

*W. Penn Clarke*

Journal of the Senate

OF THE

FOURTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA.

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

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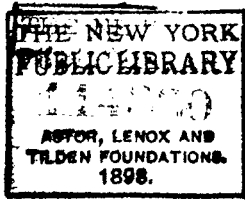
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IOWA CITY:

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1852.

*Wm. J. ...*



# JOURNAL OF THE SENATE

OF THE

## FOURTH GENERAL ASSEMBLY

Of the State of Iowa.

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SENATE CHAMBER, IOWA CITY,  
MONDAY, December 6th, 1852. }

This being the day fixed by the Constitution for the meeting of the General Assembly, and the hour of 2 o'clock, P. M., having arrived, the Senate was called to order by the Hon. JOHN G. SHIELDS, of Dubuque, and the roll being called by P. B. BRADLEY, Secretary of the Senate at its last session, it appeared that the following members were present, to-wit :

*From the county of Lee*—J. M. Love, C. J. Price, and S. Cowles.

*From the county of Des Moines*—George Hepner.

*From the county of Van Buren*—George Schramm.

*From the county of Henry*—A. McKinney.

*From the county of Jefferson*—William G. Coop, John Park.

*From the county of Wapello*—John W. Hedrick.

*From the counties of Wapello, Monroe, Lucas and Clark*—H. B. Hendershott.

*From the county of Davis*—Samuel G. McAchran.

*From the counties of Davis, Appanoose, Wayne, and Decatur*—Amos Harris.

*From the counties of Louisa and Washington*—Norman Everson.

*From the county of Keokuk*—Joseph Lowe.

*From the county of Mahaska*—John R. Needham.

*From the counties of Marion, Warren, and Madison*—Jefferson D. Hillis.

*From the county of Muscatine*—Jonathan E. Fletcher.

*From the county of Scott*—E. S. Wing.

*From the counties of Cedar and Clinton*—Wm. E. Leffingwell.

*From the counties of Johnson, Iowa, and Poweshick*—George D. Crosthwaith.

*From the counties of Polk, Jasper, Dallas, Boone, Guthrie, Mahaska, &c.*—A. Y. Hull.

*From the county of Jackson*—E. F. Clark.

*From the counties of Jackson, and Jones*—N. G. Sales.

*From the counties of Linn, Benton, and Tama*—Isaac M. Preston.

*From the counties of Dubuque, Delaware, Buchanan, Clayton, Fayette, Allamakee, Winshiek, &c.*—Warner Lewis, John G. Shields, M. L. Fisher.

On motion of Mr. Lowe,

NORMAN EVERSON, was appointed President, *pro tem.*

On motion of Mr. Lewis,

P. B. BRADLEY, was appointed Secretary, *pro tem.*

On motion of Mr. Shields,

JOHN D. EVANS, was appointed Assistant Secretary, *pro tem.*

On motion of Mr. Hendershott,

WALTER P. ROWELL, was appointed Sergeant-at-Arms, *pro tem.*

On motion of Mr. Hepner,

A. P. WOODS, was appointed Messenger, *pro tem.*

On motion of Mr. Crosthwaith,

PETER CONBOY, was appointed Fireman, *pro tem.*

On motion, the President nominated, and the Senate unanimously elected, *viva voce*,

John G. Shields, George Hepner, N. G. Sales, H. B. Hendershott, and Wm. E. Leffingwell, a committee of five to examine and report upon the credentials of Senators.

On motion of Mr. SHIELDS,

The editors and reporters of the papers of this State, were admitted to seats within the bar.

On motion of Mr. LEWIS,

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

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motie TUESDAY MORNING, DECEMBER 7th, 1852.  
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The Senate met pursuant to adjournment.

Mr. Shields, chairman of the committee appointed to examine the credentials of members, made the following

### REPORT :

The committee elected to examine the credentials of members of the Senate, elected at the last general election, beg leave to report:

That the following named gentlemen have been duly elected Senators of the State, and their credentials are correct:

*From the county of Muscatine*—Jonathan E. Fletcher.

*From the county of Davis*—Samuel G. McAchran.

*From the county of Wapello*—John W. Hedrick.

*From the county of Van Buren*—George Schramm.

*From the county of Jefferson*—John Park and W. G. Coop.

*From the county of Lee*—Salmon Cowles, (to fill the vacancy occasioned by the resignation of Mr. Baker,) Calvin J. Price and James M. Love.

*From the county of Marion*—Jefferson D. Hillis.

*From the county of Jackson*—Elisha F. Clark.

*From the county of Scott*—Eli S. Wing.

*From the county of Davis, &c*—Amos Harris.

*From the county of Polk, &c.*—A. Y. Hull.

*From the counties of Dubuque, Clayton, &c.*—John G. Shields and Maturin L. Fisher.

*From the county of Linn*—Isaac M. Preston.

*From the county of Henry*—Archibald McKinney (to fill the vacancy occasioned by the resignation of Mr. Morton.)

*From the county of Johnson, &c.*—George D. Crostwhait.

*From the county of Mahaska*—John R. Needham.

Your committee further represent that the above named gentlemen are entitled to their seats as Senators of the State of Iowa.

JOHN G. SHIELDS, Chairman.

Your committee would further report that they have examined the

certificate of Sanford Harned, of Keokuk county and the opinion  
 ion that he is not entitled to a seat in this body, in a nce with  
 law

J. G. SHIELDS.

On motion of Mr. Lowe,

The clause relative to the credentials of Sanford Harned, was laid on the table, and the report was accepted.

Whereupon, the following gentlemen were sworn for the faithful discharge of their duties :—

Namely—Messrs. Clark, Coop, Cowles, Crostwhait, Fisher, Fletcher, Harris, Hillis, Hedrick, Hull, McAchran, McKinney, Love, Needham, Park, Preston, Price, Schramm, Shields and Wing.

On motion of Mr. Lewis,

The rules of last session were adopted for the government of the Senate.

On motion of Mr. Lewis,

The Senate proceeded to the election of permanent officers.

Mr. Shields nominated for President, Wm. E. LEFFINGWELL, of Clinton.

Mr. McLinney nominated N EVERSON.

The vote being taken, was as follows:

For *Wm. E. Leffingwell*—Messrs. Clark, Coop, Cowles, Everson, Fisher, Fletcher, Harris, Hendershott, Hepner, Hull, McAchran, Lewis, Love, Lowe, Preston, Price, Sales, Shields and Wing—19

For *N. Everson*—Messrs. Crostwhait, Hillis, Hedrick, Leffingwell, McKinney, Needham, Park and Schramm—8.

And Wm. E. Leffingwell was accordingly declared duly elected President of the Senate.

Messrs. Shields and Crostwhait, the committee appointed for that purpose, conducted the President to the chair, who replied to the Senate's election, as follows:

*Gentlemen*—Before entering upon the discharge of the duties assigned me be your suffrages, allow me to express my sincere thanks for the high distinction thus conferred upon me. In discharge of the peculiar duties devolving upon me, I shall look to your superior wisdom and experience for that support and assistance which this expression of your confidence assures me will be kindly afforded. And if, by a faithful and impartial discharge of those duties, I shall merit

## THE SENATE.

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and receive your approbation, and the esteem of our common constituency, the cup of my gratification will be full.

On motion of Mr. Love,

The Senate proceeded to the election of a Secretary.

Mr. Hull nominated T. B. CUMING of Keokuk, who was unanimously elected.

Mr. Preston nominated for Assistant Secretary, E. VAN METRE, of Linn county, who was unanimously elected.

The Senate, in like manner, elected the following named officers:

Enrolling Clerk, S. G. FENNIMORE.

Sergeant-at-Arms, F. N. Sales.

Messenger, N. P. WOOD.

Fireman, S. J. DUNHAM.

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

Mr. Preston offered the following resolution :

Resolved, That the Secretary of State furnish the members of the Senate with a copy of the code ; also with a copy of the laws passed at the same session, for the use of the members of the Senate.

Carried.

On motion of Mr. Hendershott,

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. Hendershott and Everson, were appointed said committee.

On motion of Mr. Sales,

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 of the Senate, during the present session of the Legislature.

A message from the House was received, informing the Senate that the House had organized, and was ready to proceed to business.

On motion of Mr. Shields,

Resolved, That a committee of two be appointed to act with a similar committee on the part of the House, and inform his Excellency, the Governor, that the General Assembly is now organized and ready to receive any communication he may be pleased to make to them.

On motion of Mr. Preston,  
The Senate adjourned until two o'clock.

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TWO O'CLOCK, P. M.

Mr. Crosthwaite, by leave, introduced Senate file No. 1 :

Resolved, the House concurring, That —Cheney be and he is hereby authorized and permitted to sell in the hall between the Senate Chamber and House of Representative Hall, apples, segars, nuts, candy, and such articles.

Mr. Lewis moved to lay on the table—carried.

A message was received from the House by Mr. Hooton, Chief Clerk, announcing that Messrs. Haun, Sears and Grimes, were appointed a committee, in conjunction with the Senate committee, to wait upon the Governor of the State, and receive whatever communication he might make to the General Assembly.

The President, Mr. Leffingwell, read the following :

SENATE CHAMBER, IOWA CITY, }  
December 7, 1852. }

The Secretary of the Senate respectfully informs the members of the Senate that, in accordance with a resolution passed this morning, he has made arrangements by which their communications through the mails will be transmitted free.

T. B. CUMING, Secretary.

Mr. Shields, from the committee appointed to wait upon his Excellency, the Governor, reported that they had performed that duty, and received from him a message in writing, which was read by the Secretary, as follows :

*Gentlemen of the Senate and House of Representatives:*

You have assembled for the purpose of performing one of the highest and most important functions, of a republican government. To you has been delegated the power, under the Constitution of the State of Iowa, to enact equal and expedient laws for the government of the Commonwealth, of which you are the immediate representatives; and



upon the faithful and proper discharge of that duty must depend to a great extent, the prosperity and future welfare of the people whom you represent.

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

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

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

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

In a State in the condition of ours, no subject can claim a more pressing interest than that of public instruction. In older communities, under our government of popular opinion, it justly takes the first

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

I need not remind you that our Constitution requires the General Assembly to encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement.

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

By the report of the Auditor of State, which will be laid before you, the funded debt of the State amounts to eighty-one thousand seven hundred and ninety-five dollars, seventy-five cents, of which amount, twenty-six thousand seven hundred and ninety-five dollars, seventy-five cents, are payable at the option of the State. The estimated ex-

penditures for the two years to come, amount to \$103,918 00. The estimated resources for the same period, with the balance in the Treasury, amount to \$149,119 47, an amount which, after deducting ten per cent. for delinquencies and assessments, as unavailable, will leave a balance of receipts over expenditures, fully sufficient to extinguish all that part of the funded debt of the State, which is payable at its option, and I would recommend that provision be made to pay the same as rapidly as any surplus means may come into the Treasury.

I conceive it to be my duty to direct your attention to the propriety of establishing the office of Attorney General, as such an office is becoming absolutely necessary to protect the interest of the State in the collection of its revenue, and in the prosecution and defence of suits in which it is immediately interested. The sums which have been paid for such services, added to the losses which have been sustained from the want of legal skill in cases where the State has been a party, would, in all probability, have much more than paid the salary of such an officer. His services would also be valuable to the various executive officers. Such an appointment would be justified on the ground of economy as well as of necessity.

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

It is with much satisfaction, that I invite your attention to the affairs of the Penitentiary of this State, and to the reports of the proper officers. The law passed at the last session of the General Assembly for the government of this institution, and the rules and regulations adopted under it, have had a most happy effect in establishing discipline and good order in all its departments. The duties of each officer have been specially assigned. All accounts and proceedings are required to be kept of record, so that a full understanding and

settlement of all its affairs, might be had at any time without inconvenience.

Being authorized, by an act of the General Assembly, "to take the proper means to cause to be investigated the title by which the State holds the grounds upon which the penitentiary stands," I appointed Curtis Bates, Esq., to make the examination, whose report is herewith transmitted, by which it will be seen that the title to the State has been perfected, and the deed therefor recorded and filed in the proper office. I also, under a joint resolution, approved February 4th, 1851, appointed the same gentleman as a Commissioner "to settle with all persons having claims or unsettled accounts with the penitentiary; including those of John W. Cohick, the books of A. H. Haskell, late superintendent, and of John Scott, his successor;" and who, after a careful examination, made a final adjustment of the claims presented, as will appear by his report which was filed in the Auditor's Office, with the exception of the account against Cohick, upon which a suit has been ordered to be commenced in favor of the State in the District Court of Johnson county. The reports herewith submitted, show the present condition of the penitentiary, and suggest such changes in the law regulating the same as the officers have found to be expedient. Of the \$10,000 appropriated by the last General Assembly, \$8,736 56 has been expended upon the building and freehold improvements, and \$186 04 for appendages, \$692 89 for officer's services in part, and \$175 00 for rations, leaving \$209 51 balance on hand. An omission to provide for paying officers, and an inability to procure rations by contract, created a necessity for an appropriation of this fund in part to those purposes, and I would recommend these points, with the suggestions of the officers to your early attention, to make such provision and change as would seem to be proper. Some further appropriations are also asked for, to pay the present indebtedness, and further enlarge the capacity of the prison by the completion of additional cells and otherwise. Under the able and highly satisfactory management of this institution in the hands of its officers, it is fully meeting the purposes of its establishment, and I would recommend all its interests to your favorable consideration.

By a Joint Resolution approved January 25th 1849, the Treasurer of State was authorized to procure a finely wrought sword, with proper inscriptions, to be presented by the Governor to Capt. Benja-

min S. Roberts, of the Rifle Regiment, as a memento of the pride of his fellow citizens of this State for his patriotism and deeds of valor performed by him in the war with Mexico. Capt. Roberts not finding it convenient to visit this State to enable my predecessor or myself to make such presentation in person, I therefore forwarded it to Washington City where under my instruction it was presented in an appropriate manner by Hon. A. C. Dodge, in behalf of the State. In connection with this subject, I may say that while we have justly remembered the living, we have almost forgotten the dead, those of our citizens who volunteered their services to sustain the honor and triumph of our National flag, when our country was supposed to be in danger, when it required brave hearts and strong hands in her defence, and who fell in service or upon the battle fields of Mexico. Would it not be proper that the State of Iowa should, by a plain and chaste monument, erected at her capital, perpetuate the remembrance of the gallant Mills, of Guthrie, and the patriotic men who have thus fallen? I respectfully make the suggestion, and leave it for such action as may appear to you proper.

The attention of the General Assembly has been frequently called to the organization of the militia of the State, yet no steps have been taken by the people or the legislature to effect it in such manner as to comply with the laws of the United States, and to enable us to obtain the quota of arms to which we are entitled. The Secretary of State reported to the President the aggregate number of militia for the year 1851, but as there was no proper military organization, the report was declared insufficient as will appear by a communication herewith transmitted. By the laws of the United State and the provisions of our Constitution it is our duty to enroll and organize the militia into divisions, brigades, regiments, battalions and companies; and by a proper officer to report to the President annually, on or before the first Monday in January of each year, our effective military force, with their arms, accoutrements, &c. For the purpose of carrying out the requirements of a constitutional law of our National Government, and to obtain the arms with which the State may be defended by her own citizens, I would most earnestly recommend you to make such provisions as will be proper to effect an object so desirable, and at the same time to establish an Arsenal where the arms and munitions obtained may be safely kept until they should be needed for service. In the month of March, 1851, I received a communi-

cation from the Ordnance Department at Washington, stating that the Secretary of War had directed Major Bell, in charge of the Arsenal at St. Louis to issue upon my requisition arms and accoutrement sufficient to equip two companies of Volunteers at Burlington and Dubuque, to be charged to the State. Accordingly on the 27th day of May following, a requisition was made, and the arms were obtained, and those for the company of Burlington have been delivered. The company at Dubuque not having completed its organization, I directed the arms and accoutrements to be sent to the Penitentiary for safe keeping, where, under the charge of the Warden, they might be kept in good order, and be serviceable in guarding the prison.

Among the many important questions which will come before you for deliberation, will be the amendment of the laws now in force in this State, and to which I would especially call your attention. It will be remembered that in the year of 1848, a committee of three persons were appointed to draft, revise and prepare a code of laws for the government of the State; and having completed their work, they at the session of the General Assembly of 1850 and '51, made their report, which having been amended, was passed and went into force on the first day of July following. This body of laws was prepared, amended and published with great care and expense, and is entitled to your careful and candid consideration.

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

For the purpose of directing your attention to such parts of the

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

In view of this duty, there is only one subject to which I would call your special attention, and that is the law regulating the sale of intoxicating liquors. This law removes all restraint from the traffic in such liquors, as articles of merchandise, but prohibits the retail to be drunk upon the premises, under severe penalties; placing the enforcement of its prohibitory provisions under the exercise of the criminal jurisdiction of courts and juries. Until within a comparatively recent period, the use of spirituous liquor, has been generally looked upon without disapprobation. More recently public opinion has changed to a considerable extent, and in producing this result society is indebted to moral and educational influences more than to any other cause. My mind is strongly impressed with the belief that to such means, must be entrusted the hopes of future success. In a popular government, where the laws are in the hands of the people, legislative power, to be effective upon questions which come directly in conflict with natural right, cannot advance beyond public opinion. The first effort of this power was to limit the sale of such liquors through the local authority requiring a license with bail and other regulations. Thus far the law was sustained and its penalties were enforced. More recently attempts have been made to extend this power, by experimental legislation, more or less stringent. Of such a character is the law now in force. And I submit to you, while it has existed, whether general experience has not shown that its prohibitory provisions stand upon our statute book without being observed while the general license to sell as an article of merchandise has extended the traffic without control. There is an inconsistency in the practical operation of this law not reconcilable with the object intended, which suggests an additional reason for a change. Drunkenness and immoralities arising from the use of ardent spirits, may be punished as crimes, but it is doubtful whether any legal enactment will prevent its being sold by retail, while a general sale is allowed as an article of merchandise. It would seem, therefore, that a judicious license system, placed under the control of the local authorities,

could be made more efficient for good than other legislation. With these views I submit the subject to your care.

In pursuance of a law of the last General Assembly relative to the Des Moines River Improvement, I proceeded at an early day to fill the offices of Commissioner and Register as therein provided, by the appointment of Gen. V. P. Van Antwerp as Commissioner, and George Gillaspay, Esq., as Register, who after being duly qualified, entered upon the discharge of the duties required of them. Fully aware of the great importance of this work and of the deep interest felt in its earliest completion, these gentlemen proceeded at once to ascertain its true condition, and so far as practicable to do what might be in their power to carry it forward to completion. The result of their labors during the first year will be found in their first annual report, made to me in pursuance of law, and which is herewith submitted for your consideration. By this report it will be found that all work, or very nearly so, when these officers entered upon the discharge of their duties, was suspended. There were no funds on hand, and no part of the work was completed. Of the lands below Racoon Forks 188,466 acres had been sold, realizing the sum of \$235,708 81, all of which had been expended, and there remained only 133,401 acres, worth at \$1 25 per acre, \$166,752 36. Over and above the money already expended, there was outstanding debt due to the contractors of not less than \$65,000, and unliquidated claims for damages of over \$80,000 on suspended contracts. The estimated cost of completing the works between St. Francisville and Keosauqua, excluding the canal, was \$210,000 Thus showing an absolute deficit in means to be hoped for from the lands laying below the Racood Forks, to meet the actual indebtedness and the estimated cost of \$108,250, aside from all claims for unliquidated damages. In view of these facts, and to meet the pressing necessity for immediate progress with the portions of the improvement commenced, to avoid obstructions in the navigation of the river, proposals were issued for the completion of the whole work, or portions thereof as might suit contractors—thus seeking to anticipate the avails of the unsold lands and the rents of water powers, after first providing for all outstanding claims. While the result of this effort remained uncertain the unprecedented rise in the waters of the Des Moines which continued until the month of August, added most seriously to the embar-



rassments upon the prospects of the work, and threatened its entire abandonment.

Notwithstanding all the accumulated difficulties, the officers appointed did not suspend their efforts; and as no arrangement could be made with the old contractors, who perseveringly pressed their claims for liquidation and payment, they entered into negotiations with Messrs. Bangs, Brothers & Co., of New York, in pursuance of their proposals. When this negotiation was about closing, a new and unexpected difficulty arose of the most embarrassing character. In the month of August, the Secretary of the Interior informed the Commissioner that in accordance with the opinion of the Attorney General, he had decided that the Des Moines river grant, did not extend above the Racoon Fork, and reversing a prior decision of Mr. Walker, Secretary of the Treasury, on the same question. This action of the General Government was fatal to the prospect of the improvement if adhered to. In the hope, however, that this would not be the case, the officers proceeded and concluded a contract with Bangs, Brothers & Co., to carry forward the work as far as the means might permit. An effort was then made to prevent the injustice of withholding these lands from the State, which, through the energy of the officers, and the most able counsel, proved successful. The decision of the Secretary of the Interior was reversed, and the lands withheld were restored to the State, thereby ensuring the means necessary for the completion of the improvement. The claims for unliquidated damages were also disposed of by a voluntary arbitration, which resulted in an award in favor of the contractors of twenty-three thousand seven hundred and ninety-six dollars and eighty-nine cents. By this report it will be seen that within the first year this work has gradually recovered from the many and serious embarrassments which pressed upon it, and that this is mainly the result of the energy, and steady perseverance of the officers to whose care it was entrusted.

Their second annual report has just been received and is also herewith submitted. Notwithstanding the favorable prospect at the close of the first year, the progress and condition of the improvement has been retarded by unexpected difficulties. Messrs. Bangs, Brothers & Co., have failed to carry on their contract, and efforts have been made to ensure the speedy completion of the work by contract with various other persons, all of which have so far proved unavailing

and present appearances indicate that it may be compelled to proceed only as means may be realized from the sales of the lands. Under the persevering efforts of the officers, the portions of the work begun, have progressed so far as to re-open the river for navigation by providing for the passage of boats through the locks, and opening the channel below St. Francisville. The brief period, since the receipt of this report, will not allow me to examine the suggestions contained therein, for the future progress of the improvement, sufficiently to recommend any specific course of action in regard to them. The importance, however, of the subject, will claim your earnest attention, and will recommend itself to your favorable consideration by every constitutional means in your power, to ensure its completion, at the earliest practicable period.

In consequence of the failure of Congress, at its last session, to make a donation of land for the construction of railroads in this State, it would seem to be advisable to again urge this subject upon their consideration; and coming as you do directly from the people, you will be able to understand their wants and their wishes, and it is to be hoped that in a spirit of concession and harmony, conflicting views may be reconciled, and such an application may be made as would conduce to the best interest of the State, and meet with the approbation of the General Government.

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

except from the county of Muscatine. As it is desirable that these returns should be made to secure the title to these lands to the State, I would recommend that the law upon this subject be so changed as to authorize the employment of other persons, where the county surveyor neglects or refuses to perform that duty.

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

In looking to the future, I cannot avoid a feeling of deep concern at the opinion expressed by some portion of our fellow citizens in favor of amending the Constitution of our State in such a manner as to authorize the establishment of Banks—of special acts of incorporation for pecuniary profit, and of contracting State debts without limitation of the General Assembly. Restrictions which are eminently calculated to protect the people from hasty, unjust, and unwise legislation; and the time has come when we should examine with more than ordinary care the principles of political economy connected with our government, and avert as far as possible approaching evils.— Among the first of these in my estimation is the system of banking which has been and is now carried on in the United States. The power of these institutions over commerce, trade and industry of a country, is easily understood when it is remembered that they are invested by law with extraordinary privileges. First, to concentrate their capital and credit, and to issue their notes to double and often triple the amount of that capital. Second, to loan their credit at a high rate of interest; and third, an exemption from the ordinary liability to pay their debts and contracts to which the majority of mankind are subjected. Possessing these ~~power~~ and privileges by the sanction of law, and to the exclusion of others, it is not surprising that the agricultural, commercial, and manufacturing interest of the country should be subject to frequent and disastrous convulsions. The depression and ruin which was brought upon thousands by the failure of the banks of Illinois and other Western States in 1841 and 41 cannot be forgotten. And when we find that a number of those States, not profiting by former experience, have recently organized a general system of banking for the purpose of again flooding the whole Mississippi valley with a paper currency, we may justly conclude that another convulsion more disastrous than the first will shortly be at

hand. Would it be wisdom in us, under such circumstances, and when it is in the power of every citizen to retain if he sees proper, a gold and silver currency in the State, to throw aside the sheet anchor of our safety and cast ourselves upon the mercy of the waves?

In connection with this subject I may say with Mr. Madison "that the loss which America has sustained from the pestilential effects of paper money on the necessary confidence between man and man, and the necessary confidence in the public councils, on the industry and morals of the people, and on the character of republican government constitutes an enormous debt against the States chargeable with this unadvised measure, which must long remain unsatisfied or rather an accumulation of guilt which can be expiated no otherwise than by a voluntary sacrifice on the altar of justice." While a system of banking may serve the purpose of stimulating the hopes and business pursuits of a community and impart more than ordinary vigor to the current traffic, during a season of prosperous credit, still it is always treacherous and fraught with too many uncertainties upon which to risk the toil and industry of those who are generally the least able to bear the losses incident to a paper currency. What is to be gained by the great body of the people of this State by the creation of banks among us and the substitution of a paper currency the inevitable tendency of which will be to drive the specie from circulation? Will the result prove a sounder and safer state of affairs after banishing gold and silver from circulation, and placing the business relations of State upon a foundation which the first blast of adversity may sweep away? Already we have too much of this currency among us. Already has it to a great extent driven the precious metals from the country, and if permitted to continue will be perilous to our best interests. For the purpose of retaining in circulation a sufficient sum of gold and silver to do the ordinary business of our citizens, I respectfully urge upon the General Assembly the propriety of passing a law to prohibit the circulation of all bank notes of a less denomination than ten dollars. A law of this character would have a most salutary effect in driving out the small notes from among us, and to a considerable extent protect our citizens from the effects of bank explosions.

It is also time to enquire why it is that the Constitution of this state should be amended to authorize the legislative power, by act of law to create inequalities and distinctions among our citizens by granting

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

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

S. HEMPSTEAD.

December 7th, 1852.

On motion of Mr. Lowe,

The reading of the accompanying documents was dispensed with, with the exception of the Report of the Commissioner and Register of the Des Moines River Improvement.

Mr. Lewis moved that the message of the Governor, and accompa-

nying documents, be laid upon the table, and 2,000 copies of the same be printed for the use of the Senate.

Mr. Lowe moved to amend by inserting 3,000.

Mr. Hepner moved a division, and the question being to print three thousand copies of the Governor's message, was carried—ayes 13, nays 11.

On motion of Mr. Sayles,

The Senate adjourned until to-morrow morning at two o'clock.

### WEDNESDAY MORNING, DECEMBER 8, 1852.

Senate met pursuant to adjournment.

The President announced the Standing Committees for the session, as follows:

*On Ways and Means.*—Messrs. Shields, Hillis, Clark, Crosthwait and Hepner.

*On the Judiciary.*—Messrs. Love, Browning, Harris, Everson and Preston.

*On Federal Relations.*—Messrs. Everson, Lewis, Hedrick, Price and Fisher.

*On Internal Improvements.*—Messrs. Hepner, Schramm, Fletcher Park and Cowles.

*On Military Affairs.*—Messrs. Fletcher, Shields, Needham, Love and Coop.

*On Schools.*—Messrs. Lewis, McKinney, Fisher, Spees and Sayles.

*On Roads.*—Messrs. Lowe, McAchran, Lucas, Park and Wing.

*On Public Buildings.*—Messrs. Hull, Harris, Spees, Hepner and Sayles.

*On Elections.*—Messrs. Harris, Browning, Clark, Park and Lewis.

*On Engrossed Bills.*—Messrs. Hendershott and Schramm.

*On Enrolled Bills.*—Messrs. Wing and Hedrick.

*On Agriculture.*—Messrs. Coop, Price, Needham, McAchran and Lucas.

*On County Boundaries.*—Messrs. Preston, Hillis, Fletcher, Coop and Crosthwait.

*On Incorporations.*—Messrs. Clark, Hepner, McKinney, Hull and Johnson.

*On New Counties.*—Messrs. Sayles, Hedrick, Love, Needham and Clark.

*On Claims.*—Messrs. Hendershott, Schramm, Johnson, Crosthwait and Cowles.

Mr. Lewis introduced the following resolution:

Resolved, That the Secretary of the Senate, be requested to employ some suitable person to make fires and otherwise attend to the committee rooms attached to the Capitol for the use of the Senate.

Mr. Sayles offered the following substitute:

Resolved, That the Fireman of the Senate, be authorised to take charge of the committee rooms, and employ one assistant.

Mr. Coop moved that the resolution and substitute lie on the table, and be made the order of the day for Monday next—lost.

The vote being taken on the substitute by Mr Sayles,

The same was lost.

The question being on the original resolution, the yeas and nays being requested and ordered were as follows:

YEAS—Messrs. Clark, Cowles, Crosthwait, Fisher, Fletcher, Harris, Hendershott, Hull, Lewis, Love, Lowe, McAchran, McKinney, Preston, Price, Sayles, Shields, Wing and Mr. President—19.

NAYS—Messrs. Coop, Everson, Hillis, Hedrick, Hepner, Needham, Park and Schramm—8.

So the resolution was adopted.

Mr. Cowles introduced the following resolution:

Resolved, That a committee of three be appointed, to draft and report a code of rules for the government of the Senate.

Adopted.

Mr. President appointed the following gentlemen as said committee:

Messrs. Cowles, Hedrick and Hepner.

Mr. Shields offered the following resolution:

Resolved, That the Secretary of the Senate be directed to furnish each member of the Senate, with thirty copies per week, of such newspapers publishing the proceedings of the Legislature, as they may direct, during the present session of the General Assembly.

Mr. McKinney moved to amend by striking out thirty; lost.

Mr. Hepner moved that the resolution be laid on the table; lost.

The question being on the adoption of the resolution, the yeas and nays being ordered were as follows:

YEAS—Messrs. Clark, Cowles, Crosthwait, Fisher, Fletcher, Harris, Hendershott, Hull, Lewis, Love, Lowe, McAchran, McKinney, Preston, Price, Sayles, Shields, Wing and Mr. President—19

NAYS—Messrs. Coop, Everson, Hillis, Hedrick, Hepner, Needham, Park and Schramm—8.

Mr. Harris introduced Senate file, No. 2,

Resolved, By the General Assembly of the State of Iowa, That the Senate, the House concurring, will meet in joint convention on Tuesday the 20th day of January, A. D. 1853, or some day thereafter, at 11 o'clock A. M. of said day, to elect a United States Senator, for the term of six years from the fourth day of March, 1853, to fill the seat made vacant by the expiration of the term for which George W. Jones was elected.

Which was read a first and second time.

Mr. Lowe moved the indefinite postponement of the resolution.

Mr. Clark moved to lay on the table. Carried.

The report of the warden of the Penitentiary was received.

Mr. Shields moved, that the reading be dispensed with, and that the report lie on the table, and one thousand copies be printed for the use of the Senate.

Mr. Preston called for a division,

And the question being to lay the report on the table.

Was decided in the affirmative.

Mr. Preston moved to take from the table the documents accompanying the Governor's message, and that three thousand copies be printed for the use of the Senate.

Mr. Love moved a substitute,

That a committee be appointed on printing, and that said report, and the documents accompanying the President's message be referred to them. Carried.

And the President appointed the following as said committee:

Messrs. Love, Everson, Hepner, Crosthwait and Lewis.

A report was received from the State Librarian.

On motion,

The reading was dispensed with, and



The report referred to the committee on printing.  
The President, Mr. Leffingwell, read the following:

SENATE CHAMBER, IOWA CITY,  
December 8th, 1852. }

The Secretary of the Senate reports, that in accordance with the resolution of the Senate, he has appointed Martin Boyle to make fires and otherwise attend to the committee rooms attached to the Capitol.

T. B. CUMING, Secretary.

On motion of Mr. Lowe,

The clause of the report on credentials, referring to a contested election, was taken from the table and referred to the committee on elections.

On motion of Mr. Shields,

The Senate adjourned until two o'clock, P. M.

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TWO O'CLOCK, P. M.

On motion of Mr. Harris,

Mr. Everson was appointed on the committee of elections, to fill the vacancy occasioned by the absence of Mr. Browning.

Mr. Preston offered the following resolution, which was adopted :

Resolved, That the Secretary of the Senate be requested to notify each of the Judges of the Supreme and District Courts of this State, that the General Assembly is now organized and ready to receive any report they may have to make in pursuance of section 1598 of the code of Iowa.

Mr. Shields presented the petition of citizens of Dubuque county, praying for the repeal of so much of the road law as provides for the election of county supervisor, and that, in lieu thereof, a township supervisor be elected in each township, to be paid one dollar per day.

Which, on his motion, was referred to the committee on roads.

Mr. Hull gave notice that on to-morrow, or some subsequent day of the session, he should ask leave to introduce a bill to remove the

seat of government from Iowa City, Johnson county, to Ft. Desmoines, Polk county.

Mr. Hendershott gave notice that, on to-morrow, or some day thereafter, he should ask leave to introduce a bill for an act to regulate the interest on money.

Mr. Harris gave notice that, on to-morrow, or some subsequent day, he should ask leave to introduce a bill to grant the swamp lands of the State to the counties in which they respectively lie, for the purpose of building roads and bridges in said counties.

Mr. Harris moved to reconsider the vote on the motion to allow thirty copies of newspapers to members of the Senate. Carried.

And, on motion of the same,

The resolution was laid on the table.

On motion,

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

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#### THURSDAY MORNING, DECEMBER 9, 1852.

Senate met pursuant to adjournment.

Mr. Hendershott introduced the following resolution, which was adopted :

Resolved, That the Governor be requested to inform the Senate whether the money appropriated by act of Congress at its last session, to reimburse this State for means expended in the survey and establishment of our southern boundaries, has been drawn from the United States Treasury; and if not, whether any act is necessary, on the part of the General Assembly, to enable the proper authority of Iowa to draw the same.

Mr. Preston introduced the following resolution, which was adopted :

Resolved, That the Secretary of State be requested to inform the Senate whether the census board have established any rules in pursuance of chapter 74, section 1,109 of the Code of Iowa; and if so,

that he be requested to furnish the Senate with a copy of such rule or rules.

Message from the House of Representatives by Mr. Hooton, Chief Clerk :

Mr. PRESIDENT—I am directed to inform the Senate that Messrs. Haun, Folsom and Sells, have been appointed a committee on the part of the House of Representatives, to meet a similar committee on the part of the Senate, whose duty it shall be to report joint rules for the government of the two houses.

Mr. Cowles, chairman of the committee on ~~rules~~, presented the following report.

The committee appointed to ~~draw~~ and report rules for the government of the Senate, submit the following :

### RULES OF THE SENATE.

Order of daily business :

After the journal is read, the following order shall govern :

1. Petitions or memorials to be offered.
2. Resolutions.
3. Reports of committees.
4. Communications on the President's table.
5. Reports in possession of the Senate which offer grounds for a bill.
6. Bills or other matters before the Senate, unfinished the preceding day.
7. The general file of bills, and other papers agreeably to their introduction into the Senate.

### STANDING RULES.

1. The President 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 journals of the proceeding 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.

2. One fourth of the members may have a call of the Senate, and absent members sent for.

3. Questions shall be distinctly put in this form, viz: "As many as are of opinion that (as the question may be) say aye." And after the affirmative voice is expressed, "As many as are of the contrary opinion say no." If the President doubt, or a division be called for, the Senate shall divide—those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4. All motions (except to adjourn, postpone or commit) shall be reduced to writing if required by any member of the Senate. Any motion may be withdrawn before it is amended by the Senate.

5. Every member present when a question is put shall vote, unless he shall for special cause be excused by a vote of the Senate; but no member shall vote on any question, in the event of which, he is directly and personally interested, or in any case where he was not present when the question was put.

6. When a member is about to speak in debate, or deliver any matter to the Senate he shall arise from his seat, and respectfully address himself to Mr. President, and shall confine himself to the question under debate, avoid personalities, and the imputation of improper motives.

7. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed, on the same day and at the same stage of the bill or proposition.

8. The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments; reported by a committee, if any; then upon pending amendments, and then upon the main question.

9. A motion to adjourn, to lay on the table, and for the previous question, shall be decided without debate; and all incidental questions of order, arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

10. Any member may call for a division of a question, which shall be divided, if it comprehend propositions in substance so distinct, that

one being taken away, a substantive proposition shall remain for the decision of the Senate. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendment, nor a motion to strike out and insert.

11. 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.— 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.

12. 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.

13. 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, requiring the concurrence of both houses, shall be committed or amended, until it shall have been twice read.

14. 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 a third reading of a bill or resolution, no amendment (except to fill a blank) shall be received, except by unanimous consent of the members present.

15. A bill or resolution may be committed at any time previous to its passage.

16. In filling blanks the largest sum and longest time shall be first put.

17. When a motion or question has been decided in the affirmative or negative, any member having voted with the majority may move a reconsideration the same or a succeeding day.

18. Before acting on executive business, the Senate Chamber shall be cleared by direction of the President of all persons except members, the Secretary and Sergeant-at-Arms, the members enjoined to observe secrecy; and the Secretary and Sergeant-at-Arms to be sworn.

19. No standing rule or order of the Senate shall be rescinded or suspended, except by a vote of three-fourths of the members present.

20. The rules of parliamentary practice comprised in Jefferson's Manuel, shall govern the Senate 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 the joint rules of the Senate and House of Representatives.

On motion of Mr. Lowe,

The report was laid on the table.

Mr. Harris, chairman of the committee on elections, made the following report :

### REPORT.

The committee on elections have had that portion of the report of the committee appointed to examine the credentials of members of this Senate, elected at the general election for 1852, that had reference to the right of Sanford Harned to a seat on this floor, as Senator from Keokuk county, and referred to said committee on elections, under consideration, and instruct their chairman to report as follows, viz:

That Keokuk county is entitled to but one Senator in this body, as shown by the census of its population, and the last apportionment of the State into senatorial and representative districts.

And your committee are of opinion that Joseph Lowe, who is a resident of Keokuk county, by right of an election to represent the senatorial district composed of the counties of Mahaska, Keokuk and Poweshiek, created by act of the General Assembly approved, January 15th, 1849, to apportion the State into senatorial and representative districts, is the Representative of Keokuk county on this floor.

Your committee have been able to find no precedents, by which they can be governed in this case, unless it be those growing out of the apportionment under which said Harned desires his right to a seat in this body. And from which, if your committee can come to any conclusion as to the intention of the Legislature in the last apportionment, it is that, in the formation of new districts out of counties where Senators were holding over, residence should determine the right to represent—as in the district composed of Cedar and Clinton. From which view your committee are of opinion that Keokuk county had

no right, according to law, to elect a Senator at the general election for 1852, and that Sanford Harned, in consequence of such election, is not entitled to a seat in this body as Senator from said Keokuk county.

A. HARRIS, Chairman.

December 10th, 1852.

Mr. Lowe moved that the report lie on the table until two o'clock.  
P. M. Carried.

Mr. Love, chairman of the committee on printing, made the following report :

The committee on printing, to whom was referred the subject of printing the documents accompanying the Governor's message, and also the report of the Warden of the Penitentiary, beg leave to report that, in the opinion of the committee, the only documents, accompanying the message, necessary to be printed, are—

First—The report of the Commissioner and Register of the Des moines River Improvement for the year 1852, with the accompanying documents.

Secondly—The reports of the Inspectors of the Penitentiary for 1851 and 1852, excepting the Warden's report to the Inspectors of the Penitentiary.

Thirdly—The report of the Warden of the Penitentiary to the General Assembly for the years 1851 and 1852.

The committee recommend that of said reports and accompanying documents, copies be printed under the supervision of a committee of the two Houses, for the use of the General Assembly.

The committee, therefore, recommend the adoption of the following resolution :

Resolved, by the Senate, (the House concurring,) That a joint committee be appointed on printing, with instructions to cause to be printed, copies of the reports and documents mentioned in said reports, for the use of the General Assembly; and that said committee be instructed not to allow double compensation for said printing.

On motion of Mr. Coop,

The report was adopted.

Mr. Lowe moved that a standing committee be appointed on public lands. Carried.

The President appointed the following as said committee :

Messrs. Fletcher, McAchran, Fisher, Park and Price.

Mr. Cowles moved the appointment of a standing committee on the State library. Carried.

The President appointed the following as said committee :

Messrs. Cowles, Schramm, Lowe, McKinney and Preston.

Mr. Hendershott, by leave, introduced Senate file number three, namely :

“A bill for an act to regulate interest on money.”

Which was read a first and second time :

And on motion of Mr. Hendershott,

Referred to the committee on the judiciary.

Mr. Shields moved to take from the table the resolution allowing newspapers to members of the Senate. Carried.

Mr. Shields moved to reconsider the vote to strike out 30 and insert 20. Carried.

Mr. Shields moved to amend by striking out all after the word “resolved” and inserting the following :

That the Secretary of the Senate be directed to furnish each member of the Senate with 25 copies per week, of such newspapers as they may direct, during the present session of the General Assembly.

Mr. Hepner moved to amend the amendment by striking out the word “five.” Carried.

The question being on the adoption of the amendment as amended, was decided in the affirmative.

And on motion,

The resolution passed, as thus amended, as follows :

Resolved, That the Secretary of the Senate be directed to furnish each member of the Senate with twenty copies, per week, of such newspapers as they may direct, during the present session of the General Assembly.

Mr. Coop gave notice that he would, on an early day of the present session, ask leave to introduce a bill for the encouragement of the destruction of wolves.

Mr. Shields moved to reconsider the vote on the resolution to print copies of documents accompanying the Governor’s message. Carried.

Mr. Coop moved that the resolution be amended by striking out all from the “cause,” to “and that,” and inserting “to print two thousand



copies for the use of the Senate, and                      copies for the use of the House of Representatives. Carried.

And the resolution, on motion, passed as amended.

Mr. Fletcher moved that of the number of the Governor's message ordered for the Senate, five hundred copies be printed in the German language. Carried.

On motion of Mr. Cowles,

The Senate adjourned until two o'clock, P. M.

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TWO O'CLOCK, P. M.

Mr. Lowe moved to take from the table the report of the committee on elections in relation to the claim of Mr. Harned. Carried.

On motion of Mr. Lowe,

Mr. Harned being present, was permitted to address the Senate in his own defence.

A message from the House, by Mr. Hooten, Chief Clerk.

MR. PRESIDENT:—I am instructed to inform the Senate that Messrs. Sells, Dodge and Ramsey have been appointed a committee on the part of the House, to act in conjunction with a similar committee on the part of the Senate, to determine what number of the documents accompanying the Governor's message it may be necessary to print for the use of the General Assembly.

On motion of Mr. Lewis,

The report of the committee on elections and the remonstrance of Mr. Harned, were referred to the committee on the Judiciary.

A report was received from the Auditor of State.

On motion of Mr. Hendershott,

The reading was dispensed with, and the report referred to the committee on printing.

The following communication was received from the Secretary of State.

SECRETARY'S OFFICE, IOWA }  
Iowa City, Dec. 9, 1852. }

*To the Hon. the Senate of the State of Iowa:*

GENTLEMEN—In reply to your resolution of this morning, request-

ing me to inform the Senate "whether the Census Board have established rules in pursuance of chapter 74, section 1190, of the Code of Iowa," &c.

The undersigned would most respectfully inform your Hon. Body that no rules have been established by the Census Board, under the provisions of said section.

Very Respectfully,  
Your Obedient Servant,  
GEO. W. McCLEARY, Sect'y of State.

The President read the following:

SENATE CHAMBER, IOWA CITY,  
December 29, 1852. }

The Secretary of the Senate respectfully reports, that in accordance with a resolution passed yesterday, he has notified the Judges of the Supreme and District Courts, that the General Assembly is now organized and ready to receive any report they may make in pursuance of section 1588 of the code of Iowa.

T. B. CUMING, Sect'y of the Senate.

Mr. Hepner moved to take from the table the message from the House. Carried.

On motion of Mr. Hepner,

A committee was appointed to act with a similar committee on the part of the House to draft joint rules for the government of both Houses.

The chair appointed said committee, Messrs. Hepner, Crosthwait, and Lowe.

Mr. Preston moved that the the second message from the House be laid on the table. Carried.

On motion of Mr. Shields,

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

FRIDAY MORNING, DECEMBER 10, 1852.

Senate met pursuant to adjournment.

Mr. Hepner presented the credentials of George W. Lucas, Senator from the district of Fremont, who was sworn and took his seat.

Mr. Hull presented the petition of John A. Wood, and fifty others, citizens of Iowa, praying that the seat of government be removed from Iowa City to Tools Point, in Jasper county, Iowa; which,

On his motion, was laid on the table.

Mr. Hull introduced Senate file No. 4—A bill for an act to remove the seat of government from Iowa City, Johnson county, to Fort Des-moines, Polk county, Iowa; which,

On motion of Mr. Hendershott,

Was laid on the table.

Mr. Hepner moved to take from the table the report of the committee on rule. Carried.

On motion of Mr. Cowles,

The report was adopted.

Mr. Hull gave notice that, on to-morrow, or some day of the session thereafter, he should ask leave to introduce a bill to repeal the office of supervisor of roads—to provide a substitute therefor, and to amend the road law.

Mr. Needham gave notice that, on to-morrow, or some future day, he should ask leave to introduce a bill to allow the people of Iowa to vote upon the subject of a convention to amend the constitution of the State.

Mr. Shields gave notice that, on to-morrow, or some future day, he should ask leave to introduce a bill to regulate the sale of intoxicating liquors.

Mr. Preston gave notice that, on to-morrow, or some day thereafter, he should ask leave to introduce a bill for an act entitled "an act to amend part 2, title 19, chapter 109, of the code of Iowa."

Also,

A bill for an act entitled "an act to amend part 2, title 19, chapters 110 and 111 of the code of Iowa."

Mr. Hendershott gave notice that, on to-morrow, or some subse-

quent day, he should ask leave to introduce a bill for "an act to allow and regulate the stay of execution."

Mr. Harris gave notice that, on to-morrow, or some subsequent day, he should ask leave to introduce a bill to create an additional judicial district, to be known as the 7th judicial district of the State of Iowa.

Mr. Shields moved to adjourn till 10 o'clock to-morrow morning.  
Lost.

On motion of Mr. Preston,  
The Senate adjourned until 2 o'clock, P. M.

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TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Hull,

Senate file No. 1 was taken from the table and indefinitely postponed.

Mr. Harris presented the credentials of Hadley D. Johnson, Senator from Pottawattamie county, who was sworn and took his seat.

Mr. Love, chairman of the committee on judiciary, by leave, submitted the following report with regard to the claim of Mr. Harned to a seat in the Senate.

#### REPORT:

The Committee on the Judiciary to whom was referred the subject of the claim of Sanford Harned to a seat upon this floor, beg leave to submit the following report:

That the apportionment law approved January 15, 1849, gave to the counties of Mahaska, Keokuk and Poweshiek one senator and two representatives; that in pursuance of this law, Mr. Joseph Lowe was at the August election for the year 1850 elected a senator from that district for the term of four years, and that Mr. Lowe now occupies a seat as a senator on this floor.

Owing to the rapid increase of population in the district in question, the apportionment act approved February 5th, 1851, detached

the county of Poweshiek therefrom, and made a provision in the following terms :

“That the counties of Keokuk and Mahaska shall have one senator and one representative each, and one representative jointly.”

Under the provisions of this act, the counties of Mahaska and Keokuk, respectively, elected at the last general election, a senator each, the former Mr. Needham, who now occupies a seat on this floor, and the latter, Mr. Harned, who claims a seat among us.

The simple question for the Senate to decide, growing out of these facts is, whether Mr. Harned is entitled to a seat as a senator on this floor.

Your committee, after the most careful consideration of the whole matter are of opinion that this question must be answered in the negative.

We find in the constitution the following provision :

“The number of senators shall not be less than one-third nor more than one-half the representative body.”

Now the House of Representatives is composed of sixty-three members, and we have now in this body thirty-one senators qualified and occupying their seats. Can we admit another member without excluding some senator now occupying a seat? If so, we shall have thirty-two members in this body, and thirty-two is clearly more than half of sixty-three. This is an argument of mathematical certainty, and precision. The number of senators may be less than half the representative body, but it cannot be more than half. If we may admit thirty-two senators, why not thirty-three or four, or any higher number? It is clear, therefore, that we cannot admit another member without a manifest violation of the constitution, unless we first exclude some senator now occupying a seat. Now it is not proposed to exclude any member of this body. There is not a single member whose seat is contested. Whom shall we exclude? The claimant himself distinctly and expressly admits in the paper which he has read to the Senate, that Mr. Lowe is entitled to his seat, and that he cannot be excluded. Indeed that proposition is too clear for argument, without regard to the admission in question. It is not competent for the Legislature by any legislation, direct or indirect, to abridge the term of a senator in this body; for the term is fixed by the constitution itself. Congress might as well attempt by laws, to abridge the term of a senator of the United States.

Can the Senate exclude Mr. Needham the senator from Mahaska? If so, we clearly cannot admit Mr. Harned the claimant. For these gentlemen stand upon the same platform. Certainly if there is any difference in the two cases, it is much in favor of the right of the senator from Mahaska to a seat upon this floor, Mr. Lowe resides at least in Keokuk county, and he is unquestionably the representative of that county. It may be, that he represents Keokuk in connection with the other counties of the district, by which he was elected; but that he does in fact represent Keokuk county, there can be no doubt. Mahaska if Mr. Needham should be excluded, will have no representative here, except Mr. Lowe, who resides in Keokuk, and if the claimant be admitted Keokuk will have two resident Senators.

It is therefore clear, that the exclusion of Mr. Needham would necessarily involve the exclusion of Mr. Harned also. Not a single reason can be urged in favor of the exclusion of Mr. Needham, which would not require the rejection of Mr. Harned's petition.

Whom then shall we exclude? It is not pretended, that there is a single district in the state, except the one in question, which has more than its due representation here. It is said indeed, that the Senate might as well exclude one of the senators from Lee or any other county as refuse a seat to this applicant. Not so, because if a senator from Lee were excluded, that county would have less than its due representation, whereas by refusing the application of Mr. Harned, Keokuk county is still left with her due representation.

Mr. Harned does not contest the seat of Mr. Lowe, but he claims his seat as against Mr. Needham, and he proposes to decide that contest by lot. The proposed proceeding is certainly a novel one.

Suffice it to say that we know of no law which affords the least warrant for the proposed mode of settling this difficulty. When we consider that according to the census of 1850, under which this apportionment was made, Mahaska had 5,987 inhabitants and Keokuk 4,822, we are forcibly struck with the injustice of attempting to give the latter a greater representation than the former.

Many difficult and complex questions connected with the case have been started by ingenious gentlemen on this floor, but it is not necessary at this time to discuss or decide such questions. "Sufficient unto the day is the evil thereof." It is now sufficient for the Senate to decide that the applicant cannot be admitted to a seat

without a violation of the constitution. When other questions become necessary to be decided the Senate can consider them.

The committee will however add that it was certainly competent for the Legislature to increase the representation of the counties of Keokuk and Mahaska, in proportion to their increase of population, keeping themselves within the limit of the constitution as to the number of senators. But of the effect of the apportionment law of 1851, is to give to Keokuk and Mahaska counties each a senator in addition to the senator (Mr. Lowe) who now represents them on this floor, and also to give them three representatives in the other House. It apportions to those counties a much greater representation than their population entitles them to, and thereby violates the true spirit, if not the letter, of the constitution. For that instrument provides that the number of representatives and senators shall be apportioned among the several counties according to the number of white male inhabitants in each. Now the number of inhabitants in those counties, would at the utmost entitle them to two senators and three representatives.

Again, if such is the effect of the law, it is so far repugnant to the very letter of the constitution as to enlarge the number of senators beyond the limit fixed of that instrument.

Whether such is the effect of the law, the committee deem it unnecessary to decide.

The committee are unanimous in the conclusion arrived at in this report, but it is proper to add that one member of the committee does not concur in all the reasons assigned for that conclusion.

The committee therefore recommend the adoption of the following resolution.

That Sanford Harned is not entitled to a seat as a senator on this floor.

J. M. LOVE, Chairman.

Message from the House of Representatives, by Mr. Hooten, Chief Clerk.

**MR. PRESIDENT**—I am directed to inform the Senate, that the House have passed the concurrent resolution of the Senate relative to printing, and have filled the blank in said resolution with "2,000" and appointed Messrs Sells, Dodge and Ramsey a committee to act in connection with the Senate committee.

On motion of Mr. Lewis,

The resolution of the judiciary committee in relation to the claim of Mr. Harned, was made the special order of the day on Monday next, at two o'clock P. M.

On motion of Mr. Coop,

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

SATURDAY MORNING, DECEMBER 11th, 1852.

The Senate met pursuant to adjournment.

Mr. Hull introduced the following resolution

Resolved, That the Senate appoint a committee of three to meet a like committee from the House, to whom all matters pertaining to amendments of the code, shall be referred.

Lost.

Mr. Crosthwait introduced the following resolutions :

1st. Resolved, That a committee of three be appointed to inquire and inform the Senate what amount of mileage, per annum, is now paid to revenue collectors for making returns at Iowa City, and what amount of mileage would be paid for the same service, if the returns should be made at Fort Desmoines.

2nd. Resolved, That the said committee inform the Senate, at as early a day as practicable, the probable amount of mileage which will be paid to the members of this General Assembly; and the probable amount of mileage which would be paid them if said General Assembly met at Fort Desmoines.

Mr. Lowe moved to amend by striking out all after the word "resolved," where it first occurs, and inserting the following :

That a select committee composed of the senators representing the interest of all the points spoken of, for a relocation of the capital, be appointed, whose duty it shall be to estimate and report the difference in the amount of mileage of members to and from the different points.

Mr. Hull moved to amend the amendment by adding



That said committee shall, in their estimate, include the unorganized counties of the State also. Lost.

Mr. Lowe moved to amend his amendment,

By striking out all from the word "representing" to the words "be appointed," and inserting Oskaloosa, Pella, Tools Point, Fort Des Moines and Iowa City. Mr. Fletcher moved to lay the resolution and amendments on the table.

On which question the yeas and nays being called, were as follows:

YEAS—Messrs. Clark, Coop, Fisher, Fletcher, Harris, Hull, Johnson, Lewis, Lowe, Price, Shields, Spees and Wing—13.

NAYS—Messrs. Cowles, Crosthwait, Everson, Hillis, Hedrick, Hendershott, Hepner, Love, Lucas, McAchran, McKinney, Needham, Park, Preston, Sayles, Schramm and Mr. President—17.

So the motion was lost.

The question being on the amendment to the amendment was decided in the affirmative.

The question, then being on the amendment as amended the yeas and nays being ordered, were as follows:

YEAS—Messrs. Clark, Coop, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Shields, Spees, and Mr. President—20

NAYS—Messrs. Cowles, Crosthwait, Hendershott, Hepner, Hull, Preston, Price, Sayles, Schramm and Wing—10

So the amendment as amended was adopted.

The question recurring on the adoption of the original resolutions as amended

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

YEAS—Messrs. Clark, Everson, Hillis, Hedrick, Love, Lowe, McAchran, Needham and Spees—9

NAYS—Messrs. Coop, Cowles, Crosthwait, Fisher, Fletcher, Harris, Hendershott, Hepner, Hull, Johnson, Lewis, Lucas, McKinney, Park, Preston, Price, Sayles, Schramm, Shields, Wing, and Mr. President—21.

Mr. Hepner, on the part of the Senate from the joint committee, appointed to report rules to regulate the correspondence between the two Houses, submitted the following report:

The joint committee appointed to report rules to regulate the correspondence between the two houses, beg leave to submit the following

## 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.

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

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

8. After a bill shall have been thus signed in each House, it shall be presented by 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 or both branches of the General Assembly, the names of the members of both branches shall be arranged together in alphabetical order, and be called upon to vote in the order in which they shall stand arranged.

Which on motion,

Was adopted.

Mr. Cowles moved that 100 copies of the rules of the Senate, and joint rules of the two houses be printed for the use of the Senate.—  
Carried.

Mr. Coop introduced

Senate file, No. 5, A Bill for "an act to encourage the destruction of wolves."

Which was read a first and second time, and

On motion of Mr. Hepner,

Referred to the committee of the whole, and made the special order for Mondsy next.

Mr. Harris introduced the following resolution:

Resolved, That the Secretary of the Senate employ some suitable person to assist the messenger in his duties. Which

On motion of Mr. Cowles,

Was laid on the table.

Mr. Harris introduced,

Senate file No. 6, A Bill for an act to grant the swamp lands to the counties in which they lie.

Which was read a first and second time, and

On motion of Mr. Lewis,

Referred to the committee on public lands.

Mr. Lucas gave notice that on Monday, or some day thereafter, he should ask leave to introduce a bill for the organization of the counties of Harrison, Shelby, Cass and Adams.

The following message was received from the House of Representatives, by Mr. Hooten, Chief Clerk:

MR. PRESIDENT—I am directed to inform the Senate, that the House have resolved, the Senate concurring, to appoint a committee of five on the part of the House, to act with a similar committee on the part of the Senate, in the consideration of amendments to the Code.

The President announced a message from the Governor, requiring the action of the Senate in executive committee. Whereupon,

On motion of Mr. Hepner,

The Senate went into executive session.

The executive session having closed,

On motion of Mr. Lewis,

The Senate adjourned until two o'clock P. M.

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TWO O'CLOCK, P. M.

On motion of Mr. Shields,

The Senate resolved itself into committee of the whole on the Governor's message,

Mr. Shields in the chair.

And after some time spent therein, rose and reported a reference of the message to committees as follows:

That part referring to Webster, Clay and others,

To the committee on federal relations.

That part referring to the appointment of attorney general,

To the committee on judiciary.

That part relative to the sale of intoxicating liquors,

To the committee on ways and means.

That part relative to the militia,

To the committee on military affairs.

That part having reference to the establishment of a state land office,

To the committee on public lands.

That part having reference to the penitentiary,

To the committee on internal improvements.

That part having reference to Des Moines river improvements,

To the committee on internal improvements.

That part having reference to the amendment of the Code,

To the committee on judiciary.

That part having reference to the action of Congress, in relation to grants of land for railroad purposes,

To the committee on internal improvements.

That part relative to the creation of a commissioner of emigration,

To the committee on federal relations.

That part relating to common schools and a state university,

To the committee on schools.

The report, on motion,

Was concurred in.

On motion of Mr. Preston,

The message from the House was taken from the table, and the question being, "shall the Senate concur," the yeas and nays were ordered and were as follows:

YEAS—Messrs. Clark, Hillis, Hepner, Hull, Johnson, Lucas, McCachran, Price, Schramm, Spees, Wing, and Mr. President—12.

NAYS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Harris, Hedrick, Hendershott, Lewis, Love, Lowe, McKinney, Needham, Park, Preston, Sayles, and Shields—18.

So the Senate refused to concur.

On motion of Mr. Preston,

The Senate adjourned until 10 o'clock Monday morning.

MONDAY MORNING, DECEMBER 13, 1852.

The Senate met pursuant to adjournment.

On motion of Mr. Hedrick,

Resolved, That a special committee be appointed to take into consideration the amendments that are proper to be made to that portion of the code of Iowa, found in title 8, chapter 37, on the subject of revenue, with instructions to report by bill or otherwise.

The President appointed Messrs. Hedrick, Love and Hull, said committee.

On motion of Mr. Shields,

Resolved, That the Secretary of the Senate be instructed to purchase six of the most approved maps of Iowa, for the use of the Senate.

Mr. Coop moved to strike out "six" and insert "two."

Mr. Sayles moved to amend by adding "twenty be deposited in the library. Lost.

The question recurring on the original resolution, the yeas and nays being ordered, were as follows :

YEAS—Messrs Clark, Cowles, Crosthwait, Fletcher, Harris, Hendershott, Lewis, Love, Lowe, McKinney, Preston, Price, Schramm, Shields, Wing and Mr. President—16.

NAYS—Messrs. Coop, Everson, Fisher, Hillis, Hedrick, Hepner, Hull, Johnson, Lucas, McAchran, Needham, Park, Sayles and Speer. --14.

So the resolution was adopted.

Mr. Love introduced the following resolution :

Resolved, By the Senate, the House concurring, that the following joint committee be appointed, to whom shall be referred all appropriate matters connected with the amendment of the code, viz: On.

Ways and Means, on Schools, on Roads, on Elections, and on Corporations; and that said committees consist of six members.

Which on motion of Mr. Cowles,

Was laid on the table.

Mr. Hendershott introduced,

Senate file, No. 7, A bill for an act allowing and regulating the stay of execution on judgments of 'the District and Justices' Courts.

Which was read a first and second time; and,

On motion of Mr. Lowe,

Referred to the committee on Judiciary.

Mr. Wing gave notice that on some future day, he should ask leave to introduce a bill for an act to change the name of Orson Hoar.

Mr. Preston gave notice that on to-morrow, or some day thereafter, he should ask leave to introduce a bill for an act entitled an act to divide the State of Iowa into Congressional Districts.

Mr. Croshtwait gave notice that on to-morrow, he should ask leave to introduce a bill to amend chapter 83 of the code, concerning estates of decedents;

Also, a bill requiring county judges to give bond for the faithful performance of their duties.

Mr. Johnson gave notice that he should, on to-morrow or some other day thereafter, ask leave to introduce a bill for an act to amend "an act to re-appoint the state, and define the boundaries of senatorial and representative districts therein," approved, February 5th, 1851.

On motion,

The Senate resolved itself into committee of the whole, for the consideration of Senate file No. 5, a bill for "an act to encourage the destruction of wolves."

After some time passed, the committee rose, and through its chairman, Mr. Hepner, reported the bill with two amendments, and asked the concurrence of the Senate therein.

Mr. Hillis moved to refer the bill with the amendments to the committee on agriculture. Carried.

On motion of Mr. Lewis,

The Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

Special order of the day, the report of the committee on judiciary, upon the claim of Mr. Harned.

The question being on the adption of the resolution submitted by the committee, the yeas and nays were ordered and were as follows :

YEAS—Messrs. Clark, Coop, Cowles, Everson, Fisher, Fletcher, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lucas, Preston, Price, Sales, Shields, Wing and Mr. President.—21.

NAVS—Messrs. Crosthwait, McAchran, McKinney, Needham, Park, Schramm and Spees—7.

Excused, Messrs. Hillis and Lowe.

So the motion prevailed.

Mr. Needham moved that the protest of Mr. Harned against the decision of the committee on elections, be entered upon the journal of the Senate.

On which question, the yeas and nays being called for, were as follows :

YEAS—Messrs. Coop, Crosthwait, Everson, Hillis, Hedrick, Love, Lowe, McAchran, Needham, Park, Preston, Price, Schramm, Spees and Mr. President—15.

NAVS—Messrs. Clark, Cowles, Fisher, Fletcher, Harris, Hendershott, Hepner, Hull, Johnson, Lewis, Lucas, McKinney, Sayles, Shields and Wing—15.

On motion of Mr. Cowles,

Senate file No. 4, a bill for an act to remove the seat of government from Iowa City, Johnson county, to Fort Des Moines, Polk county, Iowa;” was taken from the table.

Mr. Preston moved to refer to the committee on public buildings. Carried.

By leave of the Senate,

Mr. Preston presented Senate file No. 8, a memorial to Congress for grants of land to aid in the construction of railroads from Dubuque to Keokuk, and from Davenport on the Mississippi to the Missouri river,

Which was read a first time.

Mr. Hendershott gave notice that on to-morrow, or some subsequent day of the present session of the General Assembly, he should ask leave to introduce a bill for an act amendatory of “an act to provide for a more vigorous prosecution, and early completion of the Des Moines River Improvement.



On motion of Mr. Cowles,  
The Senate adjourned until 10 o'clock, to-morrow morning.

TUESDAY MORNING, DECEMBER 14, 1852.

The Senate met pursuant to adjournment.

Mr. McKinney introduced the following resolutions,  
Which were adopted.

1st. Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending that portion of the code, creating the office of county judge, as to add two associates with like power to act and vote in all matters pertaining to county business, at the same time, only allowing the county court thus composed of the county judge and associates, to hold its regular sessions four times a year, abolishing the salary of the county judge, and allowing that officer and his associates, two dollars per day for their services while holding county court, and report by bill or otherwise.

2nd. Resolved, That, if said committee shall deem it inexpedient to make such amendments, they be instructed to enquire into the expediency of abolishing the office of county judge, and of re-establishing instead thereof, the old county commissioner system, and report by bill or otherwise.

3rd. Resolved, That, if said committee shall deem all the foregoing proposed amendments inexpedient, they be instructed to enquire into the propriety of so amending that portion of the code, as to change the term for which the county judge is elected from four years to two years, and report by bill or otherwise.

4th. Resolved, That said committee be instructed to report at as early a day as possible, consistent with the duties devolving upon them by virtue of the foregoing resolutions.

Mr. Preston introduced.

Senate file No. 9; An act entitled an act to divide the State of Iowa into Congressional districts,

Which was read a first and second time. and

On motion of Mr. Hendershott,

Laid on the table and one hundred copies ordered to be printed for the use of the General Assembly.

Mr. Crosthwait introduced

Senate file No. 10, An act to amend chapter 83 of the code of Iowa concerning the estates of decedents.

Which was read a first and second time, and

On motion of Mr. Lewis,

Referred to the committee on Judiciary.

Mr. Crosthwait introduced

Senate file, No. 11, A bill to require county judges to give bond,

Which was read a first and second time, and

On his motion,

Referred to committee on the Judiciary.

Bills on their second reading.

Senate file No. 8, a memorial to Congress for grants of land to aid in the construction of railroads from Dubuque to Keokuk, and from Davenport on the Mississippi to the Missouri river.

Mr. Harris moved

To refer the memorial to the committee on internal improvements.

A call of the Senate being ordered,

Mr. Sayles was reported absent.

On motion of Mr. Shields,

The further call was dispensed with,

And the question recurring on referring the memorial to the committee on internal improvements.

The yeas and nays were demanded and were as follows :

YEAS—Messrs. Clark, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hepner, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Schramm, Spees and Wing—16.

NAYS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Hull, Lewis, Love, Park, Preston, Price, Shields and Mr. President—13.

And the memorial was so referred.

Mr. Lewis gave notice that on tomorrow or some day thereafter he would introduce a bill for the election of county assessor, and define his duties.

Mr. Harris gave notice that on to-morrow or some future day, he should ask leave to introduce a bill abolishing the office of school

fund commissioner and assign the duties of that office to the county recorder.

Mr. Cowles gave notice that on to-morrow or some day thereafter, he should introduce a bill defining a lawful fence.

Mr. Harris gave notice that, on to-morrow or some future day he would introduce a joint resolution requesting our representatives and instructing our Senators in Congress to procure the passage of the homestead law, giving to each actual settler 160 acres of land.

On motion of Mr. Preston,

The Senate adjourned.

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TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

On motion of Mr. Lowe,

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

WEDNESDAY MORNING, DECEMBER 15, 1852.

The Senate met pursuant to adjournment.

Mr. Wing presented the petition of Hans Reimer Claussen, a resident of Scott county praying the repeal of that provision of the Code which requires lawyers to be citizens of the United States, which,

On his motion,

Was referred to the committee on judiciary.

Mr. Hull presented a proposition from Adam M. Tool and others, citizens of Jasper county, offering to donate to the state, certain tracts of land in said county, provided the seat of government be located at Tools Point.

Mr. Hall moved to take from the table the petition of certain citi-

zens of Jasper county, praying the relocation of the seat of government of Iowa, at Tools Point in said county, and refer it, and the above proposition to the committee on public buildings. Carried.

Mr. Harris introduced

Senate file, No. 12, a bill for an act to create the seventh judicial district in the State of Iowa

Which was read a first time.

Objection being made to the second reading,

And the question being "shall the bill be rejected?"

Was lost, and the bill was read a second time.

Mr. Hull moved that the bill be referred to the committee on the judiciary. Carried.

Mr. Hendershott introduced,

Senate file No. 13, an act to amend "an act to secure a more vigorous prosecution of the Des Moines river improvement and amendatory and supplemental to all other acts now in force in relation thereto," approved Feb 5, 1851.

Which was read a first and second time, and

On motion of Mr. Hepner,

Laid on the table, and the usual number of copies ordered to be printed for the use of the General Assembly.

Mr. Cowles introduced,

Senate file No. 14, an act defining and establishing a lawful fence.

Which was read a first and second time, and

On motion of Mr. Lowe,

Referred to the committee on agriculture.

Mr. Harris introduced

Senate file No. 15, a joint resolution requesting our representatives and instructing our senators in Congress to vote for the Homestead Bill. Which

On motion of Mr. Everson,

Was referred to the committee on public lands.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,  
Iowa City, Dec. 15, 1852. }

*Gentlemen of the Senate:*

Your resolution of inquiry whether the money appropriated by act of Congress at its last session, to reimburse the state for means ex-

ponded in the survey and establishment of our southern boundary line, has been drawn from the United States treasury, has been laid before me, and in answer thereto, I would say, that the portion of the appropriation referred to which belongs to, this state has not been drawn, nor has any official communication from the department at Washington, been received upon this subject.

As a question may arise, as to which state officer has the proper authority under existing laws, to draw the money, I would respectfully recommend, that the General Assembly make such provision as will enable the State Treasurer to draw for the same, and to place it in the treasury.

S. HEMPSTEAD.

On motion of Mr. Hendershott,

The message was referred to the committee on ways and means.

Mr. Sayles gave notice, that on some future day he would introduce a joint resolution, asking Congress to establish a mail route from Subula in Jackson county to Anamosa in Jones county.

Mr. Sayles also gave notice, that on some future day, he should introduce a bill authorizing \_\_\_\_\_ to transcribe a portion of the records of Jones county.

Mr. Harris gave notice, that on to-morrow or some future day, he should ask leave to introduce a joint resolution requesting our representatives and instructing our senators in Congress to oppose any distribution of the public lands, or the proceeds therefrom among the several states, no matter whether in Bennett's or any other bill.

Also, a joint memorial to Congress, asking for a grant of land to aid in the construction of a rail road from the southern to the northern boundary of the State of Iowa, said road to be a continuation of the road in contemplation, from the city of St. Louis in the State of Missouri, *via*. St. Charles on the Missouri river to St. Paul in the territory of Minnesota.

Mr. Preston gave notice, that on to-morrow or some day thereafter, he should introduce a joint preamble and resolution instructing our senators and requesting our representatives in Congress, to use their influence in procuring the passage of the bill now pending before Congress, for a grant of land to aid in constructing certain railroads in Iowa.

On motion of Mr. Johnson,

Senate file No. 9, an act entitled an act to divide the State of Iowa

into congressional districts, was taken from the table and referred to the committee on elections.

On motion of Mr. Love,

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

### THURSDAY MORNING, DECEMBER 16, 1852.

Senate met pursuant to adjournment.

Mr. Wing presented the petition of citizens of Davenport, praying the passage of a more stringent law relative to the traffic in intoxicating liquors, which

On his motion,

Was referred to the committee on Agriculture.

On motion of Mr. Crosthwait,

Resolved, That the use of the Senate chamber be and it is hereby tendered to the Ladies benevolent sewing society, of Iowa City for the purpose of holding a Fair on the afternoon of Friday the 24th inst.

Mr. Lowe introduced the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby allowed the sum of \_\_\_\_\_ dollars for indexing, distributing and superintending the printing of \_\_\_\_\_ copies of the journals of the Senate for the present session; which

On motion of Mr. Harris,

Was referred to the committee on printing with instructions to report to-morrow morning.

On motion of Mr. Johnson,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of amending chapter 145, section 2705, title 23 of the code, in such manner as to allow prosecutions for the crime of adultery, to be commenced on complaint of any person who may see proper to make complaint.

On motion of Mr. Shields,

Resolved, That that portion of the Governor's message recom-

mending a monument to perpetuate the memory of the gallant Mills, Guthrie and the patriotic men who fell in the battles of Mexico, be referred to the committee on Military affairs.

Mr. Shields from the committee on Ways and Means, introduced Senate file No. 16, an act authorizing the Treasurer of State to collect certain money therein named.

Which was read a first and second time, and

On his motion,

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

Mr Coop from the committee to whom was referred Senate file No. 5, a bill to encourage the destruction of wolves, reported a substitute therefor, which was accompanied by a minority report by Messrs. Mc-Achran and Lucas.

The question being on the adoption of substitute,

Was lost, and

On motion of Mr. Coop,

The original bill was referred to the committee on Internal Improvements.

Mr. Love, chairman of the committee on the Judiciary, to whom was referred the petition of Hans Reimer Claussen, praying the repeal of the law requiring attorneys to be citizens of the United States, reported back the same and recommended the passage of Senate file No. 17, an act to amend section 1610 of chapter 95 of the code of Iowa.

Which was read a first and second time, and,

On motion of Mr. Lewis,

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

Mr Love, from the committee on the Judiciary to whom was referred Senate file No. 3, a bill for an act to regulate interest on money,

Reported back the same with amendments,

Which with the original bill,

On motion of Mr. Preston,

Were laid on the table.

Mr. Love from the committee on the Judiciary to whom was referred Senate file No. 10, A bill for an act to amend chapter 83 of the code of Iowa, concerning the estates of decedents,

Reported recommending that said bill be rejected.

A message from the House, by Mr. Hooten, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House

has passed H. R. file, No. 2 Memorial and joint resolution on the subject of a grant of land to aid in the construction of a railroad from Davenport via Muscatine to the Council Bluffs; and

H. R. file No. 2, Joint resolution asking a grant of land to aid in the construction of a Rail Road from Burlington to the Missouri river; and also,

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

In which the concurrence of the Senate is requested.

On motion of Mr. Crosthwait,

The report of the committee on the Judiciary,

Was laid on the table.

The President communicated a message from the Secretary of State, accompanied by an abstract of the Census for the year 1852.

(SEE APPENDIX.)

On motion of Mr. Hendershott,

The reading was suspended and the communication referred to the committee on printing, with instructions to have printed the usual number for the use of the State officers and members of the General Assembly.

The President reported a second message from the Secretary of State, accompanied by abstracts of the criminal returns for the years 1851 and 1852.

(SEE APPENDIX.)

On motion of Mr. Lowe,

The reading was suspended, and the communication referred to the committee on printing.

Mr. Preston introduced Senate file No. 18—A joint preamble and resolution to Congress instructing our senators and requesting our representatives in Congress, to use their influence in procuring the passage of the bill, now pending before Congress, for a grant of land to aid in the construction of certain railroads in Iowa.

Mr. Sayles moved to refer to committee on internal improvements, with instructions to report on Saturday morning.

Mr. Cowles moved a division of the question.

And the question being, "shall the preamble and resolution be referred to the committee on internal improvements?"

Was carried.



The question then being, "shall the committee be instructed to report on Saturday morning,"

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

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Hedrick, Hull, Johnson, Love, Lucas, Park, Preston, Price, Sayles, Schramm, and Mr. President—15.

NAYS—Messrs. Clark, Fisher, Fletcher, Harris, Hillis, Hendershott, Hepner, Lewis, Lowe, McAchran, McKinney, Needham, Shields, Spees, and Wing—15.

Lost.

Mr. Preston moved that the committee be instructed to report on Wednesday morning next ;

Pending which,

On motion of Mr. Shields,

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

## TWO O'CLOCK, P. M.

The question being on the motion of Mr. Preston,

That the committee be instructed to report on Wednesday morning, a call of the Senate was ordered, and Mr. Johnson reported absent.

Message from the House was received, by Mr. Hooten, Chief Clerk :

MR. PRESIDENT—I am directed to inform the Senate that the House has passed H. R. file No. 11, joint resolution, on the subject of a grant of land to aid in the construction of a railroad from McGregor's landing in the county of Clayton, to a point on the Missouri river, at or near the mouth of the Big Sioux.

And also,

H. R. file No. 15—A bill for an act to change the name of Kanesville to Council Bluff City in which the concurrence of the Senate is requested.

On motion,

The further call of the Senate was dispensed with, and

The question recurring on the motion to instruct,

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

**YEAS**—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Hedrick, Hull, Johnson, Lewis, Love, Park, Preston, Price, Sayles, Shields, Wing and Mr. President—17.

**NAYS**—Messrs. Clark, Fletcher, Harris, Hillis, Hendershott, Hepner, Lowe, Lucas, McAchran, McKinney, Needham, Schramm, and Spees 13—

So the motion prevailed.

Mr. Harris introduced Senate file No. 19—A joint memorial to Congress, asking a grant of land to construct a railroad from Fort Desmoines to the southern boundary of the State of Iowa, and also for a grant of land to construct a railroad from Fort Desmoines to the southern bend of the St. Peters river, in the Territory of Minnesota.

Which was read a first and second time.

Mr. Johnson moved that the memorial be referred to committee on internal improvements, with instructions to report on Wednesday morning.

Mr. Cowles moved a division of the question, and

The motion being to refer to the committee on internal improvements,

Was carried.

The question recurring on the motion to instruct,

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

**YEAS**—Messrs. Coop, Cowles, Everson, Hedrick, Hull, Johnson, Lewis, Love, Lucas, McKinney, Park, Preston, Price, Sayles, and Wing—15.

**NAYS**—Messrs. Clark, Crosthwait, Fisher, Fletcher, Harris, Hillis, Hendershott, Hepner, Lowe, McAchran, Needham, Schramm, Shields, Spees, and Mr. President—15.

Mr. Wing introduced,

Senate file No. 20, a bill for an act to change the name of Orson Hoar.

Which was read a first and second time; and,

On motion of Mr. Hepner,

Referred to the committee on the judiciary.

H. R. file No. 2, memorial and joint resolution on the subject of a grant of land, to aid in the construction of a railroad from Davenport, *via*. Muscatine to the Council Bluffs;

Was read a first and second time.

Mr. Sayles moved to refer to the committee on internal improvements with instructions to report on Wednesday morning.

Mr. Lowe moved a division of the question.

The memorial was referred to the committee by general consent, and the question being to instruct said committee to report on Thursday next:

Mr. McKinney moved to amend so as to read on or before next Thursday. Lost.

Mr. Johnson moved to amend by instructing the committee to report on Wednesday morning. Carried.

And the memorial was so referred.

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

Was read a first and second time; and,

On motion of Mr. Sayles,

Referred to committee on internal improvements, with instructions to report on Wednesday morning.

H. R. file No. 11, joint resolution on the subject of a grant of land to aid in the construction of a railroad from McGregors landing in the county of Clayton, to a point on the Missouri river, at or near the mouth of the Big Sioux.

Was read a first and second time; and,

On motion of Mr. Lowe,

Referred to committee on Internal Improvements, with instructions to report on Wednesday morning.

On motion of Mr. Lowe,

The vote on the reference of Senate File, No. 18, to the committee on Internal Improvement, was reconsidered, and a resolution passed instructing said committee to report on next Wednesday morning.

On motion of Mr. Preston,

A resolution was passed, instructing said committee to report on all railroad bills and memorials laid before them, including Senate File No. 18, on next Wednesday morning.

H. R. file No. 5 (substitute) a bill for an act to appoint commissioners to locate the seat of Justice of Page county.

Was read a first and second time; and,

On motion of Mr. Hull,

Referred to a select committee, viz: Messrs. Lucas and Johnson.

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

Was read a first and second time; and,

On motion of Mr. Hull,

Referred to the same committee.

On motion of Mr. Hendershott,

Senate file No. 13, an act to amend an act entitled an act to secure a more vigorous prosecution of Des Moines River Improvement, &c.

Was taken from the table.

Mr. Harris moved to refer to a select committee, Mr. Hendershott, chairman. Carried.

The President appointed the following as said committee:

Messrs. Hendershott, Fletcher, Clark, Everson and Harris.

Mr. Hendershott from the committee on engrossed bills, reported that Senate file No. 16 and Senate file No. 17, had been examined by the committee and found correctly engrossed.

Mr. Lowe, on his request, was excused from serving on the joint committee appointed to examine the revenue law and other amendments to the code.

The President appointed Mr. Johnson to fill the vacancy.

Mr. Spees gave notice that on to-morrow or some subsequent day, he should introduce a joint resolution in relation to certain military roads in the State of Iowa.

Mr. Sayles gave notice that on to-morrow or some future day of the session, he should introduce a joint resolution asking for increased mail facilities between Iowa City and Dubuque.

On motion of Mr. Sayles,

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

FRIDAY MORNING, DECEMBER 17, 1852.

The Senate met pursuant to adjournment.

Mr. Shields presented the petition of John Brown and 112 others,

citizens of Winneshiek, Fayette and Chickasaw counties, asking the passage of an act vacating a portion of a state road from McGregor on the Mississippi river to Fort Clarke on the Des Moines river; which,

On his motion,

Was referred to a committee composed of the senators representing said counties.

Mr. Hillis presented the petition of John M. Mikesell and 72 other citizens of Marion county, praying a reduction of the salaries of certain county officers; which,

On his motion,

Was referred to the committee on Judiciary.

Mr. Spees introduced,

Senate file No. 21, a joint resolution instructing the Secretary of State to procure from the General Government a copy of the field notes and diagrams of all military roads in Iowa.

Which was read a first and second time: and,

On motion of Mr. Coop,

Referred to the committee on Federal Relations.

Mr. Love, from the committee on the Judiciary, to whom was referred the resolution relative to the expediency of amending section 2705, of chapter 145, title 23 of the code of Iowa, so as to allow prosecution for the crime of adultery, to be commenced on the complaint of any person who may make complaint, reported and recommended the passage of Senate file No. 22, a bill for an act to amend section 2705, of chapter 145, title 23 of the code of Iowa.

Which was read a first and second time; and,

On motion of Mr. Hull,

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

Mr. Love, from the committee on the Judiciary to whom was referred sundry resolutions relating to county judge, made the following

#### REPORT:

The committee on Judiciary, having in pursuance of the resolution of the Senate, considered the subject of amending that part of the code creating the office of county judge, so as to add two associate judges, &c," respectfully report that in the opinion of the committee it is inexpedient to add two associates to the county court, as contemplated in said resolution.

