, Crawford, Fear, Harbour, Howel, Royston, Shields, Springer, Wheeler, and Mr. President—11.

So said motion was disagreed to.

Messrs. Cook and Wright, from the minority of the committee on Corporations, to whom was referred

Senate file, No. 15, A bill for an act to establish a ferry across the Des Moines river, at Boatman's mill,

Submitted the following

REPORT:

The undersigned, members of the committee on Incorporations, to whom was referred "An act to establish a ferry at Boatman's Mill, on the Des Moines' river, in Lee county," would respectfully report—That the committee, having had the said act under consideration, and a majority of said committee having made one amendment and reported the bill back, with a recommendation that it pass; and as the minority of that committee deem it entirely unnecessary to legislate upon the subject, they ask to submit the following facts as the basis of their conclusion:

The Legislature of the late Territory of Iowa, passed "An act to regulate Ferries," which was approved the 16th of February, 1843, and is now in force. It will be seen by reference to this law, that the Legislature not only intended to protect the citizens from imposition, by exclusive privileges, but also, to make it a source of revenue to the various counties through which navigable streams pass. Your committee deem it unjust, then, that the Legislature should grant an exclusive privilege to one man, while others are compelled to pay for that privilege.

Your committee, therefore, recommend an indefinite postponement of said bill.

Respectfully submitted,

G. C. WRIGHT,
JOHN P. COOK.

On motion of Mr. Sprott,

Said report was laid on the table.

Mr. Harbour gave notice, that on to-morrow, or some subsequent day, he would ask leave to introduce a bill, to define the boundaries of the first congressional district.

Mr. Howel, from the committee on Roads, to whom was referred the petition of John W. Clark and others, asking for a State road from Delhi, in Delaware county, to Independence, in Buchanan county, reported

Senate file, No. 20, A bill for an act to establish a State road from Delhi, in Delaware county, to Independence, in Buchanan county,

Which was read a second time, and

On motion of Mr. Shields,

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

Senate file, No. 16, Joint Resolution accompanying the report of the committee on the Judiciary, to whom was referred the report of the revising committee, coming up in order,

Mr. Espy moved to refer said joint resolution to a committee of five,

Upon which the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cook, Espy, Harbour, Shields, Springer, and Mr. President—7.

Nays—Messrs. Bradley, Browning, Cassady, Crawford, Fear, Howel, Jay, Royston, Sanford, Sprott, Wheeler and Wright—10.

So said motion was disagreed to.

The question being upon the passage of said joint resolution,

By the consent of the Senate, a division of the question was had.

The question then being upon the passage of the first section of said joint resolution,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Browning, Cassady, Crawford, Espy, Fear, Harbour, Howel, Jay, Royston, Sanford, Shields, Springer, Sprott, Wheeler, Wright and Mr. President—18.

Nays—Mr. Cook—1.

The question then being taken upon the passage of the 2nd section of said joint resolution,

The yeas and nays were requested, and being ordered, were as follows :

Messrs. Bradley, Browning, Cassady, Crawford, Fear, Howel, Jay, Royston, Sanford, Shields, Sprott and Wheeler—12.

Nays—Messrs. Alger, Cook, Espy, Harbour, Wright and Mr. President—6.

So said joint resolution was passed.

Mr. Cook moved to amend the title of said joint resolution,

by striking out all after the word "resolution," and inserting the words "an excuse for calling an extra session of the General Assembly,"

Upon which the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cook and Mr. President—2.

Nays—Messrs. Alger, Bradley, Browning, Cassady, Espy, Fear, Harbour, Howel, Jay, Royston, Shields, Springer, Sprott, Wheeler and Wright—16.

So said amendment was disagreed to, and

The question being upon agreeing to the title of said joint resolution, was decided in the affirmative.

H. R. file, No. 15, Joint Resolution, asking a grant of land for the improvement of the Muscatine Island, being in order,

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

H. R. file, No. 18, Joint Resolution, requesting our Senators and Representatives in Congress, to procure an appropriation to pay the citizens of Iowa, for services rendered in the Missouri war, being in order,

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

H. R. file, No. 7, A bill to authorize J. H. McFarland, his heirs and assigns, to establish and keep a ferry across the Mississippi river, at the town of Montrose, in the county of Lee and State of Iowa,

Was read a first and second time, and

On motion of Mr. Sprott,

Referred to the committee on Incorporations.

H. R. file, No. 16, A bill for an act authorizing the Board of commissioners to build a court-house on the public square, in the town of Fairfield, in Jefferson county, or elsewhere,

Was read a first and second time, and

On motion of Mr. Browning,

Referred to a committee of the whole Senate, and made the special order for to-morrow.

H. R. file, No. 17, A bill for an act to authorize Geo. Keil to keep a wharf boat at Fort Madison,

Was read a first and second time, and

On motion of Mr. Espy,

Referred to a committee of three, and
Messrs. Espy, Sprott and Crawford, were appointed said committee.

H. R. file, No. 11, A bill for an act to preserve the purity of elections,

Was read a first and second time, and

On motion of Mr. Browning,

Referred to a committee of the whole Senate, and made the special order of the day for Friday next.

Mr. Cook presented the petition of Isaac Lichtbarger and 90 other citizens of the State of Iowa, asking for a State road from Cedar Rapids, in Linn county, to Marengo, in Iowa county.

On his motion,

Referred to the committee on Roads.

On motion,

The Senate adjourned till 10 o'clock, A. M., to-morrow.

THURSDAY MORNING, DECEMBER 14, 1848.

Senate met pursuant to adjournment.

Mr. Springer presented the petition of Frederick Schwabe and 120 others, citizens of the State of Iowa, praying that the General Assembly of this State should specify no intermediate point south of Iowa city, in their memorial to Congress, for an appropriation to aid in the construction of a Railroad from Du Buque to Keokuk, which was,

On his motion,

Laid on the table.

Mr. Shields, on leave obtained, introduced

Senate file, No. 21, Joint Resolution, asking an appropriation to improve the Harbor at Du Buque,

Which was read a first and second time, and

On his motion,

Ordered to a third reading to-morrow.

Mr. Sanford, from the committee on Public Buildings, to whom was referred

Senate file, No. 17, A bill for an act relative to the Penitentiary.

Reported the same back with sundry amendments thereto, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee.

Was decided in the affirmative.

Mr. Harbour moved to fill the blank in the first section, with the name of A. H. Haskill, accompanied by a recommendation therefor, signed by Mr. Reno and 20 others.

Messrs. Espy, Sanford, Harbour, Wheeler, and Fear were appointed said committee.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed

H. R. file, No. 32, A bill for an act to authorize William P. Wilson to keep a ferry across the Des Moines river, at Monterey.

And that the House has passed

Senate file, No. 12, Joint Resolution to accept a reconnoissance and preliminary survey of the Dubuque and Keokuk railroad,

With the following amendment: insert after the figures 1848, "provided, however, that in the permanent location of said road, Jefferson county may, if found practicable, be substituted for Henry county."

In all of which the concurrence of the Senate is requested.

Mr. Espy gave notice that, on to-morrow, or some subsequent day, he would ask leave to introduce,

A bill for an act to provide for the completion of the Iowa penitentiary, and for the appointment of a superintendant.

Mr. Crawford, from the committee on Claims, to whom was referred the claim of John Brophy, for a further compensation for services rendered in locating the salt springs,

Submitted the following

REPORT:

The committee on Claims, to whom was referred the petition of John Brophy, asking for additional pay, to the amount of three hundred and fifty-five dollars, as agent for the State, in the selection of the salt springs, and land contiguous, have instructed me to report, that they have had the same under consideration, and have given the subject as full and as careful an examination as was possible under the circumstances. Your committee are of opinion that Mr. Brophy has not received a sufficient compensation for his services, and would recommend that he be allowed the sum of two hundred dollars, as a further consideration for his services as such agent, and would respectfully recommend the adoption of the following joint resolution:

Resolved, by the General Assembly of the State of Iowa, That the Treasurer of the State be authorized to pay John Brophy, out of any money in the treasury not otherwise appropriated, the sum of two hundred dollars, for services as commissioner to locate salt springs.

The question being on concurring in the report of the committee, was decided in the affirmative.

Senate file, No. 22, Joint Resolution to allow John Brophy a further compensation for services in the selection of salt springs.

Accompanying said report,

Was read a first and second time, and,

On motion of Mr. Springer,

Laid on the table, subject to the order of the Senate.

Mr. Cook, from the committee on Roads, to whom was referred the petition of Isaac Lightbarger and others, praying for a road from Cedar Rapids, in Linn county, to Marengo, in Iowa county,

Reported

Senate file, No. 23, A bill to establish a State road from Cedar Rapids, in Linn county, to Marengo, in Iowa county.

Which was read a first and second time, and,

On motion of Mr. Cook,

Ordered to a third reading to-morrow.

Mr. Bradley, from the committee on the Judiciary, to whom was referred

Senate file, No. 10, A bill for an act authorizing the boards of commissioners of the different counties in this State, to buy and sell real estate,

Reported the same back, with sundry amendments, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee, was decided in the affirmative.

On motion of Mr. Cook,

Laid on the table and made subject to the order of the Senate.

The President laid before the Senate, the report of the Governor, relative to contingent expenses. [See Appendix.]

On motion of Mr. Sanford,

Referred to the committee on Ways and Means.

H. R. file, No. 16, A bill for an act to authorize the commissioners of Jefferson county, to build a court house on the public square, in the town of Fairfield, or elsewhere,

Being the special order,

The Senate resolved itself into a committee of the whole, Mr. Wheeler in the chair,

And after some time spent therein, the committee rose, and by their chairman,

Reported the same back with sundry amendments thereto, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

On motion of Mr. Howel,

Said bill, with the amendments,

Was referred to the committee on the Judiciary.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

H. R. file, No. 23, A bill for an act to amend the charter of the city of Burlington,

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

Senate file, No. 20, A bill for an act to establish a State road from Delhi, in Delaware county, to Independence, in Buchanan county,

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

H. R. file, No. 23, A bill for an act to establish a ferry across the Des Moines river, at Monterey, in Lee county,

Was read a first and second time, and

On motion of Mr. Cook,

Laid on the table, subject to the order of the Senate.

Senate file, No. 12, Joint Resolution, to accept a reconnoissance and preliminary survey of the Dubuque and Keokuk Railroad, was read, as amended by the House.

Mr. Springer moved to lay said joint resolution on the table until to-morrow morning.

Disagreed to.

Mr. Springer moved to amend the amendment, by striking out the word "practicable," and inserting "preferable."

Disagreed to.

The question then being on concurring in the amendment made by the House,

Was decided in the affirmative.

On motion of Mr. Bradley,

The resolution offered by Mr. Jay, was taken from the table and read as follows :

Resolved, By the Senate, the House concurring, that the two Houses will adjourn, *sine die*, on the 21st inst.

The question being upon the adoption of said resolution,

Was decided in the affirmative.

On motion of Mr. Espy,

Senate file, No. 15, A bill for an act to establish a ferry across the Des Moines river, at Boatman's mill,

Was taken from the table, and read a first and second time.

Mr. Cook moved the indefinite postponement of said bill,

Upon which the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Browning, Cook, Fear, Jay, Shields, Wheeler and Wright—8.

Nays—Messrs. Alger, Cassady, Crawford, Espy, Howel, Harbour, Royston, Springer, Sprott, and Mr. President—10.

So said motion was disagreed to.

Mr. Sprott moved that said bill be ordered to a third reading to-morrow.

Disagreed to.

Mr. Espy moved, that the 13th rule be suspended, and said bill read a third time now.

Disagreed to.

On motion of Mr. Cook,

Said bill was ordered to a third reading day after to-morrow.

Mr. Howel, on leave obtained, introduced

Senate file, No. 24, A bill for an act for a State road therein named.

On motion of Mr. Cook,

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

Mr. Wright offered the following resolution :

Resolved, That the Register of the land office in this city, be respectfully requested to furnish the Senate a copy of any correspondence, which he may have had with the Treasury Department of the United States, in relation to the selection of the five sections of land appropriated by congress, for the benefit of the capitol of this State.

On motion,

The Senate adjourned till 10 o'clock, A. M. to-morrow.

FRIDAY MORNING, DECEMBER 15, 1848.

Senate met pursuant to adjournment.

Mr. Wright presented the petition of Andrew Abrams, and 160 others, praying for a State road from Keosauqua, in Van Buren county, to Mt. Pleasant, in Henry county.

On his motion,

Referred to the committee on Roads.

Mr. Alger presented the petition of Wm. Evans, and 26 others, praying for a State road from Davenport, in Scott county, to Iowa City.

On his motion,

Referred to the committee on Roads.

Mr. Espy, with leave, introduced

Senate file, No. 25, Memorial to Congress, for the improvement of the navigation of Skunk river.

On his motion,

Referred to the committee on Internal Improvement.

Mr. Cassady, with leave, introduced

Senate file, No. 26, Memorial for an additional land office, in the State of Iowa.

On his motion,

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

Mr. Espy, from the committee on Enrolled Bills.

Reported

Senate file, No. 1, An act granting certain rooms in the capitol for the use of the United States courts.

Senate file, No. 7, An act to establish an additional election precinct, in Van Buren township, in Van Buren county, Iowa.

Senate file, No. 9, Joint Resolution asking an appropriation to build a bridge across the Des Moines river, at the point where the military road crosses the same.

Senate file, No. 13, Memorial to Congress for an appropriation to improve the Iowa river. And,

Senate file, No. 18, Memorial to Congress for the construction of the act appropriating lands for the improvement of the Des Moines river,

As correctly enrolled.

The President laid before the Senate, a communication, and the accompanying evidence, in relation to the right of the Hon. Barney Royston, to a seat in this body, as senator from the district composed of the counties of Wappelo and Monroe.

On motion of Mr. Wright,

Referred to the select committee heretofore appointed for the consideration of said subject.

Mr. Cassady, with leave, introduced

Senate file, No. 27, Joint Resolution for a mail route,

Which was read a first and second time, and,

On his motion,

The 13th rule was suspended, said Joint Resolution read a third time, passed, and title agreed to.

Mr. Cook, on leave, introduced

Senate file, No. 28, A bill to authorize Wm. Green to improve the Cedar River, by building a dam and lock.

Which was,

On his motion,

Referred to the committee on Corporations.

Mr. Sanford, with leave, introduced

Senate file, No. 29, A bill for an act and ordinance accepting the propositions made by Congress, on the admission of Iowa as a State into the Union.

Which was read a first and second time, and,

On motion of Mr. Bradley,

Referred to the committee on Federal Relations.

Senate file, No. 24, A bill for an act for a State road therein named,

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

Senate file, No. 21, Joint resolution relative to the improvement of the harbour at Dubuque,

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

Senate file, No. 23, A bill to establish a State road from Cedar Rapids, in Linn county, to Marengo, in Iowa county,

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

Mr. Crawford, on leave, introduced

Senate file, No. 30, An act to establish a State road therein named,

Which was read a first and second time, and,

On his motion,

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

Senate file, No. 6, A bill for an act to increase the number of judicial districts,

Being in order,

Mr. Crawford moved that said bill be read a third time on the fourth of July next.

Mr. Browning moved the indefinite postponement of said bill.

Mr. Sanford moved to lay said bill on the table.

Disagreed to.

Mr. Bradley moved to postpone said bill, until the 1st day of August next,

Upon which the yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Bradley, Browning, Crawford, Howel, Royston, Shields, Springer and Wheeler—8.

Nays—Messrs. Alger, Cassady, Cook, Espy, Fear, Harbour, Jay, Sanford, Sprott, Wright, and r. President—12.

So said motion was disagreed to.

Mr. Bradley moved to lay said bill on the table.

Disagreed to.

Message from the House of Representatives, by Mr. Foley, assistant clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 41, Joint Resolution for the establishment of a land office at Fort Des Moines.

Also,

H. R. file, No. 44, Joint Resolution, for the conference of the committee on Des Moines river improvement, in the House, and the committee on Internal Improvement, in the Senate, for

the reference of all matter pertaining to the improvement of the Des Moines river. Also,

H. R. file, No. 46, A bill for an act to establish a State road from Mrs. Fesler's, to intersect the road running to Columbus city,

In all of which the concurrence of the Senate is respectfully requested.

Mr. Cook moved that the Senate adjourn:

Disagreed to.

Mr. Espy moved to lay said Senate file, No. 6, on the table until the 20th inst.

Disagreed to.

On motion of Mr. Bradley,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

H. R. file, No. 11, An act to preserve the purity of elections, being the special order,

The Senate resolved itself into a committee of the whole, for the consideration thereof, Mr. Crawford in the chair,

And, after some time spent therein, the committee rose, and by their chairman,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee, was decided in the affirmative.

On motion of Mr. Browning,

Said report and bill were referred to the committee on Elections.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith return

Senate file, No. 7, An act to establish an additional election precinct in Van Buren township, in the county of Van Buren, Iowa.

Also,

Senate file, No. 1, An act granting certain rooms in the capitol, for the use of the United States courts.

Also,

Senate file, No. 9, Joint Resolution, asking an appropriation to build a bridge across the Des Moines river, at the point where the military road crosses the same.

Also,

Senate file, No. 13, Memorial to Congress, for an appropriation of land, to improve the navigation of the Iowa river.

Also,

Senate file, No. 18, Memorial to Congress, for their construction of the act appropriating lands for the improvement of the Des Moines river ;

All of which have received the signature of the Speaker of the House of Representatives.

And I am directed to inform the Senate, that the House of Representatives has indefinitely postponed the Senate resolution providing for the adjournment of the General Assembly, on the 21st inst.

H. R. file, No. 41, Joint resolution for the establishing of a land office at Fort Des Moines.

Was read a first and second time, and,

On motion of Mr. Cassady,

The 13th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

H. R. file, No. 44, Joint Resolution for the conference of the committee on the Des Moines River Improvement, in the House, and the committee on Internal Improvements, in the Senate,

Was read a first and second time, and,

On motion of Mr. Wright,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 46, A bill for an act to establish a State road from Mrs. Feslers, to Columbus City,

Was read a first and second time, and,

On motion of Mr. Springer,

Laid on the table.

H. R. file, No 13, An act to establish a State road from Eddyville, in Wappelo county, to Bloomfield, in Davis county,

Was read a first and second time, and,

On motion of Mr. Selman,

(Mr. Wright having been called to the chair,)

Said bill was referred to the delegation from Wapello and Davis counties.

H. R. file, No. 28, A bill for an act to authorize the judge of probate in Marion county, to transcribe the records of the probate court,

Was read a first and second time, and,

On motion of Mr. Harbour,

Ordered to a third reading to-morrow.

H. R. file, No. 29, An act to repeal an act approved January 25, 1848, entitled an act to amend an act defining the time of holding elections for State, district, and county officers, approved February 23, 1847,

Was read a first and second time, and,

On motion of Mr. Wright,

Referred to the committee on the Judiciary.

Mr. Browning, on leave obtained, introduced

Senate file, No. 31, A bill for an act to authorize the Auditor of State to audit and allow the expenses of the Supreme Court,

Which was read a first and second time, and,

On his motion,

Ordered to a third reading to-morrow.

Message from the House of Representatives, by Mr. Lefingwell, chief clerk :

Mr. President—

I herewith return

Senate file, No. 27, Joint resolution for a mail route from Fort Des Moines, to the East, or Boon Fork, of the Des Moines river. Also,

Senate file, No. 23, A bill for an act to establish a State road from Cedar Rapids, in Linn county, to Marengo, in Iowa county.

The same having passed the House of Representatives without amendment.

I am directed to inform the Senate that the House of Representatives has passed

H. R. file, No. 13, A bill for an act to establish a State road from Eddyville, in Wappelo county, to Bloomfield, in Davis county. Also,

H. R. file, No. 28, A bill for an act to authorize the judge of probate of Marion county, to transcribe the records of the probate court.

Also,

H. R. file, No. 29, A bill for an act to repeal an act approved January 25, A. D. 1848, entitled "an act to amend an act defining the time of holding elections for State district, and county officers," approved February 25, A. D. 1847.

In all of which the concurrence of the Senate is respectfully requested.

Mr. Howel, from the committee on Roads, reported

Senate file, No. 32, A bill for an act to establish certain roads therein named,

Which was read a first and second time, and,

On motion of Mr. Wright,

Laid on the table,

On motion,

The Senate adjourned till 10 o'clock. A. M., to-morrow.

SATURDAY MORNING, DECEMBER 16, 1848.

Senate met pursuant to adjournment.

Mr. Espy, from the committee on enrolled bills,

Reported that they had presented the following bills to the Governor for his signature.

Senate file, No. 1, An act granting certain rooms in the capitol of this State, for the use of the United States District Courts.

Senate file, No. 2, Joint Resolution, asking our Senators and Representatives in Congress, to procure an appropriation to defray the expense of running the North-western boundary of this State.

Senate file, No. 9, Joint Resolution, asking an appropriation to build a bridge across the Des Moines river, on the Military road.

Senate file, No. 7, An act to establish an additional election precinct in Van Buren township, in Van Buren county.

Senate file, No. 13, Memorial to Congress, for an appropriation of land to improve the Iowa river.

Senate file, No. 18, Memorial to Congress, for their construction of the act of appropriation, for the improvement of the Des Moines river.

Mr. Browning, from the committee on the Judiciary, to whom was referred

H. R. file, No. 16, An act authorizing the county commissioners to build a court-house on the public square, in the town of Fairfield, in Jefferson county,

Submitted the following

REPORT:

That they had had the same under consideration, and were unanimously of opinion, that said act is beyond the constitutional limit of legislation, in many respects, and a violation of the spirit of the constitution, and an attempt to exercise powers properly the subject for judicial investigation and control.

They would, therefore, recommend the indefinite postponement of said bill.

The question being on concurring in the report of the committee,

It was decided in the affirmative.

So said bill was indefinitely postponed.

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

H. R. file, No. 13, An act to establish a State road from Ed-
dyville, in Wapello county, to Bloomfield, in Davis county,

Reported, that they had had the same under consideration,
and made several amendments thereto, and asked the concur-
rence of the Senate therein.

The question being on concurring in the report of the com-
mittee, was decided in the affirmative, and

On motion of Mr. Royston,

Said bill was ordered to a third reading on Monday next.

Mr. Espy, from the committee on Ways and Means, to whom
was referred

The report of the Governor relative to contingent expenses,

Reported the same back, and recommended its allowance.

On motion of Mr. Sanford,

Said report was re-committed.

Mr. Harbour, from the committee on Federal Relations, to
whom was referred

Senate file, No. 29, A bill for an act and ordinance accepting
the propositions made by congress, on the admission of Iowa as
a State, into the Union,

Reported the same back, with sundry amendments thereto,
and asked the concurrence of the Senate therein.

The question being on concurring in the report of the com-
mittee,

Was decided in the affirmative.

On motion of Mr. Springer,

The Senate resolved itself into a committee of the whole, for
the consideration thereof, Mr. Bradley in the chair.

And, after some time spent therein,

The committee rose, and by their chairman,

Reported the same back, with sundry amendments thereto,
and asked the concurrence of the Senate therein.

The question being on concurring in the report of the com-
mittee of the whole Senate,

Was decided in the affirmative, and,

On motion of Mr. Springer,

Said bill was ordered to be engrossed, and read a third time,
on Monday next,

Mr. Espy, from the committee on Ways and Means, to whom was referred the report of the Governor, relative to contingent expenses, submitted the following

REPORT:

The standing committee on Ways and Means, to whom was referred the statement of expenditures by the Governor, out of the contingent fund, report that they have had the same under consideration, and find the several items of expenditure therein contained, to have been correctly made and applied.

On motion of Mr. Crawford,

Senate file, No. 22, Joint Resolution to allow John Brophy a further compensation for services rendered in the selection of salt springs,

Was taken from the table, and read a first and second time.

Mr. Bradley moved that the 13th rule be suspended, and said joint resolution read a third time now.

Disagreed to.

Mr. Browning moved to reconsider the vote just taken, on the suspension of the 13th rule.

Which was agreed to, and

Said joint resolution was read a third time, and,

The question being upon its passage,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Fear, Harbour, Howel, Jay, Royston, Shields, and Mr. President—12.

Nays—Messrs. Browning, Sanford, Sprott, Wheeler, and Wright —5.

So said joint resolution was passed, and title agreed to.

Senate file, No. 26, Joint Resolution for an additional land office, being the special order,

Mr. Bradley moved its indefinite postponement.

Which was agreed to.

Senate file, No. 31, A bill for an act to authorize the auditor of State to audit and allow the expenses of the Supreme Court of this State,

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

Senate file, No. 30, A bill for an act to locate a State road therein named,

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

Senate file, No. 15, A bill for an act to establish a ferry at Boatman's mill, on the Des Moines river,

Being in order,

A call of the Senate was had, when it appeared that Mr. Cook was absent.

On motion of Mr. Bradley,

Mr. Cook was excused, and the further call of the Senate was suspended.

The question being on the passage of said bill,

The yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Alger, Cassady, Crawford, Espy, Fear, Harbour, Howel, Royston, Sanford, Shields, Sprott and Mr. President—12.

Nays—Messrs. Bradley, Browning, Jay, Springer, Wheeler and Wright—6.

So said bill was passed and title agreed to.

H. R. file, No. 28, A bill for an act to authorize the judge of probate of Marion county to transcribe the records of the probate court.

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

Senate file, No. 6, A bill for an act to increase the number of judicial districts,

Being in order,

Was read a third time.

Mr. Harbour moved the indefinite postponement of said bill.

Upon which the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Browning, Crawford, Espy, Fear, Harbour, Howel, Royston, Shields, Springer, and Wheeler—12.

Nays—Messrs. Cassady, Jay, Sanford, Sprott, Wright and Mr. President.—6.

So said bill was indefinitely postponed.

Mr. Espy, on leave, introduced,

Senate file, No 33, A bill for an act amendatory to an act entitled an act to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in Lee county, passed January 11, 1845,

Which was read a first and second time, and,

On motion of Mr. Sprott,

Referred to the committee on the Judiciary.

On motion,

The Senate adjourned till 10 o'clock, to-morrow morning.

MONDAY MORNING, DECEMBER 18, 1848.

Senate met pursuant to adjournment.

Mr. Cassady presented the petition of Pierce B. Fagan, and twenty others, citizens of the counties of Polk and Marion, praying for a State road from Pella, in Marion county, to Fort Des Moines, in Polk county,

Which was,

On his motion,

Referred to the committee on Roads.

Mr. Shields presented the petition of Francis Mangold, and fifteen other citizens of the city of Dubuque, praying for the incorporation of the German Benevolence society, of the city of Dubuque,

Which was,

On his motion,

Referred to a select committee of three, and

Messrs. Shields, Crawford, and Springer were appointed said committee.

Mr. Springer offered the following resolution:

Resolved, That the Hon. James P. Carleton, judge of the fourth judicial district, of the State of Iowa, be requested to in-

form the Senate what steps, if any, have been taken by him, towards the organization of the county of Pottawatamie.

Resolved, That the Secretary of the Senate, notify the Hon. James P. Carleton of the passage of this resolution, and present him a copy thereof.

Which was,

On motion of Mr. Browning,

Adopted.

Mr. Springer, also offered the following resolutions :

Resolved, That the Secretary of State, be requested to communicate to the Senate, a statement of all returns made in his office, from the county of Pottawatamie.

Resolved, That the Secretary of the Senate notify the Secretary of State, of the adoption of this resolution, and deliver him a copy of the same.

The question being on the adoption of said resolution,

The yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Browning, Harbour, Jay, Royston, Sanford, Springer, Sprott, Wright, and Mr. President—8.

Nays—Messrs. Alger, Bradley, Crawford, Howel, Espy, Fear, and Shields—7.

So said resolution was adopted.

Mr. Shields, from the committee on Engrossed Bills, reported as correctly engrossed,

Senate file, No. 29, A bill for an act and ordinance accepting the proposition made by Congress, on the admission of Iowa, as a State, into the Union.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed,

H. R. file, No. 57, Joint Resolution asking a mail route from Prairie du Chien to Fort Atkinson.

Also,

H. R. file, No. 57, Joint Resolution in the following words, to wit :

Whereas we met to legislate,
For all the people of this State,
And before we came, we full well knew
That there was work for us to do;
And, whereas, we have fooled away
Our precious time, from day to day,
This House resolves to fool no longer,
And to make this resolution stronger,
We ask the Senate to concur;
To this we hope they won't demur.

In which the concurrence of the Senate is respectfully requested.

I herewith return

Senate file, No. 16, with the following amendment: "Strike out all after the words *sine die*."

Also,

Senate file, No. 20, which has passed the House of Representatives, without amendment.

Mr. Royston, from the committee on Internal Improvements, submitted the following

REPORT:

The committee on Internal Improvements, to whom was referred the memorial and resolution to Congress, for an appropriation of land, for the improvement of Skunk river, would respectfully represent, that they have had the same under consideration, and being well satisfied of the great importance of the contemplated improvement, and the vast benefit that must result to the State at large, and the people in particular who reside in the Skunk river valley, from a speedy improvement of the navigation of that river, your committee, therefore, have instructed me to report the memorial and resolution back without amendment, and recommend their passage.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

Mr. Harbour, on leave, introduced

Senate file, No. 34, A bill for an act to locate a certain road therein named,

Which was read a first and second time, and,

On his motion,

Ordered to a third reading to-morrow.

Mr. Royston, on leave obtained, introduced

Senate file, No. 37, A bill for an act to amend an act relative to the Board of Public works, approved February 24, 1848,

Which was read a first and second time, and,

On motion of Mr. Browning,

Laid on the table, and the usual number of copies ordered to be printed.

Mr. Royston, on leave obtained, introduced

Senate file, No. 35, Joint Resolution providing for the compensation of the commissioners appointed to locate the Des Moines river lands,

Which was read a first and second time, and,

On his motion,

The 13th rule was suspended, said joint resolution read a third time, passed,

And title agreed to.

Mr. Royston, on leave, introduced

Senate file, No. 36, an act to establish a State road, and branch thereof,

Which was read a first and second time, and,

On motion of Mr. Springer,

Referred to the committee on Roads.

Mr. Royston presented, with leave, the remonstrance of the mayor and board of alderman of the town of Ft. Madison, against any exclusive grant for keeping a wharf boat on the Mississippi river, within the limits of said town.

On his motion,

Referred to the select committee, to whom was referred

An act authorizing Geo. Keil, his heirs and assigns, to keep a wharf boat at Fort Madison.

The President laid before the Senate a communication from the Register of the land office, at Iowa city, with a copy of the correspondence of that office, in relation to the location of the

five sections of land donated for the improvement of the capitol of this State.

On motion of Mr. Wright,

Referred to the committee on the Judiciary.

Mr. Shields, on leave obtained, introduced
Senate file, No. 38, Joint Resolution for carrying the mail,
Which was read a first and second time, and

On his motion,

The 13th rule was suspended,

Said joint resolution read a third time, passed, and title agreed
to.

Mr. Browning, on leave, introduced

Senate file, No. 39, A bill for an act to authorize the Supreme
Court to hold special terms,

Which was read a first and second time, and

On motion of Mr. Espy,

Referred to the committee on the Judiciary.

H. R. file, No. 13, A bill for an act authorizing the Judge of
Probate in Marion county, to transcribe the records of the Pro-
bate Court,

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

Senate file, No. 29, A bill for an act and ordinance accepting
the propositions made by Congress on the admission of Iowa, as
a State, into the Union,

Was read a third time, passed,

And title agreed to.

Mr. Harbour offered the following resolutions:

Resolved, That the clerk of the district court of Polk county,
be, and he is hereby required to inform the Senate, whether or
not a bond has been filed in his office, in accordance with the
provisions of the 7th section of an act entitled an act for the or-
ganization of Pottawatamie and other counties.

Resolved, That the Secretary of the Senate be requested to
communicate this resolution at as early a day as possible.

Mr. Springer offered the following amendment: "and if not,
to, state if he knows why it was not."

The question being on the adoption of the amendment,

Was decided in the negative.

The question then recurring upon the adoption of the resolution,

It was decided in the affirmative.

H. R. file, No. 51, Joint Resolution asking a mail route from Prairie du Chien to Ft. Atkinson,

Was read a first and second time, and

On motion of Mr. Shields,

Ordered to a third reading to-morrow.

H. R. file, No. 57, Poetical Resolution, putting an end to inflammatory speeches and Tom foolery,

Was read a first and second time, and

On motion of Mr. Browning,

Referred to a committee of the whole Senate, and made the special order for to-morrow afternoon.

Senate file, No. 16, Joint Resolution accompanying the report of the committee on the Judiciary, to whom was referred the report of the commissioners appointed to draft, revise, and prepare a code of laws, as amended by the House,

Was read a first and second time, and,

On motion of Mr. Browning,

The Senate refused to concur in the amendment.

H. R. file, No. 46, A bill for an act to establish a State road from the residence of Mrs. Fesler to Columbus City,

Was taken from the table, and read a second time, and,

On motion of Mr. Springer,

Ordered to a third reading to-morrow.

On motion of Mr. Wright,

Senate file, No. 32, A bill for an act to establish a State road therein named,

Was taken from the table, and read a second time, and,

On motion of Mr. Wright,

Amended as follows : after the words " Ligber's mills," insert "on Big Cedar."

On his motion,

Ordered to a third reading to-morrow.

Mr. Wright, on leave, introduced.

Senate file, No. 40, A bill for an act authorizing the Secretary of State, to collect and arrange certain papers in his office,

Which was read a first and second time, and,
On motion of Mr. Sanford,
Referred to a select committee, and
Messrs. Sanford, Espy, and Shields were appointed said committee.

Mr. Wright offered the following resolution :

Resolved, By the Senate, the House concurring, that the General Assembly will adjourn *sine die* on the 30th inst.

And the question being on the adoption of the resolution,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Browning, Cassady, Crawford, Espy, Jay, Sanford, Shields, Springer, Sprott, Wheeler Wright, and Mr. President—14.

Nays—Messrs. Harbour, Howel and Royston—3.

So said resolution was adopted.

On motion of Mr. Springer,
The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Wright, with leave, introduced

Senate file, No. 41, A bill for an act to amend an act entitled an act to provide for the management of the State Library, and the election of a Librarian, approved Feb. 15th, 1847,

Which was read a first and second time, and

On his motion,

Laid on the table, subject to the order of the Senate.

Mr. Bradley, from the committee on the Judiciary, to whom was referred

H. R. file, No. 29, An act to repeal an act, approved Jan. 25th, 1848, entitled an act to amend an act, defining the time of holding elections for state, district and county officers, approved Feb. 25th, 1847,

Reported the same back, with sundry amendments,
Which were concurred in, and
On motion of Mr. Espy,
Laid on the table.

Mr. Howel, from the committee on Roads, to whom was referred the petition of Pierce B. Fagan and others, praying for a State road from Pella to Ft. Des Moines,

Reported,

Senate file, No. 42, A bill for an act to establish a State road from Pella, in Marion county, to Ft. Des Moines, in Polk county,
Which was read a first and second time, and

On motion of Mr. Cassady,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

On motion of Mr. Bradley,

Leave of absence was granted to Mr. Fear, senator from Des Moines, for one week.

Mr. Jay offered the following resolution:

Resolved, That we will proceed to amend the present school law, and defer the attempt to pass a new one, until the report of the revision committee has been received.

Upon which the yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Browning, Cassady, Jay, Sanford, Springer, Sprott, Wheeler, and Wright—8.

Nays—Messrs. Alger, Bradley, Crawford, Howel, Royston, Shields, and Mr. President—6.

So said resolution was agreed to.

On motion of Mr. Selman,

Mr. Browning in the chair,

The Senate adjourned till 10 o'clock to-morrow morning.

TUESDAY MORNING, DECEMBER 19, 1848.

Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed

H. R. file, No. 21, Joint Resolution for a grant of land from Congress, to aid in the construction of a rail road from Davenport to Council Bluffs.

Also,

H. R. file, No. 31, A bill for an act requiring all notices of sales, by order of courts of record, to be published in some newspaper,

Also,

H. R. file, No. 33, Joint Resolution for the relief of Harvey Leonard.

Also,

H. R. file, No. 35, A bill for an act to amend an act entitled an act providing for and regulating general elections.

Also,

H. R. file, No. 37, A bill for an act to locate the seats of justice of Madison and Warren counties.

Also,

H. R. file, No. 47, An act to amend an act entitled an act for the organization of Pottawatomie and other counties, approved February 24, 1847.

In which the concurrence of the Senate is requested.

Also,

Senate file, No. 38, Joint Resolution for carrying the mail.

I herewith present, for your signature,

H. R. file, No. 18, Joint Resolution for a donation of land, for the improvement of Muscatine Island.

H. R. file, No. 18, Joint Resolution requesting our Senators and Representatives in Congress, to procure an appropriation to pay the citizens of Iowa, for services in the Missouri War,

The same having passed both houses of the General Assembly, and received the signature of the Speaker of the House of Representatives.

Mr. Cook presented the petition of John Alexander, and 100 other citizens of Benton county, praying for the removal of the seat of justice of said county, which was,

On his motion,

Laid on the table, subject to the order of the Senate.

Mr. Espy, from the minority of the Judiciary committee, to whom was referred,

H. R. file, No. 29, A bill for an act to repeal an act, approved January 25, 1848, entitled act to amend an act defining the time of holding elections for State, district, and county officers, approved February 25, 1847,

Submitted the following

REPORT:

The undersigned, minority of the standing committee of the Judiciary, to whom was referred "A bill for an act to repeal an act approved January 25th, 1848, entitled an act to amend an act, defining the time of holding elections for State, District and County officers, approved Feb. 25th, 1848," beg leave to make the following report:

The minority cannot concur in the report of the majority, recommending an additional section to said bill, authorizing the election of prosecuting attorneys and clerks of the district courts, in the organized counties of this State, in which there was a failure to elect at the last August election.

The offices of prosecuting attorney and clerk of the district court, being designated in the constitution, and the term of each being prescribed in that instrument, the minority deem it essential, that not only the mode of filling those offices, but the time prescribed by the constitution, should be adhered to in filling them. The 5th section of the sixth article of the constitution, declares the following:

"The qualified voters of each county, shall, at the general election, elect one prosecuting attorney, and one clerk of the district court, who shall be residents therein, and who shall hold their several offices for the term of two years, and until their successors are elected and qualified." This clause of the constitution the minority deem decisive as to the extent of the term of the offices aforesaid; and also that the "general election" in each county, indicates the time those officers are to be elected.

The question then presents itself, as to what properly designates the "general election." This point, in the opinion of the minority, is settled in the 3rd section of the fourth article of the constitution, which says:

"The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the first Monday in August, whose term of office shall continue two years from the day of the *general election*." This clause clearly seems to indicate, that the general election, is that at which members of the H. of Representatives are chosen, and is the 1st Monday in Aug. of every second year.

If this view of the subject be correct, in what position may those offices be considered, in counties in which no election was held for them, at the last August, or general election? It is the opinion of the minority committee, that they necessarily become vacant, from and after said general election; inasmuch as no authority is conferred by the constitution, on any person, to claim or hold either of said offices, beyond the time fixed for the general election, unless elected at such election.

Deeming this subject one of momentous import, as connected with the judicial administration of justice, the minority committee would respectfully suggest, whether the General Assembly can assume any action on the passage of the additional section recommended by the majority. The minority is of opinion, that no power is conferred on the General Assembly, by the constitution, so to legislate. If not, and the offices of prosecuting attorney and district clerk in any county, be vacant on account of a failure to elect at the last August election, the case is not without a constitutional remedy. Section 8th of the 5th article, provides as follows:

"When any office shall from any cause become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people."

This section, then, would seem to indicate the executive action by appointments, until the next annual or August election, which time the minority committee deems the "*election by the people*," referred to in this clause of the constitution; when proclamation be made or notice given under present existing laws, to elect those officers to act during the vacancy existing, until the next succeeding general election.

All which is respectfully submitted,

THOMAS S. ESPY,
Minority Committee.

On motion of Mr. Browning,

H. R. file, No. 29, An act to repeal an act, approved January 25th, 1848, entitled an act to amend an act defining the time of holding election for State, district and county officers, approved Feb. 25th, 1847,

Was taken from the table, and

The question being on concurring in the report of the majority of said committee,

It was decided in the affirmative.

Mr. Cook offered the following amendment to said bill:

Add a section as follows: "That on the first Monday in August, A. D. 1850, and every two years thereafter, there shall be elected in every organized county in this State, one clerk of the district court, and one prosecuting attorney, who shall hold their offices until their successors are elected and qualified.

The question being on the adoption of said amendment,

Was decided in the affirmative.

Mr. Harbour offered the following resolution:

Resolved, That John G. Nichols & Co., publishers of the Jackson County Democrat, be employed to print four hundred and eighty copies of the Journal of the Senate, of the present session, at the prices allowed by law, which was adopted.

The President laid before the Senate a communication from the Secretary of State, accompanying a copy of the election returns of Pottawatamie county,

Which was read for information, and,

On motion of Mr. Springer,

Laid on the table.

Senate file, No. 25, Memorial to Congress, for a donation of land for the improvement of Skunk river,

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

Senate file, No. 32, A bill for an act to locate a State road therein named,

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

Mr. Royston, on leave obtained, introduced

Senate file, No. 15, A bill for an act establishing a State land office, which was read a first and second time, and,

On his motion,

Ordered to be laid on the table, and the usual number of copies printed.

H. R. file, No. 46, A bill for an act to establish a State road from Mrs. Feslers to Columbus City,

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

H. R. file, No. 51, Joint Resolution asking for a mail route from Prairie du Chien to Fort Atkinson,

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

Senate file, No. 34, An act to establish a State road therein named,

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

H. R. file, No. 21, Joint Resolution asking a grant of land,

Was read a first and second time.

Mr. Alger moved to amend by inserting after the word "via," the word "Bloomington."

On motion of Mr. Cook,

Said joint resolution was referred to a committee of three, and, Messrs. Cook, Alger, and Springer were appointed said committee.

H. R. file, No. 31, a bill for an act requiring all notices of sales and orders of courts of record to be advertised in some newspaper,

Was read a first and second time, and,

On motion of Mr. Cook,

Referred to the Judiciary committee.

H. R. file, No. 33, Joint Resolution for the relief of Harvey Leonard,

Was read a first and second time, and,

On motion of Mr. Wheeler,

Referred to the committee on Claims,

H. R. file, No. 47, A bill for an act to amend an act entitled an act for the organization of Pottawatamie and other counties, approved February 24, 1847,

Was read a first and second time, and,

On motion of Mr. Wright,

Referred to a committee of the whole Senate, and made the special order for 2 o'clock, to-morrow afternoon.

TWO O'CLOCK, P. M.

H. R. file, No. 57, Poetical Resolution putting an end to inflammatory speeches and Tom foolery,

Being the special order of the day,

The Senate resolved itself into a committee of the whole, Mr. Harbour in the chair, and, after some time spent therein,

The committee rose, and by their chairman,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

Mr. Espy moved to lay on the table.

Disagreed to.

On motion of Mr. Cook,

The amendments were substituted for said joint resolution.

On his motion,

The 13th rule was suspended, said substitute read a third time, passed, and title agreed to.

Message from the House of Representatives by Mr. Leffingwell, chief clerk:

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 67, A bill for an act authorizing William S. Townsend to establish and keep a ferry across the Missouri river, at Trader's Point. Also,

H. R. file, No. 68, Memorial and joint resolution for the increase of mail facilities.

In all of which the concurrence of the Senate is respectfully solicited.

Mr. Bradley, from the committee on the Judiciary, to whom was referred

Senate file, No. 39, A bill for an act authorizing the Supreme Court to hold special terms,

Reported the same back, with an amendment, and recommended its passage.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

On motion of Mr. Springer,

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

Mr. Espy, from the committee on enrolled bills, reported, as correctly enrolled,

Senate file, No. 23, An act to establish a State road from Cedar Rapids, to Marengo.

Senate file, No. 20, An act to establish a State road from Delhi, to Independence.

Senate file, No. 27, Joint Resolution for a mail route from Fort Des Moines, to the East or Boon Fork of the Des Moines river.

Senate file, No. 18, Joint Resolution for carrying the mail.

Mr. Howel, from the committee on Roads, to whom was referred.

Senate file, No. 36, An act to establish a State road and branch thereof,

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

On motion of Mr. Royston,

Ordered to a third reading to-morrow.

Mr. Shields, on leave, introduced

Senate file, No. 43, Joint resolution relative to the claim of John Taylor, one of the commissioners appointed to make a permanent location of the capitol of this State,

Which was read a first and second time, and,

On motion of Mr. Crawford,

Referred to the committee on Claims.

Message from the House of Representatives, by Mr. Lefingwell, chief clerk:

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 26, An act to amend an act to establish new counties and define their boundaries.

Also,

H. R. file, No. 55, An act to authorize Frederick Andros to transcribe the records of the district court of Clayton county.

Also,

H. R. file, No. 39, An act to provide for the navigation of the Des Moines river, from the Racoon Forks thereof, to the northern boundary of the State.

Also,

H. R. file, No. 34, An act to authorize David W. King, to establish and keep a ferry across the Cedar river, at Cedar Rapids.

Also,

H. R. file, No. 36, An act to locate a State road from Monroe to Fort Atkinson.

Also,

H. R. file, No. 38, An act requiring the Secretary of State to record all State roads.

In all of which the concurrence of the Senate is requested.

I herewith return

Senate file, No. 21, Joint Resolution relative to the improvement of the harbour at Dubuque.

Also,

Senate file, No. 24, An act for a State road therein named.

The same having passed the House of Representatives, without amendment.

And I am also directed to inform the Senate, that the House of Representatives still "adhere" to the amendment made to

Senate file, No. 16, Joint Resolution accompanying the report of the committee on the Judiciary, to whom was referred the report of the revision committee.

H. R. file, No. 26, An act to amend an act entitled an act to establish new counties, and to define their boundaries,

Was read a first and second time, and,

On motion of Mr. Crawford,

Referred to the committee on County Boundaries.

Mr. Harbour, in accordance with previous notice, introduced Senate file, No. 44, An act to define the boundaries of the 1st congressional district,

Which was read a first and second time, and,

On motion of Mr. Cassady,

Referred to a select committee of three, and,

Messrs. Cassady Harbour, and Wheeler were appointed said committee.

H. R. file, No. 55, A bill for an act to authorize F. Andros to transcribe the records of Clayton county,

Was read a first and second time, and,

On motion of Mr. Shields,

Ordered to be read a third time, day after to-morrow.

H. R. file, No. 39, An act to provide for the navigation of the Des Moines river, between the mouth of the Racoon Fork thereof, and the northern boundary of this State,

Was read a first and second time, and,

On motion of Mr. Cassady,

Ordered to a third reading to-morrow.

H. R. file, No. 34, An act to authorize W. King to establish and keep a ferry across Cedar river, at Cedar Rapids,

Was read a first and second time, and,

On motion of Mr. Cook,

Ordered to a third reading to-morrow.

H. R. file, No. 36, A bill for an act, to locate a State road from Menona to Fort Atkinson,

Was read a first and second time, and,

On motion of Mr. Crawford,

Ordered to a third reading to-morrow.

H. R. file, No. 38, An act requiring the Secretary of State to record State roads,

Was read a first and second time, and,

On motion of Mr. Wright,

Referred to a committee of three, and,

Messrs. Wright, Sanford, and Harbour were appointed said committee.

H. R. file, No. 67, An act to authorize Wm. S. Townsend to keep a ferry across the Missouri river at Trader's point,

Was read a first and second time, and,

On motion of Mr. Royston,

Referred to a select committee of three, and,

Messrs. Royston, Cook and Hewel, were appointed said committee.

Mr. Espy, from the committee on Elections, to whom was referred,

H. R. file, No. 11, An act to preserve the purity of elections,

Reported the same back with sundry amendments thereto, and asked the concurrence of the Senate therein,

Which was agreed to.

H. R. file, No. 68, Memorial for an increase of mail facilities,

Was read a first and second time,

And,

On motion of Mr. Wright,

Ordered to a third reading to-morrow.

Mr. Crawford, from the committee on Incorporations, to whom was referred,

Senate file, No. 28, A bill for an act to authorize William Green to improve Cedar river, by the construction of a dam and lock,

Reported the same back without amendments, and recommended its passage.

On motion of Mr. Cook,

Ordered to a third reading to-morrow.

On motion,

The Senate adjourned till 10 o'clock to-morrow morning.

WEDNESDAY MORNING, DECEMBER 20, 1848.

Senate met pursuant to adjournment.

Mr. Springer presented the memorial of James Sloan, a citizen of Pottawatomie county, remonstrating against the disorganization of said county,

Which was read for information, and,

On his motion,

Laid on the table, subject to the order of the Senate.

Mr. Alger presented the petition of John Wright and 15 others, praying for the location and survey of a State road, from Iowa City to Bloomington,

Which was,

On his motion,

Referred to the committee on Roads.

Mr. Sanford presented the petition of Wm. McCormick, and one hundred other citizens of the State of Iowa, praying that the block of land known as college square, might be donated to the faculty of the medical department of the University of Iowa, on certain conditions,

On his motion,

Referred to the committee on Schools.

Mr. Wright, from the select committee, to whom was referred H. R. file. No. 38, A bill for an act requiring the Secretary of State to record State roads,

Reported the same back, with one amendment, and recommended its passage.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

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

H. R. file, No. 21, Joint Resolution for a grant of land from Congress, submitted the following

REPORT:

The undersigned, a select committee, to whom was referred a joint resolution, H. R. file No. 21, have had the same under their consideration, report the same back to the Senate, and recommend its passage, with the following amendment:—Insert Bloomington after the word "*via*," in the twelfth line.

In favor of this amendment, the following reasons suggest themselves to your committee: Two large meetings have been holden, in both of which Bloomington was recommended as a point, at which the proposed improvement should touch; the first holden at Davenport, on the 1st day of December, inst., composed of the people of the counties of Scott and Muscatine; and the second holden at the capitol, in Iowa City, on the 12th day of December, inst., composed of citizens from various parts of the State, (the counties of Scott and Muscatine included,) at the last of which, the representatives from the counties on the proposed route of the road, were requested in a public and explicit manner, to use their endeavors to carry out the measures proposed by those meetings.

In an improvement of the magnitude of that contemplated in the joint resolution, the most important points near the general route should be accommodated, especially as in this instance it can be done with a prospect of gain commensurate with the additional outlay, and without detriment to any other point.

The amount of public lands to be made available for the construction of the road, on any practicable route between Davenport and Iowa city, is so very inconsiderable, as to render that consideration of no great importance; but if any one route would

be preferable to another in this respect, it would, in the opinion of your committee, be in favor of the route by the way of Bloomington.

Your committee are of opinion, that Congress would be more likely to view the application for a grant with favor, when it is made known to them that a point favorable for trade, with a population of two or three thousand inhabitants, is to be accommodated, than they would if they knew such point was studiously avoided, or passed by with indifference.

All of which is respectfully submitted,

FREEMAN ALGER,
FRANCIS SPRINGER.

Mr. Cook, from the minority of said committee, submitted the following

REPORT:

Report of the minority of the committee, to whom was referred H. R. file, No. 21, Joint Resolution for a grant of land from Congress, to construct a Railroad from Davenport via Iowa City and Fort Des Moines, to some suitable point on the Missouri river.

The undersigned, chairman of said committee, standing "solitary and alone," begs leave to report, that the majority of said committee, having reported in favor of an amendment which, if adopted, would include Bloomington on the Mississippi river, as a point in the location of said road, and thereby establish an important link in said road, thirty miles along the Mississippi river, where there is no impediment to the navigation; and would, in the opinion of the undersigned, defeat the whole project. In asking Congress for donations of land for objects of this kind, we ought first to inquire what inducement the General Government would have to make the donation. As a State, we certainly cannot expect Congress to donate land to build railroads, unless the General Government would derive some benefit from it; hence it is that Congress, in making donations of this kind, have invariably had an eye single to the improvement creating a market for the unsold lands of the Government. The idea, then, that

Congress is going to make a donation of land to build a Railroad thirty miles along the Mississippi river, where the land is already entered, may be seriously entertained by members of the Senate ; but the undersigned is clearly of the opinion, that the Congress of the United States would hesitate long before endorsing such policy. What, then, would be the effect of the proposed amendment? Why, Congress would at once reject our prayer, and the whole project would fall to the ground.

The proposition to build a railroad from Rock Island, west to the Missouri river, is of too much importance to this State, to be defeated by any sectional interest ; consequently the insertion in the joint resolutions of intermediate points, should be avoided, and the route left open until we get the grant of land, and then a permanent survey and location may be made, best adapted to the wants and interests of the State.

The undersigned would therefore recommend the adoption of the joint resolutions as they came from the House of Representatives.

Respectfully submitted,

JOHN R. COOK,
Minority Select Committee.

The question being on concurring in the report of the majority of said committee,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Browning, Cassady, Crawford, Espy, Harbour, Howel, Royston, Springer and Sprott—10.

Nays—Messrs. Cook, Jay, Shields, Wheeler, Wright, and Mr. President—6.

So said report was concurred in.

Mr. Espy, from the committee on Enrolled Bills, reported Senate file, No. 12, Joint Resolution to accept a reconnoissance and preliminary survey,

As correctly enrolled.

Mr. Bradley, from the Judiciary committee, to whom was referred,

Senate file, No. 33, A bill for an act amendatory to an act to

provide for the better settling and adjudicating of the several titles set up to the Half Breed lands, in Lee county, passed January 11, 1845,

Reported the same back, with sundry amendments thereto, and recommended its passage.

The question being on concurring in said report,

Was decided in the affirmative.

Mr. Sanford, from the committee on county boundaries, to whom was referred,

H. R. file, No. 26, A bill for an act to amend an act entitled an act to establish new counties, and define their boundaries,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

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

Senate file, No. 40, An act authorizing the Secretary of State to collect and arrange certain papers in his office,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

H. R. file, No. 47, A bill for an act to amend an act entitled an act for the organization of Pottawatamie and other counties, Being a special order in committee of the whole,

The Senate resolved itself into a committee of the whole, Mr. Wright in the chair, and after some time spent therein, the committee rose, and by their chairman reported progress, and asked leave to sit again, at 2 o'clock, P. M., to-morrow,

Which being granted,

On motion,

The Senate adjourned till 10 o'clock to-morrow morning.

THURSDAY, MORNING, DECEMBER, 21, 1848.

Senate met pursuant to adjournment.

Mr. Shields offered the following resolution :

Resolved, by the Senate, the House of Representatives concurring, That the General Assembly will adjourn on Friday, December 22d, to meet again on Wednesday, January 3d, 1849.

Mr. Espy moved to amend, by striking out the word "Wednesday" and insert "Tuesday" inst.,

Which was disagreed to.

Mr. Royston moved to amend by striking out the words, "January 3d," and insert "December 26th."

Upon which the yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Alger, Espy, Harbour, Howel, Royston, Sprott, Wright, and Mr. President—8.

Nays—Messrs. Bradley, Browning, Cassady, Cook, Crawford, Jay, Sanford, Shields, Springer, and Wheeler—10.

Mr. Espy moved the indefinite postponement of said resolution.

Upon which, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Espy, Harbour, Howel, Royston, Sprott, Wright, and Mr. President—7.

Nays—Messrs. Alger, Bradley, Browning, Cassady, Cook, Crawford, Jay, Sanford, Shields, Springer, and Wheeler—11.

So the indefinite postponement was disagreed to.

Mr. Espy moved to amend by striking out the words "January 3d, 1849," and insert "December 27, inst."

The yeas and nays were requested upon the adoption of the amendment, and being ordered, were as follows:

Yeas—Messrs. Alger, Espy, Howel, Royston, Wright, and Mr. President—6.

Nays—Messrs. Bradley, Browning, Cassady, Cook, Crawford, Harbour, Jay, Sanford, Shields, Springer, Sprott, and Wheeler—12.

So the amendment was disagreed to.

The question recurring on the adoption of said resolution:

The yeas and nays were called for, and being ordered, were as follows:

Yeas—Messrs. Alger, Bradley, Browning, Cassady, Cook, Crawford, Jay, Sanford, Shields, Springer, and Wheeler—11.

Nays—Messrs. Espy, Harbour, Howel, Royston, Sprott, Wright, and Mr. President—7.

And the question was decided in the affirmative.

Mr. Crawford, from the committee on Claims, to whom was referred,

The claim of Samuel C. Reed,

Reported adversely to its allowance.

The question being on concurring in the report of the committee,

Was decided in the affirmative,

Message from the House of Representatives, by Mr. Lefingwell, chief clerk:

Mr. President—

I herewith return,

Senate file, No. 25, Memorial to Congress for an appropriation of land for the improvement of Skunk river.

Senate file, No. 34, A bill for an act to locate a State road therein named.

Senate file, No. 15, A bill for an act to establish a ferry across the Des Moines river, at Boatman's mill, in Lee county.

The same having passed the House of Representatives without amendment.

I am directed to inform the Senate that the House of Representatives has passed,

H. R. file, No. 40, An act for the relief of occupying claimants of real estate.

H. R. file, No. 48, An act to restrain swine from running at large in Clinton county.

H. R. file, No. 54, An act concerning claims on the Half Breed tract.

H. R. file, No. 56, An act to repeal an act to provide for the location of the seat of government of the State of Iowa, and for the selection of land granted by Congress to aid in erecting public buildings.

H. R. file, No. 58, An act regulating grocery licenses.

H. R. file, No. 57, An act to vacate a certain road therein named, and .

H. R. file, No. 69, Joint Resolution for a mail route from West Point, in Lee county, to Salem, in Henry county.

In all of which the concurrence of the Senate is requested.

I herewith return

Senate file, Nos. 3, 18, 20, 23, and 27,

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

The President laid before the Senate a communication from James P. Carleton, judge of the fourth judicial district, accompanying a copy of the appointment of the organizing sheriff of Pottawatomie county,

Which was read for information, and,

On motion of Mr. Springer,

Laid on the table.

On motion of Mr. Sprott,

Senate file, No. 33, An act to provide for the better settling and adjudicating of the several titles set up to the half breed lands, in Lee county,

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

H. R. file, No. 37, An act to locate the seats of justice of Madison and Warren counties,

Being in order,

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

H. R. file, No. 68, Memorial for an increase of mail facilities.

Was read a third time, and,

On motion of Mr. Wright,

Referred to a select committee, and

Messrs. Wright, Royston, and Shields were appointed said committee.

H. R. file, No. 34, An act to authorize David M. King to establish and keep a ferry across the Cedar river,

Was read a third time.