The committee are also of opinion, that it is inexpedient to abolish the office of county judge and re-establish the old county commissioner system.

The committee are further of opinion that it is inexpedient to change the term for which the county judge is elected, from four to two years.

The committee therefore ask to be discharged from the further consideration of the subject.

J. M. LOVE, Chairman.

And the committee was accordingly discharged.

Mr. Love from the committee on the judiciary, to whom was referred Senate file No. 11, a bill to require county judges to give bond.

Reported back the same and recommended its passage.

Mr. Hendershott moved that the bill and report lie on the table. Carried.

Senate file No. 16, an act authorising the treasurer of state to collect certain money therein named.

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

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

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

Mr. Shields gave notice, that on to-morrow or some future day, he should introduce a bill to preserve certain evidence in the county of Dubuque.

Mr. Hull gave notice that he should, on some day of the session, ask leave to introduce a bill to amend the 5th clause of section 1115, chapter 69, title 14, of the code, relating to school districts.

On motion of Mr. Crosthwait,

The Senate went into committee of the whole, for the consideration of Senate file No. 10, a bill for an act to amend chapter 83 of the Code of Iowa, concerning the estates of decedents, with the report of the judiciary committee thereon.

Mr. Everson in the chair,

After some time spent in session, the committee rose and recommended the passage of the bill.

On motion of Mr. Lewis,

The bill was recommitted to the committee on the judiciary.

On motion of Mr. Hull,  
The Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

The committee on printing, to whom was referred the resolution authorising the Secretary of the Senate to print certain numbers of the journal, &c., asked further time.

Which was granted.

On motion of Mr. Preston,  
Senate file No. 3, a bill for an act to regulate interest on money, was taken from the table.

Mr. Shields moved that the consideration of the bill and amendments be postponed, and made the special order of the day on Monday next, at 2 o'clock P. M. Carried.

Mr. Hendershott moved to take from the table,  
Senate file No. 11, a bill for an act requiring county judges to give bond. Agreed to.

Mr. Hendershott moved the following amendment, "strike out of the 1st section all after the word 'sureties' to the word 'conditioned' and insert "in a sum ten times greater in amount than his salary." Carried.

Mr. McKinney moved to fill the blank in the 2d section by inserting "forty."

Mr. Crosthwait moved to insert "sixty." Carried.

Mr. Hepner moved to strike out all after the word 'hereof,' in the 2d section.

On which the yeas and nays were demanded, and were as follows:  
YEAS—Messrs. Fisher, Hepner, Sales—3.

NAYS—Clark, Coop, Cowles, Crosthwait, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McCachran, McKinney, Needham, Park, Preston, Price, Schramm, Shields, Spees, Wing and Mr. President—26.

Lost.

Mr. Harris moved to amend by adding an additional section, as follows:

SECTION 3. Be it further enacted, That the county judge shall not practice as an attorney in any case.

On which the yeas and nays were demanded and were as follows:

YEAS—Messrs. Fletcher, Harris, Hepner, Johnson, Lowe, Preston, and Price—7.

NAYS—Messrs. Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Hillis, Hedrick, Hendershott, Hull, Lewis, Love, Lucas, McAchran, McKinney, Needham, Park, Sayles, Schramm, Shields, Spees, Wing and Mr. President—23.

Lost.

Mr. Hepner moved to amend by adding:

“The county clerk shall not employ or appoint an attorney as his deputy.”

Mr. Crosthwait moved to lay the amendment on the table. Lost.

The question recurring on the amendment offered by Mr. Hepner.

Was decided in the negative.

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

On which the yeas and nays were demanded and were as follows:

YEAS—Messrs. Clark, Coop, Cowles, Crosthwait, Everson, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, Shields, Spees, Wing and Mr. President—27.

NAYS—Messrs. Fisher, Hepner and Sayles—3.

So the motion prevailed.

Mr. Hendershott, from the committee on engrossed bills, to whom was referred the Senate file No. 22, a bill for an act to amend section 3705, of chapter 145, of title 23 of the code of Iowa.

Reported that the same was correctly engrossed.

On motion of Mr. Wing,

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



SATURDAY MORNING, DECEMBER 18th, 1852.

Senate met pursuant to adjournment.

Mr. Hepner presented the credential of Milton D. Browning, senator from Des Moines county, who was sworn and took his seat.

Mr. Price presented the petition of John Woodman and 104 others, citizens and voters, also of Elizabeth Woodman and 118 others, ladies and youths, praying the enactment of a more stringent law relative to the traffic in intoxicating liquor, which.

On his motion,

Were referred to the committee on Agriculture.

On motion of Mr. Needham,

Resolved, That the Judiciary committed be instructed to enquire into the expediency of so amending Sec. 1849, chapter 109 of the "code," as to authorize writs of attachment to issue for a less amount than five dollars, and that they report by bill or otherwise.

Mr. Love on his request was excused from serving on the committee on Printing.

Mr. Lowe was appointed to fill the vacancy.

Mr. Hendershott from the select committee to whom was referred Senate file No. 13, an act to amend an act to secure a more vigorous prosecution of the Des Moines River improvement, &c., made the following

#### REPORT :

The select committee to whom was referred Senate file, No: 13, an act to secure a more vigorous prosecution of the Des Moines river Improvement, &c., have had that act under consideration and have made one amendment thereto.

The amendment which the committee propose is an additional section to come in after section 3, and is as follows :

"Sec. 4. Any sales or disposition of said lands as herein contemplated shall be made in conformity to sections two and three of an act of Congress entitled "an act granting certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines river in said Territory," approved August 8th, 1846.

The committee ask that the Senate concur in the amendment made by them and recommend that the bill be passed.

H. B. HENDERSHOTT, chairman.

Mr. Crosthwait moved to refer the bill and amendment to the committee on Printing.

Mr. Hull moved to lay on the table.

On which,

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

YEAS—Messrs. Browning, Coop, Crosthwait, Fisher, Hillis, Hepner, Hull, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Park, Preston, Wing and Mr. President—17.

NAYS—Messrs. Clark, Cowles, Everson, Fletcher, Harris, Hedrick, Hendershott, Lewis, Love, Price, Sales, Schramm, Shields and Spees, —14.

Carried.

Mr. Johnson from the select committee to whom was referred H. R. file, No. 5, A bill for an act to appoint commissioners to locate the seat of justice of Page county,

Reported the same back without amendment and recommended its passage,

And the bill was accordingly passed to its third reading on Monday next.

Mr. Harris introduced

Senate file No. 23, Joint resolution requesting our representatives and instructing our Senators in Congress to oppose the distribution of the public lands, or the proceeds thereof, among the several states, which,

On motion of Mr. Preston,

Was referred to the committee on Internal Improvements.

Mr. Shields introduced

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

Which was read a first and second time, and

On his motion,

Ordered to be engrossed and read a third time on Monday next.

Senate file No. 11, A bill to require county judges to give bond,

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

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

Was read a third time, and

The yeas and nays being demanded on its passage, were as follows :

YEAS—Messrs. Coop, Cowles, Everson, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McKinney, Needham, Park, Preston, Price, Schramm, Spees and Wing—22.

NAYS—Messrs. Clark, Crosthwait, Fisher, Hepner, McCachran, Sayles, Shields and Mr. President—8.

Passed and title agreed to.

Mr. Hillis gave notice that on Monday or some day thereafter, he should introduce a bill to amend section 513 of the code of Iowa.

Mr. Love gave notice that on Monday or some future day, he should ask leave to introduce a bill to amend chapter 80 of the code, making further provision for the relief of occupying claimants;

Also,

A bill to amend chapter 73 of the code, so as to make further provision for the blind;

Also,

A bill to establish a lunatic asylum in this State;

Also,

A bill to amend the charter of the city of Keokuk.

Mr. Hillis gave notice that on Monday or some day thereafter, he should introduce a bill to repeal sections 510, 511 and 512 of the code of Iowa,

Mr. Shields, by leave introduced

Senate file, No. 25, An act to amend so much of the code of Iowa as provides for the sale of intoxicating liquors,

Which was read a first and second time.

Mr. Lewis moved to lay on the table and print the usual number of copies for the use of the General Assembly.

Mr McKinney moved a division,

And the question being to lay on the table,

Was carried.

The question recurring on printing the usual number of copies,

The yeas and nays were demanded and were as follows :

YEAS—Messrs. Browning, Coop, Fisher, Fletcher, Harris, Hedrick,

Hendershott, Johnson, Lewis, Lucas, Preston, Sales, Shields and Mr. President—15.

NAYS—Messrs. Clark, Cowles, Crosthwait, Everson, Hillis, Hepner, Hull, Love, McAchran, McKinney, Needham, Price, Schramm, Spees, and Wing—16.

Lost.

Mr. Lowe move to take the bill from the table and refer it to the committee on Agriculture.

Carried.

Mr. Harris gave notice that on some future day, he should ask leave to introduce a bill to repeal section 2868 chapter 165 of the code, requiring testimony given before recognizing magistrates to be taken in writing and sent up to the district court, with the papers in the case, to be used by the grand jury as evidence;

Also,

A bill to amend so much of the code as relates to the organization of grand juries.

On motion of Mr. Hillis,

The Senate adjourned until 10 o'clock on Monday morning.

## MONDAY MORNING, DECEMBER 20, 1852.

Senate met pursuant to adjournment.

Mr. Needham presented the petition of Jane Westlake and 53 others ladies and youths; also, of David T. Severn and 72 others, citizens and voters, asking the enactment of a more stringent law relative to the traffic in intoxicating liquors; which,

On his motion,

Was referred to the committee on agriculture.

Mr. Hull presented the petition of John Coe and 35 others, citizens of Jasper county; also of A. L. Gray and 31 others, citizens of Jasper county, praying a removal of the capital of the State of Iowa, to Fort Des Moines in Polk county; which,

On his motion,  
Were laid on the table.

Mr. Lewis presented the petition of Joel B. Taylor and 83 others, citizens of central Iowa, Dubuque county, praying the passage of a prohibitory law relative to intoxicating liquors; which,

On his motion,  
Was referred to the committee on agriculture.

Mr. Harris presented the petition of James H. Shields and 16 others citizens and voters of Appanoose county, praying the passage of a prohibitory law relative to intoxicating liquors; which,

On his motion,  
Was referred to the same committee.

Mr. Hull presented the petition of Jesse Rickman and 73 others, citizens of Jasper county, praying the passage of a law, making all prosecutors in state cases responsible for costs, where they in their prosecution fail; which,

On his motion,  
Was referred to the committee on judiciary.

Mr. Hull presented the petition of David Ridgway and 11 others, also of William Warren and 35 others, also of Wm. H. Shacklee and 7 others, also of Franklin Nagle and 29 others, also of Newton Guthrie and 10 others, also of S. W. Corry and 10 others, also of D. B. Spaulding and 18 others, also of Walter Oyler and 29 others, also of Isaac Cooper and 23 others, also of Jeremiah Barlow and 11 others, also of Geo. W. Hull and 37 others, also of David D. Cumming and 23 others, citizens of Polk county, remonstrating against annexing certain townships in said county to the county of Warren; which,

On his motion,  
Were laid on the table.

Mr. Preston presented the petition of Jno. F. Ely and 124 others, citizens of Linn county, praying the enactment of a law, providing for a vote of the people of Iowa, for or against a convention to revise or amend the present constitution.

Mr. Coop moved to refer the petition to the committee on the judiciary. Carried.

Mr. Everson presented the petition of R. S. Dinsmore and 270 others, citizens of Washington county; also of Eve Bower and 334 others, ladies and youths, of Washington county; also of Lucy A. Wesson and 52 others, of Louisa county; also of J. P. Bailey and 75

others, citizens and voters, praying the passage of a prohibitory law relative to intoxicating liquors; which,

On his motion,

Were referred to the committee on agriculture.

Mr. Coop introduced the following resolution :

Resolved, That the committee on roads be instructed to inquire into the expediency of repealing all that part of the code in relation to labor on roads, and establishing in lieu thereof the old district system, and that they report by bill or otherwise.

Adopted.

Mr. Love introduced the following resolutions:

Resolved, That the committee on internal improvements, be instructed to inquire into the expediency of memorializing Congress for grants of land to aid in the construction of the following railroads in this state:

First, A road from Davenport on the Mississippi river via. Muscatine and Kaneshville to the Missouri river near Council Bluffs, with a branch from the city of Dubuque to some convenient point of intersection with the main trunk of the same.

Also, a railroad from the cities of Burlington and Keokuk on the Mississippi river to the nearest and best point of intersection north of the Des Moines river, and thence to the Missouri near the mouth of Platte river with a branch from said point of intersection by the nearest and best route via. the town of Fairfield to a point of intersection with the main trunk of the Davenport and Council Bluffs railroad.

Resolved, That said committee be instructed to report on Wednesday next by joint resolution or otherwise.

Carried.

Mr. Hull introduced the following resolutions:

Resolved, That the commissioner and register of the Des Moines river improvement, be and they are hereby requested to inform the Senate at their earliest convenience, what amount of the lands belonging to said improvement has been sold, how much money they have received therefor, and the amount of money paid out, specifying the items, particularly so in regard to the amount.

Which is not accounted for in their report of the day of 1852.

Resolved, That said commissioner and register also inform the Senate, what amount of work has been done on said work and the

amount of materials collected and ready for the construction of the work, and the value of said work done and materials collected and that said commissioner and register include in this estimate all preparation in opening quarries, making roads &c., connected with the prosecution of said work.

Carried.

Mr. Everson from the committee on federal relations, to whom was referred

Senate file No. 21, a joint resolution instructing the Secretary of State to procure from the general government, field notes and diagrams of military roads in the State of Iowa.

Reported back the same without amendment, and recommended its passage; whereupon

It was passed to a third reading on to-morrow.

Mr. Lowe, chairman of the committee on printing made the following

#### REPORT:

MR. PRESIDENT: The committee on printing to whom was referred a resolution of the Senate making an allowance to the secretary of the Senate for indexing and superintending the printing of the journals of the present session, has had that subject under consideration, and directed me to make the following report:

Resolved, That the Secretary of the Senate be and he is hereby allowed the sum of one hundred dollars for indexing and superintending the printing of the journals of the Senate, for the present session.

Mr. Harris offered the following amendment:

Strike out all after "Secretary of the Senate," and insert "be allowed four hundred and fifty dollars to superintendent the printing and distribution of the journals of the Senate."

On which,

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

YEAS—Messrs. Harris, Sayles and Mr. President—3.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Hillis, Hedrick, Hendershott, Hepner, Hull, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Schramm, Shields, Spees, and Wing—27.

Absent, Mr. Johnson.

Mr. Everson moved to insert five hundred copies.

Lost.

Mr. Lowe moved an amendment, by way of substitute, as follows:

Resolved, That the Secretary be directed to superintend the indexing and printing of six hundred and fifty copies of journals of the Senate for the use of this body. Adopted.

Mr. Hull introduced,

Senate file No. 26, a bill to amend the 5th clause of section 1115, chapter 69, title 14 of the "code;" which,

On motion of Mr. Everson,

Was referred to the committee on schools.

Mr. Love introduced,

Senate file No. 27, a bill for an act to amend chapter 73 of the code, making further provision for the education of the blind; which,

On motion of Mr. Everson,

Was referred to the committee on Schools.

Mr. Crosthwait gave notice that he should, on some future day, ask leave to introduce a joint resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to use all fair and honorable means to defeat the passage through that body, of any measure having for its object, in whole or in part, the levying of tonnage duties on the commerce of the North-west.

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

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

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

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

On motion of Mr. Hendershott,

Senate file No. 13, an act to amend an act to secure a more vigorous prosecution of the Des Moines River Improvements, and amendatory and supplemental to all other acts now in force in relation thereto, approved February 5th, 1851.

Was taken from the table.

Mr. Hendershott moved that the bill be engrossed and read a third to-morrow.

Mr. Hull offered the following amendment:

That the Commissioner and Register shall, in making the contract herein provided for, reserve all lands south or below the north line of



Yell and Risley counties, and said lands hereby reserved, shall at all times after the same shall be surveyed, be subject to private entry at the rate of one dollar and twenty-five cents per acre; and provided further, that said lands shall not be sold to any company.

Pending which,

On motion,

The Senate adjourned.

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TWO O'CLOCK, P. M.

Senate file No. 13, an act to amend an act "entitled an act to secure a more vigorous prosecution of the Des Moines River Improvement and amendatory and supplemental to all other acts now in force in relation thereto," approved February 5th, 1851.

A call of the Senate was ordered,

And Messrs. Crosthwait, Fisher, Fletcher, Hull, Lewis and Sayles were reported absent.

On motion of Mr. Preston,

The further call was suspended.

The question being on the amendment, adding an additional section, as proposed by the select committee, December 18. Was carried.

The question recurring on the amendment of Mr. Hull,

Mr. Johnson moved to lay the bill and amendment on the table. Carried.

Senate file No. 3, a bill for an act to regulate interest on money; special order for 2 o'clock.

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

On which,

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

YEAS—Messrs. Crosthwait, Hepner, Lewis, Love and Sayles—5.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, Shields, Spees, Wing and Mr. President—26.

Lost.

Mr. Shields moved to refer the bill and amendment to a select committee of five, of whom Mr. Lowe should be chairman.

On motion of Mr. Lowe,

The Senate resolved itself into a committee of the whole on the bill and amendment.

Mr. Lowe in the chair.

The committee rose and asked leave to sit again. Granted.

Mr. Hepner, on leave, introduced the following resolution:

Resolved, That the committee on ways and means, be instructed to enquire into the expediency of authorising the Treasurer of State to purchase a new safe for the use of his office.

Adopted.

On motion of Mr. Preston,

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

## TUESDAY MORNING, DECEMBER 21, 1852.

Senate met pursuant to adjournment.

Mr. Crosthwait introduced the following resolution, which was adopted.

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency of restoring "days of grace" on promissory notes, and that they have leave to report by bill or otherwise.

Message from the House of Representatives, by Mr. Hooten, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House has passed,

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

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

And also, H. R. file No. 18, a memorial and joint resolution for a

grant of land to aid in constructing a railroad from Dubuque to the Missouri River.

In which the concurrence of the Senate is requested.

Mr. Hull offered the following resolution:

Resolved, That the Secretary of State be and he is hereby requested to deliver to the Senate copies of all papers, on file in his office, pertaining to the contract of Bangs, Bro. & Co., with the commissioner and Register of the Des Moines River Improvement.

Adopted.

Mr. Johnson offered the following resolution:

Resolved, the House concurring, that the Senate repair to the Hall of the House of Representatives, for the purpose of the election of a United Senator, at 11 o'clock of this day.

Which was read a first and second time.

Message from the House, by Mr. Hooten, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House has adopted the following resolution:

Resolved, That the House inform the Senate that the House will meet the Senate in joint convention, this day, at 11 o'clock, A. M. for the election of United States Senator.

In which matter the concurrence of the Senate is requested.

Mr. Love introduced the following resolution:

Resolved, That the Senate will repair to the Hall of the House of Representatives, at eleven o'clock of this day, for the purpose of electing a Senator of the United States, to supply a vacancy occasioned by the expiration of the present term of the Hon. Geo. W. Jones.

Lost.

Mr. Lewis moved to suspend the 13th rule and read the House's resolution relative to the election of an United States Senator a third time.

On which motion,

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

YEAS—Messrs. Clark, Coop, Cowles, Everson, Fisher, Fletcher, Harris, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lowe Lucas, Preston, Price, Sayles, Shields, Wing and Mr. President—21.

NAYS—Messrs. Browning, Crosthwait, Hillis, Hedrick, McAchran, McKinney, Needham, Park, Schramm and Spees—10.

So the Senate refused to suspend the rule.

Mr. Lewis moved that the Senate repair, forthwith, to the hall of

the House of Representatives for the purpose of electing U. States Senator.

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

YEAS—Messrs. Coop, Cowles, Fletcher, Hendershott, Johnson, Lewis, Love, Lowe, Lucas, Preston, Price, Sayles, Shields, Wing and Mr. President—15.

NAYS—Messrs. Browning, Clark, Crosthwait, Everson, Fisher, Harris, Hillis, Hedrick, Hepner, Hull, McCachran, McKinney, Needham, Park, Schramm and Spees—16,

Lost.

Mr. Shields offered the following resolution which was adopted:

Resolved, That the messenger of the Senate be instructed to deliver to his excellency, S. Hempstead, one copy of each bill and document, printed for the use of the General Assembly.

On motion of Mr. Hull,

The Senate adjourned until 2 o'clock P. M.

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## TWO O'CLOCK, P. M.

Mr. Lewis offered the following resolution, which was adopted:

Resolved, That the Secretary inform the House, that the Senate agrees to meet the representative body in the hall of House on the 21st inst., at 3 o'clock P. M.; to elect a United States senator.

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

Was read a first and second time; and,

On motion of Mr. Sayles,

Referred to the committee on military affairs.

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

Was read a first and second time; and,

On motion of Mr. Shields,

Referred to the committee on internal improvements.

## THE SENATE.

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

Was read a first and second time; and,

On motion of Mr. Hillis,

Referred to the committee on incorporations.

Senate file No. 21, a joint resolution instructing the Secretary of State to procure from the general government, field notes and diagrams of military roads in the State of Iowa.

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

The President appointed Mr. Shields to act as teller on the part of the Senate, in the joint convention for the election of a senator of the United States.

The biennial report of the Superintendent of Public Instruction was received.

Mr. Preston moved that the reading be dispensed with, and two thousand copies printed for the use of the Senate, and three hundred extra copies for the use of the Superintendent of Public Instruction. Adopted.

Message from the House of Representatives, by Mr. Hooten, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate, that the House will be ready to receive the Senate in joint convention, for the election of senator in the Congress of the United States, at 3 o'clock, P. M. And

Also, that Mr. Folsom has been appointed teller on the part of the House for said convention.

Mr. Harris moved to go into committee of the whole on Senate file No. 3, a bill for an act to regulate interest on money. Lost.

Mr. Hull moved to take from the table

Senate file No. 13, relative to the Des Moines river. Lost.

Mr. Hull moved that the Senate take a recess for twenty-two and a half minutes. Lost.

Mr. Preston by leave, introduced

Senate file No. 28, Joint resolution that the General Assembly adjourn on Wednesday 29th inst, to Monday 3d of January, 1853.

Which was read a first and second time.

Mr. Sales moved to amend by striking out "Wednesday, Dec. 29th"

Mr. Cowles moved to lay the bill and amendment on the table.

Carried.

Messrs. Folsom and Sells were announced, a committee appointed to inform the Senate that the House of Representatives were ready to receive the Senate in joint convention.

Whereupon,

On motion of Mr. Shields,

The Senate, preceded by their President and Secretary, repaired to the Hall of the House of Representatives.

The two branches of the Legislative Assembly having met in the hall of the House.

A call of the members was had,

And Messrs. Calk, Taylor and Wasson reported absent.

The call being suspended.

The President stated the object of the convention—to-wit, the election of a senator of the United States for the period of six years from the fourth of March, 1853, and that Mr. Shields of the Senate, and Mr. Folsom of the House had been appointed tellers.

Mr. Grimes nominated George C. Wright, of Van Buren county.

Mr. Alger nominated George W. Jones, of Dubuque county.

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

Mr. Shields on the part of the Tellers announced,

That George W. Jones, had received fifty-nine votes.

George C. Wright, thirty-one votes, and

John F. Kinney, one vote.

Those who voted for George W. Jones, were

Messrs. Alger, Allen, Allison, A. D. Anderson, J. M. Anderson, Bonson, Bryan, Bryant, Cock, Clark, of Jackson, Coop, Cowles, Dillon, Dodge, Duckworth, Eaton, Fisher, Fletcher, Folsom, Gilmore, Goodwin, Grant, J. C. Green, George F. Green, Harris, Haun, Hendershott, Hepner, Hesser. Hull, Hutchinson, Johnson, Lewis, Love, Lowe, Lucas, Means, Preston, Price, Putman, Ramsey, Ream, Reeder, Rice, Rogers, Ross, Sales, Sears, Sharp, Shields, Steadman, Townsend, Washburn, Whitmore, Wilson, Wing, Witter, Wright and Mr. President.—59.

Those who voted for George C. Wright, were

Messrs. Browning, Bunker, Clark, of Des Moines, Cleaves, Coffin, Crosthwait, Drake, Duncan, Everson, Fordyce, Garber, Grimes, Hedrick, Hillis, Jessup, McAchran, McArthur, McKinney, McPherrien,

Mitchell, Montgomery, Needham, Park, Russell, Schramm, Sells, Seymour, Spees, Stevens, Walters and Williams—31.

Mr. Benjamin Green voted for John F. Kinney.

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

Whereupon,

George W. Jones having received a majority of all the votes cast, the President announced that George W. Jones was duly elected a senator to represent the State of Iowa in the Senate of the United States;

And the following certificate, in duplicate, was made and signed in the presence of both branches of the General Assembly :

HALL OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF IOWA, }  
December 21st, A. D., 1852. }

This will certify that, at an election by the General Assembly of the State of Iowa, in joint convention, on Tuesday, the 21st day of December, A. D., 1852, George W. Jones was duly elected a senator to represent this State in the Senate of the United States.

W. E. LEFFINGWELL,  
President of the Joint Convention.

Attest :

J. G. SHIELDS, }  
G. FOLSOM, } Tellers.

On motion,

The Convention adjourned *sine die*.

The Senate, in order, then returned to the Senate Chamber, and

On motion of Mr. Harris,

Adjourned till 10 o'clock to-morrow morning.

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WEDNESDAY MORNING, DECEMBER 22, 1852.

Senate met pursuant to adjournment.

Mr. Coop presented the petition of Samuel H. Bradley and forty-

one others, citizens of Jefferson county, asking certain changes in the present revenue law; which,

On his motion,

Was referred to the committee on ways and means.

Mr. Schramm presented the claim of Josiah H. Bonney against the State of Iowa, for writing deeds, indexing records, &c.; which,

On his motion.

Was referred to the committee on claims.

Mr. Lewis presented the petition of H. W. Sanford, and 35 others, citizens of Dubuque county, asking an extension of the corporation limits of the City of Dubuque; which,

On his motion,

Was referred to a committee composed of the Senators from Dubuque county.

Mr. Johnson presented the petition of J. E. Johnson and 31 others; also, of H. Burdick and 18 others, citizens of Pottawattamie county, praying the removal of the seat of government to Fort Des Moines, in Polk county; which,

On his motion,

Were referred to the committee on Public Buildings.

Mr. McKinney presented the petition of the Inspectors and Warden of the Penitentiary of Iowa, asking the passage of an act supplemental to the present laws regulating the duties of the officers of the prison; which,

On his motion,

Was referred to a special committee of three.

Messrs. McKinney, Love and Fisher.

Mr. Preston presented the petition of John E. Kurtz and 138 others citizens of Linn county, relative to county supervisor, and township roads; which

On his motion,

Was referred to the committee on roads.

Also, the petition of John E. Kurtz and 144 others, citizens of Linn county, praying the enactment of a law submitting to a vote of the people the question of a convention to revise the constitution; which,

On his motion,

Was referred to the committee on the judiciary.

Mr. Hendershott presented the petition of Harrison Simes and 26



others of Van Buren and other counties, asking the location of a certain state road; which,

On his motion,

Was referred to the committee on roads.

On motion of Mr. Schramm,

Resolved, That the Secretary of the Senate be and he is hereby authorized, to procure locks and keys to the now unprotected desks in this hall.

Mr. Lowe chairman of the committee on printing, made the following report:

That the committee on printing find that no order for printing the Auditor's and Treasurer's report has been made, and respectfully recommend the adoption of the following resolution:

Resolved, That copies of the Auditor's and Treasurer's reports be printed for the use of the Senate, and copies for the use of the House of Representatives.

On motion of Mr. Lowe,

The first blank was filled with "2,000" and the resolution passed, as amended.

Message from the House by Mr. Hooton, Chief Clerk :

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

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

Also,

H. R. file No. 32; a bill for an act to authorize the Commissioner of the Des Moines River Improvement to sell certain land, in which the concurrence of the Senate is requested.

I herewith present for your signature, substitute for H. R. file No. 5, a bill for an act to appoint commissioners to locate the seat of justice of Page county, the same having passed both branches of the General Assembly, and received the signature of the Speaker of the House of Representatives.

Mr. Hepner, chairman of the committee on internal improvements to whom were referred sundry resolutions and memorials, relative to railroads, with instructions to report to-day, asked until to-morrow to report.

Granted:

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

Was read a first and second time,

And, on motion of Mr. Hepner,

Referred to the committee on public lands.

H. R. file No. 32, a bill for an act to authorize the Commissioner of the Des Moines River Improvement, to sell certain lands,

Was read a first and second time, and passed to a third reading on to-morrow.

Mr. Johnson presented a report from Hon. A. A. Bradford, judge of the sixth judicial district, relative to omissions in the code of Iowa ; which,

On his motion,

Was referred to the committee on the judiciary.

The Senate went into committee of the whole on Senate file No. three :

An act to regulate interest on money,

Mr. Lowe in the chair.

After some time spent therein,

The committee rose, reported progress, and asked leave to sit again at 2 o'clock, P. M.

Granted.

On motion of Mr. Cowles,

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

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TWO O'CLOCK, P. M.

Pursuant, the Senate went into committee of the whole on the consideration of Senate file No. 3, relative to interest on money,

Mr. Lowe in the chair.

The committee rose and reported back the bill with the following amendments, to-wit :

Strike out of section 5, all after the word "forfeiture" in the 6th line, and insert the following :

"Of the interest to the school fund of the county where the suit is instituted ; but in no case shall the interest forfeited, be more than

10 per cent. per annum on the principal money, and no other interest shall be allowed by the court; and it is hereby made the duty of any court where such suit is brought, to render a judgment for the same in favor of the school fund of said county, whether the suit is contested or not."

2d. Insert in section 1, between the words "thereof" and "and," "on money due on open account after six months from the date of the last item."

3d. Insert in section 6 at the commencement of that section, "chapter 57 of title 13 of the code and."

4th. An additional section,

Sec. 7. "And in all cases where suit shall be brought for the recovery of any demand, where a higher rate than 10 per cent. is charged, the costs arising from such suits, shall be paid by the plaintiff."

5th. Insert at the end of section 5, "that in all cases shall the payor of any note or contract in writing for the payment of money, be a competent witness to prove whether any note or contract, upon which suit is brought, is usurious when the same does not appear to be so on its face, and in no case shall any of the usury be recovered, whether the usury is incorporated into the principal or not."

Which amendments, in their order, were adopted by the Senate.

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

Mr. Browning moved to strike out all after the word "repealed" in section 6. Carried.

Mr. Harris moved to reconsider the vote on the adoption of the third amendment.

Mr. Fisher moved to refer the bill to the committee on the judiciary, with instructions to report to-morrow. Carried.

Mr. Lewis, chairman of the committee on schools, reported a substitute for Senate file No. 27, a bill for an act for the relief of the blind; which

Was read a first and second time;

And, on motion of Mr. Lewis,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

On motion of Mr. Preston,

Senate file No. 28, joint resolution "that the Senate adjourn on

Wednesday, the 29th inst., to Monday, the 3d of January, 1853," was taken from the table.

The question being on the amendment offered by Mr. Sales, Mr. Hull moved that the resolution and amendment be indefinitely postponed.

Mr. Johnson moved to refer to the committee on claims, with instructions to report on the 4th of January, 1853. Lost.

Mr. Hull moved to amend the amendment by adding, "and that members shall not receive any pay during the time for which the Senate shall stand adjourned. Lost.

Mr. Coop moved to amend by inserting after the word "adjourn," "on the 20th of January next, *sine die*." Lost.

The question then recurring on the amendment offered by Mr. Sales,

Was lost.

On motion of Mr. Everson,  
The bill was laid on the table.

Mr. Lewis gave notice that he would, to-morrow, ask leave to introduce a bill for an act to locate the Law Department of the Iowa State University at the city of Dubuque.

Mr. Browning, by leave, introduced Senate file No. 29, joint resolution in relation to amendments of the code; which

Was read a first and second time;

And, on his motion,

Referred to the committee on the judiciary.

Mr. Everson gave notice that, on to-morrow or some future day, he should ask leave to introduce a bill for an act for the relief of the deaf and dumb persons of Iowa.

Also,

A bill for an act to amend section 1983 of the code of Iowa.

Mr. Hillis gave notice that, on to-morrow or some future day of the session, he should ask leave to introduce a bill to amend sections 1463 and 1464, chapter 85 of the code of Iowa.

On motion of Mr. Everson,

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

THURSDAY MORNING, DECEMBER 23, 1852.

Senate met pursuant to adjournment.

Mr. Wing presented the petition of Joseph Jack and 36 others, citizens of Scott county, asking the passage of a law prohibiting the violation of the Sabbath; which,

On his motion,

Was referred to the committee on schools.

Mr. Wing presented the petition of Edwin J. Jagger and 53 others, children and youths of Iowa college; Mary McCloud and 87 others, children and youths of Scott county, John Ohl and 223 others, citizens and voters; Mary C. Ohl and 226 others, children and youth; William Cooles and 36 others, citizens and voters; Hiram Price and 130 others, citizens and voters; E. Ripley and 62 others, citizens and voters, praying the passage of a prohibitory law relative to intoxicating liquors; which,

On his motion,

Were referred to the committee on agriculture.

Mr. Hull presented the petition of John S. Wilson and 38 others, of Marion county; James Sherman and 38 others, of Polk county; John Tyler and 44 others; Samuel Gray and 41 others, of Polk county asking the removal of the capital to Fort Desmoines, in Polk county; which,

On his motion,

Were laid on the table.

Mr. Hepner presented the petition of Max Kraus and 41 others, citizens of Polk county, praying the removal of the capital to Fort Desmoines, in Polk county; which,

On his motion,

Was laid on the table.

Mr. Hillis presented the petition of I. M. Griffith and 34 others, citizens of Polk county, remonstrating against annexing certain townships in said county, to the county of Warren; which,

On his motion,

Was laid on the table.

Mr. Preston presented the petition of Thos C. McCall and 26 others,

citizens of Polk county, remonstrating against annexing certain townships of said county, to the county of Warren; which,

On his motion,

Was laid on the table.

Mr. Preston presented the petition of Daniel Rimkel and 59 others, citizens and voters; Julia A. West and 49 others, children and youths, of Linn county, praying the passage of a prohibitory law relative to intoxicating liquors; which,

On his motion,

Were referred to the committee on agriculture.

Mr. Preston presented the petition of James H. Hollen and 350 others, citizens of Tama county, asking the passage of an act for the organization and location of the county seat of said county; which,

On his motion,

Was referred to the committee on new counties.

Mr. Shields, chairman of the committee on ways and means,

Reported Senate file No. 30, an act to authorize the Treasurer of State to purchase a safe.

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

Mr. Hepner from the majority of the committee on internal improvements, to whom were referred sundry resolutions and memorials on the subject of railroads, made the following

#### REPORT:

The committee on internal improvements, to whom were referred a memorial and joint resolution on the subject of a grant of land, to aid in the construction of a railroad from Davenport, via Muscatine, to Council Bluffs; and a joint resolution asking a grant of land to aid in the construction of a rail road from Burlington to the Missouri river, report the same without amendment and recommend their passage; also, a memorial and joint resolution for a grant of land to aid in the construction of a raslroad from Dubuque to the Missouri river, with one amendment.

Your committee have also had under consideration Senate file No. 19, asking a grant of land to construct a railroad from Fort Desmoines to the southern line of the State of Iowa, and for a grant of land to construct a railroad from Fort Desmoines to the southern bend of St. Peters river in the Territory of Minnesota.

H. R. file No. 11, joint resolution for a grant of land to aid in the construction of a railroad from McGregor's landing in the county of Clayton, to a point on the Missouri river, at or near the mouth of the Big Sioux.

Senate file No. 8, a memorial for a grant of land to aid in the construction of a railroad from Dubuque to Keokuk, and from Davenport on the Mississippi, to the Missouri river.

Senate file No. 18, joint preamble and resolution to Congress, instructing our Senators and requesting our Representatives to use their influence in procuring the passage of the bill now pending before Congress, for a grant of land to aid in the construction of certain railroads in Iowa.

And a resolution of instruction to the committee on internal improvements, all of which is herewith reported to the Senate with a recommendation that they be indefinitely postponed.

Mr. Schramm from the minority of the same committee, made the following

#### REPORT:

We the subscribers, members of the committee on internal improvements, (to whom were referred all the different documents and memorials having reference to grants of land for the construction of railroads in this state,) being in the minority, beg leave to report as follows: That, although the whole committee were nearly agreed on the report as set forth by our chairman, still there was one point on which we differed; we of the minority were namely of opinion and are so still, that Keokuk in Lee county, be also made a starting point for a railroad, intersecting the Burlington road at some point east of the Des Moines river. Indeed, the minority cannot see why a place of so great importance as Keokuk, should be utterly neglected in this matter, and the committee in support of the view they have taken of the subject, respectfully submit the following reasons.

The proposed Burlington and Missouri river rail road taps a vast agricultural region of Iowa, south and west of the Des Moines river. The manifest interest of the people of that region, requires that they should have the best possible access to the southern market by way of the Mississippi river. It requires no argument, to shew that the heavy agricultural staples of the country, referred to must float to

market on the bosom of that great river. Hence if the bounty of the general government is to be invoked, to aid in constructing a railroad through southern Iowa, it would be manifestly unjust to the people of that region, to compel them to carry their produce to a point above the lower rapids. The difficulty and cost of transportation over the rapids is well known, and even if the rapids be improved as your committee sincerely hope they will, still a much larger class of boats will always run below than above Keokuk. Moreover, it is well known, that the river generally opens sooner in the spring below than above the rapids by some weeks. It also continues below that point, free from obstruction by ice much later in the fall than it does above. This is an advantage, which cannot be overcome even by the successful improvement of the rapids. Indeed, it is perfectly evident, that whilst we seek an eastern connection by way of Burlington, Keokuk is beyond comparison, the best point of transit to the markets of the south. Through that channel, the people of southern Iowa must always obtain their supplies of groceries, iron and other heavy goods from the cities of the southern and middle states, whilst from Burlington through the agency of her railroad facilities to the eastward, articles of a lighter nature will always penetrate the country. The committee do not stop to inquire what would promote the interest or prosperity of particular cities; that, though an object of importance, is of *minor* consideration. The true question for us as legislators to decide is, what will advance the interest and foster the prosperity of the great region of country through which the proposed railroad is to run? Would it be just to the people of southern Iowa, to force them to take their corn, pork and flour to a point above the rapids, when by a short branch over one of the best natural routes in the world, the way may be opened to the markets of the south.

Another conclusive argument with the undersigned is, that by acceding to the proposition to establish the Keokuk branch all the great interests of the state are provided for, and the jarring sectional disputes of the people harmonized. The undersigned are informed, that the only reason why the railroad grants for Iowa, failed last winter at Washington was that her people were divided among themselves, and through their agents at Washington neutralized each others influence. Instead of acting in concert, and bringing their united influence to bear upon the authorities of the general government, the agents of the various towns and cities counteracted each



other's efforts, and left Congress in doubt as to what the real wishes of the people in Iowa were. Now if any great and powerful interest is left unprovided for by this legislature, the same scenes will be re-enacted at Washington, during the present session of Congress—agents from the various towns and cities will again proceed to the federal city, mis-representation and strife will once more become the order of the day, and in all probability Congress will again conclude to postpone the whole, to get rid of the strife and contention. But, on the contrary, adopt the suggestion of the undersigned and all interests will be harmonized, and Iowa will present an unbroken front demanding the justice which other states have received from the general government. Nor do the undersigned believe that a small additional branch of only a few miles will make the slightest difference in our chances of success in applying for the bounty of Congress. We are informed that at the recent land sales on the Central Illinois rail road, the general government has realized more than double price for the alternate sections reserved to the government when the grant was made to Illinois for carrying on that railroad. From this precedent, it has become manifest, that the treasury of the nation does not lose a dollar by these grants for rail road purposes. The general government can therefore help the states in the construction of their rail roads, without the loss of a dollar to the revenue derived from the public domain. It is clear, therefore, from the precedent to which we refer, that we need not apprehend a failure of our application from the fact of attaching the branch in question, which must add immeasurably to the business and value of the main trunk.

The undersigned cannot but express the hope that, at so auspicious a moment, no local or selfish policy will prevail in our legislation, but that the great general interests of the state will be provided for.

The undersigned therefore propose the following amendment to House file No. 3, reported back by the majority of the committee, viz:

“A railroad from Burlington and Keokuk to some convenient point of intersection, north-east from the Des Moines river, thence west to the Missouri river near the mouth of Platte river.

All of which is respectfully submitted.

GEORGE SCHRAMM.  
S. COWLES.

On motion of Mr. Love,

The reports were laid on the table.

Mr. Crosthwait moved that the usual number of copies of the several resolutions with the majority report, and so much of the minority report as relates to the proposed amendment, be printed for the use of the Senate, by 10 o'clock to-morrow morning.

Carried.

Message from the House was received, by Mr. Hooten, Chief Clerk :

MR. PRESIDENT—I am directed to inform the Senate that the House has indefinitely postponed

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

The question being on the motion to print,

The yeas and nays were demanded and were as follows :

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Harris, Hendershott, Lewis, Love, Park, Preston, Price, Schramm, Shields, Wing and Mr. President—16

NAYS—Messrs. Browning, Clark, Fletcher, Hillis, Hedrick, Hepner, Hull, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, and Spees—14

Absent—Mr. Sales.

Carried.

Mr. Love from the committee on the Judiciary, to whom was referred Senate file No. 3, An act to regulate interest on money, with instructions to report to-day, asked for further time.

Which was granted.

Mr. Clark from the committee on incorporations to whom was referred H. R. No. file 31 A bill for an act to change the name of Barkersville in Marion county, to Attica, reported the same back without amendment, and the bill was accordingly

Passed to a third reading to-morrow.

On motion of Mr. Hendershott,

The Senate adjourned until two o'clock, P. M..

TWO O'CLOCK, P. M.

A communication was received from the Secretary of State.

SECRETARY'S OFFICE, IOWA, }  
Iowa City, Dec. 23, 1852. }

To the honorable the General Assembly of the State of Iowa:

I have the honor herewith to submit (as required by an act of the General Assembly of this State, entitled "an act making appropriations for the support of the State government, for the fiscal years of 1851 2," approved February 5th, 1851,) a report of the several items of expenditures paid out of the contingent fund of this office during said term.

Respectfully submitted,  
GEO. W. McCLEARY,  
Secretary of State.

## EXPENDITURE OF CONTINGENT FUND.

To cash paid	George Andrews for curtains for office,	\$9 00
" "	" Mrs. Holt for making,	3 00
" "	" half dozen brass knobs,	3 00
" "	" 2 tumblers, pans, tins, dippers,	1 00
" "	" 1 jar and paste 50 cts, and arabic,	1 50
" "	" Spirits of Turpentine and lamp black,	2 00
" "	" 1 stamp 2 00, 1 pair of snuffers 50	2 50
" "	" Window paper 1 00—1 gross tapes, 5 00	6 00
" "	" Drawing paper, \$1, seal paper, 2 00	3 00
" "	" 2 fire plugs \$1, brooms, 75 cents	1 75
" "	" 1 scraper 50 cents, ribbon \$2	2 50
" "	" 10 boxes notarial wafers,	7 50
" "	" 10 boxes to pack away codes on hand,	12 50
" "	" Wm. H. Holmes bill of stationery,	12 95
" "	" Wm. Lee blank books,	8 25
" "	" Distributing German constitutions,	20 00
" "	" " Green's Reports,	20 00
" "	" " Code to new counties,	20 00
" "	" " Laws of U. S.	10 00
" "	" " Clerk hire,	75 00
" "	" for postage	142 95
" "	" for chopping wood and making fires,	100 00

To cash for for expenses in purchasing stationery,	15 00
	<hr/>
	\$479 20
Contra.	
Amount appropriated, Feb. 5, 1851,	400 00
	<hr/>
Balance	\$79 20

I certify the above account to be correct.

GEO. W. McCLEARY,  
Secretary of State.

On motion of Mr. Hull,  
The report was referred to the committee on claims.

SECRETARY'S OFFICE, IOWA }  
Iowa City, Dec. 23, 1852. }

*To the Honorable the Senate of the State of Iowa:*

In compliance with your resolution of the 21st instant, I herewith transmit a copy of the contract between the commissioner and register of the Des Moines River Improvement, and Bangs, Bro. & Co.; as also copies of all papers on file in this office relating to said contract.

Very Respectfully,

Your Obed't Servant,  
GEO. W. McCLEARY, Sect'y of State.

(SEE APPENDIX—BANG'S CONTRACT.)

On motion of Mr. Hepner,

The reading was dispensed with, and the contract, with the accompanying papers, referred to the committee on the judiciary.

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

Was read a third time.

Mr. Hepner moved to refer the bill to the committee on Judiciary.  
Lost.

Mr. Hull moved to lay on the table. Carried.

On motion of Hendershott,  
Senate file No. 13, relative to the Des Moines River Improvement,

Was taken from the table, and  
Referred to the committee on the judiciary.

Mr. Price gave notice that on to-morrow or some other day there-

after, he would introduce a bill to provide for the taking up of water crafts, found adrift, lost goods and estray animals.

Mr. Crosthwait gave notice that he should on some future day of the present session, ask leave to introduce a memorial and joint resolution asking Congress to divert the lands recently donated by the Secretary of the Interior, to be granted to the Des Moines River Improvement to the purposes of improving the market facilities of the section of country in which said lands lie.

Mr. Lewis, by leave, introduced,

Senate file No. 31, a bill for an act to locate the law department of the Iowa State University at the city of Dubuque.

Which was read a first and second time; and,

On his motion,

Referred to the committee on schools.

The following communication was received from the commissioner of the Des Moines River Improvement, in reply to certain resolutions of the Senate, adopted December:

On motion of Mr. Hendershott,

The communication was referred to the committee on the judiciary.

Mr. Harris introduced,

Senate file No. 32, an act to repeal section 2868 of the code, requiring testimony taken before recognizing magistrates, to be reduced to writing; which

Was read a first and second time, and

On motion of Mr. Hendershott,

Referred to the committee on the judiciary.

Mr. Love, from the committee on the judiciary, reported back

Senate file No. 29, joint resolution in relation to amendments of the Code.

Mr. Hepner moved that it be indefinitely postponed.

On which question, the yeas and nays being demanded, were as follows:

**YEAS**—Messrs. Clark, Coop, Cowles, Crosthwait, Fletcher, Harris, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, Price and Wing.  
—15.

**NAYS**—Messrs. Browning, Everson, Fisher, Hillis, Hendershott, McAchran, McKinney, Park, Preston, Schramm and Mr. President  
—11.

Absent, Messrs. Hedrick, Needham, Sales, Shields and Spees.

Carried.

On motion of Mr. Hull,

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

FRIDAY MORNING, DECEMBER 24, 1852.

The Senate met pursuant to adjournment.

Message from the House of Representatives, by Mr. Hooton, Chief Clerk :

MR. PRESIDENT—I am directed to inform the Senate that the House has passed H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Desmoines River Improvement, and amendatory, and supplemental to all other acts now in force in relation thereto. Approved Feb. 5, 1851.

Also,

H. R. file No. 41, memorial and joint resolution for a change of service on post route No.—from Davenport to Muscatine, in which the concurrence of the Senate is requested.

Mr. Preston presented the petition of Benjamin Pierce and sixty two others, praying the abolition of capital punishment, which,

On his motion,

Was laid on the table.

Mr. Shields presented the petition of Phillip Morse and seventy-seven others, citizens of Winneshiek, Fayette and Chickasaw counties, relative to the creation of a certain State road, which,

On his motion,

Was referred to a committee composed of the Senators representing those counties.

Mr. Hull, from the committee on public buildings, to whom was referred Senate file No. 4, a bill for an act to remove the seat of government from Iowa City, Johnson county, to Fort Desmoines, Polk county, Iowa, reported the same back without amendment, and recommended its passage.

Laid on the table.

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

Which was read a first and second time, and,

On motion of Mr. Fletcher,

Referred to a select committee of three.

The President appointed Messrs. Fletcher, Wing and Hendershott, said committee.

H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Des Moines River Improvement, and amendatory and supplemental to all other acts now in force in relation thereto,

Was read a first and second time, and

Referred to the committee on the judiciary.

Senate file No. 30, an act to authorize the Treasurer of State to purchase a safe,

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

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

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

Mr. Browning moved to take from the table the reports of the committee on internal improvements relative to railroads.

Mr. President moved that the Senate adjourn until 9 o'clock on Monday morning. Lost.

A call of the Senate was had.

Messrs. Everson and Sales were reported absent.

Mr. Clark moved an adjournment until 10 o'clock on Monday morning. Lost.

On motion of Mr. Harris,

The Senate adjourned until 9 o'clock Monday morning.

MONDAY MORNING, DECEMBER 27, 1852.

The Senate met pursuant to adjournment.

Mr. Love presented the petition of John Brown, claiming of the State of Iowa \$111.06 $\frac{1}{4}$ , for causes therein detailed; which,

On his motion,

Was referred to the committee on claims.

Mr. Love presented the petition of B. S. Merriam, Mayor, and other corporate officers of the city of Keokuk, praying the passage of an act to amend the charter of that city; which,

On his motion,

Was referred to the committee on the judiciary.

Mr. Browning presented the petition of Christian Prey and William Prey praying the relinquishment of the State's title to certain lands therein described, in favor of the petitioners; which,

On his motion,

Was referred to the committee on the judiciary.

Mr. Hedrick presented the petitions of Stephen P. Yeomans and 22 others, citizens and voters; and of Charles Dudley, and 37 others; and of Lorris Rominger and 44 others, citizens and voters; and of Frances J. Roundy and 39 others, ladies and youths, praying the passage of a prohibitory law relative to intoxicating liquors.

Which were referred to the committee on agriculture.

Mr. Hull presented the petitions of G. B. Savery and 25 others, of Wapello county; of S. G. Kiene and 74 others, of Polk county; and of Charles McKay and 139 others, of Polk, Marion and Warren counties, praying the removal of the capital to Fort Desmoines, Polk county; which,

On his motion,

Were referred to the committee on Public Buildings.

Mr. Hendershott presented the petition of Joseph Compton and 29 others, of Polk county, on the same subject; which,

Was referred to the committee on public buildings.

Mr. McAchran presented the petition of H. H. Trimble and 2 others, a committee appointed for that purpose by a meeting of the citizens of Davis, praying the General Assembly to memorialize Con-



gress for a grant of lands to a railroad from Bloomfield to the north line of the State of Missouri; which

On his motion,

Were referred to the committee on internal improvements.

Mr. Hillis presented the petition of C. Gongeward and 129 others of Marion county, praying the removal of the capital to Pella, in said county; which.

On his motion,

Was referred to the committee on ways and means.

Mr. Hillis presented the petitions of Henry P. Scholte and 15 others, and of Henry P. Scholte of Marion county, offering to donate certain property therein described to the state, provided the capital be removed to Pella in said county;

Which were referred to the committee on ways and means.

Message from the House of Representatives by Mr. Hooten, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

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

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

H. R. file No. 51, a bill for an act supplemental to an act to locate the county seat of Page county.

In which, the concurrence of the Senate is requested.

Mr. Hendershott introduced the following resolution:

Resolved, That during the remainder of the present session of the General Assembly, unless otherwise specially ordered by the Senate, the time for its meetings on each day, shall be at 9 o'clock A. M., and at half past one o'clock P. M.

Adopted.

Mr. Hillis gave notice that, on to-morrow or some subsequent day, he should introduce a bill for the permanent location of the capital at Pella, in Marion county, State of Iowa.

Mr. Hull gave notice that on some future day, he should ask leave to introduce a bill to incorporate the town of Fort Des Moines in Polk county.

Mr. Harris gave notice that on some future day, he should ask

leave to introduce a bill granting the right of way for a railroad from Fort Des Moines to the southern boundary of the State.

Also, to introduce a joint memorial to Congress, praying a grant of the right of way through the public lands for a railroad from Fort Des Moines to the southern boundary of Iowa.

Mr. Preston gave notice that on some future day, he should ask leave to introduce a joint resolution in relation to the Supreme Court Reports.

Also, a bill for an act to abolish capital punishment.

Also, a bill for an act to amend the Code of Iowa.

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

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

Reported back the same and recommended its passage.

Mr. Hepner moved to amend by striking out the word "Council Bluff."

On which question the yeas and nays being ordered, were as follows:

YEAS—Messrs. Browning, Clark, Crosthwait, Everson, Fisher, Harris, Hedrick, Hepner, Love, Lowe, McAchran, Needham, Park, Price, Sales, Schramm, Shields, Spees and Mr. President—19.

NAYS—Messrs. Coop, Cowles, Fletcher, Hillis, Hendershott, Hull, Johnson, Lewis, Lucas, McKinney, Preston and Wing—12.

Carried.

Mr. Johnson moved to refer the bill to a select committee.

Mr. Harris moved its indefinite postponement.

The motion to refer to a select committee prevailed.

The President appointed Messrs. Johnson, Lucas and Hepner said committee.

Mr. Love presented,

Senate file No. 33, a bill for an act to amend chapter 80 of the code and making further provision for the relief of occupying claimants;

Which was read a first and second time, and

On his motion.

Was referred to the committee on the judiciary.

Mr. Browning moved to take from the table

The report of the committee on internal improvements with the accompanying railroad memorials and joint resolutions. Carried.

The question being on

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

Mr. Lowe moved that it be read a third time to-morrow.

Mr. Love moved that the Senate go into committee of the whole.  
Lost.

Mr. Crosthwait offered the following amendment:

Provided, That if the company constructing said road shall find it incompatible with their interests to run the main trunk of the road by Muscatine, then they are authorized and required to construct a branch to Muscatine from the main trunk.

On which

The yeas and nays being demanded, were as follows:

YEAS—Messrs. Coop, Cowles, Crosthwait, Fisher, Hedrick, Hull, Love, McAchran, Preston, Price, Sales, and Schramm—15.

NAYS—Messrs. Browning, Clark, Everson, Fletcher, Harris, Hillis, Hendershott, Hepner, Johnson, Lewis, Lowe, Lucas, McKinney, Needham, Park, Shields, Spees, Wing, and Mr. President—19.

Lost.

Mr. Preston moved to insert after the word "State" in the last line, "with a branch from Dubuque via Cedar Rapids, to intersect the main road at some convenient point.

Pending which,

On motion of Mr. Lewis,

The Senate adjourned until 1½ o'clock P. M.

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### HALF-PAST ONE O'CLOCK, P. M.

The question being on the amendment offered by Mr. Preston,

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

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Harris, Hedrick, Hull, Lewis, Love, Park, Preston, Price, Sales, and Shields—15.

NAYS—Messrs. Browning, Clark, Fletcher, Hillis, Hendershott, Hepner, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Schramm, Spees, Wing and Mr. President—16.

Lost.

Mr. Coop offered the following amendment :

“With a branch commencing at some suitable point on said road, east of the Desmoines, thence to the city of Keokuk on the Mississippi river.”

On which

The yeas and nays being demanded, were as follows :

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Hedrick, Hull, Lewis, Love, Park, Preston, Price, Sales and Spees—13.

NAYS—Messrs. Browning, Clark, Fisher, Fletcher, Harris, Hillis, Hendershott, Hepner, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Schramm, Shields, Wing and Mr. President—18.

Lost.

Mr. Preston moved to strike out “provided that said road go by the way of Kanesville.”

On which,

The yeas and nays being demanded, were as follows:

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Hedrick, Hull, Lowe, Park, Preston, Price, Sales—12.

NAYS—Messrs. Browning, Clark, Fletcher, Harris, Hillis, Hendershott, Hepner, Johnson, Lewis, Lowe, Lucas, McAchran, McKinney, Needham, Schramm, Shields, Spees, Wing and Mr. President—19

Lost.

Mr. Everson moved to strike out all after the word “State” in the last line and insert:

“With branches from Keokuk and Burlington on the Mississippi, uniting at Fairfied, thence to the main trunk at Oskaloosa; also a branch from Dubuque on the Mississippi, via Cedar Rapids, to the main trunk at some suitable point near the Desmoines river.”

On which,

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

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Love, Park, Preston, Price and Sales—9.

NAYS—Messrs. Browning, Clark, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Lowe, Lucas, McAchran, McKinney, Needham, Schramm, Shields, Spees, Wing and Mr. President—22.

Lost.

Mr. Crosthwait moved to strike out,

"By way of the city of Muscatine, in Muscatine county."

On which question,

The yeas and nays being demanded, were as follows:

YEAS—Messrs. Coop, Cowles, Crosthwait, Hull, Love, Park, Preston, Price and Sales—9.

NAYS—Messrs. Browning, Clark, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hepner, Johnson, Lewis, Lowe, Lucas, McCachran, McKinney, Needham, Schramm, Shields, Spees, Wing and Mr. President—22.

Lost.

Mr. Hull moved to insert after the words "Muscatine county," "by way of Fort Desmoines."

Mr. Sales moved an adjournment. Lost.

The question recurring on the amendment of Mr. Hull.

Mr. Lewis moved that the Senate adjourn. Lost.

The yeas and nays being demanded on the amendment of Mr. Hull were as follows:

YEAS—Messrs. Coop, Cowles, Crosthwait, Fisher, Hull, Love, Park, Preston and Price—9.

NAYS—Messrs. Browning, Clark, Everson, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hepner, Johnson, Lewis, Lowe, Lucas, McCachran, McKinney, Needham, Schramm, Shields, Spees, Wing and Mr. President—21.

Absent Mr. Sales.

Lost.

Mr. Lewis moved an adjournment.

On which motion,

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

YEAS—Messrs. Coop, Crosthwait, Fisher, Hedrick, Hendershott, Hull, Lewis, Park and Shields,—9.

NAYS—Messrs. Browning, Clark, Cowles, Everson, Fletcher, Harris, Hillis, Hepner, Johnson, Love, Lowe, Lucas, McCachran, McKinney, Needham, Preston, Price, Schramm, Spees, Wing and Mr. President—21.

Lost.

On motion of Mr. Lowe,

The bill was ordered to a third reading on to-morrow.

On motion of Mr. Johnson,

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

TUESDAY MORNING, DECEMBER 28, 1852.

Senate met pursuant to adjournment.

Mr. Hull presented the petition of D. B. Rees, and 54 others, citizens of Polk county praying the removal of the capital to Fort Des Moines, which,

On his motion,

Was referred to the committee on Public Buildings.

Mr. Hull presented the petition of David E. Brand and 43 others citizens of Polk county, relative to the management of the State University lands; which

On his motion,

Was laid on the table.

Mr. Hedrick gave notice, that on to-morrow or some future day he should introduce a bill on the subject of mills and millers.

Mr. Love presented the petitions of Lucinda McCormick, and 25 others, children and youth; of B. S. Merriam and 46 others; of James W. Cox and 56 others, citizens and voters of the city of Keokuk, relative to intoxicating liquors, which

On his motion,

Were referred to the committee on Agriculture.

Mr. Hull presented the bond of H. Sherman and others, citizens of Polk county, agreeing to save the State of Iowa any expense which may be incurred in removing the capital to Fort Des Moines; which

On his motion,

Was laid on the table.

Mr. Fisher presented the petition of Euclid B. Houghton praying for a charter granting him a ferry privilege across the Mississippi river from Lansing, in Allamakee county, Iowa, to Newport, in Bad-Axe and Crawford counties, Wisconsin; which,

On his motion,

Was referred to the committee on Incorporations.

Mr. Harris introduced the following resolution:

Resolved, That the committee on Printing be requested to inform the Senate what progress has been made by the State Printer in printing the State census, and when said paper will be ready for the Senate.

Adopted.

Mr. McKinney offered the following resolution :

Resolved, That the committee on Agriculture be requested to enquire into the expediency of establishing a board similar to the agricultural board of the State of Ohio.

Adopted.

Mr. Fletcher from the select committee to whom was referred H. R. file No. 41, Memorial and joint resolution for a change of service on post route, No.—— from Davenport to Muscatine,

Reported back the same and recommended its passage.

The President presented a resolution of thanks to the Senate "for the use of their Hall for the Ladies' Fair, on Friday Evening," 24th inst. received from the Ladies Sewing Society of Iowa City.

Also,

A communication was received from Hon. R. P. Lowe, Judge of the First Judicial District, relative to amendments of the code.

Mr. Coop from the committee on Agriculture reported Senate file No. 34, A bill concerning fences and trespassing animals, which

Which was read a first and second time; and,

On motion of Mr. Shields;

Laid on the table

On motion of Mr. Lewis;

The usual number of copies were ordered to be printed for the use of the Senate.

Mr. McKinney gave notice that on to-morrow or some future day he should ask leave to introduce a bill to amend an act entitled an act for the incorporation of the town of Mount Pleasant in Henry county.

Also,

A bill to amend chapter 129, title 21 of the code.

Mr. Shields gave notice that on to-morrow or some future day, he should introduce a bill to prohibit the circulation of bank bills of a certain denomination within the limits of this State.

Mr. Hull introduced,

Senate file No. 35, an act to incorporate the town of Fort Des moines in Polk county.

On motion of Mr. Hepner,

The reading was dispensed with and the bill referred to the committee on incorporations.

Mr. Preston introduced

Senate file No. 36, Joint resolution in relation to the Supreme Court Reports;

Which was read a first and second time, and,

On motion of Mr. Everson,

Referred to the committee on Ways and Means.

Message from the House by Mr. Hooton, Chief Clerk :

MR. PRESIDENT—I am directed to inform the Senate that the House has passed,

H. R. file No. 48, a bill for an act to change the name of Volga city, in Fayette county, to Lima; also,

H. R. file No. 52, a bill for an act to locate the seat of justice of Mills county, in which the concurrence of the Senate is requested.

I herewith return Senate file No. 21, a joint resolution instructing the Secretary of State to procure from the General Government, field notes and diagrams of military roads in the State of Iowa, the same having passed the House without amendment.

I herewith present for your signature,

H. R. file No. 21, a bill for an act to change the name of Barkersville, Marion county, to Attica, the same having passed both branches of the General Assembly.

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

Was read a first and second time; and,

On motion of Mr. Crosthwait,

Referred to the committee on new counties.

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

Was read a first and second time; and,

On motion of Mr. Harris,

Referred to a select committee.

The President appointed Messrs. Harris, Hillis, and Lucas said committee.

H. R. file No. 51, a bill for an act supplemental to an act to locate the county seat of Page county.

Was read a first and second time; and,

On motion of Mr. Johnson,

Referred to a select committee.



The President appointed Messrs. Johnson, Hepner and Needham said committee.

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

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

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

Mr. Love moved to amend so as to read "from the city of Burlington and the city of Keokuk to some convenient point of junction north east of the Des Moines river; thence on the most feasible route, to a point on the Missouri river, at or near the mouth of Platte river.

Mr. Harris moved to amend the amendment by adding:

"That the proceeds of lands obtained for the construction of said road shall be expended in the construction of the road west of the contemplated junction of the branches from Burlington and Keokuk."

Mr. Love accepted the amendment.

Message from the House of Representatives, by Mr. Hooten; Chief Clerk.

MR. PRESIDENT—I herewith return Senate file No. 21, a joint resolution instructing the Secretary of State to procure from the General Government, field notes and diagrams of military roads in the State of Iowa, the same having received the signature of the Speaker of the House of Representatives.

On motion of Mr. Preston,

The Senate adjourned.

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HALF PAST ONE O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Hooten, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

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

adopted the following substitute for substitute for Senate file No. 27 a bill for an act to establish an asylum for the blind.

In which the concurrence of the Senate is requested.

The question under consideration being the amendment offered by Mr. Love as amended by Mr. Harris,

The ayes and nays were ordered, and were as follows :

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Harris, Hull, Lewis, Love, Park, Preston, Price, Sales, Shields and Mr. President—15.

NAYS—Messrs. Browning, Clark, Fletcher, Hillis, Hedrick, Hendershott, Hepner, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Schramm, and Spees—15.

Lost.

Absent, Mr. Wing.

Mr. Love moved to amend so as to read "from the city of Burlington and the city of Keokuk, to some convenient point of junction north-east of the Des Moines river, thence on the most feasible route, to a point on the Missouri river, at or near the mouth of Platt river."

A call of the Senate was had, and

Mr. Wing reported absent.

On motion of Mr. Coop,

The further call was suspended.

The question recurring on the amendment offered by Mr. Love,

The yeas and nays being ordered, resulted as follows :

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Harris, Hull, Lewis, Love, Park, Preston, Price, Sales, Schramm, Shields, Spees and Mr. President—17.

NAYS—Messrs. Browning, Clark, Fletcher, Hillis, Hedrick, Hendershott, Hepner, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, and Wing—14.

Carried.

And the bill accordingly passed to a third reading to-morrow.

Mr. Wing, on request, obtained leave of absence for the remainder of the day.

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

The question being on the amendment reported by the majority of the committee, 'strike out of the memorial all after the word river,'

The yeas and nays were ordered and resulted as follows :

**YEAS**—Messrs. Crothwait, Fisher, Hillis, Hedrick, Lowe, McAchran, McKinney, and Needham—8

**NAYS**—Messrs. Browning, Clark, Coop, Cowles, Everson, Fletcher, Harris, Hendershott, Hull, Johnson, Lewis, Love, Lucas, Park, Preston, Price, Sales, Schramm, Shields, Spees, and Mr. President—21.

Mr. Hepner's name being called, refused to vote, and was excused by the Senate.

So the amendment was rejected.

Senate file No. 19, a joint memorial to Congress asking a grant of and to construct a railroad from Fort Desmoines to the southern boundary of the State of Iowa, and also for a grant of land to construct a railroad from Fort Desmoines to the southern bend of the St. Peter's river, in the Territory of Minnesota.

Mr. Hepner moved that it be indefinitely postponed.

On motion of Mr. Fisher,  
The Senate adjourned.

WEDNESDAY MORNING, DECEMBER 29, 1852:

Senate met pursuant to adjournment.

Mr. Harris presented the petition of G. P. Walker and 123 others, of Decatur county, praying the legislation of the action of the commissioners in locating the county seat of said county, and a change of the name of the county seat to Brittiansburg, or Decatur City.

Also, the certificate of the county judge of that county, relative to a vote on the county seat question; which,

On his motion,

Were referred to the special committee to whom were referred similar petitions.

Mr. Harris presented the petition of David Bagley and 169 others, citizens of Davis and Appanoose counties, praying the location of a state road from Bloomfield in Davis county, to Centreville in Appanoose county.

Also, the remonstrance of Thomas G. Manson and 52 others, citi-

izens of Davis and Appanoose counties, against the location of said road; which,

On his motion,

Were referred to the committee on roads.

Mr. Shields presented the remonstrance of S. Kiddill and 36 others citizens of Winneshiek, relative to the alteration of the state road from McGregor's Landing on the Mississippi, to Fort Clark (or Dodge) on the Des Moines; which,

On his motion,

Was referred to a committee of the senators representing the counties of Winneshiek, Fayette, &c.

Mr. Wing presented the petition of D. F. Gaylord and 260 others citizens of Wapello county, asking the removal of the capital to Fort Des Moines: which,

On his motion,

Was referred to the committee on public buildings.

Mr. Needham presented the petition of Eli Spain and 30 others, citizens of Jasper and Marion counties, asking for a state road through Jasper and Marion counties to Pella in Marion county; which,

On his motion,

Was referred to the committee on roads.

Mr. Hull presented the petitions of Allen Lawhead and 25 others; of Luther Koder and 7 others; of George Nolan and 19 others, asking the removal of the capital to Tools Point in Jasper county.

Also the proposition of Stephen B. Shelledy and 11 others offering to donate to the state certain tracts of land in Jasper county, or in lieu thereof, an equivalent in money, provided the capital be removed to Tools Point, which,

On his motion,

Were referred to the committee on ways and means.

Mr. Hull chairman of the committee on public buildings, to whom were referred sundry petitions relative to the removal of the capital, Reported back the same; which,

On his motion,

Were referred to the committee on ways and means.

Mr. Shields chairman of the committee on ways and means, to whom was referred Senate file No. 36, joint resolution in relation to the Supreme Court Reports,

Reported back the same and recommended its passage.

The bill accordingly passed to a third reading to-morrow.

Mr. Preston introduced,

Senate file No. 37, an act in amendment of the Code of Iowa.

Which was read a first and second time, and

On motion of Mr. Browning,

Laid on the table and ordered to be printed.

Mr. McKinney introduced.

Senate file No. 38, an act to amend an act entitled "an act for the incorporation of the town of Mount Pleasant in Henry county.

Which was read a first and second time, and

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

Mr. Crosthwait introduced,

Senate file No. 39, joint resolution instructing our senators and requesting our representatives to oppose the levying of tonnage duties.

Which was read a first and second time, and

On his motion,

Referred to the committee on federal relations.

Mr. Browning from the judiciary committee reported Senate file No. 40, an act relinquishing an escheat.

Which was read a first and second time, and

On his motion,

Laid on the table.

H. R. file No. 48, a bill for an act to change the name of Volga City in Fayette county, to Lima.

Was read a first and second time, and

On motion of Mr. Shields,

Referred to the senators representing that county.

H. R. file No. 52, a bill for an act to locate the seat of justice of Mills county.

Was read a first and second time, and

On motion of Mr. Johnson,

Referred to a select committee.

The President appointed Messrs. Johnson, Hepner and McKinney said committee.

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

Was read a first and second time, and

On motion of Mr. Crosthwait,

Referred to the committee on schools.

House substitute for substitute for Senate file No. 27, a bill for an act to establish an asylum for the blind.

Was read a first and second time, and,

On motion of Mr. Hendershott,

Referred to the committee on schools

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

Was read a second time, and passed to a third reading to-morrow.

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

Was read a third time, passed and the title being amended so as to read "Joint resolution asking a grant of land to aid in the construction of a rail road from Burlington and Keokuk to the Missouri river;" agreed to.

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

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

The unfinished business being sundry railroad memorials reported back by Mr. Hepner from the majority of the committee on internal improvements, with the recommendation that they be indefinitely postponed.

Mr. Hepner, with leave, withdrew the recommendation to postpone.

H. R. file No. 11, joint resolution on the subject of a grant of land to aid in the construction of a railroad from McGregor's landing, in the county of Clayton, to a point on the Missouri river, at or near the mouth of the Big Sioux.

Mr. Fisher moved that it be passed to a third reading on to-morrow.

On which question,

The yeas and nays being ordered, were as follows:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Ever-son, Fisher, Fletcher, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Preston, Price, Sales, Schramm, Shields, Spees and Mr. President—29.

NAYS—Mr. Hillis.

Absent—Mr. Wing.

Carried.

Senate file No. 8, a memorial to Congress for grants of land to aid in the construction of railroads from Dubuque to Keokuk, and from Davenport, on the Mississippi, to the Missouri river.

Mr. Preston moved that the bill be laid on the table. Carried.

Senate file No. 18, a joint preamble and resolution to Congress, instructing our Senators and requesting our Representatives to use their influence in procuring the passage of the bill, now pending before Congress, for a grant of land to aid in the construction of certain railroads in Iowa.

Mr. Preston moved that it be passed to a third reading to-morrow.

Mr. Hepner moved that it be indefinitely postponed.

Mr. Schramm, from the committee on engrossed bills,

Reported Senate file No. 38, an act to amend an act entitled "an act for the incorporation of the town of Mount Pleasant, in Henry county," correctly engrossed.

On motion of Mr. Sales,

The Senate adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

Message from the House of Representatives, by Mr. Hooton, Chief Clerk :

MR. PRESIDENT—I am directed to inform the Senate that the House refused to concur in the Senate amendment to

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

I herewith present for your signature

H. R. file No. 2, memorial and joint resolution on the subject of a grant of land to aid in the construction of a railroad from Davenport, via Muscatine, to the Council Bluffs, the same having passed both branches of the General Assembly.

The motion [of Mr. Hepner to indefinitely postpone Senate file No. 18, being under discussion,

On motion of Mr. Preston,

The Senate adjourned.

THURSDAY MORNING, DECEMBER 30, 1852.

Senate met pursuant to adjournment.

Mr. Coop presented the report of the Secretary of the Fairfield Branch of the State University; which,

On his motion,

Was referred to the committee on schools.

Mr. Fletcher presented the petition of the directors of school district No. 2, Muscatine, asking a modification of the present school law; which,

On his motion,

Was referred to the committee on schools.

Mr. Crosthwait presented the remonstrance of Joseph W. Burgett and fifty-three others, citizens of Polk county, relative to the dismemberment of that county, which,

On his motion,

Was laid on the table.

Mr. Sales presented the petitions of Benjamin L. Matson and thirty-two others, children and youth;

Of S. G. Matson and nineteen others, citizens and voters;

Of Mary Darling and 100 others, children and youth, of Jones county, relative to intoxicating liquors, which,

On his motion,

Were referred to the committee on agriculture.

Mr. Love, chairman of the committee on the judiciary, to whom was referred Senate file No. 3, an act to regulate interest on money, reported a substitute therefor.

Mr. Hendershott moved that it lie on the table. Carried.

Mr. Fisher moved that the usual number of copies be ordered to be printed. Lost.

Mr. Love, chairman of the committee on the judiciary, to whom was referred Senate file No. 32, an act to repeal section 2968 of the code, requiring testimony taken before recognizing magistrates to be reduced to writing.

Reported back the same without amendment and recommended its passage.

Mr. Shields, from the select committee, to whom was referred H.



R. file No. 18, a bill for an act to change the name of Volga City, in Fayette county, to Lima, reported the same without amendment and recommended its passage.

Mr. Hedrick introduced Senate file No. 41, a bill for an act to regulate mills and millers, which

Was read a first and second time, and,

On motion of Mr. Harris,

Referred to the committee on agriculture.

Mr. Price introduced Senate file No. 42, an act to provide for the taking up of water crafts found adrift, lost goods and estray animals,

Which was read a first and second time, and

On motion of Mr. Preston,

Referred to the committee on agriculture.

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

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

Senate file No. 38, an act to amend an act entitled an act for the incorporation of the town of Mount Pleasant in Henry county.

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

H. R. file No. 11, Joint resolution on the subject of a grant of land to aid in the construction of a railroad from McGregor's landing in the county of Clayton, to a point on the Missouri river at or near the mouth of the Big Sioux.

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

Senate file No. 36, Joint resolution in relation to the Supreme Court Reports.

Was read a third time, and

On motion of Mr. Love,

Recommitted to a select committee.

The President appointed Messrs. Love, Preston and Lowe, said committee.

H. R. file No. 48, relative changing the name of Volga city.

Was read a second time.

Mr. Everson moved that it be ordered to a third reading to-morrow.

Mr. Harris moved that it be referred to the committee on incorporations. Lost.

The question, recurring on the motion of Mr. Everson,  
Was carried.

Senate file No. 32, repealing section 2868 of the code,

Was read a second time, and,

On motion of Mr. Browning,

Laid on the table.

Mr. McKinney moved that the Senate recede from its amendment to H. R. file No. 3, the House having refused to concur.

On which,

The yeas and nays were ordered and resulted as follows :

YEAS—Messrs. Browning, Clark, Fletcher, Hillis, Hendershott, Hepner, Johnson, Lowe, Lucas, McKinney, Needham, and Schramm—12.

NAYS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Harris, Hedrick, Hull, Lewis, Love, McAchran, Park, Preston, Price, Sales, Shields, Spees, Wing and Mr. President—19

Lost.

Message from the House by Mr. Hooton, Chief Clerk.

Mr. PRESIDENT—I herewith present for your signature H. R. file No. 18, memorial and joint resolution for a grant of land to aid in constructing a railroad from Dubuque to the Missouri river, the same having passed both branches of the General Assembly.

Mr. Lucas gave notice that on to-morrow or some future day, he should ask leave to introduce a bill asking the right of way for a railroad from Sargent's Bluff to the Missouri line.

On motion of Mr. Preston,

The Senate adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

Mr. Hull moved to take from the table

Senate file No. 4, a bill for an act to remove the seat of government from Iowa City, Johnson county, to Fort Desmoines, Polk county, Iowa.

Lost.

Mr. Preston introduced the following resolution:

Resolved, That the Senate appoint a committee of conference to act with a similar committee on the part of the House, to take into consideration House file No. 3, with the amendment thereto, as proposed by the Senate.

Adopted.

The President appointed Messrs. Preston, Hepner and Love the committee on the part of the Senate.

The question being on the motion of Mr. Hepner to indefinitely postpone Senate file No. 18.

Mr. Hull moved that it be laid on the table until Monday next.  
Lost.

The question recurring on the motion to postpone,

The yeas and nays were ordered and were as follows:

YEAS—Messrs. Browning, Clark, Fletcher, Harris, Hillis, Hendershott, Hepner, Hull, Johnson, Lucas, McAchran, Needham, Schramm and Spees—14.

NAYS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Hedrick, Lewis, Love, Lowe, McKinney, Park, Preston, Price, Sales, Shields, Wing and Mr. President—17.

Lost.

Mr. Fletcher offered the following amendment:

“Strike out the words “preamble and,” in the first line; and also, all after the word “procuring,” and insert “a grant of land to aid in the construction of a railroad from Dubuque to Keokuk, on the Mississippi river.”

Mr. Preston moved that the Senate adjourn until 9 o'clock, on Monday morning.

On which,

The yeas and nays being ordered, were as follows:

YEAS—Messrs. Crosthwait, Fletcher, Lewis, Preston, Sales, Shields and Mr. President—7.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Everson, Fisher, Harris, Hillis, Hedrick, Hendershott, Hepner, Hull, Johnson, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Price, Schramm, Spees and Wing—24.

Lost.

Mr. McKinney moved to amend the amendment by adding:

“On the most direct route practicable.”

Lost.

Mr. Preston moved the previous question.

The question being on Mr. Fletcher's amendment.

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

YEAS—Messrs. Browning, Clark, Fletcher, Harris, Henderskott, Lowe, McAchran, McKinney, Schramm and Spees—10.

NAYS—Messrs. Coop, Cowles, Crosthwait, Everson, Fisher, Hillis, Hedrick, Hepner, Hull, Johnson, Lewis, Love, Needham, Park, Preston, Price, Sales, Shields, Wing and Mr. President—21.

The question recurring that the bill be engrossed and read a third time to-morrow.

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

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Hedrick, Lewis, Love, McKinney, Park, Preston, Price, Sales, Shields, Wing and Mr. President—15.

NAYS—Messrs. Browning, Clark, Fisher, Fletcher, Harris, Hillis, Hendershott, Hepner, Hull, Johnson, Lowe, Lucas, McAchran, Needham, Schramm and Spees—16.

On motion of Mr. Hedrick,

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

#### FRIDAY MORNING, DECEMBER 31, 1852.

The Senate met pursuant to adjournment.

The following message was received from the House of Representatives, by Mr. Hooton, Chief Clerk:

MR. PRESIDENT—I am directed to inform the Senate that the House has passed,

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield Plank Road Company the right of way.

Also, H. R. file No. 50, a bill for an act to organize the county of Union and locate the county seat thereof.

And also, H. R. file No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Des Moines river improvement.

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

I herewith return,

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

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

And also, Senate file No. 30, a bill for an act to authorize the Treasurer of State to furnish a safe.

The same having passed the House without amendment.

Mr. Lowe presented the petition of D. G. Burgess and ninety-one others, citizens of Keokuk county; of Daniel Slaughter and 27 others; and of George P. Ellis and ten others, praying the removal of the seat of government to Oskaloosa; which

On his motion,

Were referred to the committee on ways and means.

Mr. Needham presented a proposition of citizens of Mahaska county, together with a bond of fifty thousand dollars, contingent upon the removal of the capitol to Oskaloosa; which

On his motion,

Was referred to the same committee.

Mr. Shields presented the remonstrance of Wm. Day and thirty-two others; also of Samuel Allen and thirty-five others, citizens of Clayton county, remonstrating against the discontinuance of a certain state road; which

On his motion,

Were referred to a select committee of senators representing that county.

Mr. Preston presented the petition of Charles Nye and 197 others, praying for a convention to amend the constitution of the State of Iowa; which

On his motion,

Was laid upon the table

Mr. Schramm presented the petition of Seth Richards and 27 others, citizens of Bentonsport Van Buren county Iowa, praying the vacation of certain portions of the streets in the town of Bentonsport; which

On his motion,

Was referred to the committee on incorporations.

Mr. Hendershott presented the petition of J. B. Morgan and 120

others, citizens of Wapello county, praying for the passage of a law, licensing the sale of intoxicating liquors, which

On his motion,

Was referred to the committee on agriculture.

Mr. Cowles introduced the following resolution:

Resolved, That the judiciary committee be requested to inquire into the necessity of an explanatory act, in reference to whether a justice of the peace of one county can issue an execution on a transcript issued from the docket of a justice of the peace of another county, and report by bill or otherwise.

Adopted.

Mr. Crosthwait gave notice that on to-morrow or subsequent day, he should introduce a bill to provide for the further completion of the capitol at Iowa City.

On motion of Mr. Preston,

Senate file No. 18, "a joint resolution instructing our senators to use their influence in favor of pending railroad memorials in Congress.

Was laid on the table.

H. R. file No. 48, "a bill for an act to change the name of Volga City,

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

On motion of Mr. Browning,

Senate file No. 40, an act relinquishing an escheat,

Was taken from the table.

On motion of the same,

The 1st section was amended, so as to read "the right and title of escheat," in third line, and the bill ordered to be engrossed and read a third time on Monday.

On motion of Mr. Hull,

Senate file No. 4, an act for the removal of the seat of government to Fort Desmoines.

Was taken from the table.

Mr. Harris moved to engross and read a third time on Monday.

On motion of Mr. Crosthwait,

The Senate resolved itself into committee of the whole, for the consideration of the bill.

Mr. Hepner in the chair.

After some time passed, the committee rose, reported progress and asked leave to sit again.

Mr. Fletcher moved that the Senate adjourn till nine o'clock on Monday morning.

On which the yeas and nays being ordered, were as follows:

YEAS—Messrs. Browning, Clark, Crosthwait, Everson, Fisher, Fletcher, Hillis, Lewis, Love, Lowe, McAdhram, Needham, Preston, Sales, Shields and Mr. President—16.

NAYS—Messrs. Coop, Cowles; Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Lucas, McKinney, Park, Price, Schramm, Spees and Wing—15.

So the motion prevailed, and

The Senate adjourned until nine o'clock on Monday morning.

### MONDAY MORNING, JANUARY 3, 1853.

The Senate met pursuant to adjournment.

Mr. Coop presented the petition of Samuel Gray and twenty-six others, citizens of Polk county, remonstrating against any change of said county boundaries, which,

On his motion,

Was laid on the table.

Mr. Coop presented the petition of David Corner and thirty-two others, citizens of Polk county, on the subject of the removal of the capital to Fort Desmoines.

Referred to committee on ways and means.

Mr. Hull presented a remonstrance of Mat Krauss and sixty-nine others of Polk county, against the dismemberment of said county,

Which was laid on the table.

Mr. Shields presented a petition of Wm. B. Smith and forty-one others, citizens of Winnishiek, Chickasaw, and Fayette counties, praying for the vacation of a certain road;

And also a remonstrance, upon the same subject, by James A. Moore and thirty-two others, which,

Upon motion of Mr. Shields,

Were referred to a select committee composed of the senators from the Dubuque district.

Mr. Hedrick presented the petition of William J. Marvin and seventy-two others, citizens of Polk county, upon the subject of the removal of the capital to Fort Desmoines, which,

Upon his motion,

Was referred to the committee on ways and means.

Mr. Hull presented the petition of H. Dunlavy and forty-one others, citizens of Davis county, asking the relocation of the capital at Fort Desmoines,

Which, upon his motion,

Was referred to the committee on ways and means.

Mr. Hull presented the remonstrance of Noah Fouts and thirteen others, citizens of Polk county, against any alteration of the boundary lines of said county, which,

Upon his motion,

Was laid on the table.

Mr. Lowe presented the account of Sanford Harned, against the State of Iowa, which,

Upon his motion,

Was referred to committee on claims.

Mr. Coop offered the following resolution :

Resolved, That the committee on ways and means be instructed to inquire into the expediency and propriety of reducing the price of the code of laws of Iowa, from two dollars and fifty cents to one dollar ; also furnishing county and township officers with copies of said code free of charge , and that they report by bill or otherwise.

Which, on motion,

Was adopted.

Mr. McAchran gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill granting the right of way to the Canton and Bloomfield railroad company.

Mr. Schramm presented the following resolution :

Resolved, That two of the six maps bought for the use of this Senate, be pasted up on the walls of this chamber.

Which, on motion,

Was adopted.

Mr. Cowles gave notice that he would, on to-morrow, or some



day thereafter, ask leave to introduce a joint resolution in relation to adjourning sine die.

A message from the House, by Mr. Hooton, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

H. R. file No. 74, joint resolution to procure for the State of Iowa a donation of Fort Atkinson and the lands attached thereto; also,

H. R. file No. 75, a bill for an act to authorise John C. Cummins to transcribe the deed and mortgage records of Marion county.

In which the concurrence of the Senate is requested.

Mr. Wing from the committee on enrolled bills,

Reported that he had presented to His Excellency, the Governor, for his approval, Senate file No. (21) twenty-one, a joint resolution instructing the Secretary of State to procure from the General Government field notes and diagrams of military roads in the State of Iowa.

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield plank road company, the right of way.

Was read a first and second time; and,

On motion of Mr. Coop,

Referred to a select committee consisting of the Senators from the counties of Henry and Jefferson.

Mr. Clark, from committee on incorporations,

Reported back Senate file No. 35, a bill to incorporate the town of Fort Des Moines, in Polk county, with sundry amendments.

Mr. Hepner from said committee presented a minority report.

The Senate concurred in the amendments recommended by a majority of the committee; whereupon,

Mr. Hepner moved the indefinite postponement of said bill.

Upon which question,

The yeas and nays being ordered were as follows:

YEAS—Messrs. Everson, Harris, Hendershott, Hepner, Lewis, Lowe, Needham, Schramm, Shields, Spees and Mr. President—11.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Fisher, Fletcher, Hillis, Hedrick, Hull, Johnson, Love, Lucas, McKinney, Park, Price and Wing—17.

So the motion was lost.

Whereupon,

On motion of Mr. Harris,

The bill was laid on the table.

Mr. Lucas, in accordance with previous notice, introduced, Senate file No. 42, an act to grant the right of way to the Sargeant Bluffs and Sidney railroad company; which,

On motion of Mr. Harris,

Was referred to the committee on internal improvements.

Mr. Love, from the committee on the judiciary,

Reported back H. R. file No. 24, a bill for an act to amend an act to secure the more vigorous prosecution of the Desmoines River Improvement and amendatory and supplemental to all other acts now in force in relation thereto, without amendment, and recommended its passage.

Message from the House, by Mr. Hooton, Chief Clerk,

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

H. R. file No. 6, a bill for an act to define the boundaries of Dallas county; also,

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

H. R. file No. 55, a bill for an act to dispose of the Swamp and overflowed lands within this State, and to pay the expenses of selecting and surveying the same; and also,

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

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

I herewith present for your signature,

H. R. file No. 11, joint resolution on the subject of a grant of land to aid in the construction of a railroad from McGregor's landing, in the county of Clayton, to a point on the Missouri river at or near the mouth of the Big Sioux river; also,

H. R. file No. 40, memorial and joint resolution for a change of service on Post route No. — from Davenport to Muscatine.

The same having passed both branches of the General Assembly.

I am also directed to inform the Senate that the House recedes from its disagreeing vote to

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

Senate file No. 40, a bill for an act relinquishing an escheat, was read a third time, passed and title agreed to.

Mr. Hendershott on leave, gave notice that he would on to-morrow or some subsequent day, ask leave of the Senate, to introduce a bill for the relief of John G. Baker and others.

Mr. Browning on leave gave notice, that on some future day he would introduce a bill to repeal chapter 74 of the Code of Iowa.

H. R. file No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Des Moines river improvement.

Was read a first and second time, and

On motion of Mr. Harris,

Was referred to the committee on internal improvements.

H. R. file No. 56, a bill for an act to organize the county of Union and locate the county seat thereof.

Was read the first and second time, and

On motion of Mr. Everson,

Was amended by striking out the last section of the bill.

On motion of Mr. Harris,

The motion striking out the last section of the bill was reconsidered.

Mr. Schramm moved to strike out the last section of the bill, and insert the following: "This act to take effect from and after its passage."

Which was adopted and the bill ordered to a third reading on to-morrow.

Mr. Harris, leave being granted, introduced the following resolution which was adopted:

Resolved, That the committee on the judiciary, be instructed to inquire into the expediency of amending so much of the code as has reference to the organization and jurisdiction of grand juries.

1st. Whether a less number than fifteen grand jurors, would comply with the requisitions of the constitution of the United States and the constitution of the State of Iowa, and the equal and exact administration of justice.

2nd. Whether justice to the state and individuals accused, does not demand that all misdemeanors should be tried to final hearing and execution, by a recognising magistrate, with the right of trial by jury and appeal to the district court.

3rd. Also if no person shall be recognized to the district court to answer for a felony twenty days before the meeting of said court, then, the calling of a grand jury shall be dispensed with.

And report by bill or otherwise.

Mr. Crosthwait, leave being granted, introduced Senate file No. 45, a bill for an act providing for the further completion of the State House at Iowa City.

Which was read a first and second times, and

On his motion,

Referred to the committee on public buildings.

On motion of Mr. Hull,

The Senate resolved itself into committee of the whole on Senate file No. 4, a bill for an act to remove the seat of government from Iowa City to Fort Des Moines.

Mr. Hepner in the chair;

And after some time spent therein the committee rose; and,

On motion of Mr. Clark,

The Senate adjourned until half-past one o'clock, P. M.

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#### HALF-PAST ONE O'CLOCK, P. M.

Mr. Coop gave notice that he would on some subsequent day, ask leave to introduce a bill for an act to provide for the right of way for the construction of a railroad from the city of Keokuk *via* Fairfield, Oskaloosa and Pella to intersect the Dubuque and Missouri river railroad, at or near Fort Des Moines.

Senate file No. 4, being under consideration,

Mr. Hull offered the following amendment to said bill, by way of an additional section which was adopted by the Senate, to-wit:

SEC. 5. That in the erection of the buildings for the use of the General Assembly and State officers as contemplated in this bill, the state shall not bear any portion of the expense.

Mr. Lewis moved that the further consideration of the said bill, with the amendments be indefinitely postponed.

On motion of Mr. Hepner,

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

TUESDAY MORNING, JANUARY 4 1853.

Senate met pursuant to adjournment.

Mr. Schramm moved to reconsider the vote on the adoption of the amendment to the last section of H. R. file No. 56, relative to the organization of Union county. Carried.

Mr. Schramm, by leave, withdrew said amendment.

Mr. Everson presented the petitions of 112 voters, and 156 ladies and youths of Crawford township, and of 17 voters and 19 ladies and youths of Iowa township, Washington county, praying for a prohibitory law on the subject of intoxicating liquors.

Referred to the committee on agriculture.

Mr. Hepner presented the petition of Clement Lambert and 17 others, of Mills county, asking an enlargement of the territorial limits of said county.

Referred to the committee on county boundaries.

Also,

The remonstrance of D. I. Bowen and 20 others, of Mills county, against changing the name of Kanesville to Council Bluff City.

Laid on the table.

Mr. Mc Achran presented the petition of Juliana Morgan and 10 others children and youth, and of Harrison Morgan and 16 others, citizens and voters, of Davis county, relative to the traffic in intoxicating liquors.

Referred to the committee on agriculture.

Mr. Coop introduced the following resolution :

That the committee on elections be instructed to inquire into the necessary arrangements for the present members of the Senate in relation to the termination of such membership, and that they report at as early a day as practicable.

Adopted.

Mr. McKinney from the select committee, to whom was referred the communication of the Warden and other officers of the State Penitentiary, reported

Senate file No. 45, an act supplementary to chapter 187 of the code, concerning "the penitentiary of the State, and the government and discipline thereof," which

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

Mr. Coop from the committee on agriculture, to whom was referred Senate file No. 41, a bill for an act to regulate mills and millers, reported back the same with the following amendment, viz :

Strike out of section 2, after the word "buckwheat," the words, "not required to be bolted" whenever they occur in said section.

And recommended its passage.

On motion,

The amendments were adopted.

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

Mr. McKinney moved that it be indefinitely postponed.

On which,

The yeas and nays being ordered, were as follows :

YEAS—Messrs. Clark, Crosthwait, Hepner, and McKinney—4.

NAYS—Messrs. Browning, Coop, Cowles, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, Needham, Park, Price, Sales, Schramm, Shields, Spees, Wing, and Mr. President—26.

Lost.

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

Mr. Coop, chairman of the committee on agriculture, to whom was referred

Senate file No. 42, a bill for an act to provide for taking up water crafts found adrift, lost goods, and stray animals,

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

Mr. Harris presented the petition of Joel Robinson and forty-four others, of Appanoose county, asking the removal of the capital to Fort Desmoines.

Referred to the committee on ways and means.

Mr. Harris from the special committee, to whom was referred

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

On motion of Mr. Hendershott,

The report and bill were laid on the table.

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

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield Plankroad Company, the right of way.

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

Mr. Hendershott, introduced Senate file No. 46, an act for the relief of John Webb, John Clark, John G. Baker, and William S. Townsend,

Which was read a first and second time, and,

On his motion,

Referred to the committee on claims.

Mr. Cowles introduced Senate file No. 47, joint resolution that the Senate adjourn sine die, on the 20th inst.

Mr. Hedrick moved to strike out "20th" and insert "24th."

Carried.

Mr. Hull moved that the bill lie on the table. Lost.

On motion of Mr. Cowles,

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

H. R. file No. 47, a bill for an act to change the boundaries of Warren county.

Was read a first and second time; and,

On motion of Mr. Hillis,

Was referred to the committee on county boundaries.

H. R. file No. 74, joint resolution to procure for the State of Iowa a donation of Fort Atkinson and the lands attached thereto,

Was read a first and second time, and passed to a third reading to-morrow.

H. R. file No. 75, a bill for an act to authorize John C. Cummin, to transcribe the deeds and mortgage records of Marion county,

Was read a first and second time, and passed to a third reading on to-morrow.

H. R. file No. 6, a bill for an act to define the boundaries of Dallas county,

Was read a first and second time; and,

On motion of Mr. Harris,

Referred to the committee on county boundaries.

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

Was read a first and second time; and,

On motion of Mr. Johnson,

Referred to the committee on new counties.\*

H. R. file No. 55, a bill for an act to dispose of the swamp and overflowed lands within this State, and to pay the expenses of selecting and surveying the same,

Was read a first and second time; and,

On motion of Mr. Browning,

Laid on the table and made the special order in committee of the whole Senate, for Wednesday afternoon, at 2 o'clock.

H. R. file No. 56, a bill for an act to organize the county of Union and locate the county seat thereof,

On its third reading,

By unanimous consent,

On motion of Mr. Johnson,

The last section was so amended as to read:

"This act shall be in force from and after its publication in the Iowa Capital Reporter and the Western Bugle; Provided, that said publication be made without expense to the State."

Mr. Harris moved the appointment of a special committee of seven to inquire whether Union county should be organized, and that the bill be referred to the same committee. Lost.

Mr. Johnson moved that it be referred to a select committee of three. Carried.

The President appointed Messrs. Johnson, Harris and Hepner said committee.

H. R. file No. 24, a bill for an act to secure the more vigorous prosecution of the Des Moines River Improvement, and amendatory and supplemental to all other acts now in force in relation thereto.

Was read a third time; and,

On motion of Mr. Browning,

Laid on the table and made a special order for to-morrow morning at 9 o'clock.

Mr. Love introduced the following resolution :

Resolved, That no member shall, during the present session, occupy the floor, upon any question more than twenty minutes without leave of the Senate; and that no member shall speak more than once on the same question at any one stage of its progress, without leave.—except that the mover of a question shall be entitled to the general reply.



Mr. Love moved to strike out all after the words "leave of the Senate."

Carried.

Mr. Browning moved to strike out "twenty" and insert "thirty."

Lost.

And the resolution, as amended, was adopted.

The question being on motion of Mr. Lewis to indefinitely postpone Senate file No. 4, a bill for an act to remove the seat of government from Iowa City, Johnson county, to Fort Des Moines, Polk county, Iowa, with the amendment thereto.

On motion of Mr. Hull,

The Senate adjourned until 1½ o'clock P. M.

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### HALF-PAST ONE O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Schramm from the committee on engrossed bills,  
Reported Senate files Nos. 46 and 48 correctly engrossed.

Mr. Wing from the committee on enrolled bills,  
Reported Senate files No. 16, 17 and 30, correctly enrolled.

Mr. Browning moved that the principal Secretary of the Senate be authorized to employ William Turner as assistant enrolling and engrossing clerk, for the remainder of the session.

On which the yeas and nays being ordered were as follows:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Fisher, Harris, Hillis, Hedrick, Hendershott, Hepner, Love, Lucas, McAchran, McKinney, Needham, Price, Sales, Schramm, Shields, Wing and Mr. President.—22.

NAYS—Messrs. Everson, Fletcher, Hull, Johnson, Lowe, Park and Spees—7.

Carried.

The question being on the motion to indefinitely postpone Senate file No. 4, relative to the removal of the seat of government.

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

YEAS—Messrs. Clark, Coop, Crosthwait, Everson, Fisher, Fletcher,

Hillis, Lewis, Lowe, Needham, Park, Shields, Wing and Mr. President.—14.

NAYS—Messrs. Browning, Cowles, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Love, Lucas, McAchran, McKinney, Price, Sales, Schramm and Spees—16.

Lost.

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

Mr Browning moved that it lie on the table.

Lost.

Mr. Lowe moved to refer the bill, with the proposed amendments to the committee on ways and means.

On which question the yeas and nays being ordered were as follows,

YEAS—Messrs. Browning, Crosthwait, Everson, Fletcher, Hillis, Lowe, McKinney, Needham, Shields, Wing and Mr. President—11.

NAYS—Messrs. Clark, Coop, Cowles, Fisher, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lucas, McAchran, Park, Price, Sales, Schramm and Spees—19.

Lost.

Mr. Lowe moved to strike out all after the enacting clause, and insert as follows :

SECTION 1. That \_\_\_\_\_ of the county of \_\_\_\_\_, and \_\_\_\_\_ of the county of \_\_\_\_\_, and \_\_\_\_\_ of the county of \_\_\_\_\_, be and they are hereby appointed commissioners, whose duty it shall be to locate the permanent seat of government of this state, as hereinafter provided.

SEC. 2. It shall be the duty of said commissioners to take and subscribe an oath, before entering upon the discharge of the duties of their officers, that they will honestly and faithfully perform the duties devolved upon them by this act to the best of their judgment and ability.

SEC. 3. The said commissioners, shall meet at any place upon which they may agree, on some day between the first day of May and the first day of June next, and having met as aforesaid, they shall proceed to an examination of the state, or such parts thereof as they may think expedient, in order to determine judiciously upon a point for the permanent seat of government of the State of Iowa.

SEC. 4. The location shall be made as near the geographical centre, of the state, and of the population thereof, as in their opinion may be

consistent with an eligible and healthy site, the general features of the surrounding country and the interests of the state generally, and the point thus selected shall by said commissioners be reported to the General Assembly of this state.

SEC. 5. In making a location, it shall be lawful for said commissioners to take into consideration any proposed donation of land or money which may be submitted for that purpose.

SEC. 7. The compensation of said commissioners shall be \_\_\_\_\_ dollars per day, for each day necessarily employed in the discharge of their duties as commissioners.

Message from the House of Representatives by Mr. Hooton, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

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

In which the concurrence of the Senate is requested.

I herewith present for your signature.

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

Also, H. R. file No. 48, a bill for an act to change the name of Volga City in Fayette county to Lima.

The same having passed both branches of the General Assembly.

I herewith return,

Senate file No. 30, an act to authorize the treasurer of State to purchase a safe.

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

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

The same having received the signature of the Speaker of the House of Representatives.

Mr. Shields moved that the Senate adjourn.

On which the yeas and nays being ordered, were as follows:

YEAS—Messrs. Crosthwait, Everson, Fletcher, Hedrick, Hepner, Lewis, Lowe, McAchran, Needham, Shields, Spees, Wing and Mr. President—13.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Fisher, Harris,

Hillis, Hendershott, Hull, Johnson, Love, Lucas, McKinney, Park, Price, Sales and Schramm—17.

Lost.

Mr. Hendershott moved the previous question.

Mr. Shields moved that the Senate adjourn.

On which the yeas and nays being ordered were as follows:

YEAS—Messrs. Clark, Coop, Crosthwait, Everson, Fletcher, Hillis, Hedrick, Hepner, Lewis, Lowe, McAchran, Needham, Park, Shields, Spees, Wing and Mr. President—17.

NAYS—Messrs. Browning, Cowles, Fisher, Harris, Hendershott, Hull, Johnson, Love, Lucas, McKinney, Price, Sales and Schramm—13.

Carried, and the Senate adjourned.

WEDNESDAY MORNING, JANUARY 5, 1852.

The Senate met pursuant to adjournment.

Mr. Schramm presented the petition of Finton Brock and 66 others, citizens of Van Buren county, praying the removal of the capital to Fort Desmoines.

Referred to the committee on Ways and Means.

Mr. Preston presented the petition of E. Lathrop and 58 others citizens of Fayette, Chickasaw, Bremer, and Blackhawk counties, asking the location of a State road through said counties.

Referred to the committee on Roads.

Mr. Preston presented the petition of E. Lathrop and 49 others, and of R. B. Clark and 53 others, citizens of Chickasaw county, remonstrating against the legalizing of certain acts of the officers of said county; which,

On his motion,

Were laid on the table.

Mr. Fletcher presented the petition of Adam Ogilvie and 151 others, citizens of Muscatine county, asking the passage of a law inhibiting the liquor traffic.

Referred to the committee on Agriculture.

Mr. Fletcher presented the petition of Charles Heritage and 26 others, citizens of Muscatine county, relative to swamp lands in said county.

Referred to the committee on Public Lands.

Mr. Lowe presented the account of Wm. H. Merritt, State Printer, for incidental printing for the General Assembly, from Dec. 6, 1852, to January 4th, 1853, amounting, after deducting credits, to \$562.21½

Referred to the committee on claims.

Mr. Coop, chairman of the committee on agriculture, to whom was referred

Senate file No. 25, an act to amend so much of the code of Iowa, as provides for the sale of intoxicating liquors,

Reported back the same and recommended its indefinite postponement.

On motion of Mr. Browning,

The bill was laid on the table.

Mr. Browning from the majority of the committee on the judiciary, to whom was referred

Senate file No. 7, a bill for an act allowing and regulating the stay of executions on judgments of the district and justice's courts,

Reported the same back with sundry amendments; and,

On his motion,

The bill and amendments were laid on the table.

Mr. Sales from the committee on new counties, to whom was referred H. R. file No. 35, an act organizing certain counties therein named,

Reported back the same without amendment,

And the bill accordingly passed to a third reading to-morrow.

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

H. R. file No. 52, a bill for an act to locate the seat of justice of Mills county,

Reported the same back, with the following amendment, viz:

Add to the first section—

“Together with a square, or lots forming a square of not less than two acres for the purpose of public buildings,”

Which amendment was adopted, and,

On motion of Mr. Coop,

The bill, as amended, was ordered to a third reading to-morrow.

Mr. Johnson from the select committee, to whom was referred H. R. file No. 36, an act to organize the county of Union, and locate the county seat thereof,

Reported back the same and recommended its passage, and the bill accordingly passed to a third reading to-morrow.

Mr. Hillis introduced Senate file No. 48, a bill for an act to repeal section 510, 511, 512, and also to amend section 513, chapter 37, of the code of Iowa, which,

On motion of Mr. Everson,  
Was referred to the committee on the judiciary.

H. R. file No. 10, preamble and joint resolution of instructions upon the homestead bill,

Mr. Browning introduced Senate file No. 49, an act to repeal chapter No. 74 of the code of Iowa, which,

On motion of Mr. Lowe,  
Was referred to the committee on judiciary.

Was read a first and second time.

Mr. Coop moved that it be ordered to a third reading on Saturday.

On motion of Mr. Browning,  
The bill was referred to the committee on public lands.

Senate file No. 42, a bill for an act to provide for taking up water crafts found adrift, lost goods, and stray animals,

Was read a second time, and  
On motion of Mr. Hendershott,

Referred to the committee on the judiciary.

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield Plankroad company the right of way,

Was read a third time, and,

On motion of Mr. Preston,  
Referred to the committee on incorporations.

The following named bills were read a third time, passed and titles agreed to :

Senate file No. 41, a bill for an act to regulate mills and millers.

Senate file No. 45, an act supplementary to chapter 187 of the code, concerning "the penitentiary of the State and the government and discipline thereof."

H. R. file No. 74, joint resolution to procure for the State of Iowa, a donation of Fort Atkinson and the lands attached thereto.

H. R. file No. 75, a bill for an act to authorize John C. Cumins to transcribe the deed and mortgage records of Marion county.

Senate file No. 47, joint resolution relative to adjournment,

Was read a third time, and,

The question being,

“Shall the bill pass?”

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

YEAS—Messrs. Clark, Coop, Cowles, Fisher, Hillis, Hedrick, Hendershott, Hepner, Johnson, Lewis, Love, Lowe, Lucas, Needham, Park, Price, Sales, Schramm, Shields, Spees, Wing, and Mr. President—21.

NAYS—Messrs. Browning, Crosthwait, Everson, Fletcher, Harris, Hull, McAchran, McKinney and Preston—9.

So the bill was passed and title agreed to.

On motion of Mr. Preston,

Senate file No. 37, an act in amendment of the code of Iowa,

Was taken from the table; and,

Referred to the committee on the judiciary.

Mr. Johnson gave notice that on to-morrow, or some subsequent day, he should ask leave to introduce a bill for an act entitled “an act authorising the corporate authorities of any incorporate town located on public lands in the State of Iowa, or the county judge of the county in which such town may lie, to purchase said land in trust for the occupants thereof.”

Senate file No. 4, relative to the removal of the seat of government Was taken up pursuant to special order.

The question being on the amendment offered by Mr. Lowe,

Mr. Preston moved to lay the bill and amendment on the table until the 4th of July.

On which,

The yeas and nays being ordered, were as follows:

YEAS—Messrs. Clark, Coop, Crosthwait, Everson, Fisher, Fletcher, Hillis, Lewis, Lowe, Needham, Park, Preston, Shields, Wing and Mr. President—15.

NAYS—Messrs. Browning, Cowles, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Love, Lucas, McAchran, McKinney, Price, Sales, Schramm and Spees—16.

Lost.

The question recurring on the amendment of Mr. Lowe,

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

YEAS—Messrs. Crosthwait, Everson, Fletcher, Hillis, Lowe, McKinney, Needham, Park, Shields and Mr. President—10.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Fisher, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lucas, McCachran, Preston, Price, Sales, Schramm, Spees and Wing—21.

Mr. Needham moved to strike out Fort Desmoines,

On which motion,

The yeas and nays being ordered, were as follows:

YEAS—Messrs. Browning, Crosthwait, Everson, Fletcher, Hillis, Lowe, McKinney, Needham, Spees, and Wing—10.

NAYS—Messrs. Clark, Coop, Cowles, Fisher, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lucas, McCachran, Park, Preston, Price, Sales, Schramm, Shields and Wing—21. Lost.

Mr. Hillis moved to strike out all after the enacting clause and insert as follows:

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That the permanent seat of government for said State, shall be and is hereby located in Pella, Marion county, in said State.

SEC. 2. The State of Iowa accepts hereby the offer made by Henry P. Scholte of two third parts of the vacant lots in Pella, and half of the vacant lots in Amsterdam, according to the plats connected with the present act, and signed by Henry P. Scholte.

SEC. 3. Said Henry P. Scholte shall deliver to the Governor of the State, a warrantee deed for the whole of the vacant lots in Pella, so that the title for the whole becomes vested in the State of Iowa, for the purpose that said State can have the free and undisputed control over the whole, with the provision that said Henry P. Scholte shall receive from the State one third part of the money collected for said lots, to be paid in cash or in State bonds, bearing interest at the rate of — per cent. per annum.

SEC. 4. When the State should select the Garden Square in said town of Pella, for the location of the State house, then said Henry P. Sholte shall vacate said Garden Square and give a warrantee deed for the same to the State.

SEC. 5. So soon as the State has made the selection of the even or odd numbers of the town of Amsterdam, then said Henry P. Sholte shall deliver a warrantee deed for the same to the State.

SEC. 6. Till the removal of the State officers to Pella there will be



appointed one commissioner to have his residence in Pella, with the purpose of selling the lots in said town of Pella, and in the town of Amsterdam belonging to the State, and giving bonds for deeds by receiving the money or making contracts for the same, according to the provisions of the present act. Said office to be discontinued so soon as the Secretary of the State shall have his office in Pella.

SEC. 7. The Governor shall appoint a commission of three competent persons to make an inspection of the vacant part of the town of Pella, and when it is found convenient to make a resurvey of said town, with the purpose of making the town lots smaller and to alter the number of the streets, then to proceed immediately with said resurvey, and cause to be made a correct plat thereof and have the same printed, to be sold for the benefit of the State. Said commission to fix also the minimum price for every lot in the towns of Pella and Amsterdam.

SEC. 8. When said commission shall have finished said work, they shall deliver to the commissioner appointed for the sale of lots a copy of the Plats, and a list of the fixed minimum price for the lots. Said commissioner shall then hold a public sale of lots in Pella and Amsterdam, after which public sale, the lots shall be open for private sale for such a price as the commissioner can contract for, but not below the minimum price fixed by the commission of three. All the proceeds of the sale of lots in Pella and Amsterdam to form a town fund for the building of the State house.

SEC. 9. \_\_\_\_\_ is hereby appointed commissioner for the sale of lots in Pella and Amsterdam, to hold his office till the next session of the Legislature, said commissioner to give bond with approved security, to the Governor of the State, for the faithful discharge of his duty, for the sum of \_\_\_\_\_ dollars, which bond shall be filed in the office of the Secretary of State. The salary of said commissioner shall be \_\_\_\_\_ per centum of all the money coming in his hands, and one dollar for every bond or contract, to be paid by the purchaser. The books, papers and writing materials, to be paid by the State out of the town fund.

SEC. 10. Said commissioner shall receive all donations made to the State, for the purpose of building the State House, and so soon as there are sufficient means in money and materials to prosecute with said building, he shall cause to be made a correct plan for a State House, by giving public notice for receiving plans, with the calcula-

tion of the costs. At the expiration of the time appointed for receiving said plans, he shall lay the same before the Governor of the State, who shall, with the Secretary of the State, and said commissioner, form a committee to select the best and most convenient plan. The maker of the selected plan shall receive as a remuneration for his work, the sum of                    dollars out of the town fund. The other plans shall be returned to their owners.

SEC. 11. With the approval of the Governor of the State, the commissioner shall then proceed to let out contracts for the building of the State House, the work to be paid out of the town fund. Said commissioner shall receive                    per centum of all the money paid out to the contractors for work or materials. And when he has to travel, in connection with his office, he shall receive                    cents for every mile actual traveling, out of the town fund.

SEC. 12. The Governor, the Secretary and the Auditor of the State, shall have at all times free access to the books and accounts of said commissioner, and when it should be found that he is in default, then the Governor shall cause the said commissioner to be sued in behalf of the State.

SEC. 13. When the default shall be proven, the commissioner shall be removed, and the Governor shall appoint another to fill the vacancy, under the same condition as his predecessor, till the next session of the Legislature. The same shall be done in case of death or resignation.

SEC. 14. So soon as there shall be a convenient place for the meeting of the Legislature and for holding the State offices, the removal of the seat of government shall be effected.

On which amendment,

The yeas and nays being ordered, resulted as follows :

YEAS—Messrs. Browning, Crothwait, Everson, Fletcher, Hillis, McKinney, Needham, Preston, Spees and Wing—10.

NAVS—Messrs. Clark, Coop, Cowles, Fisher, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAcharan, Park, Price, Sales, Schramm, Shields, and Wing—21.

Lost.

Mr. Lowe moved to refer the bill to the committee on Public Buildings, with instructions to report a bill appointing commissioners to examine the two points, Fort Desmoines and Oskaloosa, and report to the next session of the legislature.

Mr. Sales called for a division,

And the question being to refer to the committee on Public Buildings,

The yeas and nays were ordered and resulted as follows :

YEAS—Messrs. Browning, Clark, Crosthwait, Everson, Fletcher, Hillis, Lowe, McKinney, Needham, Preston, Spees, Wing and Mr. President—13.

NAYS—Messrs. Coop, Cowles, Fisher, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lucas, McAchran, Park, Price, Sales, Schramm, and Shields—18. Lost.

Mr. Shields offered the following amendment,

Provided, that the seat of government shall not be removed, until proper buildings be erected, without expense to the State, and accepted by the Governor,

Mr. Harris moved the previous question.

And the question being, "shall the main question be put?"

Was carried.

The amendment of Mr. Shields was agreed to.

And the question recurring on engrossing and ordering the bill to a third reading to-morrow.

The yeas and nays being ordered, were as follows:

YEAS—Messrs. Coop, Cowles, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Love, Lucas, McAchran, Park, Price, Sales, Schramm, and Spees—16.

NAYS—Messrs. Browning, Clark, Crosthwait, Everson, Fisher, Fletcher, Hillis, Lewis, Lowe, McKinney, Needham, Preston, Shields, Wing and Mr. President—15.

On motion of Mr. Browning,

The Senate went into committee of the whole on H. R. file, No. 24, relative to the Des Moines River improvement,

11 o'clock and 10 minutes A. M.—Mr. Lewis in the chair.

12 M.—Committee rose, reported progress and asked leave to sit again at half past 1 o'clock, P. M.

Granted, and

On motion,

The Senate adjourned.

HALF PAST ONE O'CLOCK, P. M.

On motion of Mr. Browning,

The consideration of H. R. file, No. 55, relative to the disposition of the swamp lands in this State,

Was postponed until to-morrow at 2 o'clock, P. M.

The Senate then resumed its session in committee of the whole on H. R. file No. 24, relative to the Des Moines river improvement.

Three o'clock P. M.—Committee rose and reported back the bill with the following amendment, as an additional section :

And be it further enacted, That any contract made in pursuance of the provisions of this act shall be subject to any liabilities which may exist in consequence of any contract, heretofore made by the commissioner and register, relating to the improvement of the Des Moines river.

The question being on the adoption of said amendment,

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

YEAS—Messrs. Browning, Clark, Coop, Crosthwaite, Everson, Fisher, Fletcher, Hillis, Hepner, Lowe, McAchran, McKinney, Needham, Park, Preston, Shields and Wing—17.

NAYS—Messrs. Cowles, Harris, Hedrick, Hull, Johnson, Lewis, Love, Lucas, Price, Sales, Schramm, Spees and Mr. President—14.

Mr. Hendershott moved to strike out of section two, all after the word "time" in the 8th line, to the word "and" in the 9th line.

Lost.

Mr. Hendershott moved to strike out of section three all after the word "means" in the 4th line, and insert "for the purposes above designated."

Lost.

Mr. Hendershott moved to amend by adding to section four,

Provided, That no contract or agreement shall be made under the provisions of this act, which does not stipulate for at least \$1,180,000 to be expended on said improvement within five years from the date of such contract or agreement.

On which,

The yeas and nays being ordered were as follows:

YEAS—Messrs. Browning, Everson, Hillis, Hedrick, Hendershott, Hepner, Hull, Johnson, Lucas, McAchran, McKinney, Preston and Mr. Wing—13.

NAYS—Messrs. Clark, Coop, Cowles, Crosthwait, Fisher, Fletcher,

Harris, Lewis, Love, Lowe, Needham, Park, Price, Sales, Schramm, Shields, Spees and Mr. President—18.

Lost.

Mr. Browning offered the following amendment:

And be it further enacted, That the State of Iowa shall in no case be held liable or responsible for any contract heretofore made, or hereafter to be made by the commissioners of said improvement in relation to said lands, or improvement.

Mr. Schramm from the committee on engrossed bills, reported Senate file No. 4, correctly engrossed.

On motion of Mr. Hull,

The Senate adjourned.

#### THURSDAY MORNING, JANUARY 6, 1853.

Senate met pursuant to adjournment.

Mr. Hull presented the petition of William R. Harris and twenty-five others of Boone county, asking the removal of the capital to Fort Des Moines.

Laid on the table.

Mr. Hull presented the petition of Joseph Henon and forty others, of Polk county, remonstrating against the dismemberment of said county.

Referred to the committee on county boundaries.

On motion of Mr. Hull,

All remonstrances relative to the same subject were taken from the table and referred to the same committee.

The following resolutions were adopted:

By Mr. Harris

Resolved, That the committee on ways and means be instructed to take into consideration, so much of the Auditor's report as has reference to the payments of the county treasurers into the state treasury, and the propriety of passing such laws as are recommended by the

Auditor, as well in allowing the county treasurers to pay over to the district judge, as altering the time of making returns, and the compensation to be paid for making such returns, and report by bill or otherwise.

By Mr. Shields.

Resolved, That the committee on agriculture be instructed to report on as early a day as Monday next, upon the petitions and memorials in their hands upon the subject of temperance, and that they state the number of signers for a license law, and the number against, and the number of men, ladies and children for each request in the aggregate.

By Mr. Hendershott,

Resolved, That the committee on claims be authorised to cause to come before it, any persons now in this city, and examine them as witnesses in the matter of the claim of John Brown, late commissioner to select a permanent site for the seat of government of this state and a purchaser of lots at Monroe city.

Mr. Wing from the committee on enrolled bills, reported that they had presented to his excellency, the governor, for approval, Senate files Nos. 17, 18 and 30.

Mr. Love from the committee on the judiciary, to whom was referred certain resolutions relative to grand juries,

Reported adversely and asked to be discharged from the further consideration of the same.

The committee was discharged.

Mr. Love from the same committee to whom was referred,

Senate file No. 32, an act to repeal section 2808 of the code, requiring testimony taken before recognizing magistrates, to be reduced to writing.

Reported back the same and recommended its passage.

Mr. Hendershott from the committee on claims, made the following report relative to the claim of Sanford Harned.

The committee on claims, to whom was referred the claim of Sanford Harned for mileage and per diem, as a senator elect from the county of Keokuk, have examined said claim, and have instructed me to make the following

#### REPORT:

They find that in 1850, Hon. Joseph Lowe, who now holds a

seat on this floor as a senator from the county of Keokuk, was elected to the Senate of the General Assembly from a senatorial district composed of the counties of Keokuk, Mahaska and Poweshiek, for the term of four years. The committee further find that at the session of the General Assembly, held in 1850-'51, there was an act passed re-apportioning the Senate and the House of Representatives and increasing the number of members in each branch of the General Assembly, and that said act provided "that the counties of Keokuk and Mahaska shall have one senator and one representative each, and one representative jointly," and that at the August election in 1852 there was held in the county of Keokuk an election for state senator, and that at said election, Sanford Harned was duly elected as shown by the certificate of the county judge of Keokuk county, a senator from said county; and that by virtue of such certificate he presented his claim to a seat on this floor as a senator elected from Keokuk county, but that by the previous action of this Senate, at the present session Mr. Harned was declared not to be entitled to his seat: Under such circumstances your committee believe that Mr. Harned, in presenting his claim to a seat on this floor, acted in good faith, and finding the bill correct as to time and amount, they recommend that the same be allowed.

HENDERSHOTT, Chairman.

Mr. Lowe moved that the report be referred back to the committee, with instructions to incorporate the same in the general appropriation bill.

Carried.

Mr. Sales introduced,

Senate file No. 50, a bill for an act to authorize the county judge of Jones county to have a portion of the records of said county, transcribed and legalized.

Which was read a first and second time,

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

Mr. Harris introduced,

Senate file No. 51, a bill to grant the right of way to the Fort Des Moines and St. Louis and St. Charles railroad company.

Which was read a first and second time, and

On motion of Mr. Everson,

Referred to the committee on incorporations.

Mr. McAchron introduced,  
Senate file No. 52, a bill for the right of way of the Canton and Bloomfield railroad company.

Which was read a first and second time, and

On motion of Mr. McKinney,

Referred to the committee on internal improvements.

Mr. Harris gave notice that on to-morrow or some future day, he would introduce a bill to create an agency of immigration for the State of Iowa in the city of New York.

Mr. Love gave notice that on to-morrow or some future day, he would introduce a bill requiring the supreme court to hold one session each year in Lee county; also, a bill changing the time of holding the winter term of the district court of Lee county at Keokuk; also, a bill for an act to remove a volume of records relating to the half-breed tract from Burlington to Keokuk.

Mr. Sales gave notice that on to-morrow or some subsequent day, he would introduce a joint resolution fixing a day for a joint convention for the election of State Printer.

Mr. Hull gave notice that on to-morrow or some day hereafter he should ask leave to introduce a bill to revive the 45th section of the 80th chapter of the local laws of the last General Assembly.

The following named bills were read a third time, passed and title agreed to.

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

H. R. file No. 56, a bill for an act to organize the county of Union and locate the county seat thereof.

H. R. file No. 52, a bill for an act to locate the seat of justice of Mills county.

Senate file No. 4, a bill for an act to remove the seat of government from Iowa City, Johnson county, to Fort Des Moines, Polk county, Iowa,

Was read a third time.

On motion of Mr. Hepner,

The blank in section four was filled with "David L. McGregor, D. A. Mahons and John H. McKinney."

Mr. Hull moved that the bill be laid on the table.

On which,



The yeas and nays being ordered, were as follows :

YEAS—Messrs. Clark, Coop, Cowles, Fisher, Harris, Hillis, Hendershott, Hepner, Hull, Johnson, Lucas, McAchran, Park, Price, Schramm, and Spees—16.

NAYS—Messrs. Browning, Crosthwait, Everson, Fletcher, Hedrick, Lewis, Love, Lowe, McKinney, Needham, Preston, Sales, Shields, Wing and Mr. President—15.

Carried.

Message from the House by Mr. Hoeton, Chief Clerk.

MR. PRESIDENT—I herewith present for your signature

H. R. file No. 74, joint resolution to procure for the State of Iowa a donation of Fort Atkinson and the lands attached thereto; also

H. R. file No. 75, an act to authorize John C. Cummins to transcribe the deed and mortgage records of Marion county, the same having passed both branches of the General Assembly.

Mr. Lowe moved to take from the table Senate file No. 4, relative to the removal of the capital.

On which motion,

The yeas and nays being ordered, were as follows :

YEAS—Messrs. Browning, Coop, Crosthwait, Everson, Fisher, Fletcher, Hillis, Lewis, Lowe, McKinney, Needham, Preston, Sales, Shields, Wing and Mr. President—16.

NAYS—Messrs. Clark, Cowles, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Love, Lucas, McAchran, Park, Price, Schramm, and Spees—15.

Carried.

The question being on the passage of the bill,

The yeas and nays were ordered and were as follows :

YEAS—Messrs. Cowles, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Love, Lucas, McAchran, Price, Schramm, and Spees—13.

NAYS—Messrs. Browning, Clark, Coop, Crosthwait, Everson, Fisher, Fletcher, Hillis, Lewis, Lowe, McKinney, Needham, Park, Preston, Sales, Shields, Wing and Mr. President—18.

Lost.

H. R. file No. 24, relative to the Des Moines river improvement.

Mr. McAchran moved to reconsider the vote on the adoption of the amendment agreed to in committee of the whole Senate.

Carried.

On motion of Mr. Lowe,  
The bill was laid on the table.

On motion of Mr. Hendershott,  
Senate file No. 3, an act regulating interest on money, and substitute therefor,

Was taken from the table.

Mr. Hendershott moved to amend the amendment by striking out all after the enacting clause and inserting as follows:

*A Bill for an Act to regulate the interest on Money.*

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That the rate of interest shall be six cents on the hundred by the year, on money due by express contract, unless a different rate be expressed in writing; on all moneys after the same becomes due where there is no contract fixing the rate of interest; on judgments and decrees for the payment of money when no other rate is expressed; on money lent without a contract fixing the rate of interest; and on money received to the use of another and retained beyond a reasonable time without the owner's consent, express or implied; on money due upon the settlement of matured accounts from the day the balance is ascertained; on money due upon open account after six months from the date of the last item, and on all money due or to become due where there is a contract to pay interest and no rate stipulated.

SEC. 2. Parties may agree in writing for the payment of interest not exceeding ten cents on the hundred by the year.

SEC. 3. Interest shall be allowed on all moneys due on judgments and decrees of any competent court or tribunal, at the rate of six per cent. per annum, unless a different rate is fixed by the contract on which the judgment or decree is rendered, in which case the judgment or decree shall draw interest at the rate expressed in the contract, but no judgment or decree shall draw more than ten per cent. per annum, which rate must be expressed in the judgment or decree.

SEC. 4. No person shall directly or indirectly receive in money, goods or things in action or in any other manner, any greater sum or value for the loan of money or upon contract founded upon any bargain, sale or loan of wares, merchandise, goods, chattels, lands and tenements, than is in this act prescribed.

SEC. 5. If it shall be ascertained in any suit brought on any con-

tract that a rate of interest has been contracted for, greater than is authorized by this act, either directly or indirectly, in money, property or other valuable thing, the same shall work a forfeiture of ten per centum per annum of the interest stipulated for, to the school fund of the county in which the suit is brought, and the plaintiff shall have judgment for the principal sum without either interest or costs. The court in which said suit is prosecuted, shall render judgment for the amount of interest forfeited as aforesaid, against the defendant in favor of the State of Iowa for the use of the school fund of said county, whether the said suit is contested or not; and in all cases where the unlawful interest is not apparent on the contract or writing, the person contracting to pay the unlawful interest, shall be a competent witness to prove that the contract is usurious, and in no case where unlawful interest is contracted for, shall the plaintiff have judgment for more than the principal sum, whether the unlawful interest be incorporated with the principal or not.

SEC. 6. Nothing in this act shall be so construed as to prevent the proper *bona fide* assignee of any usurious contract, recovering against the usurer the full amount of the consideration paid by him for such contract, less the amount of the principal money, but the same may be recovered of such usurer in the proper action, before any court having competent jurisdiction.

SEC. 7. So much of chapter 57, title 13, of the code as may conflict with the provisions of this act, is hereby repealed. This act to take effect in thirty days from and after its publication in the Iowa Capitol Reporter and the Iowa Republican.

Agreed to:

Mr. Shields in the chair,

Mr. Leffingwell moved to reconsider the vote on the adoption of the amendment to the amendment.

Carried.

On motion of Mr. Harris,  
The Senate adjourned.

HALF-PAST ONE O'CLOCK, P. M.

On motion of Mr. Hendershott,

The consideration of H. R. file No. 55, relative to the disposition of the swamp lands within this state was postponed until 2 o'clock P. M. on to-morrow.

A call of the Senate was had and Messrs. Crosthwait, Fisher, Lewis, Lowe, McAchran, Needham, Sales and Shields were reported absent.

On motion of Mr. Harris,

The further call was dispensed with.

The question recurring on the amendment to substitute for Senate file No. 3, an act regulating interest on money.

The yeas and nays were ordered and were as follows:

YEAS—Messrs. Coop, Cowles, Crosthwait, Hillis, Hedrick, Hendershott, Hull, Johnson, Lowe, Lucas, McAchran, McKinney, Park, Preston, Price, Schramm, Spees, Wing and Mr. President—19.

NAYS—Messrs. Browning, Clark, Everson, Fisher, Fletcher, Harris, Hepner, Lewis, Love, Needham and Sales—11.

Carried.

And the substitute as amended, was agreed to.

On motion of Mr. McKinney,

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

On motion of Mr. Love,

Senate file No. 32, a bill for an act to amend chapter 80 of the code, and making further provision for the relief of occupying claimants.

Was taken from the table, and

On motion of Mr. Lowe,

The Senate went into committee of the whole for the consideration of the same.

3 o'clock P. M.—Mr. Preston in the chair.

4 o'clock and 10 minutes.—Committee rose and reported the bill back to the Senate with the following amendment:

Except liens existing of record in the county where the land lies, previous to the taking possession of said land by said claimant, or he person or persons under whom they hold possession.

Mr. Fletcher moved to lay the bill and amendment on the table

and that the usual number of copies be printed for the use of the Senate.

Mr. Johnson called for a division,

And the question on the motion to print, was lost.

The amendment proposed by the committee of the whole Senate was agreed to, and

On motion of Mr. Harris,

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

Mr. Schramm from the committee on engrossed bills reported, Senate files Nos. 33 and 50 correctly engrossed.

On motion of Mr. Cowles,

The Senate adjourned.

#### FRIDAY MORNING, JANUARY 7th, 1853,

The Senate met pursuant to adjournment.

Mr. Fisher presented the petition of B. F. McVey and fifty others of Wm. Considine and two hundred and ninety-one others; of A. T. Jones and three hundred and thirteen others, of Clayton and Allamakee counties, asking the organization of a new county from portions of said counties; also, the remonstrance of Joachim Hochans and nine hundred and fourteen others, of those counties against the same; also, the census of the townships of Clayton county.

Referred to the committee on new counties.

Mr. Fisher presented the petition of Erra Reed and three hundred and fifty-three others, of Allamakee county, relative to a change in the county seat thereof.

Referred to a special committee composed of the Senators from that county.

Mr. Hendershott presented the petition of M. R. Lewis and three others, asking an act granting the right of way to the Mississippi Valley railroad company.

Referred to the committee on incorporations.

Mr. Johnson presented the petition of S. I. Carey and fifty-six others, relative to the purchase of lots in Council Bluffs city.

Referred to a select committee. Messrs. Johnson, McKinney and Clark.

Mr. Shields presented the petition of James Cutlip and twenty-three others, of Chickasaw, Winneshiek and Fayette counties, asking the vacation of a portion of a State road, running from McGregor's landing to Fort Clark.

Referred to a select committee of the Senators from those counties.

Mr. Harris presented the petition of Daniel N. Leil and forty others, of Wapello county, asking a prohibitory law relative to the liquor traffic.

Referred to the committee on agriculture.

Mr. Hendershott presented the petition of S. P. Ballinger and three hundred and fifteen others, citizens of Wapello county, asking for a law licensing the traffic in intoxicating liquors.

Referred to the committee on agriculture.

Notices of introduction of bills.

By Mr. Love, a bill to grant the right of way for a plank road from Montrose, in Lee county, to intersect the Keokuk plank road; also, a bill to establish a State road from Charleston to Keokuk, in Lee county.

By Mr. Hendershott, a bill to amend section 1706, of chapter 102, of the code, on the subject of "change of venue."

The following resolutions were adopted:

By Mr. Wing,

Resolved, That the committee on agriculture be instructed to report as early as Monday next, the number of voters, ladies and youths, who have petitioned for the enactment of a law to license the traffic in intoxicating liquors.

By Mr. Lowe,

Resolved, That the Messenger of the Senate be and he is hereby directed to deliver to the Auditor of State 150 copies of the Auditor's report.

Mr. Johnson, from the select committee, to whom was referred, H. R. file No. 51, a bill for an act supplemental to an act to locate the county seat of Page county,

Reported back the same without amendment and recommended its passage.

Mr. Harris, from the committee on elections, to whom was referred Senate file No. 9, a bill to divide the State of Iowa into Congressional districts,

Reported the same back, recommended its indefinite postponement and asked to be discharged from the further consideration of the same.

The committee was accordingly discharged.

On motion of Mr. Hendershott,

The bill was laid on the table.

Mr. Preston, from the select committee on Senate file No. 36, a bill in relation to the Supreme Court reports,

Reported back the same and recommended its passage.

Mr. Harris, from the committee on elections, to whom was referred a resolution relative to the classification of the members of the Senate.

Submitted a report recommending the adoption of the following resolutions:

Resolved, That the Senate now proceed to the classification of the increased number of members under the constitution and laws; to-wit: The twelve additional members given by the last apportionment and in the manner following:

Resolved, That there be two tickets prepared with the number two written on one and number four written on one; that they be placed in a hat or box, with any number of blank tickets, that — Love and — Price, of the county of Lee, shall first draw, and a like drawing shall be had between the members from Jefferson county, and the members from each of said counties drawing the short term, shall then classify between themselves, drawing alternately until one or the other shall draw a ticket with a number thereon, which shall determine his term of office, and the other numbered ticket remaining shall determine the term of office of the other.

Messrs. Crosthwait, of Johnson county, and Fletcher, of Muscatine, shall determine between them in the same manner as the members from Lee. And Messrs — Shields and — Fisher, of Dubuque in the same manner, and two drawing the short term shall then classify as the two drawing the short terms from Lee and Jefferson.

Messrs, — McAchan, of Davis, and — Harris, of Appanoose, and Messrs. Hillis, of Warren, and Hull of Polk, shall first draw, as the two members from Lee and Jefferson, and the two drawing the short term, shall then classify between themselves as first above provided.

Messrs. Clark of Jackson, Wing of Scott, and Preston of Linn, shall draw first among themselves by placing in a hat or box a ticket with number four written thereon, and with any number of blank tickets, the three shall then draw alternately until one or the other shall draw the number four, which shall determine his term of office; the other two shall then classify as the two members from Lee and Jefferson.

Messrs. Needham, of Mahaska, and Johnson of Pottawattamie, shall classify together, and Messrs Hedrick of Wapello, and Lucas of Mills, shall classify together, and the respective terms of office shall be determined as is provided between the member from Lee and the member from Jefferson.

Mr. Preston introduced,

Senate file No. 53, an act to abolish capital punishment.

Which was read a first and second time; and,

On motion of Mr. Browning,

Laid on the table.

Mr. Sales, from the committee on new counties, to whom was referred

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

Reported back the same with the following amendment:

Strike out all of section 8 and insert as follows:

"Section 8. The county of Chickasaw is hereby attached to the county of Fayette for election, revenue and judicial purposes.

And recommended its passage.

Mr. Hillis introduced,

Senate file No. 54, a bill for an act to repeal sections 1463 and 1464 of the code of Iowa.

Which was read a first and second time,

And referred to the committee on the judiciary.

Mr. Harris introduced,

Senate file, No. 55, a bill for an act to provide for the establishment of a commissioner of emigration for the State of Iowa in the city of New York.

Which was read a first and second time and

On motion of Mr. Browning,

Laid on the table.

Mr. Love introduced,

Senate file No. 56, A bill for an act to remove certain records re-



lating to the half breed tract from the office of the Recorder of deeds of Des Moines county to the clerk's office in Lee county,

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.

Senate file No. 32, an act to repeal section 2868 of the code, requiring testimony taken before recognizing magistrates to be reduced to writing;

Was read a second time, and

On motion of Mr. Harris,

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

H. R. file, No. 51, A bill for an act supplemental to an act to locate the county seat of Page county,

Was read a second time, and

Passed to a third reading to-morrow.

Senate file, No. 33, a bill for an act to amend chapter 80 of the code, and making further provision for the relief of occupying claimants.

Was read a third time.

And the question being on the passage of the bill,

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

YEAS—Messrs. Browning, Coop, Cowles, Fisher, Harris, Hendershott, Hull, Lewis, Love, Lowe, Park, Preston, Price, Sales, Schramm Shields, Wing and Mr. President—18.

NAYS—Messrs. Clark, Everson, Fletcher, Hillis, Hepner, Johnson, Lucas, McKinney, Needham, and Spees—10.

ABSENT—Messrs. Crosthwait, Hedrick, McAchran.

So the bill was passed and title agreed to.

Senate file, No. 50, a bill for an act to authorize the county judge of Jones county to have a portion of the records of said county transcribed and legalized,

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

Senate file, No. 3, an act to regulate interest on money,

Was read a third time,

And the question being on the passage of the bill,

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

YEAS—Messrs. Browning, Coop, Cowles, Everson, Fisher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lowe, Lucas, McAchran,

McKinney, Needham, Park, Preston, Price, Schramm, Spees, Wing, and Mr. President—23.

**NAYS**—Messrs. Clark, Crosthwait, Fletcher, Hepner, Lewis, Love, Sales, and Shields—8.

And the bill was passed and title agreed to.

On motion of Mr. Coop,

Senate file No. 34, a bill concerning fences and trespassing animals,

Was taken from the table.

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

Mr. Harris moved to strike out section 7, and insert

That so much of chapters 52 and 53 of the code as conflicts with the provisions of this bill be and the same is hereby repealed.

On which motion,

The yeas and nays being ordered were as follows:

**YEAS**—Messrs. Clark, Cowles, Fisher, Fletcher, Harris, Love, Price, Sales and Shields—9.

**NAYS**—Messrs. Browning, Coop, Crosthwait, Everson, Hillis, Hedrick, Hendershott, Hepner, Hull, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Park, Preston, Schramm, Spees, Wing and Mr. President.—21. Lost.

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

Absent—Mr. Lewis.

Mr. Crosthwait by leave,

Presented the petition of A. M. Arnold and 28 others, for the relocation of a State road from Marengo to Snooks Grove.

Referred to the committee on Roads.

The report of the committee on elections relative to the classification of Senators, was taken up, and

On motion of Mr. Preston,

Referred to a select committee of five.

The President appointed Messrs. Preston, Browning, Hendershott, Needham and Sales said committee.

Senate file No. 36, relative to the Supreme Court reports,

Was read a second time.

Mr. Preston moved to amend by striking out third volume. Lost.

Mr. Schramm moved that the bill be indefinitely postponed,

On which,

The yeas and nays were ordered and were as follows:

YEAS—Messrs. Browning, Crosthwait, Everson, Fletcher, Hillis, Hedrick, Hepner, Hull, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Park, Price, Schramm, Spees and Mr. President.—19

NAYS—Messrs. Clark, Coop, Cowles, Fisher, Harris, Hendershott, Love, Preston, Sales, Shields, and Wing—11.

Carried.

On motion of Mr. Everson,  
The Senate adjourned.

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#### HALF-PAST ONE O'CLOCK, P. M.

Substitute for H. R. file No. 31, a bill for an act in relation to new counties, on its second reading.

The amendment reported by the committee on new counties,

Was agreed to.

And the bill passed to a third reading to-morrow.

2 o'clock 10 minutes.—The Senate resolved itself into committee of the whole, for the consideration of

H. R. file No. 55, a bill for an act to dispose of the swamp and overflowed lands within this State, and to pay the expenses of selecting and surveying the same.

Mr. Hull in the chair.

3 o'clock 40 minutes.—Committee rose and reported the bill to the Senate, with the following amendment to section 14:

Provided, That two or more counties may reclaim swamp lands in conjunction, and in such case, each county shall make payment in proportion to the amount of lands reclaimed in said county.

Which was agreed to.

On motion of Mr. Browning,

Section 16 was amended by adding to the end of said section—  
"But no such credit shall be for a greater length of time than months, and shall draw interest at the rate of per centum, per annum."

Mr. Preston moved that the bill be referred to the committee on

military affairs, with instructions to provide for the selection and reclamation of lands only.

On which the yeas and nays being ordered, were as follows:

YEAS—Messrs. Coop, Crosthwait, Everson, Fletcher, Hillis, Hendershott, Lowe, McKinney, Needham, Preston, Sales and Shields—12.

NAYS—Messrs. Browning, Clark, Cowles, Fisher, Harris, Hepner, Hull, Johnson, Lewis, Love, Lucas, McAchran, Park, Price, Schramm, Spees, Wing and Mr. President.—18.

Absent—Mr. Hedrick.

Lost.

On motion of Mr. Love,

The first blank in the amendment to section 16, was filled with the word, "twelve;" and

On motion of Mr. Cowles,

The second blank with the word "six."

Mr. Fletcher moved to amend section 23 by adding

"And the same fees and compensation allowed for service under this act shall be allowed to surveyors and assistants for service heretofore rendered in surveying swamp lands in this state as authorised by the 69th chapter of the Acts of the General Assembly, approved February 5th, 1851."

On which the yeas and nays being ordered, were as follows:

YEAS—Messrs. Everson, Fisher, Hillis, Hendershott, McAchran, McKinney, Needham, Preston and Sales—9.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Fisher, Harris, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, Park, Price, Schramm, Shields, Spees, Wing and Mr. President—21.

Lost.

On motion of Mr. Browning,

The word "passage," in the 3rd line of section 3, was stricken out and the words "taking effect" inserted.

On motion of Mr. Browning,

The word "passage" in the 8th line of section 22 was stricken out, and the words "taking effect" inserted.

On motion of Mr. Coop,

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

On motion of Mr. Hull,

The Senate adjourned.

SATURDAY MORNING, JANUARY 8, 1853:

Senate met pursuant to adjournment.

Mr. Schramm from the committee on engrossed bills, reported Senate files Nos. 32, 34, and 56 correctly engrossed.

Mr. Fisher presented the petition of Harriet Warner and 128 others, ladies and youth; and of L. S. McAllister and 95 others, citizens and voters asking a prohibitory law relative to the liquor traffic.

Referred to the committee on agriculture.

Mr. Lowe presented the following report from the Auditor of State, Which was referred to the committee on claims.

The undersigned in compliance with the 1st clause of section 3, chapter 89, Laws of 1853, respectfully asks leave to report as follows:

1851

Mar. 1,	Paid postage bill, . . . . .	12 97
“ 15,	Clerk hire, . . . . .	23 00
“ “	For chopping wood and office work, . . . . .	4 75
“ “	“ Stationary, . . . . .	1 75
June 8,	“ Same, . . . . .	2 00
“ 30,	“ Postage bill, . . . . .	9 87
July 10,	“ “ stamps, . . . . .	3 00
“ “	“ Clerk hire, . . . . .	18 00
Aug. 16,	“ Stationary, . . . . .	75
“ 18,	“ Painting office furniture, . . . . .	1 50
“ “	“ Making same, . . . . .	12 00
Sept. 12,	“ Stationary, . . . . .	1 75
“ 18	“ Postage Stamps, . . . . .	3 00
Nov. 10,	“ Paper and envelopes, . . . . .	1 25
“ “	“ Office boy, . . . . .	12 00
“ “	“ M. Reno as deputy, . . . . .	5 00
“ 28,	“ Wood and chopping, . . . . .	9 00
Dec. 9,	“ Pens, . . . . .	50
“ “	“ Wood and chopping, . . . . .	4 00
“ 31,	“ Expenses to Fort Madison, . . . . .	20 00

1852

Jan. 10,	“ Postage bill, . . . . .	5 52
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Jan. 10	"	Wood and chopping and boy, . . . . .	13 00
"	"	" Envelopes, . . . . .	1 25
"	"	" Postage Stamps, . . . . .	1 00
"	30,	Stationary, . . . . .	1 50
"	"	" Clerk hire, . . . . .	3 75
Feb. 11,	"	Expense to Fairfield, . . . . .	12 00
"	20,	Paper, . . . . .	2 50
Mar. 1,	"	Clerk hire, (Young,) . . . . .	16 25
"	"	" do (Turner,) . . . . .	32 40
"	"	" Subscription to 7 state newspapers, . . . . .	28 00
"	"	" Wood and chopping, . . . . .	12 00
"	"	" Turner for writing, . . . . .	3 00
"	30,	Wood, . . . . .	3 00
April 1,	"	Postage bill, . . . . .	8 05
"	29,	Office boy, &c. . . . .	11 60
July 1,	"	Postage bill, . . . . .	4 32
"	"	" Stationary, . . . . .	2 50
"	"	" Printing, . . . . .	15 50
"	20,	Paper, . . . . .	3 00
"	"	" Ink, sand, &c., . . . . .	1 25
Aug. 4,	"	Envelopes, . . . . .	1 75
"	12,	Expenses to Fairfield, . . . . .	12 00
"	"	" Office boy, Wood &c. . . . .	16 00
Sept. 1,	"	Stationary, . . . . .	3 62
"	30,	Office boy, . . . . .	6 00
Oct. 1,	"	Postage bill, . . . . .	5 06
"	10,	Wood and chopping, . . . . .	13 00
"	18,	Expense to Fairfield, . . . . .	15 00
"	"	" Clerk hire, . . . . .	20 25
Nov. 1,	"	Wood, office boy, &c., . . . . .	9 00
Dec. 1,	"	Clerk hire, . . . . .	5 00
"	"	" Expenses to Blackhawk county, (in September), . . . . .	16 00
"	"	" Amount paid Fales in Feb. 1851, . . . . .	14 00
			\$464 16
Cr.		By amount of appropriation, . . . . .	400 00

Balance due me, . . . . . \$64 16

All of which is respectfully submitted,

WM. PATTEE, Auditor of State.

Mr. Schramm presented the petition of H. C. Knowles and thirty-two others, citizens of Van Buren and Lee counties, asking the vacation of a road named therein.

Referred to the committee on roads.

Mr. Crosthwait presented the petition of Asa Baily and fourteen others, asking the vacation of a road from McLines mill to the widow Fry's on Old Man's creek.

Referred to the committee on roads.

Mr. Hull, by leave, withdrew the bond of Curtis Bates and other citizens of Fort Desmoines, relative to the removal of the capital; also, the proposition of citizens of Tools Point, on the same subject.

Mr. Preston presented the petition of E. D. Waln and one hundred and ninety-nine others, of Linn county, relative to the liquor traffic.

Referred to the committee on agriculture.

Notices of the introduction of bills were given as follows :

By Mr. Harris :

A joint memorial to establish a semi-weekly mail, with hack service, from Bloomfield to Centerville.

By Mr. Wing :

A bill to grant the right of way to the Mississippi and Missouri railroad company.

By Mr. Love :

A bill for an act in relation to the records of the half breed tract in Lee county.

By Mr. Hull :

A bill for a State road from Newton, Jasper county, to Marietta, Marshall county.

Mr. Browning from the committee on the judiciary, to whom was referred a petition to make prosecutors liable for costs in certain cases.

Reported Senate file No. 56, an act to make private prosecutors liable for costs in certain cases, which

Was read a first and second time, and,

On motion of Mr. Love,

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

Mr. Love introduced Senate file No. 57, a bill for an act requiring a term of the supreme court to be held at Keokuk in Lee county, which

Was read a first and second time, and

Referred to the committee on judiciary.

Mr. Hendershott introduced Senate file No. 58, a bill for an act to amend section 1706 of chapter 102 of the code of Iowa, on the subject of "change of venue," which

Was read a first and second time, and

Referred to the committee on the judiciary.

H. R. file No. 55, relative to the disposition of the swamp lands in the State of Iowa,

Was read a third time, and

The question being on its passage, the yeas and nays were ordered and were as follows :

YEAS—Messrs. Browning, Clark, Coop, Cowles, Everson, Fisher, Harris, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, Park, Price, Schramm, and Wing—18.

NAYS—Messrs. Crosthwait, Fletcher, Hillis, Hedrick, Hendershott, McAchran, McKinney, Needham, Preston, Sales and Spees—11.

Absent, Messrs. Leffingwell and Shields.

So the bill was passed and title agreed to.

Senate file No. 34, a bill concerning fences and trespassing animals,

Was read a third time, and

The question being on its passage, the yeas and nays were ordered and were as follows :

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Love, Lucas, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, Sales, Spees and Wing—25.

NAYS—Messrs. Fletcher, Hepner, Lewis and Lowe—4.

Absent—Messrs. Leffingwell and Shields.

So the bill was passed and title agreed to.

Senate file No. 32, an act to repeal section 2868 of the code, requiring testimony taken before recognizing magistrates to be reduced to writing.

Was read a third time,

And the question being on its passage.

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

YEAS—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Fisher,



Harris, Hillis, Hendershott, Hepner, Hull, Johnson, Love, Lucas, Mc-Achran, Needham, Preston, Price, Sales, Schramm and Wing—21.

YAYS—Messrs. Fletcher, Lewis, Lowe, McKinney, Park and Spees—6.

Absent—Messrs. Clark, Hedrick, Leffingwell and Shields.

Passed and title agreed to.

The following named bills were read a third time, passed and title agreed to:

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

H. R. file No. 51, a bill for an act supplemental to an act to locate the county seat of Page county.

Senate file No. 56, a bill for an act to remove certain records relating to the half breed tracts from the office of Recorder of deeds of Des Moines county, to the clerk's office in Lee county.

On motion of Mr. Harris,

Senate file No. 55, a bill for an act to provide for the establishment of a commissioner of emigration for the State of Iowa, in the city of New York.

Was taken from the table,

Read a first and second time,

And referred to the committee on ways and means, with instructions to report on Tuesday next.

On motion of Mr. Browning,

Senate file No. 7, a bill for an act allowing and regulating the stay of executions on judgments of the district and justices' courts.

Ten o'clock and ten minutes, A. M.—The Senate resolved itself into committee of the whole, for the consideration of the same,

Mr. Coop in the chair,

Twelve o'clock and twenty minutes.—Committee rose and asked leave to sit again at 1½ o'clock, P. M.

Which was granted,

Message from the House by Mr. Hooton, chief clerk:

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

H. R. file No. 117, Joint resolution relative to the election of State Printer;

In which the concurrence of the Senate is requested.

I am also directed to inform the Senate that the House has concurred

red in the Senate amendment to H. R. file, No. 52, a bill for an act to locate the seat of justice of Mills county.

I herewith present for your signature H. R. file, No. 35, An act organizing certain counties therein named; Also,

H. R. file No. 56, An act to organize the county of Union and locate the county seat thereof, the same having passed both branches of the General Assembly.

On motion of Mr. Hillis,

The Senate adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

The Senate resumed its session in committee of the whole on Senate File, No. 7, a bill for an act allowing and regulating the stay of execution on judgments of the district and justices courts.

One o'clock and 45 minutes—The committee rose and through its chairman, Mr. Coop, reported the bill back to the Senate with the following amendments,

Which were adopted in their order by the Senate.

1st. Insert between the words "stay" and "shall" in the proviso to section 2nd, the following—

"If he have been personally served with process."

2nd. Strike out of section 3rd all between the words "judgment against the" and "the amount" and insert

"Principal and bail; provided that such judgment shall not release any judgment lien by virtue of the original judgment."

3rd. And to section three,

"But in all cases the property, if any, of the principal debtor shall first be taken on execution, and the officer holding said execution, shall return thereon what amount was made of the principal debtor and how much from the surety."

4th. Add to section six—

"But in all cases where security has been taken as above provided and shall prove insufficient, the court or officer approving, the same shall be liable for the same on his official bond, unless he has made

the security justify under oath, in writing, which must be signed and filed with the bond.

The "Section 8 additional, any judgment on which there is a stay of execution entered, becomes a lien on the property of the sureties from the time of entering said stay, to the same extent as though they were original defendants in said judgment."

On motion of Mr. Preston,

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

H. R. file No. 11, joint resolution relative to the election of State Printer.

Was read a first and second time, and passed to a third reading on Monday.

On motion of Mr. Hull,

Senate file No. 35, a bill for an act to incorporate the town of Fort Desmoines, Polk county.

On motion of Mr. Hull,

The words "and Desmoines Republic" were inserted after the words "Iowa Star" in section 22,

And the bill ordered to be engrossed and read a third time on Monday.

Mr. Love gave notice that on some future day he would introduce a joint resolution relative to obtaining from the general government a grant of lands to aid in erecting and maintaining a lunatic asylum in this State.

Mr. Sales moved to take from the table Senate file No. 18, joint resolution relative to the Iowa land bill now pending before Congress.

Lost.

On motion of Mr. Harris,

H. R. file No. 17, a bill for an act to locate the seat of justice of Decatur county, together with the report of the committee on new counties thereon,

Was taken from the table.

Mr. Everson moved to strike out the last section.

On motion of Mr. Needham,

The bill was laid on the table.

On motion of Mr. Harris,

The bill was taken from the table and referred to the committee on New Counties, with instructions to report on Wednesday.

On motion of Mr. Preston,

Senate file No. 53, relative to the abolishment of capital punishment,

Was taken from the table.

On motion of Mr. Browning,

The Senate went into committee of the whole for the consideration of the same, 2 o'clock 30 min. P. M.

Three o'clock 50 minutes, the committee rose and reported the bill back to the Senate, with sundry amendments.

Mr. Harris moved that the bill be indefinitely postponed.

Mr. Preston moved to adjourn.

Lost.

On motion of Mr. Preston,

The bill was laid on the table.

Mr. Schramm from the committee on engrossed bills, reported Senate file 57, correctly engrossed.

On motion of Mr. Hull,

The Senate adjourned until 9 o'clock Monday morning.

## MONDAY MORNING, JANUARY 10, 1853.

The Senate met pursuant to adjournment.

Mr. Schramm from the committee on engrossed bills, reported Senate files No. 35 and No. 7, correctly engrossed.

Mr. Wing presented the petition of Enos Tichenar and thirty-six others, on the subject of the liquor traffic.

Referred to the committee on agriculture.

Mr. Wing presented the petitions of J. F. Woodside and thirty-six others; also, of Clark Badgley and fourteen others, on the subject of altering the boundaries of Polk county.

Referred to the committee on county boundaries.

Mr. Love presented three petitions signed by P. B. Henderson, John Bishop, William Baxter and fifty-three others citizens of Polk county, on the subject of the dismemberment of said county.

Referred to the committee on county boundaries.

Mr. Shields presented the petitions of the city council of Dubuque, asking for amendments to the city charter.

Referred to a select committee of the senators from Dubuque.

Mr. McKinney presented the petition of D. Z. Frick and forty-three others, voters; also a youth's petition signed by Mary A. Irwin and forty-two others of Henry county on the subject of the liquor traffic.

Referred to the committee on agriculture.

Mr. McKinney presented the petitions of A. B. Shoemaker and thirteen others; also, of I. Vanhorn and seven others citizens of the "strip" on the subject of the boundary of Polk county.

Referred to the committee on county boundaries.

Mr. Fletcher presented a petition of the ladies and youth of Muscatine, signed by Louisa S. Porter and sixty others on the subject of temperance.

Referred to the committee on agriculture.

Mr. Spees presented the petition of Judson S. Palmer and eighteen others, voters, on the same subject.

Referred to the same committee.

Mr. Hull presented the petition of J. C. Vance and twenty-one others citizens of Polk county asking a reduction in the price of the university lands.

Referred to the committee on public lands, with instructions to inquire into the expediency of granting the prayer of the petitioners.

Mr. Hull presented the remonstrances of D. B. Rees and three hundred and thirty others, citizens of Polk county, against any alteration in the boundaries of said county.

Referred to the committee on county boundaries.

Mr. Hillis presented three petitions of A. J. Duncan and sixty-two others, asking an enlargement of the boundaries of Warren county,

Referred to the committee on county boundaries.

Mr. Shields presented the petition of Armstrong Glover, and forty-nine others, citizens of Allamakee county, asking a re-location of the county seat of said county.

Referred to a select committee of the senators from the Dubuque district.

Mr. Needham presented the petition of John White and 45 others, asking the location of a state road.

Referred to the committee on roads.

On motion of Mr. Coop,

The following resolution was adopted, viz:

Resolved, That the judiciary committee, be instructed to inquire into the expediency of reporting the necessary forms, for the convenience, uniformity and practice of justices of the peace, and such other forms, as may in the opinion of said committee be of public utility with a view of publishing the same with the acts passed by the General Assembly at its present session.

Notices to bring in bills were given by the following named gentlemen :

By Mr. Cowles,

A bill to regulate the transfer of personal property.

By Mr. Hendershott,

A bill to change the names of Robert Cock, Lydia Cock and others.

Also, a bill fixing the times of holding the district court in the third judicial district.

By Mr. Shields,

A bill for an act to amend the charter of the city of Dubuque.

Mr. Coop from the committee on agriculture, to which was referred sundry petitions on the subject of temperance, submitted the following report ; which

On motion,

Was laid on the table.

The committee on agriculture submit the following :

That said committee in the discharge of the duties assigned them by two resolutions passed in the Senate on the 6th and 7th instant, requiring a statement of the number of petitioners in the possession of said committee on the subject of temperance, &c., report

That they have carefully examined and counted said petitioners separately, and find the number of voters and citizens to be

Ladies and youths,	1,539
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Making in the aggregate,	3,760
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Also a preamble and resolutions passed at a mass meeting of the citizens of the city of Davenport, urging the propriety of the passage

of a prohibitory law of the sale of intoxicating liquors as a beverage, at the present session of the General Assembly.

As the petitions on the subject of temperance are daily accumulating, your committee would therefore ask the indulgence of the Senate for the further action of said committee in relation thereto.

Your committee have also, in their possession, the petition of 315 citizens of the county of Wapello, desiring the passage of a law to license the retailing of ardent spirits in this State.

All of which is respectfully submitted.

Mr. Fletcher from the committee on public lands, reported back H. R. file No. 30, with one amendment,

Which was concurred in by the Senate, and the bill as amended,

Ordered to be read a third time to-morrow.

Mr. Harris, by leave, introduced

Senate file No. 59, a joint memorial for the increase of mail facilities,

Which was read a first and second time, and

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

Mr. Love introduced

Senate file No. 60, a bill for an act to amend the charter of the city of Keokuk,

Which was read a first and second time, and

Referred to the committee on the judiciary.

Mr. Sales introduced

Senate file No. 61, a joint resolution for the establishment of a mail route, which

Was read a first and second time, and

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

The following message was received from the House of Representatives, by Mr. Hooton, Chief Clerk:

MR. PRESIDENT—I am directed to inform the Senate that the House has passed,

H. R. file No. 63, a bill for an act submitting to the electors of Iowa the question of a convention to amend the constitution.

Also,

H. R. file No. 65, a bill for an act to encourage the destruction of wolves.

Also,

H. R. No. 79, a bill for an act to amend the charter of the city of Burlington.

Also,

H. R. file No. 80, a bill for an act to authorize the county judge of Johnson county, to index the records of Johnson county.

Also,

H. R. file No. 82, a bill for an act to locate the seat of justice of Taylor county.

Also,

H. R. file No. 98, a bill for an act defining a lawful fence.

Also,

H. R. file No. 102, a bill for an act to extend the powers of school districts.

Also,

H. R. file No. 106, a bill for an act to amend first section of chapter 70 of the acts, resolutions and memorials of the third General Assembly of the State of Iowa, in which the concurrence of the Senate is requested.

Also,

That the House has indefinitely postponed Senate file No. 41, a bill for an act regulating mills and millers.

I herewith return Senate file No. 38, an act to amend an act entitled "an act for the incorporation of the town of Mount Pleasant in Henry county.

Also,

Senate file No. 40, a bill for an act relinquishing an escheat.

Also,

Senate file No. 45, a bill for an act supplementary to chapter 187 of the code, concerning the penitentiary of the State, and the government and discipline thereof, the same having passed the House without amendment.

Also,

Senate file No. 56, a bill for an act to remove certain records relating to the half breed tract, from the office of recorder of deeds in Des Moines county, to the clerk's office in Lee county, the same having passed the House with two amendments, and the title amended to correspond therewith, in which the concurrence of the Senate is requested.



I am also directed to inform the Senate that the House concurs in Senate amendments to H. R. file No. 31, a bill for an act in relation to new counties.

Also to

H. R. file No. 55, a bill for an act to dispose of the swamp and overflowed lands within this State, and to pay the expense of selecting and surveying the same.

Mr. Love introduced,

Senate file No. 62, joint resolution in relation to a Lunatic Asylum, Which was read a first and second time, and passed to a third reading to-morrow.

Mr. Hull introduced,

Senate file No. 63, a bill for an act to revive section 45, chapter 80 of the local laws of the last General Assembly, approved February 5th, 1851.

Which was read a first and second time,

And referred to the committee on roads.

Mr. Shields introduced,

Senate file No. 64, a bill for an act to prohibit the circulation of bank notes, or bills of a less denomination than ten dollars.

Which was read a first and second time,

And referred to the committee on internal improvements.

Mr. Wing introduced,

Senate file No. 65, a bill for an act to grant the right of way to the Mississippi and Missouri railroad company.

Which was read a first and second time,

And referred to the committee on internal improvements, with instructions to report on Wednesday morning.

The President laid before the Senate the petition of Doctor McGugin, for efficient measures for the relief of the insane.

On motion of Mr. Hepner,

The reading was dispensed with, and the petition referred to the committee on internal improvements.

H. R. file No. 117, joint resolution relative to the election of a State Printer.

Was read a first and second time,

Mr. Coop moved to lay it on the table.

Lost.

On motion of Mr. Hendershott,

The bill was referred to a select committee. Messrs. Coop, Crosthwait and Hendershott.

Senate file No. 7, a bill for an act allowing and regulating the stay of executions on judgments of the district and justice's court.

Senate file No. 35, a bill for an act to incorporate the town of Fort Desmoines, in Polk county; and,

Senate file No. 57, a bill for an act to make private prosecutors liable for costs in certain cases.

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

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

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

Reported the same back with one amendment.

A call of the Senate was requested and ordered and Messrs. Price, and Fletcher reported absent.

On motion of Mr. Coop,

A further call of the Senate was suspended.

The question being on concurring in the report of the committee,

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

YEAS—Messrs. Browning, Coop, Cowles, Crosthwaite, Everson, Fisher, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Schramm, Shields, Spees, Wing and Mr. President—23.

NAYS—Messrs. Clark, Harris, Hepner, Park, Preston, and Sales—6.

So the amendment was concurred in, and the bill as amended

Ordered to be read a third time to-morrow.

H. R. File, No. 63, a bill for an act submitting to the electors of Iowa the question of a convention to amend the Constitution,

Was read a first and second time.

Mr. Hull moved that the further consideration of said bill be indefinitely postponed.

On motion,

The Senate adjourned until half past one o'clock.

## HALF-PAST ONE O'CLOCK, P. M.

Mr. Schramm from the committee on enrolled bills reported Senate files No. 59 and 61 as correctly engrossed.

The question being on the indefinite postponement of H. R. file No. 63,

Mr. Shields moved that the Senate adjourn.

The yeas and nays being ordered,

The motion was lost by a unanimous vote.

Mr. Johnson moved to suspend the rule of the Senate allowing members to speak but twenty minutes on one question, except by leave of the Senate.

Mr. Leffingwell moved to amend the motion so as to rescind the rule,

And upon this question

The yeas and nays were ordered and resulted as follows :

YEAS—Messrs. Crosthwait, Preston Sales and Mr. President—4.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Everson, Fisher, Fletcher, Hillis, Hedrick, Hendershott, Hepner, Hull, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Schramm, Shields Spees, and Wing—24.

So the motion was lost.

Mr. Crosthwait gave notice that he would on to-morrow introduce a bill for an act to amend section 114 chapter 15, title 3 of the code.

On motion of Mr. Hull,

The Senate adjourned.

## TUESDAY MORNING, JANUARY 11 1853.

Senate met pursuant to adjournment.

Mr. Wing from the committee on enrolled bills reported, Senate files No. 38, 40, and 45, correctly enrolled.

Mr. Crosthwait presented the petition of William H. Henderson and Cornelius Lancaster, on the subject of a certain road; which

On his motion,

Was referred to the committee on roads.

Also, the petition of Jeannette Andrews and seventy-five others, praying the enactment of the Maine liquor law.

Referred to the committee on agriculture.

Mr. Hillis presented the petition of Joseph Hannun and seven others to re-attach certain townships to Warren county; also of Wm. N. James and nineteen others; and of Wm. Peck and nineteen others upon the same subject; which,

On his motion,

Were laid on the table.

Mr. Harris presented the petition of C. H. Howell and forty-six others upon the subject of temperance; also, the petition of John Mulvany and fifteen others upon the same subject; which

On his motion,

Were referred to the committee on agriculture.

Mr. Love presented the petition of T. S. Espy relating to a certain claim.

Referred to the committee on claims.

Notices of bills were given by the following gentlemen:

By Mr. Schramm,

A joint resolution for certain additional mail facilities.

By Mr. McKinney,

A bill for an act to amend chapters 15 and 24 of the code.

Also, a bill for an act for the suppression of drinking houses and tippling shops.

By Mr. Harris,

A bill to legalise certain roads in the county of Appanoose.

By Mr. McAchran,

A bill authorising the township of Bloomfield in Davis county, to elect an additional constable in said township.