The question being upon the passage of the bill,

Mr. Bradley moved a call of the Senate, which was had,

When it appeared that Messrs. Crawford, Howel, and Harbour were, absent.

Those gentlemen appearing and taking their seats,

The further call was suspended.

And the question being taken,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cook, Crawford, Espy, Jay, Royston, Sanford, Springer, Sprott, Wheeler, and Wright—11.

Nays—Messrs. Bradley, Browning, Cassady, Harbour, Howel, Shields, Wright, and Mr. President—8.

So said bill was passed, and title agreed to.

H. R. file, No. 36, A bill for an act to locate a State road from Menona to Fort Atkinson,

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

Senate file, No. 36, A bill for an act to establish a State road and branch thereof,

Was read a third time.

The question being on the passage of the bill,

Was decided in the negative.

On motion of Mr. Harbour,

The vote taken, on the passage of

Senate file, No. 36, A bill for an act to establish a State road and branch thereof, was reconsidered.

The question then being on the passage of said bill,
Was decided in the affirmative.

So said bill was passed, and title agreed to.

H. R. file, No. 39, A bill for an act to provide for the navigation of the Des Moines river, from the Racoon Fork thereof to the Northern boundary of this State,

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

H. R. file, No. 11, A bill for an act to preserve the purity of elections,

Was read a third time, and

On motion of Mr. Wright,
Recommitted.

Mr. Espy, from the committee on enrolled bills,
Reported

Senate file, No. 21, Joint Resolution for the improvement of the harbor at Dubuque, and

Senate file, No. 34, An act to locate a State road therein named, as correctly enrolled.

Mr. Espy, in accordance with previous notice, introduced

Senate file, No. 46, An act amendatory to an act, relative to the Penitentiary,

Which was read a first and second time, and

On his motion,
Referred to the committee on the Judiciary.

On motion of Mr. Jay,

Resolved, By the Senate, (the House concurring,) that the Secretary of State be requested to correspond with the proper department of the General Government, and obtain if practicable, a copy of the survey of the military road running through this State, and when obtained to record the same in his office.

Senate file, No. 28, A bill for an act to authorize Wm. Green to improve Cedar river, by a dam and lock,

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

Senate file, No. 39, A bill for an act to authorize the Supreme Court to hold special terms,

Was read a third time, and,

On motion of Mr. Browning,

Laid on the table, and ordered to be engrossed.

H. R. file, No. 55, A bill for an act to authorize Frederick Andros to transcribe the records of the district court in Clayton county,

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

On motion of Mr. Royston,

Senate file, No. 37, An act amendatory to an act, creating a Board of Public Works, and providing for the improvement of the Des Moines river, approved Feb. 24th, 1847,

Was taken from the table, and

On motion of Mr. Bradley, the reading was dispensed with, and said bill made the special order for to-morrow, 2 o'clock, P. M., in committee of the whole Senate.

Mr. Wright, on leave obtained, introduced

Senate file, No. 47, A bill for an act to amend an act entitled an act, regulating practice in the district courts in the Territory of Iowa, approved March 10th, 1843,

Which was read a first and second time, and,

On his motion,

Referred to the committee on the Judiciary.

Mr. Alger moved to take from the table

H. R. file, No. 21, Joint Resolution for a grant of land,

Which was disagreed to.

On motion of Mr. Browning,

Resolved, That Wm. H. Larned be employed as enrolling and engrossing clerk for the Senate, during the present session.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 82, Memorial and Joint Resolution for a marine hospital at Rock Island.

H. R. file, No. 83, Memorial and Joint Resolution for an increase of the pension of Isaac W. Griffith,

In which the concurrence of the Senate is requested.

I herewith return

Senate file, No. 22, Joint Resolution allowing John Brophy extra pay for locating salt springs,

The same having passed the House of Representatives without amendment.

H. R. file, No. 47, A bill for an act to amend an act entitled an act, for the organization of Pottawatomie and other counties, Being in special order,

The Senate resolved itself into a committee of the whole, Mr. Shields in the chair,

And after some time spent therein,

The committee rose, and by their chairman

Reported the same back without action, and

On motion of Mr. Bradley,

The Senate adjourned till 10 o'clock to-morrow morning.

FRIDAY MORNING, DECEMBER 22, 1848.

Senate met pursuant to adjournment.

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

H. R. file, No. 68, Joint Resolution for the increase of mail facilities,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

Mr. Shields, from the committee on Engrossed Bills, reported Senate file, No. 39, An act to authorize the Supreme Court to hold special terms,

As correctly engrossed.

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

H. R. file, No. 67, A bill for an act to authorize Wm. S. Townsend to keep a ferry across the Missouri river, at Trader's Point,

Reported the same back, with one amendment thereto, and asked the concurrence of the Senate therein.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed

H. R. file, No. 70, Joint Resolution appointing an agent to pay the interest on the Iowa State Stock.

H. R. file, No. 71, A bill for an act to re-locate a State road therein named.

H. R. file, No. 62, A bill for an act regulating costs in criminal prosecutions, in the counties of Davis and Appanoose.

H. R. file, No. 74, A bill for an act to establish the office of State printer, define his duties, and establish the prices of public printing.

H. R. file, No. 63, Joint resolution requiring the Secretary of State to furnish the counties of Warren and Madison with copies of the laws of this State.

H. R. file, No. 59, Joint Resolution in support of Mr. Whitney's project of a railroad.

H. H. file, No. 64, A bill for an act to amend an act entitled an act to incorporate the town of Davenport.

H. R. file, No. 65, A bill for an act relative to the record of the decree of partition in the Half Breed lands, in Lee county.

In which the concurrence of the Senate is respectfully requested.

I herewith return

Senate file, No. 42, An act to locate a State road from Pella, in Marion county, to Fort Des Moines, in Polk county.

Senate file, No. 30, An act to locate a State road therein named.

Senate file, No. 31, An act to authorize the Auditor of State to audit and allow the expenses of the Supreme Court.

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

The same having passed the House of Representatives without amendment.

I herewith return

Senate file, No. 12, Joint resolution to accept of a reconnoissance and preliminary survey,

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

I am directed to inform the Senate, That the House of Representatives has refused to concur in the resolution of the Senate, providing for the adjournment of the General Assembly, until the 3d of January, 1849.

Mr. Crawford, from the committee on Incorporations, to whom was referred

H. R. file, No. 7, A act to authorize John A. McFarland, his

heirs and assigns, to establish and keep a ferry across the Mississippi river, at the town of Montrose, in the county of Lee and State of Iowa,

Reported the same back, and recommended its indefinite postponement.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

Senate file, No. 40, A bill for an act to authorize the Secretary of State to collect and arrange certain papers in his office,

Was read a second time, and

On motion of Mr. Sanford,

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

H. R. file, No. 26, An act to amend an act to establish new counties and define their boundaries,

Was read a second time, and

On motion of Mr. Royston,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 38, An act requiring the Secretary of State to record State roads,

Was read a second time, and,

On motion of Mr. Cook,

Referred to the committee on the Judiciary.

H. R. file, No. 29, A bill for an act to repeal an act approved Jan. 25th, A. D. 1848, entitled an act to amend an act to define the time of holding elections for State, district and county officers, approved Feb. 25th, A. D. 1847,

Was read a second time, and,

On motion of Mr. Browning,

Ordered to a third reading to-morrow.

H. R. file, No. 21, Joint Resolution for a grant of land from Congress, was read a second time.

Mr. Wheeler moved to lay said bill on the table.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Browning, Cook, Jay, Sanford, Wheeler and Wright—6.

Nays—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Howel, Royston, Shields, Springer, Sprott, and Mr. President—11.

Mr. Cassady moved to suspend the 13th rule, and read the bill a third time now.

Which was disagreed to.

On motion of Mr. Alger,

Ordered to a third reading to-morrow.

H. R. file, No. 82, Memorial to Congress for a marine hospital at Rock Island,

Was read a first and second time, and,

On motion of Mr. Cook,

The 13th rule was suspended, said memorial read a third time, passed, and title agreed to.

H. R. file, No. 83, Memorial and Joint Resolution, asking an increase of the pension of Geo. W. Griffith,

Was read a first and second time, and,

On motion of Mr. Espy,

The 13th rule was suspended, said memorial read a third time, passed, and title agreed to.

H. R. file, No. 57, A bill for an act to locate a certain read therein named, was read a third time, and,

On motion of Mr. Wheeler,

Ordered to a third reading to-morrow.

H. R. file, No. 69, Joint Resolution for a mail route from West Point, in Lee county, to Salem, in Henry county,

Was read a first and second time, and,

On motion of Mr. Sprott,

The 13th rule was suspended, and said joint resolution read a third time.

On motion of Mr. Bradley,

Referred to a select committee, and

Messrs. Bradley, Springer and Sprott, were appointed said committee.

H. R. file, No. 58, A bill for an act to regulate grocery license, was read a first and second time, and,

On motion of Mr. Espy,

Referred to the committee on the Judiciary.

H. R. file, No. 56, An act to repeal an act entitled an act to provide for the location of the seat of Government of the State of Iowa, and for the selection of land granted by Congress, to aid in erecting public buildings,

Was read a first and second time, and

On motion of Mr. Wright,

Referred to the committee on Public Buildings.

H. R. file, No. 48, A bill for an act to restrain swine from running at large in Clinton county,

Was read a first and second time, and,

On motion of Mr. Wheeler,

Referred to a select committee, composed of

Messrs. Wheeler, Cook and Bradley.

H. R. file, No. 40, A bill for an act for the relief of the occupying claimants of real estate, was read a first and second time, and,

On motion of Mr. Browning,

Referred to the committee on the Judiciary.

H. R. file, No. 54, A bill for an act concerning claimants on the half breed tract in Lee county,

Was read a first and second time, and,

On motion of Mr. Sprott,

Referred to the committee on the Judiciary.

H. R. file, No. 57, Poetical Resolution, &c, and substitute,

On motion of Mr. Bradley,

Laid on the table.

Senate file, No. 39, A bill for an act to authorize the Supreme Court to hold special terms,

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

Senate file, No. 41, A bill for an act to amend an act entitled an act to provide for the management of the State Library, and for the election of a librarian, approved Feb. 15th, 1847,

Was taken from the table, and,

On motion of Mr. Wright,

Read a second time, and

On his motion,

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

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate file, No. 37, A bill for an act amendatory to an act, creating a Board of Public Works, approved Feb. 24th, 1847,

Being the special order,

The Senate resolved itself into a committee of the whole,

Mr. Casady in the chair.

And after some time spent therein, the committee rose, and by their chairman,

Reported progress, and asked leave to sit again at 2 o'clock, P. M., to-morrow,

Which being granted, the Senate,

On motion,

Adjourned till 10 o'clock, to-morrow morning.

SATURDAY, MORNING, DECEMBER, 23, 1848.

Senate met pursuant to adjournment.

Mr. Shields, from the committee on Engrossed Bills,

Reported,

Senate file, No. 41, A bill for an act to amend an act entitled an act to provide for the management of a State library, and the election of a librarian.

Also,

Senate file, No. 40, A bill for an act to authorize the Secretary of State to collect and arrange certain papers in his office,

As correctly engrossed.

Mr. Espy, from the committee on Enrolled bills, reported

Senate file, No. 25, Memorial to Congress for an appropriation of land for the improvement of Skunk river.

Senate file, No. 22, Joint Resolution to allow John Brophy an additional compensation for the locating of salt springs.

Also,

Senate file, No. 34, An act to locate and establish a State road therein named,

As correctly enrolled.

Mr. Espy, from the committee on Enrolled Bills, reported that they had presented the following bills for the signature of the Governor:

Senate file, No. 27, Joint Resolution for a mail route from Fort Des Moines to the East, or Boon Fork of the Des Moines river.

Senate file, No. 20, An act to establish a State road from Delhi, in Delaware county, to Independence, in Buchanan county.

Senate file, No. 12, Joint Resolution accepting a reconnoissance and preliminary survey:

Senate file, No. 23, An act to establish a State road from Cedar Rapids, in Linn county, to Marengo, in Iowa county,

And,

Senate file, No. 18, Joint Resolution for carrying the mail.

Senate file, No. 40, A bill for an act to authorize the Secretary of State to collect and arrange certain papers in his office,

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

H. R. file No. 29, A bill for an act to repeal an act approved January 25, A. D. 1848, entitled an act to amend an act defining the time of holding elections for State, district, and county officers, approved February 25, 1847.

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

H. R. file, No. 21, Joint Resolution for a grant of land from Congress,

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

H. R. file, No. 57, A bill for an act to locate a certain road therein named.

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

Message from the House of Representatives, by Mr. Leffingwell, chief clerk:

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passes,

H. R. file, No. 53, A bill for an act to organize the Supreme Court of the State of Iowa.

H. R. file, No. 72, A bill for an act to establish a State road from Cedar Rapids, in Linn county, to Marengo, in Iowa county.

H. R. file, No. 75, A bill for an act to amend an act regulating attachments.

H. R. file, No. 76, A bill for an act to fund the State debt.

H. R. file, No. 77, A bill for an act to authorize Israel Atherton to establish and keep a ferry across the Mississippi river, at a point in Scott county opposite Cordovia, in the State of Illinois.

H. R. file, No. 79, A bill for an act supplemental to the act of February 25, 1847, entitled an act supplemental and amendatory to an act to establish common schools, approved January 16, 1840.

H. R. file, No. 81, A bill for an act to locate a State road from Knoxville, in Madison county, via the seats of Justice of Warren and Madison counties, to the western line of Madison county.

In all of which the concurrence of the Senate is respectfully requested.

I herewith return.

Senate file, No. 21, Joint Resolution relative to the improvement of the Harbour at Dubuque.

Senate file, No. 24, An act for a State road therein named,

The same having received the signature of the Speaker of the House of Representatives.

I herewith present for your signature,

H. R. file, No. 13, An act to establish a State road from Ed-dyville, in Wapello county, to Bloomfield, in Davis county.

H. R. file, No. 23, An act to amend the city charter of the city of Burlington,

H. R. file, No 28, An act to authorize the judge of probate of Marion county, to transcribe the records of the probate court.

H. R. file, No. 41, Joint Resolution for the establishment of a land office at Fort Des Moines.

H. R. file, No. 46, An act to establish a State road from Mrs. Feslers to intersect the road running to Columbus city.

H. R. file, No. 54, Joint Resolution asking a mail route from Prairie du Chien, to Fort Atkinson.

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

Senate file, No. 41, A bill for an act to amend an act entitled an act to provide for the management of the State library, and for the election of a librarian, approved February 15, 1847,

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

H. R. file, No. 68, memorial for an increase of mail facilities,
Was read a first and second time, and,

On motion of Mr. Wright,

The 13th rule was suspended, said memorial read a third time, passed and title agreed to.

H. R. file, No. 67, A bill for an act to amend an act to authorize Wm. S. Townsend, and his associates, to keep a ferry across the Missouri river at Trader's Point,

Was read a second time, and,

On motion of Mr. Springer,

Amended as follows : " Add a section—this act may be altered or repealed at any time, by the General Assembly.

On motion of Mr. Royston,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 74, A bill for an act to establish the office of State printer, define his duties, and establish the prices of public printing.

Was read a first and second time, and,

On motion of Mr. Browning,

Referred to a committee of the whole Senate, and made the special order for Wednesday next.

H. R. file, No. 62, A bill for an act to regulate costs of criminal prosecutions, in Davis and Appanoose counties,

Was read a first and second time, and,

On motion of Mr. Espy,

Referred to the committee on the Judiciary.

H. R. file, No. 63, Joint Resolution requiring the Secretary of State, to furnish the counties of Warren and Madison with copies of the revised statutes and other laws of this State,

Was read a first and second time, and,

On motion of Mr. Casady,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 65, A bill for an act relative to the record of the decree of partition of the half breed tract of land, situated in Lee county,

Was read a first and second time, and,

On motion of Mr. Browning,

Referred to the committee on the Judiciary.

H. R. file, No. 59, Joint Resolution relative to Mr. Whitney's railroad project,

Was read a first and second time, and,

On motion of Mr. Cook,

Referred to the committee on Internal Improvements.

H. R. file, No. 70, Joint Resolution appointing an agent to pay the interest on the Iowa State stock,

Was read a first and second time, and,

On motion of Mr. Browning,

The 13th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

H. R. file, No. 71, A bill for an act relocating a State road therein named,

Was read a first and second time, and

On motion of Mr. Browning,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith present for your signature,

H. R. file, No. 34, An act to authorize David W. King to establish and keep a ferry across the Cedar river, at a point oppo-

site to Cedar Rapids.

H. R. file, No. 36, An act to locate a State road from Minona to Fort Atkinson.

H. R. file, No. 37, An act to locate the seat of justice of Madison and Warren counties.

H. R. file, No. 35, An act to authorize Frederick Andros to transcribe the records of Clayton county.

H. R. file, No. 39, An act to provide for the navigation of the Des Moines river, between the mouth of the Racoon Fork thereof, and the Northern boundary of this State.

H. R. file, No. 26, An act to amend an act entitled an act to establish new counties, and define their boundaries.

H. R. file, No. 82, Memorial to Congress for a marine hospital at Rock Island.

H. R. file, No. 83, Memorial and Joint Resolution to increase the pension of Isaac W. Griffith.

Also,

I herewith return

Senate file, No. 24, An act to establish a State road therein named.

Senate file, No. 25, Memorial to Congress for an appropriation of land for the improvement of Skunk river ; and

Senate file, No. 22, Joint Resolution allowing extra compensation to John Brophy, for services rendered in selecting salt springs.

All of which have passed both Houses of the General Assembly, and received the signature of the Speaker of the House of Representatives.

Mr. Royston, with leave obtained, introduced

Senate file, No. 48, A bill for an act to re-apportion the State, and define the senatorial and representative districts therein.

On his motion,

Laid on the table, and the usual number of copies ordered to be printed.

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

H. R. file, No. 69, Joint Resolution for a mail route from West Point, in Lee county, to Salem, in Henry count,

Reported a substitute,

Which was read a first and second time, and,

On motion of Mr. Sprott,

The 13th rule was suspended, said substitute read a third time, passed, and titled agreed to.

Mr. Shields, from the committee on schools, to whom was referred

The petition of certain citizens, asking for the donation of the college square, in Iowa city, to the medical faculty of the Iowa University, reported

Senate file, No. 49, A bill for an act to donate the college square in Iowa city, to the medical department of the Iowa University,

Which was read for information, and,

On his motion,

Laid on the table, subject to the order of the Senate.

H. R. file, No. 35, Joint Resolution for the relief of Harvey Leonard,

Was read a first and second time, and

On motion of Mr. Wright,

Referred to the committee on the Judiciary.

H. R. file, No. 72, A bill for an act to establish a road from Cedar Rapids, in Linn county, to Merengo, in Iowa county,

Was read a first and second time, and,

On motion of Mr. Cook,

Laid on the table.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 73, A bill for an act to locate a State road from Burlington, in Des Moines county, to Fort Madison, in Lee Co.

H. R. file, No. 78, A bill for an act to extend the time for putting a lock in the Iowa City manufacturing company mill dam.

H. R. file, No. 43, A bill for an act asking an appropriation for the improvement of the Maquoketa river.

H. R. file, No. 88, A bill for an act to legalize the acts of the county commissioners of Des Moines county.

In all of which the concurrence of the Senate, is respectfully requested.

I herewith return

Senate file, No. 33, An act amendatory to an act entitled "an act to provide for the better settling and adjusting the several titles set up to the half breed lands in Lee county," passed June 11th, 1845.

Senate file, No. 36, A bill for an act to establish a State road and branch thereof.

The same having passed the House of Representatives without amendment.

H. R. file, No. 75, A bill for an act to amend an act regulating attachments,

Was read a first and second time, and,

On motion of Mr. Cook,

Referred to the committee on the Judiciary.

H. R. file, No. 76, A bill for an act to fund the debt of the State,

Was read a first and second time, and,

On motion of Mr. Espy,

Referred to the committee on Ways and Means.

H. R. file, No. 77, A bill for an act to authorize Israel Atherton to establish and keep a ferry across the Mississippi river, at a point in Scott county, opposite Cordovia in the State of Illinois,

Was read a first and second time, and,

On motion of Mr. Wheeler,

Referred to the committee on Incorporations.

H. R. file, No. 79, A bill for an act supplemental to the act of Feb. 25th, 1849, entitled an act supplemental and amendatory to an act to establish common schools, approved Jan. 15th, 1847,

Was read a first and second time, and,

On motion of Mr. Bradley,

Referred to the committee on Schools.

H. R. file, No. 81, A bill for an act to locate a State road from Knoxville, in Marion county, via. the county seats of Warren and Madison to the west line of Madison county,

Was read a first and second time, and,

On motion of Mr. Cassady,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 73, A bill to locate a State road leading from Burlington, in Des Moines county, to Fort Madison, in Lee county,

Was read a first and second time, and,

On motion of Mr. Espy,

Referred to the committee on Roads.

H. R. file, No. 78, A bill for an act to extend the time of putting in a lock in the Iowa City Manufacturing company mill-dam,

Was read a first and second time, and,

On motion of Mr. Alger,

Referred to a select committee, and

Messrs. Alger, Sprott, and Shields were appointed said committee.

H. R. file, No. 43, Joint Resolution for an appropriation of money, or land, for the improvement of the navigation of the Maquoketa river,

Was read a first and second time, and,

On motion of Mr. Bradley,

The 13th rule was suspended, said joint resolution was read a third time, passed, and title agreed to.

H. R. file, No. 8, A bill for an act to legalize the acts of the board of commissioners of Des Moines county,

Was read a first and second time, and,

On motion of Mr. Selman, (Mr. Browning in the chair,)

Referred to the delegation from Des Moines county.

Mr. Selman, on leave obtained, offered the following resolution:

Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency of reporting a bill compelling the attendance of the district judges at the stated terms of the district courts in this State, which was adopted.

H. R. file, No. 64, A bill for an act to amend an act entitled an act to incorporate the town of Davenport,

Was read a first and second time, and,

On motion of Mr. Wheeler,
Ordered to a third reading on Wednesday next.

Mr. Bradley, from the committee on the Judiciary, to whom was referred,

H. R. file, No. 53, A bill for an act to organize the Supreme Court of this State,

Reported the same back, and recommended its indefinite postponement.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

Mr. Espy moved to lay said bill and report on the table.

Mr. Espy moved a call of the Senate,

When it appeared that Messrs. Cook, Royston, and Alger were absent.

Mr. Alger being excused, and Messrs. Cook and Royston appearing,

The further call was dispensed with.

The question then being upon laying said bill and report on the table,

Was decided in the negative.

Mr. Crawford moved the indefinite postponement of said bill.

The yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Bradley, Browning, Cassady, Crawford, Harbour, Howel, Jay, Sanford, Shields, Wheeler, Wright, and Mr. President—12.

Nays—Messrs. Espy, Springer, and Spratt—3.

So said bill was indefinitely postponed.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate file, No. 37, A bill for an act amendatory to an act creating a Board of Public Works, approved February 24, 1847,
Being in special order,

The Senate resolved itself into a committee of the whole, Mr. Springer in the chair,

And after some time spent therein,

The committee rose, and by their chairman,

Reported the same back, and recommended its reference to the committee on Internal Improvements. .

Which was concurred in.

Mr. Wright offered the following resolution :

Resolved, That a committee of three be appointed to examine into the condition of the State library, and to inquire as to the expediency of making an appropriation for an increase thereof, and report by bill or otherwise.

On motion,

Laid on the table.

On motion of Mr. Harbour,

The Senate resolved itself into an executive session,

And after some time spent therein, the session rose.

On motion,

The Senate adjourned till Wednesday morning next, at 10 o'clock.

WEDNESDAY MORNING, DECEMBER 27, 1848.

Senate met pursuant to adjournment.

Mr. Crawford presented the remonstrance of Eli Stoddard and seventy other citizens of Fort Madison, in Lee county, against the granting of an exclusive privilege within the limits of said town.

On motion of Mr. Bradley,

Referred to a select committee, composed of

Messrs. Espy, Sprott, and Crawford, to whom was referred

H. R. file, No. 17, A bill for an act to authorize Geo. Keil, his heirs and assigns, to keep a wharf boat at Fort Madison, in Lee county.

Mr. Bradley presented a remonstrance from J. P. Miller and fifty other citizens of Johnson county, against the obstruction of the navigation of the Iowa river by mill dams,

Which was read for information, and laid on the table.

Mr. Bradley presented the petition of J. H. Fisher and one hundred other citizens of Iowa city, asking the General Assembly to extend the time for putting a lock in the Iowa city manufacturing company mill dam,

Which was read for information, and

Laid on the table, subject to the order of the Senate.

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

H. R. file, No. 17, A bill for an act to authorize George Keil, his heirs and assigns, to keep a wharf boat at Fort Madison, in Lee county, reported as follows:

REPORT:

Your committee have taken the subject under due consideration, with a view to a correct conclusion upon the rights of the applicants for special favors at the hands of the General Assembly, as also the duties of that body as regards its action thereon.

The present case your committee deems peculiarly situated, inasmuch as the franchise asked for, if granted, may conflict with the charter of incorporation of the city of Fort Madison. Your committee, on examination of the statutes, by reference to those of the last General Assembly of the State, find a bill incorporating said city, and extending to the authorities thereof all the power (as your committee believes) to take action upon the prayer of any citizen who might wish to keep a "wharf boat," or exercise any other liberty or franchise within the limits or jurisdiction of the authorities of said city.

This bill, coming as it does from the popular branch of the General Assembly, your committee has felt much more solicitude than otherwise they might, had it originated in the Senate.

The inquiry has been, is such a privilege necessary to the interests and welfare of the citizens of Fort Madison? And if so, have not the authorities of that city the power commensurate with the necessity for such a grant? Have the citizens petitioned for the same? All which your committee have examined with much care. They are of opinion that at least hasty legislation on subjects of so much apparent importance, ought to be avoided by the General Assembly.

This conclusion, in their opinion, is much strengthened by the remonstrance from the Mayor and Board of Aldermen of said city of Fort Madison: the arguments contained in which, your committee deem of much force in coming to the conclusion they have, and in the recommendation they now make to the Senate on this bill.

They therefore instructed me to recommend the indefinite postponement of said bill, and wish to attach as part of their report, the following remonstrance, referred to their consideration, by the Honorable Senate.

All which is respectfully submitted.

To the Honorable Senate and House of Representatives of the State of Iowa, at their session of December, 1848.

The mayor and aldermen of the town of Fort Madison, respectfully state to your body, that they are informed that application has or will be made to you, for the exclusive privilege of keeping a wharf boat on the Mississippi river within the lim-

its of this town, for the purpose of trade. The undersigned, on behalf of the people of the town, protest against any such grant of their corporate rights. They believe that the corporation is now endowed with all necessary power on that subject for the public good. Further; they are of the opinion that all exclusive grants of privileges, are violations of public rights, unjust, and contrary to republican principles. We are of the opinion, that any individual grants of the nature above referred to, would be injurious to the public good, and a violation of the corporate rights now conferred on the inhabitants of the town. Therefore we desire that you will reject all such applications, if presented by any person or persons whomsoever.

WICKLIFF KITCHELL, Mayor.

HENRY ENO,	} Aldermen.
A. G. FRIDLEY,	
OTWAY CUTLAR,	
H. C. McMURPHY,	
JOSEPH HUFF,	

The question being on concurring in the report of the committee, was decided in the affirmative.

Mr. Royston, from the committee on Internal Improvements, to whom was referred

Senate file, No. 37, A bill for an act amendatory to an act creating a Board of Public Works, approved Feb. 24th, 1847, and repealing an act supplemental thereto, approved Jan. 24, 1848,

Reported the same back with sundry amendments thereto, and asked the concurrence of the Senate therein.

On motion of Mr. Bradley,

Said bill and report were laid on the table, subject to the order of the Senate.

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

H. R. file, No. 88, A bill for an act to legalize the acts of the county commissioners of Des Moines county,

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

The question being on concurring in the report of the committee,

Was decided in the affirmative.

H. R. file, No. 64, A bill for an act to amend an act entitled an act, to incorporate the town of Davenport,

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

H. R. file, No. 74, A bill for an act to create the office of public printer, to provide for his election, define his duties, and establish the prices of public printing, being in special order,

The Senate resolved itself into a committee of the whole, Mr. Sanford in the chair ;

And after some time spent therein,

The committee rose, and by their chairman,

Reported progress, and asked leave to sit again, at 2 o'clock, P. M.

Which being granted,

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

In committee of the whole Senate, Mr. Sanford in the chair, After some time spent therein,

The committee rose, and by their chairman,

Reported the same back with sundry amendments, and asked the concurrence of the Senate therein.

On motion of Mr. Harbour,

Referred to a select committee, and

Messrs. Harbour, Wheeler and Bradley, were appointed said committee.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed,

H. R. file, No. 90, A bill for an act to amend an act entitled an act, for the incorporation of the town of Bloomington.

H. R. file, No 94, Joint Resolution for a mail route from Albia, in Monroe county, to Trader's Point, on the Missouri river.

H. R. file, No. 97, Joint Resolution requesting our Senators to procure a certified plat of all the military roads in the State. In all of which the concurrence of the Senate is requested.

I herewith return

Senate file, No. 40, An act to authorize the Secretary of State to collect and arrange certain papers in his office.

H. R. file, No. 90, An act to amend an act entitled an act, for the incorporation of the town of Bloomington, approved Jan. 23, 1839,

Was read a first and second time, and,

On motion of Mr. Harbour,

Referred to the committee on Incorporations.

H. R. file, No. 94, Joint Resolution for a mail route from Albia, in Monroe county, to Trader's Point, on the Missouri river,

Was read a first and second time, and

On motion of Mr. Royston,

Referred to a select committee, and

Messrs. Royston, Sanford and Shields, were appointed said committee.

H. R. file, No. 97, Joint Resolution for a certified plat of all the military roads in this State,

Was read for information, and,

On motion of Mr. Jay,

Laid on the table.

On his motion,

The Senate adjourned till 10 o'clock, to-morrow morning.

THURSDAY MORNING, DECEMBER 28, 1848.

Senate met pursuant to adjournment.

Mr. Cook presented a petition from Wm. Green, and 80 other citizens of Cedar Rapids, praying for an act of incorporation for said town.

On his motion,

Referred to the committee on Incorporations.

Mr. Wright presented a petition from Thomas Dean and other citizens of Pittsburg, in Van Buren county, praying a vacation of a portion of said town.

On his motion,

Referred to a select committee of three, and

Messrs Wright, Sanford, and Jay were appointed said committee.

Mr. Bradley, with leave, introduced

Senate file, No. 49, Memorial to Congress for the establishment of certain military posts,

Which was read a first and second time, and;

On his motion,

Referred to a select committee, and

Messrs. Bradley, Sprott, and Howel were appointed said committee.

Mr. Espy, from the committee on Enrolled Bills, reported

Senate file, No. 42, An act to locate a State road from Pella, in Marion county, to Fort Des Moines, in Polk county.

Senate file, No. 15, An act to establish a ferry at Boatman's mill, on the Des Moines river, in Lee county.

Senate file, No. 31, An act to authorize the Auditor of State to audit and allow expenses of the Supreme Court of this State.

Senate file, No. 30, An act for a State road therein named.

Senate file, No. 36, An act to establish a State road and branch thereof, and

Senate file, No. 33, An act amendatory to an act to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in Lee county, passed January 11, 1845.

As correctly enrolled.

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

H. R. file, No. 74, A bill for an act to establish the office of State printer, define his duties, and establish the prices of public printing,

Reported the same back, with one amendment, and recommended its passage.

The question being upon concurring in the report of the committee,

Was decided in the affirmative.

Mr. Bradley, from the committee on the Judiciary, to whom was referred.

H. R. file, No. 40, A bill for an act for the relief of occupying claimants of real estate,

Submitted the following

REPORT:

Your committee have had the said bill under consideration, and find from an examination of its different provisions, that there are some things therein contained, that are unexceptionable and to which they suppose there would be no objection, while there are other provisions to which they are unwilling to assent, and which in their opinion it would be impolitic to enact into a law.

Your committee would further state that in coming to the conclusion which they herein recommend, they are assisted by the fifty-third section of the act regulating the "action of rights," which provides, that the defendant in such action may set off any permanent improvements he may make on the premises in dispute, at their fair value, against any damages to which the plaintiff may be entitled for the withholding of possession, &c.

Your committee are induced to believe that this is as far as legislation has heretofore gone in most if not all the states in this

union, and they know of no great reason why a change should now be made here.

But even if all the principles contained in this bill were correct, your committee are of the opinion that the present session should be brought to a close as soon as possible consistent with the public good—that no laws of a general nature should be taken up, except such as are imperiously demanded by the pressing wants of the State, or those that we are compelled by the Constitution to now act upon; and this because all matters will undergo the scrutiny of the revising committee, and a system then be adopted which will be much more perfect than we can expect to make by amendments and additions to our present confused code.

For the reasons thus briefly stated, your committee would recommend the indefinite postponement of said bill.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

Mr. Espy, from the committee on the Judiciary, to whom was referred,

Senate file, No. 19, Joint Resolution for an appropriation to improve the Des Moines and Rock River rapids of the Mississippi river,

Submitted the following

REPORT:

That they have had the subject under consideration, but have not within their reach such data as the committee considers important to be set forth in such memorial.

It is also understood by the committee that a memorial setting forth such information, statistics &c., prepared at much research, is within the reach of our Representatives and Senators in Congress, having been presented to that body at a previous session.

They therefore report said resolutions back to the Senate, and recommend their adoption without amendment.

Mr. Harbour, from the committee on roads, to whom was referred

H. R. file, No. 73, A bill for an act to establish a State road leading from Burlington, in Des Moines county, to Fort Madison, in Lee county,

Reported the same back, without amendment.

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

Senate file, No. 44, A bill for an act to amend an act entitled an act to define the limits of the first Congressional district,

Reported a substitute, a bill for an act to amend an act entitled an act to divide the State into two Congressional districts.

On motion of Mr. Harbour,

Laid on the table, subject to the order of the Senate.

H. R. file, No. 74, A bill for an act to establish the office of State Printer,

Was read a second time.

Mr. Jay offered the following amendment to section 10.

“That the public printer shall be allowed sixty-five cents per thousand ems, for the first hundred copies, and 8 cents per thousand ems for each additional hundred copies when the number of copies ordered to be printed shall exceed one thousand, and be less than two thousand, the public printer shall be allowed sixty-five cents per thousand ems, for the first five hundred copies, and eight cents per thousand for every additional hundred copies; when the number of copies ordered to be printed, shall exceed two thousand, and be less than four thousand, the public printer shall be allowed 35 cents per thousand ems for the first five hundred copies, and 8 cents per thousand ems for every additional hundred copies, and in proportion to the above prices, any printing that may be ordered by law.”

The question being upon the adoption of the amendment,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Cook, Jay, Sanford, Sprott, Wheeler, and Wright—6.

Nays—Messrs. Bradley, Cassady, Crawford, Espy, Harbour, Howel, Royston, Shields, and Mr. President—9.

Mr. Cook moved to strike out “8” and insert “16” in section 10.

On motion of Mr. Sanford,

Recommitted, with instructions to furnish the Senate with information relative to the terms used in said bill.

H. R. file, No. 88, A bill for an act legalizing the acts of county commissioners of Des Moines county,

Was read a second time, and,

On motion of Mr. Wright,

Ordered to a third reading to-morrow.

H. R. file, No. 47, An act to amend an act entitled an act for the organization of Pottawatomie and other counties, approved February 24, 1847, was read a second time.

Mr. Espy moved to strike out the second section.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cook, Espy, Jay, Sanford, Sprott, Wheeler and Wright—8.

Nays—Messrs. Cassady, Crawford, Harbour, Howel, Royston and Mr. President—6.

So the question was decided in the affirmative.

On motion of Mr. Bradley,

Laid on the table, subject to the order of the Senate.

• On motion of Mr. Espy,

H. R. file, No. 32, A bill for an act to authorize William P. Wilson to keep a ferry across the Des Moines river, at Monterey,

Was taken from the table, read a first and second time, and

On his motion,

Amended as follows : Insert in the first section after fifteen years, the words “ with the exclusive privilege.”

On motion of Mr. Espy,

The 13th rule was suspended, said bill read a third time, passed, and titled agreed to.

Mr. Crawford, from the committee on Incorporations, to whom was referred

H. R. file, No. 77, A bill for an act to authorize Israel Atherton to establish and keep a ferry across the Mississippi river, at a point in Scott county, opposite Cordovia in the State of Illinois,

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

Said bill was read a second time, and,

On motion of Mr. Wheeler,

The 13th rule was suspended, and said bill read a third time.

The question being on the passage of the bill, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cook, Crawford, Espy, Howel, Jay, Sanford, Sprout, Wheeler, and Mr. President—9.

Nays—Messrs. Bradley, Casady, Harbour and Wright—4.

So said bill was passed and title agreed to.

On motion of Mr. Espy,

- Senate file, No. 19, Joint Resolution for an appropriation to improve the Des Moines and Rock river rapids, in the Mississippi river,

Was taken from the table, read a second time, and,

On his motion,

The 13th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Lefingwell, chief clerk :

Mr. President—

I herewith present for your signature,

H. R. file, No. 21, Joint Resolution for a grant of land from Congress.

H. R. file, No. 29, An act to repeal an act, approved January 25, A. D. 1848, entitled "an act to amend an act defining the

time for holding elections for State, district and county officers," approved February 25, 1847.

H. R. file, No. 43, Joint Resolution for an appropriation of money or land, for the improvement of the navigation of the Maquoketa river.

H. R. file, No. 57, An act to locate a certain road therein named.

H. R. file, No. 63, Joint Resolution requiring the Secretary of State to furnish the counties of Warren and Madison, with the revised statutes and other laws of this State.

H. R. file, No. 67, An act to authorize Wm. S. Townsend to keep a ferry across the Missouri river at Trader's Point.

H. R. file, No. 68, Memorial for an increase of mail facilities.

H. R. file, No. 70, Joint Resolution appointing an agent to pay the interest on the Iowa State stock.

H. R. file, No. 71, An act re-locating a State road therein named.

H. R. file, No. 81, An act to locate a State road from Knoxville, in Marion county, via. the seats of justice of Warren and Madison counties, to the west line of Madison county.

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

Mr. Jay offered the following resolution :

Resolved, By the Senate, the House concurring, that the General Assembly will adjourn, *sine die*, on the 10th of January next.

On motion of Mr. Bradley,

Laid on the table.

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

H. R. file, No. 74, A bill for an act to establish the office of State printer, define his duties, and establish the price of public printing,

Reported, in compliance with instructions, the bill back to the Senate.

Mr. Cook offered the following amendment to section 17—

"That the same prices herein established, shall be paid for the printing of the laws of the present session."

The question being on the adoption of the amendment,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cook, Crawford, Espy, Jay, Royston, Sanford, Shields, Sprott, Wheeler and Wright—11.

Nays—Messrs. Cassady, Harbour, Howel, and Mr. President—4.

The question was decided in the affirmative.

Mr. Espy moved to add the word “journals” after the word “laws” in section 17.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cook, Espy, Wheeler, Wright and Mr. President—5.

Nays—Messrs. Bradley, Cassady, Crawford, Harbour, Howel, Jay, Royston, Sanford, Shields, and Sprott.—10.

So said amendment was disagreed to.

On motion of Mr. Espy,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 80, A bill for an act to create the fifth judicial district.

H. R. file, No. 89, A bill for an act to locate a State road therein named.

In which the concurrence of the Senate is requested:

I also herewith return

Senate file, No. 28, A bill to authorize Wm. Greene, his heirs and assigns, to improve the Cedar river, by putting in a dam and lock.

Senate file, No. 35, Joint Resolution providing compensation for the commissioners appointed to select the Des Moines river lands.

Senate file, No. 41, A bill for an act to amend an act to pro-

vide for the State Library, and the appointment of a librarian, approved February 15, 1847.

The same having passed the House of Representatives, without amendment.

Mr. Shields, from the committee on schools, to whom was referred H. R. file, No. 79, A bill for an act supplemental to the act of February 25, 1847, entitled an act supplemental and amendatory to an act to establish common schools, approved January 16, 1840.

Reported the same back, with one amendment thereto, and asked the concurrence of the Senate therein.

On motion of Mr. Jay,

Laid on the table.

On motion of Mr. Royston,

Senate file, No. 37, A bill for an act amendatory to an act creating a Board of Public Works, approved February 24, 1847, and repealing an act supplemental thereto, approved January 24, 1848,

Was taken from the table, and

On motion of Mr. Bradley, the Senate resolved itself into a committee of the whole, for the consideration thereof,

Mr. Wheeler in the chair.

And after some time spent therein,

The committee rose, and by their chairman,

Reported progress, and asked leave to sit again to-morrow, 10 o'clock, A. M.

Which being granted,

The Senate,

On motion,

Adjourned till 10 o'clock to-morrow morning.

FRIDAY MORNING, DECEMBER 29, 1848.

Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 101, Joint resolution to prevent the extension of human slavery.

In which the concurrence of the Senate is requested.

I herewith return,

Senate file, No. 33, An act to establish a state road therein named.

Senate file, No. 30, An act to locate a State road from Pella, in Marion county, to Fort Des Moines, in Polk county.

Senate file, No. 15, An act to establish a ferry at Boatman's mill, on the Des Moines river, in Lee county.

Senate file, No. 36, An act amendatory of an act entitled an act to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands, in Lee county.

Senate file, No. 31, An act to authorize the Auditor of State to audit and allow the expenses of the Supreme Court of this State.

Senate file, No. 42, An act to locate a State road therein named.

The same having received the signature of the Speaker of the House of Representatives.

Mr. Bradley, from the committee on the Judiciary, to whom was referred,

Senate file, No. 47, A bill for an act to amend an act entitled an act regulating practice in the district courts in the Territory of Iowa, approved February 10, 1848,

Reported the same back, with two additional sections.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

On his motion,

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

Mr. Bradley, from the committee on the Judiciary, to whom was referred,

H. R. file, No. 65, A bill for an act relative to the record of the decree of partition of the Half Breed lands in Leo county,

Reported the same back with one amendment,

Which was concurred in, and,

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

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

H. R. file, No. 48, A bill for an act to restrain swine from running at large in Clinton county,

Reported the same back, with one amendment,

Which was concurred in.

Mr. Espy, from the committee on the Judiciary, to whom was referred,

H. R. file, No. 54, A bill for an act concerning claims on the Half Breed tract,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein,

Which was agreed to, and,

On motion of Mr. Wright,

Ordered to a third reading tomorrow.

Mr. Espy, from the committee on Ways and Means, to whom was referred,

H. R. file, No. 76, A bill for an act to fund the State debt,

Reported the same back, with one amendment,

Which was concurred in.

Mr. Espy, from the committee on Elections, to whom was referred.

H. R. file, No 11, A bill for an act to preserve the purity of elections,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

The President laid before the Senate a communication from His Excellency, Governor Briggs, accompanying a letter from Captain Roberts, U. S. rifles, presenting a sword and set of armour, trophies taken in the late war with Mexico, to the State of Iowa.

Which was read for information, and,

On motion of Mr. Sanford,

Referred to a select committee, with instructions to prepare resolutions of thanks to the donor, and,

Messrs. Sanford, Bradley, Spratt, Shields, and Cassady were appointed said committee.

Senate file, No. 37, A bill for an act amendatory to an act creating a Board of Public Works, approved February 24, 1847, and repealing an act supplemental thereto, approved January 24, 1848,

Being the special order,

The Senate resolved itself into a committee of the whole, Mr. Bradley in the chair, and,

After some time spent therein,

The committee rose, and by their chairman,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein.

On motion of Mr. Harbour,

Laid on the table, subject to the order of the Senate.

On motion,

The Senate adjourned till 2 o'clock P. M.

TWO O'CLOCK, P. M.

On motion of Mr. Alger,

The petition and remonstrance relative to the Iowa City Manufacturing Company mill-dam,

Were taken from the table, and referred to the select committee composed of Messrs. Alger, Sprott, and Shields, to whom was referred

H. R. file, No. 78, A bill for an act to extend the time of putting a lock in the Iowa City Manufacturing Company mill-dam.

Mr. Bradley, from the committee on the Judiciary, to whom was referred,

H. R. file, No. 58, A bill for an act regulating grocery licenses,

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

On motion of Mr. Sanford,

Laid on the table, subject to the order of the Senate.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 93, A bill for an act to compel persons entering the improvements of settlers upon the public lands, to pay for the same.

H. R. file, No. 99, A bill for an act for the relief of Appenoose county,

In which the concurrence of the Senate is requested.

I herewith return

Senate file, No. 19, A joint resolution for an appropriation to improve the Des Moines and Rock river rapids, in the Mississippi river.

The same having passed the House of Representatives without amendment.

H. R. file, No. 88, A bill for an act for legalizing the acts of the county commissioners of Des Moines county,

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

H. R. file, No. 80, A bill to create the fifth judicial district,

Was read a first and second time, and,

On motion of Mr. Cassady,

A call of the Senate was ordered, when it appeared that

Messrs. Bradley, Crawford, Cook, Browning, Harbour, Royston and Shields, were absent.

On motion,

Messrs. Browning and Cook, were excused.

Messrs. Bradley, Harbour, Shields and Royston, appearing,

The further call was suspended, and,

Mr. Wright moved to amend, by inserting after the word "Boon," the words, "and the country lying west."

Upon the adoption thereof,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Jay, Sanford, Sprott, Wheeler and Wright—5

Nays—Messrs. Alger, Bradley, Cassady, Espy, Harbour, Howell, Royston, Shields and Mr. President—9.

So said amendment was disagreed to.

Mr. Cassady moved to strike out "Muscatine," from the 3rd section,

Which was agreed to.

Mr. Jay moved to lay on the table.

Disagreed to.

Mr. Bradley moved to read said bill a third time to-morrow.

Mr. Wright moved to read said bill a third time on Monday next.

The question being upon reading said bill on Monday next,

Was decided in the negative.

The question recurring on the motion to read said bill a third time to-morrow, was decided in the affirmative.

H. R. file, No. 89, A bill for an act to locate a State road therein named,

Was read a first and second time, and,

On motion of Mr. Harbour,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 93, A bill for an act to compel persons entering the improvements of settlers, to pay for the same,

Was read a first and second time, and,

On motion of Mr. Sprott,

The last section was struck from said bill.

Mr. Jay moved to refer to the committee on the Judiciary.

Disagreed to.

Mr. Wright moved to lay on the table.

Disagreed to.

Mr. Sprott moved to suspend the 13th rule, and read the bill a third time now.

Disagreed to.

Mr. Shields moved to refer said bill to the committee on Military Affairs.

Disagreed to.

Mr. Wright moved that the Senate resolve itself into a committee of the whole, for the consideration thereof.

Disagreed to.

Mr. Bradley moved to refer said bill to the committee on Public Buildings.

Disagreed to.

Mr. Sprott moved that said bill be ordered to a third reading on Monday next.

Disagreed to.

On motion of Mr. Jay,

Said bill was referred to a committee of the whole Senate, and made the special order for to-morrow, at 2 o'clock, P. M.

H. R. file, No. 99, A bill for an act for the relief of Appenoose county,

Was read a first and second time, and,

On motion of Mr. Bradley,

Referred to the committee on the Judiciary.

H. R. file, No. 73, A bill to locate a State road, from Burlington, in Des Moines county, to Fort Madison;

Was read a second time, and,

On motion of Mr. Espy,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 101, Joint Resolution for the suppression of human slavery,

Was read a first and second time, and,

On motion of Mr. Royston,

Said Joint Resolution was indefinitely postponed.

On motion of Mr. Wright,

Senate file, No. 37, A bill for an act amendatory to an act, creating a Board of Public Works, approved February 24, 1847, and repealing an act supplemental thereto, approved January 24, 1848,

Was taken from the table.

On motion,

The Senate adjourned, till 10 o'clock, to-morrow morning.

SATURDAY MORNING, DECEMBER 30, 1848.

Senate met pursuant to adjournment.

Mr. Bradley, for Mr. Shields, from the committee on Engrossed Bills, reported

Senate file, No. 47, A bill for an act to amend an act entitled an act regulating practice in the district courts in the Territory of Iowa, approved February 10, 1843,

As correctly engrossed.

Mr. Espy, from the committee on Enrolled Bill,

Reported that they had presented the following bills to the Governor, for his signature:

Senate file, No. 21, Joint Resolution relative to the improvement of the harbour at Dubuque.

Senate file, No. 34, An act for a State road therein named.

Senate file, No. 25, Memorial to Congress for an appropriation to improve the navigation of Skunk river.

Senate file, No. 24, An act to locate and establish a State road therein named.

Senate file, No. 23, An act amendatory to an act entitled an act to provide for the better settling and adjudication of the claims set up to the Half Breed lands, in Lee county.

Senate file, No. 42, An act to locate a State road from Pella, in Marion county, to Fort Des Moines, in Polk county.

Senate file, No. 15, An act to establish a ferry at Boatman's mill, on the Des Moines river, in Lee county.

Senate file, No. 36, An act to establish a state road and branch thereof.

Senate file, No. 32, An act to locate a State road therein named.

Mr. Crawford, from the committee on Claims, to whom was referred,

H. R. file, No. 33, Joint Resolution for the relief of Harvey Leonard, with the accompanying papers,

Reported the same back, and recommended its indefinite postponement.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

So said bill was indefinitely postponed.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith present for your signature,

H. R. file, No. 74, An act to create the office of State printer, define his duties, and establish the prices of public printing;

Also,

H. R. file, No. 64, An act to amend an act to incorporate the town of Davenport,

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

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

H. R. file, No. 78, A bill for an act to extend the time for putting in a lock in the Iowa City Manufacturing Company mill-dam,

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

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

The question before the Senate, (of the preceding day,) being on concurring in the report of the committee of the whole Senate, on

Senate file, No. 37, A bill for an act amendatory to an act creating a Board of Public Works, approved February 24, 1847, and repealing an act supplemental thereto, approved January 24, 1848.

On motion of Mr. Harbour,

Said report and bill were laid on the table, till Tuesday next.

H. R. file, No. 80, A bill to create the fifth judicial district,

Was read a third time, and,

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Harbour, Howel, Royston, and Mr. President—9.

Nays—Messrs. Jay, Sanford, Wheeler and Wright—4.

So said bill was passed, and title agreed to.

Senate file, No. 47, A bill for an act to amend an act entitled an act regulating practice in the district courts,

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

H. R. file, No. 54, A bill for an act concerning claims on the Half Breed Tract,

Was read a third time, and

On motion of Mr. Espy,

Recommitted.

H. R. file, No. 48, A bill for an act to restrain swine from running at large, in Clinton county,

Was read a second time, and

On motion of Mr. Wheeler,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 76, A bill to fund the State debt,

Was read a second time, and

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole, Mr. Harbour in the chair,

And after some time spent therein,

The committee rose, and by their chairman,

Reported the same back, with one amendment thereto, and requested the concurrence of the Senate therein.

Which was agreed to.

Mr. Sanford moved to adjourn until 2 o'clock, P. M.

Mr. Espy moved to adjourn until Tuesday next, 2 o'clock P. M.

The question being on the motion, to adjourn till Tuesday next, 2 o'clock, P. M.,

Was decided in the negative.

The question then recurring on the motion to adjourn till 2 o'clock, P. M.,

Was decided in the affirmative.

TWO O'CLOCK, P. M.

Mr. Espy, from the committee on the Judiciary, to whom was referred,

H. R. file, No. 54, A bill for an act concerning claims on the Half Breed Tract,

On leave obtained,

Reported the same back with one amendment thereto,

Which was concurred in, and,

On his motion,

The 13th rule was suspended, said bill was read a third time, passed, and title agreed to.

On motion of Mr. Wright,
Mr. Sanford was excused for the week next ensuing.

On motion of Mr. Jay,
The following resolution was taken from the table :
Resolved, By the Senate, the House concurring, that the General Assembly will adjourn *sine die*, on the 10th of January next.

On the adoption of said resolution, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Howel, Jay, Royston, Sanford, Wright, and Mr. President—11.

Nays—0.

H. R. file, No. 93, A bill for an act to compel persons, entering the improvements of settlers to pay for the same,
Being the special order, in committee of the whole, the Senate Resolved itself accordingly,
Mr. Jay in the chair,
And after some time spent therein,
The committee rose, and by their chairman,
Reported the same back, with sundry amendments thereto.

On motion of Mr. Bradley,
Referred to the committee on Claims.

The President announced a confidential communication from His Excellency, Governor Briggs ;

Whereupon the Senate resolved itself into an executive session.

The session rose, and,
The Senate,

On motion,
Adjourned till Tuesday next, 10 o'clock, A. M.

TUESDAY, MORNING, JANUARY, 2, 1849.

Senate met pursuant to adjournment.

Mr. Wright presented the petition of George Anderson and 249 other citizens of the counties of Lee, Henry, Van Buren, and Jefferson, praying for a State road from Keokuk, in Lee county, to intersect the State road from Glasgow to Fairfield;

Which was read for information, and,

On his motion,

Referred to the committee on Roads.

Mr. Shields presented the petition of P. Campbell, and 180 other citizens of Clayton county, praying for the removal of the seat of justice of said county.

Which was read for information, and,

On his motion,

Referred to the Senators from Dubuque and Jackson counties.

Mr. Shields presented a petition from B. J. O'Halloran, and 50 other citizens of Dubuque county, praying the General Assembly to memorialize the General Assembly of the State of Wisconsin, to use their influence to obtain a continuation of the Dubuque and Keokuk railroad, to the lakes at Milwaukee.

On his motion,

Referred to the Senators from Dubuque and Jackson counties.

Mr. Wheeler, with the consent of the Senate, presented the claim of Charles Jewit.

On motion of Mr. Bradley,

Referred to the committee on Claims.

On motion of Mr. Sanford,

Resolved, That the Secretary of State be requested to furnish the President, members, and Secretary of the Senate, each with one of Bayless Robbins Barnum's, or Spencer's pens.

Mr. Wright, from the select committee to whom was referred The petition of Thomas Dean, and others, citizens of the town of Pittsburg, asking a vacation of a part of said town, reported,

Senate file, No. 50, A bill for an act to vacate a part of the town of Pittsburg, in Van Buren county.

Which was read a first and second time, and,

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Shields, with leave of the Senate, presented certain claims, expenses of the Supreme court, at Dubuque.

On motion,

Referred to the committee on Claims.

Senate file, No. 37, A bill for an act amendatory to an act entitled an act to create a Board of Public Works, approved February 24, 1847, and repealing an act amendatory thereto, approved January 24, 1848, being in order,

Mr. Cassady moved a call of the Senate.

When it appeared that Mr. Harbour was absent.

That gentleman appearing, the further call was suspended.

On motion of Mr. Espy,

The vote had on Saturday, relative to adjournment,

Was reconsidered.

Mr. Royston moved to amend by striking out "ten," and inserting "fifteen."

Upon the adoption of this amendment,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cassady, Crawford, Espy, Harbour, Howel, Jay, Royston, and Mr. President—9.

Nays—Messrs. Bradley, Sanford, Shields, Springer, Sprott, Wheeler and Wright—7.

Mr. Harbour moved to lay said resolution on the table.

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Harbour, Howel, and Mr. President—4

Nays—Messrs. Alger, Bradley, Crawford, Espy, Jay, Royston, Sanford, Shields, Springer, Sprott, Wheeler and Wright—12.

So said motion was disagreed to.

The question being on the adoption of the resolution as amended, The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Crawford, Espy, Jay, Royston, Sanford, Shields, Springer, Sprott, Wheeler, Wright, and Mr. President—13.

Nays—Messrs. Cassady, Harbour and Howel—3.

And said resolution was adopted.

The question then being taken separately on concurring in the amendments made by a committee of the whole Senate, to Senate file No. 37,

Was decided in the affirmative.

Mr. Cassady moved to strike out the 11th section of said bill.

Upon which the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cassady, Crawford, Harbour, Jay, Shields, and Sprott—7 .

Nays—Messrs. Alger, Howel, Royston, Sanford, Wheeler, Wright and Mr. President—7.

And said motion was disagreed to.

Mr. Harbour moved to strike out the 15th section of said bill.

Message from the House of Representatives by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has concurred in the resolution of the Senate, providing for the adjournment of the General Assembly on the 15th inst.

The House of Representatives has passed,

H. R. file, No. 105, A bill for an act, to establish certain State roads therein named.

In which the concurrence of the Senate is requested.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Wright offered the following amendment to the 15th section of

Senate file, No. 39, Add, "That the amount of bonds issued by said Board, should never exceed the value of said lands at \$1 25-100 per acre.

Which was adopted.

The question recurring on the motion to strike out the 15th section of said bill:

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cassady, Espy, Harbour, Shields, Springer, Sprott and Wheeler—8

Nays—Messrs. Alger, Crawford, Howel, Jay, Royston, Sanford, Wright and Mr. President—8.

And said motion was disagreed to.

On motion of Mr. Royston,

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

Mr. Espy, from the committee on enrolled bills,

Reported

Senate file, No. 19, Joint Resolution to improve the Des Moines and Rock river rapids, in the Mississippi river.

Senate file, No. 41, A bill for an act to amend an act entitled an act to provide for the management of the State Library, and the election of a librarian.

Senate file, No. 35, Joint Resolution providing compensation for the commissioners appointed to select the Des Moines river lands.

Senate file, No. 28, A bill for an act to authorize Wm. Green to improve Cedar river,

As correctly enrolled.

Mr. Crawford, from the committee on Claims, to whom was referred

H. R. file, No. 93, A bill for an act to compel persons entering the improvements of settlers, to pay for the same,

Reported the same back, and recommended its indefinite postponement,

Which was agreed to.

Message from the House of Representatives, by Mr. Leflingwell, chief clerk :

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed,

H. R. file, No. 91, A bill for an act to locate a certain State road therein named.

H. R. file, No. 95, A bill for an act supplemental to an act entitled an act for the appointment and duties of Sheriffs, and

H. R. file, No. 108, A bill for an act authorizing William F. Brackenridge, to construct a canal,

Also, the following resolution :

Resolved, By the House, the Senate concurring, that the Secretary of State be required to furnish the officers of this House and the Senate, with the same stationery that has been furnished the members of said House and Senate,

In which the concurrence of the Senate is requested.

On motion of Mr. Shields,

H. R. file, No. 79, A bill for an act supplemental to the act of February 25, 1847, entitled an act supplemental and amendatory to an act to establish common schools, approved, January 16, 1840,

Was taken from the table, and

Recommitted.

Mr. Royston, on leave obtained, introduced

*Senate file, No. 51, Joint Resolution in relation to a mail route,

Which was read a first and second time, and

On his motion,

The 13th rule was suspended, said Joint Resolution read a third time, passed, and title agreed to.

H. R. file, No. 11, A bill for an act to preserve the purity of elections, was read a first and second time, and

On motion of Mr. Wright,

Amended as follows :

Add to the 9th specification of section 2d, "unless the elector offering to vote out of his proper township, shall satisfy the judges by affidavit, or otherwise, that he is unable to arrive at his own township, in time to vote, and that he did not leave the same for the purpose of voting out of his township, nor on any business connected with said election."

Upon the adoption thereof,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Crawford, Jay, Sanford, Wheeler, Wright, and Mr. President—7.

Nays—Messrs. Alger, Cassady, Espy, Harbour, Howel, Royston, Shields, Springer, and Sprott—9.

Mr. Wright moved to strike out the 18th section of said bill.

Upon which the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Crawford, Jay, Royston, Sanford, Shields, Sprott, and Wright—9.

Nays—Messrs. Cassady, Espy, Harbour, Howel, Springer, Wheeler, and Mr. President—7.

And said motion was agreed to.

On motion of Mr. Springer,

The 17th section of said bill was amended as follows :

Insert after the word "who" the words "before or,"

Mr. Wright moved to amend the 6th section, as follows :

Between the words "shall" and "open" in the first line, insert "or mark the ballot of any elector, for the purpose of ascertaining for whom the elector votes, or"

Which was agreed to.

On motion of Mr. Bradley,

The 16th section of said bill was stricken out.

Mr. Crawford moved to strike out the 2d section.

Upon this question, the yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Bradley, Crawford, Jay, Sanford, Shields, Sprott and Wheeler—7.

Nays—Messrs. Alger, Cassady, Espy, Harbour, Howel, Royston, Springer, Wright, and Mr. President—9.

And the question was decided in the negative.

On motion of Mr. Cassady.

Ordered to a third reading to-morrow.

Mr. Harbour moved to adjourn.

Disagreed to.

H. R. file, No. 91, A bill for an act vacating a part of a certain road, therein named,

Was read a first and second time, and,

On motion of Mr. Wheeler,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 95, A bill for an act supplemental and amendatory to an act entitled an act for the appointment and duties of Sheriffs,

Was read a first and second time, and;

On motion of Mr. Wright,

Referred to the committee on the Judiciary.

H. R. file, No. 108, A bill authorizing William F. Breckenridge to make a canal,

Was read a first and second time, and,

On motion of Mr. Sprott,

Referred to the committee on the Judiciary.

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

Senate file, No. 49, Memorial to Congress for the establishment of certain military posts,

Reported the same back, with joint resolution.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

H. R. file, No. 105, A bill for an act to establish certain state roads therein named,

Was read a first and second time.

The question being on concurring in the resolution of the

House, granting stationery to the officers of the General Assembly,

Was decided in the negative.

On motion of Mr. Crawford,

Referred to the committee on Roads.

On motion of Mr. Harbour,

The Senate adjourned till to-morrow, ten o'clock, A. M.

WEDNESDAY MORNING, JANUARY 3, 1849.

Senate met pursuant to adjournment.

Mr. Bradley, presented the petition of G. C. Montague, and 160 other citizens of the State of Iowa, praying for the passage of a law, making it the duty of the Board of Commissioners of the county of Jackson, to provide for the erection of a substantial and permanent bridge across the Maquoketa river, at Bridgeport, in Jackson county,

Which was read for information, and,

On his motion,

Referred to a select committee, and

Messrs. Bradley, Springer, and Harbour, were appointed said committee.

Mr. Springer presented the account of Joseph T. Fales, for certain services required by law, and

On his motion,

Referred to the committee on claims.

Mr. Bradley, from the committee on the Judiciary, to whom was referred,

H. R. file, No. 108, A bill for an act authorizing W. F. Brackenridge to make a canal,

Reported the same back without amendment, and recommended its passage; also,

H. R. file, No. 95, A bill for an act, supplemental and amendatory to an act, entitled an act, for the appointment and duties of sheriffs.

Mr. Howel, from the committee on Roads, to whom was referred

The petition of John Wright and others, praying for a review of the State road, leading from Iowa City to Bloomington,

Reported,

Senate file, No. 52, A bill for an act to establish a certain road, therein named,

Which was read a first and second time, and,

On his motion,

Said bill was considered as engrossed, and ordered to a third reading to-morrow.

Mr. Espy, from the committee on elections, to whom was referred,

H. R. file, No. 35, A bill for an act, to amend an act, entitled an act, providing for, and regulating general elections,

Reported the same back, with one amendment, and asked the concurrence of the Senate therein,

Which was agreed to.

Mr. Bradley, from the committee on the Judiciary, to whom was referred Senate file, No. 17, A bill for an act relative to the Penitentiary, and

Senate file, No. 46, A bill amendatory to an act, relative to the Penitentiary,

Reported a substitute.

Senate file, No. 57, A bill for an act relative to the Penitentiary,

Which was accepted, read a first and second time, and,

On his motion,

Referred to a committee of the whole Senate, and made a special order, for 2 o'clock, P. M.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed the following resolution:

Resolved, (the Senate concurring,) That the two houses meet in the Hall of the House of Representatives, on Thursday, the 4th inst., at 2 o'clock P. M., for the purpose of electing a State printer.

The question being on concurring in the resolution adopted by the House, for a joint convention of the General Assembly, Was decided in affirmative.

H. R. file, No. 11, A bill for an act to preserve the purity of elections,

Was read a third time, and,

On motion of Mr. Cook,

Recommitted to the committee on Elections, and,

H. R. file, No. 35, A bill for an act, amendatory of an act, entitled an act providing for, and regulating general elections,

Was taken from the table, and,

On motion of Mr. Cook,

Referred to the committee on Elections, with instructions to incorporate the provisions of the same into H. R. file, No. 11, An act to preserve the purity of Elections.

Senate file, No. 49, Memorial and Joint Resolution to Congress, for the establishment of certain military posts,

Was read a second time, and,

On motion of Mr. Bradley,

The 13th rule was suspended, said memorial read a third time, passed, and title agreed to.

H. R. file, No 108, A bill authorizing W. F. Brackenridge, to make a canal,

Was read a second time, and,

On motion of Mr. Wheeler,

Ordered to a third reading to-morrow.

H. R. file, No: 95, A bill for an act supplemental and amendatory to an act entitled an act, for the appointment and duties of sheriffs,

Was read a second time, and,

On motion of Mr. Wright,

Ordered to a third reading to-morrow.

Mr. Crawford, from the committee on Incorporations, to whom was referred

H. R. file, No. 90, A bill for an act to amend an act, entitled an act for the incorporation of the town of Bloomington, approved January 23d, 1839, . . .

Reported the same back, without amendment.

Said bill was read a second time, and,

On motion of Mr. Alger,

Ordered to a third reading to-morrow.

Mr. Royston, with the consent of the Senate, introduced,

Senate file No. 53, A bill for an act for the organization of Lucas county,

Which was read a first and second time, and,

On motion of Mr. Wright,

The last section of said bill was stricken out, and,

On motion of Mr. Cook,

Referred to the committee, on new counties.

Mr. Bradley, with consent, introduced

Senate file, No. 54, A bill for an act to establish normal schools,

Which was read a first and second time, and,

On his motion,

Referred to a select committee, and,

Messrs. Bradley, Jay, and Alger, were appointed said committee.

Mr. Shields, with the consent of the Senate, introduced

Senate file, No. 55, A bill for an act to authorize Robert Bunker to keep a ferry across the Mississippi river, at Bunker's landing, in Clayton county,

Which was read a first and second time, and,

On motion of Mr. Crawford,

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

Mr. Shields, on leave, introduced

Senate file, No. 56, A bill for an act to lay out, and establish a State road, from Dubuque city to Bunker's landing, in Clayton county,

Which was read a first and second time, and,

On motion of Mr. Bradley,

Said bill was considered as engrossed, and

Ordered to a third reading to-morrow.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I herewith present for your signature,

H. R. file, No. 80, An act to create the fifth judicial district.

H. R. file, No. 75, An act to locate a State road leading from Burlington in Des Moines county, to Fort Madison in Lee county.

H. R. file, No. 65, An act relative to the decree of partition of the Half Breed Tract of land, situated in Lee county.

Substitute for H. R. file, No. 69, Joint Resolution for a mail route.

H. R. file, No. 32, An act to authorize William P. Wilson to keep a ferry across the Des Moines river, at Monterey.

H. R. file, No. 88, An act legalizing the acts of the county commissioners court, of Des Moines county.

H. R. file, No. 89, An act to locate a State road, therein named.

H. R. file, No. 77, An act to authorize Israel Atherton, to establish and keep a ferry across the Mississippi river, at a point in Scott county, opposite Cordovia, in the State of Illinois.

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

On motion of Mr. Wright,

H. R. file, No. 58, A bill for an act regulating grocery license, Was taken from the table, and read a second time, and

Mr. Cook, moved to amend the first section of said bill, by adding: "Provided that the commissioners in each and every county, in this State, may in their discretion, refuse to grant license to any person."

Upon the adoption of which,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cook, Jay, Royston, Sanford, Springer, Wheeler, Wright, and Mr. President—9.

Nays—Messrs. Bradley, Cassady, Crawford, Espy, Harbour, Howel, Shields, and Sprott—8.

And said amendment was adopted.

On motion of Mr. Sprott,

The word "forty" was stricken out from the first section of said bill, and "fifty" inserted.

Mr. Cassady, moved to strike out "fifty," and insert "twenty-five,"

Which motion was decided as out of order.

The question to strike out, being entertained,

Mr. Springer desired to appeal from the decision of the chair,

Which being granted,

The question was upon sustaining said decision, and

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cassady, Espy, Howel, and Royston—5.

Nays—Messrs. Bradley, Cook, Crawford, Harbour, Jay, Sanford, Shields Springer, Sprott, Wheeler, and Wright—11.

So the decision was not sustained.

On motion of Mr. Wright,

Said bill was referred to a select committee, and,

Messrs. Wright, Crawford, Jay, Cassady, and Espy, were appointed said committee.

Mr. Shields, from the committee on engrossed bills,

Reported,

Senate file, No. 37, A bill for an act amendatory of an act creating a Board of Public Works, approved, February 24, 1847, and repealing an act supplemental thereto, approved, January 24, 1848,

As correctly engrossed.

On motion,

The Senate adjourned till 2 o'clock P. M.

TWO O'CLOCK, P. M.

Mr. Espy, gave notice, that he would on to-morrow, or some subsequent day, ask leave to introduce a bill to authorize the erection of a plank road from the town of Montrose, to Keokuk, in Lee county.

Mr. Shields, from the committee on Schools, to whom was referred,

H. R. file, No. 79, A bill for an act supplemental to the act of February 25, 1847, entitled an act supplemental and amendatory to an act to establish common Schools; approved January 16, 1840,

Reported the same back, with sundry amendments thereto,

Which were concurred in.

Senate file, No. 57, A. bill for an act in relation to the Penitentiary, being the special order,

The Senate resolved itself into a committee of the whole, Mr. Alger in the chair,

And after some time spent therein,

The committee rose, and by their chairman,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein,

Which was agreed to.

On motion of Mr. Wright,

Said bill was ordered to a third reading, day after to-morrow.

Mr. Espy, with consent, introduced,

Senate file, No. 61, Preamble and Resolution, relative to the territory of the United States,

Which was read a first and second time, and

On his motion,

Made a special order for a committee of the whole Senate, on Saturday next.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed,

H. R. file, No. 96, Joint Resolution accepting a grant of land therein named.

H. R. file, No. 102, A bill for an act to relocate and extend a certain road therein named.

H. R. file, No. 104, A bill for an act to authorize the county commissioner's court of Des Moines county to have a vote taken in relation to having a court house built in said county.

H. R. file, No. 110, Joint Resolution for a mail route from Bellevue, in Jackson county, to Independence, in Buchanan county.

H. R. file, No. 113, A bill for an act authorizing an additional tax for State purposes,

And,

H. R. file, No. 118, A bill for an act to authorize the recorder of Jones county to transcribe the records of said county.

In all of which the concurrence of the Senate is respectfully requested.

I herewith return

Senate file No. 29, A bill for an act and ordinance accepting of the propositions made by Congress, on the admission of Iowa, as a State, into the Union.

The same having passed the House of Representatives, with the following amendment, to wit: in the second section, after the words "late war," insert "and the war with Great Britain."

Mr. Sanford, on leave obtained, introduced,

Senate file, No. 58, A bill for an act to fix the places of holding the district court in Van Buren county,

Which was read a first and second time, and,

On his motion,

Referred to the committee on the Judiciary.

Mr. Cook, on leave obtained, introduced,

Senate file, No. 59, A bill for an act to provide for the payment of the expenses in the arrest and detention of Allen Cameron, a fugitive from justice from the State of Pennsylvania,

Which was read a first and second time.

On his motion,

Referred to the committee on Claims.

Senate file, No. 37, A bill for an act amendatory of an act creating a Board of Public Works, approved February 24, 1847, and repealing an act supplemental thereto, approved February 24, 1848, was read a third time.

The question being on the passage of said bill,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Alger, Cook, Howel, Jay, Royston, Sanford, Wright, and Mr. President—8:

Nays—Messrs. Bradley, Cassady, Crawford, Espy, Harbour, Shields, Springer, Sprott, and Wheeler—9.

And the question was decided in the negative.

Mr. Royston, with the consent of the Senate, introduced

Senate file, No. 60, A bill for an act to legalize and extend additional claims on the Des Moines river lands,

Which was read a first and second time, and,

On motion of Mr. Harbour,

Referred to a select committee; and

Messrs. Harbour, Wright, and Bradley, were appointed said committee,

On motion of Mr. Jay,

Resolved, That the committee on schools be instructed to enquire into the expediency of incorporatng into the school law, a provision making a special appropriation accruing out of the interest of the School Fund, to provide for the education of mutes, in this State, if any.

Mr. Crawford having been called to the chair, Mr. Selman introduced,

Senate file, No. 62, A bill for an act to amend an act creating a board of public works,

Which was read a first and second time, and,

On motion of Mr. Selman,

Referred to a committee of the whole Senate, and made the special order for to-morrow at 10 o'clock, A. M.

On motion,

The Senate adjourned till 10 o'clock, to-morrow morning.

THURSDAY, MORNING, JANUARY, 4, 1849.

Senate met pursuant to adjournment.

Mr. Wheeler, presented the petition of F. B. Bløecker, and twenty-five other citizens of Clinton county, praying for an act to authorize Augustus Phelps to establish and keep a ferry across the Mississippi river, at the town of Lyons, in Clinton county,

Which was read for information, and

On his motion,

Laid on the table.

Mr. Springer presented the memorial of Wm. G. Woodward, of the revising committee,

Which was read for information, and

On his motion,

Referred to a select committee, and

Messrs. Springer, Bradley, and Wheeler, were appointed said committee.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith return

Senate file, No. 19, Joint Resolution for an appropriation to improve the Des Moines and Rock River Rapids, in the Mississippi river.

Senate file, No. 28, An act to authorize William Greene, his heirs or assigns, to improve Cedar river, by the erection of a dam and lock.

Senate file, No. 35, Joint Resolution, providing compensation for the commissioners appointed to select the Des Moines river lands.

Senate file, No. 41, An act to amend an act to provide for the management of the State Library, and the election of a librarian, approved February 15, 1847.

The same having received the signature of the speaker of the House of Representatives.

On motion of Mr. Espy,

The vote taken on yesterday, on the passage of

Senate file, No. 37, A bill for an act amendatory of an act to amend an act entitled an act, to create a board of public works, approved February 24th, 1847, and repealing an act amendatory thereto, approved February 24th, 1848,

Was reconsidered, and,

On motion of Mr. Sanford,

Referred to a select committee, and,

Messrs. Sanford, Alger, Cook, Howel, Jay, Royston, Wright, and Selman,

Were appointed said committee.

Mr. Howel, from the committee on Roads, to whom was referred the petition of George C. Anderson, praying the establishment of a State road from Keokuk, to intersect the road from Glasgow to Fairfield in Jefferson county,

Reported

Senate file, No. 63, A bill for an act to establish a State road therein name,

On motion of Mr. Sanford,

Laid on the table.

Mr. Shields, from the committee on Engrossed bills,

Reported

Senate file, No. 55, A bill to authorize Robert Bunker, his heirs and assigns, to keep a ferry across the Mississippi river, at Bunker's landing, in Clayton county,

As correctly engrossed.

Mr. Wheeler, with leave, introduced

Senate file, No. 64, A bill for an act to authorize A. Phelps, to keep a ferry at the town of Lyons, in Clinton county,

Which was read a first and second time, and,

On his motion,

Referred to the committee on Incorporations.

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

The communication of His Excellency, Governor Briggs, accompanying a letter from Captain Roberts, United States rifles, presenting to the State of Iowa a sword and set of armour, trophies taken in the late war with Mexico, reported

Senate file, No. 65, Joint Resolution of thanks to Captain Roberts.

The question being on concurring in the report of the committee,

Was decided in the affirmative.

Mr. Harbour, from the committee on new counties, to whom was referred

Senate file, No. 53, A bill for an act for the organization of Lucas county,

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

Mr. Bradley, from the committee on the Judiciary, to whom was referred

Senate file, No. 58, A bill for an act to fix the places of holding district courts in Van Buren county,

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

Senate file, No. 62, A bill for an act to amend an act creating a Board of Public Works, approved February 24, 1847,

Being in special order,

The Senate resolved itself into a committee of the whole, for the consideration thereof,

Mr. Sprott in the chair;

And after some time spent therein,

The committee rose, and by their chairman,

Reported the same back, with sundry amendments, and asked the concurrence of the Senate therein;

Which was agreed to.

Mr. Royston moved to strike out the fourth section of said bill.

Upon this question,

The yeas and nays were requested, and being ordered, were as follows;

Yeas—Messrs. Alger, Cook, Espy, Howel, Jay, Royston, Sanford, Springer, Sprott, Wheeler and Wright—11.

Nays—Messrs. Bradley, Cassady, Crawford, Harbour, Shields and Mr. President—6.

And the question was decided in the affirmative.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 121, Joint Resolution for a mail route.

H. R. file, No. 124, Joint Resolution for a mail route from Sabula, in Jackson county, to Cascade in Du Buque county.

H. R. file, No. 125, A bill for an act to provide for a loan of the school fund, arising from the sale of public lands.

H. R. file, No. 127, Joint Resolution in relation to a change of mail conveyance.

H. R. file, No. 129, A bill for an act amendatory to an act entitled an act creating a Board of Public Works, and providing for the improvement of the Des Moines river.

H. R. file, No. 100, A bill for an act to amend an act to provide for collecting revenue, for State and county purposes.

In all of which the concurrence of the Senate is requested.

Mr. Royston moved to strike out all after the word "improvement," in the second line in the second section, to the word "and," in the third line.

Upon this question,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Harbour, Howel, Jay, Royston, Sanford, Shields, Springer, Sprott, Wheeler, Wright, and Mr. President—14.

Nays—Messrs. Cassady, Crawford, and Espy,—3.

And said amendment was agreed to.

Mr. Royston moved to strike out the words "twenty-five" in the second line of the first section, and insert "fifty."

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Harbour, Howel, Jay, Royston, Sanford, Shields, Springer, Sprott, Wheeler, Wright, and Mr. President—13.

Nays—Messrs. Cassady, Crawford, and Espy—3.

And the amendment was agreed to.

Mr. Royston moved to strike out "ten" in the seventh line in the third section, and insert "twenty-five."

Upon this question,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Jay, Royston, Sanford, Sprott, and Wright—6.

Nays—Messrs. Bradley, Cassady, Cook, Crawford, Espy, Harbour, Howel, Shields, Springer, Wheeler, and Mr. President—11.

And said amendment was disagreed to.

Mr. Royston moved to amend the sixth section by adding "Provided, That the bonds thus to be executed, shall never be sold, pledged, or otherwise disposed of, for a less sum than that set out on the face."

Upon which question,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Cook, Crawford, Espy, Harbour, Howel, Royston, Sanford, Shields, Springer, Sprott, Wheeler, Wright, and Mr. President—16.

Nays—0.

And said amendment was agreed to.

Mr. Alger moved to amend the sixth section, by adding, "Provided further, That the State shall in no case become liable for the payment of said bonds."

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Cook, Crawford, Espy, Harbour, Howel, Jay, Royston, Sanford, Shields, Springer, Sprott, Wheeler, Wright, and Mr. President—17.

Nays—0.

And said amendment was adopted.

Mr. Royston moved to strike out section two, and insert Senate file, No. 60, A bill for an act to extend additional claims upon the Des Moines river lands.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I herewith return

Senate file, No. 47, which has passed the House, with the following amendment :

In section six, strike out the word "passage," and insert the words "publication according to law," and

H. R. file, No. 107, A bill for an act to provide for the payment of jurors in the district courts of Lee county.

In which the concurrence of the Senate is requested.

Also;

The House of Representatives has passed

Senate file, No. 49, Memorial and Joint Resolution for the establishment of certain military posts, without amendment.

On motion of Mr. Wright,

The amendment proposed by Mr. Royston, to

Senate file, No. 60, was so amended as to read, "said lands shall not be sold for a less price than \$1 25-100 per acre."

On motion of Mr. Wright,

Said bill and amendments were laid on the table.

Mr. Espy, from the committee on enrolled bills,

Reported

Senate file, No. 39, An act to authorize the Supreme Court to hold special terms.

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

Senate file, No. 40, An act to authorize the Secretary of State to collect and arrange certain papers in his office.

Senate file, No. 31, An act to authorize the Auditor of State to audit and allow expenses of the Supreme Court,

As correctly enrolled.

Mr. Shields, with leave, introduced

Senate file, No. 66, A bill for an act to provide for the relocation of the county seat of Clayton county,

Which was read a first and second time, and

Said bill was considered as engrossed, and

Ordered to a third reading to-morrow.

Mr. Alger, with leave, introduced

Senate file, No. 67, A bill for an act making an appropriation for the public buildings at Iowa City,

Which was read a first and second time, and

On motion of Mr. Cassady,

• Laid on the table.

Mr. Espy, with leave, introduced

Senate file, No. 68, A bill for an act for the construction of a plank road from Montrose to Keokuk, in Lee county.

On motion of Mr. Bradley,

Laid on the table.

Mr. Cook, with leave, introduced

Senate file, No. 69, A bill for an act to incorporate the town of Cedar Rapids, in Linn county,

Which was read a first and second time, and

On his motion,

Referred to the committee on Incorporations.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives is now ready to receive them in joint convention, for the election of a State printer.

On motion of Mr. Crawford,

The Secretary was requested to inform the House, that the President and members of the Senate would meet the House of Representatives forthwith, in the hall of the House.

The Secretary having performed that duty,

The Senate, preceded by its President, Secretaries and Sergeant-at-arms,

Repaired to the hall of the House.

The Senate having taken the seats assigned them,
The President announced the purpose of the convention, and,
The roll was called, when it appeared that
Messrs. Browning and Fear, were absent,
Who were excused by the unanimous consent of the convention.

The convention then proceeded, by unanimous consent, to the choice of State printer,

Messrs. Springer and Corse acting as tellers.

The roll of the convention having been called, and all the members present having voted,

It appeared that Messrs. Palmer and Paul had received thirty-seven votes,

Horace Greeley one vote,

Martin Van Buren one vote,

Ballard & Moriarty four votes,

Mr. Pipingin four votes,

Blank four votes,

R. W. Ogden one vote,

Old Hawk one vote, and

Howel and Cowles one vote.

Those voting for Messrs. Palmer and Paul, were

Messrs. Alexander, Alger, Babbit, Baker, Betts, Bonham, Bradley, Cassady, Collins, Corse, Crawford, Davisson, Elmer, Espy, Evans, Flint, Gifford, Griffith, Harrison, Harbour, Howel, Jacobs, Langton, Mahony, McFarland, Morton, Penny, Read, Riggs, Royston, Sales, Sergeant, Shields, Walker, Weyand, Wood and Mr. President.

Mr. Allison voted for H. Greeley.

Mr. Bourne voted for Martin Van Buren,

Messrs. Burroughs, McCrary, Sanford and Wheeler voted for Ballard and Moriarty.

Messrs. Cook, Jay, McManaman and Timmons voted for Mr. Pipingin, of Cedar county.

Messrs. Springer, Stevenson, Woodworth and Williams voted blank.

Mr. Sprott voted for R. W. Ogden.

Mr. Thompson voted for Old Hawk.

Mr. Wright voted for Howel and Cowles.

The President announced that Messrs. Palmer and Paul, editors and publishers of the Iowa Capital Reporter, having received a majority of all the votes cast,

Were elected State printers in and for the State of Iowa.

The purpose for which the joint convention assembled, having been accomplished,

The Senate, in order, returned.

On motion of Mr. Bradley,

The vote taken on

Senate file, No. 68, A bill for an act for the construction of a plank road,

On motion to lay on the table,

Was reconsidered, and,

On motion of Mr. Espy,

Said bill was referred to a select committee, and

Messrs. Espy, Sprott and Jay, were appointed said committee.

Mr. Shields, with leave, introduced

Senate file, No. 70, A bill for an act to provide for the making of a rail road from Dubuque to Keokuk,

Which was read a first and second time, and

On motion of Mr. Crawford,

Referred to a select committee, and

Messrs. Crawford, Shields, Cook, Alger and Sprott

Were appointed said committee.

Mr. Alger, with leave, introduced

Senate file, No. 71, Joint Resolution for the appointment of a librarian,

Which was read a first and second time, and

On motion of Mr. Harbour,

The 13th rule was suspended, said joint resolution read a third time, passed, and title agreed to.

Senate file, No. 56, An act to lay out and establish a State road from Dubuque city to Bunker's landing in Clayton county,

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

Senate file, No. 52, A bill for an act to establish a State road therein named,

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

H. R. file, No. 95, A bill for an act supplemental and amendatory to an act entitled an act for the appointment and duties of sheriffs,

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

H. R. file, No. 90, A bill for an act to amend an act entitled an act to incorporate the town of Bloomington, approved January 23, 1849,

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

H. R. file, No. 108; A bill for an act to authorize W. F. Brackenridge to make a canal,

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

Senate file, No. 55, A bill for an act to authorize Robert Bunker, his heirs and assigns, to keep a ferry across the Mississippi river, at Bunker's landing in Clayton county,

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

On motion of Mr. Wright,

Senate file, No. 62, A bill for an act to amend an act creating a Board of Public Works, approved February 24, 1847;

Was taken from the table and referred to a select committee, and

Messrs. Wright, Sanford, Harbour, Cassady and Bradley,
Were appointed said committee.

On motion of Mr. Sanford,

Senate file, No. 58, A bill for an act to fix the places of holding the district court in Van Buren county,

Was read a second time, and

On his motion,

The 13th rule was suspended and said bill read a third time.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Bradley, Cassady; Cook, Howel, Jay, Royston, Sanford, Springer, Sprott and Wheeler—10

Nays—Messrs. Crawford, Shields and Wright—3.

And said bill was passed and title agreed to.

On motion,

The Senate adjourned, till 10 o'clock, to-morrow morning.

FRIDAY MORNING, JANUARY 5, 1849.

Senate met pursuant to adjournment.

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

Senate file, No. 62, A bill for an act providing for the re-organization of the Board of Public Works, and repealing so much of such acts as conflict with the provisions of the same,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein,

Which was agreed to.

On his motion,

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

Mr. Springer, from the select committee, to whom was referred the memorial of Wm. G. Woodward, one of the revising committee,

Reported

The following resolution :

Resolved, That the committee on Ways and Means, be instructed to insert in the appropriation bill, an appropriation of the sum of five hundred dollars, for each member of the committee of revision, as a compensation in part for their services in drafting, revising and preparing a code of laws for the State of Iowa,

Which was adopted.

Mr. Crawford, from the committee on Incorporations, to whom was referred

Senate file, No. 54, A bill for an act to authorize A. Phelps to keep a ferry across the Mississippi river, at the town of Lyons, in Clinton county,

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

Mr. Espy, from the committee on Elections, to whom was referred

H. R. file, No. 11, A bill for an act to preserve the purity of elections, and

H. R. file, No. 35, A bill for an act to amend an act entitled an act providing for and regulating general elections,

Reported the same back, without amendment, and recommended their passage.

Mr. Wheeler, with leave, introduced

Senate file, No. 72, A bill for an act to authorize R. R. Jenks to erect a toll bridge across the Wapsipinicon river,
Which was read a first and second time, and

On his motion,

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

Mr. Espy, from the select committee, to whom was referred Senate file, No. 68, A bill for an act for the construction of a plank road from Montrose to Keokuk, in Lee county,

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

Mr. Wright, on leave obtained, introduced

Senate file, No. 73, A bill for an act fixing the times of holding the district courts of this State,

Which was read a first and second time.

On motion of Mr. Bradley,

The last section was amended, by striking out the words "Jackson County Democrat," and inserting "Miners' Express."

On motion of Mr. Cook,

Said section was further amended, by striking out the "Iowa State Gazette," and insert "Iowa Capital Reporter."

Mr. Wright moved

That the 13th rule be suspended, said bill be ordered to be engrossed, and read a third time this afternoon.

Mr. Espy moved

That said bill be ordered to a third reading on Monday next.

The question being on reading said bill on Monday next,

Was decided in the negative.

The question then recurring on the suspension of the rule, and ordering said bill to be engrossed, and read a third time this afternoon,

Was decided in the affirmative.

Mr. Shields, on leave obtained, introduced
Senate file, No. 74, A bill for a special act, for the county of
Du Buque,

Which was read a first and second time, and

On motion of Mr. Crawford,

Said bill was considered as engrossed, and ordered to a third
reading to-morrow.

Mr. Springer, on leave obtained, introduced

Senate file, No. 75, A bill for an act to allow the people of
Iowa, to express their opinion upon the subject of a convention
to amend the constitution of this State,

Which was read a first and second time, and

On his motion,

Referred to a committee of the whole Senate, and made the
special order for Monday next, at two o'clock, P. M.

Mr. Springer, with leave, introduced

Senate file, No. 76, A bill for an act for the relief of occupy-
ing claimants of land,

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Senate file, No. 57, A bill for an act relative to the Peniten-
tiary,

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

Senate file, No. 66, A bill for an act to provide for the re-lo-
cation of the county seat of Clayton county,

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

H. R. file. No. 79, A bill for an act supplemental to the act
of February 25, 1847, entitled an act supplemental and amend-
atory to an act to establish common schools, approved January
16, 1840, was read a second time, and

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole,

Mr. Cook in the chair.

And after some time spent therein,

The committee rose, and by their chairman

Reported the same back without amendment, and recommend-
ed its passage.

Mr. Harbour moved to adjourn, which was disagreed to.

Mr. Wright moved to amend the 7th section, by striking out the proviso to said section.

Mr. Jay moved to amend the proviso, by striking out the word "interest,"

Which was disagreed to.

The question being taken on the amendment proposed by Mr. Wright,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Espy, Sanford, Wright and Mr. President—4.

Nays—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Harbour, Howel, Jay, Royston, Shields, Springer, Sprott and Wheeler—13.

And the amendment was disagreed to.

On motion of Mr. Bradley,
Said bill was ordered to a third reading to-morrow.

On motion,
The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Cook, on leave, introduced

Senate file, No. 81, 'A bill for an act to improve the breed of hogs,

Which was read a first and second time.

Mr. Cook moved to refer said bill to the committee on Incorporations,

Which was disagreed to.

Mr. Crawford moved to refer said bill to the committee on Internal Improvements.

Disagreed to.

On motion of Mr. Harbour,

Said bill was laid on the table, and made subject to the order of the Senate.

Mr. Wright, from the select committee to whom was referred H. R. file, No. 58, A bill for an act to regulate grocery licenses,

Reported the same back, with sundry amendments, and asked the concurrence of the Senate therein.

The question being taken on concurring separately in the amendments,

Upon the question of striking out "fifty," in the first section, and inserting "twenty-five,"

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Crawford, Harbour, Howel, Royston, Wright and Mr. President—7.

Nays—Messrs. Alger, Bradley, Cook, Jay, Shields, Springer, Sprott and Wheeler—8.

And said amendment was disagreed to.

The other amendments proposed by the committee, were concurred in.

On motion of Mr. Springer,

The 13th rule was suspended, and said bill read a third time.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Crawford, Espy, Royston, Sanford, Shields, Springer, Sprott, Wheeler and Wright—11.

Nays—Messrs. Cassady, Cook, Harbour, Howel, Jay and Mr. President—6.

So said bill was passed, and title agreed to.

Mr. Shields, from the committee on engrossed bills, reported

Senate file, No. 73, A bill for an act fixing the times of the district courts, as correctly engrossed, and

Said bill was read a third time.

Mr. Espy moved to refer to a select committee,

Which was disagreed to.

The question being on the passage of said bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Cook, Crawford, Howel, Jay, Royston, Sanford, Shields, Springer, Wheeler and Wright—13.

Nays—Messrs. Espy, Harbour, Sprott and Mr. President—4.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 98, Joint Resolution relative to books in the Library.

H. R. file, No. 122, A bill for an act to repeal an act entitled “an act for the relief of the poor.”

H. R. file, No. 133, A bill for an act to incorporate the town of Guttenburgh.

H. R. file, No. 135, A bill for an act to establish a State road from the Mississippi river, in Clayton county, to Quasqueton, in Buchanan county.

In which the concurrence of the Senate is requested.

I herewith return

Senate file, No. 50, A bill for an act to vacate a part of the town of Pittsburg, in Van Buren county.

Senate file, No. 57, Joint Resolution for a mail route, and

Senate file, No. 71, Joint Resolution for the appointment of a Librarian.

The same having passed the House of Representatives, without amendment.

I herewith return

Senate file, No. 31, An act to authorize the Auditor of State, to audit and allow the expenses of the Supreme Court.

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

Senate file, No. 39, An act to authorize the Supreme Court to hold special terms.

Senate file, No. 40, An act to authorize the Secretary of State, to collect and arrange certain papers in his office.

The same having received the signature of the Speaker of the House of Representatives.

I herewith present for your signature,

H. R. file, No. 68, An act to restrain swine from running at large in Clinton county.

H. R. file, No. 76, An act to fund the debt of the State.

H. R. file, No. 78, An act to extend the time for putting in the lock in the Iowa City manufacturing company mill dam.

H. R. file, No. 91, An act vacating a part of a certain road therein named:

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

Mr. Sanford, on leave, introduced

Senate file, No. 77, A bill for an act to authorize Chaney G. Dibble to keep a ferry across the Des Moines river at Farmington, in Van Buren county,

Which was read a first and second time; and

On his motion,

The 13th rule was suspended, and said bill read a third time.

The question being on the passage of said bill,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Alger, Cassady, Cook, Espy, Howel, Royston, Sanford, Springer, Sprott and Wheeler—10.

Nays—Messrs. Bradley, Harbour, Shields, Wright and Mr. President—5.

And said bill was passed and title agreed to.

Mr. Espy gave notice that he would on to-morrow or some subsequent day, introduce a bill for the establishment of a court in Lee county, to be styled the Keokuk city court.

Mr. Cassady, with leave, introduced

Senate file, No. 78, A bill for an act to authorize C. J. McFarland, his heirs and assigns, to establish and keep a ferry across the Mississippi river, at Montrose, in Lee county.

Mr. Sprott moved to refer said bill to the committee on Incorporations.

Which was disagreed to.

On motion of Mr. Springer,

The 13th rule was suspended and said bill read a third time.

The question being on the passage of the bill,

The yeas and nays were requested and being ordered, were as follows:

Yeas—Messrs. Cassady, Royston and Sanford—3.

Nays—Messrs. Alger, Bradley, Cook, Espy, Harbour, Shields, Springer, Sprott, Wheeler, Wright and Mr. President—11.

And the question was decided in the negative.

Mr. Cook, with leave, introduced

Senate file, No. 79, A bill for an act to authorize James H. Gower, Charles W. Gower and Robert Gower, or their heirs or assigns, to improve Cedar river by a lock and dam,

Which was read a first and second time, and

On his motion,

Referred to the committee on Incorporations.

H. R. file, No. 110, Joint Resolution for a mail route from Bellvue in Jackson county, to Independence in Buchanan county,

Was read a first and second time, and

On motion of Mr. Bradley,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 104, A bill for an act to authorize the commissioners, court in Des Moines county, to have a vote taken in relation to having a court house built in said county,

Was read a first and second time, and

On motion of Mr. Cook,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 113, A bill for an act authorizing an additional tax for state purposes,

Was read a first and second time, and

On motion of Mr. Crawford,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 118, A bill for an act to authorize the recorder of Jones county, to transcribe the records of said county,

Was read a first and second time, and

On motion of Mr. Bradley,

Referred to a select committee, and

Messrs. Bradley, Wheeler and Cook were appointed said committee.

H. R. file, No. 96, Joint Resolution for a grant of land therein named,

Was read a first and second time, and

On motion of Mr. Springer,

Referred to the committee on Federal Relations.

H. R. file, No. 102, A bill for an act to re-locate and extend a certain road therein named,

Was read a first and second time, and

On motion of Mr. Cassady,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

Senate file, No. 29, A bill for an act and ordinance accepting the proposition made by Congress, on the admission of Iowa as a State into the Union, was read as amended by the House.

On motion of Mr. Springer,

Laid on the table, subject to the order of the Senate.

Senate file, No. 65, Joint Resolution of thanks to Captain B. S. Roberts,

Was read a second time, and

On motion of Mr. Sprott,

The 13th rule was suspended, said joint resolution read a third time, passed and title agreed to.

Senate file, No. 53, A bill for an act for the organization of Lucas county,

Was read a second time, and

On motion of Mr. Royston,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 107, A bill for an act to provide for the payment of jurors in the district courts of Lec county,

Was read a first and second time, and

On motion of Mr. Espy,

Referred to a select committee, and

Messrs. Espy, Sprott and Howel were appointed said committee.

H. R. file, No. 100, A bill for an act to amend an act to provide for the collecting of revenue for State and county purposes,

Was read a first and second time, and

On motion of Mr. Wright,

Referred to the committee on Ways and Means.

H. R. file, No. 27, Joint Resolution relative to a change of mail conveyances, was read a first and second time, and

On motion of Mr. Harbour,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 125, A bill for an act to provide for a loan of the school fund arising from the public lands,

Was read a first and second time, and

On motion of Mr. Harbour,

Referred to the committee on Ways and Means, with instructions to report on Monday next.

H. R. file, No. 121, Joint Resolution for a mail route,

Was read a first and second time, and

On motion of Mr. Harbour,

The 13th rule was suspended, said joint resolution read a third time, passed and title agreed to.

H. R. file, No. 124, Joint Resolution for a mail route, from Sabula in Jackson county, to Cascade in Dubuque county,

Was read a first and second time, and

On motion,

The 13th rule was suspended, said joint resolution read a third time, passed and title agreed to.

H. R. file, No. 129, A bill for an act amendatory to an act entitled an act creating a Board of Public Works, and providing for the improvement of the Des Moines river,

Was read a first and second time.

Mr. Harbour moved to suspend the 13th rule,

Which was disagreed to.

Mr. Wright moved to lay said bill on the table.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Espy, Howel, Jay, Royston, Sanford, Shields, Springer, Sprott, Wheeler, Wright and Mr. President—15.

Nays.—Messrs. Cassady and Howel—2.

And said bill was laid on the table.

Senate file, No. 47, A bill for an act to amend an act entitled an act regulating practice in the district courts, in the Territory of Iowa, approved February 10, 1843, as amended by the House,

Was read for information, and

On motion of Mr. Cook,

The amendment was amended by striking out the words “according to law,” and insert “In the Iowa Capital Reporter and Iowa Republican.”

On motion of Mr. Springer,

Senate file, No. 29, A bill for an act and ordinance accepting the propositions made by Congress on the admission of Iowa as a State into the Union,

Was taken from the table, and

The amendment of the House, was amended as follows :

Strike out the words “and the war.”

Mr. Harbour moved to take from the table,

Senate file, No. 44, substitute for a bill for an act to divide the State into two congressional districts,

Which was disagreed to.

H. R. file, No. 98, Joint Resolution relative to books in the library,

Was read a first and second time, and

On motion of Mr. Bradley,

Laid on the table.

H. R. file, No. 122, A bill for an act to repeal an act for the relief of the poor,

Was read a first and second time, and

On motion of Mr. Sprott,

Ordered to a third reading to-morrow.

H. R. file, No. 103, A bill for an act to provide for the incorporation of Guttenburg, in Clayton county,

Was read a first and second time, and

On motion of Mr. Shields,
Ordered to a third reading on Monday next.
Mr. Jay, on leave obtained, introduced
Senate file, No. 80, A bill to prevent the killing of deer.
Which was read a first and second time.
Mr. Jay moved to refer said bill to a committee of the whole
Senate,
Which was disagreed to.
On motion,
The Senate adjourned till 10 o'clock to-morrow morning.

SATURDAY MORNING, JANUARY 6, 1849.

Senate met pursuant to adjournment.
Message from the House of Representatives, by Mr. Leffing-
well, chief clerk.
Mr. President—

I am directed to inform the Senate, that the House of Repre-
sentatives has passed

H. R. file, No. 123, A bill for an act to amend an act entitled
an act to authorize John Brophy to keep a ferry across the Mis-
souri river.

In which the concurrence of the Senate is requested.

Also,

The following resolution :

Resolved, (the Senate concurring,) That the two Houses of
the General Assembly of the State of Iowa, will meet in the
Hall of the House of Representatives, on Wednesday, the 10th
inst., at 2 o'clock P. M., and proceed to elect a Senator to rep-
resent the State of Iowa in the Senate of the United States from
and after the 4th of March, A. D. 1849.

Mr. Selmen (Mr. Springer having been called to the chair,) presented the petition of Daniel S. Tucker and fifty-six other

citizens of the counties of Monroe and Davis, praying the establishment of a State road from Drakesville in said county, to Clarksville in Monroe county,

Which was read for information, and

On his motion,

Referred to the committee on Roads.

Mr. Wright presented a petition from William Burk and forty-two others, citizens of the town of Bonaparte, in Van Buren county, praying for the incorporation of said town,

Which was read for information, and

On his motion,

Referred to the committee on Incorporations.

Mr. Selman, with leave obtained, introduced

Senate file, No. 82, Joint Resolution for a mail route,

Which was read a first and second time, and

On his motion,

The 13th rule was suspended, said Joint Resolution read a third time, passed and title agreed to.

Mr. Bradley from the select committee to whom was referred Senate file, No. 54, A bill for an act to establish normal schools, in the State of Iowa,

Reported the same back with sundry amendments thereto, and asked the concurrence of the Senate therein, which was agreed to.

Mr. Espy from the committee on Ways and Means, to whom was referred

H. R. file, No. 125. A bill for an act to provide for a loan of the school fund arising from the sale of the public lands,

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

On motion of Mr. Jay,

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

Senate file, No. 54, An act to establish normal schools,

Mr. Cassady in the chair,

And after some time spent therein,

The committee rose, and by their chairman

Reported the same back, with two amendments thereto, and asked the concurrence of the Senate therein.

On motion of Mr. Bradley,
Referred to a select committee, and
Messrs. Sanford, Royston and Jay, were appointed said committee.

Mr. Espy, from the committee on Enrolled Bills,
Reported that they had presented the following bills to the Governor for his signature :

Senate file, No. 41, An act to amend an act entitled an act to provide for the management of the State Library, and the election of a Librarian, approved February 15, 1847.

Senate file, No. 35, Joint Resolution, providing compensation for the commissioners appointed to select Des Moines river lands.

Senate file, No. 28, An act to authorize Willam Greene, his heirs and assigns to improve Cedar river, by a dam and lock ; and

Senate file, No. 19, Joint Resolution for an appropriation to improve the Des Moines and Rock river rapids, of the Mississippi river.

The same having passed both branches of the General Assembly, and received the signatures of the Speaker of the House of Representatives, and the President of the Senate.

Mr. Crawford, from the committee on Incorporations, to whom was referred,

Senate file, No. 69, A bill for an act to incorporate the town of Cedar Rapids,

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

Mr. Crawford, from the committee on Incorporations, to whom was referred

Senate file, No. 79, A bill for an act to authorize J. H. Gower, Charles W. Gower and Robert Gower, to improve Cedar river by the erection of a dam and lock,

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

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Sprott, on leave obtained, introduced

Senate file, No. 83, A bill for an act providing for the election of an additional justice of the peace, in Motrose township, in Lee county,

Which was read a first and second time, and

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Alger, with leave, introduced

Senate file, No. 84, A bill for an act to legalize certain officers therein named,

Which was read a first and second time, and

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

The President announced an Executive communication.

Mr. Cook, with leave, introduced

Senate file, No. 85, A bill for an act to provide for the re-location of the county seat of Benton county,

Which was read a first and second time, and

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

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

H. R. file, No. 118, A bill for an act to authorize the Recorder of Jones county, to transcribe the records of said county,

Reported a substitute to said bill,

An act to preserve the records of Jones county, and asked the concurrence of the Senate therein,

Which was disagreed to.

Mr. Sanford, from the select committee,

To whom was referred

Senate file, No. 54, A bill for an act to establish normal schools,

Reported the same back with one amendment,

Which was concurred in.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 143, A bill for an act for a State road therein named.

H. R. file, No. 136, Joint Resolution for a change of mail conveyance and an extension of mail route.

H. R. file, No. 140, A bill for an act to amend an act entitled an act to vacate the public square in the town of West Point, in Lee county, approved February 17, 1847.

H. R. file, No. 115, A bill for an act to create the office of Attorney General, and define his duties.

H. R. file, No. 138, A bill for an act to organize the county of Allamakee.

H. R. file, No. 139, A bill for an act to establish, at Fairfield, a branch of the State University.

In all of which the concurrence of the Senate is respectfully requested.

• Mr. Jay moved to strike out the word "Burlington," in Senate file, No. 54, and insert "Mt. Pleasant".

Mr. Espy moved to amend the amendment proposed by Mr. Jay, by inserting West Point.

Mr. Cook called for a decision of the question,

Upon the question of striking out,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Harbour, Howel, Jay, Royston, Sanford, Shields, Sprott, Wheeler and Mr. President—14.

Nays—Messrs. Cook, Springer and Wright—3.

And said question was decided in the affirmative.

The question then being on inserting " West Point,"

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Crawford, Espy, Harbour, Howel, Shields, Sprott and Mr. President—9.

Nays—Messrs. Cassady, Cook, Jay, Royston, Sanford, Springer, Wheeler and Wright—8.

And the question was decided in the affirmative.

At the request of the President,

On motion of Mr. Espy,

The vote taken on inserting “ West Point,”

Was reconsidered.

The question being on inserting “ West Point,”

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Crawford, Espy, Harbour, Howel, Shields, and Sprott—8.

Nays—Messrs. Cassady, Cook, Jay, Royston, Sanford, Sprott, Wheeler, Wright and Mr. President—9.

And said question was decided in the negative.

Mr. Springer moved to amend by inserting “ Washington,”

Disagreed to.

The question being on inserting “ Mount Pleasant,” and

The yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Alger, Cassady, Cook, Harbour, Jay, Royston, Sanford, Springer, Sprott, Wheeler and Wright—11.

Nays—Messrs. Bradley, Crawford, Espy, Shields and Mr. President—5.

So said question was decided in the affirmative.

Mr. Royston moved to strike out “ Oskaloosa,” and insert “ Agency City.”

Mr. Cassady moved to amend by inserting “ Knoxville.”

Upon this question, the yeas and nays being requested, were ordered and were as follows :

Yeas—Messrs. Cassady, Cook, Wright and Mr. President—4.

Nays—Messrs. Alger, Bradley, Crawford, Espy, Harbour, Howel, Jay, Royston, Sanford, Shields, Springer, Sprott and Wheeler—13.

So the amendment was disagreed to.

The question then being on striking out "Oskaloosa,"

The yeas and nays being requested, were ordered and were as follows :

Yeas—Messrs. Cassady, Royston, Sanford, Wright and Mr. President—5.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Espy, Harbour, Howel, Jay, Shields, Springer, Sprott and Mr. Wheeler—12.

And said question was decided in the negative.

Mr. Bradley moved that said bill be ordered to be engrossed and read a third time on Monday next.

On this question the yeas and nays being requested, were ordered and were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Espy, Harbour, Jay, Sanford, Shields, Springer, Sprott and Wheeler—12.

Nays—Messrs. Cassady, Howel, Rosyton, Wright and Mr. President—5.

So the question was decided in the affirmative.

Mr. Shields, from the committee on engrossed bills, to whom was referred

Senate file, No. 62, A bill for an act providing for the organization of the Board of Public Works, and repealing so much of the several acts relating thereto as conflicts with the provisions of this act,

Reported the same back, as correctly engrossed, and

Said bill was read a third time.

The question being on the passage of said bill.

The yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Espy, Howel, Jay, Royston, Sanford, Springer, Sprott, Wheeler, Wright and Mr. President—14.

Nays—Messrs. Cassady, Harbour and Shields—3.

And said bill was passed and title agreed to.

Senate file, No. 61, Joint Resolution relative to territories belonging to the United States, being the special order for the committee of the whole,

The Senate resolved itself accordingly, Mr. Wheeler in the chair,

And after some time spent therein,

The committee rose, and by their chairman, reported the same back, without amendment, and recommended its passage.

Message from the House of Representatives, by Mr. Liffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 112, A bill for an act to provide for the taking an enumeration of the white inhabitants of the State of Iowa.

H. R. file, No. 126, A bill for an act to amend an act entitled an act, to re-locate a territorial road from Fairfield to the Indian boundary.

H. R. file, No. 132, Joint Resolution for the superintending of the printing of the laws of the present session.

In which the concurrence of the Senate is requested.

I herewith return

Senate file, No. 53, A bill for an act for the organization of Lucas county.

Senate file, No. 73, A bill for an act to establish the terms of the district courts.

The same having passed the House of Representatives, without amendment.

I herewith return

Senate file, No. 72, A bill for an act to authorize R. R. Jenks to erect a toll bridge across the Wapsipinicon.

The same having passed the House of Representatives, with one amendment, to which the concurrence of the Senate is requested.

Senate file, No. 61, Joint Resolution relative to territories belonging to the United States,

Was read a second time.

Mr. Springer offered the following amendment :

Resolved, That the Secretary of State be and is hereby instructed to forward without delay,

Which was adopted.

Mr. Cook offered the following amendment :

Resolved, further That our Senators and Representatives are hereby further instructed to prevent by their votes and influence the admission of any new State into the Union as a slave State.

Mr. Springer moved a call of the Senate, which was had, when it appeared that all the Senators were present, except those who had obtained leave of absence.

And the further call was suspended.

On motion of Mr. Espy,

The Senate adjourned until half past six, P. M.

HALF PAST SIX O'CLOCK, P. M.

On motion,

A call of the Senate was had,

When it appeared that Mr. Crawford was absent.

On motion of Mr. Shields,

Mr. Crawford was excused for the evening, and the further call was suspended.

The question being on the adoption of the amendment offered by Mr. Cook.

The yeas and nays being requested, were ordered and were as follows :

Yeas Messrs. Cook, Jay, Sanford, Springer, Sprott, Wheeler and Wright—7.

Nays—Messrs. Alger, Bradley, Cassady, Espy, Harbour, Howel, Royston Shields and Mr. President—9.

So said amendment was disagreed to.

Mr. Cook offered a further amendment, as follows :

Resolved: That it is the duty of the Federal Government to relieve itself from all responsibility for the existence or continuance of slavery wherever that Government possesses consti-

tutional authority to legislate on that subject, and it is thus responsible for its existence.

The question being on the adoption of said amendment,

The yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Cook Jay, Sanford, Springer, Sprott. Wheeler, and Wright—7.

Nays—Messrs. Alger, Bradley, Cassady, Espy, Harbour, Howel, Royston, Shields, and Mr. President.—9.

And said amendment was disagreed to.

On motion of Mr. Espy,

The 13th rule was suspended, and said joint resolution read a third time.

The question being on the passage of said joint resolution.

The yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Cook, Espy, Howel, Jay, Royston, Sanford, Springer, Sprott, Wheeler, Wright, and Mr. President—11.

Nays—Messrs. Alger, Bradley, Cassady, Harbour, and Shields—5.

So said resolution was passed and title agreed to.

On motion of Mr. Bradley,

The Senate resolved itself into executive session, and after some time spent therein, the session rose, and,

On motion of Mr. Springer,

The Senate adjourned till 10 o'clock, on Monday morning

MONDAY MORNING, JANUARY 8, 1849.

Senate met pursuant to adjournment.

Mr. Wright presented the petition of John H. Bell and 50 other citizens of the town of Buonaparte, in Van Buren county, remonstrating against the incorporation of said town.

Which was read for information, and,

On his motion,

Referred to the committee on Incorporations.

Mr. Cook offered the following resolution :

Resolved, by the Senate, the House concurring, That the commissioners appointed to revise the laws of this State, be instructed to inquire into the propriety of so amending the practice act of this State as to adopt the principles of the new practice act of the State of New York, which was adopted.

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

H. R. file, No. 107, A bill for an act to provide for the pay of jurors in the district court,

Reported the same back with sundry amendments thereto, and asked the concurrence of the Senate therein.

Which was agreed to.

Mr. Cook, with leave, introduced

Senate file, No. 86, A bill for an act to authorize James Weed to construct a graded road from Bloomington via. Tipton, to the county seat of Benton county,

Which was read a first and second time, and,

On his motion,

The 13th rule was suspended, said bill was read a third time, passed and title agreed to.

Mr. Cassady, on leave obtained, introduced

Senate file, No. 87, A bill for an act to amend an act to reorganize the supreme court.

Which was read a first and second time, and,

On his motion,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 107, A bill for an act to provide for the payment of jurors in Lee county,

Was read a second time, and,

On motion of Mr. Espy,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Senate file, No. 74, A bill for a special act for the benefit of Dubuque county.

Said bill was read a first and second time, and,

On motion of Mr. Crawford,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Senate file, No. 79, A bill for an act to authorize James H. Gower, Charles W. Gower, and Robert Gower, and their heirs or assigns to improve Cedar river by a dam and lock,

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

H. R. file, No. 122, A bill for an act to repeal an act entitled an act for the relief of the poor,

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

H. R. file, No. 68, A bill for an act relative to the construction of a plank road from Montrose to Keokuk, in Lee county,

Was read a second time, and,

On motion of Mr. Sprott,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

Senate file, No. 64, A bill for an act to authorize Augustus Phelps to keep a ferry at the town of Lyons, in Clinton county,

Was read a second time, and,

On motion of Mr. Wheeler,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 11, A bill for an act to preserve the purity of elections,

Was read a second time, and,

On motion of Mr. Espy,

The 13th rule was suspended, and said bill read a third time.

The question being on the passage of said bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cassady, Espy, Harbour, Howel, Royston, Springer, and Sprott—8.

Nays—Messrs. Bradley, Cook, Crawford, Jay, Shields, Wheeler and Wright—7.

Mr. Bradley being in the chair, and having decided that every senator should be within the bar of the Senate at the time of voting,

Which decision excluded the vote of Mr. Harbour.

Mr. Springer desired an appeal, which being granted,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cook, Crawford, Espy, Howel, Jay, Royston, Sanford, Shields, Sprott, Wheeler, Wright, and Selman—12.

Nays—Messrs. Alger, Cassady, Springer—3.

And the chair was sustained.

On motion of Mr. Jay,

The vote had upon said bill, was reconsidered.

The question then being on the passage of said bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cassady, Espy, Harbour, Howel, Royston, Springer, Sprott and Mr. President—9.

Nays—Messrs. Bradley, Cook, Crawford, Jay, Sanford, Shields, Wheeler and Wright—8.

And said bill was passed and title agreed to.

H. R. file, No. 35, A bill for an act to amend an act entitled an act regulating general elections,

Was read a second time, and

On motion of Mr. Wright,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 135, A bill for an act to establish a State road from the Mississippi river in Clayton county, to Quasqueton in Buchanan county,

Was read a first and second time, and

On motion of Mr. Shields,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 132, An act to provide for the incorporation of the town of Guttenburg,

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

Substitute to H. R. file, No. 118, An act to preserve the records of Jones county,

Was read a second time, and

On motion of Mr. Cook,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 79, A bill for an act supplemental to the act of February 25, 1847, entitled an act supplemental and amendatory to an act to establish common schools, approved January 16, 1840,

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

H. R. file, No. 125, An act to provide for the loan of the school fund arising from the sale of the public lands,

Was read a second time.

Mr. Jay moved to strike out all after the enacting clause of said bill.

Upon this question, the yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Cassady, Cook, Howel, Jay, Royston, Sanford Springer, Wheeler and Wright—9.

Nays—Messrs. Alger, Bradley, Crawford, Espy, Harbour, Shields, Sprott and Mr. President—8.

And the question was decided in the affirmative.

On motion of Mr. Shields,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr. Royston,

The vote taken on striking out all after the enacting clause of H. R. file, No. 125.

Was reconsidered.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith present for your signature,

H. R. file, No. 54, An act concerning claims on the Half Breed Tract.

H. R. file, No. 95, An act supplemental and amendatory of an act entitled an act for the appointment and duties of sheriffs.

H. R. file, No. 90, An act to amend an act entitled an act for the incorporation of the town of Bloomington, approved January 23, 1839.

Also,

H. R. file, No. 108, An act authorizing W. F. Brackenridge to make a canal, to take from the Wapsipinicon river, and to create a water power.

All of which have received the signature of the Speaker of the House.

I herewith return

Senate file, No. 86, An act granting to James Weed and others, the right of way,

With one amendment to the last section,

In which the concurrence of the Senate is requested.

Senate file, No. 75, An act to authorize the people of Iowa to express their opinion upon the subject of a convention to amend the constitution of this State,

Being in special order,

The Senate resolved itself into a committee of the whole, for the consideration thereof,

Mr. Harbour in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back, without amendment.

On motion of Mr. Springer,

Said bill was referred to a select committee, and

Messrs. Springer, Harbour, Cook, Bradley and Espy, were appointed said committee.

Senate file, No. 86, An act to authorize James Weed and his associates, to construct a graded road from Bloomington in Muscatine county, by way of Tipton, to the county seat of Benton county,

Was read as amended.