By Mr. Browning,

A bill to amend the laws in relation to evidence.

Mr. Coop from the select committee to whom was referred

H. R. file No. 117, reported back the same and recommended its passage.

Mr. Preston from the committee to whom was referred H. R. file, No. 7, a bill for an to change the boundaries of Warren county,

Reported the same back and recommended its passage.

Mr. Love from the committee on judiciary, to whom was referred Senate files No. 54, 49, 42, 13, 57, 58 and 20 reported back the same without any recommendation.

Also, Senate file No. 10, recommending that it be indefinitely postponed.

Mr. Johnson from the select committee to whom was referred a petition of citizens of Council Bluffs city, asking for the passage of a law regulating the purchase of their lots, reported back

Senate file No. 67, a general law upon the subject, and recommended its passage.

Mr. Hendershott from the majority of the special committee, to whom was referred certain resolutions in relation to the classification of senators, made the following

### REPORT:

Said majority find that under the apportionment act approved, — 1847, the Senate consisted of nineteen members, viz: Thomas S. Espy and Nathan Baker, of Lee county; George G. Wright and John B. Spees, of Van Buren county; H. B. Hendershott, of Wapello, Monroe Lucas and Clark counties; P. M. Cassady, of Polk, Dallas, &c; Enos Lowe and George Hepner, of Des Moines; John T. Morton, of Henry; John Howell, of Jefferson; John J. Selman, of Davis &c; Norman Exerson, of Louisa and Washington; Joseph Lowe, of Keokuk, Mahaska and Poweshiek; Freeman Alger, of Muscatine, Johnson and Iowa; Wm. E. Leffingwell, of Scott and Clinton; Nathan G. Sales, of Jackson and Jones; John P. Cook, of Cedar and Linn, &c., and John G. Shields and Warner Lewis, of Dubuque, &c. And that of these nineteen Senators, the terms of nine of them expired in August, 1852, viz: Thomas S. Espy who is succeeded by either J. M. Love or C. J. Price; George G. Wright, who is succeeded by George Schramm; P. M. Cassady, who is succeeded by A. G. Hull; Enos Lowe, who is succeeded by Milton D. Browning; John Howell, who is succeeded by either Wm. G. Coop or John Park; John J. Selman, who is succeeded by Amos Harris; Freeman Alger, who is succeeded by J. E. Fletcher; John P. Cook, who is succeeded by I. M. Preston, and John G. Shields, who is succeeded by either M. L. Fisher or John G. Shields.

Said majority further find that Archibald McKinney and Salmon Cowles were elected in August, 1852, to fill the vacancies occasioned by the resignations of John T. Morton and Nathan Baker; and that E. F. Clark, G. D. Crosthwait, John W. Hedrick, J. D. Hillis, H. D.

Johnson, G. W. Lucas, S. G. McAcliran, J. R. Needham and E. S. Wing, were elected under and by virtue of the apportionment act, approved February 5th, 1851, at the said August election of 1852

Your committee further find that Messrs. Price and Love, of Lee; Coop and Park, of Jefferson, and Shields and Fisher of Dubuque, &c., are alike subject to be regarded as the successors of those Senators of the counties of Lee, Jefferson and Dubuque, &c., whose terms of office expired in August, 1852, and that three of them are to be placed in the list of members who are to classify under the constitution of this State.

The subject embraced in the report referred to your committee is not without its embarrassments, yet we believe in coming to the foregoing conclusions, we are supported by the soundest principles of law and the very clearest of reasons. It will be observed, that we differ with the committee on elections, and by the rules laid down in this report, consider that Messrs. Fletcher, Harris, Hull and Preston are the successors respectively of Messrs. Alger, Selman, Casady and Cook.

We entertain no doubt but that Mr. Fletcher is the successor of Mr. Alger; Mr. Harris of Mr. Selman; Mr. Hull of Mr. Casady, and Mr. Preston of Mr. Cook. Messrs. Alger, Casady, Cook and Selman were elected in August, 1848, and were consequently in accordance with section 5, article 3, of the constitution, entitled to hold their respective offices until August, 1852, or for four years.

The General Assembly at its session commencing 2d December, 1850, passed an act which increased the number of Senatorial districts in the State, and apportioned to each district by a corresponding increase of Senators the number to which it is entitled. This new apportionment act took effect by publication and distribution in the several counties, in this State, in July, 1851. In this act it is provided that "the county of Muscatine shall have one Senator." This apportionment act then being in force and constituting the law of the land, in July, 1851. The county of Muscatine forming one Senatorial district, and Mr. Alger being a resident of that county, and entitled to his office until August, 1852, was therefore the Senator for Muscatine county, under the rule already established by this Senate in the case of Hon. Joseph Lowe and Sanford Harned; by which, the former was declared to be the Senator from Keokuk county. Then if Mr. Alger was the Senator from Muscatine county, he was as such

the immediate predecessor of Mr. Fletcher. It may be said, if this be a correct rule, that Johnson and Iowa counties, were without a Senator from July, 1851, until August, 1852, and that had the Governor convened the General Assembly in extra session, any time subsequent to the taking effect of the new apportionment act, and prior to August, 1852, these counties would have been without a representation in the Senate. Such undoubtedly would have been the consequence, for as Muscatine was entitled to one Senator, and the counties of Johnson and Iowa were entitled to one Senator jointly, and Mr. Alger being the Senator from Muscatine, of course it would follow that as Johnson and Iowa formed a new district, they would be without a Senator.

Johnson and Iowa counties were in the precise situation of Henry county subsequent to the resignation of John T. Morton and prior to the election in August 1852, which resulted in the choice of Mr. McKinney to fill the seat made vacant by said resignation. The one vacancy was occasioned by a resignation and the other by creating a new district by legislation, without a senator resident therein. In each of these cases it would have been alike the province, as also the duty of the governor, in view of an extra session of the General Assembly, to have ordered a special election to fill the vacancy.

The case between Messrs. Hillis and Hull is identical with that between Messrs. Fletcher and Crosthwait, and must of course be governed by the same principles. The case of Mr. Preston and Mr. Harris are very different and stands unconnected with any embarrassing difficulties. Mr. Preston is undoubtedly the successor of John P. Cook. There is no other senator now holding a seat on this floor who can by any legal possibility be Mr. Cook's successor. The district which he represented on this floor was composed of Linn, Cedar, &c. Cedar is now a part of Mr. Leffingwell's district, and Linn, &c. is the other part of Mr. Cook's district and forms the district from which Mr. Preston comes. Now either Mr. Preston or Leffingwell is the successor to Mr. Cook or he has no successor. That he has a successor on this floor no one can doubt, nor can any one claim that Mr. Leffingwell is his successor for he was elected two years before Mr. Cook's term expired, then it follows as of necessity that Mr. Preston is his successor.

In the case of Mr. Harris there can be no doubt. Mr. Selman was the senator for Davis, Appanoose and the counties west, and his

term expired August, 1852. By the provisions of the new apportionment law the act under which Mr. McAchran was elected, Davis county is entitled to one senator, and he is that senator, and Mr. Harris is the joint senator to which the counties of Davis, Appanoose, &c., are entitled, and can be regarded in no other light than as the successor of Mr. Selman. Mr. Harris' election is authorized by the old apportionment law. Not so with Mr. McAchran; he could not be here but by the provisions of the new act. Viewing the different cases in all their bearings, the committee are lead to the conclusions expressed in this report. They would therefore recommend the adoption of the following resolutions:

Resolved, That there be now prepared a suitable number of slips of paper of like size and kind, one of which slips shall be numbered "two" and one other shall be numbered "four." These slips to be placed together with the others not less than ten to be blank, in a hat or box, from which Messrs. Love and Price shall draw alternately, commencing with Mr. Price, until one of the numbered slips shall be drawn, and if it be the slip numbered "four," then the senator drawing the same, shall be regarded as the successor of Thomas S. Espy, but if it be the slip numbered "two" he who draws it shall be regarded as the increase senator under the last apportionment, and the other shall be considered as the successor to Mr. Espy. And that Messrs. Coop and Park draw in like manner, commencing with Mr. Park; and also, that Messrs. Shields and Fisher draw in like manner, commencing with Mr. Fisher; the preparations for, and the results of the last two drawing to be the same as that between Messrs. Love and Price, and shall determine who of the four senators are the respective successors of Messrs. Howell and Shields.

Resolved, That after this special classification shall have been concluded, then those senators drawing the slips numbered "two" together with Messrs. Clark, Crosthwait, Hedrick, Hillis, Johnson, Lucas, McAchran, Needham and Wing, shall draw from a hat or box similarly prepared as provided in the special classification, as follows, viz:

*First*—Messrs. Johnson and Lucas shall draw together.

*Second*—Messrs. Needham and Hillis shall draw together.

*Third*—Messrs. Hedrick and McAchran shall draw together.

*Fourth*—Messrs. Wing and Clark shall draw together.

*Fifth*—Mr. Crosthwait shall draw with the increased member from Jefferson or he who drew slip No. 2.



*Sixth*—And the increased members from the counties of Lee, Du-buque, &c., or those who draw slips No. 2 shall draw together. And all those senators, who draw the slips numbered "two," shall be attached to that class of senators whose terms of office expire in August 1854, and those senators who draw the slips numbered "four," shall be attached to that class of senators whose terms of office expire in August 1856.

All which is respectfully submitted,

HENRY B. HENDERSHOTT	}	Of the Committee.
I. M. PRESTON,		
N. G. SALES.		

Mr. Browning from the minority of the same committee, made the following

#### REPORT:

We, the minority of the select committee, to whom were referred the report of the committee on elections, in relation to the classification of senators, would report that they recommend the adoption of the report of said election committee with one alteration, viz :

They find from the law and facts in the case, that there has been but one Senator elected in the district formerly represented by J. P. Cook: that the county of Cedar, formerly a part of said district, has been attached to the district represented by Wm. E. Leffingwell, and that no election was held for senator in said district at the last election, consequently Isaac M. Preston was the only senator elected in the district, formerly represented by J. P. Cook, and is therefore the legal and constitutional successor of Mr. Cook; we therefore recommend that instead of Messrs. Preston, Clark and Wing first classifying together, that Mr. Preston be omitted and the classification take place between Messrs. Wing and Clark.

M. D. BROWNING,  
JNO. R. NEEDHAM.

Mr. Shields from the committee on ways and means, introduced Senate file No. 68, an act amendatory to an act relative to the printing of the revised code, and recommended its passage.

On motion of Mr. Coop,

The various reports in relation to the classification of senators, were laid on the table, and the usual number ordered to be printed.

Mr. Hepner, from the committee on internal improvements; to whom was referred H. R. file No. 58,

Reported back the same with a substitute.

Mr. Crosthwait introduced

Senate file No. 69, a bill to amend section 114 of the code of Iowa,

Which was read a first and second time,

And referred to the committee on internal improvements.

Mr. Shields introduced

Senate file No. 70, an act to amend "an act to incorporate and establish the city of Dubuque,

Which was read a first and second time, and

Referred to a select committee composed of the delegation from Dubuque and Clayton counties.

Mr. Cowles introduced

Senate file No. 71, an act regulating the transfer of personal property,"

Which was read a first and second time, and

Referred to the committee on judiciary.

Mr. Lewis, by leave, introduced

Senate file No. 72, a joint resolution authorizing the Superintendent of Public Instruction to subscribe for sixteen hundred copies of the District School Journal,

Which was read a first and second time, and

Referred to the committee on schools.

Mr. Hendershott introduced

Senate file No. 66, a bill for an act to change the names of Robert Cock, Lydia Cock and others,

Which was read a first and second time,

And on his motion,

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

Senate file No. 59, a joint memorial for the increase of mail facilities.

Also,

Senate file No. 61, a joint resolution for the establishment of a mail route; and

Senate file No. 62, a joint resolution in relation to a Lunatic Asylum,

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

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

On motion of Mr. Johnson,

Was laid on the table.

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

Was read a third time and passed with one amendment, and the title amended to correspond.

H. R. file No. 117, a joint resolution relative to the election of a State Printer,

Was read a second time.

Mr. Coop moved to suspend the eleventh rule, and read a third to-day.

On motion of Mr. Preston,

The bill was laid on the table.

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

Was read a first and second time.

On motion of Mr. Hull,

The following amendment was adopted, viz :

Provided, That all that part of township No. 77, north of range No. 22 west, which lies north of the Des Moines river, shall remain as a part of Polk county ; and,

On motion of Mr. Harris,

The bill ordered to a third reading to-morrow.

Message from the House by Mr. Hooton, Chief Clerk :

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

H. R. file No. 95, a bill for an act to provide for the election of a Warden of the Penitentiary.

Also,

H. R. file No. 114, a bill for an act to authorize M. R. Lamson to transcribe the county records of Clark county.

Also,

Substitute for H. R. file Nos. 73, 99 and 101, a bill for an act granting to railroad companies the right of way, in which the concurrence of the Senate is requested.

I herewith return Senate file No. 47, joint resolution relative to ad-

jourment *sine die*, the same having passed the House without amendment.

I herewith present for your signature H. R. file No. 31, an act in relation to new counties.

Also,

H. R. file No. 51, an act supplemental to an act to locate the county seat of Page county.

Also,

H. R. file No. 52, an act to locate the seat of justice of Mills county.

Also,

H. R. file No. 55, an act to dispose of the swamp and overflowed lands within this state, and to pay the expenses of selecting and surveying the same, the same having passed both branches of the General Assembly.

Senate file No. 20, a bill for an act to change the name of Orson Hoar, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

Was read a second time.

Mr. Harris moved to suspend the 11th rule and read a third time now.

On which the yeas and nays being called for, were as follows:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Harris, Illiss, Hedrick, Hendershott, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Park, Preston, Price, Schramm, Shields, Wing and Mr. President—26.

NAYS—Messrs. Hepner, Needham, Sales and Spees—4.

So the rule was suspended, and the bill was passed and its title agreed to.

Senate file No. 67, a bill for an act authorising the corporate authorities of any incorporated town, located upon any public lands belonging to the United States, or the county judge of the county in which said town may be situated, to purchase said lands in trust for the occupants thereof.

Was read a first and second time, and

Referred to the committee on public lands, with instructions to report to-morrow.

Substitute for H. R. file No. 58, a bill for an act to amend section 1706 of chapter 102, of the Code of Iowa, on the subject of change of venue.

Was read a first and second time, and

On motion of Mr. Browning,  
Laid on the table.

On motion of Mr. Harris,  
The Senate adjourned.

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HALF PAST ONE O'CLOCK, P. M.

Senate file No. 68, an act amendatory to an act relative to the printing of the revised code.

Was read a first and second time, and

Ordered to be engrossed and read a third time on Thursday.

H. R. file No. 63, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution, being under consideration; and

The question being on its indefinite postponement,

Mr. Hepner moved to refer the bill to the committee on ways and means, with instructions to amend it, so as to apportion the delegates define the time of election, and the pay of members of the convention, and provide for the contingent expenses of said convention.

Upon which the yeas and nays being ordered, resulted as follows:

YEAS—Messrs. Clark, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lowe, Lucas, Sales, Shields, Wing and Mr. President—13.

NAYS—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Hendershott, Love, McAchran, McKinney, Needham, Park, Preston, Price, Schramm and Spees—18.

Lost.

The question recurring on the indefinite postponement of the bill, The yeas and nays were called and resulted as follows:

YEAS—Messrs. Clark, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lucas, Sales, Shields, Wing and Mr. President—12.

NAYS—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Hendershott, Love, Lowe, McAchran, McKinney, Needham, Park, Preston, Price, Schramm and Spees—19.

Lost.

Mr. McKinney moved that the bill be read a third time to-morrow.

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

**YEAS**—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Hendershott, Love, Lowe, McAchran, McKinney, Needham, Park, Preston, Price, Schramm and Spees—19.

**NAYS**—Messrs. Clark, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lucas, Sales, Shields, Wing and Mr. President—12.

Carried.

H. R. file No. 98, a bill for an act defining a lawful fence;

Was read a first and second time, and

On motion,

Referred to the committee on elections.

H. R. file No. 106, a bill for an act to amend the 1st section of the 70th chapter of the acts, resolutions and memorials of the third general assembly, of the State of Iowa;

Was read a first and second time, and

Referred to the committee on ways and means.

H. R. file No. 102, a bill for an act to extend the powers of school districts;

Was read a first and second time, and

Referred to the committee on schools.

H. R. file No. 82, a bill for an act to locate the seat of justice of Taylor county;

Was read a first and second time, and

Ordered to a third reading to-morrow.

H. R. file No. 80, a bill for an act to authorize the county judge of Johnson county, to index the records of said county;

On motion,

Was referred to the committee of senators from Johnson and Jones.

H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington,

Was read a first and second time, and

On motion,

Referred to the delegation from Desmoines county.

H. R. file No. 65, A bill for an act to encourage the destruction of wolves.

Was read a first and second time, and

On motion of Mr. Hendershott,

Laid on the table.

Senate file, No. 59 a bill for an act to remove certain records relating to the Half Breed tract from the office of Recorder of Deeds of Des Moines county to the clerks office in Lee county,

Returned from the House with three amendments, being under consideration,

On motion of Mr. Love,

The Senate refused to concur in said amendments.

Mr. Browning by leave, gave notice that on some future day he would introduce a bill to amend the law of executions and defining the duties of certain officers.

Mr. Crosthwait by leave, gave notice that he would on some future day ask leave to introduce

A bill to amend section 649, chapter 42 of the code.

Mr. Johnson by leave, gave notice that he would on some subsequent day of the present session ask leave to introduce

A bill for on act providing for a term of the Supreme Court to be held in Kanessville, the county seat of Pottawattamie county in this State.

H. R. file No. 95, a bill for an act to provide for the election of a Warden of the Penitentiary,

Was read a first and second time.

Mr. Hull moved to amend by striking out the word "resolution" and inserting "convention."

Which was adopted,

And the bill ordered to be read a third on to-morrow.

Substitute for H. R. files No. 73, 90 and 101, a bill for an act granting to railroad companies the right of way,

Was read a first and second time, and

On motion,

Referred to the committee on Internal Improvements.

H. R. file No. 114, a bill for an act to authorize M. R. Lamson to transcribe the county records of Clarke county,

Was read a first and second time, and

Ordered to a third reading on to-morrow.

On motion of Mr. Hull,

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

Was taken from the table, and

On motion,

Ordered to be read a third time to-morrow.

Mr. Sales moved to take from the table

Senate file No. 18, a joint preamble and resolution to Congress instructing our Senators and requesting our Representatives to use their influence in procuring the passage of the bill now pending before Congress, for a grant of lands to aid in the construction of certain railroads in Iowa,

Upon which motion,

The yeas and nays were ordered and were as follows:

YEAS—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Fisher, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Park, Preston, Price, Sales Shields, Spees, Wing, and Mr. President—25

NAYS—Messrs. Clark, Fletcher, Harris, Hepner, Needham and Schramm—6.

Carried.

Mr. Browning moved an amendment, viz—

To strike out all after the word resolved,

Upon which motion,

The yeas and nays were ordered and were as follows:

YEAS—Messrs. Browning, Clark, Fisher, Fletcher, Harris, Hendershott, Hepner, Hull, Johnson, Lowe, Lucas, McAchran, Needham, and Spees—14.

NAYS—Messrs. Coop, Cowles, Crosthwait, Everson, Hillis, Hedrick, Lewis, Love, McKinney, Park, Preston, Price, Sales, Schramm, Shields, Wing and Mr. President.—17.

Mr. Harris moved that the 11th rule be suspended, and the bill read a third time now.

Lost.

On motion of Mr. Hendershott,

The Senate adjourned.



WEDNESDAY MORNING, JANUARY 12, 1853.

The Senate met pursuant to adjournment.

Mr. McKinney presented the petition of R. S. Coburn and fifty-two others, and of David V. Davis and two hundred and fifty-five others, citizens of Henry county, relative to the liquor traffic.

Referred to the committee on agriculture.

Mr. Love presented the petition of C. J. McFarland, of Lee county, asking the allowance of his claim for certain services rendered the State of Iowa.

Referred to the committee on claims.

Mr. Hull presented the petition of B. F. Allen and fifteen others, for a State road from Polk county, to Marietta, in Marshall, county.

Referred to the committee on roads.

Also, the petition of Chas. McKay and forty-one others; of H. C. Hantzman and forty-two others; and of Thos. Boyd and three others, of Polk county, relative to practitioners in medicine and surgery; which,

On his motion,

Were referred to a select committee of five.

The President appointed Messrs. Hull, Spees, Sales, Hillis and Crosthwait said committee.

Mr. Schramm presented the petition of O. H. Brewer and twenty others, of Van Buren and Lee counties, asking the vacation of a road therein named.

Referred to the committee on roads.

Mr. Coop presented the petition of Moses Black and forty-three others, of Jefferson county, asking the vacation of a certain road.

Referred to the same committee.

Mr. Hull presented the petition of Ortugal Newcomb and twenty-four others, for a State road from Fort Desmoines to Wah-la-Wah.

Referred to the same committee.

Notices of bills to be introduced were given as follows:

By Mr. McKinney :

A bill for an act to amend chapter thirty-eight of the code.

By Mr. Hull,

A bill for a State road from Monroe, Jasper county, via La Fayette, Polk county, to Indianola, Warren county;

Also, for a State road from the bridge on South Skunk, Polk county, via Webb's Point, to Marietta, Marshall county.

Also, for a State road from Fort Desmoines, Polk county, to Wah-la-Wah, in Adair county.

By Mr. Browning :

A bill in relation to appeals and writs of error.

A bill for an act in relation to husband and wife.

A bill for an act in relation to actions for real estate.

A bill for an act in relation to injunctions.

By Mr. Coop :

A bill for an act to vacate a certain territorial road, in Jefferson county.

Mr. Fletcher, from the committee on public lands, to whom was referred

Senate file No. 67, an act authorising the corporate authorities of any incorporated town, located upon any public lands belonging to the United States, or the county judge of the county in which said town may be situated, to purchase said lands in trust for the occupants thereof,

Reported the same back with the following amendments, viz:

1st. "Strike out the last five lines, of the first section."

2nd. Insert after the word "occupants" in the third line, in section third, the words "or claimants."

Mr. Hepner, from the committee on internal improvements, to whom was referred,

Senate file No. 65, a bill for an act to grant the right of way to the Mississippi and Missouri railroad company, with instructions to report to-day,

Asked further time ;

Which was granted.

Mr. Shields from the select committee on

Senate file No. 70, an act to amend an act to incorporate and establish the city of Dubuque,

Reported the same back and recommended its passage.

Mr. Crosthwait, from the select committee on

H. R. file No. 80, a bill for an act to authorise the county judge of Johnson county, to index the records of said county,

Reported back the same and recommended its passage.

Mr. Sales, from the committee on new counties, to whom was referred,

H. R. file No. 17, a bill for an act to locate the seat of justice, of Decatur county, together with the report of the select committee thereon, with instructions to report to-day,

Asked further time,

Which was granted.

Mr. Hepner from the committee on ways and means, to whom was referred Senate file No. 55, a bill for an act to provide for the establishment of a commissioner of emigration for the State of Iowa in the city of New York,

Reported back the same and recommended its indefinite postponement.

Mr. Everson from the committee on federal relations, to whom was referred that portion of the Governor's message relative to the establishment of a commissioner of foreign immigration, made the following

#### REPORT :

The committee report that they have had under consideration that part of the Governor's message relating to a commissioner of foreign emigration, and find that foreign immigrants to this country come mostly by the ports of Boston, New York and New Orleans, and the means of obtaining correct information respecting this country, is, to a great extent, very generally diffused throughout all civilized countries, which is increasing in a rapid ratio from year to year.

Your committee also report, that they have not been able to obtain any information as to the practical results of such a commissioner as recommended. That the only western State which has provided for a commissioner of immigration is Wisconsin, which was by act of the Legislature of said State, some time in February or March last, making provision for a single commissioner at the city of New York, at an expense of between three and four thousand dollars per annum.

Your committee cannot, from their present information, recommend the appointment of such commissioner of emigration, and ask to be discharged from the further consideration of the subject.

N. EVERSON, Chairman.

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

By Mr. McKinney:

Senate file No. 73, a bill for an act to amend chapters 15 and 24 of the code.

By Mr. McKinney:

Senate file No. 74, an act to amend chapter 139 of the code, concerning writs of attachment and replevin issued by justices of the peace,

Which was read a first and second time.

Mr. Everson moved to lay the bill on the table.

Lost.

And on motion,

The bill was referred to the committee on the judiciary.

By Mr. Crosthwait:

Senate file No. 75, a bill for an act to amend section 649, chapter 42 of the code,

Which was read a first and second time.

On motion of Mr. Everson,

The words "five hundred" were stricken out,

And the bill ordered to be engrossed and read a third time to-morrow.

By Mr. Browning:

Senate file No. 76, an act in relation to evidence,

Which was read a first and second time,

And on motion,

Referred to the committee on the judiciary.

By Mr. Browning:

Senate file No. 77, an act to amend the law in relation to executions and the officers holding the same,

Which was read a first and second time, and

On motion,

Referred to the committee on judiciary.

By Mr. Harris:

Senate file No. 78, an act to legalize records of public roads in Appanoose county,

Which was read a first and second time, and

On motion,

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

By Mr. Johnson:

Senate file No. 79; an act to provide for the holding of a term of the supreme court at Kanawville in Pottawattamie county.

Which was read a first and second time.

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

On motion of Mr. Love,

The bill was laid on the table.

By Mr. McAchran,

Senate file No. 80, a bill to provide for the election of an additional constable in Bloomfield township, Davis county; which

Was read a first and second time, and

On motion,

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

By Mr. Schramm,

Senate file No. 81, a joint resolution to procure certain additional mail facilities; which

Was read a first and second time, and

On motion of Mr. Harris,

Referred to a committee of the senators from Van Buren and Davis counties.

By Mr. McKinney,

Senate file No. 82, a bill for "an act for the suppression of drinking houses and tippling shops; which

Was read a first and second time.

Mr. McKinney moved that the bill be made the special order for Thursday, at 2 o'clock P. M.

Mr. Lewis moved to lay on the table.

Lost.

Mr. Harris moved to refer to the committee on agriculture.

The question recurring on making the bill a special order for two o'clock to-morrow.

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

YEAS—Messrs. Browning, Crosthwait, Everson, Hillis, Hedrick, Hull, McAchran, McKinney, Needham, Park, Price, Schramm, Speer and Wing—14.

NAYS—Messrs. Clark, Coop, Fisher, Fletcher, Harris, Hendershott, Hepner, Lewis, Love, Lowe, Lucas, Preston, Sales, Shields and Mr. President—15.

Absent—Messrs. Cowles and Johnson.

Lost.

Mr. McKinney moved that the bill be made the special order for 7 o'clock to-morrow evening.

Mr. Lowe moved to lay on the table,

On which, the yeas and nays were ordered, and were as follows:

YEAS—Messrs. Clark, Coop, Fisher, Harris, Hendershott, Hepner, Johnson, Lewis, Love, Lowe, Preston, Sales, Schramm, Shields and Mr. President—15.

NAYS—Messrs. Browning, Cowles, Crosthwait, Everson, Fletcher, Hillis, Hedrick, Hull, Lucas, McAchran, McKinney, Needham, Park, Price, Spees and Wing—16.

Lost.

Mr. Hull moved that the bill be indefinitely postponed.

The question recurring on the motion to make it the special order for to-morrow evening at 7 o'clock;

Was decided in the affirmative.

Message from the House by Mr. Hooton, Chief clerk;

MR. PRESIDENT—I herewith return Senate file No. 66, A bill for an act to change the name of Robert Cock, Lydia Cock, and others,

The same having passed the House of Representatives without amendment.

Also,

Senate file No. 38, A bill for an act to amend an act entitled an act for the incorporation of the town of Mount Peasant, in Henry county;

Also,

Senate file No. 40, a bill for an act to relinquish an escheat;

Also,

Senate file No. 45, an act supplementary to chapter 187 of the code concerning the penitentiary of the State and the government and discipline thereof;

The same having received the signature of the Speaker of the House of Representatives.

Mr. Hendershott introduced

Senate file No. 83, a bill for an act fixing the terms of the district court in the 3rd Judicial district,

Which was read a first and second time, and

On motion of Mr. Hendershott,

Referred to a select committee of the senators composing said judicial district.

Senate file No. 80, joint resolution instructing our Senators and requesting our Representatives in Congress, to procure the passage of the bill now pending before Congress, granting lands to aid in the construction of certain railroads in Iowa.

On its third reading.

The question being on the passage of the bill,

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

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Hillis, Hedrick, Hull, Lewis, Love, Park, Preston, Price, Sales, Shields, Wing and Mr. President—16.

NAYS—Messrs. Browning, Clark, Fisher, Fletcher, Harris, Hendershott, Hepner, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Schramm and Spees—15.

Passed and title agreed to.

The following bills were read a third time, passed and titles agreed to.

H. R. file No. 95, a bill for an act to provide for the election of a Warden of the Penitentiary.

H. R. file No. 114, a bill for an act to authorise M. R. Lauson, to transcribe the county records of Clark county.

H. R. file No. 82, a bill for an act to locate the seat of justice, of Taylor county.

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

H. R. file No. 63, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution.

The question being on the passage of the bill,

The yeas and nays were ordered and were as follows:

YEAS—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Hendershott, Love, Lowe, McAchran, McKinney, Needham, Park, Preston Price, Schramm and Spees—19.

NAYS—Messrs. Clark, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lucas, Sales, Shields, Wing and Mr. President—12.

Mr. Hull moved to strike out the present title, and insert "a bill to authorise the advocates of exclusive privileges, to destroy *that* safeguard of the masses, and build up a system of irresponsible corpora-

tions for the benefit of the "rich and well born" and to crush the laboring poor of this State."

Lost.

And the bill was passed and title agreed to.

Senate file No. 67, a bill for an act to authorize the corporate authorities of any incorporated town located upon any public lands belonging to the United States, or the county judge of the county in which said town may be situated, to purchase said lands in trust for the occupants thereof; with the amendments thereto proposed by the committee on public lands, was taken up.

The amendments in their order were adopted, and the bill ordered to be engrossed and read a third time to-morrow.

Senate file No. 70, an act to amend an act to incorporate and establish the city of Dubuque,

Was taken up, read a second time and passed to a third reading to-morrow.

Mr. Preston moved to reconsider the vote on the passage of H. R. file No. 7, an act to change the boundaries of Warren county,

Pending which,

A call of the Senate was ordered and

Mr. Hillis reported absent.

On motion of Mr. Clark,

The call was suspended, and the motion to reconsider

Was carried.

The question being on the passage of the bill,

The yeas and nays were ordered and were as follows :

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Lowe, McCachran, McKinney, Needham, Park, Preston, Price, Sales, Schramm, Shields, Spees, Wing and Mr. President—25.

NAYS—Messrs. Hepner, Hull, Johnson, Lewis, Love and Lucas—6

So the bill was passed and title agreed to.

Senate file No. 55, a bill for an act to provide for the establishment of a commissioner of immigration for the State of Iowa, in the city of New York,

Was taken up, and.

On motion of Mr. Hendershott,  
Indefinitely postponed.



H. R. file, No. 80, a bill for an act to authorize the county judge of Johnson county to index the records of said county,

Was read a second time,

And ordered to a third reading to-morrow.

Mr. Preston moved an adjournment,

Lost.

Mr. Hillis moved to reconsider the vote on the passage of Senate file No. 18, joint resolution instructing our Senators and Representatives, to procure the passage of the bill pending before Congress, granting lands to aid in the construction of certain railroads in Iowa.

On which question,

The yeas and nays being ordered, were as follows:

YEAS—Messrs. Browning, Clark, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hepner, Lowe, Lucas, McAchran, McKinney, Needham, Schramm and Spees—17.

NAYS—Messrs. Coop, Cowles, Crosthwait, Everson, Hull, Lewis, Love, Park, Preston, Price, Sales, Shields, Wing, and Mr. President—14.

Carried.

The question being on the passage of the bill,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Hedrick, Hull, Lewis, Love, Park, Preston, Price, Sales, Shields, Wing and Mr. President—15.

NAYS—Messrs. Browning, Clark, Fisher, Fletcher, Harris, Hillis, Hendershott, Hepner, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Schramm and Spees—16.

Lost.

On motion of Mr. Price,

Resolved, That the Senate meet in session to-morrow evening, at seven o'clock, for the purpose of acting on the Maine liquor law.

Mr. Hull, by leave, gave notice that on to-morrow or some future day of this session, he should introduce a bill fixing the time of holding the district court, in the sixth judicial district.

Mr. Lowe introduced the following resolution:

That from and after the 15th inst., no proposition to amend the code will be entertained; nor any new matter after the 20th, except petitions, which shall be received and referred; which,

On motion of Mr. Everson,

Was laid on the table.  
The Senate adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

On motion of Mr. Coop,  
R. H. file No. 117, relative to the election of a State printer.

Was taken from the table.

Mr. Coop moved that the rule be suspended and the bill read a third time now.

Lost.

On motion of Mr. Preston,

The bill was amended by striking out the word "Wednesday" and inserting "Friday."

On motion of Mr. Hendershott,

Substitute for H. R. file No. 58, a bill for an act to secure to the electors of Iowa, the right to elect a commissioner and register of the Des Moines River Improvement,

Was taken from the table.

On motion of Mr. Love,

The blank in section 5 was filled with the word "three."

Mr. Preston moved to strike out of section 2, all that relates to George G. Wright and Uriah Biggs acting as assistants.

Lost.

On motion of Mr. Everson,

Section third was amended by striking out the words "as though this act had not been passed," and inserting the words "as though the work had not been suspended."

On motion of Mr. Hepner,

The words "can be," in section three were stricken out and the words "shall have been" inserted.

Mr. Hull offered the following amendment:

And it is hereby provided that no contract shall be hereafter made for the further prosecution of the Des Moines River Improvement, that shall prevent settlers or claimants upon river lands from entering their claims at one dollar and twenty-five cents per acre, within one year after the passage of this bill; and upon all lands that

have not been surveyed, claimants shall have one year from the time such lands shall have been surveyed.

Pending which,

A call of the House was had and,

Messrs. Shields and Spees reported absent.

On motion of Mr. Hepner,

The further call was suspended.

Mr. Hepner moved to lay the bill on the table.

Lost.

The question recurring on the amendment of Mr. Hull,

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

YEAS—Messrs. Clark, Crosthwaite, Fisher, Hepner, Hull, Lucas, McKinney, Needham, Preston, Wing and Mr. President—11.

NAYS—Messrs. Browning, Coop, Cowles, Everson, Fletcher, Harris, Hillis, Hedrick, Hendershott, Johnson, Lewis, Love, Lowe, McCachran, Park, Price, Sales, Schramm and Spees—19.

Lost.

The yeas and nays being ordered on engrossing the bill and reading a third time to-morrow,

The motion prevailed by the following vote :

YEAS—Messrs. Browning, Coop, Cowles, Everson, Fletcher, Harris, Hillis, Hedrick, Hendershott, Johnson, Lewis, Love, Lowe, McCachran, Park, Price, Sales, Schramm, Spees, and Mr. President—20.

NAYS—Messrs. Clark, Crosthwait, Hepner, Hull, Lucas, McKinney, Needham, Fisher and Wing—10.

Carried.

On motion of Mr. Cowles,

H. R. file No. 24, a bill for an act amendatory to an act to secure the more vigorous prosecution and completion of the Des Moines river improvement,

Was taken from the table.

Mr. Love moved that it pass to a third reading to-morrow.

Mr. Preston moved to amend by adding an additional section, viz :

SEC. —. And be it further enacted, That any contract made in pursuance of the provisions of this act shall be subject to any liabilities which may exist in consequence of any contract heretofore made by the commissioner and register, relating to the improvement of the Des Moines river.

On motion of Mr. Browning,

The bill and amendments were laid on the table.

On motion of Mr. Johnson,

Senate file No. 57, a bill for an act requiring a term of the Supreme Court to be held in Keokuk, in Lee county,

Was taken from the table.

Mr. Johnson moved that it be engrossed and read a third to-morrow.

On motion of Mr. Lewis,

The bill was laid on the table.

Mr. Everson by leave, gave notice that on to-morrow or some subsequent day he should introduce

A bill for the location of a state road in Washington and the southern part of Johnson counties.

On motion of Mr. Browning,

Senate file No. 49, an act to repeal chapter No. 74 of the code of Iowa,

Was taken from the table.

Mr. Browning moved that it be engrossed and read a third time to-morrow.

On motion of Mr. Hepner,

The bill was again laid on the table, and

On motion,

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

#### THURSDAY MORNING, JANUARY 13, 1853.

The Senate met pursuant to adjournment.

Mr. Schramm from the committee on engrossed bills, reported Senate files Nos. 67, 75, 78, 68, and 80, and substitute for H. R. file No. 58 correctly engrossed.

Petitions and memorials were presented as follows:

By Mr. Browning:

The petition of the directors of school district No. 2, Burlington

township, Des Moines county, for a law relative to an additional tax on the taxable property of said district, for the benefit of the schools therein.

Referred to the committee on schools.

Also,

The petition of Joshua Downer and 150 others of Des Moines county, praying redress of injuries sustained from the action of the Burlington and Virginia Grove Plankroad Company.

Referred to the committee on roads.

By Mr. Cowles :

The petition of John Ware and thirty-seven others, of Lee and Van Buren counties, relative to a State road therein named.

Referred to the committee on roads.

By Mr. Hull :

The petition of I. Bryan and fifty others, citizens of Guthrie county, relative to the removal of the capital.

Laid on the table.

Also,

The petition of A. I. Duncan and thirty-four others, relative to the practice of medicine and surgery.

Referred to the select committee on similar petitions.

Also,

The petition of James Shepherd and eighty-four others, of Polk county, relative to a State road.

Referred to the committee on roads.

Also,

The petition of I. Bryan and forty-eight others, of Dallas and Guthrie counties, relative to a State road.

Referred to the same committee.

By Mr. Everson :

The petition of Wm. Porgan and twenty-seven others, relative to a road in Johnson and Washington counties.

Referred to the same committee.

By Mr. Hedrick :

The memorial of Solomon I. Scott and others, on moral and legal reforms,

Which was laid on the table.

By Mr. Shields :

The petition of J. H. Emerson and nineteen others, of Dubuque county, relative to a State road.

Referred to a committee of the senators from Dubuque and Clayton counties.

Notices of bills to be introduced, were given by the following named gentlemen :

By Mr. Harris :

A bill to authorize the sale of the saline lands.

By Mr. Browning :

A bill to amend the law in relation to executors, &c.

Also,

A bill to amend section 969 of the code.

By Mr. Hendershott :

A bill providing for the authentication of claims against the State.

By Mr. Spees :

A bill in relation to guardians of minors.

Also,

A joint memorial to Congress in relation to certain mail facilities in Iowa.

By Mr. Shields :

A bill to relocate the county seat of Allamakee county.

By Mr. Love :

A bill to amend section 1272 of the code, and explanatory thereof.

By Mr. Fletcher :

A bill to amend the charter of the city of Muscatine in Muscatine county.

Mr. Hepner from the committee on internal improvements, reported back

Senate file No. 64, a bill for an act to prohibit the circulation of bank notes or bills of a less denomination than ten dollars, with a substitute therefor.

Also,

Substitnte for H. R. files Nos. 73, 99 and 101, a bill for an act granting to railroad companies the right of way, with one amendment, and recommended its passage.

Mr. Shields from the committee on ways and means, to whom was referred file H. R. No. 106, reported back substitute therefor, an act amendatory and supplemental to an act for the encouragement of agriculture.

Mr. Lewis from the committee on schools, to whom were referred: H. R. file No. 102, a bill for an act to extend the powers of school districts; and

Substitute for substitute for Senate file No. 27, a bill for an act to establish an asylum for the blind.

Reported the same back, and recommended their passage.

Mr. Harris from the committee on elections, to whom was referred H. R. file No. 98, a bill for an act defining a lawful fence.

Reported back the same, and recommended that it be made the special order for half past three o'clock P. M., on Saturday.

Mr. Wing from the committee on enrolled bills, reported that he had presented to his excellency, the governor, for approval, Senate files Nos. 38, 40 and 45.

Mr. Clark from the committee on incorporations made the following

#### REPORT:

The committee on incorporations, to whom was referred, H. R. file No. 49, "a bill for an act granting the Mount Pleasant and Fairfield Plank Road Company the right of way," report that said bill differs from the provisions of the general incorporation law now in force, in many particulars, but chiefly in the following:

1st. The 46th chapter of the code provides, that the company desiring the right of way, must commence proceedings in the district court; whereas, the bill under consideration only allows the right of appeal to said court, without stopping the progress of the work till a final decision is had.

2nd. The code provides for the summoning of a greater number of jurors to assess any damages resulting in such cases.

3rd. The code does not provide for the unobstructed use of any public highway, as in said bill.

4th. The provisions of the code are such, that a company are necessarily subjected to much longer delay and heavier expense, than they would be under said bill.

The committee therefore recommend the passage of said bill, which is herewith reported to the Senate.

Mr. Clark from the committee on incorporations to whom was referred the petition of citizens of Bentonsport, reported

Senate file No. 91, a bill for an act vacating certain streets and an alley in the town of Bentonsport, Van Buren county.

Mr. Hull from the majority of the committee on public buildings, to whom was referred

Senate file No. 45, a bill for an act providing for the further completion of the State House at Iowa City.

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

Mr. Love from the committee on the judiciary, to whom was referred

Senate file No. 60, a bill for an act to amend the charter of the city of Keokuk.

Reported back the same with sundry amendments.

Also,

Senate file No. 37, an act in amendment of the Code of Iowa.

And recommended that it be made the special order for 2 o'clock to-morrow.

Mr. McAchran from the special committee on

Senate file No. 81, a joint resolution to procure certain additional mail facilities;

Reported back the same and recommended that it be indefinitely postponed.

Mr. Hepner from the committee on internal improvements, to whom were referred

Senate files Nos. 50 and 43;

Reported back the same and recommended that they be indefinitely postponed.

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

By Mr. Browning,

Senate file No. 84, a bill for an act to regulate proceedings for the recovery of real estate, which

Was read a first and second time, and

On motion,

Laid on the table.

By Mr. Browning,

Senate file No. 85, a bill for an act in relation to husband and wife, which was read a first and second time, and

On motion,



Laid on the table.

By Mr. Browning,

Senate file No. 86, a bill for an act in relation to appeals and writs of error;

Which was read a first and second time, and

On motion,

Laid on the table.

By Mr. Everson,

Senate file No. 87, a bill for an act to locate and establish a state road in Washington and Johnson counties;

Which was read a first and second time, and

On motion,

Referred to the committee on roads.

By Mr. Coop,

Senate file No. 88, a bill for an act to vacate a certain territorial road in Jefferson county.

Which was read a first and second time, and

On motion,

Referred to the committee on roads.

By Mr. Hull,

Senate file No. 89, a bill to locate and establish certain state roads therein named;

Which was read a first and second time, and

On motion,

Referred to the committee on roads.

By Mr. McKinney,

Senate file No. 90, a bill for an act to amend chapter 38 of the Code, concerning "roads and highways."

Which was read a first and second time, and

On motion,

Laid on the table.

The following bills were read a third time, passed and titles agreed to:

Senate file No. 80, a bill to provide for the election of an additional constable in Bloomfield township, in Davis county.

Senate file No. 68, a bill for an act amendatory of an act relative to the printing of the revised Code.

Senate file No. 67, a bill for an act to regulate the disposal of lands purchased for town sites.

Senate file No. 75, a bill for an act to amend section 649, chapter 42 of the code ;

Senate file, No. 78, An act to legalise records of public roads in Appanoose county ;

Senate file No. 70, an act to amend an act to incorporate and establish the city of Dubuque ;

H. R. file, No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Desmoines improvement ;

H. R. file, No. 80, a bill for an act to authorize the county judge of Johnson county to index the records of Johnson county.

Substitute for Senate file No. 64, a bill for an act to prohibit the circulation of bank notes, or bills of a less denomination than ten dollars,

Was taken up,

Read a first and second time, and

On motion of Mr. Browning,

Referred to a select committee of one senator from each senatorial district.

The chair appointed Messrs. Hepner, Schramm, McKinney, Hendershott, Coop, Hull, Johnson, McAchran, Wing, Fletcher, Shields, Price, Clark, Preston, Lowe and Everson said committee.

Substitute for H. R. file Nos. 73, 99 and 101, a bill granting to railroad companies the right of way,

Was taken up,

And the amendment proposed by the committee on Internal Improvements, namely,

Insert in section 5, between the words "dwelling" in the 12th line, and "have"—"with some member of the family over 14 years of age."

Was adopted.

On motion of Mr. Fletcher,

The bill was amended by adding two additional sections, namely,

Sec. 17. Any company organizing under this act shall as soon as convenient after its organization, establish a principal office at some point on the line of its road, and change the same at pleasure, giving public notice in some newspaper of such establishment or change ; and all process against said company, shall be served on the president or secretary, or by leaving a copy at the principal office of the corporation.

Amend by inserting an additional section as follows:

Sec. 18 Every company organized under this act shall be required to erect at all points where their road shall cross any public road, at a sufficient elevation from such public road, to admit of free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of the proximity of the railroad, and warn persons of the necessity of looking out for the cars; and any company neglecting or refusing to erect such sign, shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal.

On motion of Mr. Preston,

The bill was laid on the table.

H. R. file No. 98, a bill for an act defining a lawful fence,

Was taken up,

And the recommendation of the committee on elections, that the bill be made the special order for Saturday at 3 o'clock, P. M.,

Was concurred in.

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield Plankroad Company the right of way,

Was taken up,

And on motion of Mr. McKinney,

Ordered to a third reading to-morrow.

Senate file No. 91, a bill for an act to vacate certain streets and an alley in the town of Bentonsport, Van Buren county,

Was taken up,

Read a first and second time, and

On motion,

Ordered to be engrossed and passed to a third reading to-morrow.

Substitute for H. R. file No. 106,

An act amendatory and supplemental to an act for the encouragement of agriculture,

Was taken up,

And, on motion,

Recommitted to the committee on ways and means.

H. R. file No. 102, a bill for an act to extend the powers of school districts,

Was taken up.

Mr. Lewis moved that the bill be laid on the table and printed.

Mr. Browning moved a division,

And the motion to lay on the table prevailed.

The question on the motion to print,

Was lost.

On motion of Mr. Lewis,

The Senate adjourned.

HALF PAST ONE O'CLOCK, P. M.

The President announced a communication from his Excellency, the Governor, accompanied by letters from the commissioner of the Des Moines River Improvement, and from Reverdy Johnson relative to the failure of Anson Bangs to pay the fees of counsel in the Des Moines river case, which,

On motion of Mr. Love,

Were referred to the committee on claims.

Substitute for substitute for Senate file No. 27, a bill for an act to establish an asylum for the blind,

Was taken up.

On motion of Mr. Lowe,

The last section of the bill was stricken out, and

On motion of Mr. Coop,

The bill was passed to a third reading to-morrow.

Senate file No. 37, an act in the amendment of the code of Iowa,

Was taken up, and

On motion,

The recommendation of the committee on the judiciary, that it be made the special order for Friday at 2 o'clock,

Was agreed to.

Senate file No. 60, a bill for an act to amend the charter of the city of Keokuk.

Was taken up,

And the following amendments thereto proposed by the committee on the judiciary,

Were adopted in their order.

Amendment to section one, after the last word

Provided, that the question whether any additional tax shall be levied in pursuance of this section, shall first be submitted by the said city council to the legal voters of said city, at any special election, and if a majority of said legal votes be given for said additional tax, then the same may be levied and collected as provided in this section; but said tax shall not be levied for more than one year, unless the question of levying said tax be again submitted to the people.

**Amendment to section sixth.**

Provided that any person deeming himself aggrieved by said assessment or apportionment, may in 30 days from the time when such person shall receive notice in writing by the mayor, of such assessment or apportionment, appeal from said assessment or apportionment to the district court, and said appeal shall be perfected by the injured party giving bond to the satisfaction of the Mayor, conditioned for the payment of all costs, which may be adjudged against the appellant. It shall be the duty of the Mayor to file all proper papers connected with said appeal in the district court, on or before the first day of August of the next term of said court. Said appeal shall be heard and determined as other appeals are heard and determined in said court, and the court shall certify its decision to the city council, by whom the same shall be carried into effect.

**Amendment to section 16, after the last word.**

So long as the tax herein authorized for the purpose of grading and improving the streets of said city, equal in amount to the tax levied by the county for road purposes, shall be actually levied, collected and expended upon said streets.

**Amendment to 17th section.**

Provided, as to the thirty-first section, that no debt above the amount authorized by said thirty-first section, shall be incurred by said city council, unless the question of contracting the same, shall be first submitted to the people of said city, in the same manner as provided in the first section of this act.

**On motion of Mr. Coop,**

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

**Message from the House, by Mr. Hooton, Chief Clerk:**

**Mr. PRESIDENT**—I am directed to inform the Senate, that the House has passed

Substitute for substitute for H. R. file No. 36, a bill for an act providing for the election of supervisors and defining their duties;

Also,

H. R. file No. 45, a bill for an act to enforce the claims of the state and county against lands and lots on which the owners have failed to pay the taxes charged thereon, prior to 1851.

Also,

H. R. file No. 124, a bill for an act for the relief of Solomon Bond.

Also,

H. R. file No. 129, a bill for an act relating to evidence.

Also,

H. R. file No. 136, a bill for an act to amend the charter of the town of Fort Madison.

Also,

H. R. file No. 138, a bill for an act for an additional justice of the peace in Washington township, in Warren county.

Also,

H. R. file No. 146, a bill for an act authorising the county judges of Muscatine and Louisa counties to appoint agents for constructing levees, &c.

Also,

H. R. file No. 150, a bill for an act to authorise I. D. Guiberson to transcribe the records of Madison county.

Also,

H. R. file No. 155, a bill for an act to change the name of Kaneshville to Council Bluffs.

Also,

H. R. file No. 158, a bill for an act to change the name of the town of Creesville to Botavia.

In which the concurrence of the Senate is requested.

Senate files No. 53, a bill for the right of way of the Canton and Bloomfield railroad company; and

Senate file No. 43, an act to grant the right of way to the Sergeant Bluff and Sidney railroad company.

Were taken up, and

On motion of Mr. Hepner,

Laid on the table.

On motion of Mr. Preston,

Substitute for H. R. files Nos. 73, 99 and 101, a bill for an act granting to rail road companies, the right of way;

Was taken up, read a second time, and

Passed to a third reading to-morrow.

Mr. Browning by leave introduced,

Senate file No. 92, an act in relation to writs of injunction and habeas corpus;

Which was read a first and second time, and

On motion,

Laid on the table.

Message from the House, by Mr. Hooton, Chief Clerk:

MR. PRESIDENT—I am directed to inform the Senate that the House has passed,

Substitute for H. R. file No. 135, a bill for an act to amend chapter 37, of the code;

Also,

H. R. file No. 156, joint resolution appointing trustees of the branch of the State University, at Fairfield.

In which the concurrence of the Senate is requested.

I herewith return,

Senate file No. 20, a bill for an act to change the name of Orsin Hoar.

The same having passed the House without amendment.

I am directed to inform the Senate that the House recedes from its amendments to

Senate file No. 56;

Also, that the House concurs in the Senate amendments to

H. R. file No. 7, and H. R. file No. 30;

Also, that the House has amended the Senate amendment to

H. R. file No. 117, joint resolution relative to the election of State Printer.

In which the concurrence of the Senate is requested.

I also herewith return,

Substitute for Senate file No. 3, a bill for an act regulating the interest on money.

The same having passed the House with one amendment.

In which the concurrence of the Senate is requested.

I herewith present for your signature,

H. R. file No. 63, an act submitting to the electors of Iowa, the question of a convention to amend the constitution;

Also,

H. R. file No. 82, an act to locate the seat of justice of Taylor county;

Also,

H. R. file No. 95, an act providing for the election of Warden of the Penitentiary;

Also,

H. R. file No. 114, an act to authorize M. R. Lamson to transcribe the county records of Clarke county.

The same having passed both branches of the General Assembly.

I am also directed to inform the Senate the House has passed,

H. R. file No. 132, a bill for an act allowing fees in certain cases.

In which the concurrence of the Senate is requested.

On motion of Mr. McKinney,

Senate file No. 73, a bill for an act to amend chapters 15 and 24 of the code concerning county judges,

Was taken from the table.

Mr. McKinney moved that it be engrossed and read a third time to-morrow.

Mr. Love moved to amend by striking out section 2, and inserting "section 2, that the term of office of the county judges hereafter elected, shall expire in two years from the time of their election; but judges now in office shall serve out their terms,"

On which amendment,

The yeas and nays being ordered, were as follows:

YEAS—Messrs. Coop, Cowles, Crosthwait, Fisher, Fletcher, Hedrick, Hendershott, Hepner, Hull, Love, Lowe, Lucas, Needham, Price, Schramm and Shields—16.

NAYS—Messrs. Browning, Clark, Everson, Harris, Hillis, McAchran, McKinney, Park, Preston, Sales, Spees, Wing and Mr. President—13.

Absent, Messrs. Johnson and Lewis.

And the amendment was adopted.

Mr. Lowe moved that the bill be indefinitely postponed.

On which,

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

YEAS—Messrs. Fisher, Fletcher, Hillis, Lowe and Shields—5.



**NAYS**—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Ever-son, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Love, Lucas, McAchran, McKinney, Needham, Park, Preston, Price, Sales, Schramm, Spees, Wing and Mr. President—25.

Lost.

And on motion,

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

On motion of Mr. Hendershott,

The Senate adjourned until seven o'clock P. M.

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SEVEN O'CLOCK, P. M.

The Senate having under consideration,  
Senate file No. 82, a bill for an act for the suppression of drinking houses and tippling shops;

Special order for this hour.

Mr. McKinney moved that the bill be ordered to be engrossed and read a third time on Saturday.

Nine o'clock, 20 minutes;

On motion of Mr. Love,

The bill was laid on the table, and made the special order for Monday evening next, at seven o'clock.

On motion,

The Senate adjourned until to-morrow morning at nine o'clock.

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FRIDAY MORNING, JANUARY 14th, 1853;

The Senate met pursuant to adjournment.

Mr. Schramm from the committee on engrossed bills, reported Senate files Nos. 73 and 91 correctly engrossed.

Petitions and memorials were presented by the following gentlemen—

By Mr. McKinney:

The petition of Jonathan Townsænd and 27 others, for a law prohibiting the circulation of bank notes.

Referred to the select committee on that subject.

By Mr. Browning:

The petition of the Supreme Judges, and of the members of the bar, and citizens of Burlington, relative to the compensation of the Judges of the Supreme Court.

Referred to the committee on the Judiciary.

By Mr. Cowles:

The petition of Jacob Cooner and 33 others, and of P. Cahill and eight others, asking the vacation of a State road.

Referred to the committee on Roads.

By Mr. Shields:

The remonstrance of A. L. Bush and 304 others against the relocation of the county seat of Allamakee county.

Referred to the committee of the senators representing those counties.

Notices of the introduction of new bills were given as follows:

By Mr. Hull,

A bill providing for the appointment of one or more commissioners to examine into the pecuniary condition of the Des Moines river improvement and to farther define the duties pertaining to said commissioner.

By Mr. Cowles:

A bill granting the right of way for internal improvements, other than railroads.

Mr. Shields from the committee on Ways and Means to whom was recommitted H. R. file No. 106, reported substitute therefor, a bill to amend an act for the encouragement of agricultural societies.

Mr. Lewis from the committee on Schools to whom was referred,

Senate file No. 31, a bill for an act to locate the law department of the Iowa State University at the city of Dubuque,

Reported back the same without recommendation.

Mr. Sales from the committee on New Counties to whom was referred

H. R. file No. 17, with the report of the special committee thereon,

Reported the same back without recommendation.

Mr. Lewis from the committee on Schools to whom was referred the petition of the board of directors of school district No. 2, in the city of Burlington,

Reported the same back without recommendation, and were discharged from the further consideration of the subject.

The following bills were introduced of which previous notice had been given.

By Mr. Browning:

Senate file No. 93, a bill to amend the law in relation to executors.

Which was read a first and second time and

On motion,

Referred to the committee on the Judiciary.

By Mr. Fletcher,

Senate file No. 94, a bill for an act to amend the charter of the city of Muscatine;

Which was read a first and second time, and

On motion of Mr. Fletcher,

Referred to a select committee.

The President appointed Messrs. Fletcher, Shields and Hepner said committee.

By Mr. McKinney,

Senate file No. 95, an act in relation to guardians of minors;

Which was read a first and second time, and

On motion,

Referred to the committee on schools.

By Mr. Love,

Senate file No. 96, an act to amend section 1272 of the Code of Iowa;

Which was read a first and second time, and

On motion,

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

By Mr. Hendershott,

Senate file No. 97, a bill for an act providing for the authentication of claims against the state;

Which was read a first and second time, and

On motion,

Referred to the committee on the judiciary.

Mr. Harris rose to a privileged question in reference to the corres-

pondence of the "Miner's Express" of the 12th inst., representing that the 20 minutes rule had been introduced, with reference to himself, and containing abusive personal allusions.

A number of Senators in turn, disclaimed any such intention in the adoption of the rule, and censured the author of the article.

Mr. Shields represented to the Senate, that Mr. Merritt disavowed the authorship of the communication referred to.

The following bills were read a third time, passed and titles agreed to:

Substitute for H. R. files Nos. 73, 99 and 101, a bill for an act granting to railroad companies the right of way.

Substitute for substitute for Senate file No. 27, a bill for an act to establish an asylum for the blind.

H. R. file No. 49, a bill for an act granting the Mount Pleasant and Fairfield Plank Road Company the right of way.

Senate file No. 91, a bill for an act vacating certain streets and an alley in the town of Bentonport, Van Buren county.

On motion,

The Senate concurred in the House's amendment to

H. R. file No. 117, fixing the time for a joint convention to elect a State Printer, on Thursday the 20th inst.

On motion,

Senate file No. 3, an act to regulate interest on money, with the amendments of the House thereto,

Was laid on the table.

On motion of Mr. Sales,

The committee on elections, to whom was referred

Senate file No. 73, a bill for an act to amend chapters 15 and 24 of the code, concerning county judge;

Was instructed to report on Saturday morning.

Message from the House by Mr. Hooton, Chief clerk,

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

H. R. file No. 130, a bill for an act regulating the terms of supreme court;

In which the concurrence of the Senate is requested.

I herewith return,

Senate file No. 35, a bill to incorporate the town of Fort Des Moines in Polk county.

Also,

Senate file No. 57, a bill for an act to make private prosecutors liable in certain cases.

Also,

Senate file No. 80, a bill to provide for the election of an additional constable in Bloomfield township, in Davis county.

The same having passed the House without amendment.

I herewith return,

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

The same having passed the House with two amendments:

Also,

Senate file No. 7, a bill for an act allowing and regulating the stay of executions on judgments of the district and justice's courts.

The same having passed the House with three amendments,

In which the concurrence of the Senate is requested.

I herewith present for your signature, H. R. file No. 7, an act to change the boundaries of Warren county.

Also,

H. R. file No. 30, joint resolution for establishing an additional land office in the northern part of Iowa.

Also,

H. R. file No. 80, an act to authorize the county judge of Johnson county to index the county records of said county,

The same having passed both branches of the General Assembly.

Senate file No. 44, a bill for an act providing for the further completion of the State House at Iowa City,

Was taken up.

Mr. Hepner moved to strike out of section 1, \$6,000.

Pending which,

On motion of Mr. Johnson,

The Senate adjourned.

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HALF PAST ONE O'CLOCK, P. M.

Mr. Hendershott from the committee on engrossed bills, reported Senate file No. 96, correctly engrossed.

Mr. Schramm from the same committee, reported Senate file No. 60 correctly engrossed.

Mr. Hillis, by leave, withdrew the proposition of certain citizens of Pella, offering a donation to the State in consideration of the capital being removed to that place.

The question being on the amendment offered by Mr. Hepner to Senate file 44, viz: strike out of section one \$6,000,

The yeas and nays were ordered, and the amendment prevailed by the following vote:

YEAS—Messrs. Browning, Coop, Cowles, Everson, Fisher, Hillis, Hedrick, Hendershott, Hepner, Hull, Love, Lowe, Lucas, McAchran, McKinney, Needham Park, and Spees—18.

NAYS—Messrs. Clark, Crosthwait, Fletcher, Harris, Lewis, Preston, Price, Sales Schramm, Shields, Wing, and Mr. President—12.

Mr. Preston moved to fill the blank with \$5,000.

On which motion,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Fletcher, Harris, Hedrick, Hepner, Hull, Johnson, Lewis, Preston, Price, Sales, Schramm, Shields, Spees, Wing and Mr. President.—19.

NAYS—Messrs. Everson, Fisher, Hillis, Hendershott, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, and Spees—12.

Mr. Hedrick moved to amend by adding to section one,

Provided that there shall be paid out of said appropriation any deficit of the last appropriation for said purpose.

On which,

The yeas and nays were ordered and were as follows:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Everson, Fisher, Hillis, Hedrick, Hendershott, Hepner, Hull, Johnson, Lowe, Lucas, McAchran, McKinney, Needham, Park, Spees and Wing—20.

NAYS—Messrs. Crosthwait, Fletcher, Harris, Lewis, Love, Preston, Price, Sales, Schramm, Shields, and Mr. President—11.

And the amendment was adopted.

On motion of Mr. Hull,

The words "four hundred" were stricken out of section two, and the words "three hundred" inserted.

Mr. Everson moved to lay the bill on the table.

Lost.

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

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Fisher, Fletcher, Harris, Hillis, Hedrick, Hepner, Hull, Johnson, Lewis, Lowe, Needham, Park, Preston, Price, Sales, Schramm, Shields, Wing and Mr. President—24.

NAYS—Messrs. Everson, Hendershott, Love, Lucas, McAchran, McKinney, and Spees—7.

On motion of Mr. Browning,

The consideration of Senate file No. 37, an act in amendment of the code, was made the special order for two o'clock,

Was postponed for ten minutes.

Substitute for Senate file No. 3, an act to regulate interest on money,

Was taken up,

And on motion of Mr. Browning,

The House amendment thereto was concurred in.

Two o'clock and 11 minutes, P. M.,

The Senate went into committee of the whole on Senate file No. 37, an act in amendment of the code of Iowa.

Five o'clock and 5 minutes, the committee rose and reported the bill back to the Senate with sundry amendments.

Mr. Wing from the committee on enrolled bills, reported Senate files Nos. 56, 66, 20, 57 and 80, correctly enrolled.

On motion,

The Senate adjourned.

SATURDAY MORNING, JANUARY 15, 1853.

Senate met pursuant to adjournment.

Mr. Shields presented the petition of David Downs and one hun-

dred and forty others, of Dubuque, Fayette and Winneshiek counties, relative to a State road.

Referred to the committee on roads.

Notices of new bills to be introduced, were given by the following named gentlemen:

By Mr. Johnson:

A joint resolution in relation to Green's reports.

By Mr. Everson:

A bill for an act for a State road from Muscatine to Washington;

Also,

A bill for an act to vacate the town of Toelsborough, Louisa county

By Mr. Love:

A bill to regulate set-off in courts of law;

Also,

A bill further to regulate appeals to the Supreme court;

Also,

A bill affirming the distinction between the courts of law and equity and further regulating the proceedings of courts of law and equity.

By Mr. Lewis:

A bill granting a portion of the saline lands, for the endowment of a common school teacher's department in Iowa college.

By Mr. Spees:

A bill to change the name of South Bentonsport to Vernon.

By Mr. Preston:

A bill for an act to authorise James Johnson to transcribe the records of Benton county.

By Mr. Coop:

A bill in relation to the Fairfield branch of the State University.

Mr. Hull, from the committee on public buildings, to whom were referred sundry papers relative to the penitentiary,

Reported back the same without recommendation.

Mr. Preston, from the committee on county boundaries, to whom was referred,

H. R. file No. 6, a bill for an act to define the boundaries of Dallas county,

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

Mr. Fletcher, from the select committee, to whom was referred Senate file No. 94,



Reported the same back and recommended its passage.

Mr. Lewis, from the committee on schools, to whom was referred Substitute for H. R. file No. 34.

Reported the same back and recommended its passage.

Mr. Shields, from the special committee, to whom were referred sundry remonstrances, relative to the re-location of the county seat of Alamakee county,

Reported Senate file No. 98, a bill for an act to re-locate the county seat of Alamakee county.

Mr. Everson, from the committee on judiciary, to whom were referred Senate files Nos. 76 and 77,

Reported the same back with one amendment to Senate file No. 77, and recommended its passage.

Mr. Clark, from the committee on incorporations, to whom was referred,

Senate file No. 51,

Reported back the same and recommended its passage.

Mr. Lewis, from the committee on schools, to whom was referred Senate file No. 95,

Reported the same back and recommended its passage.

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

By Mr. Cowles:

Senate file No. 99, an act granting incorporated companies the right of way.

Which was read a first and second time, and

Referred to the committee on incorporations.

By Mr. Hull:

Senate file No. 100, a bill for an act fixing the time of holding the district courts in the 5th judiciary district.

Which was read a first and second time; and,

On motion,

Laid on the table.

Message from the House, by Mr. Hooton, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

Substitute for H. R. file, Nos. 46 and 70, a bill for an act fixing the boundaries of the several Judicial districts;

Also,

H. R. file No. 113, a bill for an act authorizing township trustees to levy a special tax to redeem outstanding orders ;

Also,

H. R. file No. 122, a bill for an act to provide for the election of Attorney General and define his duties.

Also,

H. R. file No. 166, a bill for an act to locate the seat of justice of Blackhawk county.

Also,

H. R. file No. 172, a bill for an act relinquishing an escheat.

I herewith return Senate file No. 50, a bill for an act to authorize the judge of Jones county, to have a portion of the records of said county transcribed,

The same having passed the House with one amendment.

Also,

Senate substitute for H. R. file No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Des Moines river improvement,

The House having made one amendment thereto, and ask the concurrence of the Senate therein.

The House have concurred in the amendments made by the Senate to substitute for H. R. file Nos. 73, 99 and 101, a bill for an act granting to railroad companies the right of way.

I herewith present for your signature H. R. file No. 49, an act granting the Mount Pleasant and Fairfield Plankroad Company the right of way.

Also,

H. R. file No. 117, joint resolution relative to the election of a State Printer,

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. 158, a bill for an act to change the name of the town of Creesville, in Jefferson county, to Botavia,

Was read a first and second time, and

On motion,

Passed to a third reading on Monday.

H. R. file No. 155, a bill for an act to change the name of Kaneshville to Council Bluffs.

Was read a first and second time.

Mr. Hepner moved to strike out Council Bluffs.

Pending which,

A call of the Senate was had and

Mr. McAchran reported absent.

On motion,

The call was suspended.

And the question recurring on the motion to strike out "Council Bluffs,"

The yeas and nays were ordered, and the motion was lost by the following vote :

YEAS—Messrs. Browning, Hepner, McKinney, Needham, Preston, Sales, Shields, and Mr. President—8.

NAYS—Messrs. Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, Park, Price, Schramm, Spees and Wing—23.

On motion,

The bill passed to a third reading on Monday.

H. R. file No. 150, a bill for an act to authorize I. D. Guiberson to transcribe the records of Madison county,

Was read a first and second time.

And on motion,

Passed to a third reading on Monday.

H. R. file No. 138, a bill for an act for an additional justice of the peace in Washington township, Wayne county,

Was read a first and second time.

And on motion,

Passed to a third reading on Monday.

H. R. file No. 146, a bill for an act authorizing the county judges of Muscatine and Louisa counties, to appoint agents for constructing levees.

Was read a first and second time.

And on motion,

Referred to a special committee of the senators representing those counties.

H. R. file No. 136, a bill for an act to amend the charter of the town of Fort Madison,

Was read a first and second time.

And on motion,

Passed to a third reading on Monday.

H. R. file No. 129; a bill for an act relating to evidence,

Was read a first and second time,

And on motion,

Laid on the table;

H. R. file No. 45, a bill for an act to enforce the claims of the state and county against lands and lots on which the owners have failed to pay the taxes charged thereon prior to 1851.

Was read a first and second time, and

On motion,

Referred to the committee on public lands.

H. R. file No. 124, a bill for an act for the relief of Solomon Bond.

Was read a first and second time, and

On motion,

Referred to the committee on claims.

Substitute for H. R. file No. 36, a bill for an act providing for the election of supervisors and defining their duties;

Was read a first and second time, and

On motion,

Referred to the committee on roads with instructions to report on Tuesday next.

H. R. file No. 132, a bill for an act allowing fees in certain cases;

Was read a first and second time, and passed to a third reading on Monday.

H. R. file No. 156, joint resolution appointing trustees of the branch of the State University at Fairfield;

Was read a first and second time, and passed to a third reading on Monday.

Substitute for H. R. file No. 135, a bill for an act to amend chapter 37 of the code;

Was read a first and second time, and

On motion,

Referred to the committee on ways and means.

Senate file No. 81, a joint resolution to procure certain additional mail facilities;

Was read a first and second time, and passed to a third reading on Monday.

The following bills were read a third time, passed and titles agreed to:

Senate file No. 60, a bill for an act to amend the charter of the city of Keokuk,

Senate file No. 44, a bill for an act providing for the further completion of the State House at Iowa City.

Substitute for H. R. file No. 106, a bill to amend an act for the encouragement of agricultural societies;

Was read a first and second time.

Mr. Needham moved to strike out "two hundred,"

Lost.

Mr. Hull offered the following amendment:

"And that the sum of two hundred dollars be appropriated to each county, for the purpose of enabling the mechanics of said county to establish a mechanic's institute in the same."

On which, the yeas and nays were ordered and the amendment was lost by the following vote:

YEAS—Messrs. Everson and Hull—2.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Crothwait, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hepner, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Preston, Price, Sales, Schramm, Shields, Spees, Wing and Mr. President—29.

And the bill was passed to a third reading on Monday.

Senate file No. 51, a bill to grant the right of way to the Fort Des Moines and St. Louis and St. Charles rail road company;

Was read a first and second time, and

On motion,

Laid on the table.

Senate file No. 95, a bill for an act requiring guardians to account for the property of minors;

Was read a first and second time, and

On motion,

Ordered to be engrossed and read a third time on Monday.

On motion,

The papers relative to the penitentiary, reported back by the committee on public buildings.

Were laid on the table.

H. R. file No. 6, a bill for an act to define the boundaries of Dallas county.

Was read a first and second time, and passed to a third reading on Monday.

Senate file No. 94, a bill for an act to amend the charter of the city of Mucatine; was

On motion,

Ordered to be engrossed and read a third time on Monday.

On motion,

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

Was laid on the table.

Senate file No. 98, a bill for an act to re-locate the county seat of Alamakee county.

Was read a first and second time; and,

On motion,

Ordered to be engrossed and read a third time on Monday.

On motion,

Senate file No. 76, a bill for an act in relation to evidence.

Was laid on the table.

Senate file No. 77, a bill for an act in relation to executions and officers holding them.

Was taken up.

On motion of Mr. Browning,

Section two was amended by inserting between the words "same" and "upon," of said section, the words "under the written direction of the plaintiff, his agent or attorney."

Mr. Love offered the following amendment:

Add to section two; Provided that in such cases, if the officers levy under the plaintiff's direction, he shall not be responsible to the owner of the property, and the owner shall look to the party under whose direction the levy is made.

Pending which,

On motion,

The Senate adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

Mr. Wing, from the committee on enrolled bills,  
Reported Substitute for Substitute for Senate file No. 27, correctly enrolled.

The question on the amendment of Mr. Love to Senate file No. 77, Prevalled.

Mr. Browning moved that the bill be engrossed and read a third time on Monday.

Pending which,

A call of the Senate was had and Messrs. Clark, Fisher, Harris, Love, McAchran and Price reported absent.

On motion,

The further call was suspended; and,

The question recurring on ordering the bill to be engrossed and read a third time on Monday.

The yeas and nays were ordered, and the motion was lost by the following vote.

YEAS—Messrs. Browning, Everson, Hillis, Hedrick, Hendershott, Johnson, Lucas, McAchran, McKinney, Park, Schramm and Shields—12

NAYS—Messrs. Coop, Cowles, Crosthwait, Fisher, Fletcher, Hepner, Hull, Lewis, Love, Lowe, Needham, Preston, Price, Sales, Spees, Wing and Mr. President—17

On motion of Mr. Browning,

Senate file No. 31, a bill for an act to locate the law department of the Iowa State University at the city of Dubuque.

Was indefinitely postponed.

The Senate took up,

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

Reported back by the select committee with the following amendment thereto.

Strike out of said bill all after the enacting clause and insert the following:

SECTION 1. That the acts of Henry Allen, Wareham G. Clark and F. N. Sales as the commissioners to locate the county seat of Decatur county, are hereby legalized, and shall have the same force and efficacy in law, as they would provided said location had been by them made within the time specified by law.

SEC. 2. The acts of the county commissioner and other legal officers of said Decatur county, that has reference to the locating, plating, or sale of any or all the lots in the town of Decatur city,

shall have the same force in law as they would provided said location had been made within the time named in the previous section.

SEC. 3. The name of the seat of justice of Decatur county shall be Decatur city; provided it remain as located by Henry Allen, Wareham G. Clark, and F. N. Sales, as before named in this bill.

The question being on the adoption of the amendment,  
The yeas and nays were ordered,

And the amendment lost by the following vote :

YEAS—Messrs. Clark, Fletcher, Harris, Hendershott, Lewis, Lowe, Love, Lucas, Preston, Price, Sales, Shields and Mr. President.—13.

NAYS—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Fisher, Hillis, Hedrick, Hepner, Hull, Johnson, McCachran, McKinney, Needham, Park, Schramm, Spees and Wing—18.

Mr. Harris moved to amend section 1, by adding—

Provided that all bona fide contracts made by the county commissioners of Decatur county, for services rendered in the location of the present county seat, (known as Decatur city,) and the sales of the lots thereof shall be legal and binding in law: And provided further, that if any other place, than the present location (Decatur city) shall receive said majority of all the votes cast, that any person or persons having purchased any lot or lots in Decatur city, and having paid any portion of the price thereof whether in money or labor shall on the presentation of the certificate of such purchase, together with the receipt of such payment, to the county judge of said county be entitled to an order on the treasurer of said county for such purchase money with interest thereon at the rate of six per cent.

Last.

On motion of Mr. Harris,

Section 2 was amended by adding thereto the "Valley Whig and Keokuk Dispatch.

On motion,

The bill was ordered to a third reading on Monday.

The committee on Schools to whom was referred the petition of the Directors of School district No. 2, of the city of Burlington praying for authority to levy a tax not exceeding fifteen cents on the taxable property of the district,

On request, were discharged from the further consideration of the subject.

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



Was taken up with the following amendments of the House thereto.

Add two sections, namely :

Section 3. County judges hereafter elected, shall hold their offices for the term of two years and until their successors are elected and qualified.

Sec. 4. All sections or parts of sections of the code conflicting with the provisions of this act, are hereby repealed.

On motion,

The Senate concurred in the House amendments to

H. R. file No. 180, a bill for an act regulating the terms of the supreme court,

Which was read a first and second time, and :

On motion,

Referred to the committee on the judiciary.

Senate file No. 7, a bill for an act allowing and regulating the stay of executions on judgments of the district and justices courts,

Was taken up,

With the following amendments of the House thereto, viz :

First section so amended as to make the stay on all sums over forty dollars not more than ninety days.

Second—Third line of section two, strike out “creditor” and insert “debtor.”

Third—Section two amended as section one.

On motion,

The Senate concurred in the amendments of the House.

Substitute for H. R. files Nos. 46 and 70, a bill for an act fixing the boundaries of the several judicial districts,

Which was read a first and second time, and

On motion,

Referred to a select committee of one senator from each judicial district.

The President appointed

Messrs. Preston, Browning, Fletcher, Shields, Needham, Harris, Johnson, Hendershott and Hull

Said committee.

On motion of Mr. Hull;

Senate file No. 100, a bill fixing the time of holding the district court in the fifth judicial district,

Was taken from the table and

Referred to the same committee.

H. R. file No. 172, a bill for an act relinquishing an escheat,  
Was read a first and second time, and

On motion,

Referred to the committee on the judiciary.

H. R. file No. 166, a bill for an act to locate the seat of justice of  
Blackhawk county,

Was read a first and second time, and

On motion,

Referred to a select committee of the senators from Dubuque,  
Clayton, &c.

H. R. file No. 122, a bill for an act to provide for the election of  
Attorney General and define his duties,

Was read a first and second time, and

And passed to a third reading on Monday.

H. R. file No. 113, a bill for an act authorizing township trustees to  
levy a special tax to redeem outstanding orders,

Was read a first and second time, and

On motion of Mr. Everson,

The last section was stricken out.

On motion of Mr. Browning,

Section first was stricken out.

On motion of Mr. Browning,

The remainder of the bill was stricken out.

Senate file No. 50, a bill for an act to authorize the county judge  
of Jones county, to have a portion of the records of said county tran-  
scribed and legalized,

Was taken up,

With one amendment of the House; which,

On motion,

Was concurred in by the Senate.

On motion,

The Senate took up substitute for H. R. file No. 58, a bill for an  
act to secure to the electors of Iowa the right to elect a commission-  
er and register of the Des Moines river improvement,

With the amendment of the House thereto.

On motion,

The bill and amendment were laid on the table.

Half-past three o'clock—The Senate went into committee of the

whole on H. H. R. file No. 98, an act defining a lawful fence, was made the special order for this hour.

Three o'clock and forty minutes, the committee rose and reported the bill back to the Senate without amendment.

Mr. Harris moved the indefinite postponement of the bill.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Clark, Coop, Fisher, Harris, Hillis, Hedrick, Hepner, Johnson, Lowe, Lucas, McAchran, Needham, Price, Sales, Shields.  
—15.

NAYS—Messrs. Browning, Cowles, Crosthwait, Everson, Fletcher Hendershott, Hull, McKinney, Park, Preston, Schramm, Spees, Wing, and Mr. President—14.

Three o'clock and fifty minutes.

On motion of Mr. Preston,

The Senate went into committee of the whole on the report of the select committee relative to the classification of senators.

Mr. McKinney in the chair.

Five o'clock.—Committee rose, reported progress, and asked leave to sit again at 7 o'clock this evening.

Granted.

Notices of new bills were given by the following gentlemen :

By Mr. Everson:

A bill to amend chapter 136 of the Code of Iowa.

By Mr. Lewis,

A joint resolution appointing trustees for the State University of Iowa.

By Mr. Shields.

A joint resolution authorising the Secretary of State to transmit one copy of the Code of Iowa, to each of the public libraries in Washington city.

Mr. Love by leave, presented the petition of the Muscatine bar relative to the compensation of the supreme judges.

Referred to the committee on the judiciary.

On motion,

The Senate adjourned until 7 o'clock P. M.

SEVEN O'CLOCK P. M.

The Senate resumed its session in committee of the whole, for the consideration of the report relative to the classification of senators.

Mr. McKinney in the chair.

Eight o'clock and ten minutes.—Committee rose and reported the bill back without recommendation.

On motion of Mr. Hull,

The report was recommitted to the special committee, with instructions to report on Tuesday.

On motion of Mr. Preston,

Four members were added to the committee.

The President appointed Messrs. Hepner, Johnson, Crosthwait and Love additional members.

On motion of Mr. Love,

H. R. file No. 24, an act in relation to the Des Moines river improvement;

Was taken from the table.

Mr. Browning moved to amend by adding

“And be it further enacted, That the State of Iowa shall in no case, be held liable or made responsible for any contract heretofore made, or hereafter to be made by the commissioner of said improvement, in relation to said lands or improvement.

Lost.

Mr. Cowles moved, that the bill be ordered to a third reading on Monday.

On which, the yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Coop, Cowles, Crosthwaite, Everson, Harris, Hedrick, Hendershott, Johnson, Love, Lowe, Lucas, McAchran, Park, Price, Sales, Schramm, Shields, Spees and Mr. President—19.

NAYS—Messrs. Browning, Clark, Fisher, Hepner, Hull, McKinney, Needham, Preston and Wing—9.

On motion of Mr. Love,

The Senate adjourned.

MONDAY MORNING, JANUARY 17, 1853.

Mr. Schramm from the committee on engrossed bills, reported Senate files Nos. 98, 95 and 94 correctly engrossed.

Petitions and memorials were presented as follows :

By Mr. Preston :

The petition of I. Winklebeck and 5 others, relating to State roads.

Referred to a special committee of the senators from Linn, Dubuque and Clayton.

By Mr. Shields :

The remonstrance of J. H. Stafford and 265 others citizens of Fayette county, against the relocation of the county seat of said county.

Referred to a committee of the senators from Dubuque and Fayette counties.

By Mr. Spees :

The petition of J. M. Estis and 44 others, praying the change of the name of South Bentonsport to Vernon.

Laid on the table.

By Mr. Hedrick :

The petition of Josiah Barnes and 18 others, asking a law creating a justice of the peace for the township of Ashland in the county of Wapello, which

On motion,

Was referred to a select committee of three with instructions to report to-morrow.

The President appointed Messrs. Hedrick, Needham and Hendershott that committee.

Notices of the introduction of new bills were given as follows :

By Mr. Love :

A bill for an act to amend section 2122 of the code of Iowa.

Also,

To amend section 1848 of same.

Also,

An act to further regulate the practice in judicial courts.

Also,

To repeal 1751 of the code.

By Mr. Hendershott,

A bill authorizing counties to take stock in railroad and other companies.

Mr. Fletcher from the select committee to whom was referred Senate file No. 64, and substitute therefor,

Reported the same back and recommended the passage of the substitute.

Mr. Fletcher from the committee on Military Affairs to whom was referred H. R. file No. 1,

Reported substitute.

Mr. Browning from the special committee to whom was referred H. R. file No. 79,

Reported the same back with two amendments.

Mr. Everson from a majority of the committee on Federal relations to whom was referred Senate file No. 39,

Reported back the same and recommended its passage.