On motion of Mr. Cook,

The amendment was concurred in.

Mr. Shields, from the committee on Engrossed Bills, reported Senate file, No. 54, An act to establish Normal Schools,
As correctly engrossed.

Mr. Crawford, from the committee on Incorporations, to whom was referred

Senate file, No. 70, An act to provide for the making of a railroad from Dubuque to Keokuk,

Reported the same back, with sundry amendments, and asked the concurrence of the Senate therein,

Which was concurred in.

On motion of Mr. Springer,

The word "double" was stricken from the 3d section of said bill, and the word "treble" inserted.

On motion of Mr. Shields,

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

Senate file, No. 54, An act to establish Normal Schools,

Was read a third time.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Harbour, Howel, Jay, Royston, Sanford, Shields, Springer, and Wheeler—12.

Nays—Messrs. Cassady, Espy, Sprott, Wright and Mr. President—5.

And said bill was passed, and title agreed to.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed,

H. R. file, No. 120, Joint Resolution for the relief of David Judson, treasurer of Monroe county.

H. R. file, No. 134, An act amendatory to an act providing for levying a tax on personal and real estate for road purposes.

H. R. file, No. 141, A bill for an act to establish a State road therein named.

H. R. file, No. 146, A bill without any title.

H. R. file, No. 168, A bill for an act to amend an act allowing and regulating writs of attachment.

H. R. file, No. 169, A bill for an act increasing the power of county commissioners.

In which the concurrence of the Senate is requested.

I herewith return

Senate file, No. 52, An act to establish a State road therein named.

Senate file, No. 65, Joint Resolution of thanks to Captain B. S. Roberts.

Senate file, No. 82, Joint Resolution for a mail route.

Senate file, No. 83, An act providing for the election of an additional justice of the peace in Montrose township, Lee county.

Senate file, No. 84, An act to legalize certain officers therein named.

The same having passed the House of Representatives, without amendment.

I herewith return

Senate file, No. 59, An act in relation to the printing.

Senate file, No. 77, An act to authorize Chauncey G. Dibler to keep a ferry across the Des Moines river at Farmington, Van Buren county.

The same having passed the House of Representatives, with one amendment, in which the concurrence of the Senate is requested.

I also herewith return

Senate file, No. 29, An act and ordinance accepting of the appropriation made by Congress, on the admission of Iowa,

And,

Senate file, No. 47, An act entitled an act to amend an act regulating practice in the district courts of the Territory of Iowa, approved February 10, 1843.

The House of Representatives having concurred in the amendments made by the Senate to their amendments to said act.

Mr. Crawford, from the committee on Incorporations, to whom

was referred the petition and remonstrance of the town of Buonaparte, in Van Buren county, relative to the incorporation of said town,

Reported adverse to the prayer of the petitioners.

H. R. file, No. 125, A bill for an act to provide for a loan of the school fund arising from a sale of the public lands,

The question being on striking out all of said bill after the enacting clause,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Cook, Howel, Jay, Sanford, Springer, Wheeler and Wright—8.

Nays—Messrs. Alger, Bradley, Crawford, Espy, Harbour, Royston, Shields, Sprott and Mr. President—9.

And the question was decided in the negative.

The question being on the passage of the bill,

The yeas and nays being requested, were ordered, and were as follows :

Yeas—Messrs. Alger, Bradley, Crawford, Espy, Harbour, Howel, Royston, Shields, Sprott, and Mr. President—10.

Nays—Messrs. Cassady, Cook, Jay, Sanford, Springer, Wheeler and Wright—7.

And said bill was passed, and title agreed to.

On motion,

The Senate adjourned till 10 o'clock, to-morrow morning.

TUESDAY MORNING, JANUARY 9, 1849.

Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed,

H. R. file, No. 144, A bill for an act to authorize Robert Gower to keep a ferry across Cedar river.

H. R. file, No. 152, A bill for an act to locate a State road from Fairfield to Keokuk, and

H. R. file, No. 150, A bill for an act to incorporate the annual conference of the church of the united brethren in Christ, of Iowa.

In which the concurrence of the Senate is requested.

I herewith return

Senate file, No. 55, An act to authorize Robert Bunker to keep a ferry across the Mississippi river, at Bunker's landing, in Clayton county,

The same having passed the House of Representatives, without amendment.

Mr. Bradley, from the committee on the Judiciary, to whom was referred,

Senate file, No. 76, An act for the benefit of occupying claimants of lands,

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

Mr. Crawford, from the committee on Claims, to whom was referred,

Senate file, No. 43, Joint Resolution for the relief of John Taylor,

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

Mr. Shields, from the select committee, to whom was referred a petition from certain citizens of Dubuque, Delaware, Clayton, Fayette, and Buchanan counties, asking the General Assembly to memorialize the General Assembly of Wisconsin for an extension of the proposed railroad from Dubuque to Keokuk, introduced,

Senate file, No. 88, Memorial to the legislature of the State of Wisconsin,

Which was read a first and second time, and on his motion,

The 13th rule was suspended, said bill was read a third time, passed and title agreed to.

Mr. Bradley, with leave, introduced

Senate file, No. 89, A bill for an act in relation to deeds of collectors of revenue,

Which was read a first and second time, and

On his motion,

Referred to the committee on the Judiciary.

Mr. Espy, with leave, introduced

Senate file, No. 90, An act to amend an act forming judicial circuits,

Which was read a first and second time, and

On his motion,

Referred to a select committee, composed of the Senators from Muscatine and Cedar.

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

Senate file, No. 75, An act to allow the people of Iowa to express their opinion upon the subject of a convention to amend the constitution of this State,

Reported the same back, with sundry amendments thereto, and asked the concurrence of the Senate therein,

Which was agreed to.

Senate file, No. 69, An act to incorporate the town of Cedar Rapids, in Linn county,

Was read a first and second time, and,

On motion of Mr. Cook,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 136, Joint Resolution asking a change of mail conveyance and extension of mail route,

Was read a first and second time, and ordered to a third reading to-morrow.

H. R. file, No. 123, An act to amend an act entitled an act to authorize John Brophy to keep a ferry across the Missouri river,

Was read a first and second time, and

On motion of Mr. Cook,

Referred to the committee on Incorporations, with instructions to report relative to rates of ferriage.

H. R. file, No. 139 An act to establish a branch of the State

University at Fairfield, in Jefferson county,

Was read a first and second time, and

On motion of Mr. Crawford,

Referred to the committee on Schools.

H. R. file, No. 126, An act to amend an act entitled an act to re-locate a territorial road from Fairfield to the Indian boundary,

Was read a first and second time, and

On motion of Mr. Harbour,

Referred to a select committee, and

Messrs. Harbour, Howel and Royston, were appointed said committee.

H. R. file, No. 112, An act to provide for taking an enumeration of the white inhabitants of the State of Iowa,

Was read a first and second time, and

On motion of Mr. Springer,

Referred to a select committee, and

Messrs. Springer, Bradley and Sanford, were appointed said committee.

H. R. file, No. 132, Joint Resolution for superintending the printing and distribution of the laws of the present session,

Was read a first and second time, and

On motion of Mr. Wright,

Referred to the committee on Ways and Means.

H. R. file, No. 143, An act for a State road therein named,

Was read a first and second time, and

On motion of Mr. Cassady,

Referred to the committee on Roads.

H. R. file, No. 115, An act to create the office of Attorney General, and define his duties,

Was read a first and second time, and

On motion of Mr. Wright,

Referred to a committee of the whole Senate, and made the special order for to-morrow, 10 o'clock, A. M.

H. R. file, No. 140, An act to amend an act entitled an act to vacate the public square in the town of West Point.

Senate file, No. 77, An act to authorize Chauncey P. Dibble to keep a ferry across the Des Moines river, at the town of Farmington,

Was read as amended by the House, and

On Motion of Mr. Sanford,

Concurred in.

H. R. file, No. 138, A bill for an act to organize the county of Allamakee,

Was read a first and second time, and,

On motion of Mr. Shields,

Referred to a select committee, and

Messrs. Shields, Crawford, and Wheeler were appointed said committee.

The resolution of the House, providing for a joint convention for the election of a United States Senator,

Was read for information, and,

The question being on the concurrence of the Senate,

Was decided in the affirmative.

Mr. Espy, from the committee on Enrolled Bills, reported Senate file, No. 77, An act to authorize Chauncey G. Dibbler, to keep a ferry across the Des Moines river, at Farmington, As correctly enrolled.

Senate file, No. 75, An act to allow the people of Iowa to express an opinion on the subject of a convention to amend the constitution of this State.

On motion of Mr. Springer,

The 13th rule was suspended, and said bill read a third time.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed

H. R. file, No. 128, A bill for an act making appropriations for the support of the State government, for the years 1849 and 1850; and

H. R. file, No. 147, A bill for an act to allow additional compensation to the agent employed to select the university lands for this State.

In which the concurrence of the Senate is requested.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Cook, Jay, Royston, Sanford, Springer, Sprott, Wheeler and Wright—8.

Nays—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Fear, Harbour, Howel, Shields, and Mr. President—10.

And the question was decided in the negative.

On motion of Mr. Wright,

Senate file, No. 48, An act to re-apportion the State,

Was taken from the table, and made the special order for tomorrow, 2 o'clock, P. M.

Mr. Espy, from the committee on Enrolled Bills,

Reported that they had presented the following bills to the Governor, for his signature.

Senate file, No. 32, An act for a State road, therein named.

Senate file, No. 31, An act authorizing the Auditor of State to audit and allow expenses of the Supreme Court.

Senate file, No. 40, An act to authorize the Secretary of State to collect and arrange certain papers in his office.

Senate file, No. 39, An act to authorize the Supreme Court to hold special terms, and

Senate file, No. 86, An act to authorize James Weed and his associates, to construct a graded road from Bloomington in Muscatine county, via. Tipton in Cedar county, to the county seat of Benton county.

On motion of Mr. Wright,

Leave of absence was granted to Mr. Sanford, during the remainder of the term.

On motion,

The Senate adjourned till 10 o'clock, to-morrow morning.

WEDNESDAY MORNING, JANUARY 10, 1849.

Senate met pursuant to adjournment.

Mr. Espy presented the claim of J. J. Selman, elector for President and Vice President of the United States.

On his motion,

Referred to the committee on Ways and Means.

Mr. Alger presented the claim of T. S. Parvin, assignee of Parish and Welch.

On his motion,

Referred to the committee on Claims.

Mr. Cook presented the petition of G. W. Brooks, and 150 other citizens of Scott county, praying a repeal of the township organization of Scott county, and,

With leave obtained, introduced

Senate file, No. 91, A bill for an act repealing the township organization of Scott county.

Which was read a first and second time, and,

On motion of Mr. Cook,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Harbour presented the petition of William Warren, and 13 others, praying that said William Warren might be exempt from the restrictions of the laws regulating grocery licenses.

On motion of Mr. Bradley,

Laid on the table.

On motion of Mr. Cook,

Leave of absence was granted to Mr. Wheeler, through the remainder of the session.

Mr. Alger, on leave obtained, introduced

Senate file, No. 92, Joint Resolution in relation to printing the acts and resolutions of the General Assembly.

Which was read a first and second time, and,

On motion of Mr. Cook,

Referred to the committee on Ways and Means.

On motion of Mr. Harbour,

Resolved, That the Secretary of the Senate be, and is hereby allowed the sum of three hundred dollars for indexing, distributing, and superintending the printing of the journals of the Senate for the present session.

Mr. Espy, with leave obtained, introduced

Senate file, No. 94, Joint resolution for printing laws in German,

Which was read a first and second time, and,

On his motion,

Referred to the committee on the Judiciary.

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

H. R. file, No. 112, A bill for taking an enumeration of the white inhabitants of Iowa,

Reported the same back, with one amendment, and recommended its passage.

Mr. Espy, from the committee on Enrolled bills, reported

Senate file, No. 50, An act to vacate a part of the town of Pittsburg,

Senate file, No. 49, Memorial to Congress for the establishment of certain military posts.

Senate file, No. 71, Joint Resolution for the appointment of a librarian.

Senate file, No. 51, Joint resolution in relation to a mail route,

As correctly enrolled.

Mr. Espy, from the committee on Ways and Means, to whom was referred

H. R. file, No. 128, An act making appropriations for the support of the State Government, for the fiscal years of 1849 and 1850, .

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

Mr. Shields, from the committee on Claims, to whom was referred

Senate file, No. 59, An act to provide for the payment of expenses incurred in the arrest and detention of Allen Cameron, a fugitive from justice, from the State of Pennsylvania,

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

Mr. Bradley, from the committee on the Judiciary, to whom was referred

Senate file, No. 89, An act in relation to deeds of collectors of revenue,

Reported the same back, with one amendment, and asked the concurrence of the Senate therein; which was agreed to.

Mr. Howel, from the committee on Roads, to whom was referred

Senate file, No. 63, An act to establish a State road therein named,

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

Mr. Shields, from the committee on Schools, to whom was referred

H. R. file, No. 139, An act to establish a branch of the State University at Fairfield in Jefferson county,

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

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

H. R. file, No. 138, An act to organize the county of Allamakee,

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

The President laid before the Senate, the claim of J. Keister and C. Evans.

On motion of Mr. Bradley,

Referred to the committee on Claims.

Mr. Wright asked, and obtained leave of the Senate, to withdraw the claim of James Reed.

Mr. Espy offered the following resolution,

Resolved: That Senate file, No. 61, Preamble and Resolutions relative to the territories of the United States, be entered at length upon the journal of the Senate, as of January 6, the day upon which said preamble and resolutions were acted upon.

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

H. R. file, No. 126, An act to amend an act entitled an act to re-locate the territorial road from Fairfield, to the Indian boundary,

Reported the same back, without amendment, and

Said bill was, on his motion, amended as follows :

Strike out all between the words " Fairfield," and " shall."

Said bill was read a second time, and

On his motion,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

Mr. Selman (Mr. Wright having been called to the chair,) introduced

Senate file, No. 95, Preamble and Joint Resolution for a donation of land to construct a military road from the Mississippi to the Missouri river,

Which was read a first and second time, and

On motion of Mr. Harbour,

The 13th rule was suspended, and said preamble and resolution read a third time, passed and title agreed to.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I herewith return

Senate file, No. 64, An act to authorize Augustus Phelps to keep a ferry at the town of Lyons, in Clinton county.

Senate file, No. 85, An act to provide for the location of the county seat of Benton county.

Senate file, No. 87, An act to amend an act to reorganize the supreme court.

Substitute to

H. R. file, No. 118, An act to preserve the records of Jones county.

All of which have passed the House of Representatives without amendment.

I herewith return

Senate file, No. 62, An act providing for the reorganization of the Board of Public Works, and repealing so much of the several acts relating thereto, as conflict with the provisions of this act,

The same having passed the House of Representatives, with sundry amendments,

In which the concurrence of the Senate is requested.

I am directed to inform the Senate, that the House has refused to concur in the first, third, fourth and fifth amendments made by the Senate, to

H. R. file, No. 11, An act to preserve the purity of elections.

I herewith present for your signature,

H. R. file, No. 102, An act to re-locate and extend a certain road therein named.

H. R. file, No. 104, An act authorizing the county commissioners court of Des Moines county, to have a vote taken in relation to having a court house built in said county.

H. R. file, No. 110, Joint Resolution for a mail route from Bellvue in Jackson county, to Independence in Buchanan county.

H. R. file, No. 113, An act authorizing an additional tax for State purposes.

H. R. file, No. 121, Joint Resolution for a mail route.

H. R. file, No. 122, An act to repeal an act entitled "an act for the relief of the poor."

H. R. file, No. 124, Joint Resolution for a mail route from Sabula, in Jackson county, to Cascade, in Du Buque county.

H. R. file, No. 125, An act to provide for a loan of the school fund, accruing from the sale of the public lands.

H. R. file, No. 127, Joint Resolution in relation to a change of mail conveyance.

H. R. file, No. 132, An act to provide for the incorporation of the town of Guttentburg, in Clayton county.

H. R. file, No. 135, An act to locate a State road therein named.

All of which have passed both branches of the General Assembly, and have received the signature of the Speaker of the House of Representatives.

H. R. file, No. 115, An act to create the office of Attorney General, and define his duties, being in special order,

The Senate resolved itself into a committee of the whole, Mr. Spratt, in the chair, and after some time, spent therein,

The committee rose, and by their chairman,

Reported the same back, with sundry amendments thereto,

And asked the concurrence of the Senate therein.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr. Harbour,

The Secretary was requested to inform the House of Representatives, that the President and members of the Senate of the State of Iowa, would meet the House in the Hall of the House, forthwith; who having reported that duty as performed,

The Senate, preceded by its President and Secretaries,

Proceeded to the Hall of the House, and having taken the seats assigned them,

The roll was called, when it appeared that

Messrs. Browning, Crawford, Wheeler, Sanford, and Betts, were absent.

Those gentlemen being excused,

The convention proceeded to vote for one United States Senator, to hold his office six years from the fourth of March next.

Messrs. Babbitt and Fear, acting as tellers ;

When it appeared that Augustus C. Dodge, had received thirty-six votes, and

Francis Springer had received fifteen votes, and

Evan Jay had received one vote.

Those gentlemen voting for Augustus C. Dodge, were,

Messrs. Alexander, Alger, Babbitt, Baker, Bonham, Bradley, Cassady, Collins, Corse, Davison, Elmer, Espy, Evans, Fear, Flint, Gifford, Griffith, Harbour, Harrison, Howel, Jacobs, Langton, Mahony, McFarland, Morton, Penny, Read, Riggs, Royston, Sales, Sergeant, Shields, Walker, Weyand, Wood, and Mr. President.

Those voting for Francis Springer, were

Messrs. Allison, Bourne, Burroughs, Cook, Goodrell, Jay, McCrary, McManaman, Sprott, Stephenson, Timmons, Thompson, Williams, Woodworth, and Wright.

Mr. Springer voted for Evan Jay.

The President announced that, Augustus C. Dodge, having received a majority of all the votes cast, was duly elected a United States Senator, to represent the State of Iowa in the Senate of the United States, for six years from the fourth of March next.

Whereupon the following certificate was signed by the President of the convention, and attested by Messrs. Babbitt and Fear in presence of the joint convention :

This will certify that at an election by the General Assembly of the State of Iowa, in the Hall of the House of Representatives, on Wednesday, the 10th day of January, A. D. 1849, Augustus C. Dodge was duly elected a Senator, to represent the State of Iowa, in the Senate of the United States, for the term of six years, from the 4th of March, A. D. 1849.

In testimony whereof, I have hereunto set my hand, this 10th day of January A. D. 1849.

JOHN J. SELMAN,

President of the Joint Convention.

Attest :

L. W. BABBITT, A. S. FEAR.

The purposes for which the joint convention had assembled, having been accomplished, the Senate, in order, returned.

On motion of Mr. Wright,

Senate file, No. 61, An act to locate a certain State road therein named,

Was taken from the table, and referred to the committee on Roads.

Mr. Espy, on leave, introduced:

Senate file, No. 96, Joint Resolution presenting a sword to Captain B. S. Roberts,

Which was read a first and second time, and,

On motion of Mr. Howel,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

The question being on the adoption of the amendments made by a committee of the whole Senate, to

H. R. file, No. 115, An act creating the office of Attorney General, and defining his duties.

Mr. Harbour moved to amend by striking out "two hundred" in the tenth section, and insert "eight hundred."

Disagreed to, and

The amendments of the committee of the whole Senate,

Were concurred in.

On motion of Mr. Espy,

Said bill was referred to the committee on Ways and Means.

Senate file, No. 48, An act to re-apportion this State into Representative and Senatorial districts,

Being in special order,

The Senate resolved itself into a committee of the whole, Mr. Sprott in the chair, and after some time spent therein, the committee rose, and by their chairman reported the same back, without amendment, and

On motion of Mr. Jay,

Recommitted to the original committee.

On motion of Mr. Harbour,

Senate file, No. 57, An act relative to the Penitentiary,

Was read as amended by the House, and said amendments were concurred in.

Mr. Espy, from the committee on Ways and Means, to whom was referred

H. R. file, No. 138, Joint Resolution for superintending the printing and distributing the laws of the present session, for the years 1849 and 1850,

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

Said bill was read a second time, and

On motion of Mr. Alger,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

On motion of Mr. Royston,

Senate file, No. 12, An act providing for the re-organization of the Board of Public Works, &c.,

Was read as amended by the House.

The question being taken separately upon concurring in the first amendment,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Espy, Fear, Harbour, Howel, Royston, Shields, Springer and Sprott—11.

Nays—Messrs. Jay, Wright and Mr. President—3.

And said amendment was concurred in.

Upon concurring in the second amendment,

The yeas and nays were requested, and being ordered, were as follows ;

Yeas—Messrs. Alger, Bradley, Cassady, Espy, Fear, Harbour, Howel, Jay, Royston, Shields, Springer and Sprott—12.

Nays—Messrs. Wright and Mr. President—2.

The 3d, 4th, 5th, and 6th amendments were concurred in.

H. R. file, No. 144, An act to authorize Robert Gower to keep a ferry across Cedar river,

Was read a first and second time, and,

On motion of Mr. Cook,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 152, An act to locate a State road from Fairfield, in Jefferson county, to Keokuk, in Lee county.

Was read a first and second time, and,

On motion of Mr. Howel,

Referred to the Senators from Lee, Jefferson, and Van Buren.

H. R. file, No. 150, An act to incorporate the Iowa annual conference of the church of the United Brethren in Christ.

Was read a first and second time, and,

On motion of Mr. Wright,

Referred to the committee on Incorporations.

H. R. file, No. 128, An act making appropriations for the support of the State government for the fiscal years of 1849 and 1850.

Was read a first and second time, and,

On motion of Mr. Cassady,

Referred to the committee on Ways and Means.

H. R. file, No. 167, A bill for an act allowing additional compensation to the agent employed to select the university lands of this state,

Was read a first and second time, and,

On motion of Mr. Wright,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 148, An act to amend an act allowing and regulating writs of attachment,

Was read a first and second time, and,

On motion of Mr. Cook,

Referred to the committee on the Judiciary,

H. R. file, No. 146, An act to empower the mayor of Fort Madison to act as justice of the peace, in certain cases,

Was read a first and second time, and,

On motion of Mr. Espy,

Referred to the committee on the Judiciary.

H. R. file, No. 141, An act to establish a State road therein named,

Was read a first and second time, and,

On motion of Mr. Howel,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 134, An act amendatory to an act providing

for levying a tax on real and personal property, for road purposes,

Was read a first and second time, and,

On motion of Mr. Royston,

Referred to the committee on Roads.

H. R. file, No. 120, Joint Resolution, for the relief of Daniel Judson, Treasurer of Monroe county,

Was read a first and second time, and,

On motion of Mr. Royston,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

H. R. file, No. 149, An act increasing the powers of county commissioners,

Was read a first and second time, and,

On motion of Mr. Bradley,

Referred to the committee on the Judiciary.

Mr. Springer, on leave, introduced

Senate file, No. 97, An act in relation to the election of State officers,

Which was read a first and second time, and,

On his motion,

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

Mr. Cook, with leave, introduced

Senate file, No. 98, An act to provide for holding courts in Potawattamie county.

Which was read a first and second time, and,

On his motion,

Referred to the committee on the Judiciary,

On motion,

The Senate adjourned till 10 o'clock, to-morrow morning.

THURSDAY MORNING, JANUARY 11, 1849.

Senate met pursuant to adjournment.

On motion of Mr. Wright,

The vote taken on concurring in the first amendment made by the House to

Senate file, No. 57, An act relative to the Penitentiary,

Was reconsidered, as to the first amendment.

Mr. Bradley, from the committee on the judiciary, to whom was referred,

H. R. file, No. 148, An act to empower the Mayor of the town of Fort Madison to act as justice of the peace in certain cases, Reported the same back, and recommended its passage.

Said bill was read a second time, and ordered to a third reading to-morrow.

Mr. Cook, with leave, introduced

Senate file, No. 99, An act to provide payment for printing the laws in newspapers,

Which was read a first and second time, and

On motion,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

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

Senate file, No. 48, An act to re-apportion the representative and Senatorial districts,

Reported the same back, without amendment; as the committee were unable to agree.

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

Senate file, No. 90, An act to amend an act, forming judicial districts,

Reported the same back, without amendment, and recommended its passage,

Said bill was read a second time, and

On his motion,
Said bill was read a third time, and
The question being on the passage of the bill,
The yeas and nays were requested, and being ordered, were
as follows :

Yeas—Messrs. Alger, Cook, Espy, Royston, Springer, Sprott,
Wright and Mr. President—8.

Nays—Messrs. Bradley, Cassady, Fear, Harbour, Howel,
Jay and Shields—7.

And said bill was passed and title agreed to.

Mr. Espy, from the committee on Ways and Means, to whom
was referred,

H. R. file, No. 115, An act to create the office of Attorney
General and define its duties,

Reported the same back, with sundry amendments, and asked
the concurrence of the Senate therein.

Upon this question,

The yeas and nays being requested, were ordered, and were
as follows :

Yeas—Messrs. Espy, Fear, Royston and Mr. President—4.

Nays—Messrs. Alger, Bradley, Cassady, Cook, Harbour,
Howel, Jay, Shields, Springer, Sprott and Wright—11

Mr. Espy proposed the following amendment.

“Strike out all of the 9th section that provides for the ap-
pointment of the Attorney General.”

The question being on the adoption of this amendment,

The yeas and nays were requested, and being ordered, were
as follows :

Yeas—Messrs. Cook, Espy, Howel, Jay, Springer, Sprott,
Wright and Mr. President—8.

Nays—Messrs. Alger, Bradley, Cassady, Fear, Harbour,
Royston and Shields—7.

And it was decided in the affirmative.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were
as follows :

Yeas—Messrs. Alger, Cassady and Espy—3.

Nays—Messrs. Bradley, Cook, Fear, Harbour, Howel, Jay,

Royston, Shields, Springer, Sprott, Wright and Mr. President
—12.

And the question was decided in the negative.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the clerical error in Senate file, No. 57, An act relative to the Penitentiary,
Has been corrected.

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

Senate file, No. 63, An act to establish a State road therein named,

Reported the same back with sundry amendments thereto, and asked the concurrence of the Senate therein.

Which was agreed to, and

Said bill was read a second time.

On his motion,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

Mr. Wright, from the committee on Incorporations, to whom was referred

H. R. file, No. 150, An act to incorporate the Iowa annual conference of the church of the United Brethren in Christ,

Submitted the following

REPORT:

The committee on Incorporations, to whom was referred H. R. file, No. 150, have had the same under consideration, and after reviewing the whole ground, are compelled to recommend the indefinite postponement of said bill.

In coming to this conclusion they have had but little difficulty, and notwithstanding the respectable character of the individuals asking to be incorporated, and their strong desire to accommodate them in their laudable undertaking, they firmly believe that the Constitution interposes an insurmountable barrier to any action thereon.

A proper respect for the opinions of those desiring to be incorporated, would seem to demand that our reasons should be given for our conclusion.

The constitution, Art 9, Sec. 2, provides that "corporations shall not be created in this State by special laws, except for political or municipal purposes." This language would appear to be entirely conclusive on this subject. Whether this provision is expedient, is not for us to say—as it is, whether expedient or inexpedient, we are bound thereby and cannot recommend the passage of any law that conflicts with this clear provision. This is a special act, and call, for a special law for the creation of an incorporation, and as such is beyond our power.

We have, it is true a general act of incorporation passed in accordance with the requirements of the constitution, and unless this general provision covers sufficient ground so as to justify the applicants to incorporate thereunder, your committee know of no way to meet their wishes.

Your committee would, therefore, for the reasons thus briefly pointed out, with more regret than difficulty in coming to their conclusion, recommend that the said bill be indefinitely postponed.

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

H. R. file, No. 152, An act to locate a State road, from Fairfield, in Jefferson county, to Keokuk, in Lee county,

Reported the same back, with sundry amendments,

Which were concurred in, said bill was read a second time, and, on his motion,

The 13th rule was suspended, said bill read a third time passed, and title agreed to.

On motion of Mr. Alger,

Resolved, That the committee on Public Buildings, to whom was referred the bill to repeal an act providing for the re-location of the seat of government, be required to report the same back to the Senate, to-morrow morning.

On motion of Mr. Cassady,

Messrs. Wright and Fear were added to said committee.

Mr. Jay, with leave, introduced

Senate file, No. 100, Joint Resolution relative to the nett proceeds arising from sales of land in Iowa.

Said bill was read a first and second time, and,

On his motion,

The 13. rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Bradley, from the committee on the Judiciary, to whom was referred

H. R. file, No. 38, An act requesting the Secretary of State to record State roads,

Reported the same back, with the amendments previously adopted, and recommended its passage.

Mr. Shields, from the committee on Enrolled Bills, to whom was referred

Senate file, No. 97, An act in relation to the election of State officers,

Reported the same back, as correctly enrolled.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr. Cassady, on leave obtained, offered the following resolution:

Resolved, That the Secretary and Assistant Secretary of the Senate, be allowed the sum of four dollars per day each, the Sergeant-at-arms, Messenger, and Fireman, each two dollars per day, for their services during the present session of the General Assembly.

Which was disagreed to.

The President laid before the Senate the memorial of James Sloan.

On motion of Mr. Springer,

Referred to the committee on the Judiciary.

Mr. Selman, (Mr. Jay having been called to the chair,) with leave, introduced

Senate file, No. 101, An act to establish a State road from Drakesville to Albia.

Said bill was read a first and second time, and,

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Mr. Selman, with leave, introduced

Senate file, No. 102, Joint Resolution exonerating Samuel Stephens from certain penalties, and the interest on certain monies.

Said bill was read a first and second time, and,

On his motion,

The 13th rule was suspended, said bill read a third time, passed, and title agreed to.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed

H. R. file, No. 46, An act establishing a system of common schools,

In which the concurrence of the Senate is requested.

H. R. file, No. 136, Joint Resolution asking an exchange of mail conveyance, and extension of mail route,

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

Senate file, No. 70, An act to provide for the making of a rail road from Dubuque to Keokuk,

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

On motion of Mr. Shields,

The vote had on the adoption of the resolution, providing payment for the officers of the Senate, for the present session of the General Assembly,

Was reconsidered, and, on his motion,

Said resolution was laid on the table.

Senate file, No. 97, An act in relation to the election of State officers,

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

Senate file, No. 43, Joint Resolution for the relief of John Taylor,

Was read a second time,

Mr. Jay moved to lay said bill on the table,

Disagreed to.

The question being on the suspension of the rule,

Was decided in the negative.

On motion of Mr. Bradley,

Said bill was ordered to a third reading, to-morrow.

Senate file, No. 59, An act to provide for the payment of the expenses in the arrest and detention of Allen Cammeron, a fugitive from justice, from the State of Pennsylvania,

Was read a second time, and

On motion of Mr. Cook,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

Senate file, No. 76, An act for the relief of occupying claimants of land, was read a second time, and

On motion of Mr. Wright,

Referred to a select committee, and

Messrs, Sprott, Wright, and Espy, were appointed said committee.

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

WHEREAS, A joint resolution was adopted at the last session of the General Assembly, requiring the Secretary of State to furnish each member of the Legislature with a copy of Morris' Iowa Reports ; and whereas the House of Representatives of the present General Assembly, have adopted a resolution requiring the Secretary of State to procure at the expense of the State, thirty-nine copies of said report, for the use of the members of said House ; therefore,

Resolved, That the Secretary of State furnish, at the expense of the State, nineteen copies of Morris' Iowa Reports, for the use of the members of the Senate.

Upon the adoption of the resolution,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs.—Harbour, and Mr. President—2.

Nays—Messrs. Alger, Bradley, Cassady, Cook, Espy, Fear, Howel, Royston, Shields, Springer, Sprott, and Wright—12.

And said resolution was lost.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I herewith return

Senate file, No. 54, An act to establish normal schools.

The same having passed the House of Representatives, without amendment.

On motion of Mr. Shields,

Resolved, That the Secretary of State be and he is hereby requested to furnish the Senate with all the information in his possession in relation to the disposition of the one hundred and fifty copies of Morris' Reports, subscribed for and received by the State.

Mr. Espy, with leave, introduced

Senate file, No. 103, Joint Resolution relative to Morris' Reports,

Which was read a first and second time, and

On motion of Mr. Harbour,

The 13th rule was suspended, and said bill read a third time.

The question being on the passage of the joint resolution,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cook, Espy, Harbour, Springer, and Sprott—6.

Nays—Messrs. Bradley, Cassady, Fear, Howel, Royston, Shields, Wright, and Mr. President—8.

And the question was decided in the negative.

Senate file, No. 89, An act in relation to deeds of collectors of revenue,

Was read a second time, and

On motion of Mr. Bradley,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

H. R. file, No. 138, An act to organize the county of Allamakee,

Was read a second time, and

On motion of Mr. Shields,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

Mr. Espy, from the committee on Ways and Means, to whom was referred

The claim of J. J. Selman, the presidential elector,

Reported in favor of its allowance.

H. R. file, No. 123, An act to amend an act entitled an act to authorize John Brophy to keep a ferry across the Missouri river,

Was read a second time, and

On motion of Mr. Espy,

The 13th rule was suspended, said bill read a third time, and

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs—Alger, Cassady, Espy, Howel, Royston and Mr. President—6.

Nays—Messrs. Bradley, Cook, Fear, Harbour, Jay, Shields, Springer, Sprott and Wright—9.

And the question was decided in the negative.

H. R. file, No. 139, An act to establish at Fairfield, a branch of the State university,

Was read a second time, and

On motion of Mr. Howel,

The 13th rule was suspended, and said bill read a third time.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cassady, Espy, Fear, Harbour, Howel, Jay, Royston, Sprott, Shields and Mr. President—11.

Nays—Messrs. Alger, Cook, Springer and Wright—4.

And said bill was passed, and title agreed to.

H. R. file, No. 112, An act to provide for the taking of the enumeration of the white inhabitants of the State of Iowa,

Was read a second time, and

On motion of Mr. Springer,

The 13th rule was suspended, and said bill read a third time, passed, and title agreed to.

Senate file, No. 72, An act to authorize R. R. Jenks to erect a toll bridge across the Wapsipinicon river,

Was read as amended by the House, and

On motion of Mr. Cook,

Concurred in.

On motion of Mr. Alger,

Senate file, No. 67, An act making an appropriation to repair the public buildings,

Was read a second time, and

On motion of Mr. Bradley,

The word "six" was stricken from the first section, and "five inserted.

Mr. Harbour moved to strike out "five" and insert "two."

On motion of Mr. Wright,

Said bill was referred to the committee on Ways and Means.

On motion of Mr. Alger,

Senate file, No. 49, An act to donate the college square in Iowa City, to the Medical Department of the Iowa University,

Was read a second time.

On motion of Mr. Wright,

All after the word publication, in the last section, was stricken out.

On motion of Mr. Alger,

The 13th rule was suspended, said bill read a third time, passed and title agreed to.

Mr. Espy, from the committee on Ways and Means, to whom was referred

H. R. file, No. 128, An act making appropriations for the support of the State Government, for the fiscal years 1849 and 1850,

Reported the same back, with one amendment, and asked the concurrence of the Senate therein.

Disagreed to.

Mr. Cassady moved to strike out the word "eight," and insert "ten," in the compensation to judges of the district court.

Agreed to. .

Mr. Espy moved to strike out "five," and insert "eight," in the contingent expenses of the Supreme court.

Agreed to.

On motion of Mr. Cook,

Senate file, No. 81; An act to improve the breed of hogs,
Was taken from the table, and read a second time, and

On his motion,

The 13th rule was suspended, and said bill read a third time.

The question being on the passage of said bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Espy, Jay, Springer, Sprott and Mr. President—8.

Nays—Messrs. Cassady, Fear, Harbour, Howel, Royston, Shields, and Wright—7.

And said bill was passed and title agreed to.

Mr. Shields, with leave, introduced

Senate file, No. 104, An act to establish a branch of the State University at the city of Dubuque.

Which was read a first and second time, and,

On motion of Mr. Sprott,

Referred to the committee on Schools.

On motion,

The Senate adjourned till 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

On motion of Mr. Wright,

The Senate resolved itself into a committee of the whole, Mr. Alger, in the chair, for the consideration of

H. R. file, No. 116, An act to establish a system of common schools,

And, after some time spent therein, the committee rose, and by their chairman, reported the same back, without amendment, and recommended its passage.

Mr. Espy moved a call of the Senate; which was agreed to,

When it appeared that Messrs. Royston and Springer were absent.

Those gentlemen having been excused, the further call was suspended.

On motion of Mr. Harbour,

Said bill was laid on the table.

On motion of Mr. Harbour,

The first amendment made by the House to Senate file, No. 57, An act in relation to the Penitentiary, Was concurred in.

The refusal of the House to concur in the amendments made by the Senate, to

H. R. file, No. 11, An act to preserve the purity of elections, Having been declared,

The Senate receded from its third amendment, and insisted upon the first, fourth, and fifth.

The President announced an executive communication.

On motion of Mr. Harbour,

The Senate resolved itself into an executive session, and after some time spent therein, the session rose, and,

On motion,

The Senate adjourned till 10 o'clock, to-morrow morning.

FRIDAY MORNING, JANUARY 12, 1849.

Senate met pursuant to adjournment.

Mr. Harbour, with leave, introduced

Senate file, No. 105, An act to establish a State road from Oskaloosa to Montezuma,

Which was read a first and second time, and

On his motion,

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

On motion of Mr. Cook,

The 13th rule of the Senate, was suspended, for the remainder of the term, unless objection is made.

Mr. Springer, presented the petition of A. Rose, and one hundred other citizens of the State of Iowa, asking for a State road from Grandview, in Louisa county, to Bloomington in Muscatine county, and in accordance, therewith, with leave obtained, introduced,

Senate file, No. 106, An act to lay out and establish a State road from Grandview in Louisa county, to Bloomington in Muscatine county,

Said bill was read a first, second and third time, passed, and title agreed to.

Mr. Cassady, with leave, introduced

Senate file, No. 107, An act to establish a State road, from the west line of Johnson county, to the west line of Dallas county,

Said bill was read a first, second and third time, passed, and title agreed to.

Mr. Cook, with leave, introduced

Senate file, No. 108, Joint Resolution for a mail route,

Said bill was read a first, second and third time, passed, and title agreed to.

Mr. Royston, on leave obtained, introduced

Senate file, No. 109, An act to authorize the Board of Public Works, to issue bonds to enable them to prosecute, to completion so much of the improvement of the Des Moines river, as is now under contract,

Said bill was read a first and second time.

Mr. Harbour moved to lay on the table and make said bill the special order for two o'clock, P. M. to-morrow,

Disagreed to.

Mr. Harbour moved to indefinitely postpone said bill,

Disagreed to.

Mr. Springer move to amend, by striking out the words "the

amount of money on hand, and" wherever they occur in the first section,

Agreed to.

On motion of Mr. Espy,

Laid on the table, till two o'clock P. M.

Mr. Jay presented sundry claims, and

On his motion,

Referred to the committee on claims.

Mr. Bradley, from the select committee, to whom was referred the petition of H. G. Harlan, and two hundred others, with leave, introduced in accordance with said petition.

Senate file, No. 110, An act to authorize the commissioners of Jackson county, to levy an additional tax to erect a bridge across the Maquoketa river ;

Said bill was read a first, second and third time, passed, and title agreed to.

Mr. Espy, from the committee on Ways and Means, to whom was referred

H. R. file, No. 100, An act to amend an act providing for the collection of revenue for State and county purposes,

Reported the same back, with one amendment,

Which was concurred in.

Said bill was read a second and third time, passed, and title agreed to.

Mr. Howel, on leave, introduced

Senate file, No. 111, An act supplemental to an act establishing a branch of the State University at Fairfield.

Said bill was read a first and second time, and

On motion of Mr. Cook,

Referred to the committee on incorporations.

On motion of Mr. Espy,

The resolution providing compensation to the officers of the Senate of the present session,

Was taken from the table.

Mr. Espy offered the following amendment, add "and the assistant fireman \$2 00 per day."

On motion of Mr. Wright,

Referred to the committee on claims.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 161, A bill for an act to amend the charter of the city of Burlington, in which the concurrence of the Senate is requested.

I herewith return

Senate file, No. 92, Joint Resolution relative to the printing of the laws.

Senate file, No. 96, Joint Resolution presenting a sword to Capt. B. S. Roberts.

Senate file, No. 68, A bill for an act relative to the construction of a plank road from Montrose to Keokuk, in Lee county.

Senate file, No. 79, An act to authorize James H. Gower, Charles W. Gower, Robert Gower, their heirs or assigns, to improve the Cedar river, by the erection of a lock and dam.

Senate file, No. 69, An act to incorporate the town of Cedar Rapids, in the county of Linn.

Senate file, No. 74, A bill for a special act for the benefit of Dubuque county.

Senate file, No. 56, A bill for an act to lay out and establish a State road from Dubuque city to Bunker's landing in Clayton county.

Senate file, No. 88, Memorial to the legislature of Wisconsin.

All of which have passed the House of Representatives without amendment.

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 155, A bill for an act granting a right of way to W. F. Coolbaugh.

H. R. file, No. 160, A bill for an act to change the location of certain roads therein named.

H. R. file, No. 161, Joint Resolution for a mail route.

H. R. file, No. 156, Joint Resolution for a mail route.

H. R. file, No. 158, Joint Resolution asking a donation of land for the improvement of the Wapsipinicon river.

H. R. file, No. 162, A bill for an act for the relief of Joseph Wallace and William Sicor.

H. R. file, No. 154, A bill for an act to provide for the instruction of the deaf and dumb and blind.

In which the concurrence of the Senate is requested.

I herewith present for your signature.

H. R. file, No. 58, An act regulating grocery license.

H. R. file, No. 107, An act to provide for the payment of jurors, in Lee county.

H. R. file, No. 79, An act supplemental to the act of February 23, 1847, entitled "an act supplemental and amendatory to an act to establish common schools," approved January 16, 1840.

H. R. file, No. 35, An act to amend an act providing for and regulating general elections.

H. R. file, No. 149, An act to amend an act entitled "an act to vacate the public square, in the town of West Point in Lee county," approved February 17, 1847.

H. R. file, No. 166, An act authorizing Robert Gower to keep a ferry across Cedar river.

H. R. file, No. 126, An act to amend an act, entitled "an act to re-locate a territorial road, from Fairfield in Jefferson county, to the Indian boundary."

H. R. file, No. 141, An act to establish a State road therein named.

H. R. file, No. 132, Joint Resolution for superintending the printing and distributing of the laws of the present session.

H. R. file, No. 120, Joint Resolution for the relief of Daniel Judson, treasurer of Monroe county.

H. R. file, No. 147, An act to allow additional compensation to the agent employed to select the university lands for this State.

Senate file, No. 49, Memorial and Joint Resolution to Congress for the establishment of certain military posts.

Senate file, No. 50, An act to vacate a part of the town of Pittsburg in Van Buren county.

Senate file, No. 51, Joint Resolution in relation to a mail route.

Senate file, No. 71, Joint Resolution for the appointment of a librarian.

An act (No. not known,) to authorize Chauncey G. Dibbler to keep a ferry across the Des Moines river, at Farmington in Van Buren county.

All of which have passed both branches of the General Assembly, and received the signature of the speaker of the House of Representatives.

Mr. Espy, with leave, introduced,

Senate file, No. 112, A bill for an act relative to fees in criminal cases.

Said bill was read a first, second and third time,

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Espy, Fear, Harbour, Royston, Shields, and Sprott—6.

Nays—Messrs. Alger, Bradley, Cassady, Cook, Jay, Springer, Wright and Mr. President—8.

And the question was decided in the negative.

Mr. Cassady, from the committee on Public Buildings, to whom was referred

H. R. file, No. 50, An act to repeal an act providing for the re-locating of the seat of government,

Reported a substitute.

A bill for an act providing for the refunding of money to purchasers of lots in Monroe City, and vacating the lots in said city.

Said substitute was read a first and second time, and,

On motion of Mr. Cook,

Referred to a select committee, and,

Messrs. Cook, Wright and Cassady were appointed said committee.

On motion of Mr. Espy,

Resolved, That the Governor be requested to inform the Senate what reports have been made by him to the President of the United States, in relation to the sale and disposition of the lands donated by Congress for the improvement of the Des Moines river, pursuant to the act of Congress making said donation.

Mr. Espy, with leave, introduced

Senate file, No. 113, An act to amend an act concerning costs and fees.

Said bill was read a first and second time.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Senate file, No. 113, An act to amend an act relative to costs and fees,

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

Mr. Wright, from the minority of the select committee to whom was referred

The memorial of Jonas Nosler, contesting the right of Hon. Barney Royston to a seat in this body, as senator from the district composed of the counties of Wappelo and Monroe, submitted a report,

Which was, with the evidence in the case, recommitted.

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

H. R. file, No. 56, An act to repeal an act to relocate the seat of Government, and,

Substitute therefor,

Reported the same back, with amendments.

On motion of Mr. Espy,

Recommitted.

Mr. Espy, from the committee on Enrolled Bills, reported

Senate file, No. 59, An act relative to the penitentiary,

As correctly enrolled.

Mr. Shields, from the committee on schools, to whom was referred

Senate file, No. 104, An act to establish a branch of the State University at Dubuque,

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

Mr. Springer offered the following amendment :

"Provided, no monies shall be appropriated to the support of any branch of the university, until the revenues of the parent institution shall exceed three thousand dollars per annum from the grant made by Congress.

Which was agreed to.

Said bill was read a third time, and,

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Cook, Espy, Fear, Harbour, Howel, Jay, Royston, Shields, Sprott, and Mr. President—13.

Nays—Messrs. Springer and Wright—2.

And said bill was passed, and title agreed to.

Mr. Bradley, from the select committee to whom was referred Senate file, No. 111, An act supplemental to an act establishing a branch of the State University at Fairfield,

Reported the same back with two amendments,

Which were concurred in.

Said bill was read a second and third time, passed, and title agreed to.

Mr. Espy, from the committee on Ways and Means to whom was referred

Senate file, No. 67, A bill for an act making appropriations for public buildings at Iowa City,

Reported the same back without amendment.

Mr. Springer moved its indefinite postponement.

Upon this question

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Jay, Springer, Sprott, Wright, and Mr. President—5.

Nays—Messrs. Alger, Bradley, Cassady, Cook, Espy, Fear, Harbour, Howel, Royston, and Shields—10.

And the question was decided in the negative.

Mr. Harbour moved to strike out "five thousand" and insert "three thousand."

Mr. Espy moved to amend by inserting "four thousand."

A division of the question being called for,

The question upon striking out "five thousand,"

Was decided in the affirmative.

The question being on the amendment to the amendment,

Was decided in the negative.

The question then recurring on the motion to insert "four thousand,"

Was decided in the affirmative.

Mr. Harbour moved to strike out the words "Joseph T. Fales," and insert, "James F. Hanby;" lost.

Mr. Harbour moved to strike out "four hundred," and insert "two hundred."

Mr. Espy moved to amend by inserting "three hundred,"

Lost.

The question being on the motion to insert "three hundred,"

Was decided in the affirmative.

Mr. Howel moved to refer to the committee on Public Buildings,

Disagreed to.

Mr. Cassady moved to refer to a committee of the whole Senate on Monday morning next, 10 o'clock, A. M.

Lost.

Said bill was read a third time.

The question being on the passage of said bill,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Alger, Bradley, Cook, Espy, Fear, Harbour, Royston and Shields—8.

Nays—Messrs. Cassady, Howel, Jay, Springer, Sprott, Wright and Mr. President—7.

And said bill was passed and title agreed to.

Mr. Howel, on leave introduced

Senate file, No. 114, Joint Resolution for an appropriation of land to aid in the construction of the branch buildings of the State University at Fairfield.

Said bill was read a first, second and third time, passed and title agreed to..

On motion of Mr. Jay,

H. R. file, No. 116, An act to establish a system of common schools,

Was taken from the table.

Mr. Jay offered the following amendment :

Strike out section 26, and add to the 14th amendment made by the House as follows :

"He shall divide into school districts and number the same, each township or election precinct in his county, or any part thereof, when the same has not heretofore been districted and may alter and change the districts thus formed, or those formed under other acts from time to time, as the convenience of the inhabitants of the aforesaid townships and election precincts may require, and shall proceed to make such change at any time when petitioned by two thirds of the legal voters of said district.

Sec. Each school district formed and organized, under any former law, or under the provisions of this act is hereby declared to be a body corporate by the name and style of school district, No. — of the township of — in the county of — and State of Iowa, and in that name, it may hold property and be a party to suits and contracts.

Upon the formation of new school districts, the fund commissioners shall notify some qualified voter thereof, by written notice, describing the boundaries of the district and also the time and place of the first meeting.

Sec. Such qualified voter shall notify each elector in the district of the same by personal service, as far as convenient, and shall post a notice at the place of meeting and also in three other public places in the district, stating the boundary of the district and the time and place, at least six days before the time of such meeting.

Sec. The qualified electors of the district when assembled in accordance with the notice required in the foregoing section, shall organize by appointing a president and secretary, who shall act as judges of the election, and the name of each elector shall be recorded by the secretary.

Sec. They shall then elect by ballot, one president, one secretary and one treasurer, who together shall constitute a board of directors for the district, and shall hold their offices until the next succeeding annual district election, and until their successors are elected and qualified.

Sec. Said directors shall within ten days after the election appear before some justice of the peace and take an oath for the faithful performance of their duties, and in case they fail to do so, they shall each forfeit the sum of five dollars for the use of the district.

Upon the adoption of this amendment,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cassady, Cook, Howel, Jay, Royston, Springer, Sprott, and Wright—9.

Nays—Messrs. Bradley, Espy, Fear, Harbour, Shields and Mr. President—6.

And the amendment was adopted.

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

H. R. file, No. 146, An act to authorize the mayor of Fort Madison to act as justice of the peace in certain cases,

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

On motion of Mr. Bradley,

Said vote was reconsidered.

On motion of Mr. Espy,

Referred to the delegation from Lee county.

H. R. file, No. 165, An act to amend the charter of the city of Burlington,

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

Senate file, No. 43, Joint Resolution for the relief of John Taylor,

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

H. R. file, No. 128, An act making appropriations for the State Government for the fiscal years of 1849 and 1850,

Was read a second and 3d time, passed, and title agreed to.

Senate file, No. 48, An act to reapportion the State, and define the boundaries of Senatorial and Representative districts,

Was read a second time, and,

On motion of Mr. Springer,

Referred to the committee of the whole Senate, and made the special order for 10 o'clock to-morrow morning.

H. R. file, No. 162, An act for the relief of Joseph Wallace and Wm. Sicor,

Was read a first and second time, and,

On motion of Mr. Springer,

Referred to the committee on the Judiciary.

H. H. file, No. 158, Joint Resolution asking a donation of land for the improvement of the Wapsipinicon river,

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

H. R. file, No. 156, Joint Resolution for a mail route,

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

H. R. file, No. 161, Joint Resolution for a mail route,

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

H. R. file, No. 160, An act to change the location of a certain road, therein named,

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

H. R. file, No. 154, An act to provide for the instruction of deaf, dumb, and blind persons,

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

H. R. file, No. 155, An act granting a right of way to W. F. Coolbaugh,

Was read a first and second time, and,

On motion of Mr. Harbour,

Referred to the committee on Incorporations.

On motion of Mr. Selman,

Mr. Bradley having been called to the chair,

The vote had on

Senate file, No. 90, An act to amend an act forming judicial districts,

Was reconsidered.

On motion of Mr. Selman,

The vote had on

H. R. file, No. 115, An act to create the office of Attorney General, and define his duties,

Was reconsidered.

Mr. Selman, with leave, introduced

Senate file, No. 116, Joint Resolution for the appointment of Wm. G. Cook, as agent for the State.

Said resolution was read a first and second time.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed.

H. R. file, No. 170, An act to provide for the compensation of members, officers, and printers of the General Assembly, and for other purposes.

On motion,

The Senate adjourned till 10 o'clock, to-morrow morning.

SATURDAY MORNING, JANUARY 13, 1849.

Senate met pursuant to adjournment.

Mr. Espy moved to erase from the journal of yesterday, the reconsideration of the vote had on

Senate file, No. —, An act to amend an act forming judicial districts.

Upon this question

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cook, Espy, Royston, and Sprott—4.

Nays—Messrs. Alger, Bradley, Cassady, Crawford, Harbour, Howel, Shields, Springer, Wright, and Mr. President—10.

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

H. R. file, No. 146, An act to empower the mayor of the town of Fort Madison, to act as justice of the peace, in certain cases,

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

Said bill was read a second and third time, passed, and title agreed to.

Mr. Crawford, from the committee on Incorporations, to whom was referred

H. R. file, No. 155, An act granting the right of way to Wm. F. Coolbaugh,

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

Said bill was read a second and third time.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Cook, Crawford, Espy, Royston, Shields, Springer, Sprott and Mr. President—11.

Nays—Messrs. Harbour, Howel, and Wright—3.

Said bill was passed, and title agreed to.

Mr. Wright, from the committee on the Judiciary, to whom was referred

H. R. file, No. 162, An act for the relief of Joseph Wallace and Wm. Sicor,

Reported the same back, and recommended its indefinite postponement,

Which was agreed to.

Mr. Bradley, from the committee on the Judiciary, to whom was referred

H. R. file, No. 148, An act to amend an act regulating writs of attachment,

Reported the same back, with one amendment, and asked the concurrence of the Senate therein,

Which was agreed to.

Said bill was read a second and third time, and,

The question being on the passage of said bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cassady, Crawford, Espy, Howel, Royston, Sprott and Mr. President—8.

Nays—Messrs. Alger, Cook, Shields, Springer, and Wright—5.

Said bill was passed and title agreed to.

Mr. Bradley, from the committee on the Judiciary, to whom was referred

H. R. file, No. 66, An act for the relief of Appanoose county.

Reported the same back, with one amendment: which was concurred in.

Said bill was read a second and third time, passed, and title agreed to.

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

H. R. file, No. 56, and substitute therefor, an act to provide for the refunding of the purchase money paid by purchasers of lots in Monroe city and vacating said city,

Reported the same back with one amendment,

Which was concurred in.

Mr. Espy moved to amend by adding the following "Proviso" That this act shall not be construed to apply to the commissioners who appear as purchasers of lots in Monroe city,

Which was agreed to.

The reading said bill a third time being objected to.

Mr. Bradley moved a suspension of the 13th rule.

Upon this question, the yeas and nays were requested and being ordered, were as follows:

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Espy, Howel, Royston, Shields, Springer, Sprott and Wright—11.

Nays—Messrs. Cassady and Mr. President—2.

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

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed

H. R. file, No. 167, A bill for an act authorizing the transcribing and indexing of the records of the probate court of Jefferson county.

H. R. file, No. 166, A bill for an act exempting a homestead from execution.

H. R. file, No. 168, A bill for an act requiring claimants to authenticate their claims by oath.

In all of which the concurrence of the Senate is requested.

Also,

That the House has indefinitely postponed

Senate file, No. 102, Joint Resolution exonerating Samuel Stephens from certain penalties, and interest on monies.

I herewith return

Senate file, No. 43, Joint resolution for the relief of John Taylor.

Senate file, No. 59, An act to provide for the payment of expenses in the arrest and detention of Allen Cammeron, a fugitive from justice from the State of Pennsylvania.

Senate file, No. 63, An act to establish a State road therein named.

Senate file, No. 99, An act to provide payment for printing the laws in newspapers.

Senate file, No. 101, An act to establish a State road from Drakesville to Albia in Monroe county.

The same having passed the House of Representatives, without amendment. Also,

The House has passed

H. R. file, No. 169, A bill for an act to authorize general incorporations,

In which the concurrence of the Senate is requested.

I am also directed to inform the Senate that the House have receded from their disagreement to the amendment made by the Senate to

H. R. file, No. 11, A bill for an act to preserve the purity of elections.

Mr. Crawford, from the committee to whom was referred a resolution relative to the compensation of the officers of the Senate for the present session,

Reported the same back, without amendment and recommended its adoption.

Mr. Cook offered the following amendment, "strike out

four dollars" as pay for assistant secretary, and insert "three dollars."

Upon this question

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cook, Royston, Springer, Sprett, and Wright—6.

Nays—Messrs. Bradley, Cassady, Crawford, Espy, Harbour, Howel, Shields, and Mr. President—8.

So said question was decided in the affirmative.

The question then being on the adoption of said resolution, Was decided in the affirmative.

Mr. Howel, from the committee on Roads, to whom was referred

H. R. file, No. 134,

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

Said bill was read a second and third time, passed and title agreed to.

Mr. Harbour, with leave introduced,

Senate file, No. 115, An act for a State road from Washington county to Montezuma.

Said bill was read a first, second and third time, passed, and title agreed to.

Mr. Alger, with leave, introduced

Senate file, No. 118, An act supplemental to the act of February 25, 1847, entitled an act to locate and establish a State University.

Said bill was read a first and second time, and

On his motion,

Referred to the committee on Schools.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has concurred in the amendment made by the Senate to

H. R. file, No. 116, a bill for an act to establish a system of common schools.

I herewith return

Senate file, No. — An act relative to the Penitentiary,

The same having received the signature of the Speaker of the House of Representatives.

Mr. Espy, from the committee on Enrolled Bills,

Reported that they had presented the following bills to the Governor for his signature :

Senate file, No. 50, An act to vacate part of the town of Pittsburg, in Van Buren county.

Senate file, No. 49, Memorial to Congress for the establishment of certain military posts.

Senate file, No. 71, Joint Resolution relative to the appointment of a librarian.

Senate file, No. 51, Joint Resolution relative to a mail route.

Senate file, No. 77, An act to authorize Chauncey G. Dibbler to keep a ferry across the Des Moines river at Farmington, Van Buren county.

And,

Senate file, No. 57, An act relative to the penitentiary.

Mr. Shields, with leave, introduced

Senate file, No. 117, An act supplemental to the act of February 25, 1847, entitled an act to provide for the management and disposition of the school fund.

Said bill was read a first and second time, and,

On his motion,

Referred to a select committee, and,

Messrs. Harbour, Cassady and Crawford, were appointed said committee.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.,

Senate file, No. 106, An act to authorize the Board of Public Works to issue bonds to enable them to prosecute to completion, so much of the improvement of the Des Moines river as is now under contract,

Was read a second time.

Mr. Royston offered to amend, by adding, "That the amount of said bonds shall not exceed the sum of \$200,000.

Disagreed to.

Mr. Springer offered the following amendment:

Add to the third section the words, "in no event shall the State of Iowa become responsible for the payment or redemption of this bond, or the interest thereon.

Which was agreed to.

And said bill was read a third time.

The question being on the passage of said bill,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Cook, Royston, Wright and Mr. President—4.

Nays—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Howel, Shields, Springer and Sprott—9.

And the question was decided in the negative.

Mr. Espy, from the committee on Ways and Means, to whom was referred certain claims,

Reported the same back to the Senate.

The president laid before the Senate a communication from the Secretary of State, relative to the disposition of Iowa reports.

On motion of Mr. Cook,

Laid on the table.

Mr. Bradley, from the committee on the Judiciary, to whom was referred

H. R. file, No. 31, An act requiring notice of sales by orders of courts of records, to be advertised in some newspaper,
Reported the same back, with two amendments,
Which were concurred in.

Said bill was read a second time.

Objections being made to the third reading of said bill,

Mr. Espy moved a suspension of the 13th rule.

Disagreed to.

The question being on reading said bill a third time on Monday,
The yeas and nays were requested and being ordered, were
as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Crawford, Espy,
Harbour, Howel, Royston, Shields, Sprott and Mr. President
—11.

Nays—Messrs. Cook, Springer and Wright—3.

And the question was decided in the affirmative.

Senate file, No. 116, Joint Resolution for the appointment of
Wm. G. Coop agent for the State,

Was read a second and third time.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were
as follows :

Yeas—Messrs. Cassady, Harbour, Royston, Sprott, Wright
and Mr. President—6.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Espy, How-
el, Shields and Springer—8.

And the question was decided in the negative.

Mr. Shields, from the committee on Schools, to whom was re-
ferred

Senate file, No. 118, An act supplemental to the act of Feb-
ruary 25, 1847, entitled an act to locate and establish a State
University,

Reported the same back, with one amendment,

Which was concurred in.

Senate file, No. 48, An act to re-apportion the State, and de-
fine the boundaries of Representative and Senatorial districts
therein,

Being in special order.

The Senate resolved itself into a committee of the whole, Mr. Cook in the chair,

And after some time spent therein,

The committee rose, and by their chairman,

Reported the same back, with sundry amendments.

Mr. Howel moved to concur in the first amendment, to-wit :—
strike out “two,” and insert “three” in the eighth section.

Disagreed to.

The question being on concurring in all the other amendments made by the committee; was decided in the negative.

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

Resolved, That the basis of apportioning the State into Representative and Senatorial districts, shall be the census of 1847.

Mr. Royston moved to amend as follows, add “and such other authentic information as may be in possession of the Senate.”

Upon this question

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Espy, Harbour, Royston, Wright, and Mr. President—6.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Howel, Shields, Springer, and Sprott—8.

And the amendment was lost.

The question then recurring on the adoption of the resolution,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Harbour, Shields, and Springer—7.

Nays—Messrs. Cassady, Espy, Howel, Royston, Sprott, Wright, and Mr. President—7.

So said resolution was lost.

On motion of Mr. Howel,

Said vote last had, was reconsidered.

The question being on the adoption of the resolution,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Harbour, Howel, Shields, and Springer—8.

Nays—Messrs. Cassady, Espy, Harbour, Royston, Sprott, Wright and Mr. President—6.

So said resolution was adopted.

Mr. Espy moved to strike out "four," and insert "five," in the first section.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Espy, Sprott, Wright and Mr. President—5.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Harbour, Howel, Royston, Shields and Springer—9.

And the question was decided in the negative.

Mr. Bradley moved to strike out "three," in the third section, and insert "two," and strike out "two" in the fourteenth section, and insert "three."

Mr. Espy, from the committee on enrolled bills, reported the following bills as correctly enrolled,

Senate file, No. 66, An act for the re-location of the county seat of Clinton county.

Senate file, No. 83, An act providing for the election of an additional justice of the peace, in Montrose township, in Lee county.

Senate file, No. 84, An act to legalize certain officers therein named.

Senate file, No. 54, An act to establish normal schools.

Senate file, No. 53, An act for the organization of Lucas county.

Senate file, No. 85, An act to provide for the location of the county seat of Benton county.

Senate file, No. 64, An act to authorize Augustus Phelps to keep a ferry at Lyons, in Clinton county.

Senate file, No. 87, An act to amend an act to re-organize the supreme court.

Senate file, No. 118, An act to preserve the records of Jones county.

Senate file, No. 65, Resolution of thanks to Capt. B. S. Roberts.

Senate file, No. 82, Joint Resolution for a mail route.

Senate file, No. 55, An act to authorize Robert Bunker to keep a ferry in Clinton county.

Senate file, No. 73, An act fixing the terms of the district courts.

Senate file, No. 59, An act to provide for the payment of expenses in the arrest and detention of Allen Cammeron, a fugitive from justice, from the State of Pennsylvania.

A call of the Senate was had, when it appeared that Mr. Shields was absent.

That gentleman having appeared,

The further call was suspended, and

The question being on Mr. Bradley's amendment,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Shields, and Springer—6.

Nays—Messrs. Cassady, Espy, Harbour, Howel, Royston, Sprott, Wright, and Mr. President—8.

And the amendment was lost.

Mr. Cook moved to lay said bill on the table,

Disagreed to.

Mr. Wright moved to strike out the tenth section of said bill.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cook, Crawford, Shields, Springer, Sprott and Wright—7.

Nays—Messrs. Alger, Cassady, Espy, Harbour, Howel, Royston and Mr. President—7.

Said amendment was lost.

On motion of Mr. Alger,

Said vote was reconsidered.

The question being on the adoption of the amendment,

The yeas and nays were requested and being ordered were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Shields, Springer, Sprott, and Wright—8.

Nays—Messrs. Cassady, Espy, Harbour, Howel, Royston, and Mr. President—6.

Said amendment was agreed to.

Mr. Wright moved to strike out the last section.

Upon this question

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Shields, Springer, Wright, and Mr. President—9.

Nays—Messrs. Cassady, Espy, Harbour, Howel, and Royston—5.

Said amendment was agreed to.

Said bill was read a third time, and

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Espy, Harbour, Howel, Royston, Wright, and Mr. President—7.

Nays—Messrs. Alger, Bradley, Cook, Shields, Springer, and Sprott—7.

Said question was decided in the negative.

Mr. Springer, offered the following resolution :

Resolved, That the thanks of the Senate are hereby tendered to the Hon. John J. Selman, for the able, impartial and highly satisfactory manner in which he has discharged the responsible duties of President of the Senate, during the present session,

Which was unanimously adopted.

Mr. Harbour, from the select committee, to whom was referred Senate file, No. 117, An act supplemental to the act of February 25, 1847, entitled an act for the management and distribution of the school fund,

Reported the same, back with one amendment,

Which was concurred in.

Said bill was read a second time.

Mr. Springer proposed a substitute for the 8th section, and a proviso to the first, and to amend the fifth section as follows : strike out all after the 8th line, and insert, " on the first day of November next."

The question being on the adoption of the amendment, substitute and proviso, was decided in the affirmative,

Mr. Royston moved to strike out "Robert Brown," and insert Benjamin Luce.

Mr. Espy moved to amend by inserting the name of Enoch Pardeu.

A division of the question being called for.

The Senate refused to strike out the name of Robert Brown.

Said bill was read a third time.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Alger, Bradley, Crawford, Espy, Harbour, Howel, Royston and Shields—8.

Nays—Messrs. Cassady, Cook, Springer, Sprott, Wright and Mr. President—6.

Said bill was passed, and title agreed to.

Mr. Aarbour moved to adjourn till half past six o'clock, this evening.

Mr. Bradley moved to amend by inserting Monday morning, 9 o'clock.

Upon this question, the yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Alger, Bradley, Cook, Harbour, Shields, Springer, and Wright—7.

Nays—Messrs. Cassady, Espy, Howel, Royston, Sprott and Mr. President—6.

And the Senate adjourned.

MONDAY MORNING, JANUARY 15, 1849.

Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed,

H. R. file, No. 176, A bill for an act to re-apportion the State into Representative and Senatorial districts.

In which the concurrence of the Senate is requested.

Mr. Crawford, from the committee on claims, to whom was referred,

H. R. file, No. 170, A bill for an act making appropriations for the pay of members, officers and printers of the General Assembly, and for other purposes,

Reported the same back, with sundry amendments.

Said bill was read a second time, and

On motion of Mr. Springer,

Recommitted.

H. R. file, No. 167, A bill for an act allowing additional compensation to the agent employed to select University lands,

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

H. R. file, No. 168, A bill for an act allowing and regulating writs of attachment,

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

H. R. file, No. 169, A bill for an act increasing the power of county commissioners,

Was read a first and second time, and

On motion of Mr. Espy,

Referred to a select committee, and

Messrs. Espy, Sprott and Wright, were appointed said committee.

Mr. Crawford, from the committee on claims, to whom was referred,

H. R. file, No. 170, A bill for an act making appropriation for the pay of members, officers and printers of the General Assembly, and for other purposes,

Reported the same back with sundry amendments thereto, and asked the concurrence of the Senate therein,

Which was agreed to.

Mr. Espy moved to amend, by adding to 'C. Bates, fifty dollars.'

Upon this question

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Espy, and Harbour—5.

Nays—Messrs. Cook, Crawford, Howel, Royston, Shields, Springer, Sprott, Wright, and Mr. President—9.

Said motion was lost.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith return

Senate file, No. 114, Joint Resolution for a grant of land.

Senate file, No. 100, Joint Resolution relative to nett proceeds of sales of public lands.

Senate file, No. 91, An act to repeal the township organization of Scott county.

Senate file, No. 49, An act donating college square, to medical department of State University.

Senate file, No. 108, Joint Resolution for a mail route.

Senate file, No. 95, Preamble and Joint Resolution asking a donation of land for, a military road.

Senate file, No. 106, An act to establish a State road from Grandview to Bloomington.

Senate file, No. 111, An act supplemental to the act establishing a branch of State University at Fairfield.

Senate file, No. 89, An act relative to deeds of collectors of revenue.

Senate file, No. 105, An act to establish a State road from Oskaloosa to Montezuma.

Senate file, No. 107, An act to establish a State road from west line of Johnson county, to west line of Dallas county.

The same having passed the House of Representatives without amendment.

I herewith return

Senate file, No. 113, A bill for an act concerning costs and fees.

The same having passed the House of Representatives, with

one amendment, in which the concurrence of the Senate is requested.

Also,

Senate file, No. 67. A bill for an act making appropriations for public buildings at Iowa City.

The same having passed the House of Representatives, with one amendment, in which the concurrence of the Senate is requested.

The House of Representatives has indefinitely postponed

Senate file, No. 110, An act authorizing an additional tax in Jackson county, for the purpose of building a bridge across the Maquoketa river.

Mr. Wright moved to amend by inserting the fees of officers and witnesses in the case of Nosler vs. Royston.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Harbour, Shields, Springer, Sprott, Wright and Mr. President—10.

Nays—Messrs. Cassady, Crawford, and Howel—3.

Said amendment was agreed to.

Mr. Wright moved to amend by adding, “to James Sloan, for witness fees, 280 miles travel, and one day’s attendance before the committee, at 8 cents per mile, \$23 40.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cook, Springer, Sprott, Wright, and Mr. President—5.

Nays—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Harbour, Howel, and Shields—8.

And the amendment was lost.

The question being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Harbour, Howel, Royston, Shields, Sprott and Mr. President—11.

Nays—Messrs. Cook, Springer and Wright—3.

Said bill was passed, and title agreed to.

H. R. file, No. 137, A bill for an act donating certain lands to the medical department of the Iowa University,

Was read a first and second time, and,

On motion of Mr. Springer,

Referred to the committee on Schools.

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

H. R. file, No. 31, A bill for an act requiring all notices of sales of courts of record to be published in some newspaper,

Reported the same back, with sundry amendments,

Which were concurred in.

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

Mr. Espy from the committee on Enrolled Bills, reported

Senate file, No. 91, An act to repeal the township organization of Scott county.

Senate file, No. 68, An act for the construction of a plank road from Montrose to Keokuk, in Lee county.

Senate file, No. 95, Preamble and joint resolution for a grant of land to construct a military road from the Mississippi to the Missouri river.

Senate file, No. 79, An act to authorize J. H., C. W. and R. Gower to improve the Cedar river by a dam and lock.

Senate file, No. 56, An act to lay out and establish a State road from Dubuque city to Bunker's landing, in Clayton county.

Senate file, No. 88, Memorial to the Legislature of Wisconsin, for a continuation of the Dubuque and Keokuk rail road.

Senate file, No. 96, Joint Resolution.

Senate file, No. 63, An act to establish a State road therein named.

Senate file, No. 29, An act and ordinance accepting the propositions made by Congress on the admission of Iowa, as a State, into the union.

Senate file, No. 47, An act to amend an act entitled an act regulating practice in the district courts of the territory of Iowa.

Senate file, No. 52, An act to establish a State road therein named.

Senate file, No. 43, Joint Resolution for the relief of J. Taylor.

Senate file, No. 62, An act to amend an act creating a Board of Public Works, approved February 24, 1847.

Senate file, No. 69, An act to incorporate the town of Cedar rapids, in Linn county.

Senate file, No. 99, An act to provide for the payment of printing laws in newspapers.

Senate file, No. 49, Memorial to Congress relative to the establishment of military posts.

Senate file, No. 105, An act to establish a State road from Oscaloosa to Montazuma.

Senate file, No. 108, Joint Resolution for a mail route.

Senate file, No. 100, Joint Resolution relative to the nett proceeds arising from the sale of lands in Iowa.

Senate file, No. 107, An act to establish a State road from the west line of Johnson, to the west line of Dallas county.

Senate file, No. 72, An act to authorize R. R. Jenks to erect a toll bridge across the Wapsipinicon river.

Senate file, No. 74, An act for the benefit of the county of Dubuque.

Senate file, No. 114, Joint Resolution for an appropriation of land to aid in the construction of the buildings of the branch of the State University at Fairfield.

Senate file, No. 101, An act to establish a State road from Drakesville, to Albia in Monroe county.

Senate file, No. 67, An act making an appropriation for the public buildings at Iowa City.

Senate file, No. 92, Joint resolution in relation to the printing of the acts and resolutions of the General Assembly, and

Senate file, No. 97, An act in relation to the election of State officers,

As correctly enrolled.

Mr. Espy, from the committee on enrolled bills,

Reported, that they had presented the following bills to the Governor, for his signature.

• Senate file, No. 53, An act for the organization of Lucas county.

Senate file, No. 83, An act for an additional justice of the peace in Montrose township, in Lee county.

Substitute for

H. R. file, No. 118, An act to preserve the records of Jones county.

Senate file, No. 66, An act for the re-location of the county seat of Clayton county.

Senate file, No. 64, An act to authorize A. Phelps to keep a ferry.

Senate file, No. 85, An act for the re-location of the county seat of Benton county.

Senate file, No. 73, An act fixing the terms of the District Court.

Senate file, No. 55, An act to authorize Robert Bunker to keep a ferry across the Mississippi river, at Bunker's landing, in Clayton county.

Senate file, No. — Joint Resolution for a mail route.

Senate file, No. 65, Joint Resolution of thanks to Captain Roberts.

Senate file, No. 87, An act to amend an act to re-organize the Supreme Court.

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

H. R. file, No. 139, A bill for an act to establish at Fairfield a branch of the State University,

Reported the same back, with amendments; which were concurred in.

Said bill was read a second and third time, passed, and title agreed to.

H. R. file, No. 166, A bill for an act exempting a homestead from execution,

Was read a first and second time, and,

On motion of Mr. Howel,

Referred to the committee on the Judiciary.

On motion,

The Senate adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

H. R. file, No. 176, An act to re-apportion the State into representative and senatorial districts,

Was read a first and second time.

Mr. Alger moved to strike out Poweshiek, and insert the same in the 10th section of the bill.

Agreed to.

Mr. Harbour moved to strike out "three," and insert "two" in the fourth section, and strike out "two," and insert "three," in the tenth section; disagreed to.

Mr. Springer moved to give Pottawattamie county a representative.

A call of the Senate being had, Mr. Selman was found to be absent.

Mr. Selman appearing, the further call was suspended.

Upon this question,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Cook, Springer, Sprott and Wright—5.

Nays—Messrs. Alger, Bradley, Crawford, Espy, Harbour, Howel, Royston, Shields and Mr. President—9.

Mr. Springer moved to insert "Pottawattamie," after the word "Lucas."

Upon this question,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cook, Crawford, Springer, Sprott, Wright and Mr. President—7.

Nays—Messrs. Alger, Cassady, Espy, Harbour, Howel, Royston and Shields,—7.

So said question was lost.

Mr. Royston moved to strike out "one representative" from the Dubuque district, and give the same to Pottawattamie county.

Upon this question, the yeas and nays were requested and being ordered, were as follows :

Yeas—Messrs. Cassady, Howel, Royston, Wright and Mr. President—5.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Espy, Harbour, Shields, Springer and Sprott—9.

Mr. Royston moved to attach Pottawattamie county to the Davis and Appanoose district.

Mr. Crawford having been called to the chair,

Mr. Selman moved to take one representative from Henry county.

Disagreed to.

Mr. Selman moved to amend the seventh section by adding "Davis and Appanoose, and the country lying west, and give that district five representatives."

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cook, Royston, Shields and Sprott—5.

Nays—Messrs. Alger, Cassady, Crawford, Espy, Harbour, Howel, Springer, Wright and Mr. President—9.

And the question was decided in the negative.

Mr. Springer moved to strike out "two," and insert "three," in the district composed of Louisa and Washington counties.

Disagreed to.

Mr. Selman moved to indefinitely postpone said bill.

Upon this question the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Espy, Howel, Royston, Shields and Mr. President—6.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Harbour, Springer, Sprott and Wright—8.

And said question was decided in the negative.

Mr. Springer moved to insert "Clark" in the 4th section, after the word "Lucas."

Disagreed to.

Mr. Selman moved a reconsideration of the vote taken on attaching Pottawattamie county,

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs, Alger, Bradley, Cassady, Crawford, Espy, Harbour, Howel, Royston, Shields, and Mr President—10.

Nays—Messrs. Cook, Springer, Sprott and Wright—4.

Said vote was reconsidered.

Mr. Harbour moved to strike out three, and insert two, in the fourth section.

Mr. Harbour moved to substitute in the 10th section, "one senator and two representatives jointly."

Mr. Royston moved that the extra Representative be given to the district composed of Cedar, Linn, and Benton counties.

Mr. Shields moved to amend by adding to the 15th section "one member."

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed,

H. R. file, No. 175, A bill for an act to provide for the accepting of lands that may be donated by Congress, and to provide for the selection of the same.

In which the concurrence of the Senate is requested.

I herewith return,

Senate file, No. 111, A bill for an act supplemental to the act establishing a branch of the University at Fairfield.

The House of Representatives has also passed, without amendment,

Senate file, No. 56, A bill for an act to provide for the re-funding of the purchase money paid by purchasers of lots in Monroe city, and vacating said city.

Also,

H. R. file, No. 176, A bill for an act to repeal a portion of an act therein named,

In which the concurrence of the Senate is requested.

The House has indefinitely postponed.

Senate file, No. 115, A bill for an act to locate a State road from Washington to Montezuma.

Senate file, No. 63, An act to establish a State road therein named.

Senate file, No. 100, Joint Resolution relative to the nett proceeds of the sale of public lands in Iowa.

Senate file, No. 65, Resolution of thanks to Capt. B. S. Roberts.

Senate file, No. 52, An act to establish a State road therein named.

Senate file, No. 91, An act to repeal the township organization of Scott county.

Senate file, No. 47, An act to amend an act entitled an act regulating practice in the district courts in the Territory of Iowa.

Senate file, No. 88, Memorial to the legislature of Wisconsin, for the continuation of the Dubuque and Keokuk railroad.

Senate file, No. 95, Preamble and joint resolution for a donation of land to construct a military road from the Mississippi to the Missouri river.

The same having received the signature of the Speaker of the House of Representatives.

Senate file, No. 114, Joint Resolution for an appropriation of land to aid in the construction of the buildings of the branch of the State University at Fairfield.

Senate file, No. 43, Joint Resolution for the relief of John Taylor.

Senate file, No. 99, An act to provide for the payment of laws published in newspapers.

Senate file, No. 72, An act to authorize R. R. Jenks to erect a toll bridge across the Wapsipinicon river.

Senate file, No. 46, Memorial to Congress relative to the establishment of military posts.

Senate file, No. 74, An act for the benefit of the county of Dubuque.

Senate file, No. 69, An act to incorporate the town of Cedar rapids, in Linn county.

Senate file, No. 101, An act to establish a State road from Drakesville to Albia in Monroe county.

Senate file, No. 29, An act and ordinance accepting the pro-

positions made by Congress, on the admission of Iowa as a State, into the Union.

Senate file, No. 96, Joint Resolution.

I herewith return,

Senate file, No. 79, An act to authorize J. H., C. W. and R. Gower, to improve Cedar river, by the erection of a lock and dam.

Senate file, No. 108, Joint Resolution for a mail route.

Senate file, No. 62, An act to amend an act creating a Board of Public Works, approved February 24, 1847.

Senate file, No. 50, An act to lay out and establish a State road from Dubuque city, to Bunkers' landing in Clayton county.

Senate file, No. 92, Joint Resolution in relation to the printing of the acts and resolutions of the General Assembly.

Senate file, No. 67, An act making appropriations for the public buildings at Iowa City.

Senate file, No. 107, An act to establish a State road from the west line of Johnson, to the west line of Dallas county.

Senate file, No. 105, An act to establish a State road from Osaloosa to Montezuma.

I herewith return,

Senate file, No. 70, A bill for an act to provide for the making of a railroad from Du Buque to Keokuk.

The same having passed the House of Representatives, with the following amendments :

Strike out the first section, together with the enacting clause, and,

Strike out all after the end of the second section.

In which the concurrence of the Senate is requested.

Mr. Harbour moved to strike out "one" from the Dubuque district, and add to Wappelo and Monroe.

Agreed to.

Mr. Harbour moved to reconsider.

Agreed to.

The question being on striking out and inserting.

Was disagreed to.

Mr. Royston moved to reconsider the vote attaching Poweshiek to the Mahaska district.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Espy, Harbour, Howel, Wright and Mr. President—7.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Shields, Springer and Sprott—7.

And the question was decided in the negative.

Mr. Bradley moved to reconsider the vote attaching Pottawatamie to Clark.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Harbour, Howel, Royston, Shields, and Mr. President.—10

Nays—Messrs. Cook, Springer, Sprott and Wright—4.

Said question was decided in the affirmative.

Mr. Springer moved to add Clark to Davis and Appanoose.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cook, Springer, Sprott and Wright—4.

Nays Messrs. Alger, Bradley, Cassady, Crawford, Espy, Harbour, Howel, Royston, Shields and Mr. President—10.

Mr. Harbour moved to strike out one Representative from the Dubuque district.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Harbour, Howel, Royston, Springer, Sprott, Wright and Mr. President—8.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Espy and Shields—6.

Said question was decided in the affirmative.

Mr. Harbour moved to strike out the words "one representative jointly," from the 11th section.

A call of the Senate being had, Mr. Bradley was found to be absent.

Mr. Bradley appearing, the further call was suspended.

Mr. Espy, from the committee on Enrolled Bills, with leave, reported that they had presented to the Governor for his signature,

Senate file, No. 69, An act to incorporate the town of Cedar Rapids, in Linn county.

Senate file, No. 96, Joint Resolution.

Senate file, No. 91, An act to repeal the township organization of Scott county.

Senate file, No. 29, An act and ordinance accepting the propositions made by Congress, on the admission of Iowa, as a State, into the Union.

Senate file, No. 47, An act to amend an act entitled an act regulating practice in the district courts in the Territory of Iowa.

Senate file, No. 52, An act to vacate a part of the town of Pittsburg, in Van Buren county.

Senate file, No. 88, Memorial to the legislature of Wisconsin for a continuation of the Dubuque and Keokuk railroad.

Senate file, No. 100, Joint Resolution relative to the nett proceeds arising from the sale of lands in Iowa.

Senate file, No. 72, An act to authorize R. R. Jenks to erect a toll bridge across the Wapsipinicon river.

Senate file, No. 56, An act to lay out and establish a State road from Dubuque to Bunker's landing, in Clayton county.

Senate file, No. 49, Memorial to Congress relative to the establishment of military posts.

Senate file, No. 95, Preamble and joint resolution for a grant of land to construct a military road from the Mississippi to the Missouri river.

Senate file, No. 105, An act to establish a State road from Oscaloosa to Montezuma.

Senate file, No. 104, Joint Resolution for an appropriation of land to aid in the construction of the buildings of the branch of the State University at Fairfield.

Senate file, No. 43, Joint Resolution for the relief of J. Taylor.

Senate file, No. 101, An act to establish a State road from Drakesville to Albia, in Monroe county.

Senate file, No. 99, An act to provide for the payment of printing the laws in newspapers.

Senate file, No. 92, Joint Resolution relative to printing the acts and resolutions of the General Assembly.

Senate file, No. 63, An act to establish a State road therein named.

Senate file, No. 107, An act to establish a State road from the west line of Johnson, to the west line of Dallas county.

Senate file, No. 108, Joint Resolution for a mail route.

Senate file, No. 79, An act to authorize J. H., C. W. and R. Gower, to improve Cedar river by a dam and lock.

Senate file, No. 67, An act making an appropriation for the public buildings, at Iowa City.

Senate file, No. 105, An act to establish a State road from Oscaloosa, to Montazuma.

Senate file, No. 59, An act to provide for the payment of expenses in the arrest and detention of Allen Cammeron, a fugitive from justice from the State of Pennsylvania.

Senate file, No. 68, An act for the construction of a plank road from Montrose to Keokuk in Lee county.

Senate file, No. 74, An act for the benefit of the county of Dubuque.

Senate file, No. 89, An act in relation to deeds of collectors of revenue.

Senate file, No. 105, An act to establish a State road, from Oscaloosa, to Montazuma.

Senate file, No. 111, An act supplemental to an act to establish a branch of the State University at Fairfield.

Upon the question pending,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Harbour, Howel, Royston, Springer, Sprott, Wright and Mr. President—8.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Espy and Shields—6.

So said amendment was agreed to.

On motion of Mr. Bradley,

The 14th section of the bill was so amended as to give Jackson and Jones two representatives jointly.

On motion of Mr. Shields,

The following was substituted for the 15th section :

That the counties of Dubuque, Clayton, Delaware, Buchanan,

Black Hawk, Winneshiek and Allamakee, shall have two Senators.

That the counties of Dubuque, Delaware, Buchanan, and Black Hawk, shall have three Representatives jointly; and

That the counties Clayton, Fayette, Winneshiek, and Allamakee, shall have one Representative jointly.

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

Mr. Shields, from the committee on schools, to whom was referred

H. R. file, No. 130, An act to donate certain lands to the medical department of the Iowa University,

Reported the same back, and recommended its indefinite postponement.

Upon this question,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Cassady, Crawford, Espy, Howel, Shields, Springer, and Mr. President—7.

Nays—Messrs. Alger, Bradley, Cook, Royston, and Wright,—5.

Said report was concurred in, and said bill indefinitely postponed.

H. R. file, No. 47, A bill for an act to amend an act entitled an act for the organization of Pottawatomie and other counties,

Was taken from the table,

Mr. Cook moved its indefinite postponement.

Upon this question,

The yeas and nays were requested, and being ordered, were as follows:

Yeas—Messrs. Bradley, Cook, Crawford, Springer, Sprott, and Wright—6.

Nays—Messrs. Alger, Cassady, Espy, Harbour, Howel, Royston, Shields, and Mr. President—8.

Said motion was disagreed to.

Said bill was laid on the table, subject to the order of the Senate.

Mr. Royston offered the following resolution:

Resolved By the Senate, (the House concurring,) That the

resolution fixing this as a day of adjournment, be and the same is hereby resounded.

Upon the adoption of this resolution,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cassady, Espy, Harbour, Howel, Royston and Mr. President—6.

Nays—Messrs. Alger, Bradley, Cook, Crawford, Shields, Springer, Sprott and Wright—8.

So said resolution was not adopted.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I am directed to inform the Senate, that the House of Representatives has passed

H. R. file, No. 177, An act supplemental to the act making appropriation for the pay of members, officers and printers of the General Assembly, and for other purposes.

In which the concurrence of the Senate is requested.

H. R. file, No. 171,

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

Senate file, No. 113, An act to amend an act regulating costs and fees,

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

Senate file, No. 70, An act to provide for the making of a railroad from Dubuque to Keokuk,

Was read, as amended by the House, and,

On motion of Mr. Shields,

Laid on the table.

H. R. file, No. 176, A bill for an act to repeal certain acts therein named,

Was read a first and second time, and

Mr. Springer moved its indefinite postponement.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cook, Crawford, Royston, Shields, Springer and Wright—8.

Nays—Messrs. Cassady, Espy and Howel—3.

Said bill was indefinitely postponed.

On motion of Mr. Espy,

The Senate resolved itself into a committee of the whole, for the consideration of

H. R. file, No. 166, A bill for an act to exempt a homestead from execution,

Mr. Bradley in the chair,

And after some time spent therein, the committee rose, and by their chairman, reported the same back, without amendment, and recommended its passage.

It being moved to concur in the report of the Judiciary committee, recommending the striking out of the proviso in said bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Crawford, Howel, Shields, and Wright—5.

Nays—Messrs. Cassady, Cook, Espy, Harbour, Royston, Springer, and Sprott—8.

The question was decided in the negative.

Mr. Shields moved to lay said bill on the table.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Crawford, Howel, Shields, and Wright—5.

Nays—Messrs. Alger, Cassady, Cook, Espy, Harbour, Royston, and Springer—7

On motion,

The Senate adjourned till half past 6 o'clock, P. M.

HALF PAST SIX O'CLOCK, P. M.

Mr. Crawford moved a call of the Senate.

When it appeared that Mr. Shields was absent.

That gentleman appearing, the further call was suspended.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith present for your signature,

H. R. file, No. 113, An act to authorize an additional tax for State purposes.

H. R. file, No. 117.

The same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

H. R. file, No. 166, An act to exempt a homestead from forced sale,

Was read with amendments,

Which were concurred in.

The question then being on the passage of the bill,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Cassady, Cook, Espy, Harbour, Royston, Springer, Sprott, and Mr. President—9.

Nays—Messrs. Bradley, Crawford, Howel, Shields, and Wright—5.

Mr. Crawford moved to amend the title by substituting a bill for an act to prevent the payment of debts.

Upon this question the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Crawford, Shields, and Wright—4.

Nays—Messrs. Alger, Cassady, Cook, Espy, Harbour, Howel, Royston, Springer, Sprott, and Mr. President—10.

Said bill was passed, and title agreed to.

Mr. Alger, with leave, introduced

Senate file, No. 120, A bill for an act, supplemental to an act, approved February 25, 1847, entitled "an act to establish a State University."

Said bill was read a first, second and third time, passed, and title agreed to.

H. R. file, No. 177, A bill for an act supplemental to an act, making appropriations for pay of members, officers and printers of the General Assembly,

Was read a first and second time.

Mr. Wright moved to strike out the name of G. S. Hampton.

Upon this question,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Cook, Springer, Sprott, and Wright—4.

Nays—Messrs. Alger, Bradley, Cassady, Crawford, Espy, Harbour, Howel, Royston, Shields, and Mr. President—9.

Mr. Royston moved to strike out fifty.

Upon this question,

The yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Bradley, Cook, Royston, Shields, Springer, Sprott and Wright—7.

Nays—Messrs. Alger, Cassady, Crawford, Espy, Harbour, Howel, and Mr. President—7.

So the question was decided in the negative.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr. President—

I herewith present for your signature,

H. R. file, No. 136, Joint Resolution asking a change of mail conveyance and extension of mail route.

H. R. file, No. 155, An act granting a right of way to Wm. F. Coolbaugh.

H. R. file, No. 99, An act for the relief of Appanoose county.

H. R. file, No. 146, An act to empower the mayor of the town of Fort Madison, to act as a justice of the peace in certain cases.

H. R. file, No. 161, Joint Resolution for a mail route.

H. R. file, No. 138, An act to organize the county of Allamakee.

H. R. file, No. 139, An act to establish at Fairfield, a branch of the State University.

H. R. file, No. 160, An act to change the location of certain roads therein named.

H. R. file, No. 156, Joint Resolution for a mail route.

H. R. file, No. 143, An act for a State road therein named.

H. R. file, No. 158, Joint Resolution, asking a donation of land for the improvement of the Wapsipinicon river.

H. R. file, No. 11, An act to preserve the purity of elections.

H. R. file, No. 154, An act to provide for the instruction of the deaf, dumb and blind.

H. R. file, No. 152, An act to locate a State road from Fairfield to Keokuk in Lee county.

All of which have passed both branches of the General Assembly, and have been reported as correctly enrolled.

I herewith return

Senate file, No. 104, A bill for an act to establish a branch of the State University at Dubuque.

The same having passed the House without amendment.

Mr. Cook moved to amend by inserting to H. D. Downey one hundred dollars.

Upon this question, the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Alger, Bradley, Cassady, Cook, Crawford, Harbour, Howel and Royston—8.

Nays—Messrs. Espy, Shields, Springer, Sprott, Wright and Mr. President—6.

Mr. Howel moved to reconsider.

Upon this question the yeas and nays were requested, and being ordered, were as follows :

Yeas—Messrs. Crawford, Espy, Harbour, Howel, Royston, Shields, Wright and Mr. President—8.

Nays—Messrs. Alger, Bradley, Cassady, Cook, Springer and Sprott—6.

Mr. Crawford moved to insert, to H. D. Downey 25 dollars.

Mr. Cook moved to amend by inserting seventy-five dollars.
The question being on the amendment to the amendment,
Was agreed to.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I am directed to inform the Senate that the House has appointed Mr. Reed to act in conjunction with a similar committee on the part of the Senate, to wait upon His Excellency, and inquire if he has any further communications to make to the General Assembly.

Mr. Harbour was thereupon appointed said committee, on the part of the Senate.

Said bill was read a third time.

The question being on the passage of the bill,
It was decided in the negative.

Mr. Bradley offered the following resolution :

Resolved, That C. C. Rockwell, the Secretary of the Senate, is entitled to, and is hereby tendered the thanks of the Senate, for the diligence and attention with which he has discharged the arduous duties incumbent upon him,

Which was unanimously adopted.

Mr. Wright reported from the select committee appointed to inquire into the right of the Hon. Barney Royston to a seat in this body, from the district composed of the counties of Wapello and Monroe.

On motion of Mr. Espy,

Said report was laid on the table.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk :

Mr. President—

I herewith return

Senate file, No. 89, An act in relation to deeds of collectors of revenue. Also,

Senate file, No. 106, An act to lay out and establish a State road from Grandview to Bloomington, in Muscatine county.

The same having received the signature of the Speaker of the House of Representatives.

I herewith present for your signature,

H. R. file, No. 116, Joint Resolution for a mail route from Bellevue to Independence.

H. R. file, No. 108, An act authorizing W. F. Breckenridge to make a canal, and take water from the Wapsipinicon river, and to create a water power.

H. R. file, No. 128, An act making an appropriation for the support of the State government for the fiscal years 1849 and 1850.

H. R. file, No. 100, An act to amend an act providing for the collection of revenue for State and county purposes.

H. R. file, No. 10, An act to amend an act entitled an act to lay out and establish certain roads therein named.

The House of Representatives has passed, without amendment,

Senate file, No. 117, An act supplemental to the act of Feb. 21, 1847, entitled an act to provide for the management and disposition of the school fund.

Mr. Harbour from the joint committee appointed to wait on His Excellency,

Reported, that they had performed that duty, and received the following reply :

That he had no further communications to make to the General Assembly.

Mr. Shields moved to take from the table,

Senate file, No. 70, A bill for an act to provide for the making of a railroad from Dubuque to Keokuk,

Which was agreed to.

Mr. Cook moved to restore the enacting clause.

Agreed to.

On motion of Mr. Bradley,

The vote had on

H. R. file, No. — A bill for an act supplemental to an act, making appropriations, &c., for members, officers and printers of the General Assembly, and for other purposes,

Was reconsidered, and

Said bill was so amended, as to allow George S. Hampton, one hundred "dollars," and H. D. Downey, "fifty."

On motion,

Messrs. Bradley and Springer were appointed a committee to inform the House of Representatives that the Senate is now ready to adjourn *sine die*.

Those gentlemen having reported that duty as performed,

A committee was announced from the House of Representatives, composed of Messrs. Goodrell and Read, who informed the Senate that the House of Representatives was ready to adjourn *sine die*.

Message from the House of Representatives, by Mr. Leffingwell, chief clerk.

Mr President—

I am directed to inform the Senate, that the House has concurred in the amendment made by the Senate to the amendment of the House, to

Senate file, No. 70, A bill for an act to provide for the making of a railroad from Dubuque to Keokuk.

The same having received the signature of the Speaker of the House of Representatives, and the President of the Senate.

Mr. Espy, from the committee on Enrolled Bills,

Reported it as presented to the Governor, for his signature.

Mr. Bradley moved that the Senate adjourn *sine die*.

Whereupon the President delivered the following address:

*Gentlemen of the Senate:—*The period has arrived which, for the General Assembly, terminates our labors as the servants of the people, and we are very soon to part, it may be to meet no more; and before I perform the last official duty of my station, allow me to return to you, Gentlemen, my sincere thanks for the very kind expression of approbation of my conduct, which your resolution of yesterday conveys, and to say, that if, in the performance of a high public trust, you, with whom it has been my fortune and my pleasure to act, have seen any thing in my course, as the presiding officer of this Senate, to commend, to assure you that your approbation of my conduct, (the highest reward that a faithful public servant can ever receive,) affords to me a satisfaction equalled only by that I enjoy arising from a consciousness of having at all times faithfully, to the best of my poor abilities,

performed every public duty that has ever devolved upon me during the session.

May health and happiness attend you through life, and may you all return in safety to the circle of your friends, and to the bosom of your families.

The question was then put,

Shall the Senate adjourn *sine die*.

And was decided in the affirmative,

And the Senate adjourned *without day*.

APPENDIX.

[A]

AUDITOR'S REPORT.

STATE OF IOWA, AUDITOR'S OFFICE. }
IOWA CITY, DECEMBER 4, 1848. }

*Gentlemen of the Senate and
House of Representatives :*

As required by law, I have the honor to submit the following statement of the condition of the finances of the State, and the receipts and disbursements, coming under the control of this office, for the fiscal year ending on the 30th day of November, 1848.

To exhibit the account of the finances, in a form to be easily understood, it is presented under the following heads :

I. A statement of the receipts into the Treasury from the several counties.

II. A statement showing the amount of warrants drawn on the Treasury, since the 30th day of November, 1847.

III. A statement showing the amounts due from the several counties, on the years previous to 1847.

IV. A Statement, showing the amount due from the several

county treasurers, on the assessments of 1847, including the tax received from pedlars.

V. An estimate of appropriations, necessary for the ensuing two years, including the amount to be raised already appropriated.

VI. An abstract of the number of polls, the number of acres of land, the value with the improvements, with the enumeration and value of all other property in the State, as appears upon the assessment rolls of the several counties, showing the total valuation, and the amount levied for State purposes for the year 1848.

VII. A table showing the comparative increase or decrease in the valuation of property in the several counties, the increase of the State tax of 1848, over that of 1847, with the increase per cent., and the number of polls of those years compared.

VIII. A statement of the amount paid into the county treasuries, as a State tax for pedlars' licenses in 1848.

IX. A statement of the appropriations made at the first and second sessions of the General Assembly; showing the amounts drawn, and the balances undrawn, with the account against M. Reno, Esq., State Treasurer.

It will be seen that the aggregate amount of property taxed within the State, amounts to \$14,449,920; which, at 2 1-2 mills on the dollar, yields a revenue of \$36,129 05 for State purposes. This is an increase upon the revenue of 1847 of \$11,396 16 cents, but under our very imperfect system of collection, a large proportion cannot be realized.

Of the \$24,732 89 levied in the year 1847, the sum of \$9,302 06 is not yet collected, and there is due on the assessments of territorial tax, of the years prior to 1847, the sum of \$3,202 45; what amount of these sums will be collected the coming year I am unable to estimate.

The amount of warrants drawn, and outstanding at this time, is \$22,651 62, which shows the present liabilities of the State.

Several small accounts have been presented for allowance, for debts contracted about the penitentiary. There being no appropriation for such an object, I have deferred acting upon them, until some provision is made by law for that purpose.

The abstracts of land sold at the land offices in 1847, and furnished for assessment to the several counties, have been the means of adding a large amount to the revenue the present year. In the Dubuque district I was only able to procure the list for Clayton county, though every exertion was used to obtain the lists for all the counties in that district.

The revenue in 1849 will probably amount to \$50,000. If that should be the case the condition of our finances two years hence will be as follows:

Present liabilities,	\$22,651 62	
Estimate of appropriations for two years, 53,700 00		
Revenue due on years previous to 1848,		\$12,504 00
“ of 1848, - - - - -		36,129 00
“ of 1849, - - - - -		50,000 00
	<hr/>	<hr/>
	\$76,351 62	\$98,633 00
		76,351 62

Leaving for delinquencies and expenses of collection \$22,281 38

From the foregoing it will be seen, that if the appropriations of the present session do not exceed my estimates for the ensuing two years, the State at that time will be released from all debts except the loan payable in 1857.

The counties of Jackson and Wapello have failed to furnish an abstract of the assessments in those counties in time to be included in this report. Those counties will probably add \$2,000 to the revenue of the present year.

Respectfully submitted,

JOSEPH T. FALES,

Auditor of State.

STATEMENT I.

A statement of the receipts from each county for the fiscal year ending the 30th of November, 1848:

From the county of Appanoose,	-	-	-	-	\$21 42
" " Benton,	-	-	-	-	00 00
" " Buchanan,	-	-	-	-	20 18
" " Cedar,	-	-	-	-	515 26
" " Clayton,	-	-	-	-	387 79
" " Clinton,	-	-	-	-	347 20
" " Dallas,	-	-	-	-	13 00
" " Davis,	-	-	-	-	305 90
" " Delaware,	-	-	-	-	180 47
" " Des Moines,	-	-	-	-	1,160 86
" " Dubuque,	-	-	-	-	1,442 95
" " Henry,	-	-	-	-	900 00
" " Iowa,	-	-	-	-	14 50
" " Jackson,	-	-	-	-	477 50
" " Jasper,	-	-	-	-	26 40
" " Jefferson,	-	-	-	-	1,000 00
" " Johnson,	-	-	-	-	687 80
" " Jones,	-	-	-	-	197 18
" " Keokuk,	-	-	-	-	207 30
" " Lee,	-	-	-	-	2,507 40
" " Linn,	-	-	-	-	899 33
" " Louisa,	-	-	-	-	650 00
" " Mahaska,	-	-	-	-	200 00
" " Marion,	-	-	-	-	67 90
" " Monroe,	-	-	-	-	00 00
" " Muscatine,	-	-	-	-	1,459 62
" " Polk,	-	-	-	-	40 00
" " Scott,	-	-	-	-	300 00
" " Van Buren,	-	-	-	-	1,396 50
" " Wapello,	-	-	-	-	314 32
" " Washington,	-	-	-	-	676 35
From Pedlars for license,	-	-	-	-	65 00

\$16,482 13

STATEMENT II.

An exhibit of the warrants drawn on the Treasury since the 30th November, 1847.

For per diem and mileage of members and officers of the General Assembly,	\$4,412 00
" Silas Foster, for printing,	612 61
" Howell and Cowles, for printing,	612 51
" C. R. Fisk, for printing	11 55
" R. W. Albright, for printing,	10 00
" A. H. Palmer, for printing,	2,277 42
" A. P. Wood, for printing,	6 00
" J. D. Spalding, for printing,	25 00
" J. W. and R. B. Ogden, for printing,	35 00
" A. R. Sparks, for printing,	7 00
" Shepherd and Ober, for printing,	25 00
" George Greene, for printing,	17 00
" James Tizzard & Co., for printing,	5 00
" E. Cutler, Jr. for indexing and distributing the laws,	200 00
" J. Scott Richman, for indexing ad distributing Journals of the House,	250 00
" John B. Russell, for indexing and distributing Journal of the Senate,	250 00
" S. Johnson, for wood, &c.,	103 50
" S. C. Trowbridge, for postage,	440 84
" J. F. Abrahams, for stationery,	320 37
" Little and McGuire, for carpeting, candles, &c.,	147 90
" Sundry appropriations per act,	412 60
<hr/>	
Total expenses of the last session,	\$10,181 00
" E. Morris, for reports of the supreme court,	750 00
" Charles Mason, for fees in the boundary case between Iowa and Missouri,	800 00
" John Brophy, agent to select Salt Springs,	645 00
" Dubuque county, for cost in criminal cases,	855 91
" S. Riggs, sheriff of Davis county, per act,	60 00
" Murray and Sanxay,	1,727 84

For C. A Robbins, for seals,	20 00
“ Registers of Land offices for abstracts of land sold in 1847,	\$114 00
“ Governor’s salary,	1,000 00
“ Secretary’s “	500 00
“ Auditor’s “	600 00
“ Treasurer’s “	400 00
“ Supreme Court expenses,	276 50
“ Penitentiary expenses,	37 24
“ Joseph Williams, Salary as Chief Justice S. C.,	319 50
“ S. C. Hastings. “ “ “	680 50
“ John F. Kinney, “ Associate “ “	750 00
“ Thos. S. Wilson, “ “ “ “	41 66
“ George Greene, “ “ “ “	952 76
“ James P. Carleton, “ as Judge District Court,	1,000 00
“ Geo. H. Williams, “ “ “	1,000 00
“ James Grant, “ “ “	1,000 00
“ Cyrus Olney, “ “ “	1,000 00
“ L. B. Patterson, “ as Librarian,	150 00
“ Librarian’s contingent fund,	33 42
“ Public Buildings at Iowa City,	3,200 00
“ James Harlan, as Sup. of Pub. Instruction,	1,200 00
“ Ansel Brigs for election returns, Dallas county,	70 00
“ Interest on loan up to July 1, 1848,	2,552 37
“ Sh’ffs, for elect. returns of President and V. P.	595 24
Total,	<u>\$32,513 74</u>

STATEMENT III.

Amounts due from the several counties (excepting the delinquent lists credited) for the years previous to 1847:

From the county of Appanoose,	\$6 40
“ “ “ Cedar,	245 84
“ “ “ Clayton,	193 79
“ “ “ Clinton,	48 83
“ “ “ Delaware,	22 95

From the county of Des Moines,	803 39
“ “ “ Iowa,	8 59
“ “ “ Jackson,	155 06
“ “ “ Jefferson.	74 86
“ “ “ Johnson,	85 03
“ “ “ Keokuk,	9 45
“ “ “ Linn,	101 54
“ “ “ Louisa,	81 85
“ “ “ Muscatine,	444 48
“ “ “ Polk,	2 65
“ “ “ Scottt,	111 68
“ “ “ Van Buren,	658 99
“ “ “ Wapello,	32 92
“ “ “ Washington,	114 15
Total,	<u>\$3,202 45</u>

STATEMENT IV.

Amount due from the several county treasurers on the assessment of 1847, including the tax received from pedlars.

Treasurer of Appanoose county,	\$35 64
“ Benton, “ with damages,	45 34
“ Buchanan, “ “	25 73
“ Cedar, “	304 81
“ Clayton, “	64 08
“ Clinton, “	16 31
“ Davis, “ with damages,	160 40
“ Delaware, “	6 22
“ Des Moines, “ with damages,	2,248 96
“ Dubuque, “	477 78
“ Henry, “	553 08
“ Iowa, “	19 17
“ Jackson, “ with damages,	247 04
“ Jasper, “	2 78
“ Jefferson, “	177 09

Treasurer of Johnson, "	524 24
" Jones "	141 77
" Keokuk, " with damages,	106 64
" Lee, "	974 98
" Linn, "	60 59
" Louisa, "	416 08
" Mahaska, "	147 96
" Marion, "	49 94
" Monroe, " with damages,	84 51
" Muscatine, "	356 61
" Polk, "	61 37
" Scott, "	454 01
" Van Buren, "	1,303 46
" Wapello, "	142 51
" Washington "	82 96
Total,	<u>\$9,302 06</u>

STATEMENT V.

An estimate of appropriations necessary for the ensuing two years.

For per diem and mileage of the members and officers, and all other expenses of the General Assembly, the present session,

	\$15,000 00
Compensation to the Governor,	2,000 00
Contingent expenses of the Governor,	300 00
Compensation of the Secretary of State,	1,000 00
Contingent expenses of the Secretary,	300 00
Compensation to the Auditor of State,	1,200 00
Contingent expenses of the Auditor,	300 00
Compensation to the Treasurer of State,	800 00
Contingent expenses of the Treasurer,	300 00
Compensation to the Judges of the Supreme Court,	6,000 00
Contingent expenses of the Supreme Court,	300 00
Compensation to the Judges of the District courts,	8,000 00

Compensation to the Sup. of Public Instruction, including the present year,	3,900 00
Contingent expenses of the Sup. of Public Instruction,	300 00
Compensation of the commissioners to revise the laws,	3,000 00
Contingent expenses of said Commissioners,	300 00
Compensation of the Librarian,	300 00
The general contingent fund,	500 00
<hr/>	
Total,	\$43,500 00
Interest on loan already appropriated,	10,000 00
Fees and mileage of Electors of President and Vice President; and expenses of notifying,	200 00
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Total to be raised for the next two years,	\$53,700 00

15 Jasper, - - -	140	7,467	21,650	485	200	1,000	166	5,405
16 Jefferson, - - -	1505	202,208	461,595	39,749	22,550	9,648	2251	64,132
17 Johnson, - - -	772	88,403	318,006	142,814	24,725	10,607	868	36,073
18 Jones, - - -	427	44,721	150,092	3,227	1,540	8,400	516	22,902
19 Keokuk, - - -	664	45,351	157,393	7,622	6,610	9,900	833	30,568
20 Lee, - - -	3112	310,411	1,193,509	45,861	123,720	18,100	3480	113,219
21 Linn, - - -	870	98,997	326,026	45,405	11,650	16,045	1057	41,395
22 Louisa, - - -	868	129,975	394,021	36,264	20,441	5,364	1192	42,374
23 Mahaska, - - -	829	44,253	125,413	17,653	12,975	7,650	1044	33,893
24 Marion, - - -	920	27,316	39,947	3,306	9,032	2,920	890	30,886
25 Monroe, - - -	335	15,270	27,367	1,060	1,968	715	401	12,975
26 Muscatine, - - -	808	131,932	357,932	198,031	30,800	6,300		34,975
27 Polk, - - -	530				4,700	4,450	555	19,658
28 Poweshiek, - - -	70	960	1,350				62	2,125
29 Scott, - - -	886	94,356	246,522	136,466	17,450	18,975	964	34,994
30 Van Buren, - - -	2079	241,310	723,931	164,711	51,495	29,134	2807	84,227
31 Wapello, - - -								
32 Washington, - - -	771	89,912	368,114	38,651	18,639	3,245	1098	40,585
	23,937	2,316,704	8,031,698	2,008,812	645,917	237,655	27,980	992,946

STATEMENT VI.—CONTINUED.

COUNTIES.	Neat cattle over two years old.		Mules and asses over one year old.		Sheep over six months old.		Hogs over six months old.		Pleasure carriages	
	No.	Value.	No.	Value.	No.	Value.	No.	Value.	No.	Value.
1 Appanoose, - - -	883	9,787			962	1,223	1,573	2,639	1	40
2 Benton, - - -	385	4,452	2	40	461	598	889	1,253	1	25
3 Buchanan, - - -	263	3,622			280	280	454	888	32	1,200
4 Cedar, - - -	2,095	23,070	1	20	3,761	3,770	6,094	7,139	31	1,245
5 Clayton, - - -	1,962	22,854	5	195	445	858	1,860	4,940	255	8,626
6 Clinton, - - -	1,943	20,090	3	100	1,519	1,865	2,696	2,696	4	140
7 Dallas, - - -	330	4,032	3	83	239	223	476	835	3	220
8 Davis, - - -	2,559	25,677	7	240	5,236	6,291	7,267	9,269	11	395
9 Delaware, - - -	1,192	11,920			934	1,401	2,058	2,050		
10 Des Moines, - -	5,908	51,331			11,067	11,094	14,339	14,705	1,072	34,427
11 Dubuque, - - -	3,737	38,795	10	485	1,773	3,057	4,171	6,680	678	21,870
12 Henry, - - -	2,206	42,243	5	200	9,544	9,544	13,162	13,162	839	24,422
13 Iowa, - - -	535	5,157	4	150	209	436	1,350	1,944	1	40
14 Jackson, - - -										
15 Jasper, - - -	505	6,021	1	25	403	558	1,023	1,678	1	25
16 Jefferson, - - -	5,552	42,152	12	280	12,859	12,633	15,783	16,209	73	3,419
17 Johnson, - - -	2,460	27,009	7	400	3,005	4,511	7,243	8,642	371	14,214
18 Jones, - - -	1,362	17,858	1	30	1,630	2,634	3,481	11,122	218	5,146
19 Keokuk, - - -	2,177	22,202	4	300	3,681	4,702	7,168	9,821	376	12,177

20	Lee, - - - -	8,315	78,677	31	1,285	15,405	15,405	14,371	17,587	222	9,039
21	Linn, - - - -	2,514	26,743			4,628	5,667	7,971	9,773	40	1,920
22	Louisa, - - - -	5,186	30,270	2	45	3,995	3,995	9,997	12,553	26	935
23	Mahaska, - - - -	4,282	16,725	8	335	4,384	5,593	6,900	8,721	26	1,315
24	Marion, - - - -	2,816	33,183	5	195	2,396	3,409	5,544	8,039	16	865
25	Monroe, - - - -	1,282	13,145	1	20	1,669	1,817	2,791	3,690	4	155
26	Muscatine, - - - -		18,711		760		2,200		6,023		3,880
27	Polk, - - - -	1,800	20,188	3	120	1,750	2,570	3,228	3,826	330	10,723
28	Poweshiek, - - - -	172	1,968			212	299	476	724	33	1,166
29	Scott, - - - -	2,678	27,762	5	170	3,101	4,574	4,191	4,191	67	2,972
30	Van Buren, - - - -	6,377	51,021	25	1,065	14,548	14,548	14,790	14,790	103	4,636
31	Wapello, - - - -										
32	Washington, - - - -	2,364	26,661			4,527	5,583	9,093	9,772	464	16,351
		72,840	723,326	145	6,543	114,623	131,338	170,445	215,361	5,298	181,583

STATEMENT VI.—CONTINUED.

No.	COUNTIES.	Watches.		Piano Fortes.		Value of all other personal property over \$100.	Value of capital stock and profits in any company incorporated or unincorporated.	Value of right or interest in any boat or vessel.
		No.	Value.	No.	Value.			
1	Appanoose, - - - -	9	\$ 103			735		20
2	Benton, - - - -	6	29			1,080		
3	Buchanan, - - - -	4	38					
4	Cedar, - - - -	96	926			768	265	
5	Clayton, - - - -	198	1,060	1	30	480		240
6	Clinton, - - - -	14	221			925		200
7	Dallas, - - - -	4	70			550		
8	Davis, - - - -	41	233			365		
9	Delaware, - - - -							
10	Des Moines, - - - -	148	4,357	8	1,250	4,500		
11	Dubuque, - - - -	673	6,975	6	790	15,560		420
12	Henry, - - - -	141	2,246	1	250	1,328		
13	Iowa, - - - -	12	94			2,564		
14	Jackson, - - - -							
15	Jasper, - - - -	7	85			75		
16	Jefferson, - - - -	132	919	2	200	3,290	650	
17	Johnson, - - - -	102	1,441	2	600	10,539		
18	Jones, - - - -	39	233			9,300		50

19	Keokuk,	-	-	-	-	145	969			11,584		
20	Lee,	-	-	-	-	387	6,131	7	550	2,283		12,865
21	Linn,	-	-	-	-	74	661			14,493	437	149
22	Louisa,	-	-	-	-	91	1,061			12,304	271	3,025
23	Mehaska,	-	-	-	-	67	647	1	25	2,940	200	7
24	Marion,	-	-	-	-	216	1,286	1	100	5,691	1,811	60
25	Monroe,	-	-	-	-	15	134			150		
26	Muscatine,	-	-	-	-		2,086		250	1,550		
27	Polk,	-	-	-	-	33	287			75	30	
28	Poweshiek,	-	-	-	-	1	3					
29	Scott,	-	-	-	-	107	1,559	3	350	2,869		695
30	Van Buren,	-	-	-	-	252	2,019	1	200	17,110	47	395
31	Wapello,	-	-	-	-							
32	Washington,	-	-	-	-	98	909					
						3,112	36,722	35	4,595	110,417	3,748	18,126

THE SENATE.

STATEMENT VI.—CONTINUED.

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No.	COUNTIES.	Value of gold & silver coin or bank notes in actual possession.	Value of claim or demand for money or other consideration.	Value of annuities.	Value of money invested in property of any kind secured by deed, mortgage or other evidence of claim.	Total Valuation.	Levy for State purposes.
1	Appanoose, - - - -	700	2,150			28,942	72 35
2	Benton, - - - -	398	1,383			23,352	58 38
3	Buchanan, - - - -		3,745			22,149	55 37
4	Cedar, - - - -	1,839	6,895	30	745	436,537	1,094 16
5	Clayton, - - - -	20	509		1,757	285,095	712 73
6	Clinton, - - - -	100	4,208			230,425	576 06
7	Dallas, - - - -	1,998	3,278			14,354	35 88
8	Davis, - - - -	3,698	5,698			242,478	606 18
9	Delaware, - - - -					112,354	280 88
10	Des Moines, - - - -	43,955			9,800	1,827,081	4,567 70
11	Dubuque, - - - -	14,642	61,604	300	68,732	1,368,401	3,421 00
12	Henry, - - - -	11,239			8,101	1,026,411	2,566 03
13	Iowa, - - - -	1,348	1,829		765	24,290	60 72
14	Jackson, - - - -						
15	Jasper, - - - -	2,485	9,338			48,974	122 43
16	Jefferson, - - - -	5,411	15,274		5,563	703,704	1,760 75
17	Johnson, - - - -	8,573	15,255			623,410	1,558 52

18	Jones, - - - -	400	494			233,428	583 57
19	Keokuk, - - - -	7,019	17,264			291,440	728 60
20	Lee, - - - -	14,369	41,335		209	2,115,144	5,287 86
21	Linn, - - - -	2,529	18,168		795	508,856	1,272 14
22	Louisa, - - - -	4,119	18,222	6,500	1,209	592,976	1,482 44
23	Mahaska, - - - -	11,255	20,128	48	810	273,423	683 55
24	Marion, - - - -	17,345	34,246		2,579	194,904	487 27
25	Monroe, - - - -	2,031	4,253		440	70,120	175 30
26	Muscatine, - - - -		965	250	630	665,323	1,663 31
27	Polk, - - - -	10,627	15,847			93,101	232 75
28	Poweshiek, - - - -	1,198				8,833	22 08
29	Scott, - - - -	561	17,270			607,460	1,543 65
30	Van Buren, - - - -	9,502	28,707		3,342	1,201,182	3,002 95
31	Wapello, - - - -						
32	Washington, - - - -	6,134	30,255		800	565,777	1,414 44
		183,426	378,323	7,128	106,357	14,449,920	36,129 05

RECAPITULATION OF THE TOTALS OF STATEMENT VI.