Mr. Everson from the committee on the Judiciary, to whom was referred Senate file No. 58,

Reported the same back with sundry amendments and recommended its passage.

Mr. Shields from the special committee to whom was referred H. R. file No. 166,

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

Mr. Love from the committee on the judiciary to whom was referred Senate file No. 74,

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

Also,

H. R. file No. 172 and Senate file No. 93, with the same recommendation.

Also,

H. R. file 130, and Senate files Nos. 71 and 97, without recommendation.

Mr. Preston from the majority of the select committee to whom was referred H. R. file Nos. 46 and 70,

Reported back the same and recommended its passage.

The following bills were introduced of which previous notice had been given—

By Mr. Hull,

Senate file No. 101, A bill for an act to appoint three commissioners to examine the financial condition of the Des Moines river improvement,

Which was read a first and second time, and

On motion,

Referred to the committee on Internal Improvements.

By Mr. Lewis :

Senate file No. 102, a bill for an act granting lands to the trustees of Iowa College for the endowment of a common school teacher's department in Iowa College, which

On motion of Mr. Love,

Was referred to a select committee.

The President appointed Messrs. Love, McKinney and Lewis said committee.

By Mr. Coop :

Senate file No. 103, a bill for an act to appropriate a portion of the University lands;

Which was read a first and second time, and

On motion,

Referred to the select committee having similar subjects under consideration.

By Mr. Lewis :

Senate file No. 104, joint resolution appointing trustees for the State University of Iowa;

Which was read a first and second time, and

Laid on the table.

By Mr. Hull:

Senate file No. 105, a bill to regulate the practice of medicine and surgery in the State of Iowa;

Which was read a first and second time, and

On motion,

Referred to the select committee on this subject.

By Mr. Spees:

Senate file No. 106, a bill for an act to change the name of South Bentonsport to Vernon;

Which was read a first and second time; and,

On motion,

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

By Mr. Shields:

Senate file No. 107, joint resolution authorising the Secretary of State, to forward the code of Iowa, to the public libraries in the city of Washington;

Which was read a first and second time; and,

On motion,

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

By Mr. Love:

Senate file No. 108, a bill for an act regulating set-off in courts of law.

Senate file No. 109, an act further to regulate appeals and writs of errors in the Supreme Court.

Senate file No. 110, a bill for an act further to regulate appeals to the district court.

Senate file No. 111, a bill for an act further to regulate the practice of the courts of this State.

Senate file No. 112, a bill for an act to repeal section 1751 of the code of Iowa.

Senate file No. 113, a bill for an act to amend section 1848 of the Code of Iowa.

Senate file No. 114, a bill for an act to amend section 2122 of the code of Iowa.

Which were severally read a first and second time; and,

On motion,

Referred to the committee on the judiciary, with instructions to consolidate the same in one bill.

By Mr. Preston:

Senate file No. 115, an act to authorise James Johnson to transcribe the records of Benton county;

Which was read a first and second time, and

Ordered to be engrossed and passed to a third reading to-morrow.

By Mr. Johnson:

Senate file No. 116, joint resolution in relation to Greene's reports

Which was read a first and second time; and,

On motion,

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

By Mr. Everson:

Senate file No. 117, a bill for an act to vacate a part of the town of Toolsborough, in Louisa county;

Which was read a first and second time; and,



On motion,

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

By Mr. Everson:

Senate file No. 118, a bill for an act to amend chapter 196 of an act for revising and consolidating the general statute of the State of Iowa;

Which was read a first and second time; and,

On motion,

Referred to the committee on the judiciary.

Message from the House of Representatives, by Mr. Hooton, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House concurs in the Senate amendment to

Substitute for H. R. files Nos. 73, 99 and 101;

Also, that the House has passed H. R. file No. 131, a bill for an act to restrain sheep and swine from running at large in the counties of Linn, Louisa, Cedar and Benton;

Also,

Substitute for H. R. file No. 140, a bill for an act to create the county of Webster;

Also,

H. R. file No. 161, a bill for an act to create an additional election precinct in Van Buren county;

Also,

H. R. file No. 165, a bill for an act to amend the several acts relative to a State Printer.

Also,

H. R. file No. 172 A, a bill for an act to dispose of the saline lands;

Also,

H. R. file No. 176, a bill for an act making appropriations for the fiscal years 1853, 1854, and for the pay of mileage and per diem of the members of the fourth General Assembly, and its officers;

Also,

H. R. file No. 178, a bill for an act to authorise the county judge of Keokuk county to transcribe certain records of said county;

Also,

H. R. file No. 181, memorial and joint resolution to Congress for compensation of officers and men engaged in the Missouri war.

In which the concurrence of the Senate is requested.

I herewith return,

Senate file No. 91, a bill for an act vacating certain streets and an alley in the town of Bentonsport, Van Buren county.

The same having passed the House without amendment.

I herewith return,

Senate file No. 20, No. 27, No. 56, No. 57, No. 66 and No. 80.

The same having received the signature of the Speaker of the House of Representatives.

I herewith present for your signature,

Substitute for H. R. file Nos. 73, 99 and 101, an act granting to rail road companies the right of way.

The same having passed both branches of the General Assembly.

H. R. file 122, a bill for an act to provide for the election of Attorney General and define his duties.

Was read a third time; and,

On motion,

Referred to the committee on the judiciary.

The following bills were read a third time, passed and titles agreed to:

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

H. R. file No 6, a bill for an act to define the boundaries of Dallas county.

H. R. file No. 132, a bill for an act allowing fees in certain cases.

H. R. file No. 136, a bill for an act to amend the charter of the town of Fort Madison.

H. R. file No. 138, a bill for an additional justice of the peace in Washington township, Warren county.

H. R. file No. 150, a bill for an act to authorise I. D. Guiberson to transcribe the records of Madison county.

H. R. file No. 155, a bill for an act to change the name of Kaneshville to Council Bluffs.

H. R. file No. 158, a bill for an act to change the name of the town of Creesville in Jefferson county to Botavia.

Substitute for H. R. file No. 196, a bill to amend an act for the encouragement of agricultural societies.

Senate file No. 96, an act to amend section 1272 of the Code of Iowa.

Senate file No. 81, a joint resolution to procure certain additional mail facilities.

Senate file No. 94, a bill for an act to amend the charter of the city of Muscatine.

Senate file No. 95, a bill for an act requiring guardians to account for the property of minors.

Senate file No. 98, a bill for an act to relocate the county seat of Alamakee county.

H. R. file No. 156, joint resolution appointing trustees of the branch of the state university at Fairfield.

Was read a third time, and

On the passage of the bill,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Browning, Coop, Cowles, Crothwait, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Sales, Schramm, Shields, Wing and Mr. President—26.

NAYS—Messrs. Clark, Hepner, Preston and Spees—4.

So the bill was passed and title agreed to.

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

Was read a third time.

Mr. Browning moved to lay the bill on the table.

Pending which,

A call of the Senate was ordered, and Mr. Price reported absent.

On motion,

The call was suspended.

And the question recurring on the motion to lay the bill on the table,

The yeas and nays were ordered, and the motion was lost by the following vote:

YEAS—Messrs. Browning, Clark, Crothwait, Fisher, Hillis, Hepner, Hull, McKinney, Needham, Park, Preston, Wing and Mr. President—13.

NAYS—Messrs. Coop, Cowles, Everson, Fletcher, Harris, Hedrick, Hendershott, Johnson, Lewis, Love, Lowe, Lucas, McAchran, Price, Sales, Schramm, Shields and Spees—18.

Mr. Hepner moved to refer the bill to the committee on internal improvements.

Lost.

The question being on the passage of the bill,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Coop, Cowles, Crosthwait, Everson, Fletcher, Harris, Hedrick, Hendershott, Johnson, Lewis, Love, Lowe, Lucas, McAchran, Price, Sales, Schramm, Shields, Spees and Mr. President—20.

NAYS—Messrs. Browning, Clark, Fisher, Hillis, Hepner, Hull, McKinney, Needham, Park, Preston and Wing—11.

So the bill was passed and the title agreed to.

On motion,

The Senate adjourned.

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#### HALF-PAST ONE O'CLOCK, P. M.

Substitute for Senate file No 64, a bill in relation to paper currency,

Was taken up.

The question being on the adoption of the substitute,

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

YEAS—Messrs. Clark, Coop, Fisher, Fletcher, Hillis, Hendershott, Hepner, Hull, Johnson, Lewis, Lucas, Park, Preston, Shields, Wing and Mr. President—15.

NAYS—Messrs. Browning, Cowles, Crosthwait, Everson, Harris, Hedrick, Love, Lowe, McAchran, McKinney, Needham, Sales, Schramm and Spees—14.

And the substitute was adopted.

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

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Clark, Coop, Fisher, Hillis, Hendershott, Hepner, Hull, Johnson, Lewis, Lucas, Park, Preston, Shields, Wing and Mr. President—15.

NAYS—Messrs. Browning, Cowles, Crosthwait, Everson, Harris

Hedrick, Love, Lowe, McAchran, McKinney, Needham, Sales, Schramm, and Spees—14.

On motion,

Substitute for H. H. file No. 1, a bill for an act to amend section 2388 of chapter 130 of the code of Iowa,

Was adopted.

And the question being on ordering the bill to be read a third time to-morrow,

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Hedrick, Hendershott, Hepner, Johnson, Lewis, Love, Lowe, Lucas, M'Achran, M'Kinney, Needham, Park, Preston, Sales, Schramm, Shields, Spees, Wing and Mr. President—26.

NAYS—Messrs. Browning, Harris, Hillis, and Hull—4.

H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington,

Was taken up,

With the following amendments thereto, reported by the special committee, namely :

First—Insert between the words “by” and “law,” in the fifth line of section one, “the general.”

Second—Strike out of the eighth line, of the same section, the words “and fifty cents.”

On motion,

The amendments were adopted and the bill passed to a third reading to-morrow.

The Senate took up Senate file No. 39, joint resolution instructing our senators and requesting our representatives to oppose the levying of tonnage duties.

Mr. Love moved that the bill be indefinitely postponed.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Clark, Coop, Cowles, Fisher, Harris, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, Preston, Sales, Shields, Wing and Mr. President—18.

NAYS—Messrs. Browning, Crosthwait, Everson, Hillis, Hedrick, McAchran, McKinney, Needham, Park, Schramm, and Spees—11.

Senate file No. 58, a bill for an act on the subject of change of venue,

Was taken up,

With the following amendments :

SECTION 1. That a change of venue may be had in suits pending before justices of the peace for like cause as in the district court, and upon like application.

SEC. 3. That a change of venue in justices courts, shall be to some justice in the same township if there is one, and cause does not exist otherwise, to the nearest justice in some adjoining township where cause does not exist.

Strike out of title the words "to amend section 1705 of chapter 102 of the code of Iowa."

On motion,

The amendments were adopted and the bill ordered to be engrossed and read a third time to-morrow.

H. R. file No. 166, a bill for an act to locate the seat of justice of Blackhawk county,

Was taken up,

With the following amendment thereto, namely :

'Section 5. That the counties of Bremer, Grundy and Butler, shall be and are hereby attached to the county of Blackhawk for judicial, elective and revenue purposes.

On motion,

The amendment was adopted and the bill ordered to be read a third time to-morrow.

The Senate took up Senate file No. 74. a bill for an act to amend chapter 129 of the code, concerning suits of attachment and replevin issued by justices of the peace, with the following amendment

Strike out section 5, and insert "Section 5. Section 2359 of chapter 124 of the code, is hereby repealed, and sections 1846 and 1852 of the code are hereby declared applicable to proceedings in justice's courts."

On motion.

The amenduement was adopted and the bill ordered to be engrossed, and read a third time to-morrow.

H. H. file No. 172, a bill for an act relinquishing an escheat.

Mr. Browning moved to amend by adding:

"And be it further enacted, That the right or title hereby relinquish-

ed to said widow, shall not in any way or manner enure to, or vest in any prior purchasers, their heirs or assigns, by any contract made with said widow prior to the taking effect of this act; nor shall the same enure to any purchasers, their heirs or assigns, under any executor or administrator's sale, nor under any judicial sale made prior to the taking effect of this act; but the title hereby relinquished shall vest in said widow for her sole and separate use, unencumbered or affected by any incumbrance or lien prior to the taking effect of this act."

Which was adopted, and

On motion,

The bill was passed to a third reading to-morrow.

On motion,

Senate file No. 93, a bill to amend the law in relation to executors,

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

Message from the House, by Mr. Hooton, Chief Clerk:

MR. PRESIDENT—I herewith return substitute for Senate file No. 3, an act regulating the interest on money;

Also,

Senate file No. 35, an act to incorporate the town of Fort Desmoines in Polk county;

The same having received the signature of the Speaker of the House of Representatives.

On motion of Mr. Everson,

H. R. file No. 130, a bill for an act regulating the terms of the Supreme court.

Was laid on the table.

Senate file No. 71, an act regulating the transfer of personal property.

Was taken up; and,

On motion,

Laid on the table.

Senate file No. 97, a bill for an act providing for the authentication of claims against the State,

Was taken up, with two amendment, namely:

1st. Strike out of section first the words "as is required to authenticate claims against the estates of decedents," and insert "as may be required by said judge."

2nd. Add a section as follows:

**SECTION 5.** Said county judge shall certify with said claim all papers and written evidence received by him, and an accurate statement of any oral evidence adduced before him, and if said county judge shall reject said claim, he shall nevertheless, when requested by the claimant, certify said paper, and written and oral evidence as aforesaid and deliver the same to the claimant and receiving from him a fee therefor at the rate of ten cents per hundred words.

On motion,

The amendments were agreed to.

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

On which, the yeas and nays were demanded and the motion was lost by the following vote:

**YEAS**—Messrs. Browning, Clark, Coop, Cowles, Fisher, Fletcher, Hillis, Hendershott, Lewis, Love, Lowe, Preston, Sales, Schramm and Shields—15.

**NAYS**—Messrs. Crosthwait, Everson, Harris, Hedrick, Hepner, Hull, Johnson, Lucas, McAchran, McKinney, Needham, Park, Spees, Wing and Mr. President—15

Absent—Mr. Price.

Mr. Lowe moved that the bill be engrossed, and read a third time on Thursday.

On which, the yeas and nays were ordered and the motion was lost by the following vote:

**YEAS**—Messrs. Browning, Clark, Coop, Cowles, Fisher, Fletcher, Hillis, Hedrick, Hendershott, Love, Lowe, Preston and Schramm—13.

**NAYS**—Messrs. Crosthwait, Everson, Harris, Hepner, Hull, Johnson, Lewis, Lucas, McAchran, McKinney, Needham, Park, Sales, Shields, Spees, Wing and Mr. President—17.

Absent—Mr. Price.

On motion of Mr. McKinney,

The bill was indefinitely postponed.

The Senate took up

Substitute for H. R. files Nos. 46 and 70, a bill for an act fixing the boundaries of the several judicial districts.

Mr. Needham offered the following amendment which was adopted:

The terms of the court in said district shall be held; commencing on the first day of each term, at 11 o'clock, A. M., as follows:



In the county of Mahaska on the second Mondays in January and August.

In the county of Wapello on the fourth Mondays of January and August.

In the county of Davis on the second Mondays in February and September.

In the county of Van Buren on the fourth Mondays in February and September.

In the county of Jefferson on the fourth Monday in March and third Monday in October.

In the county of Keokuk on the second Monday after the fourth Monday in March, and on the first Monday in November. Provided, that this act shall not take effect, as to the third district, until the first day of May next.

Mr. Hull offered the following amendment :

That the counties of Warren and Madison shall remain in the fifth judicial district.

On which,

The yeas and nays were ordered, and the amendment was lost by the following vote:

YEAS—Messrs. Coop, Crosthwait, Everson, Hillis, Hull, McAchran, McKinney, Needham, and Park—9.

NAYS—Messrs. Clark, Cowles, Fisher, Fletcher, Harris, Hedrick, Hendershott, Hepner, Johnson, Lewis, Love, Lowe, Lucas, Preston, Shields, Wing, and Mr. President—17.

Absent—Messrs. Browning, Price, Sales and Schramm.

On motion of Mr. Crosthwait,

Senate file No. 10, a bill for an act to amend chapter 83 of the code of Iowa, concerning the estates of decedents.

Was taken up

From the table and referred to a select committee.

The President appointed Messrs. Browning, Hepner, Love, Preston and Crosthwait, said committee.

H. R. file No. 181, memorial and joint resolution to Congress for compensation of officers and men engaged in the Missouri war,

Was read a first and second time,

Mr. Browning moved that it be read a third time to-morrow.

The yeas and nays were ordered and the motion lost by the following vote:

**YEAS**—Messrs. Browning, Coop, Cowles, Crosthwait, Harris, Hendershott, McKinney, Preston, Schramm, Spees, Wing and Mr. President—12.

**NAYS**—Messrs. Clark, Everson, Fisher, Fletcher, Hillis, Hedrick, Hepner, Hull, Johnson, Lewis, Lowe, Lucas, McAchran, Needham, Park, and Shields—16.

Absent, Messrs. Love, Price, and Sales.

On motion of Mr. Hull,

The bill was indefinitely postponed.

H. R. file No. 176, a bill for an act making appropriations for the fiscal years 1853 and 1854, and for the pay and mileage and per diem of the members of the fourth General Assembly and its officers,

Which was read a first and second time, and

On motion,

Referred to the committee on ways and means.

H. R. file No. 178, a bill for an act to authorise the county judge of Keokuk county to transcribe certain records of said county,

Was read a first and second time, and

On motion,

Referred to the committee on internal improvements, with instructions to report a general law on the subject.

H. R. file, a bill for an act to create an additional election district in Village township, Van Buren county,

Was read a first and second time, and

On motion,

Referred to the committee on county boundaries.

H. R. file No. 172, a bill for an act to dispose of the saline lands,

Was read a first and second time.

Mr. Hull moved to strike out the word "minimum."

Lost.

And on motion,

The bill was referred to the select committee on the university lands.

Substitute for H. R. file No. 140, a bill for an act to create the county of Webster,

Was read a first and second time, and passed to a third reading to-morrow.

H. R. file No. 131, a bill for an act to restrain sheep and swine from running at large in the counties of Linn, Louisa, Cedar, &c.,

Was read a first and second time, and

On motion of Mr. Coop,

Laid on the table.

H. R. file No. 165, a bill for an act to amend the existing laws in relation to State Printer.

Was read a first and second time, and

On motion of Mr. Harris.

Referred to a select committee of five.

The President appointed Messrs. Harris, McKinney, Needham, Shields and Love that committee.

Mr. Wing, from the committee on enrolled bills, reported, Senate files Nos. 7, 50, 11, and 91, correctly enrolled.

And on motion,

The Senate adjourned until seven o'clock P. M.

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SEVEN O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Browning, Coop, Fisher, Fletcher, Hillis, Hedrick, Hendershott, Lewis, Love, Lowe, Needham, Park, Price, Shields and Wing reported absent.

Mr. Coop, from the committee on agriculture, by leave, made the following

REPORT:

Committee on agriculture, to whom was referred the petition of sundry votes and citizens, ladies and youths, on the subject of temperance, &c., report:

That they have had the same under consideration, and upon a careful examination, find the number of

Voters and Citizens to be.....	2,784
Ladies and Youths.....	1,655

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Making in the aggregate.....4,439

They also find the petition of 315 citizens, of the county of Wapello, asking the passage of a law authorising the granting of license to retail ardent spirits in this State.

Your committee with all due deference to the above petitioners, have come to the conclusion that it would be useless or unnecessary for them to take any further action on the subject, as there are two bills now pending before the Senate—one containing very nearly the entire provisions of the Maine liquor law; whilst the other provides for the granting of license to retail intoxicating drinks:

The above is respectfully submitted, and your committee ask to be discharged from the further consideration of the subject.

Seven o'clock and fifteen minutes—The Senate went into a committee of the whole on

Senate file No. 82, a bill for the suppression of drinking houses and tippling shops.

Special order for this evening.

Nine o'clock—The committee rose, and through its chairman, reported that some innovations had been made upon the bill, and asked leave to sit again to-morrow evening. Granted.

On motion,

The Senate adjourned.

## TUESDAY MORNING, JANUARY 18, 1853.

The Senate met pursuant to adjournment.

Petitions and memorials were presented as follows:

By Mr. Lewis:

The remonstrance of David Dickerson and 151 others against the relocation of the county seat of Clayton county:

Laid on the table.

By Mr. Sales:

The claim of S. J. Dunham against the State of Iowa for \$60,00, pay for assistant fireman.

Also;

Of William Haddock for \$2,00 due for four copies of the Anamosa News.

Also,

Of John Clark for \$132,00 for 73 copies of the Legislative Reporter and 118 copies of the Capital Reporter.

Referred to the committee on claims.

By Mr. Preston:

The petition of Jas. Hazlett, Sen. and others, relative to a state road.

Referred to the committee on roads.

By Mr. Everson:

The petition of John B. Webster and 34 others, and of Miss Snyder and 42 others.

Laid on the table.

Mr. Schramm from the committee on engrossed bills, reported Senate files Nos. 115, 64, 74, 106, 117, 93, 58, 107 and 116, correctly engrossed.

Mr. Hepner from the committee on internal improvements, to whom was referred H. R. file No. 178,

Reported substitute therefor.

Mr. Preston from the committee on judiciary, to whom was referred H. R. file No 122,

Reported back the same with two amendments and recommended its passage.

Mr. Preston from the select committee to whom was committed the majority and minority reports relative to the classification of senators,

Reported the same back and recommended the adoption of the minority report.

Mr. Lowe from the committee on roads, to whom was referred substitute for substitute for H. R. file No. 36,

Reported the same back and recommended its passage.

Mr. Love from the committee on the judiciary, to whom was referred Senate files Nos. 108, 109, 110, 111, 113, 114 and 118,

Reported the same back and recommended their passage.

Mr. Hedrick from the special committee to whom was referred the petition relative to the election of a justice of the peace in Ashland, Wapello county,

Reported Senate file No. 120, a bill for an act to provide for the election of a justice of the peace in Ashland, Wapello county.

Mr. Schramm to whom was referred the petition of John Remlein, Reported the same and recommended that its prayer be granted.

Mr. Fletcher from the select committee to whom was referred, the resolution relative to a reduction in the price of university lands;

Reported adversely, and asked to be discharged from the further consideration of the subject.\*

The committee was discharged.

Mr. Fletcher from the committee on public lands, to whom was referred H. R. file No. 10,

Reported the same back and recommended its passage.

Mr. Hedrick from the committee on enrolled bills, reported that they had presented to his excellency, the governor for his approval, substitute for Senate files Nos. 3 and 27.

Also,

Senate files Nos. 35, 80, 20, 66, 56 and 57.

Mr. Hull from the select committee, to whom was referred Senate file No. 103,

Reported the same back and recommended its passage.

Mr. Fletcher from the select committee, to whom was referred H. R. file No. 146,

Reported a substitute therefor.

Mr. Love introduced,

Senate file No. 119, a bill for an act to establish an insane asylum, which was read a first and second time; and,

On motion,

Referred to the select committee on saline lands.

The following bills were read a third time, passed and titles agreed to:

Substitute for H. R. file No. 1, a bill for an act to amend section 2388 of chapter 130 of the Code of Iowa.

H. R. file No. 79, a bill for an act to amend the charter of the city of Burlington.

H. R. file No. 166, a bill for an act to locate the seat of justice of Blackhawk county.

H. R. file No. 172, a bill for an act relinquishing an escheat.

Substitute for H. R. file No. 140, a bill for an act to create the county of Webster.

Senate file No. 116, joint resolution in relation to Greene's Reports.

Senate file No. 107, joint resolution authorizing the Secretary of State to forward the code of Iowa to the public libraries in the city of Washington.

Senate file No. 58, a bill for an act on the subject of change of venue.

Senate file No. 93, a bill for an act to amend the law in relation to executors, &c.

Senate file No. 117, a bill for an act to vacate a part of the town of Toelsborough in Louisa county.

Senate file No. 106, a bill for an act to change the name of South Bentonsport to Vernon.

Senate file No. 74, a bill for an act to amend chapter 129 of the code, concerning writs of attachments and replevin issued by justices of the peace.

Substitute for Senate file, No. 64, a bill in relation to paper currency.

Was read a third time.

On motion of Hepner,

The blank in section 6 was filled with the word "October."

The question being on the passage of the bill,

The yeas and nays were ordered, and resulted as follows :

YEAS—Messrs. Clark, Coop, Fisher, Fletcher, Hendershott, Hepner, Hull, Johnson, Lewis, Lucas, Park, Preston, Sales, Shields, Wing and Mr. President.—16.

NAYS—Messrs. Browning, Cowles, Crothwait, Everson, Harris, Hillis, Hedrick, Love, Lowe, McCachran, McKinney, Needham, Price, Schramm, and Spees—15.

So the bill passed.

Mr. Everson moved to strike out the title and insert,

"A bill for an act to fetter business and enable the rich to oppress the poor."

On which,

The yeas and nays were ordered and the motion lost by the following vote :

YEAS—Messrs. Crothwait, Everson, McCachran and Spees—4.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, McKinney, Needham, Park, Preston, Price, Sales, Schramm, Shields, Wing and Mr. President—27.

Mr. Schramm moved to strike out the title and insert,

"A bill for extirpating the paper currency in this State."

Lost.

And the title was agreed to.

Substitute for H. R. files Nos. 46 and 70, a bill for an act fixing the boundaries of the several judicial districts.

Was read a third time and passed,

And the title being amended so as to read,

“A bill for an act fixing the boundaries of the several judicial districts and the times of holding the courts therein,

Was agreed to.

On motion,

Senate file No. 115, an act to authorize James Johnson to transcribe the records of Benton county.

Was laid on the table.

Message from the House, by Mr. Hooton, Chief Clerk:

Mr. PRESIDENT—I herewith present for your signature,

H. R. file No. 6, an act to define the boundaries of Dallas county;

Also,

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

Also,

H. R. file No. 132, an act allowing fees in certain cases;

Also,

H. R. file, No. 136, an act to amend the charter of the town of Fort Madison;

Also,

H. R. file No. 138, an act for an additional justice of the peace in Washington township, Warren county;

Also,

H. R. file No. 150 an act to authorize I. D. Guiberson to transcribe the records of Madison county;

Also,

H. R. file No. 155, an act to change the name of Kaneshville to Council Bluffs;

Also,

H. R. file No. 156, joint resolution appointing trustees of the State University at Fairfield;

Also,



H. R. file No. 158, a bill for an act to change the name of Creesville in Jefferson county to Botavia;

All of which has passed both branches of the General Assembly.

Mr. Shields, from the committee on ways and means, to whom was referred,

H. R. file No. 176, a bill for an act making appropriations for the fiscal years 1853 and 1854, and for the pay of mileage and per diem of the members of the fourth General Assembly and its officers,

Reported back the same and recommended its passage.

On motion,

The 11th rule was suspended, and the bill read a third, passed and title agreed.

On motion,

Substitute for H. R. file No. 178, a bill to amend section 106 of the code of Iowa.

Was adopted, and the bill passed to a third reading to-morrow.

Message from the House, by Mr. Hooton, Chief Clerk.

Mr. PRESIDENT—I am directed to inform the Senate, that the House has passed

H. R. file No. 157, a bill for an act to re-apportion the State into Representative districts;

Also,

H. R. file No. 190, a bill for an act to vacate a part of Ingram and Ramsey's addition to Agency City, in Wapello county,

In which the concurrence of the Senate is requested.

Also, that the House has amended the Senate amendment to

H. R. file No. 113, a bill for an act authorising township trustees to levy a special tax to redeem outstanding orders, which struck out all the bill and left the title, and the House amendment strikes out the title;

Also, that the House has passed,

Senate file No. 60, a bill for an act to amend the charter of the city of Keokuk, with one amendment;

Also,

Senate file No. 67, an act regulating the disposal of lands purchased for town lots, with an amendment to the title;

Also,

Senate file No. 70, an act to amend an act to incorporate and establish the city of Dubuque with amendments.

In which the concurrence of the Senate is requested.

The Senate took up the majority and minority reports of the select committee, relative to the classification of Senators.

The question being on the adoption of the minority report,

The yeas and nays were ordered, and the report was adopted by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Ever-son, Fisher, Harris, Hillis, Hedrick, Hendershott, Hepner, Hull, Johnson, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Price, Schramm, Shields, Spees, Wing and Mr. President—27.

NAY—Mr. Sales.

Excused—Messrs. Fletcher, Lewis and Preston.

In accordance with the report, the Senate then proceeded to the classification of members, and the following were ascertained to be increased Senators: Messrs. Park, Shields, McAchran, Needham, Lucas, Johnson, Hedrick, Fletcher, Clark, Wing, Price and Hull.

The increase members then proceeded to classify between themselves, and it was ascertained that Messrs. Clark, Lucas, Needham, McAchran, Park and Shields had drawn long terms, and were the Senators holding over; and that Messrs. Price, Fletcher, Hull, Johnson, Hedrick and Wing had drawn the short terms.

On motion,

H. R. file No. 122, a bill for an act to provide for the election of attorney general and define his duties,

Was taken up.

With the following amendments, which were adopted:

First—Strike out the word "six" in the seventh section and insert "ten."

Second—Strike out all after the word "court" in the eighth section.

Substitute for substitute for H. R. file No. 36, a bill for an act providing for the election of supervisors and defining their duties.

The question being on ordering the bill to a third reading tomorrow,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Ever-son, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, Needham, Park, Preston,

Price, Sales, Schramm, Shields, Spees, Wing and Mr. President.—29.

NAYS—Messrs. Hepner—1.

Absent, Mr. McKinney.

The following bills were severally ordered to be engrossed and read a third time to-morrow :

Senate file No. 118, a bill for an act to amend chapter 136 of an act for revising and consolidating the general statutes of the State of Iowa.

Senate file No. 114, a bill for an act to amend section 2122 of the code of Iowa.

Senate file No. 113, a bill for an act to amend 1848 of the code of Iowa.

Senate file No. 108, a bill for an act regulating set-off in courts of Iowa.

Senate file No. 111, a bill for an act further to regulate the practice of the courts in this State.

Senate file No. 120, a bill for an act to provide for the election of a justice of the peace in Ashland, Wapello county.

Senate file No. 99, an act granting incorporated companies the right of way.

Senate file No. 115, an act to authorize James Johnson to transcribe the records of Benton county.

Was taken up.

And on motion,

Was laid on the table.

Senate file No. 109, an act further to regulate appeals and writs of error in the supreme court, was,

On motion,

Laid on the table.

H. R. file No. 10, preamble and joint resolution of instruction upon the homestead bill,

Was taken up.

Mr. Hepner moved that the bill be

Laid on the table.

Lost.

On motion of Mr. Sales,

The bill was referred to the committee on the judiciary.

On motion of Mr. Love,

The vote ordering Senate file No. 108 to a third reading,

Was reconsidered.

Mr. Love moved to amend the last section by adding thereto, "but a party may include in his petition as many causes of action of the same character as he may deem expedient."

On which,

The yeas and nays were ordered, and the amendment prevailed by the following vote :

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Ever-son, Fisher, Harris, Hillis, Hedrick, Hendershott, Johnson, Lewis, Love, Lucas, McAchran, McKinney, Needham, Park, Preston, Price, Sales, Schramm, Shields, Spees, Wing and Mr. President—27.

NAYS—Messrs. Fletcher, Hepner, Hull and Lowe—4.

On motion,

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

The petition of John Remlein was taken up, and

On motion of Mr. Hull,

Laid on the table.

On motion of Mr. Browning,

The petitioner was employed to act as assistant fireman during the remainder of the session.

Senate file No. 105, a bill to regulate the practice of medicine and surgery of the State of Iowa,

Was taken up.

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

Pending which,

On motion,

The Senate adjourned.

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#### HALF PAST ONE O'CLOCK, P. M.

The question being on ordering Senate file No. 105, to be engrossed and read a third time to-morrow.

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Browning, Cowles, Crosthwait, Fletcher, Hillis, Hed-

rick, Hall, Lewis, Love, Lucas, Park, Preston, Price, Sales, Shields, Spees and Mr. President—17.

**NAYS**—Messrs. Clark, Coop, Everson, Fisher, Hendershott, Hepner, Johnson, Lowe, McAchran, McKinney, Needham, Schramm and Wing.—14.

Substitute for H. R. file No. 146, a bill for an act appointing agents to superintend the making levees and drains to reclaim certain swamp lands in the counties of Muscatine and Louisa,

Was taken up.

On motion of Mr. Everson,

The last section was amended so as to read

“This act to take effect from and after its publication in the “Muscatine Enquirer” and “Louisa County Times :” provided, the state shall be at no expense for said publication.”

The bill then passed to a third reading to-morrow.

On motion of Mr. Shields,

Senate file No. 25, an act to amend so much of the Code of Iowa, as provides for the sale of intoxicating liquors,

Was taken from the table, and

Referred to a select committee.

The President appointed Messrs. Browning, Shields, Preston, McKinney and Johnson said committee.

On motion of Mr. Love,

Substitute for H. R. file No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Des Moines river improvement, &c.,

Was taken from the table.

On motion of Mr. Love,

The Senate concurred in the amendment of the House, first striking out the last proviso to said amendment.

On motion of Mr. Browning,

H. R. file No. 129, and Senate file No. 76, in relation to evidence,

Were taken from the table, and

Referred to the committee on the judiciary, with instructions to consolidate their provisions into one bill.

On motion of Mr. Preston,

H. R. file No. 130, a bill for an act regulating the terms of the Supreme Court,

Was taken from the table.

On motion of Mr. Johnson,

Section 3 was stricken out and the following inserted:

SECTION 3. It shall be the duty of the clerk of the supreme court, to arrange the causes pending in classes, so that the causes from the first judicial district shall be first heard and determined, and so on by judicial districts in their numerical order, giving such certain number of days or weeks for the causes of each district, as in his judgment may be proper; and it shall further be his duty so to arrange them, and publish the same in some newspaper published at the seat of government, at least four weeks before the commencement of said court, which notice shall be published once a week until the sitting of said court.

Mr. Hendershott offered the following amendment:

2nd. The first term of said court shall be held on the first Monday, in July, 1854, and there shall be a term commencing on the first Monday of July and January of each year thereafter.

Lost.

Mr. Browning offered the following amendment,

Which was adopted:

"All causes now pending in any of the Supreme, District Courts and undetermined (except in the Iowa City district) shall be returned to the January term, 1854, of said Supreme court, to be heard and determined.

Mr. Hendershott moved to add to section six:

And each of said clerks shall be paid out of the treasury, for returning and depositing said papers and records, the same compensation as is now allowed to county treasurer under section 513 of the code."

Lost.

Mr. Preston moved that the bill be read a third time to-morrow.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote.

YEAS—Messrs. Clark, Cowles, Crothwait, Everson, Fisher, Fletcher, Hepner, Lewis, Lowe, Lucas, Park, Preston, Price, Sales, Schramm, Spees, Wing and Mr. President—18.

NAYS—Messrs. Browning, Coop, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Love, McAchran, Needham and Shields—12

Absent—Mr. McKinney.

On motion,

Senate file No. 37, a bill in amendment of the code.

Was taken from the table.

Mr. Hepner offered the following amendment to that portion of the bill relative to a homestead:

A homestead shall extend to 160 acres of land with the improvements thereon, or a town lot with the improvements on the same.

On which amendment,

The yeas and nays were ordered, and the amendment was lost by the following vote:

YEAS—Messrs. Browning, Coop, Fisher, Hepner, Johnson, Lewis, Needham, Park, Wing and Mr. President—10.

NAYS—Messrs. Clark, Cowles, Crosthwait, Everson, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Love, Lowe, Lucas, McAchran, McKinney, Preston, Price, Sales, Schramm, Shields and Spees—21.

Mr. Browning moved to strike out the section in relation to a homestead.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Crosthwait, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Hepner, Johnson, Lewis, Lowe, LuMcAhrn, McKinney, Needham, Park, Price, Schramm, Spees, Wing and Mr. President—23.

NAYS—Messrs. Coop, Cowles, Hendershott, Hull, Love, Preston, Sales and Shields—8.

On motion of Mr. Preston,

The preceding section was stricken out.

On motion of Mr. Shields,

Resolved, That the President of the Senate be and he is hereby allowed two dollars per diem as extra pay for his services during the present session of the General Assembly.

Mr. Hepner offered the following:

Resolved, That all local or private business, from and after the passage of this resolution, shall yield to business of a general nature.

Notices of new bills were given as follows—

By Mr. Preston:

A bill to change the name of Fremont, Benton county, to Vinton.

By Mr. Johnson:

A bill to establish a branch of the State University of Iowa, at Council Bluffs.

By Mr. Hendershott:

A bill to amend the code on the subject of dower.

On motion,

The Senate adjourned until 7 o'clock, P. M.

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SEVEN O'CLOCK, P. M.

A call of the Senate was ordered, and Messrs. Browning, Cowles, Hedrick, Hendershott, Hull, Johnson, McAchran and Schramm were reported absent.

The call was suspended.

And the Senate went into committee of the whole on

Senate file No. 82, a bill for an act for the suppression of drinking houses and tippling shops.

Special order for this hour.

Nine o'clock and 30 minutes.—Committee rose and asked leave to sit again.

On motion,

The Senate adjourned.

WEDNESDAY MORNING, JANUARY 19, 1853.

The Senate met pursuant to adjournment.

Mr. Schramm from the committee on engrossed bills reported Senate files Nos. 99 and 111 correctly engrossed.

Petitions and memorials were presented as follows:

By Mr. Fisher:

The petition of John Laughlan and one hundred and seventy others, relative to the formation of a new county.

Referred to the committee on new counties.



By Mr. McKinney:

The claim of Joseph D. Hoag against the State for services as locating commissioner of Monroe city.

Referred to the committee on claims.

By Mr. Preston:

The remonstrance of W. C. Stanbery and two others, against the re-chartering of the Cedar Rapids manufacturing company.

Laid on the table.

By Mr. Shields:

The petition of B. J. O'Halloran and twenty-four others, of Dubuque county asking the right to take stock in railroad companies.

Referred to the committee on Internal Improvements.

Also,

The petition of Joel W. Higgin and forty-four others, relative to a State road.

Referred to the committee on roads.

Also,

The petition of Nicholas Butler and forty-seven others, relative to the vacation of a State road.

Referred to a special committee of the Senators from Dubuque and Clayton counties.

Also,

The petition of T. J. Marius and sixty-six others, relative to the salaries of county officers.

Laid on the table.

By Mr. Spees:

The petition of William Avery and thirty-five others, relative to a change in a certain State road.

Referred to the committee on roads.

Mr. Browning from the select committee, to whom was referred Senate file No. 25;

Reported back the same, with two amendments, and recommended its passage.

Mr. Fletcher from the committee on public lands, to whom was referred H. R. file No. 45,

Reported back the same, with two amendments, and recommended its passage.

Mr. Shields from the committee on ways and means, to whom was referred substitute for H. R. file No. 135,

Reported the same back and recommended its passage.

Mr. Lowe from the committee on roads, to whom was referred sundry petitions, &c.,

Reported Senate file No. 122, a bill for an act in relation to certain state roads therein named.

Mr. Love from the select committee, to whom was referred H. R. file No. 172,

Reported the same back with sundry amendments, and recommended its passage.

Mr. Hepner from the committee on internal improvements, to whom was referred Senate file No. 101,

Reported the same back without amendment.

Mr. Hendershott from the committee on claims, to whom was referred H. R. file No. 124,

Reported the same back and recommended its passage.

Mr. Love from the select committee, to whom was referred Senate file No. 119, a bill for an act to establish an insane asylum,

Reported the same back, with sundry amendments, and recommended its passage.

Mr. Love from the committee on the judiciary, to whom was referred H. R. file No. 129, and Senate file No. 76,

Reported back the same with amendments, and recommended their passage.

Mr. Love from the select committee, to whom was referred Senate file No. 102,

Reported the same back and recommended its indefinite postponement.

Mr. Lewis, by leave, introduced the following resolution, which was adopted:

Resolved, That the secretary, assistant secretary and engrossing clerks, be and they are hereby allowed the sum of four dollars each, the sergeant-at-arms, messenger and fireman two dollars each, per day, for their services during the present session of the General Assembly.

Mr. Hendershott introduced

Senate file No. 121, a bill for an act to amend section 114 of the code of Iowa,

Which was refused to be entertained by the Senate, for the reason that a similar bill is now pending before it.

Senate No. 105, a bill for an act to regulate the practice of medicine and surgery in the State of Iowa.

Was read a third time,

And the question being on its passage,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Browning, Cowles, Crosthwait, Fletcher, Hillis, Hull, Lewis, Love, Lucas, Park, Preston, Price, Sales, Shields, Spees, and Mr. President—16.

NAYS—Messrs. Clark, Coop, Everson, Fisher, Harris, Hedrick, Hendershott, Hepner, Johnson, Lowe, McCachran, McKinney, Needham, Schramm and Wing—15.

So the bill was passed and title agreed to.

H. R. file No. 130, a bill for an act regulating the terms of the supreme court,

Was read a third time, and

On motion of Mr. Love,

Recommitted to the committee on the judiciary.

The following bills were read a third time, passed and titles agreed to:

Substitute for H. R. file No. 146, a bill for an act appointing agents to superintend levees and drains, to reclaim certain swamp lands in the counties of Muscatine and Louisa.

Senate file No. 120, a bill for an act to provide for the election of a justice of the peace in Ashland, Wapello county.

Senate file No. 108, a bill for an act regulating set-off in courts of law and to amend sections 1740, and 1751 of the code of Iowa.

Senate file No. 113, a bill for an act to amend section 1848 of the code of Iowa.

Substitute for H. R. file No. 178, a bill to amend section 106 of the code of Iowa.

Senate file No. 114, a bill for an act to amend section 2122 of the code of Iowa.

Substitute for substitute for H. R. file No. 36, a bill for an act providing for the election of supervisors and defining their duties.

Senate file No. 111, a bill for an act further to regulate the practice of the courts of this state.

Senate file No. 99, an act granting incorporated companies the right of way.

H. R. file No. 122, a bill for an act to provide for the election of attorney general and define his duties,

Was read a third time.

And the question being on its passage,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Browning, Coop, Cowles, Crosthwait, Fisher, Fletcher, Harris, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, Preston, Price, Sales, Shields, Wing and Mr. President—22.

NAYS—Messrs. Everson, Hillis, McAchran, McKinney, Needham, Park, Schramm and Spees—8.

Absent—Mr. Clark.

So the bill was passed and title agreed to.

Senate file No. 118, a bill for an act to amend chapter 136 of an act for revising and consolidating the general statutes of the State of Iowa,

Was read a third time.

And the question being on its passage,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Browning, Coop, Everson, Fisher, Fletcher, Harris, Hillis, Hull, Johnson, Love, Lucas, McAchran, McKinney, Needham, Park, Preston, Price, Sales and Wing—19.

NAYS—Messrs. Clark, Cowles, Crosthwait, Hedrick, Hendershott, Hepner, Lewis, Lowe, Schramm, Shields, Spees and Mr. President—12.

So the bill was passed and the title agreed to.

Senate file No. 25, an act to amend so much of the Code of Iowa, as provides for the sale of intoxicating liquors,

Was taken up with the following amendments:

SEC. 2. Amend by adding "and provided further that in unorganized counties, the county judge of the county to which said county is attached, shall have the same power that is herein conferred on township trustees."

SEC. 8. Strike out the words "travellers excepted" after the word "minor."

On motion,

The amendments were adopted.

Mr. Shields moved that the bill be engrossed and read a third time

On which,

The yeas and nays were ordered, and the motion was lost by the following vote:

YEAS—Messrs. Browning, Crosthwait, Fisher, Hendershott, Hull, Johnson, Lewis, Lowe, Lucas, Shields and Mr. President—11.

NAYS—Messrs. Clark, Coop, Cowles, Everson, Fletcher, Harris, Hillis, Hedrick, Hepner, Love, McAchran, McKinney, Needham, Park, Preston, Price, Sales, Schramm, Spees and Wing—20.

On motion of Mr. McKinney,  
The bill was indefinitely postponed.

Message from the House, by Mr. Hooton, Chief Clerk:

MR. PRESIDENT—I am directed to inform the Senate that the House has passed

H. R. file No. 197, a bill for an act to change the name of Fremont in Benton county, to Vinton.

Also,

H. R. file No. 198, a bill for an act to authorize the transcribing so much of the records of Pottawattamie county as relates to Mills county.

Also,

H. R. file No. 202, joint resolution appropriating money to extend the state library.

In which the concurrence of the Senate is requested.

I herewith return,

Senate file No. 33, a bill for an act to amend chapter 80 of the code and making further provision for the relief of occupying claimants,

With two amendments, in which the concurrence of the Senate is requested.

Also,

That the House has indefinitely postponed

Senate file No. 68, an act amendatory of an act relative to the printing of the revised code.

I herewith present for your signature

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

Also,

H. R. file No. 140, an act to unite the counties of Yell and Risley.

The same having passed both branches of the General Assembly.

I herewith return,

Senate file Nos. 7, 11, 50 and 91,

The same having received the signature of the Speaker of the House of Representatives.

On motion of Mr. Lowe,  
Senate file No. 82, a bill for an act for the suppression of drinking houses and tippling shops,

Was taken from the table.

Mr. Lowe moved the previous question,

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Browning, Clark, Coop, Crosthwait, Fisher, Fletcher, Harris Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Price, Sales, Shields, Spees President—20.

NAYS—Messrs. Cowles, Everson, Hillis, Hedrick, Hepner, Needham, Park, Preston, Schramm, Spees, and Wing—11,

Mr. Lowe moved that the bill be indefinitely postponed.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Browning, Clark, Coop, Crosthwait, Fisher, Fletcher, Harris, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, Needham, Sales, Shields and Mr. President—19.

NAYS—Messrs. Cowles, Everson, Hillis, Hepner, McAchran, McKinney, Park, Preston, Price, Schramm, Spees and Wing—12.

On motion,

The Senate adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

On motion of Mr. Lewis,  
H. R. file No. 102, a bill for an act to extend the powers of school districts.

Was taken up, and

On motion of Mr. Browning,  
Referred to a select committee.

The President appointed Messrs. Browning, Lewis, Crosthwait Hull and Fletcher said committee.

On motion of Mr. Love,

Senate file No. 109, an act further to regulate appeals and writs of error in the Supreme Courts; and,

Senate file No. 110, a bill for an act further to regulate appeals to the district courts.

Were taken from the table, and

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

On motion,

Senate file No. 104, a bill for an act to amend section 2122 of the code of Iowa.

Mr. Crosthwait moved to strike out "G. D. Crosthwait" and insert "J. P. De Forest"

Lost.

On motion,

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

H. R. file No. 45 a bill for an act to enforce the claims of the State and county against lands and lots on which the owners have failed to pay the taxes charged thereon prior to 1851.

Was taken up, together with the following amendments; which,

On motion,

Were adopted.

Amend by striking out the word "legislature" in the first line of the first section and insert general.

Also, amend by striking out all after the word thereon, in the twenty-first line, in the second section and add the following:

"And of the said delinquent taxes, together with the interest and penalties which may have occurred, shall not be paid before the first day of January, 1854, said delinquent taxes, together with said interest and penalties, shall be collected in the same manner as provided in the code of Iowa, for the collection of taxes remaining unpaid on the first day of January."

Substitute for H. R. file No. 135, a bill for an act to amend chapter 37, of the code,

Was taken up.

Mr. Preston moved to strike out all after the enacting clause and insert as follows:

That so much of the code of Iowa as requires the county assessor to leave blanks for the listing of property with the several tax payers of his county, is hereby repealed.

SEC. 2. It is hereby made the duty of county assessors to assess the several items of property as provided for in the code upon personal view of the same.

SEC. 3. This act to take effect from and after its passage.

On which,

The yeas and nays being ordered, the amendments were lost by the following vote:

YEAS—Messrs. Hepner, Lowe, Needham, Preston, Sales, and Wing.—6

NAYS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Harris Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lucas, McAchran, McKinney, Park, Price, Schramm, Shields, Spees and Mr. President—25.

The question being on ordering the bill to be engrossed and read a third time to-morrow,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Everson, Fletcher, Fisher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lucas, McAchran, McKinney, Park, Price, Sales, Schramm, Shields, Spees and Mr. President—24.

NAYS—Messrs. Hepner, Lewis, Love, Lowe, Needham, Preston, and Wing—7.

Senate file No. 122, a bill for an act in relation to certain state roads,

Was taken up.

On motion of Everson,

An additional section was added, as follows:

SECTION— That Peter Coriell, of Washington county; Charles Patterson, of Keokuk county, and Robert Taylor, of Poweshiek county, are hereby appointed commissioners to lay out and establish a state road, commencing at the most suitable point on the road from Washington to Wassonville, between the residence of Samuel P. Young on said road and Wassonville; thence on the best route to suit the settlement, to Montazuma, in Poweshiek county.

On motion,



The bill was laid on the table.

H. R. file No. 172, a bill for an act to dispose of the saline lands,

Was taken up, with the following amendments thereto:

First—Amend the second section by inserting after the word officer, “and under the same regulations;”

Also, by adding after the last word of said section the following:

Second—“And said officer shall execute a bond to the State of Iowa, in the penalty of (\$10,000) ten thousand dollars, with sureties to be approved by the county judge of the county in which the lands to be sold lie, conditioned for the faithful performance of the duties of his office connected with said saline lands, and for the faithful disposition of all moneys arising therefrom according to law.”

Third—Strike out the word “maximum,” in the proviso to the fifth section; and insert “minimum.”

Sec. 7. Unless otherwise provided by law the officer selling said lands shall dispose of the proceeds of the sales thereof, by paying the same annually on the first Monday of December, or oftener if required by the Treasurer of State, into the State Treasury.

On motion,

The amendments were adopted,

And the bill ordered to be read a third time to-morrow.

The Senate took up,

Senate file No. 101, a bill for an act to appoint three commissioners to examine into the financial condition of the Des Moines river improvement.

On motion of Mr. Preston,

The name of Augustus Hall, of Van Buren county was stricken out, and that of Thomas J. McKean, of Linn county, inserted.

On motion of Mr. Spees,

The name of D. F. Gaylord was stricken out, and John Whittaker inserted.

The question being on ordering the bill to be engrossed and read a third time to-morrow.

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Fisher, Fletcher, Hillis, Hedrick, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, M'Achran, M'Kinney, Needham, Park, Preston, Price, Sales, Shields, Spees, Wing and Mr. President—27.

**NAYS**—Mr. Schramm.

**Absent**—Messrs. Everson and Harris.

H. R. file No. 124, a bill for an act for the relief of Solomon's bond,  
Was taken up.

And the question being on ordering the bill to be read a third time to-morrow,

On which, the yeas and nays were ordered, and the motion prevailed by the following vote:

**YEAS**—Messrs. Cowles, Crosthwait, Hillis, Hedrick, Hendershott, Hull, Johnson, Lowe, McAchran, Needham, Price, Sales, Schramm, Spees and—14.

**NAYS**—Messrs. Browning, Coop, Everson, Fletcher, Harris, Hepner, Lewis, Love, McKinney, Park, Preston, Shields and Mr. President—13.

**Absent**—Messrs. Clark, Fisher, Lucas, and Wing.

The Senate took up Senate file No. 119, a bill for an act to establish an Insane Asylum, with the following amendments:

1st. Proviso to section two. Provided that said commissioner shall not proceed to the construction of said building until the sum of at least ten thousand dollars shall have been accumulated from the sale of said lands.

2nd. Proviso to section 3. Provided that the following persons shall be associated with said William Pattee in arranging the plan and specifications of said building, viz, Geo. D. Crosthwait, Thomas H. Benton, Easton Morris and R. S. Finkbine.

On motion,

The amendments were adopted.

On motion of Mr. Love,

The blank in section 3, was filled with the words "five per centum on the amount expended," and the section was so amended as to correspond thereto.

The question being on ordering the bill to be engrossed and read a third time to-morrow.

The yeas and nays were ordered, and the motion prevailed by the following vote :

**YEAS**—Messrs. Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Hendershott, Hull, Lewis, Love, Lowe, McKinney, Preston, Price, Shields and Mr. President—17.

**NAYS**—Messrs. Browning, Hillis, Hepner, Johnson, Lucas, McAch-

ran, Needham, Park, Schramm, Spees and Wing—11.

Absent—Messrs. Harris, Hedrick and Sales.

H. R. file No. 129 and Senate file No. 76, acts in relation to evidence,

Were ordered to be combined in one bill, and read a third time to-morrow.

On motion.

Senate file No. 102, a bill for an act granting lands to the trustees of Iowa College, for the endowment of a common school teacher's department, was

On motion,

Indefinitely postponed.

H. R. file No. 190, a bill for an act to vacate a part of Ingram and Ramsey's addition to Agency City in Wapello county,

Was read a first and second time, and

Passed to a third reading to-morrow.

H. R. file No. 157, a bill for an act to re-apportion the state into representative districts,

Was read a first and second time.

Mr. Hull moved that the county of Guthrie be taken from the Pottawattamie district, and attached to the Polk district,

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Clark, Coop, Cowles, Crosthwait, Everson, Harris, Hedrick, Hendershott, Hull, Lewis, Love, McAchran, Park, Sales, Schramm, Spees and Wing—17.

NAYS—Messrs. Browning, Fletcher, Hillis, Hepner, Johnson, Lowe, Lucas, McKinney, Needham, Preston, Price, Shields and Mr. President—13.

Absent—Mr. Fisher.

Mr. Everson moved to amend, so as to give one additional representative to Washington and Louisa counties.

On which,

The yeas and nays were ordered and the motion was lost by the following vote:

YEAS—Messrs. Crosthwait, Everson, Fletcher, Hillis, Hedrick, Lowe, McAchran, McKinney, Needham, Park and Schramm—11.

NAYS—Messrs. Browning, Clark, Coop, Cowles, Fisher, Harris, Hen-

dershott, Hepner, Lewis, Dove, Lucas, Preston, Price, Sales, Shields, Wing and Mr. President—17.

Absent—Messrs. Hull, Johnson and Spees.

And the bill was ordered to a third reading to-morrow.

Senate file No. 60, a bill for an act to amend the charter of the city of Keokuk, with one amendment of the House thereto,

Was taken up,

On motion,

The House amendment was concurred in.

Senate file No. 70, an act to amend an act to incorporate and establish the city of Dubuque, with three amendments by the House,

Was taken up,

On motion,

The House amendments were concurred in.

Senate file No. 67, an act regulating the disposal of lands purchased in trust for town sites, with House amendment.

Also,

Senate file No. 33, a bill for an act to amend chapter 80 of the code and making further provision for the relief of occupying claimants, with two amendments by the House,

Were taken up, and

On motion,

The House amendments concurred in.

H. R. file No. 202, joint resolution appropriating money to extend the State Library.

H. R. file No. 198, a bill for an act to authorize the transcribing so much of the records of Pottawattamie county, as relates to Mills county.

And

H. R. file No. 197, a bill for an act to change the name of Fremont in Benton county, to Vinton,

Were read a first and second time; and,

Passed to a third reading to-morrow.

On motion of Mr. Crosthwait,

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

Was taken from the table.

On motion,

The Senate adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

On motion,

Substitute for H. R. file No. 34,

Was ordered to a third reading to-morrow.

On motion, of Mr. Coop,

Senate file No. 42, a bill for an act to provide for the taking up of water crafts found adrift, lost goods, and stray animals,

Was taken from the table,

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

Mr. Hull moved that the Senate adjourn.

On which, the yeas and nays were demanded and the motion was lost by the following vote:

YEAS—Messrs. Clark, Everson, Fletcher, Hepner, Hull, Wing and Mr. President—7.

NAYS—Messrs. Browning, Coop, Crosthwait, Fisher, Hillis, Hedrick, Johnson, Love, Lowe, McKinney, Needham, Park, Price, Sales, and Spees—15.

Absent, Messrs. Cowles, Harris, Hendershott, Lewis, Lucas, McAchran, Preston, Schramm and Shields.

On motion of Mr. Crosthwait,

The vote on the indefinite postponement of Senate file No. 82, a bill for an act for the suppression of drinking houses and tippling shops,

Was reconsidered.

A call of the Senate was ordered, and

Messrs. Harris, Lewis, Preston, and Shields, were reported absent.

On motion of Hendershott,

The further call was suspended.

The question recurring on the motion to indefinitely postpone the bill,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Crosthwait, Fisher, Fletcher, Hendershott, Hull, Johnson, Love, Lowe, Lucas, Needham, Price, Sales and Mr. President—16.

NAYS—Messrs. Cowles, Everson, Hillis, Hedrick, Hepner, McAchran, McKinney, Park, Schramm, Spees and Wing—11.

On motion of Mr. Hepner,

The Senate adjourned.

# JOURNAL OF

THURSDAY MORNING, JANUARY 20, 1853.

Senate met pursuant to adjournment.

Mr. Schramm from the committee on engrossed bills, reported Senate files Nos. 104, 109, 110, 101, and 119 correctly engrossed.

Petitions and memorials were presented as follows :

By Mr. McAchran :

The petition of John Pickens and 475 others, for a state road therein named.

Also,

The remonstrance of James A. Sawyer, and 57 others against the same.

By Mr. Coop :

The petition of George Achison and 106 others, relative to the branch of the State University at Fairfield.

Referred to a select committee.

The President appointed Messrs. Coop, Crosthwait and Hepner.

By Mr. Spees :

The petition of Susan F. Elliott and 85 others, relative to the liquor traffic.

Laid on the table.

Mr. Sales from the committee on New Counties, to whom were referred sundry petitions relative to the formation of a new county from portions of Alamakee and Winneshiek counties,

Reported that legislation was unnecessary on the subject, and asked that the petitioners have leave to withdraw the petitions.

Granted.

Mr. Preston from the committee on county boundaries to whom was referred Senate file No. 100,

Reported the same back without recommendation.

Mr. Preston from the committee on county boundaries to whom was referred Senate file No. 161,

Reported back the same and recommended its passage.

Mr. Love from the committee on the judiciary, to whom was referred

The petitions of members of the bar of Burlington and Muscatine relative to the compensation of the Supreme Judges,

Reported same the back, recommending that the prayer of the petition be heard, and

Also, reported

Senate file No. 124, Joint Resolution allowing additional compensation to the Supreme Judges.

Mr. Browning from the select committee to whom was referred H. R. file No. 102,

Reported back the same with two amendments.

Mr. Browning from the select committee, to whom was referred H. R. No. 110,

Reported back the same with two amendments.

Mr. Lovè, from the judiciary committee, to whom was referred H. R. file No. 120, reported, &c.

Mr. Coop from the select committee on the university lands reported Senate file No. 123, a bill for an act to increase the powers of the trustees of the branch of the state university at Fairfield.

Mr. Wing from the committee on enrolled bills, reported they have presented to his Excellency, the Governor, for approval, Senate files Nos. 7, 11, 50 and 91.

Message from the House of Representatives, by Mr. Hooton, Chief Clerk.

MR. PRESIDENT—I am directed to inform the Senate that the House has indefinitely postponed

Senate substitute for H. R. file No. 1.

Also,

That the House has concurred in the Senate amendments to H. R. file Nos. 166, 79, substitute for Nos. 46 and 70, also No. 172.

Also,

That the House has passed

Substitute for H. R. file No. 84, a bill for an act requiring county judges to pay into the county treasury all money received by them from the sale of county property.

Also,

H. R. file No. 195, a bill for an act submitting to the electors of Iowa the question of a convention to amend the constitution of the State.

Also,

H. R. file No. 204, a bill for an act to authorize the county judge of Davis county to cause certain records to be indexed.

Also,

H. R. file No. 205, a bill for an act to legalize the assessment of Pottawattamie county for the years 1851 and 1852.

Also,

Substitute for H. R. file No., 18, a bill for an act granting to certain officers therein named a copy of the Code and Laws of Iowa.

Also,

H. R. file No. 173, a bill for an act to appoint a commissioner to perform certain duties in Delaware county;

Also,

H. R. file, No. 179, a bill for an act to incorporate Iowa City;

Also,

H. R. file, No. 182, an act to reduce the salaries of certain officers in Marion county;

Also,

H. R. file No. 183, a bill for an act to relocate the county seat of Fayette county;

Also,

H. R. file No. 185, a bill for an act to incorporate the City of Council Bluffs;

Also,

H. R. file No. 187, a bill for an act to amend chapter 83 of the code;

Also,

H. R. file No. 193, a bill for an act to amend an act entitled an act for revising and consolidating the general statute of Iowa;

Also,

H. R. file No. 200, joint resolution appointing a committee of investigation of the affairs of the Des Moines river improvement;

Also,

H. R. file No. 201, joint resolution for additional mail facilities.

In which the concurrence of the Senate is requested.

I am also directed to inform the Senate that the House has accepted and passed,

Senate substitute for H. R. file No. 106;

Also, that the House has passed,

Senate file No. 34, a bill concerning fences and trespassing animals, with one amendment, and the title amended to correspond.

In which the concurrence of the Senate is requested.

I herewith return,

Senate file No. 32, an act to repeal section 2868 of the code;



Also,

Senate file No. 94, a bill for an act to amend the charter of the city of Muscatine;

Also,

Senate file No. 94, a bill for an act requiring guardians to account for the property of minors;

Also,

Senate file No. 117, a bill for an act to vacate a part of the town of Toolsborough, in Louisa county.

The same having passed the House without amendment.

Mr. Browning moved to take up H. R. file No. 195, a bill for an act submitting to the electors of Iowa, the question of a convention to amend the constitution of the State.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Browning, Coop, Cowles, Crosthwait, Everson Harris, Hillis, Hedrick, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, and Spees—16.

NAYS—Messrs. Clark, Fisher, Fletcher, Hendershott, Hepner, Hull, Johnson, Lewis, Lowe, Love, Lucas, Sales, Shields Wing and Mr. President—15.

Mr. Browning moved that the 11th rule be suspended and the bill read a third time now.

Mr. Lowe moved to refer the bill to the committee on the judiciary,

On which,

The yeas and nays were ordered, and the motion was lost by the following vote.

YEAS—Messrs. Clark, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lowe, Lucas, Sales, Shields, Wing and Mr. President—13.

NAYS—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Hendershott, Love, McAchran, McKinney Needham, Park, Preston, Price, Schramm, and Spees—18.

Mr. Johnson moved to amend section 8, by striking out the words "three dollars" wherever they occur, and inserting the words "two dollars."

On which,

The yeas and nays were ordered, and the amendment lost by the following vote :

**YEAS**—Messrs. Clark, Coop, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lowe, Lucas, Price, Sales, Shields, Wing and Mr. President—15.

**NAYS**—Messrs. Browning, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Hendershott, Love, McAchran, McKinney, Needham, Park, Preston, Schramm, and Spees—16.

Mr. Hull moved to amend by striking out “three dollars” and inserting “two dollars and fifty cents.”

On which,

The yeas and nays were ordered and the amendment lost by the following vote :

**YEAS**—Messrs. Clark, Coop, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lowe, Lucas, Price, Sales, Shields, Wing and Mr. President—15.

**NAYS**—Messrs. Browning, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Hendershott, Love, McAchran, McKinney, Needham, Park, Preston, Schramm, and Spees—16.

Mr. Hendershott offered the following amendments :

Strike out in the second line of section 6, the word “representatives” and insert the word “senators.”

Also,

Strike out of the same section in the last line, the words “present” and “last.”

On which,

The yeas and nays were ordered, and the amendments were lost by the following vote :

**YEAS**—Messrs. Clark, Coop, Fletcher, Hendershott, Hull, Lewis, Lucas, Sales, Shields Wing and Mr. President—11.

**NAYS**—Messrs. Browning, Cowles, Crosthwait, Everson, Fisher, Harris, Hillis, Hedrick, Hepner, Johnson, Love, Lowe, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, and Spees—20.

Mr. Browning moved the previous question on the motion to suspend the 11th rule.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

**YEAS**—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Har-

ris, Hillis, Hedrick, Hendershott, Love, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, and Spees.—18.

**NAYS**—Messrs. Clark, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lowe, Lucas, Sales, Shields, Wing and Mr. President—13.

The question being on the motion to suspend the 11th rule,

The yeas and nays were ordered, and the motion was lost by the following vote :

**YEAS**—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Hendershott, Love, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, and Spees—18.

**NAYS**—Messrs. Clark, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lowe, Lucas, Sales, Shields, Wing and Mr. President—12.

Mr. Browning moved that the bill be read a third time to-morrow.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

**YEAS**—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Love, Lowe, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, and Spees—19.

**NAYS**—Messrs. Clark, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lucas, Sales, Shields, Wing and Mr. President.—12.

On motion of Mr. Love,

H. R. file No. 200, joint resolution appointing a committee of investigation of the affairs of the Des Moines river improvement,

Was taken up,

Read a first and second time, and

Passed to a third reading to-morrow.

On motion of Mr. Spees,

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

Was taken up,

And referred to a select committee.

The President appointed Messrs. Spees, Hepner and Needham said committee.

The following bills were read a third time, passed and titles agreed to:

Senate file No. 42, a bill for an act to provide for taking up water crafts found adrift, lost goods and stray animals.

H. R. file No. 157, a bill for an act to re-apportion the State into Representative districts;

Senate file No. 76, and H. R. file No. 120, a bill for an act relating to evidence.

H. R. file No. 197, a bill for an act to change the name of Fremont in Benton county, to Vinton.

H. R. file No. 198, a bill for an act to authorise the transcribing so much of the records of Pottawattamie county as relates to Mills county.

H. R. file No. 202, joint resolution appropriating money to extend the state library.

H. R. file No. 124, a bill for an act for the relief of Solomon Bond.

Was taken up,

And read a third time.

The question being on the passage of the bill,

The yeas and nays were ordered, and the bill rejected by the following vote:

YEAS—Messrs. Clark, Crosthwait, Hillis, Hedrick, Hull, Johnson, Lowe, Lucas, McAchran, Needham, Park, Spees and Wing.—13.

NAYS—Messrs. Browning, Coop, Cowles, Everson, Fisher, Fletcher, Harris, Hendershott, Hepner, Lewis, Love, McKinney, Preston, Price, Sales, Schramm, Shields and Mr. President—18.

H. R. file No. 172, a bill for an act to dispose of the saline lands,

Was read a third time,

And the question being on its passage,

The yeas and nays were ordered and resulted as follows:

YEAS—Messrs. Clark, Coop, Crosthwait, Everson, Fisher, Harris, Hedrick, Hendershott, Lewis, Love, Lowe, Lucas, McKinney, Park, Preston, Price, Sales, Shields and Mr. President—19.

NAYS—Messrs. Browning, Fletcher, Hillis, Hepner, Hull, Johnson, McAchran, Schramm, Spees and Wing—10.

Absent—Messrs. Cowles and Needham.

So the bill passed and its title agreed to.

On motion of Mr. McKinney,

The vote on the rejection of H. R. file No. 124.

Was reconsidered.

On motion of Mr. Hull,

The bill was recommitted to a select committee.

The President appointed Messrs. Hull, Browning and Love said committee.

H. R. file No. 45, a bill for an act to enforce the claims of the state and county against lands and lots, on which the owners have failed to pay the taxes charged thereon, prior to 1851,

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

Substitute for H. R. file No. 135, a bill for an act to amend chapter 37 of the code,

Was read a third time,

A call of the Senate was ordered, and

Messrs. Clark and Needham reported absent.

On motion,

The further call was suspended.

The question being on the passage of the bill,

The yeas and nays were ordered and resulted as follows:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchrn, McKinney, Park, Price, Sales, Schramm, Shields and Mr. President—26.

NAYS—Messrs. Hepner, Needham, Preston, Spees and Wing—5.

So the bill passed;

And the title, being amended so as to read a bill for an act to amend chapter 37 of the code, in relation to assessors,

Was agreed to.

The following bills were read a third time, passed and title agreed to.

H. R. file No. 190, a bill for an act to vacate a part of Ingram's and Ramsey's addition to Agency City.

Senate file No. 104, joint resolution appointing trustees for the State University of Iowa.

Senate file No. 109, an act further to regulate appeals and writs of error in the Supreme Courts.

Senate file No. 110, a bill for an act further to regulate appeals to district courts.

Senate file No. 119, a bill for an act to establish an insane asylum.

Senate file No. 101, a bill for an act to appoint three commissioners to examine the financial condition of Des Moines river improvement,

Was read a third time.

Mr. Love moved that the bill be indefinitely postponed.

On motion of Mr. Browning,

The bill was laid on the table.

Senate file No. 100, a bill for an act fixing the time of holding the district courts in the fifth judicial district.

Was taken up; and,

On motion,

Laid on the table.

H. R. file No. 161, a bill for an act to create an additional election precinct in Village township, Van Buren county,

Was taken up.

Mr. Hepner moved that the bill be indefinitely postponed.

Lost.

Mr. Sales moved that the bill be read a third time to-morrow.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Everson Hillis, Hedrick, Hendershott, Hull, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Price, Sales, Schramm, Spees and Wing—24

NAYS—Messrs. Fisher, Fletcher, Harris, Hepner, Preston, Shields and Mr. President—7.

Senate file No. 124, joint resolution allowing additional compensation to the supreme judges,

Was read a first and second time.

Mr. Browning moved to strike out "twelve hundred" and insert "three hundred"

Lost.

Mr. Crosthwait moved to strike out "twelve hundred" and insert "six hundred" dollars.

Carried.

On motion of Mr. Preston,

The bill was recommitted to a select committee of five.

The President appointed Messrs. Preston, Everson, Fletcher, Harris, and Love said committee.

On motion,

The Senate adjourned.

HALF PAST ONE O'CLOCK, P. M.

Message from the House, by Mr. Hooton, Chief Clerk.

Mr. PRESIDENT—I am directed to inform the Senate, that the House has passed

H. R. file No. 206, memorial and joint resolution, memorializing Congress to cause the line of the half breed tract, in Lee county, to be surveyed and established.

In which the concurrence of the Senate is requested.

H. R. file No. 10, preamble and joint resolution of instruction upon the Homestead bill.

Was taken up,

With the following amendment :

Strike out all that part of the resolution from the word "three" to the word "bill," and also the word "other."

On motion,

The amendment was adopted and the bill passed to a third reading to-morrow.

H. R. file No. 102, a bill for an act to extend the powers of school districts,

Was taken up,

With the following amendments thereto :

First--But no tuition fees shall be assessed against or collected from persons who do not send scholars to any of said district schools.

Second--Strike out the whole of section four.

The question being on their adoption,

The yeas and nays were ordered, and the amendments were adopted by the following vote :

YEAS—Messrs. Browning, Clark, Coop, Crosthwait, Everson, Fletcher, Harris, Hedrick, Hendershott, Hepner, Johnson, Lewis, Lowe, Lucas, McAchran, McKinney, Park, Preston, Sales, Shields, Spees, and Mr. President—21.

NAYS—Messrs. Cowles, Fisher, Hillis, Hull, Needham, and Wing—6.

And the bill passed to a third reading to-morrow.

Senate file No. 124, joint resolution allowing additional compensation to the supreme judges,

Reported back by the select committee with one amendment, namely :

Strike out "six hundred" and insert "one thousand."

The question being on the adoption of the amendment,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Clark, Cowles, Fisher, Fletcher, Harris, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, Preston, Sales, Shields, and Mr. President—17.

NAYS—Messrs. Browning, Coop, Crosthwait, Everson, Hillis, Hedrick, McAchran, McKinney, Needham, Park, Schramm, Spees and Wing—13.

Absent, Mr. Price.

The question then being on the passage of the bill,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Clark, Cowles, Crosthwait, Fisher, Fletcher, Harris, Hendershott, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, Preston, Sales, Shields and Mr. President—18.

NAYS—Messrs. Browning, Coop, Everson, Hillis, Hedrick, McAchran, McKinney, Needham, Park, Schramm, Spees and Wing—12.

Absent, Mr. Price.

So the bill passed and the title was agreed to.

H. R. file No. 124, a bill for an act for the relief of Solomon Bond,

Was taken up,

With the following amendment reported by the committee:

That the officer in charge of the Des Moines improvement shall agree to submit said claim to arbitration, said officer choosing one arbitrator and the claimant another; said arbitrators, in case of disagreement, to choose a third, and said arbitrators shall determine said claim according to justice and equity, and shall be governed by the provisions of the code regulating arbitrators in their proceedings, provided said officer refuse to pay said claim without said arbitration.

On motion,

The amendment was adopted, and

The bill was passed and the title agreed to.

H. R. file No. 130, a bill for an act regulating the terms of the Supreme Court,

Was taken up with the following amendment:

Strike out of section two, the word "July," and insert "June;" also, the word "January" and insert "December."



On motion,

The amendment was adopted,

And the bill passed and title agreed to.

Senate file No. 123, a bill for an act to increase the powers of the trustees of the branch of the State University at Fairfield,

Was read a first and second time, and

And on motion of Mr. Coop,

The 11th rule was suspended and the bill passed and title agreed to.

H. R. file No. 179 a bill for an act to incorporate Iowa City,

Was read a first and second time, and

On motion,

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

Senate file No. 34, a bill concerning fences and trespassing animals,

With the House amendments thereto,

Was taken up, and

On motion,

Referred to the committee on Agriculture.

H. R. No. 206, Memorial and joint resolution memorializing Congress to cause the line of the half breed tract in Lee county to be surveyed and established,

Was read a first and second time, and

Passed to a third reading to-morrow.

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

Was taken up, with the following amendment proposed by the select committee.

Strike out all after the word "same" and insert the following—  
"shall on conviction before any justice of the peace be punished by a fine not exceeding ten dollars."

Mr. Hepner moved to lay the bill on the table.

On which,

The yeas and nays were ordered, and the motion lost by the following vote :

YEAS—Messrs. Browning, Clark, Coop, Fisher, Fletcher, Hepner, Johnson, Lewis, McKinney, Sales, Shields and Mr. President—12.

NAYS—Messrs. Cowles, Crosthwait, Everson, Hillis, Hedrick, Hull.

Love, Lowe, Lucas, McAchran, Needham, Park, Preston, Schramm, Spees and Wing—16.

Absent—Messrs. Harris and Price.

The question recurring on the adoption of the amendment,

The yeas and nays were ordered and the amendment prevailed by the following vote.

YEAS—Messrs. Browning, Clark, Coop, Crosthwait, Everson, Hillis, Hedrick, Hendershott, Hull, Lucas, McAchran, Needham, Park, Schramm, Spees and Wing—16.

NAYS—Messrs. Cowles, Fisher, Fletcher, Hepner, Johnson, Lewis, Love, Lowe, McKinney, Preston, Sales, Shields and Mr. President—13.

Mr. Hepner moved to refer the bill to the committee on Ways and Means.

Lost.

Mr. Sales moved that the bill be indefinitely postponed.

The yeas and nays were ordered and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Fisher, Fletcher, Harris, Hepner, Johnson, Lewis, Love, Lowe, Lucas, McKinney, Preston, Sales, Shields and Mr. President—17.

NAYS—Cowles, Crosthwait, Everson, Hillis, Hedrick, Hull, McAchran, Needham, Park, Schramm, Spees and Wing—12.

On motion of Mr. Browning,

Senate file No. 84, a bill for an act to regulate proceedings for the recovery of real estate, and

Senate file No. 86, a bill for an act in relation to appeals and writs of error,

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

On motion,

Senate file No. 85, a bill for an act in relation to husband and wife,

Was indefinitely postponed.

Mr. Cowles moved that Senate file No. 92, an act in relation to writs of injunction and habeas corpus,

Be indefinitely postponed.

On which,

The yeas and nays were ordered, and the motion was lost by the following vote:

**YEAS**—Messrs. Browning, Everson, Harris, Hillis, Hepner, McKinney, Needham, Park, Sales, Schramm, Spees and Mr. President—12.

**NAYS**—Messrs. Clark, Coop, Cowles, Crosthwait, Fisher, Fletcher, Hull, Lewis, Love, Lowe, Lucas, Preston, Shields and Wing—14.

On motion,

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

The following bills were read a first and second time, and passed to a third reading to-morrow—

H. R. file No. 84, a bill for an act requiring county judges to pay into the county treasury all money received by them from the sale of county property.

H. R. file No. 205, a bill for an act to legalise the assessment of Pottawattamie county, for the years 1851 and 1852.

Substitute for H. R. file No. 13, a bill for an act granting to certain officers therein named a copy of the code and laws of Iowa.

H. R. file No. 173, a bill for an act to appoint a commissioner to perform certain duties in Dubuque county.

H. R. file No. 201, joint resolution for additional mail facilities.

H. R. file No. 204, a bill for an act to authorise the county judge of Davis county to cause certain records to be indexed,

Was read a first and second time, and

Laid on the table.

H. R. file No. 187, a bill for an act to amend chapter 83 of the code,

And on motion,

Referred to the committee on the judiciary.

H. R. file No. 182, an act to reduce the salaries of certain officers in Marion county,

Was read a first and second time; and,

On motion of Mr. Hillis,

Referred to a select committee.

The President appointed Messrs. Hillis, Hull and Lucas said committee.

H. R. file No. 193, a bill for an act to amend an act entitled an act to revise and consolidate the general statutes of Iowa.

Was read a first and second time; and,

On motion,

Indefinitely postponed.

H. R. file No. 185,

Was read a first and second time; and,  
Referred to a select committee.

The President appointed Messrs. Johnson, Shields and Needham said committee.

H. R. file No. 183, a bill for an act to relocate the county seat of Fayette county,

Was read a first and second time, and

On motion of Mr. Lewis,

The following was added to section three :

“Provided, however, That the voters of said county shall have the privilege of voting for or against said location at the next August election, to be regulated in the same manner as other elections.”

And the bill passed to a third reading to-morrow.

Mr. Hedrick from the committee on enrolled bills, reported Senate files Nos. 67, 33 and 70 correctly enrolled.

Message from the House, by Mr. Hooton, Chief Clerk :

Mr. PRESIDENT—I herewith present for your signature,

Substitute for substitute H. R. file No. 36, an act providing for the election of supervisors and defining their duties.

Also,

Substitute for H. R. file Nos. 46 and 70, an act fixing the boundaries of the several judicial districts, and the times of holding courts therein.

Also,

H. R. file No. 79, an act to amend the charter of the city of Burlington.

Also,

H. R. file No. 166, an act to locate the seat of justice of Blackhawk county.

Also,

H. R. file No. 172, an act relinquishing an escheat,

All of which have passed both branches of the General Assembly.

Three o'clock thirty minutes.

Message from the House of Representatives, by Mr. Hooton, Chief Clerk :

MR. PRESIDENT : I am directed to inform the Senate that the House

is ready to receive the Senate in joint convention, for the election of State Printer and Warden of the Penitentiary.

In pursuance of the above, the Senate in order, preceded by its President and Secretary, repaired to the hall of the House.

Having taken the seats assigned them, the President stated the object of the convention, and the roll being called by the Chief Clerk,

Messrs. Hedrick and Price were reported absent; and

On motion,

Were excused.

On motion,

The further call was suspended.

Mr. Browning of the Senate, and Mr. Haun of the House, were appointed tellers.

On motion,

The convention proceeded to the election of State Printer.

Mr. Love nominated William A. Hornish.

Mr. Everson nominated Mr. George D. Crosthwait.

The roll was then called, and it appeared that Mr. Hornish had received 58 votes, Mr. Crosthwait 30 votes and Mr. John Clark 1 vote.

Those who voted for Mr. Hornish were Messrs. Alger, Allen, Allison, A. D. Anderson, J. M. Anderson, Bonson, Bryan, Bryant, Coles, Clark of Jackson, Coop, Cowles, Crosthwait, Dillon, Dodge, Duckworth, Eaton, Fisher, Fletcher, Folsom, Gilmore, Goodwin, Grant, J. C. Greene, Geo. F. Greene, Harris, Haun, Hendershott, Hepner, Hull, Hutchinson, Johnson, Lewis, Love, Lowe, Lucas, Means, Preston, Putman, Ramsey, Ream, Reeder, Rice, Rogers, Sales, Sears, Sharp, Shields, Steadman, Taylor, Townsend, Washburn, Whitmore, Wilson, Wing, Witter, Wright and Mr. President.

Those who voted for Mr. Crosthwait were

Messrs. Browning, Bunker, Clark of Desmoines, Cleaves, Coffin, Drake, Duncan, Everson, Fordice, Garber, Grimes, Hillis, Jessup, McAchran, McArthur, McKinney, McPherin, Mitchell, Montgomery, Needham, Park, Russell, Schramm, Sells, Seymour, Spees, Stevens, Walters, Wasson and Williams.

Mr. Ross voted for Mr. John Clark.

Whereupon Mr. Wm. A. Hornish was declared duly elected, and the following certificate in duplicate was read in the presence of both Houses:

HALL OF THE HOUSE OF REPRESENTATIVES,  
January 20, 1853.

This is to certify that at a joint convention of both branches of the Legislature, held in the Hall of the House of Representatives at half-past three o'clock, P. M., on the 20th day of January, A. D., 1853, Mr. Wm. A. Hornish was duly elected State Printer, for the State of Iowa, for two years, from the first day of May next.

WM. E. LEFFINGWELL,  
President Joint Convention.

W. G. HAUN, }  
MILTON D. BROWNING, } Tellers.

Attest:

J. SMITH HOOTON, Clerk Joint Convention.

The convention then proceeded to the election of a Warden of the Penitentiary.

Mr. Washburn nominated George Grisgby.

The roll being called, Mr. Grisgby received 61 votes, as follows:

Messrs. Alger, Allen, Allison, A. D. Anderson, J. M. Anderson, Bonson, Bryan, Bryant, Cock, Clark of Dubuque, Coop, Cowles. Dillon, Dodge, Drake, Duckworth, Duncan, Eaton, Fisher, Fletcher, Gilmore, Goodson, Grant, J. C. Greene, Geo. F. Greene, Harris, Haun, Hendershott, Hepner, Hull, Hutchinson, Jessup, Johnson, Lewis, Love, Lowe, Lucas, McArthur, Means, Montgomery, Preston, Putman, Ream, Reeder, Rice, Rogers, Ross, Sales, Sears, Seymour, Shields, Steadman, Taylor, Townsend, Washburn, Wasson, Whitmore, Wilson, Wing, Witter, Wright and Mr. President.