Number of polls	- - - - -	23,937
Acres of land,	- - - - -	2,316,704
Value of land with improvements,	- -	\$8,031,691
Value of town lots and improvements,	- -	\$2,008,812
Value of capital employed in merchandize,	- -	\$645,917
Value of mills, manufactories, distilleries, carding machines, and tan-yards with the stock employed,		\$237,655
Number of horses over two years old 27,980, value		\$992,946
Number of neat cattle over two years old 72,840 value		\$723,326
Number of mules and asses over one year old 145 val.		\$6,543
Number of sheep over six months old 114,623, value		\$131,328
Number of hogs over six months old 170,445, value		\$215,361
Number of pleasure carriages 5,298, value	-	\$181,588
Number of watches 3,112, value	- - -	\$36,722
Number of piano fortes 33, value	- - -	\$4,595
Value of all other personal property over \$100	-	\$110,417
Value of capital stock and profits in any company incorporated or unincorporated,	- - -	3,748
Value of right or interest in any boat or vessel,	-	18,126
Value of Gold and Silver coin or bank notes in actual possession,	- - - - -	183,426
Value of claim or demand for money or other consid- eration,	- - - - -	378,323
Value of annuities,	- - - - -	7,128
Value of money invested in property of any kind secured by deed, mortgage, or other evidence of claim.	- - - - -	106,357
Total valuation,	- - - - -	14,449,920
Levy for State purposes,	- - - - -	36,129



STATEMENT VII.

A TABLE showing the comparative increase or decrease in the valuation of property in the several counties, the increase of the State tax of 1847 over that of 1848, with the increase per cent., and the number of polls of those years compared.

COUNTIES.	Value in 1847.	Value in 1848	Increase.	Decrease.
Appanoose, - - -	27,532	28,942	1,410	
Benton, - - -	19,299	23,352	4,053	
Buchanan, - - -	21,779	22,149	370	
Cedar, - - -	415,105	436,537	21,432	
Clayton, - - -	234,218	285,895	50,877	
Clinton, - - -	172,637	230,425	57,788	
Dallas, - - -	7,935	14,354	6,419	
Davis, - - -	225,984	242,474	16,490	
Delaware - - -	76,921	112,354	35,433	
Des Moines, - - -	1,459,070	1,827,081	367,911	
Dubuque, - - -	972,000	1,368,401	396,391	
Henry, - - -	707,634	1,026,411	318,777	
Iowa, - - -	16,835	24,290	7,455	
Jackson, - - -	352,127	Not returned.		
Jasper, - - -	45,115	48,974	33,859	
Jefferson, - - -	603,424	703,704	100,280	
Johnson, - - -	608,737	623,410	14,673	

Jones, - - - -	175,414	233,428	58,014	
Keokuk, - - - -	153,248	291,440	138,192	
Lee, - - - -	1,655,532	2,115,144	459,612	
Linn, - - - -	511,223	508,856		2,367
Louisa, - - - -	538,496	592,976	54,480	
Mahaska, - - - -	171,232	273,523	102,191	
Marion, - - - -	65,478	194,904	129,426	
Monroe, - - - -	35,978	70,120	34,142	
Muscatine, - - - -	693,008	665,523		27,685
Polk, - - - -	51,488	93,101	41,913	
Poweshiek, - - - -	Not organized.	8,833	8,833	
Scott, - - - -	383,121	617,400	234,339	
Van Buren, - - - -	1,276,000	1,201,183		74,818
Wapello, - - - -	207,945			
Washington, - - - -	386,302	565,777	179,475	
	\$12,270,927	\$14,449,920	\$2,873,935	\$104,870

STATEMENT VI.—CONTINUED.

COUNTIES.	State tax in 1847, at two mills.	State tax in 1848 at 2 1-2 mills.	Increase.	Increase per cent.	Polls in 1847.	Polls in 1848.
Appanoose, - - - -	\$55 06	\$72 35	\$17 29	31	183	213
Benton, - - - -	38 39	58 38	19 79	51	67	76
Buchanan, - - - -	43 55	55 47	11 92	27	74	73
Cedar, - - - -	830 21	1,094 16	263 95	32	624	664
Clayton, - - - -	468 43	712 73	244 30	52	524	473
Clinton, - - - -	345 27	576 06	230 79	65	No retr'n	444
Dallas, - - - -	15 87	35 88	20 01	126	41	57
Davis, - - - -	451 96	666 18	154 22	34	856	852
Delaware, - - - -	153 84	280 88	127 04	82	211	242
Des Moines, - - - -	2,918 34	4,567 70	1,649 36	56	1986	2,064
Dubuque, - - - -	1,943 66	3,421 00	1,477 34	75	1151	1,758
Henry, - - - -	1,415 20	2,566 03	1,150 83	81	1326	1,336
Iowa, - - - -	33 67	60 72	27 05	80	89	99
Jackson, - - - -	704 25	No return.			1046	
Jasper, - - - -	30 23	122 43	92 20	305	89	140
Jefferson, - - - -	1,206 84	1,760 75	553 91	45	1347	1,505
Johnson, - - - -	1,218 95	1,558 52	339 57	27	721	772
Jones, - - - -	350 83	583 57	232 74	66	388	427
Keokuk, - - - -	306 50	728 60	422 10	137	616	664
Lee, - - - -	3,311 06	5,287 86	1,976 80	59	2510	3,112
Linn, - - - -	1,022 44	1,272 14	249 70	24	775	870

Louisa, - - - -	1,080 83	1,482 44	401 61	37	757	868
Mahaska, - - - -	342 46	683 55	341 09	99	677	829
Marion, - - - -	130 95	487 27	356 32	252	510	920
Monroe, - - - -	71 95	175 30	103 35	143	238	335
Muscatine, - - - -	1,387 76	1,663 31	275 55	19	643	808
Polk, - - - -	102 97	232 75	129 78	126	412	530
Poweshiek, - - - -		22 08	22 08	all		70
Scott, - - - -	771 21	1,543 65	772 44	100	623	886
Van Buren, - - - -	2,731 52	3,002 95	271 43	9	2,066	2,079
Wapello, - - - -	475 89				1,123	
Washington, - - - -	772 60	1,414 44	641 84	79	718	771
	\$24,732 89	\$36,129 15	\$12,576 40	av. 46	22,409	23,937

STATEMENT VIII.

A statement of the amount paid into the County Treasuries for Pedlar's licences, as a State tax, in 1848:

To the Treasurer of Clayton county,	\$10 00
" " " " Des Moines "	100 00
" " " " Jefferson "	16 25
" " " " Johnson "	10 00
" " " " Lee "	54 00
" " " " Mahaska "	20 00
" " " " Van Buren "	11 80
	<hr/>
	\$222 05
	<hr/>

STATEMENT IX.

A statement of the appropriations made at the first and second sessions of the General Assembly, showing the amounts drawn and the balances undrawn, with the account against M. Reno, Esq., State Treasurer.

General appropriation bill, approved.

Feb. 25, 1847.	\$20,241 07
Amount drawn,	20,221 07

Balance undrawn,	<hr/>	\$20 00
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Sundry appropriations of session

1846 and 1847,	\$12,578 15
Amount drawn,	12,573 15

5 00

General and Miscellaneous appropriations of 1848,

\$15,685 00

Amount drawn,	15,635 00
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Convention account of 1844,

Appropriation,	\$1,128 00
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Amount drawn,	1,128 00
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Convention account of 1846,

Appropriation,	\$3,812 96
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Amount drawn,	3,812 96
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Salaries of Governor, Secretary, Auditor and Treasurer,

Appropriation,	\$5,000 00
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Amount drawn,	5,000 00
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Contingent funds of Governor, Secretary, Auditor and Treasurer,

Appropriation,	\$1,400 00
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Amount drawn,	1,400 00
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Appropriation for Warden and Lessee of Penitentiary,

\$353 16

Amount drawn,	233 00
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Balance undrawn,	\$120 16
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Appropriations for the penitentiary,	\$327 20
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Amount drawn,	327 20
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Supreme court fund appropriation,	\$290 00
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Amount drawn,	290 00
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Salaries of Judges of the Supreme Court,

Appropriation,	\$6,000 00
Amount drawn,	5,158 30

Balance undrawn,	\$841 70
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• Salaries of judges of the District
Courts,

Appropriation,	\$8,000 00
Amount drawn,	6,000 00

Balance undrawn,	\$2,000 00
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Fund for arresting fugitives,

Appropriation,	\$1,000 00
Amount drawn,	400 00

Balance undrawn,	\$600 00
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Salary of Superintendent of Public

Instruction.

Appropriation,	\$1,200 00
Amount drawn,	1,200 00

General contingent fund appropria-
tion,

	\$300 00
Amount drawn,	204 80

Balance undrawn,	\$95 20
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Librarian's salary,

Appropriation,	\$300 00
Amount drawn,	262 50

Balance undrawn,	\$37 50
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Librarian's contingent fund appro-
priation,

	\$150 00
Amount drawn,	108 42

Balance undrawn,	\$41 58
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Public Buildings at Iowa City, and
Superintendent's compensation,

Appropriation,	\$5,400
Amount drawn,	5,400

Interest account; appropriation,	\$5,282 60
Amount drawn,	5,282 60

M. Reno, State Treasurer, in ac-
count,

To cash and revenue received from various sources,	\$77,264 55
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By State warrants redeemed and filed in this office,	75,325 68
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Balance on hand appropriated and
reserved for interest on the loan of
1847,

\$1,938 87

[B.]

SUPERINTENDENT'S REPORT.

OFFICE OF SUP'T. OF PUBLIC INSTRUCTION, }
Iowa City, Iowa, December 4, 1848. }

Gentlemen of the Senate and

House of Representatives :

In accordance with the provisions of the 33d section of the act of the General Assembly of Iowa, of February 25, 1847, entitled "an act supplemental and amendatory to 'an act to establish common schools,' approved January 18, 1840," I beg leave to submit the following report :

I gave bond to the Governor, and took, and subscribed the oath of office required by law, and entered upon the discharge of my official duties, on the 23d day of May last, and immediately forwarded to the Registers of the land offices in this state, as required by the circular, of the Commissioner of the General Land Office, of August 6, 1847, and also to the Department at Washington, the evidence of my authority to act as agent of the State, in selecting the 500,000 acres of land, granted under the 8th section of the act of Congress, of September 4, 1841. Being unadvised of the situation of lands reported during the year 1847, as part of the above grant, I addressed a letter to the Registers on the subject, and was informed by them that none of the selections thus made had been withheld from sale. (See copy of their letters, pages 7 and 8 of my circular of September 18th, 1848.) Upon due examination of the act of the Gen-

eral Assembly, entitled, "an act to legalize the sale of school lands," approved January 25th, 1848, it was found inapplicable to the grant in question, as the State had acquired no title to any part of the land. Under these circumstances, and conceiving a *uniform system* in the selection and disposition of these lands essential, I prepared a series of blank forms for the purpose, with a circular of instructions, in which I required the Fund Commissioners to rescind the contracts, and to refund the money for that portion of the land which had been sold by the General Government, and to renew them for the remainder, and to re-report it to this office, if desired to do so by the purchasers. I forwarded a package of these documents, together with a circular to Inspectors, to each of the Fund Commissioners, in the latter part of June last. The officers proceeded without delay to engage in the respective duties assigned them, but as many provisions of the School law were found ambiguous and indefinite, they were soon involved in doubt and uncertainty. Finding that many of the school districts, in consequence of these embarrassments, were not organized in time for the Directors to make their report as required by law, and being desirous of remedying, if possible, the evils arising from the diversity of sentiment relative to its practical operations, I issued another circular on the 18th of September, 1848, reviewing the different provisions to which my attention had been directed, and giving such advice as I deemed best calculated to promote the interests of education. But notwithstanding these repeated efforts, the organization is yet incomplete. As a general thing the officers have endeavored to perform their duty, but their efforts have been partially paralyzed by manifest indifference on the part of the people.— Under these circumstances I did not consider it prudent to commence a tour through the State, for the purpose of lecturing in the townships, as my efforts must necessarily have been limited to a very small portion of it while the remainder would have been totally neglected. Under the conviction that more *general* good could be accomplished by correspondence, and from the fact that communications from different parts of the State, asking for information relative to some particular provision of the law, were almost daily received, I have confined my labors thus far chiefly

to this class of the duties assigned me, and have endeavored as far as possible, to answer the numerous and complicated interrogations which have been propounded.

The reports of the Fund Commissioners are by no means as full and satisfactory, as I had reason to expect they would have been, when I prepared the forms for them. Taking into consideration, however, the incipient stage of our School system, my expectations were probably too sanguine. They have manifested a desire to comply strictly with the requirements of the law, and of the Superintendent of Public Instructions. In the absence of correct data, from which to gather information for their reports, they have been enabled to furnish but few items of interest, aside from those more directly connected with the duties of their office, (see abstracts of reports marked A. B. C. & D.)

The obstacles, presented by the Township, and district officers, are briefly as follows.

The formation of Districts.—Much difficulty has arisen during the last summer, relative to the formation and alteration of school districts. This duty under the present law is performed by the Inspector, but as no rule is prescribed by which he shall be governed, being left entirely to his own discretion, he is frequently at a loss to know how to proceed. Some have been governed by the present, and others by the future prospects of the district, and either rule has occasionally failed to give entire satisfaction. Indeed, in some portions of the State, the feeling thus created has proven almost fatal to the establishment of schools. Several instances have been reported, (one very recently from Linn and Benton counties) where an isolated settlement has been made by a few families, on either side the boundary line between two adjoining counties so as to render it impossible to embrace them in a school district, without including the whole settlement. Some provision should be made to meet their wants. From the fact that our population will, for many years to come, be scattered over an extensive district of country, the settlements confined mostly to the groves separated by uninhabited prairies, it will be exceedingly difficult to adopt any plan for the formation of districts that will be likely to give entire satisfaction. I would suggest the propriety, however, of

assigning this duty to at least three officers, instead of one, with some general rules by which they are to be governed, whose action should be binding and final for a fixed period.

The Examination of Teachers.—The law requires that the “Inspector shall examine all persons presenting themselves touching their abilities to teach, both in regard to their education, and their moral character, and if he find said persons qualified, he shall give a certificate to this purport.” The difficulty here presented is, that the *extent* of qualification necessary is not stated. This arises from the fact that the *branches* of education necessary to be taught in our schools are not prescribed. I consider it a matter of interest, involving, to some extent, the future success of our school system, that they should be designated in the law. This omission creates embarrassment, both with the inspector and the directors. The former is unable to determine the extent of his duty, and the latter may deem it proper to require duties of the teacher, after he has received a certificate, which the Inspector does not consider him obligated to perform. A misunderstanding is thus produced, which proves very detrimental to the cause of education. Under the present system “all white persons in the district between the ages of five and twenty-one years” are thrown indiscriminately together, embracing pupils of every grade, from children in the alphabet, to young men far advanced in the classics, which must result in confusion, and serious inconvenience to the teacher and directors in the establishment of correct discipline.

This may be obviated by the creation of different departments in the schools, separating the pupils in the primary branches, from those more advanced, requiring of the latter an amount in addition to that which they are entitled to receive from the school fund, in proportion to the additional instruction which they may require. While it is very desirable to introduce the higher branches of education into our common schools, our *first* and *chief object* should be to impart the blessings of *primary* instruction to every child in the State. It is certainly wise to determine, in the very organization of our school system, what we propose to accomplish, lest in extending our efforts too much with our present means, they may prove abortive. With a view of

remedying these evils, I would recommend that authority be conferred on the people of the larger towns and villages, to create, within their corporate limits, a system of public instruction, under the direction of the regularly constituted town authorities, connected with the General Assembly, with power to levy a tax, in addition to the apportionment of school money to which they would be entitled, which would enable them to found a higher order of schools than we can hope, under existing circumstances, to establish in the more thinly settled portions of the State. The present system is certainly not adequate to their wants. This will afford also some criterion for the examination of teachers. This class of schools might include a thorough course of academic instruction, while, as a general thing through the State, the primary branches only would be necessary. Thus individuals proposing to become teachers, might obtain a certificate as to their actual qualifications, which would enable them to obtain employment in which ever class of these schools it would show them competent for. I would further recommend that the duty of examining teachers should be assigned to a county instead of a township officer. It is desirable to elevate the standard in reference to the qualification of teachers. An individual of unexceptionable moral character, and of extensive literary and intellectual attainments, may still be in a very small degree qualified for the business of teaching. He must have a thorough knowledge of the peculiar art of imparting instruction, the relative influences which operate on the moral, intellectual and physical man, and be well versed in the laws to be applied for his government—in a word his whole soul must be engrossed with the arduous, yet pleasing task of governing, training and cultivating the youthful mind. To enable him to do this successfully, he must be compensated for his toil, that his own mind may not be harrassed and perplexed with pecuniary embarrassment. The compensation of good teachers in the west is by no means commensurate with their services. It is to be regretted that the greater portion of our population do not appear to be alive to their own interests on this subject. Indeed, with many, teachers seem to be considered a sort of article of *merchandise*. Hence we often hear the enquiry made for “cheap teachers,” when in

reality the services of some of them would be *dear* at any price. In this way worthy and competent men are frequently forced to abandon their profession, and to seek some other means of subsistence. It may not be inappropriate here to insert the following extract from the last annual report of the Superintendent of Common Schools of New York, showing the compensation of teachers for three successive years :

"The average for the whole year in 1845, for the male teachers was \$13 81 ; in 1846, \$15 42, and in 1847, \$15 99; and for females in 1845, \$6 50 ; in 1846, \$6 69, and in 1847, \$6 99, exhibiting a small but annual increase of wages paid to teachers. The number of teachers under eighteen years of age found employed at both visitations was 2,322, of whom 1,969 were females ; and there were 1,943 over thirty years old, of whom 1,434 were males. The residue of the number were between eighteen and thirty years of age."

By the last report of the Secretary of the Board of Education of the State of Massachusetts, for 1846-47, the average wages paid teachers per month including board, was \$32 46 for males, and \$13 60 for females.

In the ordinary business of life, when we design constructing some permanent work of art, in order to insure success, we are lavish in the expenditure of means for the purpose of procuring the services of the best architects to prosecute the work, but when our object is to mould and fashion the imperishable intellect, and to adorn and beautify the human mind, we *reverse* the rule, and select the cheapest, and often the most inefficient men of the profession for the task. It is certainly proper to use all laudable exertions so to curtail the expenses of education as to place it within the reach of every class of community, but it is equally true that this is not to be accomplished by the erection of *cheap school houses*, and the employment of *cheap teachers*. The first step to be taken in the establishment of a permanent school, is the construction of a comfortable school house, well supplied with such conveniences as will offer every inducement to pupils to prosecute their studies with zeal and interest. It is next important to secure the services of a *faithful, competent teacher*.—It is true that such an individual will require a more liberal re-

muneration, than those who teach as a mere matter of convenience, but I think I may say with safety, that he will compensate his employers ten fold by the additional services which he is qualified to render. The following forcible remarks are from the pen of a gentleman of New York, of extensive practicable information on the subject, in a work on the "theory and practice of teaching."

"The profession of teaching is advancing. The present standard of acquirements demanded of the teacher, excludes many who were considered quite respectable ten years ago.— This may well be so, for within that time quite an advance has been made in the compensation offered to teachers. It is but reasonable that acquirement should keep pace with the reward of it. Indeed the talent and attainment brought into the field, must always be in advance of the rate of compensation. The people must be first convinced that teachers are better than they were years ago, and they will be ready to reward them. In Massachusetts, according to statistics in the possession of the Hon. Horace Mann, Secretary of the board of education, the compensation of teachers within ten years has advanced thirty-three per cent; nor is it reasonable to suppose that this advance has been made independent of any improvement among the teachers.— Their system of supervision has increased in strictness, in the same time, in an equal ratio; and many teachers who were entirely incompetent for their places, have thus been driven to other employments."

The organization of school districts.—The second section of the law provides, "that there shall be annually, an election on the first Tuesday of April, in each school district, for the purpose of choosing three Directors," but does not designate the manner in which the election shall be conducted. No one is empowered to act as judge of the election or to issue certificates to the officers elect. In the absence of this information the primary proceedings in the organization of different districts have been so materially different, that doubts have arisen in the minds of many with regard to their legality, which has had a tendency to retard the erection of school houses, and the establishment of schools. There are in every community a few persons who are

not likely to be satisfied with any thing of a public nature, where the voice of the majority is to govern, who avail themselves of these discrepancies to increase and perpetuate existing difficulty, which results in discouraging those who feel more deeply interested. Hence it is a matter of importance that the various duties to be performed either by the officers or electors of the district should be *clearly* and *minutely defined*. The same section of the law further provides that "any person who is a permanent resident in said district, shall be eligible to vote at said elections," which is incompatible with the 1st section of the 3rd article of the constitution. The 3rd section of the act to authorize a district school tax provides that "the vote shall be taken in favor of or against a tax, which shall be *viva voce*," which is at variance with the 6th section of the above article of the constitution. These contradictory requirements have led to a corresponding difference of opinion as to the manner of voting in district elections, which has tended to confirm, rather than remove existing doubts. In some instances the electors have voted by *ballot*, in others *viva voce*, and in others by *raising the hand*.—When consulted, I have advised the method designated by the constitution. Doubts exist in the minds of some as to whether the directors can establish more than one school in the district. The law appears to contemplate but *one*, but a departure from this rule will occasionally be almost unavoidable. It would probably be well to leave it to the people of the district to determine.

As I observed, in another part of this report, many of the districts were not organized in time for the directors to make their reports as required by law. Being convinced that this resulted mainly from the imperfections of the law, and desirous to afford each district ample opportunity to be fully prepared to receive its apportionment of the school money in March next, I urged upon the inspectors and directors, in my circular of September 18, (see pages 14 and 15) the necessity of immediately organizing those districts which had been neglected, and requested them to forward *special reports* of the number of persons between the ages of five and twenty-one years, in time for them to be submitted to the General Assembly. Though sufficient time has since elapsed to complete the organization throughout the

State, comparatively a small number of these reports have as yet been received. (See statement E.)

Providing School Houses.—The 5th section of the law requires “that the directors shall employ a teacher, provide a suitable house and see that it is well supplied with books, fuel and stationery,” and the latter part of the 4th section says, that “all moneys necessary for the erection and furnishing school houses shall be raised by voluntary subscription.” This latter clause, however, is repealed by “an act to authorize a district school tax,” approved January 25, 1848. By this act authority is conferred for raising means for the “purpose of *building* school houses and furnishing the same,” but no mode of procuring them in case the district determine not to build, is prescribed. Most of the districts the present year have been under the necessity of renting instead of building, and the directors have been at a loss to determine how the rent shall be paid, whether by voluntary subscription, a district school tax or from the school fund. The latter conclusion has been most generally adopted, and while I am induced to believe it correct as the law now stands, yet it is certainly unwise that any portion of the school money should be used for this purpose. Ample provision should be made for building, renting, purchasing and furnishing school houses. It may here be proper to remark that the act, of January 25, 1848, is to some extent deficient in this respect. While it may suit the less densely populated portions of the State, very well, is not at all adequate to the wants of the larger towns. In each of them we should have at least from one to three good school houses. By this I do not mean a school house in the ordinary acceptance of the term, but a permanent edifice, constructed on the most improved plan, with different apartments, so that the pupils in the primary and academic apartments may be separated and classified. The academic department should be subdivided into male and female. In this way we would soon succeed in establishing a number of the first order of female seminaries, which is certainly of vital importance. Thus many of our most worthy citizens, who are not able to incur the expense of sending their daughters to other States to be instructed, would have it in their power to bestow upon them a liberal education. The

erection of school houses of this kind will cost from \$1,500 to \$3,000 each. This is considered at first sight an enormous expense to incur for such an object, and the conclusion is that a much cheaper class of buildings will do for the present. But it should be borne in mind that it is a *permanent* work, when once completed, the expense is not to be incurred again. The influence exerted upon the minds of pupils provided with such an edifice would be almost incalculable. Men are prone to conform themselves to the objects which surround them, and this rule is no less applicable to youth than to persons of maturer years.— If, for example, a man, whose moral and intellectual culture has been properly attended to, becomes the daily patron of a brothel, he will soon retrograde, and become assimilated in feelings and habits to the appearance of things around him. On the same principle, youth, when thrown together promiscuously in an uncomfortable, badly arranged school house, will become familiar with the daily scene of confusion, and will gradually conform to it, and the *old school house* becomes an apology with both teacher and pupils for the absence of discipline. On the other hand when the very hall in which they study, presents hourly to their view the great law of *neatness* and *order*, they will feel themselves morally obligated to make their conduct correspond.— Each school of this class should be under the direction of a competent teacher as principal, with assistants whose qualifications and compensation should correspond with the duties of the respective departments assigned them.

The Employment of Teachers.—It is made the duty of the directors to employ teachers. In addition to the difficulty presented in another paragraph of this report, they have been embarrassed in discharging this duty from the fact that no express provision is made by which the teacher shall hold the district amenable and recover his compensation by suit. In some instances the directors, being apprehensive that they might lay themselves individually liable, have been disinclined to take any steps for procuring teachers. Many of the districts have as yet no property in their corporate capacity, and consequently in case of failure to meet the deficiency due the teacher, he is left without legal remedy, and is compelled to rely entirely on vol-

untary contributions. Thus both the teacher and directors have become indifferent in reference to the establishment of schools. This defect may be remedied by authorizing the directors to collect the deficiency by a tax within the district. In some portions of the State complaints have arisen in regard to the number of days which constitute a school term of one quarter.—From the information I have been able to gather on the subject, according to the custom of different States, the time varies from sixty to seventy-eight days. It is certainly requisite that some fixed period should be established by law.

The Location of School Houses.—The location of a school house will generally form a source of dissatisfaction to some of the inhabitants of the district. This is more than likely to be the case in the newly settled portions of the State. By the present law the electors of the district determine the site by a majority vote, and consequently a large minority are frequently dissatisfied, and if disposed to do anything in establishing a school, give it merely a negative support. It is probably the most difficult thing in adopting a system of public instruction, to devise a plan for the location of school houses which will give satisfaction. I beg leave to call your attention to the following provision of the school law of New York on the subject:

“Whenever a school house shall have been built or purchased for a district, the site of such school house shall not be changed, nor the building thereon be removed, as long as the district shall remain unaltered, unless by the consent, in writing, of the town Superintendents of common schools, of the town or towns within which such district shall be situated, stating that in their opinion such removal is necessary; nor then unless a majority of all the taxable inhabitants of said district, to be ascertained by taking and recording the ayes and noes, at a special meeting called for that purpose, shall be in favor of such new site.”

The Apportionment of School Funds to Districts.—The 10th section of the law requires that the Inspector “shall, within ten days after receiving any such school money, proceed in the presence of one or more trustees of the township, to apportion the same to the several districts the amount which each district may be entitled to—taking the number of persons reported as

the basis of said dividend." By this it is apparent, in case the district has been regularly organized, and has reported according to law, that the portion of the school money to which it is entitled upon the faith of said report, is retained in the hands of the Inspector subject to their order. By the 11th section it is made his duty to "pay over to each district the amount due said district whenever called for by the directors: *Provided*, that no moneys shall be paid to any district which has not had a school taught three months in the year preceding such application." The month of March being made the termination of the fiscal year, the question arises, in the event a school has *not been taught* three months in the year, thus computed, prior to the application for funds, can the district still apply for and receive said apportionment at some subsequent time, when the provisions of the 11th section have been complied with? or will it be retained by the Inspector, to be apportioned with other funds the following spring?

The County School Tax.—The School Fund Commissioners have also met with impediments similar to those to which the township and district officers have been subject. Prior to the publication of my circular of June last, I ascertained that different constructions were given by them to that portion of the law which provides for a *county school tax*. Some were of opinion that a *permanent fund* was contemplated, to be loaned out, and the *interest only*, to be distributed annually for the support of schools, while others were of opinion that the *entire amount* was to be apportioned annually to the townships. The former view is certainly most consistent with the language of the law, while the latter was doubtless intended by the General Assembly. To remove the difficulty, I recommended to the Fund Commissioners in the circular last referred to, (see pages eight and nine) to retain the taxes in their possession till the meeting of the General Assembly, that the law might be amended in time for the distribution on the first of March next.

The Allotment, Valuation and Sale of School Lands.—By the 1st section of "an act to provide for the management and disposition of the school fund," approved February 25th, 1847, the township trustees are required to allot and appraise the 16th sec-

tion, but the manner in which this duty shall be performed is not clearly specified. Some of them have allotted by *imaginary lines*, others have employed surveyors to make an actual survey, and in a few instances they have neglected to do any thing. Various reasons are assigned for this neglect. Some have refused because they considered the 16th section the property of the township, others because no compensation was allowed for making the survey, and in some of the new counties they have deemed it improper to bring the land into market till the settlement of the country around it would create a demand for it. The latter conclusion, though at variance with the law, is certainly prudent. The refusal of the Fund Commissioners to defray the expense of surveying, not feeling authorized to do so, gave rise to much dissatisfaction. With the view of having the matter amicably and fairly adjusted, I requested them in my circular of September 18, 1848, to forward the bills, for expenses incurred in the allotment, with their annual reports, that they might be submitted to the General Assembly. A few only have been received, which I transmit, herewith, (see statement F.)

By the 2d section the right of pre-emption is granted to settlers, but the amount of land they shall be permitted to pre-empt is not designated. In view of this, I have advised the adoption, in reference to quantity, of the rule prescribed by the act of Congress on this subject, if the extent of the improvement would justify it. There should be some limit specified in the law, proportionate to the extent of the improvements, fixing also the compensation of the appraisers, who should be required to act under oath. The question has also been propounded, whether that portion of the 16th section which remains unsold when offered at public sale can be disposed of at private sale? I gave it as my opinion that it could, but in such cases I think there should be some restrictions.

The Collection of fines, forfeitures, &c.—By the twenty-second section of the law, funds of this class are appropriated for the support of schools within the county where they accrue.—I was informed by the Fund Commissioner, of Wapello county, in October last, that an order had been drawn on him by the county commissioners for fees and costs, in a suit for the collec-

tion of fines, on the ground that they were appropriated by law for the use of schools, and that the expenses of collecting them should consequently be paid out of the school fund. Not feeling authorized to pay it, he declined doing so, and requested my opinion in the case. I coincided with him fully in his views, and advised him to resist payment and test the question by suit, if necessary. He subsequently informed me that an agreed case between one of the claimants and himself, in behalf of the school fund, was submitted to the District Court, and decided in his favor. The language of the law I think is sufficiently clear on the subject. In some counties the question has been raised whether these fines shall be received by the Fund Commissioners in county orders? I am informed by a gentleman from Clinton county that it was decided, at a recent term of the court in that county, that they should be paid in cash. In most cases however they have been paid in county orders. The Fund Commissioner of Dubuque county reports the sum of \$1,070 65 of this class of funds on hand, and suggests that it would be injudicious to apportion it next spring, from the consideration that it is fifty per cent below par. The following is an extract from his letter, accompanying his report:

“My report shows \$2,037 39 “money appropriated and not paid over”—to wit: arising from taxes \$693, from interest on permanent fund \$256 07, and from all other sources \$1,888 32—of this latter sum \$1,070 65 is in Dubuque county orders, and is not available, unless at a sacrifice of one half. I am of opinion that the interest of the school fund will be advanced, by holding these orders till the full amount can be realized, which will probably be in the course of three years.”

It is worthy of remark that the Auditor's report shows a very heavy increase in the revenue of this county during the past year.

A case has been presented by the Fund Commissioner of Davis county, as follows: an individual was indicted for a breach of the laws, and gave security for his appearance. The recognizance was forfeited, and judgment obtained for the recovery of two forfeitures of \$200 each. Execution was issued to the sheriff, and returned by him, with the property levied

upon endorsed upon it, without making the money, which appears to have been done in conformity with the instructions of the prosecuting attorney. The matter was subsequently compromised by the county commissioners, by receiving the sum of \$100 in full for costs in the case. As this money would have accrued to the school fund, the Fund Commissioner considered it his duty to lay it before you. I presume all necessary information concerning it can be obtained from the representation from that county.

By the 29th section of the law I am required, "annually on the first day of January, to transmit to each School Fund Commissioner the amount of the proceeds of the permanent fund which were apportioned for distribution to his county, under the provisions of the twenty-eighth section of this act." It will be remembered that the first of January of each year is the day on which the interest on the permanent fund is to be paid to the Fund Commissioners, and consequently, being unadvised of the amount paid in, I could not transmit to them the amount apportioned to each one that day. In anticipation of your action in the matter, I have requested them to make a special report of the interest paid in on the first of January next, as early thereafter as possible.

On the 10th of August last, I addressed a letter to the Commissioner of the General Land Office relative to the five per cent. fund, and was advised by him, under date of August 25, 1848, that the account had been adjusted up to December 31, 1847, showing a balance to the credit of the State of \$16,422 05, and that I would be informed by the First Comptroller of the Treasury of the necessary means to be adopted to obtain it.— Having received no intelligence from the Comptroller, I addressed him a letter under date of November 25, 1848. (See copy of correspondence marked G.)

The Trustees of the University met on the 20th ultimo. In determining their respective terms of service the result was as follows:

Messrs. Briggs, Gower, Lyon, Foster, and Bates two years; Starr, Matson, Parvin, Vincent, and McCrory four years; and Achison, Woodward, Snyder, Downey and Carleton six years.

Mr. Vincent I am informed has removed from the State.

They have decided that the organization of the literary department is inexpedient till they are enabled to realize revenue sufficient for the purpose from the sale of the University lands, but have resolved to organize the law and medical departments as soon as the necessary arrangements can be made, upon conditions that the attendant expenses shall be met without drawing upon the permanent fund. A number of gentlemen of both professions have volunteered their services to carry such an arrangement into effect at an early day. This is certainly both a noble and a practical enterprise, for it will be borne in mind that these departments are *self supporting* in their character. We have some of the first order of talent in the country among the legal and medical men of our State, and there is no good reason why a thorough course of lectures may not be delivered in each of these departments the ensuing winter, the present season being too far advanced. Indeed I feel fully assured that it will be done. Were it not for the fear of protracting this report to too great a length, I would like to present some facts to show the necessity of such a project. I will simply add that, from an estimate made by a committee, appointed to confer with the Board, out of 272 practicing physicians in the State, 182 are without the evidence of qualification. The result in reference to the legal profession would doubtless be similar. Only a small portion of the University lands have been selected by the agent. I am advised by a letter from him, that he is now actively engaged in prosecuting the work, and will be at the Capitol some time in January. The selections thus far made, are said to be of the best quality. It will be important in filling the vacancies of the Board of Trustees, to select a quorum adjacent to the seat of the institution.

I would suggest the propriety of providing for the collection of a State Cabinet, for the use of the University, under the direction of the Superintendent of Public Instruction. The geology, and mineralogy of our own State would afford some of the most beautiful and valuable specimens. I feel assured that our citizens would take pride in promoting such an enterprise. A

small appropriation would be necessary to construct temporary cases in one of the public rooms.

I conceive it but an act of justice that something should be done for the colored population of Iowa. We have but few of them among us, yet some of them own valuable property, upon which they are compelled to pay a school tax, without participating in the distribution. They should certainly be remunerated, and where it is not possible to establish schools for their benefit, they should be paid their apportionment of the school money, upon condition that it should be applied to purposes for which it was designed, with the privilege of employing teachers themselves.

In order to remove the continued source of perplexity, which has attended our operations during the past year, I would respectfully recommend the passage of a special act by the General Assembly, *at an early day*, recognizing all regularly organized districts, which have reported the number of persons between the ages of 5 and 21 years, either by *regular or special reports*, prior to this date, as entitled to their apportionment of the school money, upon the faith of said reports, giving them power to apply for, and receive the same at any time previous to the first of July, 1849, when the provisions of the 11th section have been complied with. Also providing for the distribution, among said districts, of the county school tax in March next, and all funds then in the hands of the Fund Commissioners, county Treasurers, or of any of the school officers, designed to be disbursed annually for the support of schools, giving to each district the privilege of dividing the same between the two past years, and of appropriating to each school, where they have had more than one in a district, such proportion thereof as a majority of the electors may determine.

Through the politeness of the Hon. Christopher Morgan, Superintendent of Common Schools of the State of New York, and the Hon. Horace Mann, formerly Secretary of the Board of Education of the State of Massachusetts, I have been furnished with the last annual report of their respective States, together with a volume of New York School law, forms and instructions for the present year. Mr. W. W. Garner, of our own State, has also

avored me with a volume of the revised school law of Ohio.— These documents I find replete with interesting information, and regret that time will not allow me to present many valuable statistics which might be gathered from them.

It is desirable that there should be some uniformity in the selection of books to be used in our schools. By our present law no particular text books are designated, nor is it made the duty of any officer to recommend them. I think it would be judicious for the General Assembly to make a selection themselves, or to authorize the Superintendent to do so. It would certainly tend to increase the interest in the schools, and to diminish the labor of teachers. In view of the present irregularity in this particular, no inducement is offered for the introduction of the latest and most improved works. Able and experienced literary men have labored for years in arranging a series of text books, well adapted for the instruction of youth, and if we wish to avail ourselves of the result of their investigations, we must adopt as far as practicable some one of the excellent systems which have been presented. Some very popular works have recently emanated from the pen of George R. Perkins A. M. Professor of Mathematics in the New York State Normal School. I observe that Webster's Quarto Dictionary (unabridged,) revised by Professor Chauncey A. Goodrich, of Yale College, is attracting the attention of the friends of common schools in the eastern States. In some of them it is extensively introduced. The work is spoken of in terms of the highest commendation by the press and literary men, both in this country and in Europe.— Nothing would afford me more pleasure than to see at least one copy of it procured by each of the schools in this State, as the foundation of a library. This would enable us to establish a uniform standard of orthography, which is certainly an important consideration. The work is very much reduced in price, with the view of bringing it into general use. The following extract from the London Literary Gazette of April 1, 1848, is worthy of special notice:

“The original edition of the *American Dictionary* is too well known and appreciated in England to require us to dwell at length on its plan and execution. In the present edition Prof.

Goodrich has been ably assisted by several eminent men, each distinguished in his own sphere of inquiry; and the result is in the highest degree satisfactory. The work is a noble monument of erudition, and indefatigable research; and the style and accuracy of its topography would do honor to the press of any country in Europe. This volume must find its way into all our public and good private libraries, for it provides the English student with a mass of the most valuable information, which he would in vain seek for elsewhere."

By the kindness of Mr. R. Spaulding, book-seller and stationer, Dubuque, Iowa, I have been supplied with a set of Astronomical maps, prepared by Professor H. Matson, of New York, with an accompanying volume of explanations, of some two hundred pages to which I would invite the special attention of the General Assembly and the friends of education. It may be thought by some that the science of Astronomy is too intricate for children, but no conclusion can be more erroneous. The mind is formed for research and investigation, and nothing is better calculated to excite the admiration and fix the attention of children, and lead them to contemplate their present and future destiny, than an examination of the wonderful and harmonious mechanism of the universe which is daily unfolded to their view. The design of the author of this work has been so to simplify and illustrate the subject, as to bring it within the comprehension of the smallest children embraced within our school. Too much cannot be said in favor of this valuable production, and I hope I am not too sanguine in flattering myself that it will soon be introduced in the schools of Iowa. The maps will serve as an ornament to our school rooms, and occasional exercises upon them, will tend to break the monotony consequent upon the prosecution of less interesting studies. •

The American manual, designed for the use of schools and academies, by Joseph Bartlett Burleigh, A. M., a member of the Baltimore bar, and President of Newton College, with marginal exercises, and an invaluable series of statistical and biographical tables, is a work of paramount interest to American youth. It presents in a condensed and explicit form a fund of information, which could only be acquired by unwearied application

and laborious research without it. The author is a practical teacher of twenty years experience, and is a zealous and devoted friend to the cause of universal education.

THE SCHOOL LAW.

I have referred to many of the defects of the above law to which my attention has been called by written and verbal information. It is not to be expected under existing circumstances that any system can be adopted which will be entirely free from objection. I would recommend however the repeal of the present law, and the passage of a new one, retaining as far as practicable the names by which the respective officers are now designated and the general outlines of the present law. The idea that the more concise the law is made the better it will subserve our purposes, is certainly erroneous. The various duties required of the respective officers acting under it, should be *definitely* and *minutely set forth*. In this position, I think that I am sustained by the experience and practice of older States. The school law of Pennsylvania comprises a volume of some *twenty* pages, that of New York, (acknowledged to be one of the best in existence) about *forty*, and that of Ohio about *seventy*. Much inconvenience has been experienced during the past summer for the want of a sufficient number of copies of the school law. When I entered upon my duties in the spring, I received 500 copies from the Secretary of State. I had a corresponding number of the amendments printed, and attached the two together, and distributed them through the several counties. Being printed, however, merely in *pamphlet form*, they are liable soon to be destroyed.— I would recommend that the new laws should be published in a *substantially bound volume*, embracing the constitution of the State, the several acts of Congress for our admission into the Union, and for grants of land, which have been appropriated for the use of schools, with the accompanying instructions, of the commissioner of the general land office, under which the same are to be selected. I would suggest also the propriety of making it the duty of the Superintendent of Public Instruction to prepare blank forms for all reports required of the respective school officers, and to give from time to time such instructions as may be best calculated to settle and harmonize the variety of

constructions it may receive. A volume of this kind would be much more likely to be preserved, and transmitted by each officer to his successor. Each officer connected with the school system should receive a just and equitable compensation—proportionate to the services he is compelled to perform, which should not be left to the discretion of other officers, but *fixed by law*. They should also be required to act under bond and oath, subject to penalty for neglect of duty. It cannot be expected in the present unsettled state of the country, that they should manifest that zeal and energy which is positively necessary in the infancy of our school system, without remuneration.

THE SCHOOL FUND LAW.

Experience has shown that the above law is impracticable.—We have at present *thirty-two* organized counties in the State, and consequently a corresponding number of Fund Commissioners, who have the management and disposition of the school fund. But few of them have furnished a statement of their contingent expenses and the amount allowed for salary by the county commissioners. By the account current of the Fund Commissioner, of Dubuque county, they amount, including the year 1847, up to November 1st, 1848, to \$554 30. This is probably too high for an average, though some of them are doubtless more. But suppose them to average \$200 00 per annum, (which will scarcely justify an individual in attending to the business properly) they will amount to \$6,400 00. By reference to statement F. of this report, it will be seen that the average expense of allotting and appraising the 16th sections, as far as reported, in *four counties*, is \$82 12. This multiplied by the number of counties makes \$2,627 84, which added to the pay of Fund Commissioners gives a total of \$9,027 84 to be paid annually for the sale of school lands and the disposition of school funds. The number of organized counties will be doubled at no very distant day, and consequently this expense instead of being diminished, will be annually increased. Beside this, the business is now scattered and is much more liable to derangement than it would be if concentrated in the hands of one competent officer, and if once deranged, it will be a difficult matter to unravel it, where so many are concerned. The selection of school lands is

attended with great delay and some uncertainty. The object designed to be accomplished in the manner of disposing of the 500,000 acre grant (the creation of an *immediate revenue*) has been thwarted by the introduction of *land warrants*, and it does not appear wise longer to perpetuate the system. Our school fund is of the most liberal character. It will probably amount to \$2,000,000 when the school lands are all disposed of. It is almost needless to say that the prudent and economical administration of this department of our school system is a matter of vital concern, involving the success of all our future operations. It is in view of these facts and responsibilities that I have determined to recommend the repeal of the present school fund law, and the creation of the office of *State School Fund Commissioner*, to be kept at the seat of government. This officer should select the remainder of the 500,000 acre grant, attend to the sale of all school lands in the State, and invest the permanent fund as the General Assembly may direct. A compensation of about \$2000 00 per annum would enable him to employ a competent clerk, and to visit the different counties, examine, allot, appraise and sell the school lands in person; and also to loan the school money, giving to each county in the State, such proportion as it should be entitled to by some convenient rule established by law for making the dividend.

We certainly should profit by the sad experience of some of the other States in the management of their school fund, and I believe a majority of them have settled upon a plan similar to the one recommended, as the most judicious. The project of creating a State Land Office has been spoken of. In the event this is done, it would doubtless curtail expenses still further to embrace the school lands in it. The friends of education, in view of your present session, have been induced to withhold their exertions, and have looked forward with the most intense anxiety, to this, as the auspicious period, when they should receive relief, and I cannot suffer myself to indulge the belief that you will return to your constituency, till they have fully realized their expectations. The expenses of legislation constitute with some a sufficient reason for hurrying and even for neglecting the most important business; but this is nothing when com-

pared with the vital interests to be protected and fostered by it, and it is unreasonable to conclude that any thing of utility can be accomplished without *mature deliberation*.

By the abstract of the Fund Commissioners' reports it will be seen that our organization is yet imperfect. They all assign as a reason for this, in their accompanying letters, the absence of interest on the part of the subordinate officers and the people. This apathy was to be anticipated under the circumstances.— We may reasonably expect, however, that a few years experience will bring about a more favorable state of things. By the adoption of the above plan for the management of the school fund, the financial and educational interest of the system will be separated, and the Superintendent can devote his time more exclusively to the organization of school districts, and the establishment of schools. I purpose devoting the greater portion of the coming year to this portion of the labor assigned me, and shall endeavor to visit every portion of the State. As a people we are not alive to our own interests in treating a subject of such magnitude with neglect and indifference. Nothing will have a stronger tendency to induce the industrious and enterprising portion of community, who are emigrating from the older States, to seek a home among us than the assurance that a lively interest is manifested, and that ample provisions have been made for the promotion of this desirable object. We have no reason to be discouraged thus far, and our future prospects are of the most cheering character. We are naturally biased by local prejudices, but aside from this, I feel warranted in saying that the fairest portion of creation has been assigned us. It is indeed pleasant to contemplate our future glory and prosperity as a State. Our eastern and western boundary, each some two hundred miles in extent, is formed by the most important navigable streams in the world, thus affording as an outlet for our products north to the manufacturing regions of Minnesota, northwest to the fertile plains of Nebraska, and south to the thronged commercial marts of the lower Mississippi and the Gulf of Mexico. Our communication with the Atlantic coast also, through the medium of rail roads and the great lakes of the north, will soon be almost direct. Sixteen years ago the scene

of rural enchantment which surrounded the home of the savage, within our present limits, was first disturbed by the approach of civilization, and now we have a hardy and enterprising population of 140,000 souls, prosecuting with vigor and energy the various arts of agriculture, and daily extending their trade and commerce with the adjacent States. And still the eye of the western emigrant is fixed on Iowa, and scarcely a day passes but we welcome the adventurous pioneer to a home within her borders. Nature seems to have clothed herself in her fairest robes to receive us, and may we not confidently expect that the day is not far distant when seminaries of learning, dotted here and there, over the entire area of our State, will add to the loveliness of the scene. The craggy steepes, the sunny vales, the chrystal fountains, the murmuring brooks, the roaring cataracts, the leafy groves and the fertile prairies appear to have conspired together to render us happy, and await the hand of art to bring them into requisition, that we may reap a rich reward for our toil. But all this will avail us nothing, lest we as a people act well our part.

I transmit herewith a copy of each of the circulars and blank forms, numbered from one to twelve inclusive, issued from this office prior to this date, together with the bills for printing the same.

With the sincere wish that prudence and vigilance may characterize all your deliberations, and that you may be conducted to the wisest and best conclusions in the consideration of this momentous subject,

I am, very respectfully,

Your obedient servant,

THOMAS H. BENTON JR.

Superintendent of Public Instruction.

(4)

A STATEMENT exhibiting the amount of the permanent School Fund, and the manner in which the same is invested, and the number of acres of School Land which have been sold, and the proceeds thereof, as shown by the reports of the School Fund Commissioners, November 1, 1848,

COUNTIES.	Permanent fund and how invested.			Sales of 16th Sections.			Sales of 500,000 acre grant.			
	Loaned on real estate.	Land sold on credit.	On hand.	Number of acres.	Amount in cash.	Amount on credit.	Number of acres.	Amount in cash.	Credit of 3 months.	Credit of 10 years.
Appanoose,	No sales.									
Benton,	*134 68	397 72	200 00	99.18	49 04	147 72	360	200 00	50 00	200 00
Buchanan,	No sales.									
Cedar,	640 00	2,049 50	256 50	1,000	896 50	2,049 50				
Clayton,	†2551 15		13 65	1,440	1,882 20		640	801 00		
Clinton,	103 20	309 30		160	103 20	309 30				
Dallas,	No report									
Des Moines,	8,167 48	6,712 74	166 52	3,907	8,253 00	6,712 74	320	81 00		320 00
Davis,	1,282 58	1,740 04		1,800	3,022 62	1,740 04				
Delaware,	255 00	1,150 00	6 00	640	250 00	750 00	320		80 00	320 00
Dubuque,	4,093 56	5,973 27		6,154.85	4,344 65	4,851 89	1,040	178 62	81 38	1,040 00
Henry,	3,435 91	5,484 85		3,640	3,435 91	5,484 85				
Iowa,	No sales.									
Jasper,	No report									
Jackson,	No sales.									
Jefferson,	1,536 75	4,785 52	393 17	2,990	1,929 92	4,785 52				

Johnson,	1,038	33	2,952	91	28	84	1,347.75	993	02	2,994	96					
Jones,	772	81	5,088	43	12	50	1,187	452	81	1,358	43	3,200	320 00	480 00	3,200 00	
Keokuk,	600	00	1,959	00	53	00	1,440	653	00	1,959	00					
Lee,	5,093	30	7,841	36	120	00	6,680	5,093	30	7,841	36					
Linn,			950	00	6	00						760		190 00	760 00	
Louisa,	2,305	00	4,777	22			2,830	2,325	71	4,502	42	640		160 00	640 00	
Mahaska,†	815	00	4,389	22			680.90	292	70	629	22	3,366.75	160 00	560 00	3,200 00	
Marion,	2,718	66	2,358	50			3,600	2,829	50	1,718	50	640	160 00		640 00	
Monroe,	807	00	890	00	25	00	960	337	50	982	50	320		80 00	320 00	
Muscatine,	748	75	803	62	79	67	733.75	679	87	864	62					
Polk,	744	00	4,005	72	413	50	652.50	197	65	502	00	3,291.38	250 00	540 73	3,162 99	
Poweshiek,	No sale.															
Scott,	1,263	25	2,667	51	131	66	1,280	1,332	49	2,667	51					
Van Buren,	2,876	93	3,755	02	\$194	43										
Washington,	1,919	00	3,728	02	568	75	2,797	2,684	75	3,728	02					
Wapello,	5,119	31	6,379	65	121	56	2,208.61	1,563	93	2,696	88	7,041.67	612 88	777 57	5,561 71	
	49018	65	81099	12	2790	75	48228	54	43608	27	59276	08	21939.80	2,763 50	2,999 68	19364 71

* Sixty-three dollars and sixty-two cents in hands of predecessor.

† Including \$105 County School Tax for 1847, and deducting compensation for services, 223 50, invested "as the school law directs."

‡ \$281 12 "amount on former contracts paid former School Fund Commissioner," not included.

§ Including interest received on permanent fund.

(B)

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A STATEMENT of money appropriated annually by law and paid over for the support of schools, and the source from which the same accrued, as shown by the reports of the School Fund Commissioners, November 1, 1848.

COUNTIES.	County school tax.	Interest on permanent fund.	Military fines.	Fines for breach of the laws.	Sale of water crafts.	Sale of lost goods.	Sale of estrays.	Voluntary subscription.	Grocery license.
Appanoose, - -									
Benton, - -									
Buchanan, - -									
Cedar, - - -								\$50 00	
Clayton, - -								114 50	
Clinton, - - -								102 95	
Dallas, - - -									
Des Moines, - -	\$1,575 25	\$1,313 00		\$97 00					\$548 75
Davis, - - -									
Delaware, - -									
Dubuque, - - -									
Henry, - - -	606 43	73 05		30 00			\$16 67	575 99	
Iowa, - - -									
Jasper, - - -	No report.								
Jackson, - - -									
Jefferson, - -	40 62							297 73	
Johnson, - - -									
Jones, - - -	154 31	30 00							
Keokuk, - - -									

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Lee, - - -	1,000 00						
Linn, - - -	76 90*					129 10	
Louisa, - - -	192 52		20 00		18 00	661 93	
† Mahaska, - - -						154 13	
Marion, - - -	89 65	17 40					
Monroe, - - -	27 67	16 26	5 00				
Muscatine, - - -							
Polk, - - -	93 11	17 37					
Poweshiek, - - -							
Scott, - - -	258 08					270 00	
Van Buren - - -	53 76†					421 40	
Washington, - - -	233 90		42 50		24 99	851 33	
Wapello, - - -	221 96	9 21				206 57	
	\$4,623 26	\$1,476 29	\$194 50		\$59 66	3,835 63	\$548 75

*Tax for 1846 reported from three townships.

† "Public fund," source not stated.

(C)

A STATEMENT of money appropriated annually by law and still on hand for the support of schools and the source from which the same accrued, as shown by the reports of the School Fund Commissioners, November 1, 1848.

COUNTIES.	County school tax.	Interest on permanent fund.	Military fines.	Fines for breach of the laws.	Sale of water crafts.	Sale of lost goods.	Sale of estrays.	Voluntary subscription.	Grocery license.
Appanoose, - -	\$ 5 35								
Benton, - -	9 59								
Buchanan, - -									
Cedar, - -									
Clayton, - -	*149 89	\$ 165 41							
Clinton, - -									
Dallas, - -	No report.								
Des Moines, -									
Davis, - -	163 00	105 50		\$ 52 00			\$36 30		\$65 00
Delaware, - -	149 96	37 50							
Dubuque, - -	693 00	256 07		†1,088 32					
Henry, - -									
Iowa, - -	7 46								
Jasper, - -	No report.								
Jackson, - -									
Jefferson, - -									
Johnson, - -									
Jones, - -	56 00	†24 00		5 00					
Keokuk, - -									

Lee, - - -	217 00		10 00				
Linn, - - -	237 68						
Louisa, - - -	38 47						
Mahaska, - - -				60 21			
Marion, - - -							
Monroe, - - -	10 05						
Muscatine, - - -							
Polk, - - -							
Poweshiek, - - -		20 50					
Scott, - - -	41 92						
Van Buren, - - -							
Washington, - - -							
Wapello, - - -							
	\$1,779 37	\$708 98	\$1,155 32	\$60 21	\$36 30		\$65 00

*School tax for 1848—not collected.

†From different sources, not designated.

‡In hands of predecessor.

(D)

A STATEMENT exhibiting the number of organized districts, persons between the ages of five and twenty-one years, schools taught, pupils taught, teachers employed, days pupils have been taught, and the average pay of teachers per month, as shown by the reports of the School Fund Commissioners, November 1, 1848.

COUNTIES.	Fund Commissioners.	Number of organized districts.	No. of persons between 5 and twenty-one.	No. of schools.	No. of pupils taught.	Number of teachers employed.		Average pay of teachers.		Number of days pupils have been taught.
						male	female	Male.	Female.	
Appanoose,	D. P. Sparks,	6	224							
Benton,	E. H. Keys,	3	73							
Buchanan,	S. P. Stoughton,	1	130					\$12 05	\$6 00	139
Cedar,	William Mason,		788		123					7111
Clayton,	E. Price,	14	403	5	127	1	5			2390
Clinton,	A. R. Bissell,	21	526	6	526			14 00	6 00	7043
Des Moines,	Wm. Walker,	59	4645							
Davis,	H. Dunlavy,		1812							300
Delaware,	John Benson,	14	436	12	266					
Dubuque,	M. Mbley,	20	1280	6	82			12 00		540
Henry,	A. McKinney,	16	2628		606	14	2	15 00	10 00	
Iowa,	J. Wyckoff,	1	42							
Jasper,	W. W. Ferguson,									
Jackson,	W. Hubbell,	21	800	11	325					9642
Jefferson,	F. M. Allen,	52	2988		300					9519
Johnson,	Eli Myers,	19	1022	8	527	8	3			11582
Jones,	J. A. Secrest,	20	694	4	122					5338
Keokuk,	J. B. Whisler,	24	1286							
Lee,	Wm. Stewart,	95	5573		1434	35	2			54695
Linn,	A. Brown,		1221		195					9517
Louis,	Oliver Benton,	33	1588	9	403	9				19869

Mahaska,	P. L. Crossman,	37	1516							
Marion,	J. B. Hamilton,	27	1125	8	274	8	1			520
Monroe,	J. M. Richardson,	11	367							2242
Muscatine,			1360		473					14910
Polk,	Thos. McMullen,		752							
Poweshiek,	W. H. Barnes,	4	72							
Scott,	H. Price,	23	1085		421					15900
Van Buren,	S. Clayton,	73	3256							13606
Washington,	N. P. Cooper,	30	1372	29	620	21	8	25 00	12 00	20692
Wapello,	Joseph Myers,	5	2382	7	253	5	2	14 61	7 00	5868
		673	41446	105	7077	101	23	\$92 61	\$41 00	211474

(E)

A STATEMENT showing the number of persons in the following counties between the ages of five and twenty-one years, returned by special reports :

Benton	-	-	-	-	-	-	-	-	-	89
Henry,	-	-	-	-	-	-	-	-	-	177
Johnson,	-	-	-	-	-	-	-	-	-	277
Linn,	-	-	-	-	-	-	-	-	-	113
Van Buren,	-	-	-	-	-	-	-	-	-	333
Total,	-	-	-	-	-	-	-	-	-	958

(F)

A STATEMENT showing the amount of expenses incurred for allotting and appraising the 16th sections, in the following counties :

Clinton,	-	-	-	-	-	-	-	-	76 00
Jefferson,* (one township,)	-	-	-	-	-	-	-	-	26 75
Johnson, (six townships,)	-	-	-	-	-	-	-	-	48 50
Louisa,†	-	-	-	-	-	-	-	-	196 25
Muscatine,	-	-	-	-	-	-	-	-	64 00
									\$411 50

*Seventy-seven days reported in addition to the above, without stating the price.