The following named gentlemen voted for Mr. Grimes:

Messrs Browning and Crosthwait.

The following named gentlemen voted for Mr. Bryan:

Messrs. Hillis, McAchræ, Mitchell, Needham, Park and Schramm.

The following voted for Mr. Hutchinson:

Messrs. Fordice, Grimes, McKinney, Spees, Stevens, Walters and Williams.

Mr. Bunker voted for Mr. Browning.

Mr. Clark, of Desmoines, voted for Mr. Bunker.

Mr. Cleaves voted for Mr. Clark, of Desmoines.

Mr. Coffin voted for Mr. Cleaves.

Mr. Everson voted for Mr. Coffin.

Mr. Garber voted for Mr. Fordice.

Mr. McPherrin voted for Mr. Eaton.

Mr. Ramsey voted for Mr. Ross.

Mr. Russell voted for Mr. Grant.

Mr. Sells for Mr. Sharp.

Mr. Sharp voted for Mr. Sells.

Whereupon, Mr. Geo. Grigsby, having received a majority of all the votes cast, was declared duly elected, and the following certificate in duplicate, was made and signed in presence of the two houses :

HALL OF THE HOUSE OF REPRESENTATIVES,  
January 20, 1853. }

This is to certify that at a Joint Convention of both branches of the Legislature, held in the hall of the House of Representatives, at half-past three o'clock, P. M., on the 20th day of January, A. D., 1853, Mr. George Grigsby was duly elected Warden of the Iowa Penitentiary for two years from the first day of May next.

WM. E. LEFFINGWELL,  
President of the Joint Convention.

W. G. HAUN, }  
MILTON D. BROWNING, } Tellers.

Attest:

J. SMITH HOOTON, Secretary of Joint Convention.

The purposes of the Joint Convention having been accomplished, the Senate, in order, returned to the Senate Chamber, and

On motion of Mr. Everson,  
Adjourned until to-morrow at nine o'clock.

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FRIDAY MORNING, JANUARY 21st, 1853.

The Senate met pursuant to adjournment.

Mr. Wing from the committee on enrolled bills, reported Senate file Nos. 117, 95 and 32, correctly enrolled.

Petitions were presented as follows :

By Mr. Love :

The representation of George Greene relative to the Supreme Court Reports.

By Mr. Crosthwait :

The claims of W. W. Hamilton, Francis Springer, and H. D. Downey against the State of Iowa.

Mr. Shcramm from the committee on engrossed bills, reported Senate file Nos. 84 and 86, correctly engrossed.

Mr. Love, by leave, introduced,

Senate file No. 125, a bill for an act in relation to dower.

Which was read a first and second time; and,

On motion of Mr. Love,

The 11th rule was suspended and the bill read a third time, passed and title agreed to.

Mr. Love, by leave, introduced,

Senate file No. 126, joint resolution authorizing the Governor to purchase an additional number of volumes of Greene's Reports.

Which was read a first and second time, and

On motion of Mr. Lowe,

That portion referring the matter to the Governor was stricken out.

Mr. Johnson moved to strike out all after the enacting clause and insert the following :

"That the Governor is authorized to take of the Hon. G. Greene the entire No. of copies of the 2nd volume of his reports at the cost thereof, and also pay him the sum of three hundred dollars as his compensation for reporting and revising the same.

Mr. McKinney moved to amend by adding :

Provided, That this resolution shall not be regarded as a precedent for the action of the General Assembly or Reporters hereafter.

Carried.

On motion of Mr. Needham,

The bill was laid on the table.

Mr. Johnson from the select committee, to whom was referred a bill for an act to incorporate the city of Council Bluffs,

Reported back the same and recommended its passage.

Mr. Johnson from the committee on claims, to whom was referred the claim of Reverdy Johnson for fees as counsel in the Des Moines river case, reported as follows:

The committee on claims, to which were referred the claim of Hon.



Reverdy Johnson, and the communications of Gov. Hempstead and Gen. Van Antwerp, have had those matters under consideration and have instructed me to make the following

### REPORT.

The committee find that the services rendered by Mr. Johnson, were rendered under or by virtue of a contract between him and one Anson Bangs, and not between him or any officer or authority of this state.

The Governor expressly says, in his letter of 12th inst., that he "gave authority to *no* person to employ counsel in behalf of the state."

The commissioner of the Des Moines river improvement, in his letter to the Governor, expressly disclaims ever having authorised or intimated a desire or intention to authorise Mr. Bangs to engage counsel in the case of the state, for a reversal of Mr. Ewing's decision, restricting the Des Moines river grant—the case in which Mr. Johnson's services were rendered.

The services then, having been rendered without authority of the state or any of its officers, but under an employment by Mr. Bangs they can not regard the state as in any degree liable for the fee for such services. They therefore ask, that the claim may be rejected—that the claimant have leave to withdraw the papers, and the committee be discharged from the further consideration of the subject.

H. B. HENDERSHOTT, Chairman.

January 20th, 1853.

Mr. Johnson from the committee on claims, reported

Senate file No. 127, supplemental appropriation bill for the pay of certain officers therein named.

Mr. Coop from the committee on agriculture, to whom was referred Senate file No. 34, a bill concerning fences and trespassing animals,

Reported the same back with the recommendation that the Senate do not concur in the House amendment thereto.

Mr. Love from the committee on the judiciary, to whom was referred sundry petitions relative to the charter of the city of Keokuk, to a new constitution, to a change in the salaries of certain officers of Marion county, to the Des Moines River improvement, and to the Iowa Land bill,

Reported back the same, and

On request,

The committee were discharged from the further consideration of the same.

Mr. Love from the committee on the judiciary, reported back Senate file No. 12, a bill for an act to create the seventh judicial district of the State of Iowa.

Senate file No. 48, a bill for an act to repeal sections 510, 511 and 512.

And also,

To amend section 513, chapter 37 of the code of Iowa; and Senate file No. 103, a bill for an act to appropriate a portion of the University lands;

And recommended that they be indefinitely postponed.

Also,

H. R. file No. 187, a bill for an act to amend chapter 83 of the code,

Recommending its passage.

Mr. Clark from the committee on incorporations, to whom was referred H. R. file No. 179, a bill for an act to incorporate Iowa City, Reported the same back and recommended its passage.

Mr. Hull from the select committee, to whom was referred H. R. file No. 182,

Reported substitute therefor, a bill to reduce the salaries of certain officers.

Mr. Harris from the majority of the select committee, to whom was referred H. R. file No. 165, relative to the State printing,

Reported the same back with sundry amendments, and recommended its passage.

Mr. Needham from the minority of the same committee,

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

H. R. file No. 161, a bill for an act to create an additional election precinct in Village township, Van Buren county.

Was read a third time,

And the question being on its passage,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crothwait, Ever-son, Fletcher, Hillis, Hull, Johnson, Lewis, Love, Lowe, McAchan, McKinney, Needham, Park, Price, Sales, Schramm, and Spees—21.

**NAYS**—Messrs. Fisher, Harris, Hepner, Preston, and Mr. President—5.

Absent, Messrs. Hedrick, Lucas, Shields, and Wing.

So the bill passed and the title agreed to.

H. R. file No. 195, a bill for an act submitting to the electors of Iowa the question of a convention to amend the constitution of the State,

Was taken from the table.

A call of the Senate was ordered, and

Messrs. Hedrick, Lucas, Shields and Hendershott, reported absent.

And the question being on the passage of the bill,

The yeas and nays were ordered, and resulted as follows:

**YEAS**—Messrs. Browning, Coop, Cowles, Crosthwait, Everson, Harris, Hillis, Hedrick, Love, Lowe, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, and Spees—18.

**NAYS**—Messrs. Clark, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lucas, Sales, Shields, Wing and Mr. President—12.

Absent, Mr. Hendershott.

So the bill passed.

Mr. Hull moved to strike out the title and insert the following as a substitute :

A bill to enable eight by ten politicians to become Pachas with five tails.

On which,

The yeas and nays were ordered, and the motion was lost by the following vote :

**YEAS**—Messrs. Hull, Sales, and Wing—3.

**NAYS**—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Everson, Fisher, Fletcher, Harris, Hillis, Hedrick, Hepner, Johnson, Lewis, Love, Lowe, Lucas, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, Shields, Spees and Mr. President—27.

Absent—Mr. Hendershott.

Message from the House, by Mr. Hooton, Chief Clerk:

**MR. PRESIDENT**—I am directed to inform the Senate that the House has passed

H. R. file No. 203, an act to amend the act incorporating the City of Davenport.

In which the concurrence of the Senate is requested.

I herewith present for your signature

H. R. file No. 195, an act submitting to the electors of Iowa, the question of a convention to amend the constitution of the State.

The same having passed both branches of the General Assembly.

The following bills were read a third time, passed and title agreed to.

H. R. file No. 206, memorial and joint resolution memorialising Congress to cause the line of the half breed tract, in Lee county to be surveyed and established.

H. R. file No. 200, joint resolution appointing a committee of investigation of the affairs of the Des Moines river improvement.

H. R. file No. 173, a bill for an act to appoint a commissioner to perform certain duties in Delaware county.

Substitute for H. R. file No. 13, a bill for an act granting to certain officers therein named, a copy of the code and laws.

Substitute for H. R. file No. 84, a bill for an act requiring county judges to pay into the county treasury all money received by them from the sale of county property.

H. R. file No. 205, a bill for an act to legalise the assessment of Pottawattamie county, for the years 1851 and 1852.

H. R. file No. 201, Joint resolution for additional mail facilities.

H. R. file No. 183, a bill for an act to relocate the county seat of Fayette county.

H. R. file No. 10, preamble and joint resolution of instruction on the Homestead bill.

Senate file No. 84, a bill for an act to regulate proceedings for the recovery of real estate.

H. R. file No. 102, a bill for an act to extend the powers of school districts,

Was read a third time.

And the question being on its passage,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Browning, Clark, Cowles, Fisher, Fletcher, Harris, Johnson, Lewis, Love Lowe, Lucas, McAchran, McKinney, Needham, Park, Sales, Schramm, Spees and Wing—19.

NAYS—Messrs. Coop, Crosthwait, Everson, Hillis, Hedrick, Hepner, Hull, Preston, Price, Shields, and Mr. President—11

Absent—Mr. Hendershott.

So the bill passed and title agreed to.

H. R. file No. 185, a bill for an act to incorporate the city of Council Bluffs;

And,

H. R. file No. 179, a bill for an act to incorporate Iowa City,

Were read a first and second time, and passed to a third reading.

Senate file No. 34, a bill concerning fences and traspasing animals,

Was taken up.

On motion,

The Senate disagreed to the House amendments thereto.

On motion,

The report of the committee on claims, to whom were referred the claim of Revere Johnson, and the letters of the Governor and commissioner of the Des Moines River Improvement, relative to the same,

Was adopted by the Senate.

Senate file No. 127, supplemental appropriation bill, reported by the committee on claims,

Was taken up.

Mr. Hepner moved to strike out that portion relating to the claim of John Brown.

Mr. McKinney offered the following amendment:

Add to the same section—"To Joseph D. Hoag commissioner for similar services and money advanced on lots, and interest on same for a like period, two hundred and seventy-seven dollars and forty-four cents."

Pending which,

On motion,

The Senate adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

The question being on the amendment offered by Mr. McKinney,

The yeas and nays were ordered and the amendment was lost by the following vote:

**YEAS**—Messrs. Browning, Clark, Everson, Hedrick, McKinney and Spees.—6.

**NAYS**—Messrs. Coop, Cowles, Crosthwait, Fisher, Fletcher, Harris, Hillis, Hepner, Hull, Lowe, Lucas, McAchran, Needham, Preston, Price, Sales, Schramm, Shields, Wing and Mr. President.—20.

The question recurring on the motion of Mr. Hepner, to strike out the allowance to John Brown,

The yeas and nays were ordered, and the motion prevailed by the following vote:

**YEAS**—Messrs. Browning, Clark, Coop, Fisher, Fletcher, Harris, Hillis, Hedrick, Hepner, Hull, Lowe, Lucas, McAchran, Needham, Preston, Price, Sales, Shields, Spees, Wing and Mr. President.—20.

**NAYS**—Messrs. Cowles, Crosthwait, Everson, Love, McKinney, Park, and Schramm.—7.

**Absent**—Messrs. Hendershott, Johnson and Lewis.

On motion of Sales,

The bill was laid on the table.

Substitute for H. R. file No. 182, a bill to reduce the salaries of certain officers,

Was taken up, and

On motion of Mr. Johnson,

Laid on the table.

Message from the House of Representatives, by Mr. Hooton, Chief Clerk.

**MR. PRESIDENT**—I am directed to inform the Senate that the House has indefinitely postponed

Senate file No. 111, a bill for an act to regulate the practice of the courts of the State;

Also,

That the House refuses to concur in Senate amendment to section 7, and that the House does concur in the amendment to section 8, to H. R. file No. 122, a bill for an act to provide for the election of Attorney General and define his duties.

I herewith present for your signature,

H. R. file No. 190 an act to vacate part of Ingram & Ramsey's addition to Agency City, in Wapello county;

Also,

H. R. file No. 197, an act to change the name of Fremont in Benton county, to Vinton;

Also,

H. R. file No. 198, an act authorizing the transcribing so much of the records of Pottawattamie county as relates to Mills county ;

Also,

H. R. file No. 202, joint resolution appropriating money to extend the State Library ;

Also,

Senate substitute for H. R. file No. 106, an act to amend an act entitled "an act for the encouragement of Agriculture" approved February 5th, 1851;

The same having passed both branches of the General Assembly.

I herewith return,

Senate file Nos. 32, 33, 67, 70, 95, and 117,

The same having received the signature of the Speaker of the House of Representatives.

H. R. file No. 187, a bill for an act to amend chapter 83 of the code,

Was passed to a third reading to-morrow.

Senate file No. 48, a bill for an act to repeal sections 510, 511 and 512.

Also,

To amend section 513, chapter 37 of the code of Iowa, was,

On motion,

Indefinitely postponed.

Senate file No. 103, a bill for an act to appropriate a portion of the university lands, was,

On motion,

Laid on the table until the 4th of July.

On motion,

Senate file No. 12, a bill for an act to create the seventh judicial district in the State of Iowa,

Was indefinitely postponed.

H. R. file No. 105, a bill to amend several acts in relation to State Printer. with the majority and minority reports of the select committee thereon.

Was taken up, and

On motion,

Laid on the table until to-morrow morning at half-past nine o'clock.

Mr. Fletcher, by leave, introduced

Senate file No. 128, an act to organise, discipline and govern the militia of the State of Iowa;

Which was read a first and second time.

Mr. McKinney offered the following amendment :

Insert among those exempted from military duties :

"Persons belonging to the society of Friends, commonly known as Quakers, who are conscientiously opposed to the performance of such duties."

On which,

The yeas and nays being ordered, the amendment was lost by the following vote:

YEAS—Messrs. Browning, Everson, Fisher, Hedrick, McAchran, McKinney, Needham, Park, Price, Schramm, and Wing—10.

NAYS—Messrs. Clark, Coop, Cowles, Crosthwait, Fletcher, Harris, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, Preston, Sales, Shields, Spees and Mr. President—18.

Absent, Messrs. Hillis, and Hendershott.

On motion of Mr. Hull,

Section 14 was amended by inserting after the word second lieutenant, the words "and such other subordinate officers as may be necessary."

On motion,

The Senate adjourned.

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SATURDAY MORNING, JANUARY 22, 1853.

The Senate met pursuant to adjournment.

Mr. Needham presented the petition of Jonathan Ogden and 40 others of Mahaska county, asking the vacation of a state road.

Laid on the table.

Mr. Cowles from the committee on claims, to whom were referred the appropriation bill and sundry claims against the State of Iowa,



Reported the following amendment, namely,

“Amendment to the appropriation bill,

To Martin Boyle, assistant fireman, 50 days \$2, \$100 00

“ Trowbridge & Sanders, 6 copies of maps of Iowa, 1,75, \$10 50

Also the claims of Josiah Cowles, Joseph D. Hoag and H. C. Murphy without recommendation; also, the claims of C. J. McFarland and Jacob Webb, recommending that they be rejected.

Mr. Wing from the committee on enrolled bills,

Reported Senate files Nos. 60, 70 and 94 correctly enrolled.

Mr. Shields by leave introduced

Senate file No. 129, a bill for an act to locate the county seats of the counties of Bremer and Butler,

Which was read a first and second time, and

On motion,

The 11th rule was suspended and the bill read a third time, passed and title agreed to.

The following bills were read a third time, passed and titles agreed to:

H. R. file No. 88, a bill for an act to amend chapter 83 of the code.

H. R. file No. 179, a bill for an act to incorporate Iowa City.

H. R. file No. 185, a bill for an act to incorporate the city of Council Bluffs.

H. R. file No. 203, a bill for an act to amend the act to incorporate the city of Davenport,

Was read a first and second time, and

On motion of Mr. Wing,

The 11th rule was suspended and the bill read a third time, passed and title agreed to.

On motion of Mr. Hepner,

The Senate insisted on its amendment to section 1, of H. R. file No. 122.

On motion of Mr. Preston,

A committee of conference, on the part of the Senate, was appointed to meet a similar committee from the House, upon the disagreeing votes relative to said amendment.

The President appointed Messrs. Preston, Fletcher and Browning managers for the Senate.

Senate file No. 127, supplemental appropriation bill,

Was taken up,

Mr. Everson moved to strike out that portion allowing mileage to P. B. Bradley.

Lost.

Mr. Love moved that the claim of Josiah Cowles for \$96.00 be incorporated in the appropriation bill,

On which,

The yeas and nays were ordered, and the motion was lost by the following vote:

YEAS—Messrs. Cowles, Harris, Love, Price, Sales, Shields and Mr. President—7.

NAYS—Messrs. Browning, Clark, Coop, Crosthwait, Everson, Fisher, Fletcher, Hillis, Hedrick, Hepner, Hull, Johnson, Lewis, Lowe, McAchran, McKinney, Needham, Park, Preston, Schramm, Spees and Wing—22.

On motion of Mr. Browning,

That portion allowing compensation to officers of the land offices for abstracts, plats &c., furnished by them to the Senate, was stricken out.

Mr. Hepner moved to strike out that portion allowing compensation to Wm. H. Merritt for folding &c., the Governor's message and the reports of the officers of State.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Crosthwait, Fletcher, Hillis, Hedrick, Hepner, Hull, Johnson, Lowe, McAchran, McKinney, Needham, Park, Preston, Price, Schramm, Spees and Wing—20.

NAYS—Messrs. Cowles, Everson, Fisher, Harris, Lewis, Love, Sales, Shields and Mr. President—9.

On motion of Mr. Everson,

That portion relating to John G. Baker, John Clark, John Webb and William S. Townsend road viewers,

Was stricken out.

H. R. file No. 165, an act to amend the several acts in relation to a State Printer, with the reports relative to the same.

Was taken up.

Mr. Johnson offered the following amendment, which was lost:

Amendment to H. R. file 165:

Strike out all after the enacting clause, and insert the following :

**SECTION 1.** That from and after the expiration of the term of service of W. H. Merritt, State Printer, the prices of the public printing shall be reduced at the rate of thirty-five per cent. from the prices allowed under an act entitled "an act to create the office of State Printer, to provide for his election, to define his duties, and to establish the prices of public printing," approved Dec. 29, 1848.

Provided, that no charges for postage, proof reading, unnecessary blanks or constructive work, shall be allowed to said printer.

**SEC. 2.** That all acts and parts of acts in conflict with the provisions of this act, be and the same are hereby repealed.

**SEC. 3.** This act shall take effect and be in force from and after its publication.

Mr. Harris moved the adoption of the majority report.

On which,

The yeas and nays were ordered, and the motion was lost by the following vote :

**YEAS**—Messrs. Clark, Coop, Cowles, Fisher, Fletcher, Harris, Lewis, Love, Lowe, Lucas, Price, Sales, Shields, and Mr. President—14.

**NAYS**—Messrs. Browning, Crosthwait, Everson, Hillis, Hedrick, Hepner, Hull, McAchran, McKinney, Needham, Park, Preston, Schramm, Spees and Wirg—15.

Absent, Messrs. Hendershott, and Johnson.

Mr. Love moved to strike out of section one, the words "forty-five cents" wherever they occur, and insert "fifty cents."

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

**YEAS**—Messrs. Clark, Coop, Cowles, Fisher, Fletcher, Harris, Hull, Johnson, Lewis, Love, Lowe, Preston, Price, Sales, Shields and Mr. President—16.

**NAYS**—Messrs. Browning, Crosthwait, Everson, Hillis, Hedrick, Hepner, Lucas, McAchran, McKinney, Needham, Park, Schramm, Spees and Wing—14.

Absent, Mr. Hendershott.

Mr. Harris moved to strike out section three.

On which,

The yeas and nays were ordered, and the motion was lost by the following vote :

**YEAS**—Messrs. Clark, Coop, Cowles, Fisher, Harris, Lewis, Love, Lowe, Preston, Price, Sales, and Shields—12.

**NAYS**—Messrs. Browning, Crosthwait, Everson, Fletcher, Hillis, Hedrick, Hepner, Hull, Lucas, McAchran, McKinney, Needham, Park, Schramm, Spees, Wing and Mr. President—17.

Mr. Love offered the following amendment :

“Strike out from section one, \$1 25 for first quire printing blanks, and 25 cents for each additional quire, and insert \$1 48 for first quire and 59 cents for each additional quire.”

On which,

The yeas and nays were ordered, and the motion was lost by the following vote :

**YEAS**—Messrs. Clark, Cowles, Fisher, Fletcher, Harris, Lewis, Love, Lowe, Preston, Price, Sales, Shields, and Mr. President—13.

**NAYS**—Messrs. Browning, Coop, Crosthwait, Everson, Hillis, Hedrick, Hepner, Hull, Lucas, McAchran, McKinney, Needham, Park, Schramm, Spees and Wing—16.

Mr. Hepner moved that the 11th rule be suspended and the bill read a third time now; and,

On this motion,

Demanded the previous question.

The question being on the suspension of the 11th rule,

The yeas and nays were ordered, and the motion was lost by the following vote :

**YEAS**—Messrs. Browning, Crosthwait, Everson, Hillis, Hedrick, Hepner, Lowe, McAchran, McKinney, Needham, Park, Spees, and Wing—13.

**NAYS**—Messrs. Clark, Coop, Cowles, Fisher, Fletcher, Harris, Hull, Lewis, Love, Lucas, Preston, Price, Sales, Shields, and Mr. President—15.

Mr. Hepner moved that the bill be read a third time on Monday;

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote :

**YEAS**—Messrs. Browning, Everson, Fisher, Hillis, Hedrick, Hepner, Hull, Lowe, Lucas, McAchran, McKinney, Needham, Park, Preston, Schramm, Spees, and Wing—18.

**NAYS**—Messrs. Clark, Coop, Cowles, Fletcher, Harris, Lewis, Love, Price, Sales, Shields and Mr. President—11.

Message from the House, by Mr. Hooton, Chief-Clerk:

Mr. PRESIDENT—I am instructed to inform the Senate that the House has passed without amendment,

Senate file No. 44, a bill for an act providing for the further completion of the State House, at Iowa City;

Also,

Senate file No. 75, a bill for an act to amend section 649, chapter 42, of the code;

Also,

Senate file No. 93, a bill for an act to amend the law in relation to executors, &c.;

Also,

Senate file No. 104, joint resolution appointing trustees for the State University of Iowa;

Also,

Senate file No. 106, a bill for an act to change the name of South Bentonsport to Vernon;

Also,

Senate file No. 107, joint resolution authorising the Secretary of State, to forward the code of Iowa to the public libraries in the City of Washington, with amendment;

Also,

Senate file No. 113, a bill for an act to amend section 1848, of the code of Iowa;

Also,

Senate file No. 116, joint resolution in relation to Greene's Reports;

Also,

Senate file No. 120, a bill for an act to provide for the election of a justice of the peace in Ashland, Wapello county;

Also,

Senate file No. 125, joint resolution for supplying the congressional library with the code of Iowa, with one amendment.

The House have passed,

H. R. file No. 54, preamble and joint resolution asking Congress to remove certain restrictions in the act granting lands to aid in the improvement of the Des Moines river;

Also,

Substitute for *H. R.* file No. 125, a bill for an act in relation to trials by jury;

Also,

Substitute for *H. R.* file No. 196, a bill for an act to authorize Nicholas B. Brown and his associates to construct a dam across Cedar river, Linn county.

Also,

*H. R.* file 210, a bill for an act to provide for taking the census of part of Warren county;

Also,

*H. R.* file 213, a bill for an act to alter and amend the code of Iowa;

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

The *House* has indefinitely postponed the further consideration of Senate file No. 58, a bill for an act on the subject of change of venue;

Also,

Senate file No. 84, a bill for an act to regulate proceedings for the recovery of real estate;

Also,

Senate file No. 99, a bill for an act granting incorporate companies the right of way;

Also,

Senate file No. 105, a bill to regulate the practice of medicine and surgery in the State of Iowa.

The *House* have concurred in the amendments made by the Senate to

*H. R.* file No. 157, a bill for an act to re-apportion the State into representative districts, and by unanimous consent have made several amendments

In which the concurrence of the Senate is requested.

The *House* have concurred in the amendment made by the Senate to substitute for

*H. R.* file No. 58, a bill for an act to secure to the electors of Iowa the right to elect a commissioner and register of the Des Moines river improvement, and to make further provisions for the prosecution and completion of said improvement.

The *House* have concurred in the first amendment, and refused to concur in the second amendment made by the Senate to

*H. R.* file No. 102, a bill for an act to extend the powers of school districts.

The *House* have also refused to concur in the first amendment and have concurred in the second amendment made by the Senate to

*H. R.* file No. 183, a bill for an act to relocate the county seat of Fayette county.

The *House* have also concurred in the Senate amendments to

*H. R.* file, Nos. 10, 45, 124, 172; also, the amendments made by the Senate to substitute for *H. R.* file No. 135.

Senate file No. 128, relative to the organization of the militia,

Was taken up.

On motion of Mr. Hull,

The vote on the adoption of the amendment offered by him yesterday was reconsidered.

And by general consent he withdrew said amendment.

Mr. Lowe moved to strike out section 39, and insert as follows :

Section 39. Every non-commissioned officer, musician and private for non-appearance at a place of rendezvous when called into actual services, unless providentially detained, shall pay a fine of fifty dollars.

Carried.

Mr. Everson moved to amend the 3d section by adding thereto the words "Teachers in all schools and institutions of learning."

Lost.

The question being on the passage of the bill,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Everson, Fletcher, Hepner, Hull, Lewis, Love, Lowe, Park, Preston, Price, Sales and Mr. President—16.

NAYS—Messrs. Crosthwait, Fisher, Harris, Hillis, Hedrick, Lucas, McAchran, McKinney, Needham, Schramm, Spees and Wing—12.

Absent—Messrs. Hendershott, Johnson and Shields.

So the bill was passed and the title agreed to.

Mr. Crosthwait by leave, introduced

Senate file No. 130, joint resolution to authorise the superintendent of public instruction to pay certain fees,

Was read a first and second time, and

On motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

On motion of Mr. Love,

Senate file No. 122, a bill for an act in relation to certain state roads,

Was taken from the table.

Mr. Lowe moved to strike out from section 15 "Wm. Sherby" and insert "Samuel Lucas,"

Carried.

Mr. Love offered the following amendment, which was adopted:

SEC. 24. That Smith Hammel, William Lamb and Josiah Hinkle of Lee county, are hereby appointed commissioners, to lay out and establish a state road from Brown's Tavern, in Lee county, to intersect the road from Montrose to Keokuk, on or near the bluff west of Montrose, thence to the city of Keokuk. Said road shall be laid out as far from the track of the Keokuk and Des Moines Valley Plank Road, as a due regard to the nature of the ground and the convenience of the traveling public will permit, and as soon as said state road shall be open and ready for use, the old state road shall be vacated.

On motion of Mr. Fletcher,

The following section was added:

SEC. 25: That John R. Sisson, John Raddon and Henry Rockefeller of Louisa county, are hereby appointed commissioners to relocate such part of the state road from Walling's Landing in Louisa county, to Washington in Washington county, as lies between Grand View and Fredonia in the county of Louisa.

On motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

Mr. Sales moved that the blank in that portion of the amendment to the apportionment bill, which relates to the compensation of the Secretary for distributing the journals, &c., be filled with the word "six."

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Clark, Coop, Cowles, Fisher, Fletcher, Harris, Har-



ris, Hedrick, Hepner, Hull, Johnson, Lewis, Love, Lowe, Lucas, Park, Preston, Price, Sales, and Schramm—14.

**YAYS**—Messrs. Browning, Crosthwait, Everson, Hillis, McAchran, McKinney, Needham, Shields, Spees, Wing and Mr. President—11.

On motion,

The *House amendments to Senate file No. 125*, a bill for an act to amend chapter 83 of the code,

Were concurred in.

*H. R. file No. 54, preamble and joint resolution asking Congress to remove restrictions in the act granting lands to aid in the improvements of the Des Moines river,*

Was read a first and second time; and,

On motion,

The 11th rule was suspended, passed and title agreed to.

Substitute for *H. R. file No. 196*, a bill for an act to authorise Nicholas B. Brown and his associates to construct a dam across Cedar river, in Linn county,

Was read a first and second time.

Mr. Preston moved that the bill be read a third time on Monday.

On which,

The yeas and nays were ordered, and the motion failed by the following vote:

**YEAS**—Messrs. Browning, Coop, Crosthwait, Everson, Hillis, Lewis, Park, Preston, Price, Schramm, and Shields—11.

**NAYS**—Messrs. Clark, Cowles, Fisher, Fletcher, Harris, Hepner, Hedrick, Hull, Johnson, Lucas, McKinney, Needham, Sales, Spees, Wing and Mr. President—16.

Absent—Messrs. Hendershott, Lowe, Love, and McAchran,

On motion,

The Senate adjourned.

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HALF-PAST ONE O'CLOCK, P. M.

Mr. Wing from the committee on enrolled bills, reported Senate files Nos. 116, 113, 107, 93, 104 and 106 correctly enrolled. H. R. file No. 213,

Was read a first and second time, and  
Referred to the committee on the judiciary.

H. R. file No. 210,

Was read a first and second time, and

On motion,

The 11th rule was suspended and the bill read a third time, passed and title agreed to.

Substitute for H. R. file No. 125,

Was read a first and second time, and

On motion,

The 11th rule was suspended and the bill read a third time, passed and title agreed to.

On motion of Mr. Shields,

The Senate insisted on its amendments to H. R. file No. 183.

On motion,

The Senate insisted on its amendment to H. R. file No. 102.

On motion,

The Senate concurred in the House's amendments to H. R. file No. 157.

On motion of Mr. Hull,

Substitute for H. R. file No. 182,

Was taken from the table.

Mr. Cowles moved that it be indefinitely postponed.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Cowles, Crosthwait, Fisher, Harris, Hepner, Johnson, Lewis, Love, Lucas, Park, Preston, Price, Sales, Schramm, Shields, Spees, Wing and Mr. President—21.

NAYS—Messrs. Everson, Fletcher, Hillis, Hedrick, Hull, Lowe, McAchran, McKinney, and Needham—9.

Absent, Mr. Hendershott.

On motion of Mr. Preston,

Senate file No. 126, relative to Greene's reports,

Was taken from the table.

On motion,

The 11th rule was suspended, and

The yeas and nays being ordered on its passage, the bill was rejected by the following vote:

**YEAS**—Messrs. Clark, Cowles, Fisher, Harris, Lewis, Love, Lowe, Lucas, Preston, Price, Sales, Shields, Wing and Mr. President—14.

**NAYS**—Messrs. Browning, Coop, Crosthwait, Everson, Fletcher, Hillis, Hedrick, Hepner, Hull, Johnson, McCachran, McKinney, Needham, Park, Schramm, and Spees—16.

Absent, Mr. Hendershott.

On motion,

Senate file No. 73, a bill for an act to amend chapters 15 and 24 of the code, concerning county judges,

Was indefinitely postponed.

On motion of Mr. Preston,

H. R. file No. 37,

Was taken from the table.

Mr. Preston moved that it be indefinitely postponed.

On which,

The yeas and nays were ordered, and the motion was lost by the following vote:

**YEAS**—Messrs. Clark, Coop, Fletcher, Hedrick, Hepner, Johnson, Lowe, Needham, Preston, Sales, Shields, Wing and Mr. President—13.

**NAYS**—Messrs. Browning, Cowles, Crosthwait, Everson, Fisher, Harris, Hillis, Hull, Lewis, Love, McCachran, McKinney, Park, Price, Schramm, and Spees—16.

Absent, Messrs. Hendershott, and Lucas.

Message from the House, by Mr. Hooton, Chief Clerk.

MR. PRESIDENT—I herewith present for your signature,

House file No. 10, preamble and joint resolution of instruction upon the homestead bill.

Also,

H. R. file No. 13, an act granting to certain officers therein named a copy of the code and laws of Iowa.

Also,

H. R. file No. 45, an act to enforce the claims of the state and county against lands and lots on which the owners have failed to pay the taxes charged thereon prior to 1851.

Also,

Substitute for H. R. file No. 84, an act requiring county judges to pay into the county treasury all money received by them from the sale of county property.

Also,

H. R. file No. 124, an act for the relief of Solomon Bond.

Also,

H. R. file No. 130, an act regulating the terms of the supreme court.

Also,

H. R. file No. 135, an act to amend chapter 37 of the code in relation to township assessors.

Also,

H. R. file No. 161, an act to create an additional election precinct Village township, Van Buren county.

Also,

H. R. file No. 172, an act to dispose of the saline lands.

Also,

H. R. file 173, an act to appoint a commissioner to perform certain duties in Delaware county.

Also,

H. R. file No. 200, joint resolution appointing a committee of investigation of the officers of the Des Moines river improvement.

Also,

H. R. file No. 201, joint resolution for additional mail facilities.

Also,

H. R. file No. 205, an act to legalise the assessment of Pottawattamie county for the years 1851 and 1852.

Also,

H. R. file No. 206, preamble and joint resolution memorializing Congress to cause the line of the half breed tract in Lee county, to be surveyed and established.

I herewith return,

Senate files No. 60 and 94,

The same having received the signature of the Speaker of the House of Representatives

On motion of Mr. Lewis,

The vote on the indefinite postponement of H. R. file No. 37,

Was reconsidered.

The question being on the indefinite postponement.

The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Clark, Coop, Cowles, Crosthwait, Fletcher, Hedrick,

Hepner, Johnson, Lewis, Lowe, Lucas, Needham, Park, Preston, Price, Sales, Shields, Wing and Mr. President—19.

NAYS—Messrs. Browning, Everson, Fisher, Harris, Hillis, Hull, Love, McAchran, McKinney, Schramm and Spees—11.

Absent—Mr. Hendershott.

Mr. Preston moved to reconsider the vote on striking out that portion of the appropriation bill relative to the allowance to Wm. H. Merritt.

On which,

The yeas and nays were ordered, and the motion was lost by the following vote:

YEAS—Messrs. Clark, Cowles, Fisher, Fletcher, Harris, Lewis, Love, Lowe, Lucas, Preston, Price, Sales, Shields and Mr. President—14.

NAYS—Messrs. Browning, Coop, Crosthwait, Everson, Hillis, Hepner, Hull, Johnson, McAchran, McKinney, Needham, Park, Schramm, Spees and Wing—14.

Absent—Mr. Hendershott.

Mr. Harris moved to reconsider the vote rejecting H. R. file No. — a bill for an act authorising Nicholas B. Brown and others to construct a dam across the Cedar river at Cedar Rapids,

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Browning, Coop, Crosthwait, Everson, Fisher, Harris, Lewis, Love, Lowe, Preston, Price, Sales, Schramm, Shields, Wing and Mr. President—16.

NAYS—Messrs. Clark, Cowles, Fletcher, Hillis, Hedrick, Hepner, Hull, Johnson, Lucas, McAchran, McKinney, Needham, Park and Spees—14.

Absent—Mr. Hendershott.

The question being on the passage of the bill,

The yeas and nays were ordered and resulted as follows :

YEAS—Messrs. Browning, Coop, Crosthwait, Everson, Fisher, Harris, Hedrick, Lewis, Love, Lowe, Lucas, Park, Preston, Price, Sales, Schramm, Shields, Wing and Mr. President—19.

NAYS—Messrs. Clark, Cowles, Fletcher, Hillis, Hepner, Hull, Johnson, McAchran, McKinney, Needham and Spees—11.

Absent—Mr. Hendershott.

So the bill passed and its title agreed to.

On motion of Mr. Everson,  
Senate file No. 77, an act to amend the law in relation to executions  
and the officers holding the same,

Was taken from the table, and

On motion of Mr. Coop,  
Indefinitely postponed.

Mr. Lowe moved that Senate file No. 127, a bill for an act provid-  
ing for the compensation of certain officers therein named,

Be read a third time now.

Mr. Love moved to insert "that S. J. Dunham be allowed twenty-  
five dollars extra for his services as fireman.

Lost.

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

On motion of Mr. Hull,

H. R. file No. 32,

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

On motion of Mr. Browning,

Senate file No. 49, an act to repeal chapter 74 of the Code of Iowa,

Was taken up;

And the question being on its passage,

The yeas and nays were ordered and resulted as follows :

YEAS—Messrs. Browning, Crosthwait, Everson, Hillis, Hedrick,  
Hull, Johnson, McAchran, McKinney, Needham, Park, Preston,  
Schramm, Spees and Mr. President—15.

NAYS—Messrs. Clark, Coop, Cowles, Fisher, Fletcher, Hepner,  
Lewis, Love, Lowe, Price, Sales, Shields and Wing—13.

Absent—Messrs. Harris, Hendershott and Lucas.

So the bill passed and the title was agreed to.

The following communication with the accompanying paper, was  
received from his excellency, the Governor :

*Gentlemen of the Senate and House of Representatives:*

I herewith transmit a list of the books purchased by me, in accord-  
ance with the directions of the General Assembly, and which have  
been placed in the State Library.

The sum authorised to be expended was five hundred dollars:  
With this amount it was impossible to do much towards filling up the  
library, and as it was very deficient in the writings of American

author, I came to the conclusion to apply a portion of the appropriation for the purchase of works of that character.

The list will show the titles of the books, and price of each volume, amounting to the sum of four hundred fifty-six dollars and fifty-two cents, leaving thirteen dollars and forty-eight cents of the appropriation unexpended, which will be applied to the payment of freight and charges on the same

S. HEMPSTEAD.

EXECUTIVE DEPARTMENT, Iowa City, Jan. 22, 1853.

BOSTON, November 16, 1852.

IOWA STATE LIBRARY,

Bought of Wm. W. Taft, Agency to supply Libraries,

91 Washington st. Boston.

Nov. 16, '52.

1 Prescott's Peru, 2v. 8o. sheep,.....	\$ 3 60
1 do Mexico, 3v. 8o. ....	5 40
1 do Miscellanies, 8o. ....	1 80
1 Irving's Works, except Columbus, 12v. 12o. cloth,.....	12 00
1 Cooper's Works, 33v. 12o. sheep,.....	24 00
1 Bancroft's United States, 4v. 8o. sp. ....	7 20
1 Armstrong's Agriculture 18o. ....	40
1 Davis' memoirs Aaron Burr, 2v. 8o. very scarce,.....	6 70
1 Aaron Burr's Journal, 2v. 8o. Not ready. ....	0 00
1 Neander's Life of Christ, 8o. sheep,.....	1 80
1 Pardoe's Louis XIV, 2v. 8o. ....	2 80
1 Brown's Trees of America, 8o. cloth,.....	4 00
1 Neal's Puritans, 2v. 8o. sheep.....	3 20
1 Burk's Works, 3v. 8o. sheep,.....	4 00
1 Humbolt's Cosmos, 4v. Lond.....	3 32
1 Kendall's Texas and Sante Fe, 8o. ....	1 60
1 Grottes' Greece, 6v. 12o. cloth,.....	2 80
1 Stephen's Central America, 2v. 8o. cloth,.....	4 00
1 do Yucatan, do .....	4 00
1 do Greece, 2v. 12o. cloth,.....	1 40
1 do Egypt, Arab, &c. 2v. 12o.....	1 40
1 Lamb's Works, 2v. 12o. cloth,.....	1 60
1 Biglow's Useful Arts, 8o. sheep.....	1 20
1 Kane's Chemistry, 8o.....	1 60

1 Campbell's Chancellors, 7v. 8o. cloth,.....	9 60
1 do Chief Justices 2v. 8o. ....	2 80
1 Robertson's And. 8o. sheep,.....	1 40
1 do Scotland, &c. 8o. sheep.....	1 40
1 Macauley's England, 2v. 12o. sheep.....	80
1 North American Review, from vol. 22d, 53 vols, $\frac{1}{2}$ sheep	100 00
1 Silliman's Journal; vol 35-50 inclu. 1st series, and.....	
do do do 1-10 do 2d series, in all 26	
volumes, $\frac{1}{2}$ sheep,.....	71 75
1 Story's Life, 2v. 8o. cloth.....	4 40
1 Ticknor's Sp. Lit. 3v. 8o. cloth.....	5 40
1 Everett's Orations 2v. 8o. cloth,.....	4 00
1 Layard's Nineveh, 2v. 8o. sheep,.....	4 00
1 Irving's Florida, 12o. cloth,.....	1 00
1 Don Quixote, 2v. 8o. cloth,.....	1 80
1 Squire & Davis' Monuments, Mississippi Valley, 4to. cl.	8 00
1 Longfellow's Poems, 2v. 16o. cloth,.....	1 80
1 Byron's Works, 2v. 8o. sheep.....	2 87
1 Hawk's Egypt, 8o. half morocco,.....	2 80
1 Parkman's Pontiac, 8o. cloth,.....	2 00
1 Goethis Faust by Hayward, 12o. cloth.....	60
1 Do. Wilhelac Mister, 2v. 12o. cloth,.....	2 00
1 Men of the Times, 12o. cloth,.....	1 20
1 Webster's Works, 6v. 8o. sheep,.....	12 00
1 Greenleaf's Evidence, 2v. 8o. sheep,.....	8 80
1 Stephen's Nisi Prius, 3v. 8o. sheep,.....	10 20
1 Smith's Leading Cases, 2v. 8o. sheep,.....	8 00
1 U. S. Digest, 10 vols. royal 8o. sheep,.....	50 40
1 do Equity, 2v. 8o. sheep,.....	9 60
1 Story's Conflict Laws, royal 8o. sheep,.....	4 88
1 do. Agency, do.....	4 00
1 do Bills Exchange, do.....	4 40
1 do Promissory Notes, do.....	4 40
1 do Partnership, do.....	4 40
1 do Contracts, do.....	4 40
1 do Sales, do.....	3 60
1 Jones' Electric Telegraph, 8o. cloth,.....	80
1 Chickering's Population 1v. 8o 2.25,.....	1 80
1 Taylor's El Dorado, 12o cloth, 1.25,.....	1 00



THE SENATE.

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1 Taylor's Views a Foot, do .....	1 00
1 Parkman's Prairie Life, do .....	1 00
1 Spencer's East 12o. cloth 1.50. ....	1 20
1 Walton's Lives, 12o. cloth, .....	80
1 Head's Pavic, 12o. cloth, .....	80
1 Hood's Works 4v. 12o. cloth. ....	3 20
1 Hunt's Inauguration, do .....	50
1 Putnam's Dictionary of Dates, 12o. cloth, .....	1 60
1 Roughing in the Bush, 12o. cloth, .....	60
1 Tschudi's Peru, 12o. ....	80
1 Olmstead's American Farmer in Eng. ....	60
1 Saunder's Great Metropolis. ....	80
1 Roscoe's Benvenuto Cellini, 12o. cloth. ....	1 00
Boxes, carting, &c. ....	2 50
Insurance from Boston to Dubuque on \$500—1 $\frac{3}{4}$ .....	5 00
	<hr/>
	\$483 52
Western Annals, .....	3 00
	<hr/>
	\$486 52

On motion,

The communication was referred to the committee on the judiciary.

Mr. Cowles, from the committee on claims, presented the claim of H. C. Murphy, against the State; which,

On motion of Mr. Browning,

Was indefinitely postponed.

On motion,

The Senate adjourned until seven o'clock P. M.

SEVEN O'CLOCK, P. M.

Mr. Wing, from the committee on enrolled bills, reported Senate files Nos. 64, 75 and 125 correctly enrolled.

Mr. Needham presented the remonstrance of Lord Lathrop and seventy others, of Jasper and Mahaska counties, relative to a state road.

Laid on the table.

Mr. McKinney, by leave, introduced,  
Senate file No. 131, a bill for an act for the relief of the heirs of Daniel Prout, deceased,

Which was read a first and second time; and,

On motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

On motion of Mr. Hull,

Resolved, unanimously, that the thanks of this Senate are hereby tendered to the Hon. Wm. E. Leffingwell, for his very able and impartial course as presiding officer of this body.

On motion of Mr. Harris,

Resolved, unanimously, that the thanks of the Senate are hereby tendered to the several officers of the Senate, for their kind and gentlemanly bearing towards Senators, and the promptness and ability with which they have discharged the duties of their several offices.

Mr. Preston, by leave, introduced,

Senate file No. 132, an act supplemental to an act regulating the terms of the Supreme Court.

Which was read a first and second time; and,

On motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

On motion of Mr. Crosthwait,

Senate file No. 10, an act to amend chapter 83 of the code of Iowa, concerning the estates of decedents,

Was taken from the table; and,

On motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

Seven o'clock and forty minutes.

On motion of Preston,

Senate file No. 8, joint resolution relative to the Dubuque and Keokuk, and Davenport and Council Bluffs railroads,

Was taken from the table.

And the Senate went into committee of the whole for the consideration of the same.

Eight o'clock and ten minutes.—The committee rose; and,

On motion,

The bill was laid on the table.

H. R. file No. 207,

Was read a first and second time; and,

On motion,

Indefinitely postponed.

H. R. file No. 208,

Was read a first and second time; and,

On motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

H. R. file No. 211,

Was read a first and second time; and,

On motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

H. R. file No. 212,

Was read a first and second time; and,

On motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

H. R. file No. 215,

Was read a first and second time.

On motion of Mr. Love,

The blank was filled with "Edward Johnston, Geo. Hepner and I. M. Preston."

Mr. Johnson offered the following amendment, which was adopted:

Provided, That said commissioners shall not receive any compensation for said services or expenses incurred in the performance of the trust, unless the same shall be paid out of the University fund: And provided further, that any three of said commissioners may act in the matter.

Mr. Browning moved that the bill be indefinitely postponed.

On which,

The yeas and nays were ordered, and the motion prevailed by the following vote :

YEAS—Messrs. Browning, Clark, Coop, Cowles, Fisher, Fletcher, Hillis, Hepner, Hull, McKinney, Needham, Park, Price, Schramm: Spees and Wing—16.

**NAYS**—Messrs. Crosthwait, Harris, Johnson, Lewis Love, Lowe, Lucas, Preston, Sales, and Mr. President—10.

**Absent**—Messrs. Hedrick, Everson, Hendershott, McAchran and Shields.

Message from the House, by Mr. Hooton, Chief Clerk:

MR. PRESIDENT—I herewith return,

Senate files Nos. 93, 104, 106, 107, 113, 116, 120, 44, 75 and 125,

The same having received the signature of the Speaker of the House of Representatives.

I am instructed to inform the Senate that the House has passed

H. R. file No. 180, a bill for an act supplemental and amendatory to chapters 66, 67, 68, 69, 70 and 71 of the Code.

Also,

H. R. file No. 199, a bill for an act to provide for transcribing certain records of Polk county.

Also,

H. R. file No. 207, a bill for an act to allow appeals in criminal trials before justices of the peace.

H. R. file No. 208, a bill for an act to allow change of venue in suits pending before justices of the peace.

Also,

H. R. file No. 211, a bill for an act for the publication of the laws of the present session.

Also,

H. R. file No. 212, a bill for an act supplemental to an act to dispose of the swamp and overflowed lands in this state and to pay the expense of selecting and surveying the same.

Also,

H. R. file No. 215, joint resolution appointing commissioners of state university.

Also,

H. R. file No. 217, a bill for an act to authorise Benjamin S. Bryan, a minor, to sell and convey a lot in the town of Cedar Rapids,

In which the concurrence of the Senate is requested.

I am directed to inform the Senate, that the House recedes from its disagreeing vote to the Senate amendment to

H. R. file No. 183, a bill for an act to relocate the county seat of Fayette county.

Also,

That the House insists on its disagreeing vote to the Senate amendment to

H. R. file No. 102, a bill for an act to extend the power of school districts.

And ask a committee of conference thereon, and have appointed Messrs. Grimes, Alger and Anderson of Lee managers on the part of the House.

Also,

That the House insists on its disagreeing vote to the Senate amendment to

H. R. file No. 122, and have appointed Messrs. Folsom, Haun and Dodge, managers of the conference on the part of the House.

Also,

That the House refuses to recede from its amendment to Senate file No. 34, a bill concerning fences and trespassing animals,

Also,

That the House has indefinitely postponed

Senate file No. 108, a bill for an act regulating set-off in courts of law, and to amend sections 1740 and 1751 of the Code.

Senate file No. 110, a bill for an act further to regulate appeals to the district court.

I am also directed to inform the Senate that the House has passed

Senate file No. 42, a bill for an act to provide for taking up water crafts found adrift, lost goods and estray animals, with one amendment.

Also,

Senate file No. 76 and H. R. file No. 129, a bill for an act relating to evidence, with one amendment.

Also,

Senate file No. 81, joint resolution to procure certain additional mail facilities, with one amendment.

Also,

Senate file No. 98, a bill for an act to relocate the county seat of Alamakee county, with three amendments.

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

I herewith return,

Senate files Nos. 74, 96, 109, 114, 123, 129, Senate substitute for H. R. file No. 174 and Senate substitute for H. R. file No. 146.

The same having passed the House without amendment.

H. R. No. 199,

Was read a first and second time, and

On motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

H. R. file No. 217,

Was read a first and second time; and,

And on motion,

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

On motion,

The Senate concurred in the House amendments to Senate file No. 34, a bill concerning fences and trespassing animals.

On motion,

H. R. file No. 102,

Was laid on the table.

On motion,

The Senate concurred in the House amendments to Senate file No. 42, a bill for an act to provide for taking up water crafts found adrift, lost goods, and estray animals.

On motion,

The Senate insisted on its amendment of Senate file No. 76, and H. R. file No. 129, an act in relation to evidence; and

On motion of Mr. Browning,

A committee of conference was appointed to consider the disagreeing vote on the same.

The President appointed Messrs. Browning, Hepner and Love managers for the Senate.

On motion,

The Senate concurred in the House amendments to Senate files Nos. 81, a joint resolution to procure certain additional mail facilities, and 98, a bill for an act to relocate the county seat of Allamakee county.

Message from the House, by Mr. Hooton, Chief Clerk:

Mr. PRESIDENT—I am directed to inform the Senate, that the House has passed

H. R. file No. 221, a bill for an act making additional appropriations for the support of the government for the fiscal years of 1853 and 1854, in which the concurrence of the Senate is requested.

Mr. Love from the committee on the judiciary, by leave, reported back *H. R. file No. 213*,

Recommending that all after the enacting clause be stricken out, excepting section 6, which is retained.

On motion,

The 11th rule was suspended and the bill, as reported back by the committee, was read a third time, passed and title agreed to.

Nine o'clock and 25 minutes.

On motion,

The Senate went into committee of the whole on Senate file No. 8.

Nine o'clock and 40 minutes.

The committee rose and reported the bill back without recommendation.

On motion of Mr. Cowles,

Resolved, by the Senate, That P. B. Bradley be allowed the sum of twenty-eight dollars for services as Secretary, pro tem. and mileage, during the present session of the General Assembly.

On motion of Mr. Hull,

*H. R. file No. 221*,

Was recommitted to the committee on the judiciary, with instructions to report to-morrow morning.

On motion,

The Senate adjourned.

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MONDAY MORNING, JANUARY 24, 1853.

Senate met pursuant to adjournment.

Mr. McKinney presented the petition of Solomon Glitson and fifty-five others, for an additional election precinct, in Salem township, Henry county; which,

On motion,

Was laid on the table.

Mr. Wing, from the committee on enrolled bills, reported that they had presented to his Excellency, the Governor, for his approval, Senate files Nos. 32, 33, 67, 95, 117, 70, 74, 60, 93, 104, 106, 107, 113, 116, 120, 44, 125 and 75.

Mr. Preston made the following report relative to the action of the committee of conference, upon the disagreeing vote on

H. R. file No. 132, a bill creating the office of Attorney General.

The conference committee, to whom was referred the disagreeing vote of the two Houses on H. R. file No. 122, have had the same under consideration, and have agreed to recommend the sum of eight hundred dollars, in the place of ten hundred dollars, in which they ask the concurrence of the General Assembly.

I. M. PRESTON, Chairman.

On motion,

The Senate concurred in the amendment.

Mr. Shields from the committee on ways and means, to whom was referred H. R. file No. 221, an act making additional appropriations for the support of the government for the fiscal years 1853 and 1854,

Reported the same back with the following amendments :

First—Strike out the clause for distributing the journal of the House, &c., and insert, to J. Smith Hooton | for indexing the House journal, \$50.

Second—On the appropriation to Joseph C. Knapp and Charles Negus, strike out \$50 and insert \$25.

Third—Strike out the clause making appropriation to James Harlan.

Fourth—To strike out the appropriation to S. Hommedieu.

Fifth—Strike out last clause in the bill and insert, "To Secretary of the Senate for indexing Senate Journals, \$50."

Sixth—Insert "For past contingent expenses of the Supreme Court, \$2,000.

To William Lee for paste for the use of the Senate, \$3.00."

Seventh—Amend by inserting at the end of the bill, "To the Secretary and Treasurer of State for distributing the journals of both houses of the present session, \$400."

Mr. Park moved to strike out of the first amendment \$60 and insert \$75.

On which,



The yeas and nays were ordered and the amendment prevailed by the following vote :

**YEAS**—Messrs. Browning, Clark, Coop, Crosthwait, Everson, Fisher Fletcher, Hillis, Hepner, Hull, Lewis, Lucas, McKinney, Needham, Park, Preston, Schramm, Shields, and Wing—19.

**NAYS**—Messrs. Harris, Love, Sales and Mr. President—4.

Absent, Messrs. Cowles, Hedrick, Hendershott, Lowe, McAchran, Price, Spees.

The question being on the adoption of the amendment,

The yeas and nays being ordered, the amendment was lost by the following vote:

**YEAS**—Messrs. Browning, Hillis, Hepner, Hull, McKinney, Needham, Schramm, Shields, and Wing—9.

**NAYS**—Messrs. Clark, Coop, Crosthwait, Everson, Fisher, Fletcher, Harris, Lewis, Love, Park, Sales, and Mr. President—12.

Absent, Messrs. Cowles, Hendershott, Hedrick, Lowe, Lucas, McAchran, Price, and Spees.

Excused, Mr. Preston.

The question being on the adoption of the third amendment,

The yeas and nays were ordered, and the amendment prevailed by the following vote :

**YEAS**—Messrs. Browning, Clark, Coop, Hepner, Hull, Lucas, Needham, Park, Preston, Sales, Shields, Wing and Mr. President—13.

**NAYS**—Messrs. Crosthwait, Everson, Fisher, Fletcher, Harris, Hillis, Lewis, Love, McKinney, and Schramm—10.

Absent, Messrs. Cowles, Hedrick, Hendershott, Johnson, Lowe, McAchran, Price, and Spees.

On motion,

The 4th amendment was adopted.

The question being on the adoption of the 5th amendment,

The yeas and nays were ordered, and the amendment was adopted by the following vote :

**YEAS**—Messrs. Browning, Crosthwait, Everson, Fisher, Fletcher, Hillis, Hepner, Hull, Lewis, Lucas, McKinney, Needham, Park, Schramm, Shields, and Wing—16.

**NAYS**—Messrs. Clark, Coop, Harris, Love, Preston, Sales, and Mr. President—7.

Absent, Messrs. Cowles, Hedrick, Hendershott, Johnson, Lowe, McAchran, Spees and Price.

Mr. Crosthwait moved to amend the 6th amendment by striking out \$2,000 and inserting \$1,000.

Lost.

The question being on the adoption of the amendment,

The yeas and nays were ordered, and the amendment was adopted by the following vote :

YEAS—Messrs. Fisher, Fletcher, Harris, Hepner, Hull, Lewis, Love, Lucas, Preston, Sales, Shields, Wing and Mr. President—13.

NAYS—Messrs. Browning, Clark, Coop, Crosthwait, Everson, Hillis, McKinney, Needham, Park, and Schramm—10.

Absent—Messrs. Cowles, Hedrick, Hendershott, Johnson, Lowe, McCachran, and Price.

On motion of Mr. Hull,

The 7th amendment was amended by striking out the words "Secretary and Treasurer of State," and inserting "Secretary of the Senate and Clerk of the House of Representatives."

Message from the House, by Mr. Hooton, Chief Clerk:

MR. PRESIDENT—I herewith return,

Senate file No. 122, a bill for an act in relation to certain state roads therein named.

The same having passed the House with amendments, as follows:

The House strikes out sections 15, 18, 21 and 22, in the original and incorporate them in the House amendments; also, add 46 sections additional, for roads, and 1 section providing against expenses to the State; and amended section 25 of the original bill, by providing for publication in the Iowa City papers;

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

Also,

Senate file No. 10, a bill for an act to amend chapter 83 of the code of Iowa, concerning the estate of decedents ;

Also,

Senate file No. 131, a bill for an act for the relief of the heirs of Daniel Prout, deceased;

Also,

Senate file No. 132, a bill for an act supplemental to an act regulating the terms of the Supreme Court.

All of which have passed the House without amendment.

I am also directed to inform the Senate that the House has indefinitely postponed,

Senate file No. 128, a bill for an act to organize, discipline and govern the militia of the State of Iowa ;

Also, that the House has passed

H. R. file No. 223, joint resolution relative to the distribution of laws to members.

I herewith present for your signature,

H. R. file No. 211, an act for the publication of the laws of the present session.

Also,

H. R. file No. 212, an act supplemental to an act to dispose of the swamp and overflowed lands in this State, and to pay the expenses of selecting and surveying the same.

Also,

H. R. file No. 125, an act in relation to trials by jury.

Also,

H. R. file No. 196, an act to authorize Nicholas B. Brown and his associates to construct a dam across Cedar river, in Linn county.

Also,

H. R. file No. 203, an act to incorporate the city of Davenport.

Also,

H. R. file No. 32, an act to authorise the commissioner of the Desmoines River Improvements to sell certain lands.

Also,

H. R. file No. 54, preamble and joint resolution asking Congress to remove certain restrictions in the act granting lands to aid in the improvement of the Desmoines river.

Also,

H. R. file No. 210, an act to provide for taking the census of a part of Warren county.

Also,

H. R. file No. 183, an act to relocate the county seat of Fayette county.

Also,

H. R. file No. 187, an act to amend chapter 83 of the code.

Also,

H. R. file No. 157, an act to re-apportion the State into representative districts.

Also,

H. R. file No. 179, an act to incorporate Iowa City.

Also,

H. R. file No. 185, an act to incorporate the City of Council Bluffs.

Also,

H. R. file No. 217, an act to authorize Benjamine S. Bryan, a minor, to sell and convey a lot, in the town of Cedar Rapids.

Also,

H. R. file No. 208, an act to allow a change of venue in suits pending before justices of the peace;

And,

H. R. file No. 190, an act to provide for transcribing certain records of Polk county.

All of which have passed both branches of the General Assembly.

I am also directed to inform the Senate that the House has passed

H. R. file No. 223, a joint resolution authorising the Clerk of the Supreme Court to use a certain room in the State House for the purpose of a clerk's office.

In which the concurrence of the Senate is requested.

Mr. Wing, from the committee on enrolled bills, reported Senate files Nos. 81, 129, 109, 96, 115, 74, 58 and 34 correctly enrolled.

Mr. Fletcher, from the committee on military affairs, made the following

#### REPORT:

The committee on military affairs, to whom was referred so much of the message of his excellency, the Governor, as relates to the erection of a monument to perpetuate the memory of the gallant Mills, Guthrie and other citizens of Iowa, who volunteered their services to sustain the honor of our national flag, in the late war with Mexico, have had the same under their consideration, and beg leave to report the following:

Your committee view the subject referred to them, as important, entitled to the respectful consideration of the Senate, they consider the suggestion of His Excellency, the Governor, as worthy of the chief magistrate of a free and gallant state. It is to the labors and achievements of the patriotic and the brave, that we owe all that is valuable in that liberty which freemen only can appreciate and maintain.—When after submitting to repeated insult and wrong from the government of Mexico, "until forbearance ceased to be a virtue," the chief

magistrate of our nation called on the citizen soldiers of our country to avenge those insults and redress those wrongs—"to secure indemnity for the past and security for the future." The gallant citizens of Iowa promptly responded to the call, and Iowa has no cause to blush for the conduct of her volunteers; bravely and nobly they discharged their duty; some who survived the conflict, still live to wear the laurels with which a just and grateful people have adorned their brows; but some did not survive, disease had its victims; and the bones of the gallant Mills and Guthrie, and their brave comrades who fell with them, are now mingling with the soil which was fertilized by their blood.

Your committee cannot believe, that the citizens of this state are willing that the memory of these gallant men should be interred with their bones—they are convinced, that the sentiment which prompted the suggestion which was referred to their consideration, meets a warm response in the heart of every true patriot. Several of our sister states are taking measures to erect suitable monuments to the memory of those of their citizens, who fell in the service of their country, during the Mexican war, and your committee consider, that it is due to the memory of the brave, that it is due to the feelings of their surviving relatives, and that it is due to the honor of the state, that Iowa should do likewise.

Entertaining these views, your committee have taken into consideration the proper time and place of the monument proposed; and with regard to the place, your committee unanimously concur in the suggestion of the Governor, that it should be erected at the capital of the state; but taking into consideration, that the time is not far distant when it may be deemed necessary to relocate the capital at a more central point, and, also that the finances of the state will then more fully justify the erection of a suitable monument, your committee deem it not expedient that further action on the subject be had at the present session. And your committee ask to be discharged from the further consideration of the subject.

J. E. FLETCHER, Chairman.

The committee were accordingly discharged.

On motion of Mr. Preston,

Resolved, That the journals of the Senate be distributed as follows: Six copies to each member of the Senate; one hundred copies to be

deposited in the secretary's office; the residue to be equally distributed to each of the organised counties in this state.

Mr. Shields, by leave, introduced

Senate file No. 133, an act supplemental to "an act for the relocation of the county seat of Alamakee county.

Which was read a first and second time, and

The 11th rule was suspended, and the bill read a third time, passed and title agreed to.

On motion,

The 11th rule was suspended, and the following bills were read a third time, passed and title agreed to.

H. R. file No. 223, and No. 224.

H. R. file No. 165, a bill for an act to amend the several acts in relation to a State Printer,

Was read a first and second time, and

And the question being on its passage,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Browning, Clark, Crosthwait, Everson, Fisher, Hillis, Hepner, Hull, Johnson, Lucas, McKinney, Needham, Park, Preston, Schramm, and Wing—16.

NAYS—Messrs. Coop, Fletcher, Harris, Lewis, Love, Sales, Shields, and Mr. President—8.

Absent, Cowles, Hedrick, Hendershott, Lowe, McAchran, Price, and Spees.

So the bill passed and title agreed to.

The President communicated to the Senate, the following message from his Excellency the Governor:

*Gentlemen of the Senate:*

I am compelled to return to you with objections, "an act to amend chapter 80 of the code of Iowa, and making further provisions for the relief of occupying claimants," which has been presented to me for approval.

Concurring in many of the provisions of the bill, and believing them to be salutary and just, yet, when by the sixth section thereof, it declares that "any court deeming the provisions of this act providing for a judgment in favor of the occupying claimant unconstitutional, shall nevertheless order a stay of execution by the successful claimant until payment, tender or satisfaction be made," thereby requir-

ing the court to execute a law which they may decide shall not have force or effect; it is so manifestly unconstitutional, that I herewith return it for your further consideration.

STEPHEN HEMPSTEAD.

Iowa City, January 24th, 1853.

The question then being, shall the bill pass? the objections of the executive to the contrary notwithstanding,

The yeas and nays were ordered, and the bill was rejected by the following vote :

YEAS—Messrs. Crosthwait, Harris, Hillis, Love and Schramm—5.

NAYS—Messrs. Browning, Clark, Coop, Everson, Fisher, Fletcher, Hepner, Hull, Johnson, Lewis, Lucas, McKinney, Needham; Park, Preston, Sales, Shields Wing and Mr. President—19.

Absent—Messrs. Cowles, Hedrick, Hendershott, Lowe, McAchran, Price and Spees.

On motion,

H. R. file, No. 80;

Was laid on the table.

11 o'clock—The President announced a communication from the Governor requiring the action of the Senate in executive session, and

On motion,

The Senate went into executive session on the same.

11 o'clock and 30 minutes—The Senate resumed the regular order.

Message from the House of Representatives, by Mr. Hooton, Chief Clerk.

Mr. PRESIDENT—I herewith return Senate file

Nos. 34, 58, 81, 98, and 129,

The same having received the signature of the Speaker of the House of Representatives.

I am also directed to inform the Senate that the House has concurred in the recommendation of the committee of conference on Senate file No. 76 and H. R. file No. 129, a bill for an act relating to evidence, and that they recede from their amendment.

I herewith present for your signature, H. R. file Nos. 122, 223 and 224.

I am also directed to inform the Senate that the House recedes from its disagreeing vote to Senate amendment to H. R. file No. 102, a bill for an act to increase the powers of school districts.

Also,

That the House have appointed Messrs. Grimes, Townsend, and Taylor, managers on the part of the House, on the disagreeing vote on Senate amendments to H. R. file No. 213, a bill for an act to alter and amend the code of Iowa.

Also,

That the House concurs in the Senate amendment to H. R. file No. 165, a bill for an act to amend the several acts relative to State Printer.

Mr. Love asked leave to introduce substitute for Senate file No. 33, a bill for an act to amend chapter 80 of the code, and making further provision for the relief of occupying claimants.

And the vote being taken, leave was not granted.

Mr. Wing moved that the vote be reconsidered, and

The yeas and nays were ordered; and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Crosthwait, Fisher, Harris, Hillis, Hepner, Hull, Johnson, Lewis, Love, Lucas, Park, Preston, Sales, Schramm, Shields, Wing and Mr. President—20.

NAYS—Messrs. Everson, Fletcher, McKinney, and Needham—4.

Absent—Messrs. Cowles, Hedrick, Hendershott, Lowe, McCrackan, Price, and Spees.

Message from the House, by Mr. Hobton, Chief Clerk:

MR. PRESIDENT—I am directed to inform the Senate that the House refuses

To concur in the Senate amendment to H. R. file No. 213, a bill for an act to alter and amend the code of Iowa.

Also,

That the House has concurred in the recommendation of the committee on conference to H. R. file No. 122.

I herewith return Senate file Nos. 74, 96, 109 and 114, the same having received the signature of the Speaker of the House of Representatives.

Substitute for Senate No. file 33,

Was read a first and second time; and,

Mr. Coop moved to suspend the rule and read a third time now.

On which,



The yeas and nays were ordered, and the motion prevailed by the following vote:

YEAS—Messrs. Browning, Clark, Coop, Fisher, Harris, Hillis, Hepner, Hull, Johnson, Lewis, Love, Lucas, McKinney, Preston, Sales, Schramm, Shields, Wing and Mr. President—18.

NAYS—Messrs. Crosthwait, Everson, Fletcher, Needham, and Park—5.

Absent, Messrs. Cowles, Hedrick, Hendershott, Lowe, McAcharan, and Price.

The question then being on the passage of the bill,

The yeas and nays were ordered, and resulted as follows:

YEAS—Messrs. Clark, Coop, Crosthwait, Fisher, Harris, Hull, Johnson, Lewis, Love, Lucas, Preston, Sales, Schramm, and Wing—14.

NAYS—Messrs. Browning, Everson, Fletcher, Hillis, Hepner, McKinney, Needham, Park, Shields, and Mr. President—10.

Absent, Messrs. Cowles, Hedrick, Hendershott, Lowe, McAcharan, Price, and Spees.

So the bill was passed and the title agreed to.

H. R. file No. 221,

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

On motion,

The Senate adjourned.

### ONE O'CLOCK, P. M.

The President appointed as a committee of conference on H. R. file No. 213, Messrs. Fletcher, Needham and Hepner.

Senate file No. 122, was taken from the table, and sundry amendments made to the House amendment; and

On motion,

Messrs. Hull, Preston and Everson appointed a committee of conference thereon on the part of the Senate.

Mr. Wing from the committee on enrolled bills reported Senate file Nos. 76 and 98 correctly enrolled.

Messrs. Shields and McKinney, on motion, were appointed a com-

mittee on the part of the Senate to inform the House of Representatives that the Senate is now ready to adjourn sine die.

A Message from the House by Mr. Hooton, chief clerk,

MR. PRESIDENT—I am directed to inform the Senate that the House has refused to concur in the Senate amendment to H. R. file No. 221, relative to J. Smith Hooton, for services in indexing and distributing the Journals of the House.

Also,

That the House has concurred in the Senate amendment to said bill striking out allowance to James Harlan, for contingent expenses as superintendent of public instruction.

Also,

That the House concurs in the Senate amendment, striking out allowance to L. Hommedieu.

Also,

That the House refuses to concur in Senate amendment, striking out \$600 and inserting \$75 in allowance to T. B. Cuming.

Also,

That the House refuses to concur in Senate amendment allowing \$2000 for past contingent expenses of the Supreme Court Judges.

Also,

That the House have amended the amendment of Senate, allowing \$3 to Wm. Lee, by adding "and four dollars for the use of the House."

Also,

That the House has concurred in Senate amendment, allowing G. S. Hampton, \$12 for services as assistant enrolling clerk to the House of Representatives.

I herewith present for your signature H. R. file Nos. 165 and 102

The same having passed both branches of the General Assembly.

I am directed to inform the Senate that the House has appointed Messrs Grimes and Wilson a committee on the part of the House to wait upon his excellency the Governor, to enquire if he had any further business to communicate to them.

Also,

That the House has appointed Messrs. Folsom, Haun and Grimes managers on the part of the House on the disagreeing vote to Senate amendments to H. R. file No. 221.

Also,

That the House concurs in the Senate amendments to

H. R. file No. 122, a bill for an act in relation to certain roads therein named.

I also present for your signature H. R. file No. 165,

The same having passed both branches of the General Assembly.

On motion,

The President appointed Messrs. Hepner, Shields and Sales on the part of the Senate, as a committee of conference upon H. R. file No. 221, supplemental appropriation bill.

Mr. Wing from the committee on enrolled bills, reported that they had presented to his excellency, the Governor, for approval

Senate files Nos. 76, 133, 96, 114, 74, 109, 178, 42, 123, 98, 129, 81, 58, 122, 34, and substitute for H. R. file No. 146 and Senate file No. 178.

On motion of Mr. Preston,

A committee of two, Messrs. Preston and Browning were appointed to wait upon his excellency, the governor, and inform him that the Senate is now ready to adjourn *sine die* and to inquire whether he had any further communication to make to them.

Mr. Fletcher from the committee of conference on Senate file No. 213, a bill for an act in amendment of the code of Iowa,

Reported that the committee had failed to agree upon the same.

Mr. Hepner from the committee of conference on the supplemental appropriation bill,

Reported that the committee had agreed to sundry amendments thereto, which

On motion,

Were concurred in by the Senate.

Message from the House by Mr. Hooton, chief clerk.

MR. PRESIDENT:—I herewith return Senate file Nos. 122 and 76.

The same having received the signature of the Speaker of the House of Representatives.

Also,

H. R. file No. 221, the same having passed both branches of the General Assembly.

I am also directed to report the following:

Resolved, That the presiding officers and chief clerks of the two houses, be instructed to prepare a copy of the appropriation bill for publication from the original bill.

On motion,

The House resolution was concurred in.

Messrs. Grimes and Wilson, a committee on the part of the House, reported that the House of Representatives were now ready to adjourn *sine die*.

Mr. Preston, from the Senate committee, appointed to wait upon the Governor, reported that the committee had discharged their duty, and that there were no more executive communications to be made to the General Assembly.

Mr. Sales moved that the Senate now adjourn *sine die*.

Carried unanimously.

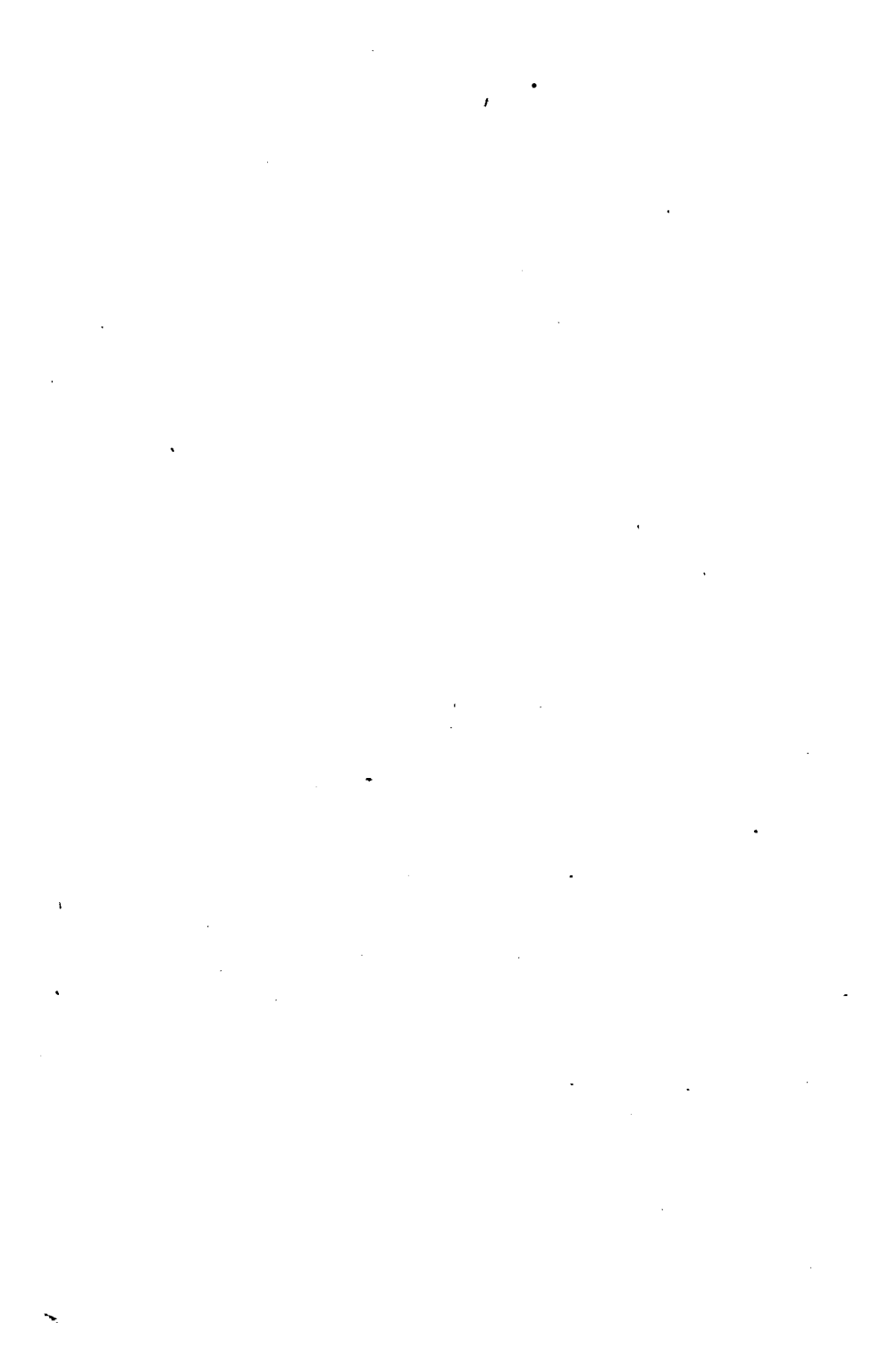
And the President addressed the Senate as follows:

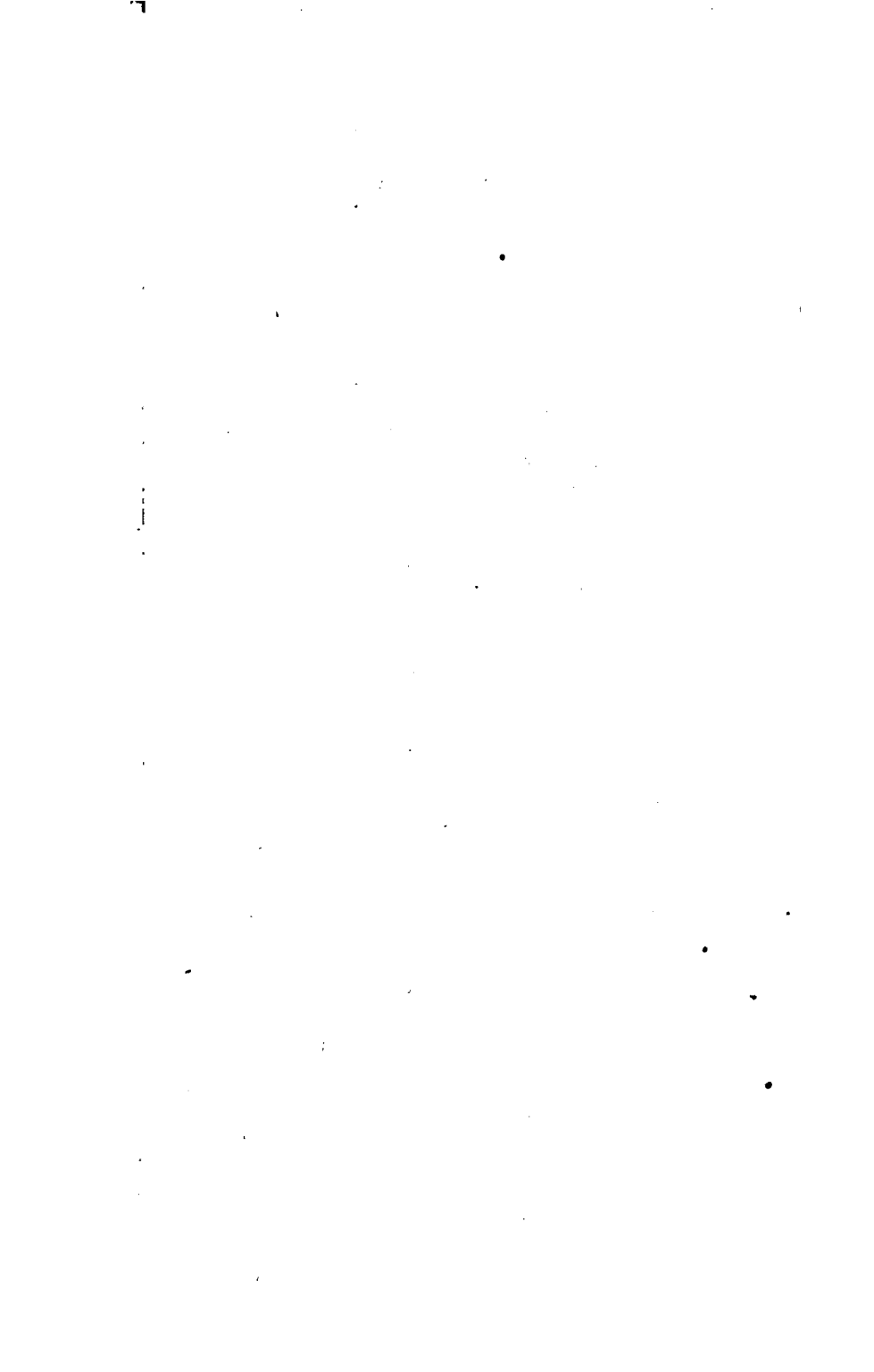
GENTLEMEN—The vote which must dissolve our connection as Senators of this State, has just been taken; and before parting, allow me to express to you my warmest thanks for your kind assistance and your gentlemanly bearing toward me, during the time for which I have been called to preside over your deliberations. Nothing has transpired to mar the harmony of your action, and I assure you this is the strongest evidence to my mind that the advancement of our young State in commercial importance and wealth, and the good of the whole people have been the permanent objects which have secured your attention and prompted your every action.

Many of us may never meet again—and to meet with you again in this capacity, I am sure will not be my fortune. But before we separate for our homes, let me say to you all, that the happy incidents of this session will ever stand out boldly in my life as the oasis around which memory will cluster and never be satiated, and will ripen with the fond recollections that a high minded gentlemanly impulse has directed you in your generous and kind bearing towards me. God speed you to your homes and to happiness! And in the full expression of my heart, let me invoke the choicest blessings of Heaven upon you and yours, without measure and without stint. Gentlemen, I bid you all farewell! I now declare this Senate adjourn *sine die*.

W. E. LEFFINGWELL.











# APPENDIX.

## AUDITOR'S REPORT.

AUDITOR'S OFFICE NOV. 1st 1852.

*To the Legislature of the State of Iowa:*

The undersigned in compliance of Law has the honor to submit the following report:

The whole amount of Warrants issued from the 2d of December 1850 to the 31st of October 1852 (as per statement A) is \$118,692.76. At the former date there were as shown by the Auditors Report, Warrants outstanding amounting to \$10,865.87. There has been redeemed during the same time Warrants amounting to \$128,089.73, leaving outstanding at this time \$1468.90.

The general account with the State Treasurer (marked B) shows the receipts into the State Treasury from the 2nd day of December 1850, to the 31st of October 1852 to have been \$139,681.69

There was in the Treasury December 2nd 1850, 1.39

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\$139,683.08

The disbursements during the same time have been 131,631.49

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Leaving a Balance in the Treas. on the 31st Oct. 1852 \$8051.29

The estimated expenditures for the next two fiscal years (as shown by statement C) am't to . . . . . 103,918.90

The present available resources of the State (as shown by statement D) are . . . . . 76,067.88

Assessment of 1853 estimated at present rate 65,000.00

Cash on hand . . . . . 8,051.09

---

\$149,119.47

Showing an excess of estimated receipts over estimated expenditures, after deducting 10 per cent from the present delinquencies, and the assessment of 1852 and 1853 as unavailable of \$31,093.79, a sum more than adequate to the liquidation of the entire funded debt of the State exclusive of \$55,000 Eastern Loan.

The funded debt of the State now amounts to 81,795.75 as follows:—

Bonds issued under act of February 9th 1847 and payable July 1st 1857	55,000.00
Bonds issued under act of January 12th 1849 (Chapt. 56) due March 17th 1853	2,000.00
Bonds issued under act of January 12th 1849 (Chapt. 58) due May 1st 1854	16,442.05
Bonds issued under act of January 13th 1849 (Chapt. 70) due September 15th 1859	6,000.00
Bonds issued under act of February 5th 1852 (Chapt. 51) and payable January 1st 1856	2,353.70
	\$81,795.75

All of these Bonds except the first mentioned are redeemable at the dates given or sooner, at the option of the State.

The interest upon the \$55,000 Loan is payable semi-annually at Philadelphia, and upon the others annually at Iowa City, and have all been paid promptly when due.

The total amount of taxable property of the State in 1851 according to the returns of the counties (as shown by statement E) is \$284,645.50

And the total of 1852 (as shown by statement F) is \$384,273.76 showing an increase of \$99,628.26

It will be seen by statement G that the whole number of Codes distributed to the counties under the act of the 5th of February 1851 was 2,919. The number sold is 530 and the amount of money paid over by clerks for the same is \$1324.70. The number distributed by Clerks to township Trustees is 218.

It is proper to add that this statement shows the state of that account up to the 1st of December 1851 the report for this year not being due until the first of December next.

Under the Tenth clause of Section 50 of the Code, I am required among other things to suggest plans for improvements in the management of the revenue &c.

The present prosperous condition of our financial affairs, and the promptness with which the revenue is collected and paid over under the present law, admonishes that, but few, if any alterations are necessary or called for. Under the old law, three years were given for the

collection of delinquent taxes, in consequence of which but a small amount of the assessment of one year was available until from two to four years after it was made, and the amounts now due under the "former assessment" (as shown by statement C) have accumulated in that way, whereas the assessments of 1851 the 1st under the present law, were collected very closely, the accounts for that year showing but small balances due. So far therefore as regards the collection and paying in of the revenue, but few and slight alterations are, in the opinion of the undersigned advisable or necessary. It would probably be well to give authority to the Auditor to require the County Treasurers of some of the remote counties, to make their payments to the District Judge of their District, or other persons having claims upon the State.

The present law requires County Treasurers to make payments into the State Treasury on the 15th days of December, January and July. I would respectfully recommend that the December payment be omitted and that the July payment be altered to the 15th or 20th of August, or immediately after the County Treasurers are superceeded in office, so that at that time they can make full and final settlements of their accounts with the State.

The accounts between the State and some of the Counties, show large balances against the latter upon old assessments, and are in such a confused and undefined condition (there having been no settlements with them in the last four to eight years) that is impossible to get at a proper understanding of them, by correspondence, and no fund at the disposal of the undersigned has enabled him to visit personally, the several counties referred to although by that means only can an equitable settlement be made.

The former Treasurer of Linn County (W. M. Harris) failed to make settlement of his account at the proper time, and has left the country, in debt to the State to the amount of \$408,16. A probability of an amicable adjustment of the matter with his securities delayed commencement of a suit until too late to bring it at the last term of the court, it will however be attended to at the earliest possible day. The former Treasurer of Jefferson County (A. Ford) also failed to make a proper settlement of his account, and suit was commenced against him in October 1851 and a trial had at the last October Term in Jefferson County when a judgment was obtained against

I. KISTER, Treasurer of State, in account with the State of Iowa.  
1850. 1st quarter.

December 2,	To amount from M. Reno, ex-Treasurer	1 36
" " "	" Treasurer of Lee county	1426 34
" " "	" " Jefferson county	360 00
" " "	" " Keokuk county	100 00
" " "	" " Mahaska county	224 18
" 3	" " Delaware county	90 24
" " "	" " Davis county	238 33
" " "	" " Polk county	135 20
" " "	" " Louisa county	393 00
" " "	" " Muscatine county	504 18
" 4	" " Cedar county	165 00
" " "	" " Jackson county	255 00
" 5	" " Jones county	109 00
" " "	" " Marion county	265 00
" " "	" " Desmoines county	821 67
" " "	" " Poweshiek county	40 00
" " "	" " Washington county	162 60
" 6	" " Linn county	211 70
" " "	" " Henry county	300 00
" 11	" " Pottawattamie co	228 85
" 21	" " Wapello county	500 00
" 27	" " Van Buren county	401 96
1851.		
January 2	" " Scott county	500 00
" 3	" " Scott county	515 00
" " "	" " Iowa county	68 42
" 4	" " Jones county	239 14
" 7	" " Dallas county	35 88
" " "	" " Polk county	72 24
" " "	" " Warren county	104 50
" 8	" " Lee county	1000 00
" 14	" " Dubuque county	723 79
" 15	" " Iowa county	27 34
" 20	" " Appanoose county	99 55
" 22	" " Keokuk county	850 65
" 24	" " Desmoines county	3260 00

APPENDIX.

January 2	To amount from Treasurer of Mahaska county	781 46
" 27	" " " Dubuque county	1162 26
" 28	" " " Clinton county	565 66
February 1	" " " Clayton county	702 87
" 5	" " " Davis county	880 18
" "	" " " Jones county	300 00
" "	" " " Henry county	1205 56
" 6	" " " Wapello county	1150 00
" "	" " " Monroe county	357 30
" "	" " " Cedar county	919 00
" 8	" " " Washington co.	1200 00
" 10	" " " Jasper county	226 86
" "	" " " Johnson county	801 17
" 11	" " " Jefferson county	1204 39
" 12	" " " Louisa county	622 00
" 13	" " " Delaware county	258 56
" "	" " " Marion county	764 90
" 14	" " " Marshall county	27 39
" "	" " " Mahaska county	313 11
" "	" " " Poweshiek county	57 00
" "	" " " Benton county	122 36
" 14	" " " Muscatine county	1939 28
" "	" " " Polk county	985 22
" 22	" " " Lee county	1554 39
" "	" " " Lee county	255 00
" "	" " " Linn county	1506 79
" 25	" " " Linn county	272 00
" "	" " " Buchanan county	107 78

**\$34643 14**

Cr.

Nov. 3. By State Warrants redeemed and filed in the Auditor's office	\$21813 95
By interest paid on the same	444 01
By amount carried to second quarter	12385 18

**\$34643 14**

## APPENDIX.

## I. KISTER, in account with the State of Iowa,

1851.

2nd. Quarter.

## To Cash received as follows:

March	3,	Amount from last quarter,		\$12,385 18
"	7,	"	from treasurer of Van Buren co.	2,066 08
"	12,	"	" " Madison county	83 16
"	24,	"	" " Jackson county	1,010 88
April	1,	"	" " Lee county	234 82
"	2,	"	" " Iowa county	5 05
"	"	"	" " Jefferson county	123 72
"	4,	"	" " Marion county	100 00
"	7,	"	" " Appanoose co.	20 00
"	9,	"	" " Henry county	244 02
"	21,	"	" " Johnson county	715 88
"	23,	"	" " Warren county	11 20
"	30,	"	" " Scott county	1457 13
May	7,	"	" " Boone county	65 00
"	8,	"	" " Iowa county	48 06
"	11,	"	" " Davis county	220 97
"	"	From H. B. Hendershott on account of solar compass		75 00
"	14,	"	Treasurer of Louisa county	833 43
"	"	"	" " Fremont county	77 45
				\$19,777 03

## Cr.

June	2,	By State Warrants redeemed and filed	14,777 87
"	"	" Interest paid on same	245 96
"	"	" Carried to 3d quarter	4,753 20
			\$19,777 03

## I. KISTER in account with the State of Iowa,

1851

3rd. Quarter.

June	2	To amount from last quarter	\$4,753 20
"	13	" " " treasurer of Johnson county	318 29
July	1	" " " " Lucas county	29 59
"	"	" " " " Monroe county	15 00

July 24	To amount from treasurer	of Henry county	1,210 16
" 25	" " " "	Des Moines county	1,805 70
" "	" " " "	Johnson county	143 82
" 27	" " " "	Wapello county	138 81
" "	" " " "	Washington co.	280 21
August 24	" " " "	Muscataine county	463 87
			9,158 36

C.R.

September 1	By State Warrants redeemed and filed in Auditor's office	4,349 65
	By interest paid on same	106 85
	" amount carried to 4th quarter	4,701 86
		\$9,158 36

## I. KISTEK, in account with the State of Iowa,

1851

4th Quarter.

September 1	To amount brought from 3rd quarter	\$4,701 86
" "	" " from treasurer of Iowa county	40 00
" 3	" " " " Poweshiek county	15 00
" 4	" " " " Lee county	2,887 21
" "	" " " " Benton county	25 96
" 5	" " " " Mahaska county	266 89
" 9	" " " " Lucas county	62 71
" 16	" " " " Van Buren county	759 04
" 18	" " " " Clayton county	606 04
" "	" " " " Keokuk county	349 94
" 19	" " " " Marion county	199 73
" 22	" " " " Marshall county	1 48
" 23	" " " " Lee county	187 67
" 25	" " " " Jones county	53 45
" 30	" " " " Appanoose county	41 70
October 4	" " " " Davis county	65 00
" 8	" " " " Dallas county	20 00
" "	" " " " Lucas county	4 30
" 11	" " " " Warren county	36 88
" 17	" " " " Jefferson county	2 77

## APPENDIX.

October 18	To amount from treasurer of Dubuque county	2,864 30
" 27	" " " " Clinton county	372 00
		13,453 93

CR.

November 3	By State Warrants redeemed and filed in Auditor's office	7,416 36
	By interest paid on same	198 97
	" amount carried to next quarter	5,838 60
		\$13,453 93

## I. KISTER, in account with the State of Iowa.

1851

*5th quarter.*

November 3,	To amount brought from last quarter (4th)	5838 00
13	" " from Treasurer of Davis county.	30 80
Dec. 11	" " " " Scott county,	200 00
15	" " " " Page county,	22 94
16	" " " " Mahaska county,	600 00
16	" " " " Muscatine county,	425 00
16	" " " " Wayne county,	25 85
17	" " " " Keokuk county,	600 00
17	" " " " Fremont county,	80 00
18	" " " " Jackson county,	1,000 00
"	" " " " Cedar county,	437 83
27	" " " " Lee county,	605 50

1852.

Jan. 3	" " " " Polk county,	250 00
8	" " " " Marshall county,	80 28
10	" " " " Dallas county,	175 00
12	" " " " Wineshiek county,	58 26
14	" " " " Scott county,	2,500 00
"	" " " " Jasper county,	402 78
"	" " " " Appanoose county,	376 97
"	" " " " Keokuk county,	1,000 00
"	" " " " Benton county,	176 49
15	" " " " Clinton county,	600 00
"	" " " " Johnson county,	979 46



## APPENDIX.

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January 15	To amount from Treasurer of Buchanan county,	257 14
" "	" " " Jones county,	740 00
" "	" " " Madison county	225 00
" "	" " " Warren county,	286 88
" "	" " " Polk county,	785 98
" "	" " " Washington co.	1,668 86
" "	" " " Louisa county,	1,490 00
" "	" " " Marion county,	1,400 00
" "	" " " Henry county,	1,829 78
" "	" " " Muscatine county	2,191 12
" "	" " " Mahaska county,	1,403 24
16	" " " Delaware county,	532 58
" "	" " " Iowa county,	197 30
" "	" " " Van Buren county,	2,402 22
" "	" " " Boone county,	142 00
" "	" " " Davis county,	1,173 49
" "	" " " Wapello county,	1,426 16
" "	" " " Cedar county,	1,088 00
" "	" " " Jefferson county,	1,897 85
" "	" " " Polk county,	4 90
" "	" " " Monroe county	737 50
" "	" " " Decatur county,	60 00
" "	" " " Desmoines co.,	5,195 60
21	" " " Jackson county,	1,460 66
26	" " " Poweshiek county,	197 00
29	" " " Lee county,	5,662 62
30	" " " Fayette county,	126 31
31	" " " Linn county,	2,145 38

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\$53,143 33

CR.

Feb. 2	By amount State Warrants redeemed and filed in Auditor's office	33,019 43
"	" Interest paid on the same,	1,027 25
"	" Amount carried to 6th quarter	1,996 65

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\$53,143 33

## I. KISTER, in account with the State of Iowa.

1852.

*6th quarter.*

Feb.	2	To amount from last quarter (5.)	1,096 65
	4	" " " Treasurer of Clayton county,	1,555 68
	10	" " " " Cedar county	200 00
	12	" " " Secretary of State for Codes	135 00
	14	" " " Treasurer of Dubuque county	3,145 00
		" " " " Polk county	134 72
	24	" " " " Warren county	23 80
March	1	" " " " Lucas county	183 62
	5	" " " " Iowa county	7 50
		" " " " Clayton county	57 21
	13	" " " " Iowa county	7 94
	25	" " " " Warren county	12 74
April	1	" " " " Polk county	250 00
	28	" " " " Davis county	639 35
		" " " " Scott county	633 86
		" " " " Clarke county	23 61
		" " " " Desmoines county	2,106 19
May	14	" " " " Johnson county	1,544 25
			\$29,757 12

C.R.

1852.

June	1	By amount State warrants redeemed and filed in Auditor's office	26,206 14
		" Interest paid on the same	1,291 35
		" Amount carried to 7th quarter	2,259 63
			\$29,757 12

## I. KISTER, in account with the State of Iowa.

1852.

*7th quarter.*

June	1,	To amount brought from last quarter, (6th)	2256 63
"	2,	" " received from treasurer of Marshall co.	30 00
"	8,	" " " " Pottawattamie,	174 92
"	11,	" " " " Muscatine,	250 00
"	30,	" " " " Washington,	500 00

## APPENDIX.

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July	5,	To am't rec'd from Treasurer of Jefferson	215	00
"	7	" " " " " Polk	350	00
"	7,	" " " " " Muscatine	1145	38
"	7,	" " " " " "	233	50
"	10,	" " " " " Louisa	648	50
"	13,	" " " " " Jasper	157	00
"	14,	" " " " " Clinton,	857	00
"	15,	" " " " " Jefferson,	1109	65
"	15,	" " " " " Wapello,	1528	80
"	15,	" " " " " Mahaska,	1028	68
"	15,	" " " " " Monroe,	264	34
"	15,	" " " " " "	70	00
"	15,	" " " " " Marion,	826	30
"	15,	" " " " " Warren,	80	00
"	15,	" " " " " Buchanan,	52	23
"	16,	" " " " " Delaware,	338	57
"	16,	" " " " " Jones,	380	00
"	16,	" " " " " Iowa,	115	61
"	16,	" " " " " Washington	220	28
"	16,	" " " " " Keokuk,	524	63
"	16,	" " " " " Linn,	623	38
"	16,	" " " " " Benton,	70	00
"	20,	" " " " " Cedar,	342	18
"	20,	" " " " " Boone	27	00
"	21,	" " " " " Van Buren,	2127	51
"	21,	" " " " " Des Moines	1284	00
"	21,	" " " " " Muscatine	100	00
"	17,	" " " " " Henry	2583	82
"	23,	" " " " " Poweshiek	42	00
"	23,	" " " " " Madison	68	00
"	26,	" " " " " Lee	4204	29
"	28,	" " " " " Appanoose	150	00
"	31,	" " " " " Davis,	12	90
"	31,	" " " " " Wayne	10	50
Aug.	18,	" " " " " Jackson	1094	00

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**\$26099 60**

CR.

Sept. 1. By amount of State Warrants redeemed and  
filed in Auditor's office,

**\$13040 02**

Sept. 1	By interest paid on the same	131 71
" "	By amount carried to 8th quarter,	12927 87
		<hr/>
		\$26099 60

**L. KISTER, in account with the State of Iowa.**

1852

September 1,	To am't brought forward from 7th quarter,	\$12927 87
" 1,	" received from treasurer of Davis co.	232 83
" 11,	" " " Dubuque county,	2443 93
" 14,	" " " Pottawattamie co.	10 00
		<hr/>
		\$15614 63

Cr.

November 1,	By amount of State Warrants redeemed and filed in Auditor's Office,	7466 31
" "	By interest for same,	96 73
" "	By cash on hand in Treasurer's office,	8051 59
		<hr/>
		\$15614 63

**STATEMENT C**—Showing an estimate of the necessary expenses for the two fiscal years beginning November 1st, 1852, and ending October 31st, 1854.

<b>Salary of Governor, Secretary, Treasurer, Librarian and Superintendent of Public Instruction</b> .....	\$ 7700 00
<b>Salary of Judges</b> .....	18000 00
<b>Interest on State debt</b> .....	16000 00
<b>Supreme Court expenses</b> .....	2500 00
<b>State Printing</b> .....	13000 00
<b>Deaf, dumb, and blind</b> .....	3500 00
<b>Interest on warrants and milage of County Treasurer's</b>	2000 00
<b>Agricultural Society</b> .....	1000 00
<b>Outstanding warrants</b> .....	1468 90
<b>Contingent fund of State officers</b> .....	2500 00
do Supreme Court.....	2000 00

Members of General Assembly and Officers, . . . . .	13000 00
Stationary and incidental expenses of Legislature, . . . . .	2500 00
Indebtedness for repairs and fitting up of the State House, . . . . .	1000 00
Salary of officers of Penitentiary, 3 years, . . . . .	3750 00
For the further completion of State House, . . . . .	5000 00
Miscellaneous disbursements, . . . . .	6000 00
	\$103,918 00

The first nine items are provided for by existing laws—the others require appropriations.

STATEMENT D—Showing the present resources of the State.

COUNTIES.	Amount prior to assess- ment of 1852	due assess- ments	Amount of as- sessment of 1852.
Alamakee, . . . . .	248 34		292 27
Appanoose, . . . . .	476 39		579 74
Benton, . . . . .	17 74		362 45
Boone, . . . . .	29 48		154 48
Buchanan, . . . . .	13 34		306 01
Cedar, . . . . .	448 78		1530 74
Clinton, . . . . .	149 05		950 15
Clayton, . . . . .	577 29		1751 44
Clark, . . . . .	14 35		77 70
Des Moines, . . . . .	1122 25		4757 07
Dubuque, . . . . .	1662 69		3849 18
Davis, . . . . .	457 88		1433 23
Delaware, . . . . .	2 44		608 59
Decatur, . . . . .	7 55		52 62
Dallas, . . . . .	94 16		167 40
Fayette, . . . . .	225 70		320 01
Fremont, . . . . .	151 18		226 23
Guthrie, . . . . .			19 69
Henry, . . . . .	99 18		3488 50
Iowa, . . . . .	12 78		305 87
Jackson, . . . . .	2004 12		1747 30
Johnson, . . . . .	300 00		1781 20
Jones, . . . . .	665 53		936 54
Jefferson, . . . . .	284 23		1899 82
Jasper, . . . . .	52 64		465 07
Keokuk, . . . . .	248 70		944 84
Lee, . . . . .	2299 35		5857 20
Linn, . . . . .	250 59		1893 98

Louisa, .....	742 73	2122 45
Lucas, .....	42 71	138 36
Mahaska, .....		1487 57
Muscatine, .....	669 24	2682 31
Marshall, .....	7 96	97 62
Marion, .....	206 94	1120 45
Monroe, .....	189 62	550 48
Madison, .....	50 70	315 84
Mills, .....		96 40
Pottawattamie, .....	279 31	233 79
Polk, .....	784 81	1691 92
Poweshiek, .....	35 89	210 34
Page, .....		53 99
Scott, .....		2832 54
Taylor, .....	19 56	26 77
Van Buren, .....	1096 59	2840 49
Wapello, .....	2113 54	2230 46
Washington, .....	155 03	1439 05
Warren, .....	120 14	318 67
Wineshiek, .....	24 51	170 31
Wayne, .....	16 42	187 42
	<b>\$18460 83</b>	<b>\$57607 05</b>
		<b>18460 83</b>
		<b>\$76,067 88</b>



STATEMENT E.—Showing the number of Polls, Acres of Land, with the value of Town Lots and their improvements, with the value of all other property assessed in the several counties in the year 1851.

COUNTIES.	No. of Polls.	Acres of Land.	Value of land with improvements.	Value of town lots and improvements.	Value of capital employed in merchandize.	Value of mills, manufactories, distilleries, carding machines and tan-yards, &c.	Horses over 2 years old.	
							No.	Value.
Alamakee .....	233	16,733	34,129	.....	2,985	3,750	106	4,770
Appanoose .....	648	88,404	204,760	9,522	12,800	2,540	742	26,517
Benton .....	157	27,082	54,200	1,000	.....	.....	150	7,630
Boone .....	153	14,667	48,094	.....	2,475	2,000	167	6,735
Buchanan .....	213	23,695	37,807	2,917	1,750	6,300	208	10,265
Cedar .....	.....	142,750	433,895	44,370	.....	.....	1,238	56,610
Clinton .....	662	95,608	350,424	27,187	6,625	14,735	704	35,370
Clayton .....	723	154,759	455,322	88,181	19,550	21,290	685	32,137
Clarke .....	24	7,483	6,917	.....	.....	.....	33	1,300
Des Moines .....	2,357	229,942	1,350,449	780,475	142,975	11,985	2,589	97,782
Dubuque .....	1,995	317,344	906,615	570,911	132,725	32,000	1,500	71,413
Davis .....	1,392	200,716	472,041	34,703	21,165	8,700	1,839	68,890
Delaware .....	497	80,087	213,122	7,865	9,630	with land	487	24,154
Decatur .....	147	4,840	7,997	.....	1,500	250	215	8,542
Dallas .....	229	20,791	53,139	831	.....	.....	270	11,045
Fayette .....	201	30,807	78,551	2,583	2,500	10,600	160	8,213
Fremont .....	223	3,340	6,680	.....	4,958	3,550	364	14,970
Henry .....	1,705	215,090	866,670	109,211	52,138	10,655	2,338	91,615
Iowa .....	188	37,020	66,241	1,164	4,000	238	238	9,675
Jackson .....	1,587	225,431	712,863	87,103	21,810	56,892	1,461	71,027
Johnson .....	1,022	160,132	493,027	164,159	33,650	8,125	1,109	51,444



Jones	692	100660	318787	21647	265	4150	909	40958
Jefferson	1603	253921	520313	75486	29050	20929	2627	81240
Jasper	270	54263	145276	4249	1500	4050	373	15763
Keokuk	885	132639	461960	25090	16900	11875	1372	57465
Lee	3431	.....	2066221	879612	152470	19510	3537	154528
Linn	1209	176234	578387	101777	28135	23464	1529	72955
Louisa	966	162006	474660	28646	31800	11633	1377	58928
Lucas	132	27985	54803	2674	1200	.....	156	5985
Mahaska	1258	179544	506815	62958	30800	20700	1763	73641
Muscatine	1209	172603	674693	485901	100324	26400	1485	66524
Marshall	67	8379	20060	.....	95	500	92	3825
Marion	1162	145151	428919	36567	26205	12400	1269	49125
Monroe	574	95700	322145	10920	7500	2351	656	33958
Madison	246	35315	69727	3069	4152	1550	352	14235
Mills	107	.....	.....	.....	1000	1600	110	3750
Pottawattamie	968	.....	.....	.....	45890	4095	634	29643
Polk	754	144781	473461	81122	20729	12000	968	42176
Poweshiek	147	24488	58932	1529	1600	800	195	8237
Page	.....	.....	.....	.....	.....	.....	.....	.....
Scott	1419	163142	606152	289800	52725	26650	1342	55310
Taylor	53	.....	.....	.....	.....	.....	.....	.....
Van Buren	2382	262809	897084	223706	55525	23228	3071	100692
Wapello	1342	213491	919545	124807	48161	16950	2116	83801
Washington	1036	134127	426030	56719	11000	12410	1402	61328
Warren	230	47428	127954	5015	4900	1000	265	11450
Winneshiek	177	10113	13051	.....	663	1250	92	3652
Wayne	109	15134	19242	.....	2040	.....	127	4520
<b>Total</b>	<b>36,774</b>	<b>4,656,640</b>	<b>\$16,945,179</b>	<b>\$4,453,386</b>	<b>\$1,147,365</b>	<b>\$452,905</b>	<b>44,436</b>	<b>\$1,846,802</b>

## STATEMENT E.—Continued.

20

COUNTIES.	Neat cattle over two years old.		Mules and asses		Sheep over 6 months		Hogs over six months old.		All other property.	Total.
	No.	Value	No.	Value.	No.	Value	No.	Value		
Allamakee . . .	769	11535			138	212	240	740	7100	65121
Appanoose . .	2112	26500	9	420	2583	2597	2920	3479	21824	310978
Benton . . . .	503	7474			380	423	858	1984	4950	77681
Boone . . . . .	449	6734			551	883	461	938	9419	76878
Buchanan . . .	648	9800			616	699	638	1331	12765	83653
Cedar . . . . .	2559	29729			3441	3441	4065	4100	39017	602142
Clinton . . . .	2713	31452			1852	2278	1444	1520	12310	454714
Clayton . . . .	2065	32889	8	42	855	1320	1687	3059	9213	701939
Clarke . . . . .	216	3195			92	92	107	200	2824	16655
Des Moines . .	7312	65662	48	2310	8955	8955	9598	10421	61267	2685223
Dubuque . . . .	4691	61137	8	450	2599	2673	3542	4972	191416	1974707
Davis . . . . .	3801	46510	21	1135	7432	7715	9173	12803	44900	718562
Delaware . . .	1526	23902			1392	1665	1327	2630	14889	297865
Decatur . . . .	812	10210	2	190	958	967	1415	1913	10415	38019
Dallas . . . . .	858	12137	3	110	651	651	1221	2015	15302	95230
Fayette . . . .	776	13741	4	125	274	394	314	711	10853	123171
Fremont . . . .	1518	19826	20	983	1129	1129	1655	1955	15924	69785
Henry . . . . .	5575	69194	14	860	8506	8206	8143	8143	88924	1128472
Iowa . . . . .	628	8163	1	50	667	825	1427	1787	11686	103574
Jackson . . . .	3906	57441	5	180	3489	4591	4357	7296	54178	1073181
Johnson . . . .	3235	38793	9	470	4430	5010	4647	7334	49028	851040
Jones . . . . .	2272	30285	1	80	2745	2856	2826	19619	22896	469544
Jefferson . . .	6566	62044	34	1465	10773	10773	10564	10564	53599	978840
Jasper . . . . .	890	13013	3	525	1079	1605	2067	3215	15349	20274

APPENDIX.

Keokuk.....	3582	42152	21	1315	4821	5960	6615	13412	59030	705075
Lee.....	8407	109554	52	3161	10841	11340	9170	17913	79620	3482113
Linn.....	3697	41300	8	610	5346	4346	5638	10819	47126	910219
Louisa.....	3955	46642	7	415	3992	3992	5588	8854	60653	726073
Lucas.....	574	7963	16	575	327	482	393	748	4336	78766
Madaska.....	3855	51401	29	1415	6319	8361	7144	13638	88062	857791
Muscatine.....	3251	37762	26	1585	2657	2657	3858	4945	49487	1450248
Marshall.....	856	5037	1	35	316	453	689	1038	11054	42280
Marion.....	3426	43007	8	830	3906	5403	4672	6538	57862	666356
Madison.....	2067	26503	3	160	1869	1869	3712	6513	16236	428155
Mills.....	1073	14787	31	1460	938	1286	1262	1830	17243	129359
Monroe.....	415	4992	.....	.....	245	245	207	207	1102	12896
Poattwattamie	3557	49543	13	554	851	900	1065	2296	28801	157513
Polk.....	2645	30717	11	680	2311	3225	3813	5971	25449	695530
Poewshiek.....	528	7408	.....	.....	535	695	964	1852	8778	89838
Page.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15147
Scott.....	3554	39420	24	935	2377	2377	3191	3430	53820	1130619
Taylor.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6522
Van Buren.....	7326	63751	54	2140	14862	14815	11495	12719	88583	1510943
Wapello.....	4640	33466	26	1126	7439	7517	10112	16506	127685	1229562
Washington.....	4093	47145	5	290	5781	7423	6469	12211	63827	698383
Warren.....	916	11434	3	150	836	904	1078	1767	6228	171880
Winneshiek.....	658	9579	.....	.....	154	166	210	483	4267	33424
Wayne.....	517	6498	2	250	436	427	463	545	2887	86139
Total.....	119,501	\$1,381,427	536	\$26,959	142,746	\$155,808	162,504	\$255,964	\$1,673,514	\$28,464,550

STATEMENT F.—Showing the number of polls, acres of land, with the value of the same with the improvements thereon; the value of town lots and their improvements; with the value of all other property assessed in the several counties, in the year 1852.

COUNTIES.	No. of Polls.	Acres of Land.	Value of Land with improvements.	Value of town lots and improvements.	Value of capital employed in Merchandise.	Value of Mills, Manufactures, Distilleries, &c	Horses.	
							No.	Value.
Allamakee, . . . . .	336	70,523	134,075	10,795	6550	1500	190	8579
Appanoose, . . . . .	538	113,760	239,098	17,808	12398	1538	898	28920
Benton, . . . . .	234	75,585	180,777	2,625	200	.....	350	18044
Boone, . . . . .	177	15,440	41,759	1,718	3676	2300	215	9035
Buchanan and Counties attached,	213	37,408	80,385	8,146	3400	1575	232	11815
Cedar, . . . . .	160	15,913	23,212	.....	1525	1000	119	8539
Cedar, . . . . .	933	175,913	702,822	53,752	20344	672	1920	86288
Clinton, . . . . .	721	118,488	381,089	56,023	19316	18920	1090	47965
Clayton, . . . . .	1,265	318,581	707,323	156,146	.....	.....	1227	52875
Clarke, . . . . .	89	17,420	30,315	671	1528	.....	49	1847
Des Moines, . . . . .	2,090	232,033	158,822	931,610	175520	16750	2720	104327
Dubuque, . . . . .	2,326	.....	.....	.....	.....	.....	.....	.....
Davis, . . . . .	1,149	226,297	597,635	44,899	27830	11616	2516	81529
Delaware, . . . . .	548	125,566	265,272	13,704	.....	.....	751	31498
Decatur, . . . . .	113	5,267	99,112	.....	2208	.....	151	6032
Dallas, . . . . .	172	26,404	60,476	2,739	1805	.....	320	12410
Fayette, . . . . .	337	72,726	131,477	5,757	3350	8477	311	13945
Fremont, . . . . .	388	5,357	14,101	.....	15570	28582	651	26123
Guthrie, . . . . .	49	1,360	3,200	.....	170	.....	48	1795
Henry, . . . . .	1,715	236,798	1,512,694	209,042	82324	5775	2904	114267
Iowa, . . . . .	210	51,965	143,190	3,152	2665	1030	388	15590
Jackson, . . . . .	1,479	251,220	735,280	98,664	28881	5165	2255	91774

Johnson, .....	1020	184838	625784	109321	51138	6071	1623	71328
Jones, .....	836	172197	437545	155578	6245	550	1287	53057
Jefferson, .....		255473	802761	108395	38540	3630	2901	87280
Jasper, .....	326	66624	200314	8257	7525	3052	566	23615
Keokuk, .....		147253	400016	23852	5981	2680	1606	56848
Lee, .....	3541	326576	1787498	986445	262956	34051	4840	180026
Linn, .....	1314	214028	709543	129825	35062	8630	2462	118176
Louisa, .....	1013	168089	990859	47980	48550	21867	1931	85159
Lucas, .....	169	34809	57245	7378	700		216	7463
Mahaska, .....	1190	177117	592082	76475	32449	8662	2239	82695
Muscatine, .....	938	193891	748793	637244	124829	12263	1761	74873
Marshall, .....	111	12788	28028	289	1100		147	7413
Marion, .....	1172	140335	444000	41028	25820	4121	1693	38033
Monroe, .....	336	79848	266659	10506	28000	910	668	12047
Madison, .....	291	54048	128395	6670	4412		470	16008
Mills, .....					1820	200	419	15345
Pottawattamie, .....	578				21801	3875	3597	22342
Polk, .....	972	169556	762926	94251	21846	3655	1632	67490
Poweshiek, .....	179	30035	85101	2641	1000	400	283	12102
Page, .....	98				1150	1590	192	8672
Scott, .....	1662	201492	930849	488600			2075	8500
Taylor, .....	74				3913		99	553
Van Buren, .....	2161	280552	1397305	with land	46795	32964	3795	129566
Wapello, .....	1388	236581	907875	169906	52936	10537	2474	90752
Warren, .....	253	57860	140785	9196	3840		416	1569
Washington, .....	1054	157668	537983	74306	18814	15520	1930	69559
Winneshiek, .....	327	40969	56007		2726	300	204	8701
Wayne, .....	140	21458	38273	210	1430	110	197	6570

## STATEMENT F—Continued.

COUNTIES.	Neat cattle and value.		Mules and Asses		Sheep.		Swine		All other property.	Total.
	No.	Value.	No.	Value.	No.	Value.	No.	Value.		
Allamakee, . . . . .	1120	19942			287	396	621	1419	11600	194858
Appanoose, . . . . .	3591	33095	29	917	3065	3079	4623	4349	45294	386496
Benton, . . . . .	1158	14598			776	820	1914	2311	22596	241971
Boone, . . . . .	565	8348	1	50	763	1204	1062	1563	33349	102992
Buchanan and counties atta'ed	944	11515			530	632	1453	1869	28886	148133
Cedar . . . . .	798	10502			406	525	680	853	9720	55876
Cedar . . . . .	5530	50143	10	740	3939	3993	9281	11658	90087	1020499
Clinton, . . . . .	4772	46682	7	592	1934	2443	3316	5736	54687	633433
Clayton, . . . . .	5060	63520	15	634	1630	2318	6019	9896	171207	1167630
Clarke . . . . .	368	6012	1	25	164	201	144	247	11608	51806
Desmoines, . . . . .	7812	74396	119	4646	7750	7384	7679	7365	271221	3171381
Dubuque . . . . .										2566120
Davis, . . . . .	6839	57653	115	3620	8757	7528	12153	11808	116369	955487
Delaware, . . . . .	2843	35591			1729	2123	3627	4724	52822	405734
Decatur, . . . . .	611	6620	6	350	609	613	716	795	9358	35088
Dallas . . . . .	1359	14134	4	130	1192	1357	2130	1935	16621	111608
Fayette . . . . .	1574	20013	7	325	473	669	1326	2321	27015	213349
Fremont, . . . . .	3670	38213	36	1855	1711	1860	3279	3816	43808	150823
Guthrie . . . . .	284	3214			108	134	406	345	4259	13128
Henry, . . . . .	9476	86359	109	5040	9178	8582	12726	12638	288958	2325679
Iowa, . . . . .	1420	14632	3	120	1248	1496	2950	3406	18632	203918
Jackson . . . . .	8264	89379	38	960	4746	5494	9885	12488	112272	1163391
Johnson, . . . . .	6027	57034	18	990	5536	6696	8626	11456	156757	1187475
Jones . . . . .	4264	45550	3	175	3437	3904	6436	8794	52062	624361

Jefferson . . . . .	10621	71307	119	3800	12260	8104	17697	10225	130680	1206550
Jasper . . . . .	1954	20983	12	565	1757	2067	3069	3803	45279	310057
Keokuk . . . . .	8699	42741	25	970	5640	5658	9806	6997	84152	629895
Lee . . . . .	17347	144480	188	6582	10658	8855	18209	17048	476977	3904807
Linn . . . . .	7436	81796	23	1122	8687	8458	9866	112510	158001	1262723
Louisa . . . . .	7444	73201	29	1325	5077	6849	10942	13905	125273	1414969
Lucas . . . . .	548	7370	12	211	549	630	310	727	10520	92245
Mahaska . . . . .	6176	56974	157	2409	7402	7796	10457	12054	120123	991719
Muscatine . . . . .	5090	50330	49	2485	2869	3067	6150	8382	125943	1788211
Marshal . . . . .	701	8179	5	250	494	640	1242	1640	17752	85083
Marion . . . . .	6889	72623	23	1680	5272	3824	10661	9010	95924	746965
Monroe . . . . .	2841	30576	21	830	3141	4063	4702	4318	34315	366992
Madison . . . . .	1889	18681	38	1579	1522	1639	2633	2327	30865	210567
Mills . . . . .	2285	24759	12	452	1046	1046	1023	1430	20217	64269
Pottawattamie . . . . .	5138	67329	95	1980	811	966	1243	2330	35062	155866
Polk . . . . .	4099	54058	15	830	4349	6418	7389	9128	104841	1125446
Poweshiek . . . . .	1043	10686	6	246	731	881	1984	2310	24862	140229
Page . . . . .	892	10662	11	544	822	857	1422	1898	11226	35999
Scott . . . . .	7560	66726	39	1720	2661	3011	6757	7306	304655	1888367
Taylor . . . . .	345	4939	2	90	571	597	600	914	1443	17852
Van Buren . . . . .	12718	96592	140	4867	15903	13863	17628	14073	230660	1966687
Wapello . . . . .	8277	66545	61	2971	10183	10610	13996	13168	161677	1486977
Warren . . . . .	1511	16700	13	337	1289	1735	2055	2549	35738	212451
Washington . . . . .	7104	68482	15	790	6626	6220	10267	10463	136423	959379
Wineshiek . . . . .	1675	24053			259	380	854	1518	19861	113548
Wayne . . . . .	110	1118	10	486	778	782	1185	1162	7939	78289

\$1,988,489 1644 \$60,281 171,325 \$172,467 277,099 \$291,687 \$4,205,655 \$38,427376

STATEMENT G—Showing the number of copies of the Code sent to each county by the Secretary of State, the number sold by clerks, the amount paid over therefor, and the number distributed by clerks to townships.

COUNTIES.	No. sent to clerks.	No. sold.	Amount paid over.	No. distributed by clerks.
Aalmakee	25	No report.		
Appanoose	50	do		
Benton,	25	do		
Boone,	25	do		
Buchanan	25	15	37 50	6
Cedar,	50	No report.		
Clinton,	50	13	32 50	10
Clayton,	50	17	42 50	
Clarke,	20	No report.		
Des Moines	150	27	67 50	11
Dubuque,	150	72	180 00	
Davis,	100	31	77 50	13
Delaware,	45	4	10 00	7
Decatur,	20	7	17 50	4
Dallas,	25	2	5 00	3
Fayette,	25	1	2 50	2
Fremont,	45	11	27 50	1
Guthrie,	20	No report.		
Henry,	125	No report.		
Iowa,	25	2	5 00	4
Jackson	100	No report.		
Johnson	65	9	22 50	11
Jones,	73	18	45 00	10
Jefferson	130	22	55 00	11
Jasper,	20	No report.		
Keokuk,	54	4	10 00	9
Lee,	200	96	240 00	20
Linn,	75	No report.		
Louisa,	70	7	17 50	6
Lucas,	25	No report.		
Mahaska,	90	18	45 00	14
Muscatine,	90	28	70 00	8
Marshall,	25	No report.	7 50	11
Marion,	50	3	47 50	12
Monroe,	50	19	20 00	8
Madison,	25	8	5 00	4
Mills,	20	2		
Pottawattamie	80	No report.		



## APPENDIX.

27

Polk,	55	19	47 50	9
Poweshiek,	25	No report.		
Page	20	3	7 50	
Scott,	100	20	50 00	
Taylor	20	No report.		
Van Buren,	150	37	92 20	10
Wapello,	100	No report.		
Warren,	25	4	10 00	
Washington	87	7	17 50	12
Winneshiek,	25	3	7 50	
Wayne.	20	1	2 50	2
<b>Total,</b>	<b>2919</b>	<b>530</b>	<b>1324 70</b>	<b>218</b>

## ABSTRACT OF LANDS SOLD IN 1850.

COUNTIES.	ACRES OF LAND.	COUNTIES.	ACRES OF LAND.
Alamakee	15234	Keokuk	10653
Appanoose	61818	Lee	302
Boone	2605	Lucas	8082
Benton	7989	Louisa	6685
Buchanan	5740	Linn	21579
Blackhawk	2389	Marshall	5867
Clayton	46285	Muscatine	11355
Clark	5116	Mahaska	29337
Cedar	15421	Madison	35237
Clinton	27997	Mason	41876
Delaware	22062	Monroe	24992
Dubuque	33172	Poweshiek	4924
Dallas	15839	Polk	34286
Decatur	3679	Scott	19137
Davis	48860	Story	965
Desmoines	4738	Tama	1548
Fremont	697	Van Buren	4380
Fayette	26276	Warren	19703
Henry	9404	Wapello	29845
Iowa	11109	Wayne	9560
Johnson	19547	Washington	14679
Jackson	42082	Winneshiek	10635
Jefferson	7830		
Jasper	16801	<b>Total</b>	<b>826,846</b>
Jones	19531		

## ABSTRACT of Lands entered in 1851.

COUNTIES	ACRES OF LAND	COUNTIES.	ACRES OF LAND.
Alamakee	55336	Jones	39505
Appanoose	44804	Keokuk	22688
Adair	480	Lee	720
Boone	994	Lucas	10002
Benton	14850	Louisa	17228
Buchanan	15396	Linn	48953
Blackhawk	7161	Marshal	4660
Clayton	30231	Muscatine	29075
Chickasaw	20000	Mahaska	23307
Clark	10855	Madison	18629
Cedar	25827	Marion	29264
Clinton	32377	Monroe	19916
Delaware	34960	Poweshiek	5028
Dubuque	35361	Polk	16923
Dallas	10112	Scott	50723
Decatur	4530	Tama	5025
Davis	25835	Van Buren	3639
Des Moines	8055	Warren	11409
Fayette	29762	Wapello	15707
Guthrie	1040	Wayne	7627
Henry	18770	Winneshiak	26946
Iowa	13151	Washington	28136
Johnson	26470	Story	2363
Jackson	65166		
Jefferson	5037	Total	989368
Jasper	12733		

# REPORT OF THE COMMISSIONER AND REGISTER OF THE DES MOINES RIVER IMPROVEMENT.

OFFICE OF DES MOINES RIVER IMPROVEMENT,  
OTTUMWA, Nov. 30, 1852. )

*His Excellency Stephen Hempstead,*

*Governor of Iowa:*

SIR: In the Report of the undersigned, of the first of December last, we were enabled to communicate the gratifying fact of the final settlement of the question as to the extension of the Des Moines River Congressional Grant, from the Raccoon Fork to the source of the river, whereby a million of acres more of land were secured for the use of its improvement.

We have now the satisfaction of announcing the re-opening of the river for navigation after its obstruction, by dams and other obstacles, during several years past.

Thus, two points of great importance to the work under our charge, as well as to the public interests generally, have been attained. The Congressional Grant—limited to the 321,800 acres lying below the Raccoon Fork, when the undersigned took charge of the work as Commissioner and Register, in March, 1851—has been made to embrace more than quadruple that amount; while the river—then and for several years previously, wholly useless for all purposes of navigation, in consequence of the dams and locks put into it prior to the commencement of the Improvement, and the unfinished condition of those undertaken to be erected by the State—is again open for the passage of boats, from its mouth to the Raccoon Fork.

The results accomplished by the attainment of the two points mentioned are; first, a channel is opened through which a market may be reached, during a portion of each year, for the surplus products of the entire valley, and articles of merchandise supplied to its inhabitants at a cost reduced many fold below the rate of transportation by ordinary land carriage; and, secondly, the magnificent acquisition of a million of acres of land secures the certain basis through which the entire work *can* be completed, if the people of the State, through their own action, and that of their Representatives in the Legislature, will that it be done.

Having, in our last report—200 surplus copies of which, procured to be printed for circulation at the time it was made, are now herewith furnished for the use of the Legislative assembly—gone into a history of the condition and progress of the work, from the period when the undersigned became connected with it until the date of that Report, it is deemed unnecessary to do more at present than make a general reference to its contents. It embraces a full statement of the settlement of the vexed question in regard to the extent of the Congressional Grant, together with the opinions of the eminent men who acted as counsel in this case, and every other matter of any interest connected with the work between the periods referred to, and which need not, therefore, be repeated here.

### CONTRACT WITH BANGS, BROTHERS & CO.

Frequent reference is made, in that Report, to the contract entered into by the undersigned, on the 9th of August 1851, with the firm of Bangs, Brothers & Co. of New York, which provided for the completion of the entire work, from the mouth of the river to Fort Des Moines, within four years from the time when a confirmation should be secured of the extension of the grant above the Raccoon Fork; and; to the making of which contract was attributed, mainly, the obtaining of such confirmation when it occurred. The undersigned reiterate that opinion now, and confidently state that, but for the making of the contract referred to, at the particular time when it was made, the grant of lands for the improvement of the Des Moines River would still have been limited, this day to the Raccoon Fork as its northern terminus, and, in all reasonable probability, would not have been extended beyond that point for years to come—if ever. Events that have subsequently transpired have given renewed strength to this conviction..

By the terms of the contract of Bangs, Brothers and Co., they were to furnish the money to pay for all work done on the three jobs at Croton, Bonaparte and Bentonsport after the date of the contract, on monthly estimates of the Engineer, commencing on the 1st of October, 1851. This they failed to do, on the first estimate that was made, which amounted to over \$12,000; whereas the amount remitted by them to meet it was but \$5,000—for which an agent had to be sent, first to St. Louis, and afterwards to Ottumwa, before the money was procured. They made no subsequent remittance, to the amount of a

dollar, to meet the monthly estimates, nor have any of the firm been in the State, to bestow the attention upon the work, or for any other object, until the arrival of one of their number here some few weeks since. Their contract requires, not only that the whole work, from the mouth of the river to Fort Des Moines, shall be completed within four years from the time when the lands above the Raccoon Forks are secured—to wit: four years from the 29th October 1851, when they were secured, by the rescinding of the adverse decision of the Secretary of the Interior—but it requires, further, that not less than one fourth of the aggregate of work to be done, shall be expended in each year, until the completion of the whole improvement. Yet upwards of a year has elapsed, and nothing has been done by Messrs. Bangs Brother & Co. Letters and Telegraphic despatches received from this firm, or some of its members, in December last, authorized the Register to draw on them for any amount sufficient to meet the estimates for work done on the Croton, Bonaparte and Bentonsport jobs, payable at the American Exchange Bank in the City of New York; which was done accordingly, and the drafts sold, mostly in Keokuk and St. Louis, as became indispeusably necessary, in order to make payments on the work referred to; and thus to carry them forward, that they might at last be placed in a condition to admit of the passage of boats. This was expressly required to be done by the 1st of February, 1852, under the terms of the contracts with Bangs Brother & Co., and would have been done unquestionably, had they complied with those terms, in furnishing the money to meet the estimates. Having failed to do so, it was not accomplished until during the month last past, when, by the same terms, the jobs at the three points mentioned were to have been, and should have been, not merely passable for boats, at all times, but *entirely completed*.

The drafts drawn by the Register on Bangs, Brothers & Co., in conformity with the authority given by them so to do—and which were sold by the Commissioner, as above stated—were not paid at maturity, but suffered to be protested, and sent back here for collection.—Hence it became necessary, for the double purpose of meeting the payment of those drafts, and proceeding with the works above mentioned, to resort to a sale of lands to effect those objects. Bangs, Brothers & Co. in wholly failing to make any arrangements to carry forward the works, with a view to their completion within the four years, or to do one one-fourth of the aggregate amount of what had to

be done, within the first year, as well as in failing to meet the payment of the monthly estimates of each month, from October to February, had most clearly forfeited their contract; and, at a meeting of the undersigned, at Ottumwa, on the 18th of February, 1852, a declaration to that effect was formally made, and entered of record, a copy of which, marked (A) accompanies this report.

There are two provisions in the contract with Bangs, Brothers & Co., which were strongly objected to by the undersigned at the time it was made, and as strongly urged by the person acting for that firm. Those provisions, in fact, were made by him *a sine qua non*—without which no contract could be made; and, as stated in our former report, it was, upon mature deliberation, after a full view of the condition of the work—then as unpromising as it well could be—deemed advisable, upon the whole, to accept the obnoxious terms, rather than make no contract at all, and permit the works to stand unfinished, with no reasonable prospect of doing anything further upon them. The provisions referred to are those permitting an increased price to be placed upon the lands, beyond \$1.25 per acre, and the condition of twenty per cent, on the aggregate amount to be paid to the contractors, over and above the prices specified for all the different items named in the contract. The latter of those provisions, however, seemed less objectionable than the former; because, fully aware of the impossibility of selling lands fast enough to carry the work forward with any degree of vigor and rapidity, some such step was obviously necessary, to the minds of the undersigned, in order to enable the contractors to raise the large amount of funds required; and it was with that object, chiefly if not wholly, that the twenty per cent clause was permitted to become a part of the contract. The person with whom the negotiations, with the undersigned, on the part of Bangs, Brothers & Co. were conducted—Mr. Anson Bangs—insisted repeatedly, and most earnestly, in the progress of those negotiations, that this clause with regard to the additional twenty per cent, would, *most certainly*, enable them to raise all the money necessary to prosecute the work vigorously to a completion, in accordance with the terms of the contract, by selling the certificates of Indebtedness, or “Bonds” to be issued to them, that much under par, if it became necessary; and the undersigned were led to suppose that, with the lands above the Raccoon Fork once secured as a basis for the security of the payment of such certificates, the requisite funds might very probably thus be procured. This,

then, as already stated, was the great leading, and controlling object, with which the clause allowing the additional twenty per cent was permitted finally to find a place in the contract—as its terms go clearly to show. In very truth, it may be said to have been almost the sole object; the other considerations mentioned therein being of entirely secondary importance, and so regarded and treated, during the whole pendency of the negotiations. The forfeiture of the contract, on the part of Bangs, Brothers & Co., rids the improvement of all liability to that firm, the payment of the twenty per cent of course included, and the lands from subjection to a rise of price beyond \$1 25 per acre.

#### NEGOTIATIONS AND CORRESPONDENCE WITH CAPITAL- ISTS AND CONTRACTORS.

When, after having waited some two or three months to ascertain the result, it was perfectly obvious that Bangs, Brothers & Co. would not proceed under their contract, agreeably to its terms, and after the undersigned had accordingly declared that contract forfeited, it became necessary to take some new step, to progress with the Improvement. It was quite certain that, even with the grant confined above the Raccoon Fork, the sales of lands would be to so limited an extent that comparatively little could be done towards paying off the large debt already incurred, and at the same time undertaking several new jobs, in addition to completing the old ones already under construction. It was thought, therefore, by the undersigned, after a consultation between them upon the subject, that the interests of the work imperatively demanded renewed efforts, on their part, to engage other parties to undertake its completion, who might prove competent to the task. The securing of the extension of the grant was a new element of strength, in any future negotiations having that object in view, and which it was reasonably supposed would ensure its accomplishment. Accordingly, it was decided that the commissioner should visit some of the Eastern States for the purpose mentioned; which he did, leaving home early in March last, and not returning until towards the last of June. During his absence he was in almost daily communication with individuals and companies in the states of Ohio, Pennsylvania, and New York, who either were then, or had been previously engaged extensively in Internal Improvement operations, in

those and other states—and several of whom evinced an earnest wish to become connected with our works. Some of those parties gave promises that they would visit Iowa, during the summer or fall, to examine the county with a view to becoming engaged on the Des Moines River Improvement. Perhaps the best known of those companies, to the people of Iowa, is one composed of Messrs. Sturges, Forrer and Hosmer, of Ohio, whose large operations, and energy and success, in whatever they undertake, have given them a widely extended reputation. They have been recently engaged upon a job in Indiana—the construction of a canal from Evansville, on the Ohio river, into the interior of the state—which was commenced by them only a year ago last spring, and is probably now completed, at a cost of some \$700,000. The employment of that company upon our work, could it be accomplished, would, it is confidently believed, ensure its speedy completion; and hence the Commissioner was most desirous of effecting it. For that purpose he made a visit of some time in Ohio, and subsequently met one of the members of the firm in the city of New York, where several interviews were had between them. The reasons why those gentlemen were not enabled to make their promised visit to Iowa, this, season, as well as the views entertained by them in regard to our Improvement, and the course best, in their opinion, to be adopted to secure its completion, will be found stated in two letters each from Mr. Forrer and Mr. Sturges, received by the Commissioner since his return home last summer, and copies of which accompany this Report, marked (B.)

The Commissioner saw also, and conferred with, numerous other parties in Pennsylvania and New York, several of whom expressed a determination to visit Iowa in the course of the summer—but none of whom have done so. One company especially, with whom he met in Harrisburg, composed of a number of prominent citizens of Pennsylvania, had just made a formal proposition to its Legislature to lease the whole public works of the state for a period of ten years, at an annual rent of a million of dollars. Some of the more active of the members of this company, having given a careful examination to the Des Moines Improvement project, and all the papers in the case, which were submitted to them by the Commissioner for that purpose, stated that, in the event of the failure of their proposition, then pending before the Pennsylvania Legislature, they would very probably make one for our work, after having first visited Iowa, du-



ring the summer, for the purpose of examining it and the country.— Yet they have not come, nor has aught further been heard from them upon the subject.

While in the city of New York, it was deemed by the Commissioner well worth while to endeavor to ascertain what might possibly be done in regard to raising funds, through the capitalists there—the great focus of all the monetary transactions of the country—for constructing our work; and he accordingly opened negotiations, looking to that end, with a number of the longest established, and best known houses in that city. Those negotiations were, in their earlier stages, of quite a highly encouraging character; and there were strong grounds for belief by the Commissioner that he should be enabled, before leaving New York, to lay the certain foundation for obtaining, if not all that would have been desirable, an amount sufficient at least to carry the work ahead vigorously for a year or two to come. Difficulties and objections were of course raised, from time to time, by those to whom the subject was presented, but these were, in many instances, overcome by explanations, in repeated interviews, and the matter seemed in a fair way of complete consummation, when the reported passage, through the U. S. House of Representatives, (then in session) of the “Homestead,” or “Free Farm” bill, by a vote of more than 2 to 1, and its consequent probable passage through the Senate also, put a stop at once to further proceedings. The ground was then taken, by all those with whom such negotiations had been pending, as it had been previously by some of their number, that, in order to raise the required amount to carry forward our work, the lands—most mistakenly conceived by them to be rendered less valuable in consequence of the probability of the “Homestead” bill becoming a law—*were not a sufficient security* on which to base a large loan; and that nothing short of the credit of the state, to back it, would then do for that purpose. The commissioner sought earnestly to explain, and to demonstrate, that the effect of the passage of the “Free Farm” bill, on the value of the Des Moines river lands, would not, and from the facts of the case as they plainly stood, could not, be such as seemed to be apprehended—but exactly the reverse; as the “giving away” of the alternate sections belonging to the United States, and the consequent immediate *settlement and improvement* of those lands—most certain to follow such “giving way”—would, as a ~~matter of course,~~ greatly enhance the value of the other alternate sec-

tions, granted to Iowa, which would thus become, the more speedily, surrounded by improved farms; nor did the Commissioner omit to urge his personal experience in land operations in the west, for a long series of years, while acting as a public land officer, to establish this point—but all to no purpose. The unfounded idea appeared to have gained complete control of the minds of the money lenders and their agents, that the “giving away” of fourteen hundred millions—that is the amount still owned by the U. S.—of acres of land, through the operation of the “Homestead bill, was certainly going to render all other unimproved lands in the West, those granted for the Des Moines Improvement included, unsaleable for years and years to come—and this impression it seemed impossible wholly to remove.

The Commissioner, having spent some six weeks in New York, engaged in such negotiations, thus brought to a close, addressed a communication to some two or three of the houses with whom he had been negotiating, in order to elicit their views of the subject, in writing, under the turn which the matter had taken; and, submitted herewith, marked (C) will be found copies of his letter, with the answers of the houses referred to, to-wit: Messrs. Duncan, Sherman & Co.; James G. King & Sons; and Simeon Draper—all of eminent standing, both at home and abroad, among dealers in American stocks and securities.

#### DECISION UPON THE GRANT ABOVE RACON FORK.

Shortly after the action of the Cabinet at Washington, in reference to the extent of the Congressional grant, the result of which was communicated to the Commissioner by the Secretary of the Interior, in his letter of October 29, 1851—unfortunately misprinted, with an important omission, as it first appeared in the newspapers—a question was raised, through the public press, whether that action was, in fact, a *final* settlement of the matter; or whether Congress, or the judicial tribunals of the country, might not yet have to take some further step before it could be reduced to a finality. Immediately on observing this mistaken suggestion, the Commissioner in a letter addressed by him to the public, in regard to that and other points of interest, connected with the work remarked: “By the way, I observe that the letter of Mr. Stuart, making this decision (a copy of which was enclosed in one to me, at Washington, as soon as it was placed in the hands of

Mr. Butterfield, the Commissioner of the General Land Office, is published in several of the papers in this State, and pointed to by some of them as evidence that the question as to the extension of the Desmoines grant above the Racoon Fork, is not yet settled; and that we shall have yet to go to Congress or the Courts, before it can be settled." \* \* \* \* \*

"The prevalence of any such impression as this, is, of course, well calculated greatly to embarrass the work; and I, therefore, think it my duty to say, and I do say promptly, and most confidently, that the recent action of the Cabinet, as communicated through the letter of the Secretary of the Interior, *does* settle the question hitherto in controversy. That they themselves so regarded it, I have the best reasons for knowing—better, I think, than any here can have for a different opinion—an so it was regarded by every body in Washington, enemies as well as friends of the grant."

"In the first place, Mr. Stuart's letter—transmitted for publication first in another portion of the State, and copied here—is *not a true copy*, as it was so communicated to me within the walls of the Interior Department, immediately after it was written; and I now furnish, herewith, a correct copy for publication. It will be seen, on comparing this true copy with that which has been published, that the words '*I am willing to recognize the claim of the State,*' contained in the former, are wholly omitted from the latter—a most important omission!" \* \* \* \* \*

"Apprehensive that wrong constructions might be put upon this letter, even if given to the public correctly, without some explanations accompanying it, I refrained from sending it from Washington for publication; but kept it until I could return home to make those explanations; and I particularly regret that it has found its way into the press, in its mutilated shape, with the very important omission above mentioned. The result has been precisely as was anticipated—the letter is improperly construed—the true character and scope of the decision are perverted—the public mind thereby disturbed anew, with doubts and misgivings—and an explanation thus rendered the more necessary as to what the decision was designed to be, and, in fact is."

"It is true, that in his letter, Mr. Stuart—as stated in that I wrote home from Washington, immediately on receiving it—says, that his '*own* opinion as to the construction of the grant is unchanged,' and

adds some superfluous remarks about leaving that construction '*open to the action of the judiciary.*' It is to be regretted, and I know was regretted, by some of Mr. Stuart's best friends, that he seemed to lack the firmness to make a perfectly clean decision, by leaving out of his letter the introductory remarks referred to, which appeared to be both uncalled for, and inappropriate; and whereby the beauty of the act was marred, and his credit for its performance somewhat damaged. It is due to Mr. Stuart to say, however, that two reasons were assigned by his friends for the apparent inconsistency between the opening remarks of his letter, and its conclusion—*wherein he decides the whole matter*; the first, his very natural desire to release Mr. Crittenden, (the Attorney General) as gently as possible, from the wholly untenable position in which he had placed himself—as overwhelmingly demonstrated by the written arguments of counsel in the case—and, secondly, his wish not to commit himself with regard to the 25,000 acres of land, embraced in the grant, but sold, under a proclamation of the President, in 1848. The lists of those lauds—but 25,000 acres, out of a million, or thereabouts, the State is entitled to receive by the decision—have not been furnished to me. They are, nevertheless, *legally* the property of the State, and *their equivalent* will yet be procured for the benefit of the Improvement, through the action of 'Congress or the Courts.' As to *the decision* actually made by Mr. Stuart—contained in the *last clause of his letter*—it is all that the friends of the grant ask, or have ever contended for. In that clause he orders to be made out, *for his approval*, lists of the lands above the Racoon Forks, *as far as the surveys have progressed*—or MAY HEREAFTER BE COMPLETED AND RETURNED; and I remained at Washington until I procured lists of those lands, so far as they could then be made out (embracing 81,707.93 acres;) which lists, *with the approval endorsed, and Mr. Stewart's signature thereunto annexed*, I brought home, with the promise of others as fast as they could be prepared, keeping pace with the progress of the surveys. This is precisely all the Secretary has to do with the business, to comply with the provisions of the law of Congress making the grant, and to carry that law into effect. With the lists and plats in our possession, approved by him, we ask and need nothing further, as the whole matter is finally settled. As to the suggested '*action of the judiciary*'—who will invoke it? Not the authorities of Iowa, certainly. Nor her citizens who purchase lands from those authorities, which are embraced in the

grant. Nor yet the authorities of the General Government—in the face of their recent deliberate action. They could not do so, if they would. The matter is beyond their reach. But they cherish, I am sure, no such design, or desire. The vexed question, so long pending, and involving a million acres of land, is at length settled beyond any further controversy.”

Such was the language in which the Commissioner—then direct from Washington City, where the question, after much discussion and deliberation, had just been decided—conceived it to be his duty to meet the suggestion carelessly, not to say recklessly, thrown out, that it might, not improbably, prove not to be a *final* decision.

But the public are not left to rely upon the mere naked opinion, or assertion, of the Commissioner as to this point. The further action subsequently had by the Secretary of the Interior himself, as regards the lands above the Raccoon Fork, furnishes the most satisfactory and conclusive evidence that the over-cautious language used by him, in his letter of October 29th, 1851, was designed to apply to the 25,000 acres already sold by the government, and nothing more. The undersigned are now in possession of certified lists, (with the plats, or maps, corresponding thereto,) approved by the Secretary of the Interior, over his signature, of 225,616.30 acres of these lands above the Raccoon Forks, some few of which have been already sold by them, and others offered. The last of such certified lists, for 143,908.37 acres, bears date March 10th, 1852, and is in these words and figures :

“ A List”

“ Showing the vacant lands, in the odd numbered sections *above* the Raccoon Forks, and within five miles of the Des Moines River, *so far as the surveys have progressed*, falling to the State of Iowa, under the Act of the 8th of August, 1846, as construed *by the Secretary of the Treasury, in his letter of 2nd March 1849* ; AND OF THE SECRETARY OF THE INTERIOR OF THE 29th OCTOBER, 1851, *which have not heretofore been approved.*”

[Here follows the list of the sections, Townships, and Ranges, embracing 143,908.37 acres, and then follows the certificate—thus :

“DEPARTMENT OF THE INTERIOR,  
Washington, March 10, 1852.” }

“The selections embraced in the within list *are hereby approved*, in accordance with the views expressed in my letter of the 29th of October last, to the Commissioner of the General Land Office, subject to

any rights which may have existed at the time the selections were made known to the Land Office by the Agents of the State, it being expressly understood, that the approval conveys to the State no title to any tract which may have been sold, or otherwise disposed of, *prior to the receipt by the local Land Officers of the Commissioners of the General Land office, communicating the decision of Mr. Secretary Walker, to the effect that the grant extended above the Raccoon Fork.*"

[Signed.]

ALEXR. H. H. STUART, Secretary."

Now, can anything be more clear than that the above certificate of the Secretary goes, and was expressly designed to go, to the full extent of covering, by his decision, all the lands in the odd sections, within five miles on either side of the Des Moines River—save and except, *only the 25,000 acres which had been sold "prior to the receipt by the local Land Officers, of the letter of the Commissioner of the General Land office, communicating the decision of Mr. Secretary Walker," &c.*—and which said letter, written June 1st, 1849, was thus received during that month? It seems to us not. Why else was that limitation "expressly" made? and why, furthermore, is the "List" given by Mr. Stuart, as "showing the vacant land," &c.; "falling to the state of Iowa" &c.; "under the act" &c.; "AS CONSTRUED"—mark the language—not alone by "the Secretary of the Treasury (Mr. Walker) in his letter of 2nd March, 1849;" but *also* by "the Secretary of the Interior" (*Mr. Stuart himself*) in his letter, of the 29th October, 1851? We have already stated that the letter referred to by Mr. Stuart, in the above certificate, as having been received by the local Land Officers, from the Commissioner of the General Land Office, bore date June 1st, 1849; and was received during that month. The local Land officers had then sold only the 25,000 acres above the Raccoon Fork—and they have never sold any more. Most clearly and indisputably, then, as before remarked, if there was room for any question whatever as to the scope, and true extent of the decision of Mr. Stuart—which we maintain that there was not—prior to the giving of the above certificate, that certificate, of itself, must necessarily remove every possible vestige of doubt from the minds of all men of common understanding.

#### INDEBTNESS OF THE WORK, AND EMBARRASSMENTS RESULTING THEREFROM.

The present ascertained indebtedness of the work, in charge of the

undersigned, exclusive of interest, will not vary far from \$108,000, embracing the following items, to wit:

Amount due on Certificates issued *July 1st, 1851, for work done below Bonaparte, prior to that date, . . . . .	\$18,858 97
“ “ “ Certificates issued Dec. 5th, 1851, for “damages” to contractors, in accordance with decision of Board of Arbitrators, of that date, . . . . .	23,796 89
“ “ “ Drafts for \$20,000, drawn by Register, Dec. 20, 1851, on Bangs, Brothers & Co., which were sold by Commissioner—and protested for non payment, . . . . .	9,834 00
“ “ to Wm. Meek & Sons, Contractors at Bonaparte, for labor and materials on work at that point, . . . . .	17,195 20
“ “ “ Brown & Sanford, contractors on job at Bentonsport do do . . . . .	5,795 31
“ “ “ J. C. Walker & Co., contractors on job at Croton do do . . . . .	14,116 90
“ “ “ J. C. Walker & Brothers, contractors on job at Belfast, do do . . . . .	4,386 08
“ “ on Certificates, or “Bonds,” issued to Bangs, Brothers & Co., for money advanced, under contract. . . . .	5,000 00
“ “ “ Certificates issued to Bonney and Whittlesey, for labor and materials on job at Keosauqua, under contract of July 8, 1852, . . . . .	2,500 00
“ “ to J. C. Allender & Co., mill owners &c at South Bentonsport, under verdict and decree of October, 1852, . . . . .	3,500 00
“ “ on all other items not above enumerated estimated at, say . . . . .	3,017 25
Total,	\$108,000 00

\*The aggregate amount of these certificates, was \$30,984.10, of which amount \$12,125.73 has been paid. No certificates of that date were issued for work on jobs at Croton and Belfast, but payments were made thereon, from time to time, until operations

To make payments from month to month, on the indebtedness of the work, as above indicated—and to undertake to say that it would not be met, but *the whole* incoming fund applied to its further prosecution, was of course totally out of the question—while at the same time, constantly struggling to reserve means enough, out of the comparatively small amount of proceeds of sales of lands that were being made, to apply on the Bentonsport, Bonaparte and Croton works, in order to put them in a condition to pass boats; and, furthermore to open the “old dams” at Plymouth and Keosauqua, and a channel through the sand bars and the forests of snags below St. Francisville—to do all this, we say, under the existing difficulties, may perchance seem to those who have not undertaken it a trifling and easy task; yet experience teaches a very different lesson! The embarrassments under which the Commissioner has constantly labored, as the disbursing officer on the work, in consequence of the numerous and perpetually increasing demands against it, have been of a most harassing character. With much to pay, and much to do, and but little money, it has not been “a fire in the rear” alone to which he has been subjected, daily, but in front also—and upon either flank!

#### RIVER OPEN FOR NAVIGATION—THE “OLD DAMS.”

The next great object, however, with the undersigned, after the securing of the grant above the Racoon Fork—followed by the failure of Bangs, Brothers & Co., to fulfil their contract—has been chiefted, in the face of every obstacle. The opening of the river for navigation, during the present season, was all that could reasonably have been expected to be accomplished, under such circumstances—and that has been done. The opening of the obnoxious “old dams” has taken place too, when the proper time arrived, but not before—and they no longer constitute an obstruction to navigation. If they had been removed three years ago, or even three months ago, as was strongly and incessantly urged, nobody in the world would have profited by it, while large numbers of people would have been harmed materially. Until quite recently these much talked of “old dams,” were, really, no obstruction to navigating the river; because the state works were impassable for boats; and hence the latter could have gone neither up or down, if there had been no such thing as an “old dam” in the river. The state works once in a condition had wholly ceased at Croton, when certificates were issued for the whole amount due on jobs at both points, dated September, 1852.



for the passage of boats, it became not only proper, but a duty, peremptorily required of the Commissioner by law, to have the old dams opened—and therefore it was done.

#### CHANNEL BELOW ST. FRANCISVILLE.

In clearing out a channel below St. Francisville, where the bottom of the river is sand and mud, instead of the rock found, invariably, above the point, it became necessary to get rid, as far as practicable, of the hundreds of snags and stumps that had become deeply embedded there. Some of these were of large size—huge trees, torn down and thrown into the channel of the river, during the great flood of 1851. To remove, entirely, all the trees, was a matter utterly impossible to be accomplished, short of the use of power not at the command of the Commissioner—to wit: a "Snag Boat," propelled by steam, such as are used on the large rivers, and which would cost some thousand of dollars; but the next best thing to that was done. All the snags that could possibly be taken out, with the power called into requisition, to wit, windlasses, tackles and pulleys, with boats manned by some twenty men, were wholly removed; while others, that could not be thus removed, were cut down as low as possible in the water. This, there can be no question, will make a channel (200 feet in width) that can be passed without difficulty, at all times when the river can be navigated above, until the dams and locks are completed. This job was undertaken at the round sum of \$900, by R. J. German, who finished it, and received his money.

If the canal below St. Francisville is not to be completed—as it cannot be, for some years to come, except by the making of a new contract, to cover the whole Improvement, and sustained by a large loan of money—while the construction of the works above continues to progress—the idea has suggested itself to the minds of the undersigned that a dredge boat, as well as a snag boat, both to be propelled by steam power, might ere long be used to much advantage, in keeping the channel open through the snags and sand bars below St. Francisville—both of which, though entirely removed one year, would always be found obstructing it again in the next, to some extent.

#### CHANNEL ABOVE ST. FRANCISVILLE.

A wish has been frequently expressed to the undersigned that the

channel of the river, from Fort Desmoines to St. Francisville, might be cleared of the granite boulders, trees, &c., which are represented as obstructing it, at a low stage of water—such as has occurred during the present season. The subject is one that has received the attention of the undersigned ever since their connexion with the work, and been well considered. The difficulties in the way of such an arrangement hitherto, have been various, some of which are as follows: The high stage of the water during the whole of the summer of 1851, and the making of the contract, in August, with Bangs, Brothers & Co., which, had it been fulfilled on their part, would have dispensed with all necessity of any clearing of the channel. Again, during the early part of the present season the water remained too high, for a long time, to do any thing in that way; and, when it became low enough to do it, the engineers, under whose personal supervision it should have been done, were engaged on other parts of the work—getting the locks at Bonaparte and Bentonsport in a passable condition—opening old dams, &c., and could not be spared for that purpose. Besides, with the great number of demands already existing against the work, constantly and urgently pressed for payment, the money to do it could not be spared either, without giving rise to a new, and to some extent a well founded clamor, on the part of those holding such demands. But, above all, if, as the undersigned confidently persuaded themselves would be the case, such action was taken by the Legislature, at its coming session, as would result, certainly, in carrying the whole work forward vigorously, to a speedy completion, the expenditure of not less than twenty-four hundred dollars—an estimated cost for clearing the natural channel of the river—would, it seems to the undersigned, be just so much money expended uselessly; for, with the dams and locks once completed, the obstructions complained of would of course be deep under water, and not in the way at all. Those obstructions, at any rate, are not, it is believed, an obstacle to the navigation of the river when the water has attained any considerable height, during the spring of the year—the only season, usually, when the river can be navigated to much purpose, until the whole work shall be completed. Still, in order to ensure the passage of boats out of it, at a lower stage of water, it might be well to remove the obstacles complained of; and, should the Legislature take no further action to ensure the more vigorous prosecution of the entire work the coming year, the undersigned are of the opinion that it should be done.

## WORKS AT KEOSAUQUA AND FARMINGTON (PLYMOUTH.)

After the total failure of Bangs Brothers & Co., to comply with the terms of their contract; and when the Commissioner had returned from his visit to the East, without having engaged, positively, other parties to undertake the work; and the fact being, as was then believed, clearly established, that no funds, other than those derivable from sales of lands, were to be relied upon, even to pay off the existing debt; the prospect seemed almost hopeless of accomplishing, for the time being, anything further upon the work, beyond the finishing up, as far as practicable, what was already commenced, and then under headway. Still, there were two points where it was especially important that something should, if possible, be done, to-wit: at Keosauqua, and Plymouth (Farmington,) where mills were erected, and old dams existed in the river. The latter it was determined should be thrown open, just as soon as the state works at Bentonsport and Bonaparte were in a condition to permit boats to pass; and hence the water power, at the two points first mentioned, would be wholly destroyed. To obviate, as far as possible, this difficulty, the undersigned, on receiving a proposition to that effect, from Messrs. Bonney and Whittlesey, of Keosauqua, in the early part of July, entered into a contract with those gentlemen, on the 8th of that month, to construct the lock and dam at that point, upon the same terms as those contained in the contract with Bangs, Brothers & Co.—no money being required to be paid for the present, but certificates, or “bonds,” to be issued to them as the work progresses, payable five years hence. A written proposition was also made for this work by E. Manning, Esq., of Keosauqua, but upon much less favorable terms for the state than those on which it had previously been offered to be done, and was finally taken by Messrs. Bonney and Whittlesey. Those gentlemen went to work a short time thereafter, under their contract, and have made good progress since. A large amount of rock has been gotten out by them, and delivered at the work, and a good commencement made on the building of the lock walls. Their contract contains an express provision, that the lock shall be first so far completed as to admit of the free and uninterrupted passage of boats through the same, before the construction of the dam shall be commenced.

About the time of entering into the contract for the work at Keosauqua, the job for building the lock and dam at Farmington (Ply-

mouth,) was also offered, upon the same terms—first to John McCune & Co., the former contractors there, and then to the Messrs. Houghton, by both of whom it was declined. Subsequently an additional thousand dollars was offered, to meet the greater expense of excavating for the lock pit, and dam foundation, at that point than perhaps any other on the river, from the fact that the rock is covered to the depth of some four or five feet, entirely across it, with mud and gravel. This offer was also declined. Recently, the Messrs. Houghton have proposed to take the job; but, in consequence of the near approach of the session of the Legislature, and the anticipation of some action by that body, by which the work may be carried forward with cash payments, instead of upon a credit, and consequently upon much more favorable terms, no contract has been made with them.

#### COMPLETION OF LOCK AND DAM AT BONAPARTE—COST COMPARED WITH OTHER WORKS.

The entire completion of the lock and dam at Bonaparte, which the undersigned are gratified to be enabled to announce—with the near approach to completion of the one at Bentonsport—affords a proper occasion, of which they accordingly avail themselves, to speak of the work, and its cost, as compared with others.

All persons who have seen that work, and are possessed of any knowledge and experience upon such subjects, freely admit that it is one that does credit to the State, being a truly beautiful structure, and built with strict reference to durability, from its foundation up. Very few works of the same character, probably, yet built in any of the States, surpass it in either of the particulars mentioned—if indeed there be any. The cost of this work, as shown by the payments made and balance yet due to the contractors, falls below the estimate, being out \$35,300. Add to this all incidental expenses connected with it including articles furnished and labor performed on the job, not embraced in the contract, and the amount, it is believed, will not reach \$5,000 more—say \$40,000 in all. Now, compare this with the actual cost of the Monongahala Improvement in Pennsylvania, as exhibited by their reports. The works on that Improvement, between Pittsburgh and Brownsville, consist, says the report of 1846, of “four Dams and as many Locks”—an additional Lock has since been added at the Dam near Pittsburgh. “The dams,” says the same report

“vary in length from 605 to 1,100 feet, averaging 825 feet each.” The width of the Des Moines, from its mouth to Keosauqua, varies from 750 to 800 feet. The Locks on the Pennsylvania work are 190 feet by 50, within the chamber; while ours are 175 by 44 feet—exceeding, in this respect, those on both the Kentucky river, and the Muskingum, in Ohio—the former of which are 175 by 38, and the latter still less, 175 by 36. In the report of the Monongahala company, made by its President in January, 1848, it is stated that that improvement (from Pittsburgh to Brownsville) “cost for construction, engineering, damages, &c., \$517,225, 21” which gives an *average*, for each of the four points where locks and dams are built, of but a shade less than \$130,000—or more than treble the probable cost of the lock and dam, at Bonapart, everything included. It is confidently submitted then, that—judging from this comparison—and, could one be instituted with any other work, of a similar description, that has yet been built, we should rely, as confidently, upon a result still favorable to our own—the cost of our locks and dams has not been, thus far, of that extravagant character that has been so frequently and so boldly charged by many, and possibly believed by some; but that, on the contrary—taking into account, as a proper regard for simple justice would seem to require should be done, the circumstances of extraordinary disadvantage under which they have been prosecuted, through disastrous floods, and the still more crushing effects of almost constantly harassing pecuniary embarrassments—they may safely be claimed to have been managed with a due regard to economy, no less than to durability.

#### PROBABLE DURABILITY OF THE WORKS.

And here let us say a word upon this latter subject, as to the probable relative durability of the Monongahala works and our own. The Des Moines does not usually rise, by the spring freshets, over ten or a dozen feet; and went up, by the GREAT FLOOD of 1851—the like of which was never known before in its history—only 25 feet; while we are told, officially, that “in ordinary freshets” the Monongahala rises from 20 to 24 feet—in “very high floods 30 feet—and at one time, in 1824, the water rose “at several points, to the height of 40 feet!” The Kentucky river too, and Green river, in Kentucky—both of which are improved by Locks and dams, as proposed with the Des Moines—it

may here be remarked, still surpassed the Monongahala in their extraordinary floods—the latter rising “from 40 to 50 feet,” and the former “from 30 to 55!”

By the report of the Engineer of the Monongahala company, made in January 1848, we learn that, using his own language, the “Locks and Dams” composing that improvement “enjoy no superior advantages in point of location, and are *not even based upon a rock foundation*”—except in a single specified instance; while ours are all based upon rock foundation. And we learn further, from the Report of the President of that company, of January, 1851, that “during the period of more than six years,” that had then elapsed, “since your (their) navigation was *completed*, it has been subjected to the severest tests of floods and ice without suffering any material injury, or requiring any extraordinary repairs, and is now in good order, thus giving the strongest demonstration of the strength and durability of the work.” May not we, then, taking *their* experience, with a work *not* founded on rock, as ours *is* so founded, calculate, with a reasonable degree of confidence, upon the durability of ours, when it shall be *completed*?

#### HOW EFFECTED BY LOW WATER.

Another point established by the completion of the Bonaparte and Bentonsport dams may be appropriately referred to here, as illustrative of the character of the works. The present season, as is known to all, has been one of remarkably low water in the rivers of the west. The Des Moines—to apply a phrase often heard upon its banks, during the fall—has come a good deal nearer than ever was known before to “running dry.” Much of its wide bed has been exposed naked for months, cut up by narrow rivulets, presenting a net-like appearance—as of silver traced through an iron ground—when one rode along its banks. Yet, notwithstanding this very low stage of the river, the Dam at Bonaparte has been full to the crest, and overflowing, throwing back the water, in full pool, to the Bentonsport works; while at the latter point also, the mills on either side of the river are now fully supplied, and a surplus afforded amply sufficient for the passage of boats.

#### CLAIMS OF MILL OWNERS FOR DAMAGES.

At Bentonsport was located one of the old dams, with mills on the

north side of the river owned by James A. Brown, and on the south side by George C. Allender & Co. The parties last mentioned, having come into possession of a charter granted by the Territorial Legislature of Iowa, in 1839, for the erection of a dam in the Des Moines at that point—which charter ran for the term of 50 years, and 18 years of which term, consequently, have now expired—presented to the undersigned a claim for damages amounting to \$24,150, for the alleged destruction of their dam, and stoppage of their mills, among other things, in consequence of the construction of the State works at the same place. In conformity with the 28th section of the act of the Legislature, of the 5th of February, 1851, it was agreed between the undersigned and said Allender & Co., to let the case go to trial before a jury at the Jefferson county court, in the following October. A postponement was had until the next March term, when the trial took place; but, the jury having failed to return their verdict until after the adjournment of the court, it was not announced and docketed until the late October term, when a decree was entered up, and the whole matter finally disposed of. Copies of the agreement of the undersigned with said Allender & Co., to try the case, the finding of the jury therein, and the decree entered up, will all be found herewith submitted, in the accompanying paper, marked (D.) An arrangement, it may be mentioned, verbally made by a former Board of Public Works, had, it is understood, guarantied to them (said Allender & Co.)—on the condition of their conveying to the State certain lands necessary for its use, at the point mentioned—the same amount of water power of which they were in possession at the time of the commencement of the state work there, for a period of fifty years from its completion.

A similar claim for damages to that of said George C. Allender & Co. was presented to the undersigned in the month of October last, by James A. Brown, the mill owner on the north side of the river, amounting to \$15,000. No satisfactory arrangement of this claim having been effected, between the undersigned and said Brown, notice of petition for the commencement of a suit has recently been served by the attorneys of said Brown on the undersigned.