†The sum of \$140 00 of the above paid in 1847; balance not paid.

(G)

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
Iowa City, Iowa, August 10th, 1848. }

SIR :—The fourteenth section of an act of the General Assembly of Iowa, entitled “an act to provide for the management and

disposition of the school fund," approved Feb. 25th, 1847, provides that "the five per centum upon the net proceeds of the sales of the public lands, granted by the United States to this State, shall be paid into the hands of the Superintendent of Public Instructions, to be disposed of according to law." Please advise me at your earliest convenience when this account with the State will be settled, and what steps are necessary to be taken relative to it.

Very respectfully,

Your obedient servant,

THOMAS H. BENTON, JR.

Superintendent of Public Instruction.

HON. R. M. YOUNG,

Commissioner General Land Office, Washington City, D. C.

GENERAL LAND OFFICE, }
August 25th, 1848. }

SIR:—In reply to your enquiry of the 10th inst., you are advised that the five per cent fund account between the United States and the State of Iowa, has been audited at this office, for the period commencing the 28th December, 1846, and ending the 31st December, 1847, and a balance of \$16,422 05 reported to the First Comptroller of the Treasury as due the State. Your letter has also been referred to that officer, who will advise you what measures are necessary to be adopted to bring that amount into the State Treasury.

I am Sir, very respectfully,

Your obedient servant,

RICHARD M. YOUNG,

Commissioner.

THOMAS H. BENTON, JR., ESQ.,

Superintendent of Public Instruction,

Iowa City, Iowa.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }
Iowa City, Iowa, November 25, 1848. }

SIR:—I was advised by the Commissioner of the General

Land Office, under date of August 25, 1848, that the amount due the State of Iowa, arising from the five per cent. fund account between the United States and this State, up to December 31st, 1847, was \$16,422 05, and that you would inform me what steps were necessary to be taken in order to obtain it. As I have received no intelligence from your department as yet, have the kindness to advise me at your earliest convenience on the subject. Please refer to my correspondence with the Commissioner

Very Respectfully,

Your obedient servant,

THOMAS H. BENTON, JR.,

Superintendent of Public Instruction.

FIRST COMPTROLLER,

Treasury Department,

Washington City, D. C.

[C]

REPORT
OF THE BOARD OF PUBLIC WORKS.

OFFICE OF THE BOARD OF PUBLIC WORKS. }
AGENCY CITY, DECEMBER 1, 1848. }

To His Excellency Ansel Briggs,

Governor of Iowa:

SIR:—It is provided by the 9th section of an act passed during the first session of the General Assembly, entitled “an act creating a Board of Public Works, and providing for the improvement of the Des Moines river,” approved Februrry 24th, 1847, that “the Board shall make report to the Governor on or before the first day of every regular session of the Legislature, giving a full statement of all their doings, and recommending such legislative action as they may deem expedient.” In compliance with this provision we beg leave respectfully to report:

That by certificate of the Secretary of State bearing date the 7th day of September, A. D. 1847, we were severally informed of having been elected President, Treasurer and Secretary of, and constituting a Board of Public Works for the State of Iowa, at a general election held on the second day of August next preceeding, and that our bonds previously filed, had been approved by the Governor. We then proceeded to Fairfield, in Jefferson county, pursuant to a prior understanding, and held our first session as a Board on the 22d September, 1847, having been first qualified on “oath to the faithful and impartial performance of the duties required of us by law.” Here the responsibility

and difficulty of the path which lay before us became very apparent. Neither of us possessed the advantage of experience in a similar capacity. We were pioneers in works of internal improvement for a young and vigorous state, and without chart or compass, rule or precedent of predecessors to guide us in our track. We knew that the Des Moines river was, if possible, to be made accessible for steamboats to the Raccoon Forks, and we knew that lands had been appropriated for that purpose by act of Congress; but we had no evidence by which to distinguish the lands donated from those of the general government, nor any report, diagram, or data of those lands having been at all selected, as required by law. In fine, the act of Congress, and the act of the General Assembly, were the only documents then in our possession, or of which we had any knowledge, and it may be as well to say here that our difficulties were greatly ameliorated on this and on many other occasions, by the information and assistance of Bernhart Henn, Esq., Register of the Fairfield land office.

Our first official act was to inform his Excellency, the Governor, of our organization, and to obtain an introduction, through him, to the Commissioner of the General Land Office, whom we addressed with a view to such aid and information as may be in his power to bestow, and with whom we anticipated frequent occasions of correspondence. The Secretary was directed to procure authenticated plats from the Surveyor General's office at Dubuque, of all townships supposed to contain lands embraced in the grant, and to communicate with officers of the late Territorial Government relative to their official transactions in regard to those lands; but we could only learn that commissioners had selected the odd sections, and reported the fact to the proper department at Washington.

Rules for the entry of land by pre-emption, under the 29th section of the act of the General Assembly, aforesaid, were adopted at an adjourned meeting, and our President was detailed to visit other States for information, and to profit by their experience in slackwater improvements; but more especially to employ an engineer of tried and undoubted qualifications in works of this character. Our corporate faculties were then in early

and active motion. We were enabled to grant pre-emptions to lands in sixteen townships on the 11th of October, but with the expectation, founded on public opinion, that the amount to which we were prescribed by act of Congress would be received in a few weeks, and designing in any event to limit these pre-emption sales to three months in advance of a public sale ; yet, although the office was continued open, with but little intermission, until the 31st of March following, and thirty-one additional townships were exposed for sale in a similar manner about the first of January, our receipts had not reached the sum of thirty thousand dollars until near the end of six months.

The 27th section of the act says, "Any person who, on the first day of January 1847 was, by the then existing laws of this State, entitled to a claim upon the lands in this act mentioned, or who shall at the time of entering the same, be the owner of such claim, shall have the right to enter the same in legal subdivisions of not less than forty acres, unless it be a fractional quarter, at the price of one dollar and twenty-five cents per acre ; and the provisions of the several pre-emption laws of Congress, passed since the first of June 1838, and all the privileges and benefits thereby granted, are extended to the settlers on said lands as far as the same are applicable, and the same rules and regulations shall be observed in the entry and sale of said lands by the Board."

The law in this case determines the *minimum* quantity at forty acres, but leaves the *maximum* to be inferred, or determined by the Board. The "several laws of Congress" admit of one hundred and sixty acres ; but "the then existing laws of this State" have recognized a claim of three hundred and twenty acres. Many members of the legislature gave it as their decided opinion that not more than one hundred and sixty acres were contemplated by the act. A mature consideration of the subject brought us to the conclusion that the interests of the settlers, and of the improvement, would be promoted by extending the pre-emption to a claim of three hundred and twenty acres, whether in regular or detached tracts ; provided it were held on the first day of January, 1847, "according to the then existing laws of this State." We therefore adopted the following form of proof

to be filed in the office, with the addition of a quit-claim deed in cases of transfer since the first of January, 1847,

(FORM A.)

I, A. B. of _____ county, Iowa,
Do solemnly (swear or affirm) that I am the head of a family, (or a single man over twenty-one years of age as the case may be,) and have never had the benefit of any right of pre-emption on the land appropriated by Act of Congress for the improvement of the Des Moines River, nor have I sold, transferred, or quit-claimed any part of these lands on which a right of pre-emption could be obtained through me. That I am now the owner of the _____ quarter of section No. _____ in Township No. _____ N. of Range No. _____ W. of the 5th P. M., and that (I or C. D.) was entitled to a claim thereon on the first of January, 1847, according to the then existing laws of the State of Iowa. That (I, or he) had not neglected nor abandoned this claim for six months preceding the first day of January, 1847, and that during that time it was marked out so that the boundaries thereof could be readily traced, and its extent easily known, and that my or his claim did not exceed in number of acres the amount limited to one person according to the custom of the neighborhood in which it is situated. A. B.

I, E. F. do solemnly (swear or affirm) that I know the facts set forth in the foregoing (affidavit, or affirmation) to be true and correct, and that I am not interested in the claim. E. F.

OFFICE OF THE BOARD OF PUBLIC WORKS AT _____ }
184 . }

I, _____, Secretary of the Board of Public Works, (or J. P. as the case may be) do hereby certify that the above _____ were taken and subscribed before me this day. That the tract described contains _____ acres, and that the price agreed upon is \$1.25 per acre. Secretary.

A sale or transfer of "any part of these lands" was not designed as a bar to invalidate a right of pre-emption, but to elicit a fact, in order to guard against a pre-emption to more than 320 acres by proxy! We very soon discovered that quit-

claim deeds were not as common as we had imagined, but that most of the assignees who applied for pre-emption had come into possession by verbal transfer. We then adopted the following form for cases of this character, without regard to deeds :

I, A. B., of _____ county, Iowa, do solemnly swear that I am (as the case may be, as in form A.) and have never had the benefit of any right of pre-emption on the lands appropriated by act of Congress for the improvement of the Des Moines river, nor have I sold, transferred, or quit-claimed any part of these lands on which a right of pre-emption could be obtained through me, and that I am now the undisputed owner of the _____ quarter of section No. _____ in township No. _____ N. of range No. _____ W. of the 5th principal meridian. A. B.

I, C. D., do solemnly swear that E. F. was entitled to a claim on the land described in the foregoing affidavit, on the first day of Jan. 1847, and for six months next preceding, and during that time it was marked out so that the boundaries thereof could be readily traced, and its extent easily known, and that his claim did not exceed in number of acres the amount limited to one person according to the custom of the neighborhood in which it is situated and that the right which the said E. F. held to the said tract is now in the above named A. B. by regular transfer and sale, and that I am not interested in the claim. C. D.

OFFICE OF THE BOARD OF PUBLIC WORKS AT _____ }
184 . }

I, _____ Secretary of the Board of Public Works, (or J. P. as the case may be) do hereby certify that the foregoing affidavits were taken and subscribed to before me this day. That the tract above described contains _____ acres, and that the price agreed upon is \$1 25 per acre. Secretary.

These forms apply, or may be adapted, to any of the chameleon shades which claims have assumed in the Des Moines valley, and it will readily be perceived that he who cannot prove a right to claim under one or the other of these forms, can have no right, for the most superficial claim will be recognized by

some one, and this one is sufficient for his witness. Neither should any one who does not wish to be considered obnoxious to the title of "land speculator" desire more than a half section, —an amount unknown to any other pre-emption law in existence.

This proof is certified by the Secretary (as Register,) to the Treasurer, (as Receiver,) and on payment being made that officer issues the following receipt in duplicate.

OFFICE OF THE BOARD OF PUBLIC WORKS AT ———.

No. ——— Received from A. B. of ——— county, Iowa, the sum of ——— dollars, being in full for the ——— quarter of section No. ———, township No. ——— N. range No. ——— W. of the 5th P. M., containing ——— acres at \$1 25 per acre; and the land above described having been appropriated by act of Congress, approved August 8, 1846, for the improvement of the navigation of the Des Moines river, the right of taking such stone as may be found necessary to said improvement is hereby reserved to the State of Iowa, without any let or hindrance.

\$——

Treasurer.

One of these receipts is filed in the office of the Secretary, in proof of the completion of the entry, and the other is retained by the purchaser. The following is our joint certificate on which a patent shall issue "signed by the Governor, subject to such regulations as may be prescribed by law."

OFFICE OF THE BOARD OF PUBLIC WORKS AT ———.

No. ——— We certify that A. B., of ——— county, ——— ha— this day purchased at this office the ——— quarter of section No. ———, township No. ———, range No. ———, West of the 5th principal meridian, being part of the lands appropriated by act of Congress, approved August 8, 1846, for the improvement of the navigation of the Des Moines river, containing ——— acres, at \$1 25 per acre, amounting to ——— dollars and for which the said A. B. ha—— made payment in full as required by law, after reserving to the State of Iowa, the right of taking and using such stone as may be found necessary to said improvement without let or hindrance.

Therefore, be it known that on presentation of this certificate to the Governor of the State of Iowa, the said A. B. shall be entitled to receive a patent for the land above described, subject to such regulations as may be prescribed by law.

Secretary.

Treasurer.

The difficulty of procuring a thoroughly competent engineer, one having experience in work of a character similar to that proposed for the Des Moines river, detained the President until the first week in December, but we have the proud satisfaction of saying that he has not only succeeded in obtaining the services of a gentleman of undoubted qualifications, but one who is morally, as well as scientifically, worthy of entire confidence in the line of his profession. With the aid of three experienced assistants, Messrs. Wells, Jacobs and Hayden, and other subalterns necessary to a corps, the survey of the river was commenced on the 16th of December, 1847, and the persevering industry with which Col. Curtis and his efficient aids prosecuted the work as high up as Ottumwa, a distance of ninety-three miles, during the most inclement season of the year, is worthy of all praise.

We suspended the further prosecution of the survey above Ottumwa in the early part of February, and made a requisition on the Chief Engineer for a report of his labors, with a view to determine the general plan of improvement, and the final locations of dams and locks. It was found however, that a more minute examination of the river was necessary antecedent to the report, and this examination was required to be the more critical as many intelligent minds believed that a great portion of this distance was not susceptible of improvement in any way. Nor were they entirely mistaken, as low banks and other impediments precluded the possibility of dams, and we were forced to the expedient of a side cut, or canal, from St. Francisville, Missouri, to a point affording sufficient depth of water for steam boats, about a mile and three quarters from the Mississippi river, a distance of ten miles. The removal of some snags and other drift, from the main channel, or Nassau slough, will afford free navigation in either or both, from the mouth of the canal to

the Mississippi, and all the mouths of the Des Moines will have equal facilities of navigation.

The engineer's report was filed on the 20th March, and will be found herewith, and his suggestions were adopted in the main. The general scheme is designed to afford navigation for such boats of a medium size as ply most profitably on the Upper Mississippi, and although we fully appreciate the magnitude of the trade which will flow through this channel at no distant day, it is believed that the capacity of the locks and canal are sufficient to obviate the necessity of those changes and enlargements so vexatious to other States.

The privileges necessary to the improvement were a source of great annoyance at the lower end of the line, as the lands along the canal route were the property of individuals, many of whom were unfriendly, indifferent, or ignorant of the project. Conflicting titles existed to other portions where the relinquishment of all parties was indispensable, and the incubus of "the Half Breed claim" overhung the whole. On the south side of the river, between the mouth and the present boundary of Iowa, the lands belong to a sister State. The river is here a common highway for all, and the importance of the work justified the co-operation and undivided influence of both States.—The proposed construction of a side cut on the Iowa side, at first created anxiety and disaffection among some of the citizens of Missouri, but after the work commenced, and the propriety of the location become obvious, we are happy to testify to the apparent satisfaction and courtesy which have been manifested by citizens of the south side. A controversy or conflict between two neighboring States never appears to advance the interests or character of either. We have avoided this by a cautious regard to the objects of the appropriation, without listening to the vague rumors of a few disaffected and designing persons on either side of the river. We shall continue to cultivate the good feeling which now exists, by a scrupulous regard to the best possible location, construction, and completion of the work.

All sales of land were suspended on the 31st March 1848, for an indefinite period, and the officer of the Board was removed from Fairfield to the Engineer's office at Keokuk, for the great-

er convenience of a letting then advertised to be held on the first of June. The engineers were engaged in establishing the location of the work, and preparing estimates and specifications for bidders, who became numerous as the day of letting approached. Indeed the notoriety which we gave to this work in the Eastern States, by circular and advertisement, has induced many worthy and wealthy persons to visit Iowa on an excursion of pleasure or business, who perhaps never would otherwise have come, and as some of them have already become our fellow citizens, and many others likely to follow, we trust that the accession to our population will not be few or indifferent by this means alone. The letting was held as advertised, and the bids are believed to have been more numerous than for any work in the United States of equal value. After several days examination of these numerous and conflicting proposals, and a careful consideration of the responsibility and experience of bidders, the work was awarded as follows :

SECTION No. 1. *To Messrs. Barnett and Co. of Ohio.*—This section embraces the first lock, of 22 feet lift, and the earth work within ten chains of the lock.

SEC. No. 2. *Messrs. Lyon and Co. of Ohio.*—This is nearly a mile of canal embankment.

SEC. No. 3. *T. Curts of Iowa.*—A mile of canal.

SEC. No. 4. *Stewart and Wallace, of Illinois and Michigan.*—A mile of canal including the heavy embankment and protection which pass the "Big Yellow Banks."

SEC. No. 5, 6 and 7. *Messrs. Bluke and Co. of Pennsylvania.*—Three miles of canal.

SEC. No. 8. *Messrs. Brigham and Mayger, of Missouri.*—A mile of canal including the embankment passing the "Little Yellow Banks," also, including lock No. 2, of ten feet lift.

SEC. No. 9. *Messrs Connable and Cunningham of Iowa and Ohio.*—A mile of canal.

SEC. No. 10. *Messrs. Cassidy and Bell of Iowa.*—A mile of canal. They have also contracted for constructing the pile engine.

SEC. No. 11. *Messrs. Merriman and Co. of Pennsylvania.*—One mile at the head of canal, and Guard Lock.

SEC. No. 12. *Messrs. Barnett, and Co. of Ohio.*—Dam No. 1, at St. Francisville.

SEC. No. 13. *Messrs. Quinn, Carragher and Co. of New York.* Dam No. 2, and lock No. 3, of 10 93-100 feet lift, at "Cowpens old Mill."

SEC. No. 14. *Walker, Patterson and Co. of Iowa.*—Dam No. 3, and Lock No. 4, 10 32-100 feet lift, at "Thoms Mill."

All these contractors are on the work, and prosecuting their contracts with vigor, and apparent success. They employ about 500 men, and have a great amount of materials on hand. We have every reason to believe, if our resources for prompt payment continue, that this part of the work will be completed before the expiration of the time provided in their contracts. In a subsequent part of this report we will advert more particularly to the importance of accelerating the progress of all the work, by securing prompt payment to all the contractors. The receipts from sales of land will not warrant a too speedy completion of the work on cash payments, and the first day of March 1851, has therefore, been set as the day of final estimates, when all these contracts are to be delivered up in a manner acceptable to the principal Engineer in charge of the improvement. Prudent management on the part of the State may enable the Board to make full and prompt payments on all these contracts at that time, while a rash interference, or a desire to pander to local prejudices may frustrate the whole design.

In addition to information derived from reports and documents collected by the President in the fall of 1847, with regard to the construction of works in other States, the members of the Board were much benefited by their intercourse with contractors of varied experience during the letting. A variety of circumstances combined on this occasion, to induce the belief in our minds that additional portions of the work could be put under contract on favorable terms, without at all conflicting with this first letting, and a notice was accordingly posted up in our office with a view to elicit suggestions to that end. The extent of our resources were so fully appreciated as to induce indirect propositions, and to justify us in advertising for a second letting on the 21st of August; the result of which exceeded our most sanguine

expectations. The proposals received were very similar in their prices, and nearly, if not quite as low as those accepted in our first work. As payment for this work was to be postponed till the first series of contracts was paid for, we considered it desirable that no one should have more than his means would enable him to accomplish. The work was awarded to the lowest responsible bidders, and may be stated as follows:

SECTION No. 15. *To Messrs. McCune and Co. of Ohio.*—Dam and lock at Farmington, 11 1-2 feet lift.

SEC. No. 16. *Wm. Meek and Son, of Iowa.*—Dam and lock at Bonaparte, 7 1-2 feet lift.

SEC. No. 17.—*Brown and Sanford of Iowa.*—Dam and lock at Bentonsport, 12 1-4 feet lift.

SEC. No. 18, 19 and 20.—*Brigham and Mayger, of Missouri.*—Dam and lock at Keosauqua, 14 feet lift.

Dam and lock at Powells, 11 feet lift.

“ “ Portland, 12 1-2 feet lift.

SEC. No. 21.—*Messrs. McCune and Co., of Ohio.*—Dam and lock at Jordan's, 12 1-2 feet lift.

SEC. No. 22 and 23.—*Messrs. Connable and Cunningham, of Ohio and Iowa.*—Dam and lock at Railsback's, 7 1-2 feet lift.

Dam and lock at Rowlands, 7 feet lift.

SEC. No. 24. *Wm. Lamb.*—Dam and lock, mouth of Sugar creek, 7 1-2 feet lift.

The contractors at Bonaparte and Bentonsport have made a good commencement, and others have made arrangements for prosecuting their work in the spring. Their success will, no doubt, depend on the ability to raise means. It was understood at the letting, that estimates would be made as the work progressed, and certificates of indebtedness issued, bearing six per cent per annum, payable out of the proceeds of sales of lands appropriated to the improvement of the Des Moines river.—With these certificates, and the resources of the contractors, it was expected that the means would be readily obtained. Nothing has been done by the Board to change this understanding, but we have reason to believe that a different and more direct mode would be more economical and advantageous to the State,

and more acceptable to contractors. This subject will be more fully discussed hereafter, when we speak of the disposition of the lands.

The Commissioner of the General Land Office, made no reply to a letter addressed to him by the Secretary, through the Governor, at the first organization of the Board, nor to one of similar import under date of 29th November, following, in which it was urged that the interests of the State required his immediate action, antecedent to that of the Secretary of the Treasury, as required by the act of Congress. Nor was it until our prompt and attentive Representative in Congress, the Hon. W. Thompson, made a personal application, at the urgent solicitation of the Secretary, that a reply was elicited as follows :

GENERAL LAND OFFICE, }
February 23, 1848. }

SIR:—Your communication of the 29th November, last, enclosing a copy of yours of the 22d September last, has been received and would have received an earlier response but for the erroneous and defective surveys along the Des Moines river, which prevented this office from submitting to the Secretary of the Treasury, the selections made by the State of Iowa, for the improvement of the navigation of that river, under the act of 8th August, 1846. As these surveys have been corrected action will be had on those selections as soon as possible, and when approved they will be certified to you.

It is not usual to furnish more than a diagram of the grant, in cases of this kind, with a certified list of the tracts granted, as above mentioned, and these will, of course, be transmitted as soon as they can be prepared.

All the aid that this office can give the Board of Public Works, in the discharge of its duties, will be cheerfully rendered, and if it is possible to procure copies of the Reports of the Topographical Bureau, of the examinations heretofore made of the Des Moines river, it will afford me pleasure to do so, and forward them to you.

A question has arisen as to the extent of the grant made to Iowa, by the act of 8th August, 1846, and the opinion of this office has been requested on that point.

By the terms of the law, the grant is, of one equal moiety, in alternate sections, of the public lands remaining unsold and not otherwise disposed of, encumbered or appropriated, in a strip five miles in width on each side of said river, to be selected within said Territory &c., &c., and the proceeds are to be applied in the improvement of the navigation of that river, from its mouth to the Raccoon Forks. Hence the State is entitled to the alternate sections within five miles of the Des Moines river, throughout the whole extent of that river, within the limits of Iowa.

Very respectfully,

Your obedient servant,

RICHARD M. YOUNG.

Commissioner.

CHARLES CORKERY, ESQ.,

Secretary of the Board of Public Works,

Fairfield, Iowa.

It will be perceived that in this reply the commissioner adds his sanction to the already plain letter of the act, and removes all ground of cavil as to the extent of the grant. The same plain literal construction will extend it far beyond the present "limits of Iowa," for the language of the act "is within said Territory," which then extended far north of the State line subsequently designated by Congress. The same commissioner of the General Land Office, who on the 23d of February, 1848, said that we were entitled to those lands "throughout the whole extent of that river," did, on the 19th of June following, advertise a part of those lands for sale by proclamation, as belonging to the United States! Our attention was not called to this singular inconsistency until September, when we immediately addressed the commissioner, in the belief that these lands were proclaimed in error, and that the order for their sale would be rescinded on having his attention directed to it, but our letter appears to have been met with silent disregard. The sale went on as if nothing had occurred, and portions of the State lands were sold for cash and military land warrants. It may be proper to state also, that in anticipation of such action as the Legislature in its wisdom may think proper to take in this matter, we have filed a copy of

our letter to the Commissioner, accompanied by a protest against the sale, in the district land office at Iowa City. It is our opinion that no time should be lost in bringing this subject before Congress, or some other proper tribunal, as the success of the improvement depends on the extent of the appropriation. No restriction, or narrow construction, should be made of a law so equitable and just. The appropriation by Congress, and the early commencement of the work by the State, have so attracted the attention of emigrants to this region as to cause a sale and settlement of a large portion of United States lands that would otherwise have remained for years unsold and uncultivated.— The general government is compensated by the enhanced value of lands adjacent to the work, as it holds out a prospect of an early means of conveying the products of the country to market, and extends the settlements far beyond the improvement. Estimates made on the expense of transportation (and more fully referred to in the report of the Engineer,) show that the advantages of this improvement are not confined to the valley of the Des Moines, but connect with the valley of the Upper Missouri, Nebraska or Platte, offering the safest and cheapest channel for the transportation of the products of a vast country in the far west. No policy of the general government appears to us so equitable and wise as that of appropriating lands to improve the means of travel and transportation through those lands.— Appropriations of this description to internal improvements, create a common interest which is calculated to increase the attachment which ought to exist between the infant settlements and the national government. With a view therefore, of securing success and to realize the entire benefit of the appropriation, application should be made to Congress for a law authorizing the appointment of commissioners who shall be empowered to select other lands instead of those odd sections which by accident or otherwise, have been sold by the United States land officers within five miles of the Des Moines river. Such a law, would include other lands which were sold prior and subsequent to the grant, and previous to the selection, and would add a considerable amount to the means applicable to the improvement.

It will be seen that the commissioner of the General Land office, promised to furnish this office with the approval of the Secretary of the Treasury, a diagram of the grant, and a list of the tracts granted. We waited until after the adjournment of Congress, in order that full time might be had to prepare them, and it was not until the 25th of August that we called for them again. We then represented the embarrassments under which we labored for want of the list and diagram particularly, as we were about to revive the sales of land, but no attention appears to have been paid to our pressing and respectful request. A public sale is now advertised to commence at Agency City on the 25th inst., of all "river lands" below Ottumwa, after having given two months time for pre-emptions, in addition to the previous six months of last winter, and the verbal designation of Mr. Henn, is the only evidence by which we can distinguish the lands under our control from those of the general government.

Having no data whatever by which to designate the State lands north of the Fairfield Land district, it is a source of regret that we cannot report the amount included in the appropriation. This would have been accurately determined, so far as the surveys extend, were we furnished with the list and diagram, and they may yet arrive before the adjournment of the General Assembly, as we have recently written to the Hon. Wm. Thompson on the subject. The country is well settled in the vicinity of the river for some twenty miles above the Racoon Forks, and sparsely settled as high up as the Boone Forks, township No. 87, N. range No. 27 W., where it is said to be well timbered, and capable of sustaining a dense population.—Indeed the Boone Forks country is thought by many to be superior to that of the Racoon; although the river between these points does not contain as large a body of water as below, we are assured that it is no less susceptible of improvement, as the banks are generally good, and the water deeper, because confined to narrower channels. The opportunities for hydraulic power are said to be equally good, and it will not be many years before that country will be inhabited by an enterprising people who will demand that the improvement shall be continued into

this region, which is situated due west of the city of Dubuque.

It may be proper here to allude to a projected work, which ought to connect with the Des Moines, and which involves not only the interest of our present work, but also that of the whole State. We allude to the proposed rail road to the Pacific.

As early as 1837, the people of Iowa, had the importance of this matter brought to their consideration, by the exertions of John Plumbe, Esq., a citizen of this State, who has since distinguished himself in the discovery of important improvements in Daguerreotype. In 1838, the citizens of Dubuque, Iowa, memorialized Congress and with the aid of General George W. Jones, then delegate to Congress, an appropriation was obtained of ten thousand dollars, which was expended in a survey from Lake Michigan through Wisconsin.

In 1839, a memorial from Ohio, drawn up and circulated by Col. S. R. Curtis, our Chief Engineer, was presented by the Hon. John Quincy Adams, urging Congress to aid the construction of such a work by the appropriation of the alternate sections of land within ten miles of the route.

Subsequently in 1843 or '44, this matter was presented to Congress by Asa Whitney, Esq., an enterprising citizen of New York, who asked for the appropriation of the lands within thirty miles of the route for the purpose of its construction. In 1846, he examined in person the route through the northern counties of this State to the Missouri river, crossing the Mississippi at Prairie du Chien. He speaks in flattering terms of the country and of the facility with which such a road can be constructed; and such has been the untiring exertions of this gentleman, that the project has acquired the name of "Whitney's Railroad."

As this enterprise becomes every day more feasible, the subject which was first advocated in Iowa, should not be forgotten in the first report of the Board of Public Works. If constructed its connection with the Des Moines would have an incidental influence in the commerce of our improvement which would fully justify our timely notice and exertions. The people of Missouri are awake to the importance of this railroad enterprise, and are likely to influence its location by uniting the in-

terests of Cincinnati and St. Louis, by a railroad connection which they now have in progress of survey. Such a union of wealth and influence is a formidable array against the infant exertions of Iowa; but by uniting our energies with those States which are similarly interested we can retain the advantages which our location and early efforts have given us a right to expect and assume.

The arrival of a United States Geologist at Keokuk, in June last, on a reconnoitering tour to the head waters of the Des Moines, afforded the Board an opportunity of gratifying a desire which we had entertained for more accurate information regarding that country. Indeed so great was our desire for this information, because of its important connection with the improvement under our care, that a majority of us were inclined to entrust a partial exploration to some intelligent person, on whose observations we could implicitly rely, when A. Randall, Esq., was delegated by Dr. D. D. Owen for a purpose almost corresponding with our view. We thought at first to find a competent person to accompany Mr. R. but subsequently addressed him a letter, respectfully requesting that he would direct his attention to specific objects of interest to us. This he kindly consented to do, but as the information sought for has not yet come to hand its absence will be partially supplied by the following interesting newspaper extract:

“ Perilous Expedition in Minnesota.—The Prairie du Chien Patriot of the 26th July furnishes the following narrative:

Mr. A. Randall, of the U. S. Geological Corps, accompanied by his assistant, Maj. M. Dagger, of Iowa, reached this place on Wednesday, July 19, from the sources of the Des Moines river, which he has explored from its mouth. He has also made a critical examination of the Coteau des Prairies, west of the river, and the western portion of the Undine Region of Nicolle, on the east. When near the Chanjushkah river, a tributary of the St. Peters and in the midst of a buffalo country he encountered a large party of the Sissiton Sioux Indians, who robbed him of his horses, clothing, provisions, and every thing except his papers and collections—breaking his instruments, &c. He was then permitted to depart. His sufferings would have been insup-

portable had he not met on the evening of the second day, with a camp of Fox Indians, which belong to the Osage, river, west of Missouri, from whom he obtained a miserable pony, capable of packing the little left by the Indians. Mr. R., after being robbed, changed his course to nearly south, abandoning his zoological and botanical, but continuing his geological and topographical collections and observations, and arrived at this village after nine day's march, much crippled, and nearly exhausted from the hardships he had undergone. After reaching the head waters of Iowa river, he shaped his course directly for this place, passing over the beautiful tract of country denominated on Nicollet's map as the Mini Akipan Kaduza. Although he was much nearer Fort Snelling than Fort Crawford, and within 40 or 50 miles of the St. Peters river, he considered it the safest route to turn south, as he would be less apt to meet with hostile Indians, and, in case of attack, he had no weapons of defence. The Indians had ordered him to go south, and signified, by springing their bows and drawing their knives across their throats, what would be the result of disobedience.

Mr. Randall speaks in the highest terms of the country which he traversed, for beauty, agricultural capacity, and mineral resources. Coal was found for 200 miles on the Des Moines, and from indications, heavy deposits of iron ore are believed to exist. Gypsum, in abundance, forming cliffs for miles, was encountered; an article that is very important in the arts, and is extensively used in the East for agricultural purposes. This must prove of immense value to the West, as this is the great valley of the Mississippi. Limestone—that makes a superior hydraulic lime—exists in abundance. Limestone, suitable for lime, clay suitable for bricks, rocks suitable for polishing, for grindstones, whetstones, and for building purposes, some of superior quality—are found in abundance along the Des Moines river. There is a great abundance of water power in the whole region over which he passed, and timber plenty throughout most of the country.”

From all these sources of speculation, which in due time will be substituted with accurate information, and from the length of the river, as projected on all the maps of the country, we are

justified in the belief that the grant will fall very little, if any, short of a million of acres : and when we bear in mind that this land borders on the stream, where timber is invariably found in sufficient quantities for agricultural purposes, we do not feel at liberty to make an allowance for any which is not susceptible of cultivation. Suppose however, we give credit to a vague opinion that timber is scarce, and the land unsaleable, in the Territory of Minnesota, on the extreme head waters of the Des Moines and that we confine ourselves within the boundary of the State ; we cannot, even then, fall short of eight hundred thousand acres, and we take it to be the part of wisdom to make the most of this, in anticipation of contingencies which may, and *will* arise. Our legislature has generously recognized the right of all persons who were settled on these lands, when they were accepted by the State, and has granted a pre-emption, or preference of purchase, not to the usual quantity of one hundred and sixty acres, but to three hundred and twenty acres, at the Government minimum of one dollar and twenty-five cents per acre ; and we, the Board, construing most favorably the intentions of the legislature, to the circumstances of the case, rather than to the words of the law, apply that pre-emption to a mere "*claim*," without residence or cultivation. No pre-emption act ever passed by Congress was half as liberal, for a man may acquire a right of pre-emption under our rules by the mere fact of having said, on or about the 1st of January, 1847, to a third person who he now brings forward as a witness, "*this is my claim*." His claim may actually have been but a shadow, and may exist only in his own imagination, and that of a brother or friend, and yet, if it is recognized as his, and so proven by that brother or friend, he can acquire a fee simple to three hundred and twenty acres, at the lowest rate known to the law. The Board have therefore afforded to settlers the full benefit of existing laws enacted for the accommodation of pre-emptors, but as many persons settled on these lands after the 1st of January, 1847, and before the publication of the act approved January 24th, 1848, raising the price of these lands, many who expected to pay the same prices paid by those who had previously settled, regard the change as burthensome and oppressive on them. Any expectation found-

ed on a presumption so natural, should, in the opinion of the Board, be respected, and, it possible, sustained. To satisfy every just claim to pre-empt the lands included in this appropriation, the Board would respectfully suggest the passage of a law extending the right of pre-emption to all persons residing on the lands on the 1st of January, 1848. It may also be proper to give those who have made small entries by pre-emption, the right to increase their entry to a certain limit where they desire the increase for their own use. These modifications would extend to poor and worthy claimants who most deserve the pre-emption right, the same number of acres acquired by more opulent neighbors, who had the means to avail themselves of our first notice. After doing strict and liberal justice to all who have honestly entered on the State lands for the purpose of making themselves comfortable homes, the interest of the settlers, and of the State, require that these lands should be guarded against the grasp of speculators, and the wanton waste of the heedless and vicious. Next to acquiring a homestead, is the importance to the settler of a market for his produce, and he will be more profitably employed on forty acres, with the improvement, than on eighty acres without it. Every man in the Valley should, therefore, protect the odd sections as he regards his prospects of a home market. Every dollar that is raised from the odd sections, goes to enhance the value of his farm, by bringing a market so much nearer to his door. This applies not only to those on the main trunk of the Des Moines, but to those also who may settle far up its branches for though the avails of the sale of lands may be hardly sufficient to carry the improvement to the Forks, yet, the avails of the improvement itself will certainly and speedily carry it beyond. Judging of the tolls and water-rents which may be raised from this improvement by the tolls and rents derived from similar works in less productive countries, we consider it a low estimate to calculate on the receipt of fifty thousand dollars the first year, on that part of the work which will be completed from the proceeds of the sale of all the lands. The second year the receipt would be sixty thousand, and so they will go on increasing till rival works cause their reduction. Apply thirty thousand dollars for superintendence, and repairs, the remainder—

twenty thousand the first year, thirty thousand the second year, forty thousand the third year, and so on increasing, will be applicable to the further extension of the work. Hence we express full confidence that with a prudent management of the appropriation the improvement can be carried within a reasonable time, beyond the Forks. But all this success depends on the amount to be raised from the lands. In order to establish this progressive system we must have a sufficient base to acquire a surplus of receipts upon. A short improvement would bring only nominal tolls, because it would not draw in the trade of the country: but a base of one hundred and fifty, or two hundred miles, will command the entire commerce of the region, create a large annual income, and secure the success of our calculations. We know with sufficient certainty, from the contracts themselves that the work can be made to Ottumwa for a little more than half the value of the lands appropriated; but we have no knowledge of the cost of the work above that town, as the surveys have not been completed. Enough is known however, to forewarn us that we have every reason to husband our means, while we are confident at the same time that we should do all in our power to hasten forward the progress of the work.

Lands appropriated to other States for similar purposes, have, in all instances, been regarded as property which should have the benefit of a rise of market prices. With this view they have been reserved from the grasp of speculators who understand the important change which must grow out of the contemplated work, and who have the means to secure to themselves profits which should be applied to the work itself. Anticipating the great disadvantage which arises from pressing sales before the work is laid out and constructed, other States have usually found means to bring these lands into market to the best advantage, without any delay in the progress of the improvement. We believe that Iowa affords the first instance of a State recognizing prior right of any kind to settlements on lands of this character at \$1 25 per acre. We have taken some pains to inform ourselves with regard to the practice of other States, and we invariably find them vying with each other in trying to make the largest possible amount of money out

of such grants, without regard to settlements previously made; as if conscious that they were merely guardians of a donation made for a specific object, and that the settlers would derive an equivalent from the enhanced value of their lands. By making the best possible disposition of these lands, a protection is afforded to districts and counties remote from the grant, as they must bear their proportion of any tax which may be imposed by the State to supply a deficit in the appropriation, and an influence is thereby created which generally preserves the trust from improvident abuse. Such lands, in other States, have been appraised at graded rates, some as high as ten dollars per acre, but in no instance that we have heard of lower than two dollars and fifty cents. We are informed that the Ohio canal lands were first appraised at from two and a half to five dollars per acre, and subsequently from five to ten, and most of these lands are now disposed of. The lowest grade of the Wabash and Erie canal lands in Indiana, and of the Illinois canal lands, was three and a half dollars per acre, and those of the latter State were sold at auction in August last at prices ranging from 7 to 20 dollars per acre, which was considered a very low rate. All these States, as also Michigan, have borrowed money for the prosecution of their works, and have hypothecated their lands with a view to their enhanced value after the completion of their respective improvements. The State of Iowa has prevented, by her organic law, the creation of a State debt, and has thus wisely guarded her citizens against the burthen of taxation so oppressive in some of our sister States. By this restriction in our constitution the legislature is prohibited from appropriating State funds to internal improvements, and yet no State is more sensible of the importance of public works. The only way of promoting an object so desirable to Iowa, is by securing, and prudently applying appropriations of lands from the General Government, and by affording liberal advantages to capitalists who may desire to apply their means in objects of this character. A wise application of the Des Moines appropriation will prove to Congress the advantage of further liberality, while a different disposition may induce the general government to reserve to herself the management of the proceeds of our domain

in future. Is this then a proper time to press the sale of these lands with a view to producing the greatest good to the greatest number? The General Government is now issuing a large number of military warrants which are depreciated in consequence of their abundance, so as to enable purchasers to obtain Congress lands at very low rates. At the same time an unusual quantity of lands have recently been offered for sale by the United States, in the immediate vicinity of our improvement, and an additional quantity is now in progress of survey, to be offered next spring. While these acts of the General Government really enhance the pecuniary value of the State lands, by bringing the even sections into early settlement and improvement, they have a direct tendency to reduce the present market price of lands, and thus require the State lands to be sold at a like depreciation. The question then arises whether we had better enter this depreciated market, and sacrifice our lands to raise means to progress with the work, or had we better seek means as other states have done, and derive the advantage which will arise from the settlement of Congress land and the erection of the improvement. The desire of the community for the early completion of the work is founded on an increasing demand for a means of disposing of their agricultural products.—A country so easily brought into cultivation soon furnishes a large surplus. Already the neighborhood of the Forks and all the country east of it, is anxiously desiring the completion of the improvement in order to send off accumulating stores of corn, wheat, pork and other commodities. These demands have induced the board to anticipate the proceeds of sales, and the contracts already let are so constituted as to progress, though the payments must await the sale of the lands, but with abundant means which, with the aid of the State, can be obtained in advance of a sale of lands, these contracts can be sooner accomplished, and others put in progress,

We are committed to 85 per cent., cash payments, on contracts embraced in the first letting, conditioned, however, on the unimpeded progress of land sales, so that the first letting requires all the avails until that part of the work is completed and paid for. The second letting is entirely on a credit, based on the appro-

priation. No money is to be paid out on this second letting beyond the actual cost of work or materials assumed by the State, until all the work embraced in, and incidental to, the first letting, is fully paid for; but payments on monthly estimates are to be made in bonds, or certificates of indebtedness, bearing an interest of six per cent per annum, until redeemed in payments for lands, or from the proceeds of sales of lands specifically donated for the improvement. As the interest to be paid on these bonds is small, compared with the immense advantages which the people and the State will derive from an early completion of the work, the greatest, if not the only objection which will present itself to the minds of many, at first sight, is the danger of a depreciation in the value of these bonds, as in other States, by making them a circulating medium in the community. We confess that the expedient afforded a subject of serious thought to ourselves for some time; but to guard against a result so much to be deplored by every one having the interests of the State at heart (as a distinction is, too frequently, not drawn abroad between bonds of this description and those of the State proper) no bond is to be issued of a less denomination than five hundred dollars, and as they will not be redeemable at the Treasury for any other purpose whatever until after the first series of contracts are completed, there remains little doubt but their circulation will be limited to the hands of capitalists.

It will be seen therefore, that a species of certificates, or bonds, are contemplated as the means of paying the second series of contracts. Certificates of this character are often resorted to, as we are informed, by Boards of other States, when means of immediate payment is not convenient. Such certificates can only have a local credit, as the acts of the Board are not published, and do not carry with them the same guarantee of fidelity as those of the Legislature of the State. However good and secure our certificates may be, they are more likely to become depreciated than bonds on the same security authorized by legislative enactment. No certificates have as yet been issued under the arrangements with the last contractors, as no estimate has yet been called for. In the mean time it has occurred to the Board that bonds bearing the sanction of the Supreme

power of the State, issued by the Board, and pledging the proceeds of the sale of land as well as the tolls of the improvement for their redemption, would be less likely to depreciate, and would secure means in advance of land sales, to prosecute the work with greater speed and economy.

We submit therefore, to the wisdom of the General Assembly whether the active progress and ultimate interest of the Des Moines river improvement would not be promoted by a direct resort to this expedient. The lands appropriated will become very valuable as the improvement progresses, and the alternate sections of government land become settled upon and improved. It is believed that a loan of this character could be negotiated without much difficulty, as the security would be ample, and the money would only be required by instalments at stated periods. The necessity of issuing certificates on the contracts of August will be obviated. Confidence will be secured to our own citizens, with regard to the completion of the work, and an impetus will be given to emigration into the interior of the State. Whether our suggestion shall meet with the approbation of wiser counsel or not, we take it to be the part of wisdom to superintend the management and care of these lands with fidelity, so that they may yield the largest possible amount at the maturity of our ward. We present our views in no ambiguous language, but with due deference to the opinions of others with whom we are not fortunate enough to agree. We are aware that local interest, the most dangerous of all passions, is strongly arrayed against any proposition which contemplates any benefit to the State from an enhanced value of the lands; but we would be unworthy of the responsible trusts delegated to us, as agents of the whole State, did we suffer a local atmosphere to influence our unbiased sense of right. Why, we ask, should the people of Iowa give these lands at a nominal value to persons who, perhaps, have not yet set foot on our soil. They are not ours by absolute, but by special and conditional right,—a gift, the object of which is defined by the donor, under the imposition of a moral obligation faithfully to execute the interest of the trust. In matters of our own we may be generous, but in matters fiduciary we must be just. To press the untimely sale of these lands, or to offer them a sacrifice to lo-

cal and temporary excitement, is a breach of confidence which we cannot approve, and are not prepared to recommend.

Considering therefore, the fidelity due to the State and General Government, the importance of the economical and early completion of the work, the interests and necessities of those settlements which have been formed, and those which must hereafter depend on the extension of the Des Moines improvement, we earnestly and respectfully urge your favorable consideration of this subject. Our views should not be confined to the operations of a day or a year, but we should calmly consider the consequences of our conduct with reference to the future.—

Though in works of this character we are pioneers on the western side of the Mississippi, we are so connected with the past and the future, the east and the west that every step we take must involve the affairs of thousands who at some future period will be interested in the landmarks we are now erecting. The county (Wapello) from which we now have the honor to address you contains a population of nearly ten thousand souls,—five and a half years ago it was a wilderness, in the undisputed possession of the Sac and Fox Indians; and organized counties exist in full possession of municipal rights over a hundred miles westward. The extraordinary discoveries which, within a few years, have so much improved the facilities of intercourse between widely separated portions of our country, have so enhanced the value and importance of the west as to attract the rich and the poor, the old and the young, to the fertile regions of the Upper Mississippi. Our rivers will be improved—rail roads will be extended, and the telegraph will give us hourly tidings from all parts of the world. These influences, connected with the wonderful ease of preparing our soil for annual productions, must increase the wave of emigration, and in a few years it will overflow all this county. Our humble labors in connection with the future destiny of the Upper Mississippi, like the motion of a particle of matter, involves the interests of a great system, and we sincerely desire that every means tending to a speedy and successful completion of our first enterprise may be regarded by you, as it is by us, as worthy of our united and unwavering energies.

We have already said that it was found necessary to locate a side cut between the mouth of the river and St. Francisville, for the purpose of avoiding low banks and sandy foundations which recur in that portion of the river. It is probable that similar means may be needed in the progress of the work above Ottumwa. The law creating a Board of Public Works, approved, February 24th, 1847, authorizes the board "to make arrangements with proprietors of the land adjacent to the dams" for mill purposes, and in case of disagreement, a jury may be summoned to determine the amount of compensation. The law does not clearly give the right to take lands for the public highway, created by raising pools and constructing side cuts. When persons reside on the premises, and are competent to grant privileges, no difficulty is to be apprehended, but to satisfy doubts and prevent difficulties. The board would respectfully suggest the enactment of a law authorizing them to take property for public uses, by compensating the owner, and when the owner cannot be found, or cannot convey, and when the damage cannot be amicably adjusted, a commission of more simple application is needed to determine the compensation.

The board, as at present organized, cannot watch the timber or punish offenders who commit waste on the lands included in the appropriation, and the penalty of "double the value" of the trespass, affords little or no protection. A law bringing these lands under the care of the county commissioners, by covering them with the same laws that now shield the school lands, would, in our opinion, prove an adequate security.

We also recommend the passage of a law to prevent trespass on public works; as a trifling act of trespass to a dam or embankment may tend to several thousand dollars expense, besides a hazard of life and delay of commerce. A public law of this description will impress the necessity of caution on the community.

As all the works of internal improvement in a State must have a connection or influence on each other, and trusting that, with the aid of Congress, other works may be projected, having a more general and different locality, we submit the propriety of an enlargement of the duties of this board so as to connect

them and their records with other and future operations of this character. The duties of the board should not be local in character, nor should each scheme of improvement have its separate board, but the whole State should be represented in one. It was also a great oversight to have the terms of office of all the members expire at the same time, for, as it is impossible to have all the transactions minutely detailed on record, a board may, without design, conduct its business in such a manner as to leave complicated difficulties or ambiguities in the way of its successors. An entire new board will have to learn all that their predecessors have done, before they can satisfy themselves, or afford full satisfaction to those who are connected with them; and when they have acquired a knowledge of their duties, or it may be, restored order out of chaos, and every thing is going on harmoniously; they again give way to a new set of novices who stumble against the same impediment, and have to school themselves in the same routine.

Experience has also taught us that the land office is a very cumbrous and inexpedient appendage to the Board of Public Works. The act approved 24th February, 1847, provides that "the Treasurer (of the Board) shall be Receiver, and the Secretary shall be Register, and the Treasurer and Secretary in the discharge of their duties as Receiver and Register, shall be governed by the laws and rules prescribed by Congress for the sale of lands in this State." These laws and rules of Congress are obsolete, and not at all adapted to our circumstances. They confine two members of the board within doors, where they can have no personal knowledge of the progress of the improvement. Other States have tried, and have discarded the system under which we act, and we therefore suggest the propriety of making each department separate from, and independent of the other, as in Pennsylvania, Ohio, &c. The States referred to have each a State land office, and we submit to the wisdom of the General Assembly whether it would not be expedient to establish a similar department for all lands which now are, or hereafter may be donated to the State of Iowa. A well regulated land office, organized with system and economy by competent officers, would be one of the most interesting and useful de-

partments of our State government. With this land office may also be connected a bureau of statistics, and other useful sources of information now much needed at the capital.

A condensed statement of receipts and disbursements is herewith submitted, showing the balance in the Treasury.

The report of the chief engineer will also be found herewith, together with plans, estimates, specifications, and form of bids used at the lettings, to which we refer for more particular detail.

The survey of the work above Ottumwa, is now in progress, and will be reported to us by the Chief Engineer at as early a period as practicable. If received in time it will be submitted to your Excellency during the present session of the General Assembly.

In concluding our report we must express our regret that time and circumstances have not placed it within our power to define more accurately the extent of the appropriation, or the entire magnitude of the proposed work. Though our duties have involved painful responsibilities, and diligent and arduous labors, we have been stimulated in our exertions by the daily success of our energies, and the growing prosperity of the State. Iowa cannot fail to become one of the richest States of the confederacy. With the Mississippi on the east, the Missouri on the west, an unimpeded steamboat navigation through her centre, extending from north-west to south-east; with resources of lead, coal, iron, zinc, gypsum, and other minerals to an indefinite extent; industry with prudence, and wisdom with caution, will make her great and prosperous.

Respectfully submitted,

HUGH W. SAMPLE,
CHAS. CORKERY,
PAUL BRATTAIN.

TREASURER'S ACCOUNT.

[illegible]

DECEMBER, 1st, 1848.

PAUL BRATTAIN, Treasurer,

ENGINEER'S REPORT, NO. 1.

ENGINEER'S OFFICE, KEOKUK, IOWA, }
March 20, 1848. }

To the Honorable the Board of Public Works:

In compliance with your directions, I have surveyed the Des Moines river, with a view to its improvement, from the mouth as far up as Ottumwa, a distance by measurement of ninety miles.

Previous to making final locations, and minute estimates, it becomes necessary for the Board to determine on the plan of improvement; and I therefore report the general result of my labors this far, with a view to elicit your views on this matter.

The Des Moines river at high water, has near its mouth, several branches; all debouching into the Mississippi river, between the city of Keokuk, in Iowa, and the town of Alexandria, in Missouri.

These various channels may be designated as the "Dead Slough," which empties into the Mississippi one and one half miles below Keokuk. The "Nassau Slough" which empties into the Mississippi about one mile below; the "middle channel;" the "second channel," and the "old channel," which empties in at Alexandria.

Before proceeding up the main channel, I surveyed all these branches by meandering, and taking such points as enable me to plat the entire topography of the ground adjacent to the mouth; so that by reference to drawings, the matter can be more fully understood by you.

When I commenced the survey in December, 1847, the water was very low in the Mississippi, and Des Moines, and only two of the channels above mentioned, discharged water from the Des Moines. These were the two called the "Nassau Slough" and "Middle channel."

The "Nassau Slough" was from three to five feet deep, and

averaged about one hundred and sixty feet wide. It discharged a large portion, say three-fourths of the water of the Des Moines. This Slough is evidently a new channel or "cut off," and is much narrower than the main channel, being indeed only about one fourth of the usual width of the river above. It is the shortest water line to the Mississippi; and at a low stage, offers at present the best navigation.

I commenced, therefore, the measure of the river at the mouth of this Slough, and meandered, levelled and sketched the topography of the line from this point, upwards to Ottumwa, when I suspended operations, for the purpose of reporting to you and preparing a part of the work for contract.

At "Mott's Ferry," one mile and sixty-eight chains, from the Mississippi, we find ourselves above the dividing point of all these various branches of the Des Moines. Below this point, via. the Nassau Slough, the water in the channel is from three to five feet deep, and would by a little clearing of drift, make navigation for such boats as usually run at low water on the Upper Mississippi. We also find rock in the bed of the river at this point, ("Mott's Ferry.") It is inclined from the Iowa towards the Missouri shore, being at the water's edge on the Iowa side, and sixteen feet below the surface, two hundred feet from the shore.

From "Mott's Ferry," up to St. Francisville, the channel is crooked, the bottom is sandy, and the banks low.

At St. Francisville (14 1-2 miles from the starting point) there is rock in the bed of the river, extending and inclining from the Missouri side towards the Iowa side. By sounding we find it at the middle of the river, where it is covered with ten feet of sand, and on the Iowa side we could not reach it with a twelve foot iron rod. From its inclination, however, I suppose it can be reached with piles from fifteen to twenty feet long.

Above St. Francisville, the river has generally a smooth rock bottom, with a straight clean channel of uniform width, and with banks ranging from twenty to twenty-five feet high.

Dividing the parts of the line into sections so as to show the fall between different points in connection with the fall of the

whole line from Ottumwa to the mouth ; it may be stated as follows :

Fall from Ottumwa to St. Francisville,	133.46 feet
“ “ St. Francisville to “ Mott’s Ferry,”	19.81 “
“ “ “ Mott’s Ferry” to the Mississippi,	3.37 “

Total fall from Ottumwa to the mouth,	156.64 “
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It will be seen by the Board, that the character of the river below St. Francisville, is very different from the section above.— The meandering stream, low banks, and sandy bottom of the lower sections, contrast with the straight channel, high banks, and solid limestone bed of the upper section. The lower section is shifting and full of drift, while the upper section is unchangeable and quite clear of deposit.

Many expedients have been tried to secure in shallow rivers a sufficient depth of water for the transit of boats. Contracting and clearing a channel is one mode. Such a plan has been tried on the Ohio and Muskingum rivers, and so far as I have observed it has resulted in almost, if not quite a failure.

As you narrow a stream you increase the velocity of the current, and this increase of velocity will remove the earth in the banks, so as to assume its former width and depth.

A system of dams and locks, connecting pools in a river, first lead to the idea of a canal ; but canals were preferred because of the convenient application of horse power, to propel boats on their even and well constructed banks. Since the discovery of steam power, and its application to boats, pools by dams have been revived for navigable uses, and in many rivers this mode of improvement must be preferred. The only objection that has been raised to it is the difficulty of securing the work against the influence of floods.

Experience has proved that dams on gravel foundations are very expensive, and liable to breaches ; while those erected on rock are generally safe.

A system of dams and locks, above St. Francisville, where the banks are high and the bed of the river solid rock, is in my opinion the most reasonable and natural mode of securing a valuable improvement of the Des Moines.

At St. Francisville, I would recommend the erection of a dam, and from the pool, I would carry a side cut on the north side of the river, keeping near the bluff, and cutting off the bends of the river.

At "Mott's Ferry" you have a rock foundation to erect locks upon, so as to lock down into the river, where you can accommodate all the lower branches. This side cut will be about ten miles long, which is nearly three miles shorter than the river line between the same points.

A temporary terminus of the side cut can be made at "Mott's Ferry," and the lower branches being cleared of drift, will give navigation to the Mississippi. Should the branches all become shallow, as I apprehend the Nassau slough will when it washes to its natural width, you can continue the side cut around the bluff, and terminate on rock in the Mississippi, at the head of the dead slough.

This plan of improvement can, in my opinion, be regarded as sure and permanent. There may be some difficulty at St. Francisville in getting a good foundation for the north end of the dam; but most of this dam can certainly be placed on rock.

All the locks will be on rock except one about the middle of the side cut, where it will not be exposed to the wash of the river, and therefore equally secure. Sugar creek will have to be carried over the canal bank on a weir. There may be a weak point at this weir; but should this point give way, (which should be guarded with all reasonable precautions,) there will only be a breach sufficient to pass Sugar creek through the canal bank, an injury that can be soon repaired at a trifling expense.

I would recommend the north, in preference to the south side of the river for locating a side cut, because you can, most of the way, run along the side of a bluff, where an embankment on one side is all that is needed to make a wide canal; and because the same bluff affords abundance of stone for the construction of locks, weirs, and protection. These advantages are not obtained on the south side, where the bottom extends from eight to ten miles, and stone could only be obtained by transporting it from St. Francisville, or from the bluff before mentioned, on the north side of the river.

On the south side our terminus would be loose sand foundation, where excavations for large pits would have to be made several feet below low water, in order to build a wooden foundation; while on the north side we can place locks, mills, and all our constructions, on the most permanent foundation without this expense and hazard.

The uniform width of the Des Moines above St. Francisville is about seven hundred feet. It is sufficiently wide to accommodate the steamboats running on the upper Mississippi.

The valley drained by the Des Moines river is exceedingly fertile and very extensive. Every acre seems capable of cultivation. All the surplus products of this vast country, extending from the mouth in the south east to its source near the north-west of Iowa, will naturally follow the channel of this river to find a market. Abundance of coal, and some indications of other valuable minerals, are found in the course of our survey. It is hard to over estimate the future products of a country so rich and so easily brought into a state of cultivation.

The improvement of the river should be commenced in view of all these circumstances. The work should have a capacity sufficient to satisfy future demands; it should be a trunk upon which the State may hereafter engraft many branches. Capacity, durability, and economy, should characterize the plans which are adopted; so that whatever is done it may prove permanently useful. With this view of the matter, I would respectfully recommend locks with chambers 44 feet wide and 175 feet long.

As the stone on the river is hard and very expensive to cut into ashlers, I recommend the use of strong rubble masonry, rendered tight by the use of hydraulic cement. The entire chamber should be covered with three coats. Such locks will be much cheaper than stone locks, and I see no reason to doubt their entire fitness. The use of hydraulic cement has been tested in the construction of cisterns all over the country, and it seems to me therefore hardly necessary to doubt its adequacy. But for abundant caution, I recommend that iron bars be laid in the walls so that there may be a plank revetment on the inside to serve as a protection and prevent leakage. If, then, the cement fail,

the inside of the locks can be planked and thus rendered certainly tight. Planking the inside of locks is no experiment; it has also been tested, and the interest of the money required to cut the stone will renew the plank as often as required. The plan of a lock here submitted will show the size of walls and other particulars. Dams should be made of stone secured in cribs of timber. When the foundation is good, a base of three times the height is, in my opinion, sufficient. When the foundation is not good it must be made so by piling, and the plan will be otherwise modified.

I submit a plan with these slopes and crib abutments. As gravel is very scarce in many places on the river, I have projected planking on the centre row of string pieces, which, being carefully spiked on, will render but little gravel necessary to make the dam tight.

Drawings, specifications, and estimates, on these plans are herewith submitted to the Board and made part of this report. They will require changes after locations, but they furnish a general view of the character of the work.

I cannot close this report to the Board without acknowledging the efficient and diligent services of my assistants, Guy Wells, Samuel Jacobs, and M. M. Hayden, who have faithfully shared with me the toil and exposure of the winter campaign.

Respectfully submitted,

SAMUEL R. CURTIS, Chief Engineer.

(A)

SPECIFICATIONS

FOR CONSTRUCTING THE WORKS ON THE DES MOLNES
RIVER IMPROVEMENT.

All excavation, piling and bailing, below low water, required to secure a good foundation for locks, dams, and abutments, shall be done by the contractor, at actual cost, which cost shall be estimated by the Principal Engineer ; or this work may, at the discretion of the Board of Public Works, be executed by hands employed and superintended by the agents of the State.

The contractors will be expected to commence their work immediately after the letting, and progress with due diligence, and if the contractor fails or neglects to prosecute the work with due diligence, and according to the plans and directions of the Engineers, the matter shall be so reported to the Board of Public Works, who will, at their discretion, declare the contract forfeited, and the work will thereafter, be under the control of the Board.

The gates for the locks, the iron, bolts, spikes, anchor bars, the machinery for opening the gates, the steps for heel-posts, and the hydraulic lime, will be furnished by the Board of Public Works to the contractor, who will be made responsible for their care and use according to direction.

Changes of location will sometimes be made to lessen the expense of the work ; but increasing quantities of work of a particular kind, or diminishing the quantities, will not change the rate of price paid the contractor, unless the matter be agreed upon before the change of location ; but a change of location, requiring a different quality of work, shall require a change of price, either more or less, as the case may be. In such cases the matter shall be referred to the Principal Engineer, who shall decide the question of change of price, and his decision shall be final and binding on the contractor and the State.

Changes of plans to suit new developements of localities, may be made by the Board of Public Works, at their discretion, and the change of quantity shall not change the rate of price; but a change involving a different kind of work shall leave the assessment of advantage or disadvantage to the Principal Engineer, who shall deduct from, or add to the price due the contractor, as he may deem just and right, and his estimate duly made and reported to the contractor and to the President of the Board of Public Works, shall conclude both the contractor and the State in relation to the matter.

All the work must be made and stand at the risk of the contractor, until the entire contract is completed to the satisfaction of the Principal Engineer; and all the locks and canals must be cleaned out, and other work must be in a complete state of finish, before the responsibility of the contractor will expire. Due allowance must also be made for the settling of banks, when banks are finished and before they are fully settled, and this allowance will be thrown out of the calculation of embankment in paying the contractor.

FOR MAKING CANAL.

When the ground in the canal is below bottom, it will have to be cleared by cutting the trees down even with the earth, and removing all the logs and brush.

When there is excavation which is also to be used as embankment, it will not be paid for as embankment and excavation, but shall be denominated according to the name of the greater quantity in the station. If, however, embankment is conveyed over 200 feet beyond the end of excavation, measuring along the line of the canal, then the contractor shall have pay for both excavation and embankment.

The ground where the inner slope of embankment and centre ten feet are to be laid, must be grubbed and cleared of all vegetable matter, and where the soil requires it, a puddle ditch shall be excavated, at the discretion of the Engineer, and estimated as excavation. After the ground is sufficiently cleared for the outer slope, by moving the logs and brush and removing such trees as lean towards the canal, the embankment must be raised

by successive strata, which strata shall not exceed four feet in thickness, and no vegetable matter must constitute a part of the embankment.

The banks and bottom of canal, and all the work connected with it must conform to the grade and lines of the Engineer, and must do so to his satisfaction.

Bids should contain a price per section for grubbing and clearing.

A price per yard for earth excavation.

A price per yard for rock excavation.

A price per yard for embankment, and

A price per perch (of 25 cubic feet) for protection stone.

FOR CULVERT ON SECTION NO. III.

This culvert is to have a span of 12 feet, and be about 140 feet long, with a semi-circular arch of two feet. It will have to be inserted low in the ground, and have a timber foundation, covered with two inch white or burr oak plank, well spiked on the timbers, and secured at the upper one with sheet piling.—The timber is to be of the best white or burr oak, large enough to square one foot, flattened or hewed straight on the upper and lower surface, and laid one foot apart in the clear, across the pit.

The stone are to be of the best quality, to have good flat beds, and to be of such length as to reach through the wall, and at least half as wide as long—their thickness not to be less than four inches. Every stone, when laid, is to point towards the centre of the arch.

The wall is to be built in the most substantial manner, and whenever and as often as it is raised two feet, it is to be thoroughly grouted with hydraulic cement; but this is not to be done without first having been examined by the Engineer, to see whether it is well laid. The wall, while constructing, is to be kept level, and of one uniform height, and great care is to be taken to keep the stone clean, so that the grout may adhere firmly to them. Before grouting, the wall is to be thoroughly wet.—The stone must be accurately scabbled or hammer dressed to suit a pattern of the arch, such as the Engineer may approve; and they must all be laid with close joints.

Bids must be made for masonry by the perch, which will include pit excavation, foundation and entire finish.

FOR LOCK AND FOUNDATION.

The foundation of locks on rock, will be prepared by clearing off the earth and gravel, and should any part of the rock require excavating, it will be regarded as rock excavation, and paid for as such.

All excavation below low water, will be done by the State as before mentioned. And excavation will usually be made for the lower mitre sills and the swing of the lower gates.

Where there is earth foundation, the canal excavation will be estimated, and lock-pit excavation only estimated for that part of earth which requires to be moved after the canal is excavated.

The pit must be excavated to suitable depth and width according to the Engineer's plans, and a timber foundation laid in the usual form of such works. The timber must be hewed on the upper and lower surface, and laid perfectly level. It will then be covered with good sound three inch white or burr oak plank, jointed and laid close, with bevel edge, according to the plan of the Engineer. These plank will be well spiked down, with at least five spikes for every ten superficial feet.

The lock foundation having been prepared according to the grade and plan of the Engineer the masonry for the walls shall be commenced and carried up in successive courses. The face and exterior stone must contain not less than five cubic feet, and be at least four inches thick; none of them must have less than eighteen inches bed, nor less bed than face. They must be scabbled or hammer dressed, so as to present a plain surface for a bed, joint and face, and must bind the wall with headers, at least one in every nine feet, and not less than five feet long, and stretchers not less than three feet long. The interior stone must be carefully and skilfully laid, so as to bind and secure the entire mass. The greatest care must be taken to make the wall tight where it is exposed to the pressure of water. This will be the case on all the face stone in the chamber and the face stone above the upper gates.

The exterior stone above the dam and adjacent to a way for

water, which in some instances, will be passed around the outer wall, for mill purposes, will sustain a pressure of the head of water, and must also be tight. To secure tight work, the joints and beds of the exterior course must be pressed down, so there shall be no crevice or joint over one fourth of an inch wide. The entire wall is to be laid in good lime mortar. The exterior courses within two feet of the outside, all round the wall, must be laid in mortar made of hydraulic lime. Range work is not required, but a strong and superior quality of rubble masonry is designed, and will be insisted on. The hydraulic lime will be furnished by the State, but the contractor must erect and keep a suitable shelter for it, and preserve it from waste. It must be mixed with sand, and used by the contractor according to the directions of the Engineer. The coping of the walls will be cut stone, not less than ten inches thick, and at least half of the width of the wall in length.

Iron bars, furnished by the State, will be incorporated in the walls at such interval as the Engineer may direct, and according to the plan of the Engineer. Lime, sand and mortar will have to be of the best quality, and none but good masons should be employed in laying the walls. The species of masonry here required, is difficult to define, but will be readily understood by good workmen. The strength and tightness of the work will depend on the skill of workmen, and where a sufficient knowledge of the art of masonry is not displayed by the workmen engaged in selecting and laying material, the matter may be laid before the Principal Engineer as a sufficient cause to remove the contractor; and should the Principal Engineer decide that the work is not carried on by workmen skilled in the trade, the contract may, at the discretion of the Board be declared forfeited, and taken out of the hands of the contractor.

In bids for a Lock, there should be proposed as follows :

A price per yard for pit excavation in earth.

A price per yard for rock excavation.

A price per yard for embankment.

A price per square foot for foundation timber.

A price per hundred feet board measure for three inch plank in foundation.

A price per hundred feet board measure for two inch plank laid as floor in chamber of lock.

A price per perch (of 25 cubic feet) for masonry in lock walls.

A price per yard for protecting stone, and

A price per cubic foot for mitre sills.

FOR A DAM AND ABUTMENT.

Where it is possible the dams will be placed on rock foundation. In such locations but little work is needed before commencing the dam. There must be a surface prepared across the river, upon which the lower sills must be bolted with iron bolts. The ties will be carefully framed across these sills, and pinned to them with seasoned white-oak pins, two inches in diameter.— Upon these ties a second course of string pieces will be framed and pinned, and so the work will progress. A course of string pieces must be carried up in the centre, and two inch plank carefully fitted to the upper side and spiked on, covering the face and making the dam water tight from the bottom to the top.

The cribs are to be filled with stone as the work progresses. The dam is to be drawn in as it rises in the style of a pent-roof, and when erected to its proper height, it is to be covered with three inch white or burr-oak plank on the lower, and two inch white or burr-oak plank on the upper slope. These plank are to be pinned on with seasoned white-oak pins in the most careful and substantial manner.

The outer and centre string pieces (those timbers which cross the river) must be one foot square, hewed square and straight. The remainder of the string pieces and ties may be made of round, straight timber, not less than ten inches in diameter at the small end. The splices, notches and connections of timber, everywhere, must be carefully made in the best style of carpentry. For this purpose, all the strings and ties must be hewed square at the points of connection, and notches must be laid off and cut with a saw so as to secure a complete joint.

Wooden pins, which are to be used in the work, must be made of even size and round, so as to fit the two inch augur holes.— They must be made before the timber is laid, and subjected to the

inspection of the Engineer. The abutments will, also, be crib of work. The timber to be white or burr-oak, hewed one foot square, and straight. The upper end of the abutments will be covered, (as shown by the plan,) with two inch white or burr-oak plank, jointed and spiked on to the abutment timbers.—Where a crib is required to conduct water around the abutment it will be made similar to the abutment, and constitute a part of it. The dam, abutments, and cribs for conducting water around the abutments will be understood as part of the dam, and included in the same contract.

Bids for building a dam must contain proposals as follows :

A price for round timber for ties and string pieces, per lineal foot.

A price for square timber used in dam and abutment, per lineal foot.

A price per hundred feet, board measure, for three inch plank.

A price per hundred feet, board measure, for two inch plank.

A price per perch (of 25 cubic feet) for stone in cribs.

A price per cubic yard for excavation of earth in abutment pits.

A price per cubic yard for excavation of rock in abutment pits.

A price per cubic yard for embankment, and

A price per cubic yard for gravel above dam.

(B)

*Form of Proposals prescribed for bidders at the first letting of the
Des Moines river improvement.*

TO THE BOARD OF PUBLIC WORKS OF THE STATE OF IOWA:

GENTLEMEN: ———— propose to construct the following work on the Des Moines River Improvement, on the following terms:

FOR LOCK No. ————

	DOLLS.	Cts.
Excavation of earth for Lock-pit, per cubic yard,		
Excavation of rock for Lock-pit, per cubic yard,		
Puddling in lock foundation, per cubic yard,		
Embankment per cubic yard,		
Foundation timber, laid in work, per square foot,		
3 inch white or burr oak plank, laid in foundation per hundred feet, board measure,		
2 inch white or burr oak plank, laid as floor in chamber of lock, per 100 feet, board measure,		
Masonry laid in Lock walls, per perch of 25 cubic feet,		
Stone protection for embankment, per perch of 25 cubic feet,		
Mitre sills, per cubic foot, laid in work,		

FOR DAM No. ———— AND ABUTMENT.

	DOLLS.	Cts.
Round timber, used as ties and string pieces, laid in work, per lineal foot,		
Square timber used in dam and abutment, laid in work, per lineal foot,		
3 inch white or burr oak plank, laid in work, per hundred feet board measure,		
2 inch white or burr oak plank, laid in work, per hundred feet, board measure,		
Stone, in cribs of dam and abutments, per perch of 25 cubic feet,		
Excavation of earth, for abutment pits, per cubic yard,		
Excavation of rock, for abutment pits, per cubic yard,		
Embankment of earth, per cubic yard,		
Stone protection of bank above and below abutment, where it is required, per perch,		
Gravel above dam, laid as directed by the engineer, per cubic yard,		

All the above work to be done according to the plans and specifications, unless otherwise directed by the Engineer.

(C)

*Form of proposals for Canal prescribed at the first letting of the
Des Moines river improvement.*

TO THE BOARD OF PUBLIC WORKS OF THE STATE OF IOWA:

GENTLEMEN: ———— propose to construct the following work on the Des Moines River Improvement, on the following terms:

FOR CANAL, SECTION No. ————

	DOLLS.	Cts.
Grubbing and clearing, per section,		
Excavation of earth per cubic yard,		
Excavation of rock, per cubic yard,		
Embankment, per cubic yard,		
Stone protection of embankment, per perch of 25 cubic feet,		
Masonry of Culvert, per perch of 25 cubic feet which will include pit, excavation, foundation, and entire finish,		

All the above work to be done according to the plans and specifications, unless otherwise directed by the Engineer.

Estimated cost of the dam at St. Francisville, with part gravel bottom.

126 cross-ties 45 feet, round,	5,670,	
63 " 38 " "	2,394,	
63 " 32 " "	2,016,	
63 " 26 " "	1,638,	
63 " 20 " "	1,260,	
63 " 15 " "	945,	
63 " 8.5 " "	535,—14,458, at 4 cts.	\$578 32
2,700 piles, various lengths, at \$2 each,		5,400 00
32 string pieces 750 feet each, 24,000, at 8 cents,		1,920 00
90 M feet, b. meas., 3 inch plank on lower slope, and apron, at \$15,		1,350 00
28,500 feet, b. measure, 2 inch plank on upper slope at \$14,		399 00
20,000 feet, b. measure, sheet piling, at \$15,		300 00
12,000 feet, b. measure, vertical plank to tighten dam, at \$15,		180 00
11,460 perch of stone, 1,538 perch of timber,		
9,922 perch stone, at \$1,		9,922 00
Two abutments, as per estimates, at \$437 84 each,		875 68
Excavation of 2 abutment pits, 1,000 yds, at 15 c.,		150 00
		<hr/>
		\$21,075 00

SAMUEL R. CURTIS, Principal Engineer,
Engineer's office, March 15, 1848.

Estimated cost of Guard Lock at head of canal at St Francisville.

244 perch of masonry in wall, at \$3,	\$732 00
10 barrels hydraulic cement, at \$3 50,	35 00
21,000 ft foundation timbers 2 sides hewn \$6,	126 00
6,300 " b measure, 3 inch plank, at \$15,	94 50
1,400 " " (two rows) sheet piling, at 15,	21 00
880 ft. b. m. flooring planks, 2 inch at 14	12 32

16 iron rods laid in wall, at \$1 each,	16 00
400 yards excavation after canal is excavated, at 12 cents,	48 00
500 yards embankment after walls are erected, at 15 cents,	75 00
Gates, as per estimate, lock gates,	426 75
	<hr/> \$1,586 57

SAMUEL R. CURTIS, Principal Engineer.

Engineer's department, March 20, 1848.

Estimate of lock on side cut near Little Yellow Bank, Des Moines river.

2,000 cubic yards excavation of lock pit, after canal is excavated, the banks being left 1-2 to 1-6 feet cutting, 8 feet to lock bottom, to repeat ; 2,000 yards, at 12 cents,	\$240 00
1,134 yards lock embankment to be put in at lower end of lock after walls are erected, at 15 cents,	170 10
15,000 feet foundation timber, 2 sides hewn, at 6 c.	900 00
47,000 " board measure, 3 inch plank covering foundation timber, at 2 1-2 cts.,	705 00
15,200 feet board measure, 2 inch plank, floor of lock pit, at 1 1-2 cents,	228 00
3,920 feet board measure, sheet piling, five courses four feet deep, at 1 1-2 cts.,	58 80
1,900 perches masonry in lock walls, at \$3,	5,700 00
50 bbls. hydraulic cement, at \$3 50,	175 00
160 iron bars with links at the end, laid in the wall, at \$1 each,	160 00
11,430 spikes for flooring, at 6 cents,	685 80
Gates, as per estimate,	853 50
	<hr/> \$9,876 20

SAM'L R. CURTIS, Principal Engineer.

Engineer's Office, Fairfield, March 20, 1848.

Estimate of the cost of a Lock at Mott's Ferry.

Estimated lift twenty-two feet. Lower mitre sill to be placed three feet below low water. Walls estimated at 30 feet high. The whole on rock bottom.	
1,000 yards pit excoavation, after canal is excavated, at ten cents,	\$100 00
5,400 perches of masonry in wall ($30 \times 10 \times 225$), at \$3,	16,200 00
100 barrels hydraulic cement, at \$3 50,	350 00
200 iron bars laid in lock, at \$1,	200 00
Gates,	1,200 00
	<u>\$18,050 00</u>

Estimated cost of Lock at "Cowpen's Old Mill," rock foundation.

Excavation of lock pits, clearing off rock, &c.,	\$100 00
2,000 perch masonry, at \$3,	6,000 00
75 barrels hydraulic cement, at \$3 50,	362 50
160 iron bars with links, at \$1,	160 00
Gates, as per estimate,	853 00
	<u>\$7,376 00</u>

Estimated cost of a Dam at same place.

14,458 feet round timber for ties, at 4 cents,	\$578 32
24,000 " string pieces, (750 each,) at 8 cents,	1,920 00
90,000 " board measure, 3 inch plank on lower slope, at \$15,	1,350 00
28,500 feet board measure, 2 inch plank on upper slope, at \$14,	399 00
12,000 feet board measure, vertical plank in centre of dam, at \$15,	180 00
9,922 feet perch stone crib filling, at \$1	9,922 00

One abutment,	437 84
Excavation of abutment pit,	75 00
	<hr/>
	\$14,862 16
Cost of lock, brought down	7,376 00
	<hr/>
Total cost of Dam and Lock,	\$22,238 16

SAMUEL R. CURTIS, Principal Engineer.

Engineer's Office, Fairfield, March 20th, 1848.

Estimates for all the lock gates of a lock with walls 18 1-2 ft. high.

TIMBER.

Mitre sill 214 feet, 12 square timber, oak, at 6 cts.	\$12 84
Quoin post, 76 " oak, at 10 cts.	7 60
Arms, pine timber, 4 sticks, 23.79 \times 16 \times 14 at the ends, and 16 \times 20 in the middle; 8 sticks 22.62 \times 12 \times 14 at the ends, and 12 \times 20 in the middle; 16 sticks 22.62 \times 8 \times 14 at the ends, and 8 \times 20 in the middle,	
Amounting in the order in which they stand to	
95.16 feet, at 10 cents,	9 00
180.96 " " "	18 09
361.92 " " "	36 19
Heel posts, oak, 20.2 \times 17 \times 16 \times 4 sticks=80.8 ft. at 10 cents,	8 06
Toe posts, oak, 19 \times 14 \times 16 \times 4 sticks=76.0 feet, at 10 cents,	7 60
Timber between the paddle gates, pine, 12 sticks, 2.6 \times 12 \times 16=30., at 10 cents,	3 00
Plank for gates, pine, 2,758 feet board measure, at \$15 per M,	41 37
IRON—689 wrought spikes, 5 inches long, at 6 cts. each,	41 34
2 \times 15 bolts for mitre sills, 18 \times 1 1-2 square, 222 lbs., at 5 cents,	11 10
4 capstans and chains,	100 00

56 heel and toe straps		
6 x 2 1-2 x 1-2,	1,416 lbs.	
232 feet lineal, iron braces		
3 x 1-2	1,160 "	
12 valve rods 20 x 1 1-2		
square,	1,200 "	
96 feet hog braces, 1 1-2		
square,	480 "	
	—4,256 lbs. at 5 cts.,	212 80
4 steps for heel posts, at \$3,		12 00
4 steps for hog braces, at \$3,		12 00
12 paddle gates, at \$10,		120 00
Carpenter work on four gates,		100 00
Blacksmith work on gates,		100 00
		<hr/>
		\$853 50

SAMUEL R. CURTIS, Principal Engineer.
 Engineer's Office, Fairfield, March 20, 1848.

DESCRIPTION AND ESTIMATE OF WORK ON THE DES MOINES RIVER IMPROVEMENT.

SECTION No. 1.—Lock No. 1.

At Mott's Ferry on the Des Moines River.

	Amount.	Total Am't.
1,000 Cubic yards pit excavation after canal is excavated, 10 cents,	\$ 100 00	
5,400 Perches masonry in wall, \$3 00,	16,200 00	
100 Barrels hydraulic cement, \$2 50,	350 00	
200 Iron bars laid in wall, \$1,	200 00	
Lock gates,	1,200 00	\$18,050 00

SECTION No. 2.

From Boulman's Mill to three mile tree.

3,400 Feet grubbing and clearing,	400 00	
400 Perch protection stone on 400 feet of embankment adjoining lock 12 × 2 × 400 feet, at 50 cts.,	200 00	
79,888 Cubic yards of embankment, at 8 cts.,	6,391 04	6,991 04

On this section the central part of canal is entirely below bottom. It will be necessary to cut the timber in canal down even with the ground and remove all rubbish, such as brush, logs, &c. The canal is laid off at various widths where there is embankment, to give easier passage to boats. This may increase the clearing a little but it is not expected to increase the grubbing which is only required under the inner slope and centre ten feet of the banks.

SECTION No. 3.

From the 3rd to the 4th Mile.

3,000 Feet at west end of grubbing & clearing,	400 00
104,868 Cubic yards of embankment, at 7 cts.,	7,340 76
180 Perches masonry in culvert at \$3 50,	630 00

Amount. Total Am't.

Weir, 100 feet long to be hereafter contracted for, say,

230 00 8,620 70.

Culvert at station 26 span 12 feet.— Semi-circular arch of stone 2 feet. This culvert will have to be inserted low in the ground and have timber foundation covered with two inch oak plank spiked on the timbers. The timbers must be hewed straight on the upper and lower surface. The stone must all be scabbled or hammer dressed to suit a pattern of the arch, and laid with close joints.

Bids must be made for masonry by the perch, which will include pit excavation, foundation and entire finish.

SECTION No. 4.

From the 4th to the 5th Mile.

3,846 Feet grubbing and clearing,	500 00	
130,744 Cubic yards of embankment, at 11 cts.,	14,381 84	
2,753 Perches protection stone on 1,434 feet of embankment, 3 feet thick and 16 feet high, at 60 cts.,	1,651 80	16,533 64

This section includes the heavy embankment opposite the big yellow banks which is 1,434 feet long.

SECTION No. 5.

From the 5th Mile to sta. No. 5, on same Mile.

5,280 Feet grubbing and clearing,	600 00	
17,714 Cubic yards excavation, at 8 cts.,	1,417 12	
37,184 Cubic yards embankment, at 8 cts.	2,994 72	
Weir to be erected by the State or hereafter contracted for, say	3,000 00	7,991 84

This section includes the narrows below the mouth of Sugar creek where the embankment will be partly in the river and therefore require protecting. Three hundred feet of canal west of the present mouth of Sugar creek will be required to have the earth placed on the north side, or otherwise to suit a weir that will be erected at that point.

SECTION No. 6.

From sta. 5, on the 5th Mile to the 7th Mile.

	Amount.	Total Am't.
5,280 Feet grubbing and clearing,	800 00	
52,409 Cubic yards of excavation, at 8 cts.,	4,192 72	
5,493 Cubic yards of embankment, at 7 cts.,	384 51	5,377 23

SECTION No. 7.

From the 7th mile to the 5th sta. on same mile.

5,280 Feet grubbing and clearing,	800 00	
61,916 Cubic yards, excavation, at 8 cts.,	4,953 28	5,753 28

SECTION No. 8.

From 5th sta. on 7th mile to the 9th mile.

5,280 Feet grubbing and clearing,	700 00	
13,528 Cubic yards excavation, at 7 cts.,	946 96	
82,767 Cubic yards embankment at 12 1-2 cts.	9,932 04	
4,477 Perch protection stone, at 80 cts.	3,581 60	15,159 60

LOCK No. 2.

2,000 Cubic yards, excavation in lock pit after canal is excavated the banks being left 1 1-2 of one; to 6 feet cut and 8 feet to canal botom, at 12 cts.,	240 00	
1,134 Cubic yards, lock embankment to be put in at lower end of lock after the walls are erected at 15 cts.,	170 10	
15,000 Square feet foundation timber, hewed on two sides, at 6 cts.,	900 00	
47,000 Feet board measure 3 inch plank, covering to foundation at 1 1-2 cts.,	705 00	
15,200 Feet board measure; 2 inch plank; floor of lock pit at \$1 50 cts.,	228 00	
3,920 Feet board measure, 2 in. plank; 5 courses 4 feet deep, sheet piling at \$1 50 c.	58 80	
1,900 Perches masonry in lock walls, at \$3,	5,700 00	
50 Barrels hydraulic cement, at \$3 50,	175 00	
160 Iron bars with links at the end laid in walls at \$1,	160 00	
Spikes, &c.,	685 50	
Gates as per estimate,	853 50	9,876 20

This section includes lock No. 2, with timber and plank foundation and the heavy embankment at the the little yellow banks, which is 2,332 ft. in length.

SECTION No. 9.

From the 9th to the 10th mile.

	Amonnt.	Total Am't.
3,700 Feet grubbing and clearing,	600 00	
49,100 Cubic yards excavation, at 7 cts.,	3,437 00	4,037 00

SECTION No. 10.

From the 10th to the 11th mile.

5,280 Grubbing and clearing,	700 00	
62,623 Cubic yards excavation,	5,009 84	5,709 84

SECTION No. 11.

From the 11th to the 12th mile.

5,280 Feet grubbing and clearing,	800 00	
43,763 Cubic yards excavation, at 8 cts.,	3,501 04	4,301 04

GUARD LOCK.

244 Perches masonry in wall at \$3,	732 00	
10 Barrels hydraulic cement, at \$3 50;	35 00	
400 Square feet foundation timbers hewed on two sides, at 6 cts.,	126 00	
8,580 Feet (board measure) 2 and 3 inch oak plank, at \$1 50,	128 70	
16 Iron rods laid in the wall	16 00	
400 Cubic yards excavation of pit after canal is excavated, at 12 cts.,	48 00	
500 Yards embankment after walls are erected, at 15 cts.,	75 00	1,587 45
Lock sales as per estimate,	426 75	
This section includes the guard lock near the bed of canal.		

DAM No. 1.

Located at St. Francisville.

14,458 Lineal feet round timber for ties, at 6 c.	578 32	
2,700 Piles various lengths,	5,400	
24,000 Lineal ft. timber for string pieces at 8 c.	1,920	
122,000 Feet board measure, three inch plank per hundred, \$1 50,	1,830	
23,500 Feet board measure two inch plank per thousand \$14,	399	
9,922 Perch of stone in cribs, at \$1,	9,922	
Two abutments as per estimate,	875 68	
1,000 Cubic yards excavation in abutment pits, at 15 cts.,	150 00	21,075 00

DAM No. 2.

Located at Coupens' old Mill.

	Amount	Total Am't.
Excavation of lock pit,	100 00	
2,000 Perches masonry in lock walls, at \$3,	6,000	
75 Barrels hydraulic cement at \$3 50,	262	
160 Iron bars with links laid in wall at \$1,	160	
Gates as per estimate,	853 50	7,376 00

DAM.

14,458 Lineal feet round timber for ties at 4 c.,	578 32	
24,000 Lineal feet hewed timber for string pieces, at 8 cts.,	1,920	
90,000 Feet B. M. 3 inch plank on lower slope, at \$15;	1,350	
28,500 Feet B. M. 2 inch plank on upper slope, at \$14,	399	
12,000 Feet B. M. 2 inch plank for centre dam, at \$15,	180	
9,922 Perches stone crib filling, at \$1	9,922	
One abutment,	437 84	
Excavation of abutment pit,	75	14,862 16

DAM No. 3.—LOCK No. 4.

At Thoms Mill.

The items and the cost of this dam and lock will be about the same as dam No.

2, and lock No. 3,	22,238 16	22,238 16
Walls & races for mills at various points,		5,000 00

\$183,303 08

Add ten per cent for contingencies,	18,330 30
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Total,	<u>\$201,633 38</u>
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SAMUEL R. CURTIS, Chief Engineer.

ENGINEER'S REPORT, NO. 2.

ENGINEER'S OFFICE, KEOKUK, IOWA, }
Nov. 20, 1848. }

To the Board of Public Works:

After receiving your directions to prepare a portion of the work on the Des Moines river for contract, I proceeded with my assistants and located that portion below Farmington, a distance by our first measurement of 32 miles. Following the course of description pursued in my report of 20th March last, beginning at the mouth of Nassau Slough, and running up the stream, I will proceed to describe the character of the work as located, contracted, and now in rapid progress.

The drift must be removed from the Nassau Slough, and preparations have been made to this effect. After this is done we have navigation to Mott's Ferry, a distance from the Mississippi of near two miles.

Here commences the side cut suggested in my former report which extends from Mott's Ferry up to St. Francisville, a distance by the canal of ten miles. The corresponding distance on the river line, we made twelve, so that we save by the canal, two miles. The object of this side cut as I suggested before, is to avoid the sandy, crooked channel of the river, and low banks, which on this section preclude the idea of a system of dams and locks.

At Mott's Ferry we have a rock foundation to build our first lock on. It will have a lift of 22 feet. The capacity is that adopted by the Board for all the work being 44 feet by 175 in the chamber. The rock at this point, also affords a safe and convenient location for the application of the water power, accumulated by the canal. There will be 22 feet fall—enough for overshot water wheels. By an increase of 10 feet in the

height of the bank for five miles, ten feet more head can be added to this—this can be made if found expedient, at any time hereafter, and by this means the fall at this point will be 32 feet. The fall is such as to admit wheels that cannot be checked by high back water, as the Mississippi and Des Moines seldom rise over nine feet and never over fifteen at this point. An immense water power will thus be accumulated, at a point convenient for all kinds of manufactories, and it can be so applied as to continue a constant power. The value of this power to the State will be much enhanced by the safe rock foundation to build upon, and the convenience of market afforded by its immediate connection with the Mississippi river. No rock could be found on any branch of the Des Moines, below this point—on the contrary the Des Moines below, divides into several branches, which run through sandy bottoms, occasionally overflowed. At low stages of the river, these branches prove very shallow, except the Nassau Slough, which is narrow, and deep. The first lock is also located so as to accommodate all these lower branches.—At low water the Nassau Slough is the only one which affords sufficient depth, and it is therefore the only channel, upon which much effort should be made to improve. This lock is also located so as to admit a continuation of the canal down to the Mississippi, if the channel of the Slough should hereafter fill up; and by this continuation a terminus can be made at the Mississippi. The objection to such a continuation, is the expense of getting a good foundation for a lock at the Mississippi, and the additional expense of two more miles of canal. If therefore the Slough should become useless for navigation, it will be after the resources from the tolls arising from the improvement, will furnish means to construct an adequate remedy.

Rising by a lift of 22 feet at this lower lock, the canal leaves the river and meanders 'round the side of the bluff only requiring for the first mile one embankment on the lower side. Thence it crosses a wide level prairie with two embankments coming to the river again at the "big yellow banks"—(a bluff or head land that has been washed bare, and precipitous, and rising over 100 feet above the level of the canal.) We pass this bluff by an embankment in the river, with slopes of two to one, and pro-

ected with "Rip rap" stone wall on the outer slope. Again, leaving the river, the canal meanders 'round the foot of the bluff requiring but one embankment on the lower side. The second lack of ten feet lift was at first located on section eight, but as the work progressed, many reasons induced me to adopt a point on section five near the mouth of Sugar Creek. The heavy rains this season caused such sudden and extensive floods of water in Sugar Creek, as to increase my former doubts as to the safety of a wier to pass this stream over the canal. By carrying the head of water down to its present location, I am enabled to change the channel of Sugar Creek so as to carry it under an aqueduct, which will be located, above the lock. This will be much safer than the wier first proposed. The only danger is the effect of drift, which will be guarded as much as possible.

The deep cutting on section six, and some appearance of quicksand in the bottom of the canal on this section, had some influence in producing this change. As the change was made subsequent to the contract it involves the adjustment of the rights of contractors, which adjustment is provided for in the terms of the contract, and will be carefully and equitably determined in view of the rights of the contractors and the State.

The canal passes the "Little Yellow Banks" by a heavy embankment similar to that on section 4,—the Big Yellow banks before alluded to.

A guard lock is to be erected on section eleven near the upper end of the canal to shut out all extraordinary high freshets from the canal, and by this means guard against breaches. Such freshets will only occur in periods of several years, and will on such occasions delay navigation, but two or three days.

The minimum width of the canal is 50 feet on the bottom, with slopes of two to one. In many places the canal is 100 feet wide. It is designed to have five feet depth of water, and will therefore be at the narrowest place 70 feet wide on the water line.

The canal connects with the pool of the dam at St. Francisville. This dam is located on rock which extends from the Missouri shore, about half way across the river, when it gradually sinks below our soundings. The greatest possible care will be

taken to secure the north end of this dam, which is necessarily located on sandy foundation. A pile engine is calculated to be in readiness for driving piles by the 1st of January; and I design to protect the abutment and shore with clusters of piles, filled in with masses of stone, and brush. The dam after all our precautions, will be likely to settle at the first or second freshet, especially near the connecting point of the rock and sandy foundation. It will thus get a deeper foundation, and by building up, it will become much more secure after it has so settled to a lower level. The like security could be obtained by excavating a bed for the dam, and filling it in the first place with brush and stone; but this would be much more expensive than to build up the dam after it has underwashed and settled, and probably cost more than the expense of repairing a breach.

In my survey of the river, mile trees were marked, according to the meanders then taken along the river. The construction of the side cut reduces the distance very near two miles; so that by changing the marked trees, deducting two miles from the figures, will give distances by the line of improvement sufficiently accurate. With this correction the second dam is located at Cowpen's old mill, nineteen miles and thirty-one chains from the Mississippi. The lift of the lock at this dam will be 10.93 feet, and the dam fourteen feet high. The third dam will be at "Thomas's Mill," twenty-five miles and seventy-three chains from the Mississippi. This dam will be fourteen feet high and the lift of the lock will be 10.32 feet.

This dam carries us through the work contracts on the first of June. All the contractors are now on the work, and progressing with great vigor.

In my former report I spoke of the stone as being hard, and expensive to cut. On opening the quarries, I am happy to find occasion to correct this statement. Several quarries of excellent sand stone have been found, which furnish superior building stone, very easy to work. This is especially the character of the quarries at "Thomas's Mill," and at "Cowpen's old Mill," and from the success in these quarries, I am satisfied that the best of stone will be obtained; at least as far up as Ottumwa, which is all the line I have yet examined. Such is the beauty

and ease of working some of these sand stone, that I apprehend they may yet become an important item in the commerce of the river. The stone is so easily prepared for range work that contractors will generally adopt that character of masonry for their own convenience.

Should the quarries furnish stone equal to present appearances, with your approval, I shall dispense with the iron bars, which I recommended in my former report, and also the plastering of the face with hydraulic cement, laying the face stone in hydraulic cement as contemplated by the specifications, and pointed with the best of mortar, will, as I believe, answer every purpose, and secure work of superior quality. In connection with this developement of stone, it is proper to state, also, that a large quantity of limestone suitable for manufacturing hydraulic cement has been discovered in the neighborhood of Soap creek, seventy miles from the Mississippi, and in the immediate vicinity of the Des Moines. Mr. Richard Cave, an enterprising citizen of Iowa, has commenced the manufacture, and furnished me with various specimens; which are exposed to the influence of frosts for the purpose of testing the quality of the cement. Should it prove to be of a good quality (and we have reason to anticipate success,) it will no doubt be of great value to the State, and reduce very much my estimate of the cost of this item.

By a comparison of the contract prices, with my former estimates submitted with my report No. 1, I find some variance in items, but a close agreement in the aggregate. The lock gates, iron, and work below low water is not contracted, and can only be matters of estimate. From the proposals which have been made on these items, I am inclined to believe they will fall short of the estimate, and thus reduce the probable cost of the work below my former estimate.

The substitution of an aqueduct, instead of a weir at Sugar creek may add a little to the cost of the lower line.

From the contracts, and from my former estimates, of iron and other work not contracted; including the aqueduct on Sugar creek, I consider it safe to calculate the whole cost of the first letting,

and all other work applicable to the improvement below Farmington at \$213,357 37.

With a view to the second letting I furnished the Board with a list of dams and locks necessary to carry the navigation up to Ottumwa. The locations may be designated as follows:

Dam No. 4, near Farmington, 31.24 miles from lower end of the improvement, 15 feet high, 11.5 feet lift,

Dam No. 5—Bonaparte, 36 miles, 11 feet high, 7.47 feet lift.

Dam No. 6—Bentonsport, 39.55 miles, 15 feet high, 12.29 feet lift.

Dam No. 7—Keosauqua, 48 miles, 15 feet high, 11.76 feet lift.

Dam No. 8—Powel's, 56.25 miles, 14 feet high, 11.02 feet lift.

Dam No. 9—Portland, 63.40 miles, 15.5 feet high, 12.55 feet lift.

Dam No. 10—Jordon, 71.40 miles, 15.5 feet high, 12.43 feet lift.

Dam No. 11—Kalesback, 79 miles, 10.5 feet high, 7.47 feet lift.

Dam No. 12—Rowlands, 83 miles, 10 feet high, 6.87 feet lift.

Dam No. 13—Sugar Creek, 87.20 miles, 10.5 feet high, 7.48 feet lift.

The pool of the last dam, raises the water three feet at the head of the ripple at Ottumwa, 91 miles from the Mississippi river.

Without going minutely into the detail of each item of each dam, I have compared the contract prices with my estimated quantities of material; and by this means I estimate the cost embraced in the second letting, at \$264,000. Adding my estimate of cost under contracts from the Mississippi to Farmington, (\$213,337 37) and we have the total cost from the Mississippi to Ottumwa \$477,357 38.

These dams vary in height to suit the banks and other peculiarities of the river. No considerable amount of lands will be overflowed at any point. The beds of small streams will have standing water in them, but this will only be a convenience to

adjacent farms, by furnishing water at all times, in different fields, for various purposes.

Much anxiety has been expressed that locations should be adjusted to suit towns, mills, and other artificial constructions. As far as possible I have considered these with other motives; but they must be secondary. The Des Moines improvement, if constructed according to present designs, must stand the test of ages. The masses of material are imperishable rock. Repairs will no doubt be required. Human reason is not capable of contriving any thing that will resist all the ravages of time. But *durability*, *economy* and *strength* have been the first and leading considerations in making plans and locations. Rock foundations have been secured for every lock, and in all instances, either all or a part of each dam is founded on rock. The least possible number of locks, bridges, side cuts, and other obstacles, calculated to cause delays, have been projected. There are great advantages which will result from *speedy*, *certain* and *cheap* transportation on this improvement. No local interest should be the cause of any prejudice to such considerations. No country can produce more agricultural wealth than that within sixty miles, on either side of this river. This is no exaggeration. Every acre, both of the bottom and up land, is similar in appearance and fertility to the rich bottoms so much admired in Ohio, New York and Pennsylvania. Timber, coal, stone, plaster paris, earthenware and other articles at present unthought of, but incident to the valley, will be transmitted through this channel. The water power accumulated at each dam can be, and should be afforded low, for the purpose of attracting to the country all kinds of manufactories. No country can afford greater, and I doubt whether any can afford like advantages to manufactories. The cheap productions, the soil, the climate, the connection with the Mississippi, and through it to the wool, cotton, and in fact to all other countries, combined with the permanent, cheap and immense power for moving machinery, create an accumulation of advantages which must soon be observed and occupied by those engaged in various kinds of manufacture. The product of every species of mechanical skill will be added to the articles of the commerce of the Des Moines improvement.

In addition to these resources, which must grow out of the immediate vicinity of this work, there is a more extended view of the matter, which I alluded to in my former report, and will now, more definitely refer to. This is the first improvement designed to draw in the resources of the country west of the Mississippi, and though we ought not in advance to boast an example, we certainly ought to avoid a discouragement to similar enterprise. There are several rivers, west of the Mississippi, longer than the Des Moines, which at first sight would appear to command the undivided commerce of all their branches. Such is the appearance on the map of the Missouri, and its upper tributaries. But the sandy bed, and varying channel of the Missouri, is a great obstacle to navigation, and of any fixed or permanent improvement. Such is the hazard and uncertainty of its navigation, that in some instances, goods are brought up the Mississippi as far as Hannibal, and hauled across the country in wagons, to the vicinity of St. Joseph on the Missouri, a point more than one hundred and fifty miles west of Hannibal. If then trade can take this course, from Hannibal to the Missouri at St. Joseph, how much more likely to go from the head of this improvement, a much less distance to Council Bluffs; a point much further up the Missouri. When the Des Moines improvement is completed, and paid for, the only object of tolls will be to improve and repair the work. Supposing however we adopt the same rate of tolls that are now charged on the Ohio canals, the toll and transportation from the Mississippi to the Forks on the Des Moines, would not exceed twenty cents per hundred. To encourage "through" freight tolls should be *reduced* on freight going west of the upper extremity of the work, and by this reduction the transportation per hundred from the Mississippi to the Forks, will be as low as fifteen cents.

Let us then compare the probable cost of transportation from St. Louis to Council Bluffs on the two routes,—the Missouri and the Des Moines :

Freight of 100 pounds from St. Louis to St. Joseph on the Missouri river, as quoted in the newspapers of St. Louis,	\$1 50
From St. Joseph up the Missouri to Council Bluffs say	50

\$2 00

Freight of 100 pounds from St. Louis to Keokuk on the Mississippi river, as quoted in the newspapers in St. Louis,	12
Add freight on the Des Moines improvement from Keokuk to the Forks of the Des Moines	15
Add freight by wagons over land from the Forks to Council Bluff 120 miles at the same rate now paid from Keokuk to Eddyville 7 1-2 cents per mile,	80
	<hr/>
	\$1 07

Saving on the freight of 100 pounds by taking the Des Moines route, \$0 92

Or 46 1-4 per cent better than the Missouri route.

Make a similar estimate of the downward freight from Council Bluffs to St. Louis, and the result will be similar and in favor of this route. There is also time and insurance, decidedly in favor of the Des Moines river route; so that taking all things into consideration the matter is mathematically certain (except in times of high water in the Missouri,) the trade of Council Bluffs will incline to follow down this improvement.— By extending this improvement up the Racoon river, as far as possible, and adopting a rail plank road, or other means to cheapen the transit across from the Forks to Council Bluffs, the difference will be more in favor of this route, and must secure the trade of that point.

But it is not this point alone that is reached. We enter the great valley of the Nebraska, and all the upper branches of the Missouri; and offer to the commerce of these valleys, the cheapest and most expeditious route for their products. A country of a thousand miles extent capable of furnishing vast and unknown agricultural and mineral products, may by wise and discreet energy, in the prosecution of this work, become tributary to the improvement now in progress on the Des Moines.

High water in the Missouri will carry off the trade in that channel and reverse this calculation. But the Missouri is generally low, and prices of freight are generally stated high. Take general rules, and apply the data as you please and you will arrive at this result. The Des Moines improvement has every

reason to contend for the travel and trade of the far west.

No other river can compete with the Des Moines in susceptibility of permanent improvement in this region, and in competition with this design. Neither can a railroad injure our prospects. Transportation on water, where large crafts, such as flat boats, keel boats, and steam boats, can easily float; will always be much cheaper than on rail roads. The heavy products of a county, such as the agricultural and mineral, will always pursue the channels of rivers when large boats can navigate them; and such is the character of the Des Moines improvement that flat boats, and even rafts may pass down.

This improvement will cost much less than a railroad.

Ninety-one miles of the work is contracted, and we cannot be much mistaken in the amount this will cost. I have before stated that under these contracts to Ottumwa, I estimate the cost at \$477,357 37 for the whole distance, ninety-one miles.

This is equal to \$5,245 per mile. No competent Engineer would estimate the cost of a permanent railroad and fixtures at less than \$12,000 per mile. So we have constructed for steam boat navigation for less than half the cost per mile of a good railroad.

I would not discourage the progress of railroads. On the contrary I regard them of equal if not greater importance than canals. They will carry travel and light transportation, even in competition with the best of steam boat navigation. They are especially applicable to a populous country on great lines of thoroughfare. But most of the heavy agricultural and mineral products, will float down the channel of our rivers when railroads have intersected them with a thousand lines. Without the least doubt, and with increased confidence, I therefore again respectfully recommend to the board, that they continue their undivided energies in the prosecution of this work, on the plan adopted, and now in full progress.

If means can be provided, the first contracts can be completed in two years. The low price and abundance of produce and labor, render this period of time the most favorable for pushing forward the work. Notwithstanding the second letting was made on time, the work is contracted low, and the assist-

ance of the board to procure prompt payment would secure an earlier and better execution of the contracts. Economy, and the prosperity of the country, recommend the early completion of the work to the extent of the means. The survey of the work above Ottumwa, is already commenced. I shall report progress during the winter. If the river freezes over, so as to admit of working on the ice, I hope to reach the forks of the Des Moines by the middle of January.

Respectfully submitted,

SAMUEL R. CURTIS, Principal Engineer.

[D]

SECRETARY'S OFFICE, IOWA, }
IOWA CITY, December 4, 1848. }

To the General Assembly of the State of Iowa :

In pursuance with the 2d section of the 121st chapter of the laws of Iowa, of 1846-47, I have the honor to report the items of expenditures, made out of the Secretary's contingent fund, for the years 1847-48.

Cash paid for Stationery.

November 30, 1847, per bill on file, No. 1,	\$2 00
August 30, " " " " 2,	21 00
December 20, " " " " 3,	5 65
February 17, 1848, " " " " 4,	1 00
" 30, " " " " 5,	9 75

\$39 40

Cash paid for Fuel.

February 14, 1847, per bill on file, No. 6,	\$12 00
" 19, " " " " 7,	10 50

\$22 50

Cash paid for Postage.

March 5, 1847, per bill on file, No. 8,	\$4 00
June, " " " " 9,	4 20
October, " " " " 10,	9 44

December, 1847, per bill on file No. 11,	4 45
May, 1848, " " " 12,	4 50
August 5, " " " 13,	3 00
October 1, " " " 14,	2 50
Dec. 4, " " " 15,	2 42

\$34 51

Cash paid for Printing and Binding.

June, 1848, per bill on file, No. 16,	14 00
November, 1847, per bill on file, No. 17,	5 00

\$19 00

Furniture etc. for Office.

Carpet, candles and sundries per bill No. 18,	\$53 08
Writing desk, per bill No. 19,	25 00
Cutting wood and work in office, No. 20, 21, 22,	14 00
Making up carpet, per bill No. 23,	3 00
Fixing seal press per bill No. 24,	75
Freight on stationery as per bill No. 25,	3 00

\$98 83

Clerk hire and assistance in Office.

Paid for examining and certifying printers bill and job laws of 1846-47, per bill No. 26,	\$4 00
For comparing copy laws of 1846-47, per bill No. 27,	5 00
For " " " 1847-48, " " 27,	3 00
For canvassing poll books of the presidential election of 1848, two days, per bill No. 28,	4 00

\$16 00

Road Expenses.

December, 1847, Going to Burlington for stationery per bill on file, No. 29,	\$11 75
March 1848, going to Burlington for stationery per bill on file, No. 30,	14 00
Expenses in furnishing the counties of Buchanan, Benton, Dallas and Poweshiek with revised statutes, and seals for the district court. See laws 1846-47, chapter 13, section 4, and resolutions of	

1847-48, Nos. 6, 8, 13, per bill on file, No. 31,	27 00
	<u>\$52 75</u>
Cash paid for delivering school laws to the counties of Polk, Monroe, Dallas, Mahaska and Jasper per bill on file, No. 32,	\$10 00
Also, for the counties of Scott, Jones, Clinton, Jackson Clayton, Dubuque; and Delaware, per bill on file, No. 33,	10 00
	<u>\$20 00</u>
See laws 1846-47, chapter 99, section 45,	\$302 99
Total expenses,	300 00
Amount of appropriation,	<u>\$2 99</u>
Amount due me,	

All of which, is respectfully submitted,

ELISHA CUTLER, JR.,

Secretary of State.

[E]

SECRETARY'S OFFICE, IOWA, }
IOWA CITY, November 1, 1848. }

To the General Assembly of the State of Iowa :

In pursuance of "an act to provide for criminal returns," approved February 24, 1847, I have the honor to report to you, an abstract of said returns, for the year 1848, embracing all the counties from which returns have been received at this office, up to this date.

By said abstract, it will be perceived that but few of the clerks of the district courts have complied with the requirements of the law, as to the time of making said returns ; and it will be further perceived that the returns received, are many of them very imperfect, complying but partially with the object of the law.

These defects in the practical operations of the law, will probably continue until the same is amended, as suggested in my report of the last year.

All of which, is respectfully submitted,

ELISHA CUTLER, JR.,

Secretary of State.

PREAMBLE AND JOINT RESOLUTION.

Preamble and joint resolution relative to the Territories belonging to the United States.

Whereas, the General Assembly of the State of Iowa recognize in Congress the exclusive right of legislation over all Territories now belonging to, or hereafter to be acquired by the General Government; and whereas, the said General Assembly fully accord to each State respectively a complete sovereignty in the regulation of its own institutions, as recognized by the Constitution of the United States.

And whereas, it is also the sense of this General Assembly that the institution of slavery cannot legitimately exist within any territory belonging to the United States (unless recognized by the law regulating such territory at the time of its cession to the United States) except by the sanction of positive law.

And whereas, the subject herein referred to is likely to become one upon which Congress may feel required to act: Therefore,

Resolved, That whenever Congress shall be required to act upon the question of slavery in any of the territories now free and belonging to the United States, our Senators be instructed and our Representatives requested, to exert their influence in favor of a law prohibiting the introduction of the institution of slavery within any such territory.

RULES OF THE SENATE,

OF THE STATE OF IOWA.

**ADOPTED AT ITS SECOND REGULAR SESSION, COMMENCED
ON THE FOURTH DECEMBER, 1848.**

ORDER OF DAILY BUSINESS.

After the Journal is read the following order shall govern :

1st—Petitions and memorials to be offered.

2d,—Resolutions.

3rd—Reports of committees.

4th—Communications on the President's table.

5th—Reports in possession of the Senate, which offer grounds for a bill.

6th—Bills or other matters before the Senate and unfinished the preceding day.

7th—The above business being dispatched, the general file of bills and other papers will then be taken up, agreeably to their introduction into the Senate.

STANDING RULES.

1. The Senate shall choose by viva voce, one of their own number to occupy the chair. He shall be styled President, and shall hold his office during the session of the Senate at which he was elected. He shall take the Chair at the hour to which the Senate is adjourned, and call the members to order ; and, if a quorum be present, he shall direct the journal of the preceding day to be read, and mistakes if any, corrected. He shall pre-

serve order and decorum, and decide all questions of order, subject to an appeal to the Senate. In committee of the whole, he shall call some member to the chair; he shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall, unless otherwise directed by the Senate, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the President, the Senate may appoint a President *pro tem.*, to occupy the chair during such absence.

2. Any member may have a call of the Senate, and absent members sent for. If, upon such call, absent members cannot be found in a reasonable time, then such call shall be suspended on motion of any member of the Senate.

3. All questions (except on motion) shall be put in this form: "You who are of opinion (as the case may be) say aye; those of a contrary opinion, say no;" and, in all cases, any member may call for a division, and any two members for the yeas and nays, which shall be recorded by the Secretary.

4. When a motion has been made and seconded, it shall be stated by the member making the same, or read by the Secretary previous to debate. If any member shall make a motion (except to adjourn, postpone, or commit) he shall reduce the same to writing upon the request of the President or any member of the Senate. Any motion may be withdrawn by consent of the Senate before final decision on the same.

5. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused by vote of the Senate.

6. A motion to adjourn shall always be in order, and be decided without debate.

7. When a member is about to speak, he shall rise in his place and address himself to the President; the President shall address the member entitled to the floor by name; and when a member is speaking, no person shall pass between him and the President's chair, nor shall he be interrupted when speaking, except by a call to order by the President, or by a member through the President. No member shall speak more than twice on any question without leave of the Senate.

8. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to amend, or to take the previous question; which several motions shall have precedence in the order they stand arranged.

9. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of four members rising in their places for that purpose, and until decided, shall preclude all amendments under debate of the main question.

10. Any member may call for a division of the question, when the same will admit thereof.

11. No committee shall absent themselves from the Senate Chamber by reason of their appointment, during the sitting of the Senate, without special leave.

12. Every bill shall be introduced on the report of a committee, or by motion for leave, on giving at least one day's previous notice.

13. Every bill shall receive three several readings previous to its passage, but no bill shall have its second and third readings on the same day, without a suspension of this rule.

14. The first reading of a bill shall be for information, and if objections be made to it, the question shall be "shall the bill be rejected?" If no objection be made, or the question to reject be lost, the bill shall go to its second reading without further question.

15. Upon the second reading of a bill or resolution, the President shall state it as ready for commitment or engrossment; and if committed, then the question shall be whether to a select or standing committee, or a committee of the whole. If to a committee of the whole, the Senate shall determine on what day.—But if the bill be ordered to be engrossed, the Senate shall appoint the day when it shall be read the third time. No bill or resolution that requires three readings shall be committed or amended until it shall have been twice read.

16. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On the third

reading of a bill or resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

17. When a bill or resolution is engrossed, the President shall, at the time previously appointed by the Senate, announce the same as ready for a third reading, without a question.

18. A bill or resolution may be committed at any time previous to its passage; if any amendment be reported upon commitment, by any other than a committee of the whole, the bill or resolution may be again considered in committee of the whole, the question for its engrossment and third reading shall again be put.

19. In filling blanks, the largest sum and longest time shall be first put.

20. When the Senate is equally divided on a question, the same shall be lost.

21. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof, on the same or succeeding day.

22. All acts, addresses and resolutions shall be signed by the President, and all writs, warrants and subpoenas issued by order of the Senate, shall be under his hand and seal, attested by the Secretary.

23. Petitions, memorials, and other papers, addressed to the Senate, shall be presented by any member in his place; a brief statement of the contents thereof, shall be made verbally by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless the Senate shall direct otherwise, but shall lie on the table (to be taken up in the order they were read) or be referred on motion to a committee.

24. Before a bill shall have passed the Senate, it shall be the duty of the Secretary to have the same engrossed, after which it shall be examined by a standing committee for that purpose, who shall carefully compare the original with the engrossed bill, and, correcting any errors that may be discovered in the engrossed bill, shall make their report forthwith to the Senate.

25. A Secretary and Assistant Secretary shall be appointed,

to hold their places during the pleasure of the Senate, they shall take an oath for the true and faithful discharge of their duties in their respective offices. The Secretary shall keep a correct journal of the daily proceedings, and perform such other duties as shall appertain to his office. He shall let no journals, records, accounts or papers be taken from the table or out of his custody, other than by the regular mode of business of the Senate, and if any papers in his charge shall be missing, he shall make report to the President.

26. A Sergeant-at-Arms, Messenger and Fireman shall be appointed, to hold their offices during the pleasure of the Senate. It shall be their duty to attend the Senate during its sittings, and to execute the commands of the President and Senate; they shall take an oath truly and faithfully to discharge their respective duties in office.

27. When a message shall be sent from the Governor to the Senate, it shall be communicated to the chair by the person by whom it is sent.

28. No person shall be elected to any office created by these rules, unless he shall receive a majority of the whole number of votes given.

29. When nominations shall be made in writing by the Governor, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration.

30. It shall be the duty of members and officers, when in secret session to keep all information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, inviolably secret; also the proceedings and business of the Senate when in Executive session.

31. Before acting on confidential or Executive business, requiring secrecy, the Senate shall be cleared, by direction of the President, of all persons except the Secretary and Sergeant-at-Arms.

32. The proceedings of the Senate, when they shall act in their Executive capacity, shall be kept in separate and distinct books; and no part of the Executive journal shall be published but by special order.

33. The president is authorized and required to administer all oaths prescribed by these rules.

34. Every resolution read by the Secretary, by direction of a member, shall be considered to be before the Senate; and the question to adopt or reject may be immediately put on such motion, or on motion of a member, the same may be laid on the table.

35. No standing rule or order of the Senate shall be rescinded or suspended, except by a vote of three fourths of the members present.

36. All bills brought into the Senate by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

37. When any member shall be called to order he shall sit down until the President determines whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any two members; and, if a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President and Senate may be better able to judge of the matter.

38. No member shall vote on any question in the event of which he is immediately or particularly interested, nor in any case where he was not present when the question was put.

39. The following officers and persons, present at any time during the sitting of the Senate, shall be entitled to a seat within the bar: The Governor, Secretary, Judges of the Supreme Court, members of Congress, members of the House of Representatives, members of the State Legislatures, Editors wishing to take down the debates, and such others as the Senate may direct.

40. The rules of parliamentary practice, comprised in Jefferson's Manuel, shall govern in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the Senate, and Joint Rules of the Senate and House of Representatives.

JOINT RULES.

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

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

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

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

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

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

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

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

Governor, which shall also be entered on the journal of each House.

9. All orders, resolutions and votes which are to be presented to the Governor for his approbation, shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

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

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

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

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

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

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

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

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

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