#### THE ACCOUNT OF PAUL BRATTON, FORMER TREASURER OF BOARD OF PUBLIC WORKS.

The late Board of Public Works, in their Report of Dec. 2d, 1850,

called attention to a deficit in the account of Paul Bratton, former Treasurer of the Board, amounting, as shown by the books of the office, to \$4,841.75 ; and recommended the necessary steps to be taken for the collection of the money—or such portion of it as might, upon an investigation, be found to be actually due. No such steps, however, were taken by Legislative enactment ; nor have the undersigned been able to discover any authority, contained in the laws, requiring or authorizing them to proceed and collect this money. The most, therefore, they have conceived it to be their duty to do in the matter, has been to receive from the securities on the bond of Mr. Bratton, whatever amount they might feel disposed to pay over voluntarily, on the account ; and the sum of \$3,551.81 was accordingly receipted for by the Register, on the 30th of June last. The balance of \$1,289.94, it is maintained by the securities, who have given the matter their attention, will be materially reduced on a thorough investigation of the accounts. Mr. Bratton has left the State for Oregon, having, prior to his departure from it, sold his small property, and paid, as it is understood, to his securities, the amount since handed by them to the Register, as above stated.

#### EFFECTS OF THE WORK, PRESENT AND PROSPECTIVE, ON THE DESMOINES VALLEY.

Still another point than those already alluded to, which the completion of the works at Bonaparte and Bentonsport serves to illustrate, deserves to be mentioned here, to wit : the pleasing scene of renewed life and animation thrown into those places, and which can not fail to be observed by every one visiting them, as prevailing there, in strong contrast with the condition of things at other points where nothing has been done. Already, in addition to the extensive mills (among the most valuable in Iowa) of Messrs. Meek and Sons, built some years since at Bonaparte, and those of Messrs. Allender & Co., and J. A. Brown, at Bentonsport, above referred to, a large and expensive brick building has been erected the present season, by the mill owners at the point first named, to be used as a woolen manufactory ; while that put up last year at Bentonsport, by Messrs. Green & Brothers—and which is also a costly and highly valuable building—to be used as a paper manufactory—the only one yet built for that purpose any where west of the Mississippi—is now in “ the full tide of successful experiment.”



The enterprise of Messrs. Meek & Sons, and Messrs. Greene & Brothers, in thus leading off as pioneers, in the manufacturing business on our beautiful river, is commendable, and entitles them to the thanks of the people. Their efforts are the first infant steps, the mere faint glimmering of the foreshadow of what, at some future, and no very remote day either, with water power created at intervals of but a few miles all along the Des Moines, by the erection of dams like those at Bonaparte and Bentonsport, may be confidently predicted of the future of its noble valley—a valley, than which there is not perhaps, in the wide world one more capable—when its almost incalculable resources, of unsurpassed fertility of soil, (with no waste lands in its whole length and breadth,) and inexhaustible beds of coal, shall come to be fairly and fully developed—of sustaining in affluence, and surrounded by all the comforts and luxuries of life, a teeming population!

Then will the almost disheartening stagnation which now—for the want of an outlet for its products, and the absence of any considerable manufacturing power—pervades this magnificent valley, be changed, as if by the magician's wand, into one of unsurpassed activity; then will the drooping villages, some of which seem now as if struggling for existence, be converted into busy, beautiful towns, like the hundreds brought into being, from like causes, throughout all New England, New York, Ohio and other states; then will the farmer, the artisan, and every class of men, find a just reward for the enterprise and energy which they may put forth in their various pursuits in life; and then will labor, and honest industry, no longer ask as a favor adequate compensation for employment, which is now sometimes sought in vain! This is no fancy sketch—no mere idle, glowing picture, drawn simply to please the imagination; but the truth, as the undersigned believe, sincerely and earnestly, it will develop itself within less than twenty years from the day when these lines are written.

#### REVENUES FROM CANALS, AND RIVERS IMPROVED BY LOCKS AND DAMS.

In what has been said by the undersigned, in the preceding remarks, it must not be supposed that they have been unobservant of the new direction given to public sentiment, of recent years, compar-

actively speaking, in favor of projects of a different description from that not under their charge—any more than they have been of the disfavor, so to speak, in which works like ours have come to be regarded by many persons, who have perhaps given the subject no serious examination, but thoughtlessly repeat, as is so often the case, what they hear from others, without stopping to inquire whether it be true or false. The question arises, then, is the sentiment adverted to, a just sentiment, and one by which it will do to be governed in the management of great and important interests of a State? Will, in other words, the construction of railroads—rapid as is the progress now being made in that respect, outstripping all the calculations made by their most sanguine friends and advocates, but a few years since—and eminently important, and desirable, as they are conceded to be—supersede entirely the use of canals, or lead to the abandonment of any of our important rivers, as channels for the transportation of products, when they are of a character that can be so used, or made, by improvement, to answer that great purpose? Warmly as the undersigned are, and ever have been, the friends and advocates of railroads, and truly desirous as they are of seeing them introduced immediately into Iowa, and made to cover it like net work, if you please, at an early day; yet they do not believe one word of the proposition above stated, but, on the contrary, know it to be one not founded in truth, and experience—but utterly fallacious! Why, what do well established facts prove, beyond a contradiction? The great State of New York has a canal connecting Lake Erie, at Buffalo, with the Hudson river, at Albany, over 300 miles in length, and completed more than a quarter of a century ago. Along the line of this canal a rail-road has been built, while another upon its opposite side is in serious contemplation. Yet the public voice of that great State demands loudly, even now, the enlargement of the Canal—which will certainly be done—at an estimated expense of *nine millions of dollars*, to permit of the carrying of the products of the “Great West,” of which our own young State constitutes a part, to the commercial metropolis of the Union.

Nay, further, notwithstanding the existence of the railroad referred to, running along the bank of the Canal, or at least connecting the same points, and another in the more southern part of the state, linking Lake Erie, at Dunkirk, with the Hudson opposite the City of New York—built at an expense of many millions of dollars, and now also

in full operation—notwithstanding, we say, the existence of these two great parallel rail roads, the Hudson and Erie Canal is a source of large revenue to the “Empire State.” What the precise amount of that revenue is, the undersigned are unable now to state; but some idea of its extent may be drawn from the facts that, as we are creditably advised, it not only pays the annual expenses of the government of that great State, but contributes besides to the creation of a sinking fund, an amount which is calculated to be sufficient to the ultimate liquidation of the entire State debt. So reliable a security is the revenue from the work referred to regarded by capitalists, that when, within year past, the nine million loan above spoken of, was actually authorized to be made, and its redemption based upon that revenue, by an Act of the Legislature of New York—since declared by her courts to be in violation of her constitution, and hence treated as a nullity—the whole amount of that great loan was taken by those capitalists, at rates varying, in the aggregate, little if any from par.

But again, allusion has been made, in a preceding part of this Report, to a proposition submitted only last spring, to the Legislature of Pennsylvania—New York’s great and worthy rival for the trade of the West—by a number of her prominent citizens, to lease her public works for a term of ten years, at an annual rent of the large amount of a million of dollars! Now, these public works of Pennsylvania consist almost wholly of canals, and some of the men who made the proposition referred to have been much in charge of those works—and know their value. But the Legislature of Pennsylvania knew it also, it would seem; and declined the offer. Along, or parallel with, some of the most important of these Canals of Pennsylvania too, run rail-roads, like those of New York along hers. Need any thing more be said, then, to show that Canals and water transportation, for heavy articles especially, are *not* “out of date, and behind the spirit of the age,” as we frequently hear inconsiderately remarked; nor likely to become so?

But we shall be told perhaps—indeed the remark is one often heard—that although Canals may pay well, Rivers improved by Locks and Dams do not; and that the latter have proven a failure. That instances of such failures have occurred may be true; but is it not also true with regard to canals; nay even rail-roads themselves, some of which, from peculiar circumstances, have turned out not the

most productive investments? Unquestionably such is the fact; and were it necessary to establish it, cases would not be found wanting to do so. What river, however, improved as we propose doing with the Des Moines, can be justly compared with it, as regards either its admirable adaptation to that kind of improvement; in consequence of the combination it presents of rock bottom with firm banks, and the comparatively slight rises to which it is subject—or the almost boundless capacity of the fertile valley through which it runs, for agricultural production, to say nothing of the great coal bed which underlays it, from one extremity to the other? Not one, in all the Union! The rivers of Kentucky, besides being subject, as has been already shown, to a rise of 50 feet and upwards, pass, as is well known, through a country generally as far inferior to the Des Moines valley as scarcely to deserve a comparison with it; and the same may be said with equal truth as regards the Muskingdum in Ohio; and the Monongahala in Pennsylvania, both of which are bordered, to no inconsiderable extent either by mountains or what would be regarded here as barren hills, unfit for cultivation, with narrow valleys interspersed, affording a small portion of soil suitable for tillage, as compared with ninety-nine acres out of an hundred, throughout Iowa. It is believed to be safe to say, that the country within any given distance, from five to twenty-five miles, on either side of the Des Moines, is capable of double the agricultural production at least, to speak within moderate bounds, that the valleys of either of those rivers are, within a like distance. Yet have the Improvements on the Muskingdum and the Monongahela begun to pay quite well, as we learn by official reports before us. Thus, the nett revenue from the Muskingdum work, for the year 1851, as appears from the Report of the Board of Public Works of Ohio, was, \$35,056 45. The Monongahela Improvement was completed in November, 1844, after passing through a series of disasters far more discouraging than any that have yet overtaken our own, as its history, embodied in the reports of its officers, and now lying before us, abundantly demonstrates. Its receipts from tolls for the first year, (1845) were \$28,579.70, since which time they have gone on increasing gradually, but surely; until 1850, (the last report before us) when they reached the very handsome amount of \$65,318.31, being over 12½ per cent on \$517,225.21, which was the entire cost of the work.—What the “*nett income*” has been for each separate year, the reports do not show; but for the year 1848 it is stated to have been \$44,224,

"after payment of expenses and repairs," or an average of \$11,056 for each one of the four points where dams are located. One of the chief articles of transportation on this work is coal, the receipts for toll on which, for the year 1850, were \$17,023.57, out of a total of \$64,313.81, as above stated; and yet this important article is carried over *its entire length*, at the almost nominal rate of  $2\frac{1}{2}$  mills per bushel, being "less than 7 cents per ton," or \$2.46 $\frac{1}{2}$  per thousand bushels!

### UNINTERRUPTED NAVIGATION OF THE MONONGAHELA RIVER.

We learn further, from the reports for this work, that during four years out of the six since its completion, navigation was not suspended on it a single day between Pittsburg and Brownsville, even when the river was ice bound above the point last named! Says the President of the company, Gen. J. K. Moorehead, in his Report of January 1, 1849: "The stockholder will no doubt be gratified to learn, as the board are to inform them, that, as in former years, no interruption has occurred in the navigation for a single day, from any of those causes to which this improvement was supposed to be so peculiarly exposed; high and low water have proved alike harmless; while the favorite idea of a long obstruction from the formation of ice upon its deep and quiet pools has been exploded by the fact that for the last three winters, the boats employed in the trade have been making their daily trips to Brownsville, while the river was locked up by ice beyond that point;" and again, in his report of January 6, 1851, he says: "It is gratifying to be able to state, that during the year 1850, the navigation was not suspended a single day by ice or any other obstruction."

Much more interesting matter might still be gleaned from the reports before us, in relation to the works of other states, and a good deal remains to be said with reference to our own; but the great length to which this report as already attained admonishes us to bring it to a close. Sufficient, it is hoped, has been shown to demonstrate the points we have sought to establish; to-wit, first: the entire practicability, and perfect ease of constructing such a work as the Des Moines River improvement, provided the money is had with which to do it; second: its certain durability, after completion, if it be properly and substantially constructed; and third: its undoubted utility, notwithstanding the idle prejudices existing, to some extent, against

works of that character, by those who have evidently given the subject little or no attention.

### CAN AND SHALL FUNDS BE RAISED TO CARRY THE WORK FORWARD TO A COMPLETION?

It only remains to enquire whether means can, and should be raised, for the continued prosecution of the work, beyond a reliance upon the proceeds of sales of lands embraced in the grant; for, it is now a clearly ascertained fact, about which a doubt can no longer exist, that with the large debt hanging over the work—which should and must be paid—and the slow sales of lands, it is folly to expect to carry the Des Moines improvement to a completion in many a long year—if ever! The most that can be done under the present state of things is to let contracts entirely on credit, at a great additional cost, as well as a loss of that vigor and efficiency which a system of cash payments bring with it. It is hardly to much to say that the work can never be completed, unless some step be taken, by Legislative enactment, to infuse new life into it; and, to permit it to droop and die; now that a certain foundation is laid—on which to place it, and carry it through, would be, as it seems to the undersigned, a proceeding almost as fatal to the credit and honor of the State, as it surely would be to the interests of her citizens. It is hoped that not one of the latter could witness with feelings of indifference, or any other than those of mortified pride, as an Iowan, the occurrence of such a disaster!

Were matters now as they stood when the work was commenced, with the grant below the Racoon Fork intact, and no money expended, or debt created, a system might, it is thought, be adopted that would lead to its completion in ten or a dozen years, to-wit: by commencing at St. Francisville, and proceeding to build, up stream, some two or three locks and dams a year—leaving the canal below St. Francisville until the work was well advanced to completion, and should become a source of revenue, as it doubtless would; when it is believed that it might have been built with little or no difficulty.—Without that canal, however, the improvement can never be regarded as completed. Under the adoption, from the outset, of some such plan as this, the whole work might probably, we say, have been built in a dozen years—or fifteen at furthest. What has been done, how-

ever, cannot be recalled, and we must now look matters plainly in the face—and meet them as they exist!

In the earlier pages of this report, where an account was given of the visit of the Commissioner to the East, last spring and summer, and his negotiations with capitalists in New York referred to, the ground was finally taken by the latter, as their letters show, that nothing short of the credit of the State of Iowa, or—to use the language of one of them—the creation of “a *direct and constitutional debt*,” on the part of the State, would be sufficient to ensure the raising of funds with which to carry forward our work; and the same idea occurs in a letter to the commissioner from Mr. Forrer of Ohio. Now if the people of Iowa were willing, and ready, to sanction the creation of such a debt, reserving the lands for its ultimate payment, there is of course no doubt that money could be saved by it, in the aggregate cost of the work; because the Bonds of the State, bearing an interest of six per cent., would unquestionably find a ready sale, in the present condition of the monetary affairs of the country, and probably at quite a handsome premium. The State of Missouri sold her bonds in New York, last summer, at 105, and some of them as high as 100. The difference between such a sale, and one at a considerable discount without the state credit, would amount of course, in the aggregate, to a very large sum. Probably, however, it would not do to anticipate the receipt of very much of a premium on the sale of our bonds, as a change may occur in the money market to prevent their being sold for more than par. It is still hoped too, that a resort to the expedient suggested, may not become necessary, even should it meet with the ready concurrence of the people of the state; and that the sound, non-debt-creating policy of Iowa—except in case of an important emergency, calling imperatively for a deviation from it—which has hitherto prevailed, may thus continue to be adhered to.

#### NEGOTIATIONS AND CORRESPONDENCE OF COMMISSIONER WITH MESSRS. PAGE & BACON—THEIR PROPOSITION.

While on his way to the East, in March, the Commissioner, in passing through St. Louis, sought an interview with Messrs. Page & Bacon, bankers in that city, through whose agency, it is understood, her loans, and those of recent date, for the State of Missouri, have been

negotiated. They were not then inclined to take hold of our work. Some time in October, on again visiting St. Louis, the Commissioner obtained another interview with that firm, when a confident opinion was expressed by them that, with the requisite power for the Commissioner to act in the matter, to be obtained from the Legislature of Iowa, all the money necessary to complete our work could be readily procured from them, or through their agency, provided the details of the transaction could be agreed upon. Out of this last mentioned interview grew a correspondence between the Commissioner and Messrs. Page & Bacon, a copy of which is herewith submitted, marked (E.) On receiving their letter of the 13th of the present month, (which did not come to hand until the 18th,) expressing a wish to be put in possession of more full and minute information, in regard to the probable cost of our work; how long it would take to complete it; and what the revenue derivable from the same would be likely to be; the Commissioner was so much engaged in the preparation of this report, and other matters connected with his official duties, that it was found to be wholly out of his power to visit St. Louis in person, at that time. He immediately, however, instructed the Chief Engineer upon the work, Guy Wells, Esq.,—whose connexion and intimate acquaintance with all its details, since its very commencement, fitted him well for the task—to proceed at once to St. Louis, and lay before Messrs. Page & Bacon, verbally, a full statement of the history of the work, and its future prospects, so far as lay in his power. This he did, and returned home on the 26th inst. bringing with him the letter of Messrs. Page & Bacon of the 23d, addressed to the Commissioner, wherein they make a distinct proposition to furnish the funds necessary to complete the Des Moines river improvement within five years from the first of January next, provided the amount so required shall not exceed one million three hundred thousand dollars, inclusive of the present debt, with interest, and any other liabilities of the work—which is named by them at an aggregate sum of one hundred and twenty thousand dollars; or, in other words, leaving, beyond the present assumed indebtedness and liabilities of the work, one million one hundred and eighty thousand dollars, to be applied to its further prosecution and completion.

This proposition of Messrs. Page & Bacon is based upon the requirement, from them, of the State to convey to them, in fee simple, all the unsold lands embraced in the Des Moines grant; and further,



that they shall have the exclusive use and control (should they so desire) of the Improvement, with its profits from tolls and water rents—except rights and privileges, with reference to the latter, already granted to others, the holders of which shall make payment to them—for the term of 25 years from the completion of the work—say 30 years from the first of January next. These are the great, leading features of the proposition of Messrs. Page & Bacon. There are numerous other provisions and details, embraced in thirteen separate articles, some of which at least, would, it is thought, require essential modification before they could be assented to by the State—that, for instance, giving to them the privilege of making contracts for the work to be done on the improvement, which, as it now reads in their proposition, could be construed into permitting them to fix the prices as well as to designate the contractors—and some other items hardly less objectionable. It is supposed, however, that such was not the construction designed to be put upon the second article of their proposition, which was hastily prepared and copied, for Mr. Wells to bring home with him; and the hope is entertained that a further personal conference upon the subject, with Messrs. Page & Bacon, if the agents of the State were clothed with the requisite power to act in the matter, could be brought to result in a contract that would be acceptable to the State.

#### GREAT IMPORTANCE OF THE WORK—SHALL IT BE COMPLETED OR ABANDONED ?

At any rate, after the repeated and persevering efforts, unsuccessfully made to carry the work forward to a completion, by other means, and through other channels, this would seem now to be the only one left open to secure its accomplishment, short of a loan from the State of her credit to the work; and, in the possible event of a failure to consummate a satisfactory arrangement, under this proposition of Messrs. Page & Bacon, it will be for the representatives of the people fresh from their respective constituencies, to decide whether or not provision should be made, in advance, for obtaining from the people of Iowa, if they are willing to give to it, the credit of the State, or her endorsement of the work, rather than that it should be permitted to prove an entire failure.

She has now, beyond dispute, a million of acres of land applicable

to the great object mentioned; which, if held in reserve, and sold at their actual value, would probably, in the end, pay for the improvement twice over; besides work already done upon it to the amount of \$300,000; and to suffer it now in this condition of things—with a solid and perfectly reliable foundation on which to rest, and so much progress made in its construction—to go down to ruin and decay, would be impolitic, and unwise in the last degree; nay, a permanent discredit to the State! So at least it seems to the undersigned, with the views entertained by them in regard to the high importance of the work. The Desmoines river improvement is the only public work the young State of Iowa has yet undertaken. It will be, if carried to a completion, her great work, as long as she remains a member of our glorious Union, or time itself lasts. Railroads may be built, and will be built rapidly when once commenced—which will be ere long; and by the score in after years—probably within this 19th century; possibly before the half of what remains of it shall have passed away! and, when so built, they will be productive of noble benefits to the people, and advance, with giant strides, the wealth and power of the State. Yet, build as many railroads as we may, the Desmoines River Improvement, *once finished*, from the mouth of the river to Fort Desmoines, will, we repeat, remain forever Iowa's great work, occupying the position which the great Hudson and Erie Canal does to New York, and the Baltimore and Ohio rail road to Maryland.—Passing diagonally through the State, *fully four hundred miles*, and by its centre, where her future CAPITOL will be reared, and her greatest inland town grow up around it, upon the bosom of the beautiful Des Moines, when once permanently improved for uninterrupted navigation, as is contemplated, will float to the "Great Father of Waters," much the largest portion of the products of her entire valley—nay, probably, of the entire State itself, of which that valley is the great heart and center; while upon her banks will spring rapidly into existence numerous thriving manufacturing towns, finding, in the vast water power created by the works, perpetual food upon which to found a growth as substantial, and durable, as it will be gratifying and surprising!

#### REPORT OF ENGINEER, AND ACCOUNTS OF REGISTER AND COMMISSIONER.

The annual Report of the Chief Engineer, Guy Wells, Esqr., which

is herewith submitted (marked F) embraces an account of the work done on the Improvement during the last year, with valuable suggestions in regard to several points connected with it. The undersigned find pleasure in reiterating the expression of their approbation of the faithful and zealous manner in which Mr. Wells, as well as his assistant M. M. Hayden, Esqr, have discharged the duties of their respective stations, and the warm interest constantly manifested by them in the success of the work. The same testimony is cheerfully borne also with reference to Mr. J. B. Knight, whose services, as superintendent of masonry, and in the discharge of every duty to which he has been assigned, have been at all times promptly and faithfully rendered. Now that the river is again open for navigation, the services of Mr. King are wholly dispensed with, and the salary of the Chief Engineer reduced to the rate of six hundred dollars per annum. The accounts of the Commissioner and Register also accompany this Report, respectively marked G, and H.

All of which is respectfully submitted.

V. P. VAN ANTWERP, Commissioner.

GEORGE GILLASPY, Register.

# DOCUMENTS ACCOMPANYING THE REPORT.

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[A.]

OFFICE OF THE DES MOINES RIVER IMPROVEMENT,  
Ottumwa, Iowa, February 18, 1852. }

At a meeting, this day held, of the Commissioner and Register of said Improvement, the following Resolution and Order were adopted:

*Whereas*, Messrs. Bangs, Brothers & Co., Contractors on the Des Moines River Improvement, have failed to comply with the terms of the contract entered into by them with the Commissioner and Register of said Improvement, on the 9th day of August, A. D. 1851; in this: that they, said Bangs, Brothers & Co., have not furnished the money required to be paid for the work done, and the materials necessary to be used, on the three jobs at Croton, Bonaparte and Bentonsport, according to the terms of said contract; in consequence of which failure, on their part, the works at those points are not yet in a condition to admit of the passage of steam boats—nor made the provisions indispensibly necessary for carrying forward the works at other points, in compliance with the terms of said contract, as provided more particularly in the ninth section thereof; *and whereas*, the interests of said improvement, as well as those of the public, are suffering greatly in consequence thereof; *and whereas*, by such failure, said Bangs, Brothers & Co. have forfeited said contract on their part; *and whereas*, it is absolutely necessary that money be procured, with the least possible delay, for the purposes above mentioned, and most especially to pay for the work done, and yet to be done, on the three jobs at Croton, Bonaparte and Bentonsport, to put them in a condition to pass steam boats up and down the river. *Therefore*:

*Resolved*, That the subjoined order for the opening of this office, on the first day of March next, for the sale of lands at private entry, and for a public sale, to be held at Fort Desmoines, and to commence on the 25th day of March next, be and the same is hereby adopted.

V. P. VAN ANTWERP, Commissioner.  
GEORGE GILLASPY, Register,

## DESMOINES RIVER LAND SALES.

OFFICE OF DESMOINES RIVER IMPROVEMENT,  
Ottumwa, Iowa, February 18, 1852. }

Notice is hereby given that a public sale of lands embraced in the grant made by the act of Congress of August 8th, 1846, to aid in the improvement of the Des Moines river, will be held at Fort Des Moines, on Thursday the 25th of March, 1852, when and where all of said lands contained in the following described townships, and ranges, will be offered for sale, to wit : Township 80 north, in range 23 west; townships 78, 79, 80, 81, 82, and 83 north, in range 25 west; townships 80 and 81 north, in range 24 west; townships 80, 81, 82, and 83 north, in range 26 west; Also, all that portion of township 78 north, in range 24 west, and township 79 north, in ranges 22, 23, and 24 west, that has not heretofore been offered at public sale. The above described lands will not be sold at a less price than \$1,25 per acre. The sale above mentioned will continue for one week, or until all the townships named shall have been offered. And further notice is hereby given, that on *Monday the first day of March* next, this office will be open, at *Ottumwa*, for the entry, at private sale, and at a price not less than \$1,25 per acre, of all lands in said above described grant which have heretofore been offered at public sale, and still remain unsold; and that it will be kept open for that purpose until Saturday the 20th day of March, 1852.

The Townships above described will be offered in the following order, to-wit: On Thursday, March 25th, township 78, range 24, and township 79, in ranges 22, 23 and 24; on Friday, March 26th, township 80, range 23, and townships 80 and 81, in range 24; on Saturday, March 27th, townships 78, 79, 80, in range 25; on Monday, March 29th, townships 81, 82 and 83 in range 25; on Tuesday, March 30th, townships 80 and 81 in range 26; on Wednesday, March 31st, townships 82 and 83, in range 26.

GEORGE GILLASPY, Register.

V. P. VAN ANTWERP, Commissioner.

[B and C.]

## LETTER FROM COMMISSIONER TO BANKERS IN N. YORK.

NEW YORK, May 24, 1852.

*Messrs Duncan, Sherman & Co., Bankers, N. Y.*

In the course of the several interviews I have had with you, since my arrival here in April, with reference to a sale of the "Des Moines River Improvement" Certificates of Indebtedness, or "Construction Stock," I have stated that, to secure the payment of such certificates, the lands granted by Congress, for said Improvement, and still remaining unsold—amounting to over a million of acres—might be pledged, together with the profits to accrue from the works when constructed, to wit: *the water rents and tolls*, for such number of years as might be agreed upon; and I have, besides placing in your hands, for examination, all the Reports, and other documents in my possession, having any reference to the matter, explained to you, as fully as I was able to do, the progress and condition of the work, with the future prospects in regard to it.

Having given the subject your careful attention, you have stated to me verbally, as the result of your deliberations upon it, the difficulties that present themselves in the way of such a loan, and the present impossibility, as you believe, of effecting it.

Will you please, gentlemen, to give me a statement of those reasons in writing, and to furnish me, furthermore, with an expression of your views as to the course best and necessary to be pursued, in order to raise funds for the vigorous and speedy prosecution of the work referred to.

You have repeatedly suggested the pledging of the faith of the State to redeem the Bonds. Could funds be raised, probably, for the vigorous and speedy prosecution of the work, upon favorable terms, with the lands, or their proceeds, set apart to create a sinking fund, backed by the pledge of the faith of the State of Iowa, as you suggest, to secure the payment of the debt?

The "Certificates," or "Construction Stock," now proposed to be issued, were to bear an interest of *eight* per centum per annum.

Would, or would not, a *six* per cent stock, of the character suggested, probably find a ready sale, upon favorable terms?

By replying to this communication, at your earliest convenience you will oblige

Yours, Very Respectfully,  
V. P. VAN ANTWERP, Com'r, &c.

ANSWERS—FROM MESSRS. DUNCAN, SHERMAN & CO.

OFFICE OF MESSRS. DUNCAN, SHERMAN & COMPANY,  
BANKERS, New York, May 27, 1852. }

*Genl. V. P. Van Antwerp, Com'r Public Works of Iowa.*

DEAR SIR: In reply to your note of the 24th inst., we beg to observe that, in the various personal interviews we have had the pleasure to have with you, relative to the sale of the "Des Moines River Improvement Certificate of Indebtedness," or "Construction Stock," we have expressed to you our opinion of the impossibility of negotiating a security of that character, carrying with it, as it does, no promise of payment, or pledge of faith, on the part of the State, of the nature of a debt, but a simple obligation on its part; as *Trustee*, to apply the proceeds of the land, dedicated to that object, and the revenues that may be derived from the proposed works. *Such* a basis of security we feel sure, will not command enough of confidence to induce capitalists to invest in it; and we are unable to say to you that we see any prospect in the future, such as to afford the least encouragement that securities of this character may be hereafter negotiated.

The inducement of an extravagant rate of interest, such as the certificates referred to present, will not as we think, be strong enough to overcome the doubt which will exist as to their sufficiency, and the want of confidence in their being adequate to the prompt payment of interest, and reimbursement of principal, at maturity.

In view of such an appropriation of the public lands as is suggested by the "Homestead Bill," now pending before Congress, you can not fail to perceive that the chief basis on which your certificates will rest *may* be rendered very insufficient, and possibly almost valueless.

In view of these facts, the only suggestion we are enabled to make in answer to your request, is to recommend such action on the part of the people and Legislature of your State (if it is their desire to borrow money for the improvements referred to) as will create a *direct*

and *constitutional debt*, making such provision, if you please, as will set apart the land donated by the government, for the creation of a sinking fund, and pledging the faith of the State of Iowa for the prompt payment of interest and principal.

Such a debt, legitimately created, we have little doubt, could be advantageously negotiated, through proper channels, at a rate of interest not exceeding 6 per cent.

We are, respectfully,

Your obedient servants,

DUNCAN, SHERMAN & CO.

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FROM SIMEON DRAPER.

NEW YORK, May 25, 1852.

*Gen. V. P. Van Antwerp,*

DEAR SIR: Your favor of yesterday is received. In reply, I beg to say, that I have been zealous in my efforts to negotiate the securities you refer to, but find it quite out of the question to do so, in their present shape.

I have endeavored to impress upon capitalists the perfect security of the Bonds, and urged the high character of the parties officially connected with the Trust, but have, notwithstanding, been unable to place them.

I know of no other way which will make your negotiations take the position of a first class security, except by engaging the faith of your State, by a pledge of the lands already ceded by the United States Government. If this can be obtained, and Bonds be issued, with some 20 years to run, bearing an interest of 7 per cent., with coupons payable semi-annually, in this city, I am sure the high character of the security will enable you to obtain the money at once, at rates as favorable as most of the other States. Perhaps 6 per cent. would be as well as seven, but my views are rather favorable to an interest which is general with us during a series of years.

I am, with great respect,

Your obedient servant,

S. DRAPER.



## FROM JAMES G. KING &amp; SONS.

NEW YORK, May 27, 1852.

*V. P. Van Antwerp, Esq., Commissioner of Public Works of Iowa:*

DEAR SIR—We beg to state, in answer to your favor of the 25th inst., asking us to give you, in writing, the reasons which we have stated verbally for our opinion that the "Construction Stock" could not, under present circumstances, be negotiated in our market; that the chief objection to such a security arises from the want of a general knowledge in regard to the value, and probability of sale of the lands, or of the amount of tolls from the slack water navigation proposed to be created, in a region so far distant, and so little known, to our money lenders; these considerations being of paramount importance, before any negotiation of such a character could be successfully undertaken.

It is not easy for us to state what should be "the course best and necessary to be pursued, in order to raise funds for the vigorous and speedy prosecution of the work referred to"—but, to the question, whether this could be done, probably, upon favorable terms, with the lands, or their proceeds, set apart to create a sinking fund, backed by the pledge of the credit of the State of Iowa to secure the payment of the debt; we should now readily give an affirmative answer—especially if the law creating such a loan should authorize the Commissioner of Public Works, or other proper officer, to levy, without further legislation, as the necessity arose, a state tax, to be applied to the punctual payment of the interest, and to the establishment of a sinking fund for the redemption of the principal, in case the tolls and revenues, from the Improvement to be made, and the proceeds of the lands pledged, should prove insufficient for the annual amount needful for those purposes.

This course was adopted by the State of Ohio, when putting forth her first loans, for Public Improvements; and to that provision may be ascribed the facility of borrowing, and the high credit which have been enjoyed by that state.

Whether a 6 per cent stock, of this character, would command a ready negotiation, when it shall hereafter be proposed, must depend upon the general value of money, in this country and abroad—which cannot be foretold now.

We shall be glad if these suggestions prove of service to you; and we now remain,

Dear Sir, Respectfully yours,  
JAMES G. KING & SONS.

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LETTERS FROM MESSRS. STURGES AND FORRER, OF OHIO.

PRINCETON, Indiana, June 8, 1852,

*Dear Sir:* When I parted with you at Zanesville, in March last, I promised to write you about the first of May, if I found that I could visit you in that month. I have delayed, that I might see my way clear before this time. The weather has been so unfavorable to our progress here that it will require the greatest exertions of Mr. Hosmer and myself both, to complete our work by the close of our time (1st November.) I cannot, therefore, promise myself the visit for some time to come.

Did you find a contractor East? and is your work likely to progress, either under your former, or a new arrangement?

Please writé me either here or at Dayton, Ohio. I shall be here until 1st July.

Yours truly,

SAML. FORRER.

GEN. VER PLANCK VAN ANTWERP, Keokuk.

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SOUTH BEND, Indiana, July 5, 1852.

*My Dear Sir:* I am on my way to Fund du Lac, on some business, and can not *now* visit you, as I had hoped I should be able to do about this time. My friend T. Dowling, of Terre Haute, with whom I have had some conversation, about your Iowa public improvements, thinks he would be glad to accompany me to your place about the 1st of October, and thence to Fort Des Moines, and the "sources" of the *River*. Will that period be a favorable season of the year for such a tour? If not, what time will be best?

If Congress gives your state lands—her proportion, as proposed—can she do better with them than to make such liberal grant, to a company of men strong enough to construct a rail road from the "Fort"

to the "source of the River?" If such a project could be carried out I should be glad to be interested, and have little doubt the men and money can be found, *if the lands, in sufficient quantity, can be had.* When does your Legislature meet, and what do you think of this matter? Of course this would be *connected* with a contract to take your present "river improvement lands," and finish that work first.— I should be glad to find a letter from you at Zanesville, on my return there about the 15th instant.

Yours, truly,

SOLOMON STURGES.

GEN. VER PLANCK VAN ANTWERP, Keokuk, Iowa.

PRINCETON, INDA., Sept. 13, 1852.

*My Dear Sir:* I have yours of August 30, *via Dayton.* Mr. Sturges left me on the 8th inst. He came here more than half inclined to visit your country now, but, finding that it would be fatal to our prospects of finishing here in time, if I should leave, and desiring that we should, together, not only see your country, but your work also, he concluded to postpone his contemplated visit for the present. In July and August our work suffered severely from Cholera. 100 men died out of 800. Until then we had the work completely under our control, and could have finished within the time required by our agreement, with so much ease that I could have spared a month to visit you. Now it will require extraordinary exertions and my constant attention, to enable us to finish by the middle of November—half a month over our time. We have, however, a promise from William J. Ball, Esqr., with whom, I believe, you are acquainted, to go to Keokuk some time in October. As soon as we can fix a time certain, I will advise you. In the meantime allow me to suggest that you look forward to an early provision, by your Legislature, for authority to issue bonds, with a pledge of the faith of the State for something like the amount you think would be required to complete your improvement. This would *ensure the early completion of the work, at a fair rate of cost.*

I think Mr. Sturges will write you from Zanesville.

Yours Truly,

SAMUEL FORRER.

P. S. I shall be glad to hear from you here, or at home.

ZANESVILLE, OHIO, Sept. 14, 1852.

*Dear Sir:* On returning home from the Wabash and Erie Canal, two days ago, I found your letter of August 30th. We have suffered dreadfully by Cholera on our Canal job—have lost 100 men, out of a force of 800. We hope still to finish in November, if the weather prove favorable for work. I left Mr. Forrer on the line, where he will remain until the job is finished—or until the finishing, *this fall*, is hopeless. We came to the conclusion that it would be *so late before he could leave* that a visit to your State this fall would probably be impossible. We will endeavor to make it as soon as the weather shall be suitable in the spring.

On looking over a map of your state, and with the Des Moines Improvement in view, I have thought it would be desirable to have a rail road from the "Fort" northerly to the sources of the Des Moines, (through the lands granted for the River Improvement) and from the "Fort" west, to some point on the Missouri—say Council Bluffs, or near it. I think there will ultimately be two or three roads from the "Fort" to different points on the Mississippi—perhaps one to Keokuk, Burlington, and Davenport each—the latter through Iowa City.

Now, I think you should, the coming session of Congress, get grants of lands for these objects, as liberal as possible. If the inducements are of a favorable character, I believe my friends (who have ample means) would make the roads from the "Fort" west and north, and finish the River Improvement.

Very Truly Yours, &c.

SOLOMON STURGES.

GEN. V. P. VAN ANTWERP, Keokuk, Iowa.

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[D.]

AGREEMENT.

George C. Allender & Co. <i>vs.</i> Ver Planck Van Antwerp, Com- missioner of the Public Works of the State of Iowa.	}	District Court of Jefferson county, at the October term A. D. 1851.
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It is agreed between George C. Allender & Co., of the first part,

and Ver Planck Van Antwerp, Commissioner, and George Gillaspv, Register of the Des Moines River Improvement, of the second part, as follows: That when this agreement is filed in the office of the Clerk of said court, the above entitled cause shall be forthwith docketed by said clerk, and become one of the suits in said court; and the filing of this agreement, as aforesaid, shall constitute an appearance, by both parties, in said court, without any other or further notice, or process. Said parties of the first part agree to file their petition, in said court, by the 10th day of September next, and also serve a copy on said Van Antwerp, at Keokuk, and said parties of the second part agree to file their answer within fifteen days from the time such copy is served on said Van Antwerp.

Said petition shall set forth all the claims of every description, which said parties of the first part have, growing out of said Des Moines River improvement, and which might be set up and demanded, in the above entitled cause. Said petition shall also offer to convey to the State the north half of Lots one, (1) two, (2) three, (3) and four, (4.) in Block two (2.); and north half of lot one, (1.) in Block three (3.) in the town of South Bentonsport, Van Buren county; and the Court, or Court and Jury, or Referees, as the case may be, shall have the right to decide that said parties of the first part shall convey said lands to the State; and shall also have the right to decide for what considerations, and upon what terms, such conveyance shall be made, not going beyond matters connected with said Des Moines River Improvement.

The said parties of the second part shall file their answer, as aforesaid, containing such claims, demands, and allegations, as they may deem proper and expedient; and when said petition and answer are filed, as aforesaid, the case shall proceed to judgment like any other case in said Court; and all questions therein shall be finally adjudicated in said Court, without the right of appeal in either party.

Each party shall have the right to plead and conduct the case by attorney.

GEORGE C. ALLENDER & Co.  
VER PLANCK VAN ANTWERP, Com'r  
GEORGE GILLASPY, Register.

August 29, 1851.

George C. Allender & Co. }  
*vs.* }  
 Commissioner of Board of } In District Court of Jefferson County,  
 Public Works of the State } Iowa.  
 of Iowa. }

The agreement of submission in the above case is hereby so far changed as to authorize either party, plaintiff or defendant, to take exceptions and appeal to the Supreme Court, as fully and perfectly as though no prohibitory clause was contained in the original agreement of submission, and so much of said original agreement as prohibits either party from appealing is hereby rescinded.

March 10, 1852.

Wright & Hall, attorneys for  
 George C. Allender & Co.  
 Reeves & Miller, for the  
 Defendants.

#### INSTRUCTIONS OF THE COURT AND FINDING OF THE JURY

George C. Allender & Co. }  
*vs.* }  
 Board of Public Works. }

The jury will ascertain and report to the court:

1. Are the plaintiffs entitled to damages? *Answer:* Yes.
2. Did the location and erection of the state dam, by the board of public works, damage the plaintiffs? *Answer:* Yes.
3. How much damage from the loss of the use of water power?—*Answer:* Thirty-six hundred dollars.
4. How much was the value of labor and materials furnished by plaintiffs, in repairing their dam. *Answer:* One hundred and fifty dollars.
5. How much are the N.  $\frac{1}{2}$  of Lots 1, 2, 3 and 4, in Block 2, and the N.  $\frac{1}{2}$  of Lot 1, in Block 3, in South Bentonsport, worth? *Answer:* Four hundred dollars.
6. What was the entire value of the plaintiffs mill property, including half of the dam, at the time of the commission of the act complained of? *Answer:* Thirteen thousand two hundred dollars.
7. What would it cost plaintiffs to take the water from the state dam to their mill, where it stood at the time of the stopping? *Answer:* Twenty-seven hundred and seven dollars.

8. What would it cost to bring all of plaintiffs mills and machinery, saw-mills inclusive, up to the state dam? *Answer:* Four thousand nine hundred dollars.

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DECREE.

George C. Allender & Co. }  
 vs  
 V. P. Van Antwerp com'r & }  
 George Gillaspay, Register, }  
 Des Moines River Imp't. }

This day this cause came on to be heard for final judgment; and it appearing from the verdict of the jury in this case, that it would cost the sum of twenty-seven hundred and seven dollars to carry the water power from the new dam erected by the defendants, to the old mills of plaintiffs, and it being admitted that the saw mill of plaintiffs could not be used in its position at the time of the interruption of defendants water power; and the sum of four hundred dollars being agreed on by the parties as an amount for adjusting that difficulty, which was not included in the aforesaid sum of twenty-seven hundred and seven dollars; and the jury having assessed the value of the lots hereinafter mentioned at the sum of four hundred dollars; and it also being agreed by the parties that plaintiffs were using, at the time above mentioned a water power, at the ordinary stage of the river, sufficient to run six pair of burr stones of four feet and a half diameter; *It is therefore, ordered, adjudged, and decreed by the court,* That the plaintiffs shall have of the water power to be furnished by the new dam of the said board of public works, sufficient, at the ordinary stage of the river, to run six pair of burr stones, of the diameter of four feet and a half, for the period of thirty-seven years from the rendition of this judgment; and that the defendants execute a lease therefor, accordingly; and that they recover of the defendants the sum of twenty-seven hundred and seven dollars; and also the further sum of four hundred dollars as aforesaid, with interest thereon from the day of the rendition of the judgment, payable out of the Des Moines River improvement fund; and also the sum of four hundred dollars for the north half of Lots 1, 2, 3, and 4, in block 2, and the north half of Lot 1, in block 3, in South Bentonsport, with interest

in like manner; and it is further ordered and decreed, that the plaintiffs shall convey to the defendants the lots aforesaid, by deed of general warranty, reserving such use of them as is necessary to the use of the water power above decreed to them; and, by consent of parties, this decree is in full of claims of plaintiffs against defendants up to the rendition of this decree, and is a final settlement of the whole matter; and it is ordered that defendants pay the costs of this suit.

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[ E ]

OFFICE OF COMMISSIONER OF THE DES MOINES RIVER IMPROVEMENT,  
KEOKUK, IOWA, NOV. 8, 1852. }

Messrs. Page & Bacon, Bankers, St. Louis, Mo.,

While in St. Louis, a few weeks since, I had some conversation with one of your firm in reference to a loan for the Des Moines River Improvement, to be based upon the lands granted for that object by an act of Congress, together with the profits of the work; and you assured me that if the power already existed, by law, of placing the lands in the hands of trustees, or if such power could be procured by an act of the Legislature of Iowa, you had no doubt the money could be obtained for carrying the work forward.

Not having my official papers—laws, reports, &c.,—with me at that interview, and expecting then that I should have visited your city again ere now, I did not procure from you a statement of the *amount* of the loan that could, in your opinion, be had upon the lands, &c. referred to—nor the *terms* on which it might be made.

The situation of my business is such, at present, that I find it will be impossible for me to visit St. Louis again before the closing of navigation this fall, and the time is very near at hand when I am required by law to make my annual report to the Governor, to be laid before the Legislature. I would be glad, therefore, to have you reply to this communication, at your earliest convenience, and give me, in writing, your views upon this subject.

If you would make a *distinct and specific proposition* that if, with authority, to be obtained by legislative enactment—say by the first or middle of January next—the lands could be placed in the hands of trustees to secure the loan—or such other proposition as you may



have to make—you would *guaranty* that any certain amount, to be named, should be advanced by you, *within some specified time*, and upon *what terms*, it would of course enable me to present the matter in a much more tangible shape before the Legislature, and one correspondingly more likely to receive some definitive action from that body. Indeed, without some such distinct proposition, it may well be doubted whether any *effective* legislation will be had upon the subject the approaching session.

I send, herewith, several printed pamphlets, for your perusal and examination. They embrace full information in regard to the condition of the work, and the fund, up to the date of the report made to the Governor, by the Commissioner and Register on the first of December last—since which time the only very material change that has taken place, in reference to either, is the fact that the river has been opened for navigation, by the completion of some of the state works, and the opening of the “old dams.”

The present indebtedness of the work will reach something upwards of \$100,000, while the amount of lands embraced in the grant, and remaining unsold, can be very little, if any, less than 1,000,000 (one million) of acres, as the sales have been quite light during the past spring and summer. Those sales, however, are improving considerably within the last few weeks, as I am recently advised in a letter from the Register.

One point I desire to mention, that would probably have to be provided for, in any arrangement of the kind referred to that might be made. It is this: a portion of the lands—comparatively a small portion—perhaps not 30,000 acres; certainly, I think, not double that quantity—are already occupied by actual settlers, who have parts of them improved, and under cultivation

Now, the provision to which I refer is that such lands, *so already occupied*, shall continue to be subject to sale at \$1.25 per acre. With this provision, if a loan can be effected to ensure the carrying the work forward to a probable completion, and upon terms sufficiently favorable to the state, and the work, to justify its being made, I think the matter may be arranged when the Legislature meets four weeks hence.

Very respectfully,

Your obedient servant,

V. P. VAN ANTWERP, Com'r.

## ANSWER OF MESSRS. PAGE &amp; BACON.

ST. LOUIS, Nov. 13, 1852.

*Gen. V. P. Antwerp, Commissioner, &c., Keokuk :*

DEAR SIR: We are in receipt of your favor of 8th inst., and note contents. We have also examined, as far as our limited time and freedom from indispensable business would permit, the documents accompany your favor.

From the investigation given to the subject, we find there are so many collateral questions and issues involved, that we are much embarrassed in arriving at a definite conclusion. In fact we do not think we have sufficient information, of the right kind, to enable us to give a very intelligent opinion, or one that you could with perfect safety act upon. We had overlooked, when you were here, the somewhat embarrassing position of the grant of lands, above the Racoon Fork, in consequence of the decision of the Department, both for and against. We incline to the opinion expressed by yourself, that the decision of Mr. Walker is the correct and legitimate one; but the existence of a doubt as to what will be the final decision of the question, would, as we fear, prejudice the security.

We regret much that you could not visit us, and explain in person the issues involved, as you would have been able, doubtless, to relieve us of much that now perplexes us.

We are of opinion that the lands claimed can be so used as to enable you to clear off the present debt against the works, and give you a fund adequate to complete the same; but our opinion in relation to this is not so valuable, or reliable, as it would be, if we were better informed as to the estimated cost of the proposed improvements; how long it would take to complete them; what would be the revenue derivable from the same when completed, &c.—all, you will observe, questions of importance, in relation to the manner of raising means, and providing for ultimate payment of principal and interest. But we will venture to give you the result of our speculations, which would doubtless be much modified, or changed, if we were in possession of data desired.

First: We assume that you are entitled to, and have, 1,000,000 acres of land; and, second: that you can give or convey to Trustees an unquestioned title, as a basis upon which to issue bonds. Of these lands we would set apart, for the aforesaid purpose, 800,000

acres, which, at a valuation of 1 25 per acre; would furnish a basis of \$1,000,000—on which to issue your securities for a like amount, having 20 years to run, and bearing 7 per cent semiannual interest—both principal and interest payable in the city of New York. Probably these securities would sell so as to nett you a like amount, or in no event less than \$950,000—and also meet with such ready sale as to enable you to prosecute with vigor the work. You still have 200,000 acres left, untrammelled by trusts or otherwise, which, we think, could be managed—reserving them from the trust, in such situations as to have a present additional value, over those embraced in said trust, and at the same time enhance the value of last named, from the proximity to improved lands—so that they would pay equal to \$2 00 per acre (being scaled above and below this, as situations and locations would warrant) or, in the aggregate, \$400,000—which, added to the loan, gives you \$1,350,000. We have supposed that your present debt, and the works complete, would amount to \$1,100,000. You then have \$250,000, to pay your annual interest for *three* years, leaving a small balance. After three years we have supposed your works would be in so complete a state as to be a source of revenue, and from that time forward, would pay all your interest, and leave you a surplus to apply to a sinking fund, for the ultimate redemption of your bonds, and eventually leave you with your works, and your 800,000 acres of land free of all incumbrance; a very valuable source of revenue to your State.

We have, we think, made our figures on low estimates of the value of the lands; and if it were desirable to raise more means than \$1,000,000, the lands might be scaled, commencing at 1 25 and running up to 2 50 or \$3; but we have not thought that this would be necessary.

You will probably have time, before any action could be taken on your Report to the Legislature, to communicate fully to us all the facts and circumstances connected with the subject, so that we could make you a definite proposition. From this you can learn our general idea, and something near what we would be likely to propose, if your statements corroborate our suppositions. If we were to have any thing to do with the negotiations, we should wish to consult with you as to the best way of arranging the Trust, Trustee form of Bonds, &c., as it would facilitate, probably, our negotiations, by attending in advance to these particulars. If your grant is all right, and you can get your

Legislature to act liberally with you, in granting adequate powers for the proper control of the lands, we would have no trouble in providing for you adequate means to push forward, with great rapidity, the works.

Yours, Very Respectfully,  
PAGE & BACON.

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SECOND LETTER FROM MESSRS PAGE & BACON.

St. Louis, Nov. 23, 1852.

*Gen. V. P. Van Antwerp, Commissioner, &c. Keokuk.*

We have had the pleasure of an interview with Guy Wells, Esq., chief engineer of your improvement, in relation to the manner of conducting the work on the Des Moines river improvement, and the course to be pursued to raise the means for completing of same; and we have finally determined on making through you, to the State, the following proposition.

1st. We will agree to furnish the funds necessary to complete the work within five years from the first day of January 1853, provided said funds shall not exceed in amount the sum of one million three hundred thousand (1,300,000) dollars, including the present debt, of not exceeding one hundred and twenty thousand (120,000) dollars, inclusive of interest, damages on contract, &c.

2nd. We are to have the privilege of making the contracts for the work to be done on the Improvement, under the supervision of the Commissioner of the State, whose powers shall extend to seeing that the work is done in accordance with the plans and specifications most recently adopted, and on which the work is now progressing on dam No. 8.

3d. In consideration of the above agreement, and others which may follow in this instrument, the State of Iowa agrees to convey to us, in fee simple, all of the unsold lands granted to her under an act of Congress approved August 8th, 1846; and the State hereby agrees that said lands, remaining unsold on the 1st day of January 1853, shall not be less than nine hundred thousand (900,000) acres in quantity. And the State further agrees that she will continue to urge upon Congress, or the Department having charge of these matters, her claim for the land sold (about 25,000—say twenty-five thousand—acres) sub-

sequent to the grant, and prior to the Department notifying the local Land Officers to withhold said lands from sale; and that the lands, when obtained, shall be conveyed to us as aforesaid.

4th. The state agrees that we shall have the exclusive use and control (if we so desire) of the improvement for twenty-five (25) years from the time named for its completion, with power to collect and levy tolls and water rents for the use of the same, as we may deem best, providing the charge on pound freight shall not exceed (4) four mills per thousand pounds, per mile, and other freight in proportion.

5th. The state agrees that she will not grant a charter for a Rail road or canal within ten (10) miles on each side of said improvement, running parallel with, or nearly so, with same, for a distance exceeding (40) forty miles, during the full term of time in which the use of the improvement is guaranteed to us, or authorize, by any general law, such improvements, or construct herself such improvements, within the distance named.

6th. The State agrees not to tax the lands until they pass out of our hands by sale (none being exempt for over 20 years,) or the improvement for the term of this agreement, and to pass such laws, from time to time, as shall be necessary to enable us to enforce our claims on parties doing business with us in connexion with the Improvement; and to protect us in our rights growing out of the contract which may be made in accordance with these propositions.

7th. The State agrees that all creditors of the Improvement holding Scrip, Bonds, or liens, to be paid out of the sale of lands appropriated for this Improvement, shall file a relinquishment of said claim with the Commissioner, and agree to receive, in lieu thereof, payment out of moneys which we have agreed to deposit as security for the faithful performance of the contract and stipulations in connexion therewith.

8th. The State agrees that we shall have the exclusive control of the waters of the Des Moines River, from Fort Des Moines to the mouth of same (with the exception of rights and privileges heretofore granted—and the water rents from said parties, now holding privileges to be paid to us) and authorize us to sell and dispose of the privilege of using same as we may deem best, provided no contract shall extend beyond the term of this agreement, by which we are to receive the rents after such time.

9th. The State reserve the right to require of us that the bona fide

settlers on the lands, now conveyed, prior to the act granting the same to the State, shall have the right to purchase of us, within twelve months from the 1st of January, 1853, to the extent of 25,000 acres, at one dollar and a quarter per acre.

10th. We agree to deposit with the Commissioner (he giving us Bond, with good and sufficient security, for the faithful disbursement of the same, in accordance with the agreement) to be paid to present creditors, as before stipulated, one hundred and twenty thousand (\$120,000) dollars, within sixty days from the passage of the act authorizing this agreement, and on proper transfer of the lands, and relinquishment of creditors, as aforesaid, and the placing at our disposal and control the Improvement aforesaid.

11th. It is agreed that not less than \$200,000 a year shall be expended in prosecuting the work after the first year.

12th. The State to have the power of appointing the Chief Engineer, subject to our approval and removal, for good and sufficient cause.

13th. The State agrees that we may issue, at any time within (20) twenty years, Bonds based on the Lands hereby conveyed, and the Lease of Improvement and River, heretofore spoken of, bearing interest at not exceeding 8 per cent per annum, payable semi-annually.

Very Respectfully,

Your Obedient Servants,

PAGE & BACON.

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[F.]

ENGINEER'S OFFICE, KEOKUK, IOWA,  
November 20th 1852.

To Gen. V. P. Van Antwerp, Commissioner.

*Of the Des Moines River Improvement.*

SIR: I have the honor to present to you my annual report, of the condition and progress of the Des Moines River Improvement.

The work has not been resumed on any portion of the original line of improvement, from the terminus of the Canal at Motts Ferry to Dam No. 2 at Belfast; and as it was contemplated by the Legislature that the Canal should be suspended, until the State dams and

locks were completed between St. Francisco and Keosauqua, it was thought advisable to remove some of the obstructions in the natural channel of the river between the head of the canal and the mouth of the Nassau Slough. The extreme low water in July presented a favorable opportunity to examine the nature of those obstructions, and they were found to consist chiefly of snags, stumps and large trees partially embedded in the sand, or collected in large drifts, so as to render the navigation extremely hazardous and difficult at any stage of water. (I would here remark that deposit of this kind are rarely if ever found in any other portion of the Des Moines River.) Accordingly, a contract was entered into on the 21st day of July to open a channel not less than two hundred feet wide in this portion of the river, so as to admit the free passage of boats of all classes. This was done by raising and removing all the snags, stumps, and trees that could be raised, with the machinery at command, or that could be procured with our limited means; and those that could not be raised entire were cut off below the surface of low water, so that they will not endanger the navigation at a medium stage of water, i. e. when the water is high enough for boats to pass over the bars and ripples in other portions of the river. The removal of these obstructions will be of essential service to the navigation, and was done at a cost of only nine hundred dollars.

*Belfast Work. Dam No. 2.*—Nothing has been done at this job, except the furnishing five hundred and fifty dollars worth of timber, since the date of my last report.

*Croton Work. Dam No. 3.*—The work at this point, so far as it has progressed, has been done in the most substantial and durable manner. The lock and lock gates, are completed, and a pier 60 feet long below, and a pier and ice breaker 90 feet long above the lock, have been constructed to protect the lock walls, and guide the entrance of boats into the lock in times of high water. The side walls, with openings for the passage of water around the lock, for hydraulic purposes, is also completed; and the bank is well protected with a good slope wall so that the water power can now be leased at this point. In order to pass this lock with boats before the State dam is completed, a connexion has been formed between the head of the upper pier and Messrs. Thom & Colton's mill dam, which raises a head of water sufficient to admit the passage of boats over the breast wall of the lock, and will answer all purposes for navigation, so long as the im-

provement between this point and the mouth of the river remains unfinished. The materials for the dam at this point are all delivered and the timber and plank which have been furnished at this place and along the line of the improvement, at a cost to the State of 10,570 dollars will soon be rendered useless by decay, unless means are furnished to prosecute the work.

The damage to the canal, and the loss of timber and plank caused by the great flood in 1851, amounting to seventy thousand dollars, as mentioned in my last report, would not have occurred had the works been completed; which would have been the case had the necessary funds been furnished at the proper time; and the further prosecution of the work, under such embarrassing circumstances, will always more or less, subject it to the same periodical losses.

*Bonaparte Work, Dam No. 5.*—This lock and dam is completed, and the efficiency of the work thoroughly tested. Several boats have passed through this lock, and the time employed for that purpose has not exceeded ten minutes. The pool formed by this dam flows four feet of water on the lower mitre sill of the lock at Bentonsport, and that too, during the extraordinary low water of the past season.—This work, completed, has only cost \$35,300, being \$340 less than my estimated cost.

*Bentonsport, Dam No. 6.*—Has also progressed nearly to completion, notwithstanding the difficulties and embarrassments that the contractor has labored under for the want of means; so that it will be in a condition to pass boats at the opening of navigation in the spring.

The effect resulting from the completion of the two dams last mentioned, aside from purposes of navigation, may be estimated by noting the fact that some six or eight mills are now in successful operation, and several large permanent buildings have been erected for the reception of much additional machinery.

*Keosauqua, Dam No. 8*—Is located near the site of the old mill dam and the contractor has progressed rapidly with the lock foundation, and has raised one of the lock walls above an ordinary stage of water so that he will be enabled to commence operations early in the spring.

As soon as it was ascertained that the state works at Croton, Bonaparte and Bentonsport, were so far advanced as to admit boats to pass I proceeded, according to your instructions, to remove a portion of the old mill dams, at Plymouth and Keosauqua, that there might be an uninterrupted navigation for all classes of boats during the season of



high water. At each of the points above named a channel was opened through those dams one hundred feet wide, and everything removed down to the bed of the river, which, in my opinion, will admit the passage of boats without detention or risk.

The Des Moines River being once more opened, it should be the object of those having charge of the improvement to so conduct the new works, that the navigation in times of high water shall not again be interrupted.

Work has been done on the improvement, during the past season, to the amount of 30,190 dollars. The cost of the whole work, when fully completed, will not exceed 1,500,000 dollars, or 7,500 dollars to the mile, which is only about one half of the cost of a good rail-road.

Much has been said about canals and slackwater navigation being behind the age; that railroads must take their place. Let us examine the comparative cost of transportation.  $3\frac{1}{2}$  cents per mile on a ton of freight is less than the average cost of rail-road transportation. Assuming it to be 180 miles from Fort Des Moines to Keokuk, the transportation of a ton of freight, between those points, would cost six dollars and thirty cents, or  $31\frac{1}{2}$  cents per 100 lbs. Freight can be transported on the Des Moines River Improvement, between the same points, including tolls, for four dollars per ton, or twenty cents per 100 lbs., making a difference of two dollars and thirty-one and one-third cents per ton, in favor of slackwater navigation.

Assuming the transportation to be 10,000 tons of up freight, and 50,000 tons of down freight, making in all 60,000 tons per annum (which I think is not an over estimate, when our coal, plaster and hydraulic lime beds, and agricultural resources are fully developed) this, at two dollars and thirty-one and one-third cents per ton, amounts to 138,800 dollars in favor of the river improvement. The down freight on flat-boats would cost but a little more than one-half of the above sum.

It is due to M. M. Hayden, Esqr, my principal assistant, and to Jno. B. Knight, Esq., Superintendent, to say that they have performed all the duties assigned them with skill, energy and fidelity, and they have always manifested a deep interest in the progress and final completion of the work. I therefore recommend them to your kind considerations.

It is unnecessary to add that the delay in improving the navigation of the river, is attended with very serious evils to the thousands who

have settled along its fertile valley, and who have depended upon it as a means of communication with their market. The unparalleled increase of population of this portion of our State, and the strong inducements that will, for many years, still be afforded for augmenting it, make it necessary, and their real wants and requirements demand, and abundantly justify, that liberal policy, at the hands of our legislators, which has characterized the legislative action of other States in relation to internal improvements; and to recede or even to falter, would be to violate good faith, disappoint the hopes, and dampen the energies of the people of that portion of our young and enterprising State.

Respectfully submitted,

GUY WELLS, Chief Engineer.

APPENDIX.

[G]

*The Des Moines River Improvement Fund, in account with V. P. VanAntwerp, Commissioner of said Improvement.*

1852.		Dolls.	cts.
Oct31.	To am't paid (by instalments) since Dec. 1, 1851, on certificates of indebtedness issued July 1, 1851, for work done on improvement prior to that date. . . .	9494	73
"	" " " " " (by instalments) on certificates issued to J. C. Walker & Co., contractors. . . . .	1285	00
"	" " " " " on drafts drawn by George Gillaspay Register, &c. on Bangs, Brothers & Co, dated Dec. 20, 1851, payable to my order as Commissioner, &c., 30 days after date; by me endorsed and sold—and subsequently protested for non-payment. . . . .	10166	00
"	" " " " " contractors and others, for labor and materials on works at Croton, Benaparte and Bentonsport, . . . . .	27639	34
"	" " " " " R. J. German, on contract, for clearing out snags, and opening channel, below St. Francisville. . . . .	900	00
"	" " " " " for opening "old dam" at Plymouth to owners of land, for right of way, per agreement with late board of public works, . . . . .	110	95
"	" " " " " for hauling together, and piling timber drifted by the flood of 1851. . . .	200	00
"	" " " " " late president of board of Public works, a bal. due him on his acc't. . . .	400	00
"	" " " " " on order drawn on late President &c., and by him accepted. . . . .	100	00
"	" " " " " on bills for printing 500 copies annual report of Com'r and Register, with other blanks and stationery for office, . . . . .	28	30
"	" " " " " fees to arbitrators, counsel, officers, and witnesses, in arbitration cases with contractors in 1851, and with Allender & Co., mill owners, . . . .	174	26
"	" " " " " on salaries of com'r an engineers, . . . .	946	91
"	" " " " " interest on certificates, or bonds, issued to Bangs, Brothers & Co. . . . .	2891	29
"	" " " " " Balance in hand . . . . .	201	00
"	" " " " " Balance in hand . . . . .	1274	48
<b>Total, . . . . .</b>		<b>\$55812</b>	<b>62</b>

The Des Moines River Improvement fund, in account with V. P. Van Antwerp, Commissioner of said Improvement

		No. of Drafts.	Dolls.	Cts.
1851.				
Dec. 1.	By balance in hand, per last acc't . . . . .		535	17 $\frac{3}{4}$
" 22	" Cash received on 10 drafts, for 500 dolls each, dated Dec. 20, 2851, drawn by Geo. Gillaspy, Register &c. on Bangs, Brothers & Co., payable to my order as Com'r &c., in New York, 30 days after date, and by me endorsed and sold—discount and interest off, . . . . .		4934	17
" "	" do. on two drafts—same as those above described—discount and interest off. . . . .		987	50
" "	" do. on two other drafts—same as above—discount and interest off. . . . .		987	50
" 23	" do. on one draft—same as above. . . . .		500	00
1852.				
Jan'y 5	" do. on two drafts for 5000 dollars each, same as above described, except as to amount—discount and interest off. . . . .		9870	00
" 8	" do. on three drafts for 500 dolls. each—same as above. . . . .		1500	00
Feb'y 4	" do. on two drafts for 500 dolls each do. . . . .		1000	00
" 27	" do. on draft on Geo. Gillaspy, Register &c., payable 10 days after sight. . . . .	10	500	00
" 28	" do. do. do. do. do. . . . .	11	500	00
March 1	" do. do. do. payable at sight. . . . .	12	250	00
April 3	" do. do. do. do. do. . . . .	13	18552	67
June 30	" do. do. do. do. do. . . . .	14	3551	81
Aug 13	" do. do. do. do. do. . . . .	15	7403	95
Sept. 3	" do. do. do. do. do. . . . .	16	2138	25
" 23	" do. do. do. do. do. . . . .	17	500	00
Oct. 14	" Cash received on draft on Geo. Gillaspy, Register, &c. . . . .	18	2110	70
Total . . . . .			\$55812	26 $\frac{3}{4}$

Office of Commissioner, Des Moines River Improvement, Keokuk,  
Iowa, Nov. 1, 1852.

V. P. VAN ANTWERP,

Commissioner.

[H]

REGISTER'S ACCOUNT.

GEORGE GILLASPY, *Register,*

*In account with the Des Moines River Impronevement* Dr.

DATE.	TO WHOM PAID.	No. of Drafts	Dolls.	Cts.
1852.				
Feb. 27	V. P. Van Antwerp, Com'r &c. &c. ....	10	500	00
" 28	" " " " .....	11	500	00
Mar. 1	" " " " .....	12	250	00
April 3	" " " " .....	13	18552	67
June 30	" " " " .....	14	3551	81
Aug. 13	" " " " .....	15	7403	95
Sept. 3	" " " " .....	16	2138	25
" 23	" " " " .....	17	500	00
Oct. 14	" " " " .....	18	2110	70
Nov. 25	" " " " .....	19	600	00
	Balance on hand, Nov. 30th, .....		7394	62
	Paid for office rent, blanks, printing, fuel and other incidental expenses; which is shown by books and vouchers on file in this office, ...		260	05
	Paid Jesse Williams, late secretary of Board of Public Works, in lands at \$2,00 per acre. <i>See Law, Feb. 5th, 1851</i> .....		800	00
	Paid self on account of salary for the year 1852, ending Dec. 1st. 1852 .....		1000	00
	Paid V. P. Van Antwerp, Com'r &c., Dec. 20th, 1851, drafts on Bangs, Brothers & Co., New York, for the sum of .....		45562	30
			20000	00
	Total .....		\$65562	30

REGISTER'S ACCOUNT.

GEORGE GILLASPY, Register,

In account with the Des Moines River Improvement, Dr.

Sale of Lands and Date thereof.	REMARKS.	Acres.	100ths	Dolls.	Cts.
Dec. 1852.	.....	40	00	120	00
Jan. "	.....	40	00	120	00
March, "	.....	16575	83	21019	78
July, "	.....	5253	21	6566	53
August "	.....	2408	6	9010	07
Sept. "	.....	1792	19	2240	23
Oct. "	.....	4453	12	5566	40
Nov. 30th "	.....	2693	09	3367	48
Total amount of Lands and money.....		33256	40	\$42010	49

Received from Paul Brattain, late Treasurer Board of Public Works, by John M. Whittaker and John Alexander, his sureties, June 30th, 1852. See draft No. 14 of Com'r &c. .... 3551 81

Total, ..... \$45562 30

P. S. 80 acres of the above lands was sold at \$3,00, per acre, and 400 acres sold to Col. Jesse Williams, in pursuance of law, at \$2,00 per acre, Dec. 20th, 1851, to drafts drawn by me on Bangs, Brothers & Co. of New York, for the sum of. .... 20000 00

Total, ..... \$65,562 30

Office of Register of Des Moines River Improvement, Ottumwa,  
 Nov. 30th, 1852. GEORGE GILLASPY,  
 Register, &c.

# BIENNIAL REPORT OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

OFFICE OF SUPERINTENDENT PUBLIC INSTRUCTION.  
Iowa City, Iowa, Dec. 6, 1852. }

*Gentlemen of the Senate and House of Representatives:*

As required by law, I beg leave to lay before you my third biennial Report.

In obedience to a joint resolution of the General Assembly, passed February 5, 1851, I compiled and arranged the University and School laws then in force, and they were assigned their appropriate place in the Code. In October following, I had five thousand copies of the laws thus arranged printed, and have subsequently distributed a sufficient number of copies to meet the present demand, which, it is proper to add, has been greatly increased by the subdivision of districts and the organization of new counties.

The first subject of importance contemplated in this report, to which your attention is respectfully directed, is the condition of the

### STATE UNIVERSITY.

The agent has completed the selection of the University Lands, and the selections have been approved by the Secretary of the Interior. By the terms of the grant the State is entitled to 46,080, acres but owing to the fact that each selection was to embrace not less than one section, and that many of the sections selected were fractional, we lost 48.74 acres in the final adjustment of the matter with the government. So that the actual number of acres received by the State, is 46,031.24, to-wit:

In the Dubuque district,.....	10,352.24 acres.
"    Iowa City, " .....	22,793.80 " "
"    Fairfield, " .....	12,885.20 " "
<hr style="width: 20%; margin: 0 auto;"/>	
Total.....	46,031.24 " "

By a resolution of the Board of Trustees, I was instructed, in the fall of 1851, to offer at public sale all the lands then approved, with the condition that no sale should be made for less than five dollars

per acre. Such of the lands as were not disposed of at public sale, were to be sold subsequently at private sale, at the minimum valuation. In accordance with the foregoing instructions, I offered at public sale at the Capitol, on the first day of November, 1851, 35,679 acres, in forty acre tracts, being the total of the selections in the Iowa City and Fairfield Land Districts. There were only two bidders present, who purchased between them 482,74 acres, and on the first day of December following, the same individuals purchased at private sale the remainder of the section, making in all 645,14 acres, for which they paid \$3257,80, one fourth in cash, and the balance on a credit of ten years. The maximum price per acre of these sales was \$5,25, and the minimum \$5,00. The cash payments were deposited with the Treasurer of State, who subsequently loaned the amount on real estate security. The above section was located in Scott county, near Davenport. The interest due and paid on the first day of January, 1852, was \$42,72, which amount, with a small additional sum, has been expended by the Board for books, stationary and printing. A forty acre tract has since been sold in Davis county, at the minimum price per acre. The total number of acres, therefore, sold up to the present date, is 685.14, and the aggregate amount of the fund now invested, is \$3457,80. The interest due on the first day of January, 1853, is \$327,11. On the 28th of February, 1852, the Board raised the minimum price of the lands to ten dollars per acre, and appointed Mr. Anson Hart agent to dispose of them.

The Board have considered the organization of the Literary Department of the University inexpedient, from the fact that as yet they have had no funds at their disposal for that purpose.

From the Branch at Dubuque, I have never received any communication, and am informed that the trustees have taken no steps for an organization. The trustees of the Branch at Fairfield, have made considerable progress with their college edifice. Owing to the almost total destruction of the building by a hurricane some year and a half since, they have been very much embarrassed in their operations.—The building has been reconstructed, and is now nearly completed a second time. The Board have expressed a wish to have a definite part of the fund set apart for their benefit, and their connection with the parent Institution terminated. They propose to take the two sections of land located in Jefferson county as their proportion of the fund and upon condition that they shall have the exclusive control of it,



they will release the parent Institution from all further responsibility. This proposition is equitable and just, and its acceptance is therefore recommended. In case this is done, however, it is desirable that some general and similar plan should be devised at the same time, by which to terminate the connection existing between the parent institution, and the branch at Dubuque and Normal Schools. The undersigned can but regard the concentration of the University fund, as a matter of vital importance. The folly of attempting to establish so many institutions under the patronage of the State, at so early a period of our history, and with such limited means, it is believed is now obvious to all, and even the friends of the measure are at length satisfied, that their expectations cannot be realized. Communications are almost daily addressed to the Superintendent in reference to the progress of the State University, and it is with deep regret that he is compelled to return the uniform answer—that our University exists only on the statute book. Give to the branches and schools an equitable portion of the fund, or an equivalent from some other source, and then, by uniting our efforts, we may hope to endow an institution that will reflect honor upon the State, and in which we will all have and feel a common interest.

The report of J. E. Sanford M. D., Dean of the Faculty, given below, exhibits the condition of the medical department. By an act of the last session of the General Assembly, the sum of 5000, was appropriated from the proceeds of the sales of the saline lands, for the benefit of this department. In June following, I gave my assent to the prospective expenditure of the appropriation in the following manner:

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OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,  
IOWA CITY, IOWA, JUNE 8, 1851, }

Whereas, by an act of the General Assembly of Iowa, entitled, "An act to dispose of the saline lands belonging to the state, and to appropriate the proceeds thereof," approved February 5, 1851, the sum of five thousand dollars has been appropriated and placed at the disposal of the Superintendent of Public Instruction for the use of the College of Physicians and Surgeons at Keokuk, to be paid over as he may from time to time deem advisable.

Therefore, I, Thomas H. Benton, Jr., Superintendent of Public Instruction, hereby assent to the application of said appropriation, and bind myself, and my successors in office, to pay the same over to the order of the Medical Faculty of the College of Physicians and Surgeons above referred to, as soon as the money is realized as contemplated, by the aforesaid act, for the following objects, to-wit:

To meet the debts already incurred in the erection of the present college building and the improvements made . . .	\$700
To complete said building . . . . .	300
For building and furnishing an addition in front of the present edifice for cabinet, museum and library rooms for public and private collections . . . . .	2,000
For purchasing appliance, illustrations and chemical and philosophical apparatus, &c., for the use of the various chairs . . . . .	2,000

In testimony whereof, I have hereunto set my hand and seal, the day and year first above written.

THOMAS H. BENTON, Jr.  
Sup. Pub. Instruction.

As yet the Register of the Des Moines River Improvement has taken no steps for the disposition of the saline lands, from the fact, that a portion of the selections have been rejected, and others suspended by the Secretary of the Interior. Under these circumstances, the Register deemed it proper to await the final adjustment of the matter with the department at Washington. The report of the Medical Faculty, here presented, renders it unnecessary to extend this notice.

To the Hon. Thomas H. Benton, Jr.,  
*Superintendent of Public Instruction :*

SIR: In compliance with your instructions, the undersigned, Dean of the Medical Department, of the Iowa State University, submits the following report of the Scientific and financial condition of said department.

Every effort has been made by the Faculty to maintain the reputation of the Institution at home and abroad. With this view, it has

been their aim to make the Courses of Instruction in the different departments of Medical Science thorough and complete, and to present to the students entering the school, all the facilities, which are found in older institutions, and which are regarded by the profession as essential to the successful prosecution of Medical Studies.

The zealous competition now existing, in various parts of the country, between institutions devoted to the cultivation of Medical Science—the ease and cheapness with which every point may be reached by the Medical Student, render it essential for those wishing to achieve permanent success in an enterprise of this character, to accumulate every appliance possessed elsewhere, as well as in their use, to meet expectations naturally associated with them. Propitious locations, although in some respects beneficial, have but little to do in determining the perpetuity or prosperity of Institutions of Medicine, and the same is true respecting all other considerations, which do not immediately relate to the intrinsic merits of such establishments. It may therefore be said, that when a Medical School has sustained itself, through several prosperous sessions and established a fair reputation with those who have had opportunities to investigate its claims, that its capacity for continued existence is sufficiently demonstrated, and that it is a suitable object for public encouragement. By the fostering care of the profession, in the more immediate vicinity of the School, a Medical Journal, which was intended to be the exponent of its principles, as well as the medium of our local Medical literature, has been well sustained, and has done much, as the undersigned flatters himself, to secure for us the friendship and attention of the profession abroad. More than thirty Journals published in Europe and America have favored this periodical with a regular exchange, and from these repositories of valuable Medical truth, the Faculty have been enabled to notice the progress of Medical science, together with the recent acknowledged improvements in the methods of teaching.

No material change have been made in the curriculum of Collegiate studies, since the last report from this department. The American Medical Association, whose labors in the cause of Medical Education it is a primary object of this school to promote, and whose recommendations it desires to carry out, seemed to recognize, at its last meeting, in Richmond, Virginia, Six Professorships or Chairs as sufficient to carry out all the legitimate objects of Public Medical In-

stitutions; acting upon this sanction, and desiring to bring their facilities as much within reach of the pecuniary abilities of Physicians and students as possible, the Faculty consolidated two of the Chairs previously existing, into one, and thus reduced the number of the Professorships into six. In this respect they have followed the example of other schools in the country, and as far as they can observe, the change is generally sanctioned. A further slight modification relates to the time of opening the course of lectures. Heretofore the regular annual session has opened on the first Monday in November. The storms and breaking up of the roads occurring about this time, rendered a journey from many parts of the country to this city difficult or impossible, and induced the Faculty to announce the opening of the present course, two weeks earlier than usual. The objects of this change have been realized, and our present session opened under pleasant and agreeable circumstances.

Although our classes have undergone no very sensible augmentation in respect to number, their enthusiasm and confidence seem to increase with each succeeding session. The present class, numbering over twenty Matriculants, with a certain prospect of a considerable addition to that number as the session advances, are highly respectable in their preliminary acquisitions, and will represent the Institution creditable at home or abroad. Amongst them are several who have attended a course of lectures in some of the older Institutions in the United States, and whose selection of this School as their final *Alma Mater* encourages us to claim a favorable comparison with the older schools.

At the last annually commencement, held on the 25th of February, 1852, the degree of Doctor of Medicine was duly conferred upon seven Gentlemen, who had fully complied with the regulations of the College, and passed an examination before the Faculty. At the same time the *Ad Eundem* degree was conferred upon two, and the Honorary degree upon one—all of whom had deposited with the Faculty satisfactory evidences of good standing in the profession. These Degrees were conferred by Professor A. S. Hudson, by authority of the Hon. President of the University, Thos. H. Benton, Jr., whose public duties prevented his attendance upon the occasion.

It gives the undersigned pleasure to say, that the principal basis upon which the Faculty predicate their hopes of success and usefulness, has been afforded by the liberality of our General Assembly.

The application of \$5000, which constitutes their generous response to our application for aid although inadequate to the full development of this department, has enabled us to accumulate resources almost essential to our continued existence. It would also be an uncalled for suppression of grateful feeling, if we did not, before proceeding to exhibit the financial condition of this department, express our heartfelt acknowledgments to the Honorable Superintendent of Public Instruction, who, in any stage of its progress, since it come under his enlightened supervision, has given it his most friendly and valuable attention. Such views as he has illustrated in the encouragement of a liberal profession, can only exist in a mind which is full of generous virtues, and swayed by benevolent impulses toward all the world.

The report of the finances which it becomes the duty of the undersigned to make in connection with this department, relates to the application of the \$5000 appropriated by the General Assembly. This appropriation having been made in the Saline Lands belonging to the State, to the sale of which, the consent of Congress was necessary; the undersigned with the advice and consent of the medical Faculty, made an arrangement with the City of Keokuk, by which, the money could be obtained until this consent was given, and the Lands disposed of according to Law. The sanction of the Superintendent of Public Instruction to such an application of the fund as was desired by the College, was also previously obtained. The consent of Congress to the sale of the Saline lands belonging to this State, was given during the last session of that body, and the act forwarded to the undersigned, and also, as he learned, to the Superintendent of Public Instruction, by both of whom, it was immediately sent to the Register of the Des Moines River Improvement, whose duty it was to sell these lands. Owing to the obligations of certain contracts that rested upon the Medical Department of the University and which became more onerous every day, it was sincerely hoped, that the officer referred to, would make the sales of the Lands as soon as possible. Although several months have elapsed, since the copy of the act of Congress authorizing the sale was placed in his hands, nothing has yet been done, and the Faculty would earnestly ask your attention to this matter in such a way as will facilitate the sale of the Lands, and release them from the embarrassment which his delay has occasioned.

The contract for the sale of the City Bonds, issued for the benefit of the College, was made with Messrs. Bangs & Brother of New York, who failed to meet their contract except to the amount of \$1600,00. The *remaining bonds* were deposited with the House of Cox & Shelley of this city, by whom payments as shown below, were made for the Institution. A part of the indebtedness, of the College, yet remain unpaid, and will not probably be met until the sale of the Saline Lands.

TABLED EXHIBIT.

Amount paid by Messrs Bangs & Brother. . . . . \$1600 00

The account of the expenditure of this money, was kept by the Hon. Mayor of this city with whom the principal portion was deposited, and to whom vouchers for the whole was exhibited and approved. The following is an exact copy of the account rendered by him.

Amount paid R. P. Gray, contractor on College building	\$761. 00
“ “ Boatmen for lumber. . . . .	15 00
“ “ J. A. Graham, cash advances. . . . .	81 25
“ “ Shepherd & Volantine, . . . . .	60 00
“ “ Cleghorn & Harrison, . . . . .	59 61
“ “ Edward Tarbel, . . . . .	4 60
“ “ Benjamin Pike, Jr. New York, chemical apparatus, . . . . .	127 00
“ “ do do microscope. . . . .	148 00
“ “ Joseph Brano wax specimens, . . . . .	54 00
“ “ C. E. Isaacs, . . . . .	125 00
“ “ J. L. Hatch (agent). . . . .	9 37
“ “ George Frimann, . . . . .	100 00
Bill of expenses incurred in trip from Keokuk to New York and return as per bill of particulars giving the items, &c., . . . . .	132 25
Drayage, Portorage, &c., . . . . .	4 60
	<hr/>
	\$1,672 89

COPY OF MAYOR'S CERTIFICATE.

I hereby certify, that John F. Sanford, Dean of the Medical Institute &c., of the city of Keokuk, Iowa, produced to me full and satis-

factory vouchers for the payments made by him as Dean as aforesaid to the amount stated, say \$1672,89, which will overpay the amount which was deposited in my hands as Treasurer the sum stated, seventy-two dollars and eighty-nine cents.

(Signed)

JOHN A. GRAHAM.

February 6th, 1852.

The principal part of the sum specified above was paid on the contract for building the new College edifice, and to liquidate debts of the Institution previously incurred. The remainder was expended in the purchase of Chemical Apparatus, an Achromatic Microscope, Pathological Preparations and other appliances for teaching. It is a source of much regret to the undersigned, that a number of very fine wax preparations, purchased of Mr. Joseph Brano, New York, were nearly all broken on the way. They were shipped late in the fall and did not reach Keokuk until the following Spring, and the frequent moving of the boxes in a rough manner in the Warehouses where they were detained, was the probable cause of the loss.

The money expended as above, was paid by Messrs. Bangs & Brother, upon two bonds issued by the city of Keokuk, of one thousand dollars each, and there remains unpaid upon these bonds about three hundred and fifty dollars, which is due from Messrs. Bangs & Brother.

The remaining three Bonds, of one thousand dollars each, were deposited with the house of Cox & Shelley of this city, some time in last June, to release a judgment upon the College buildings held by the contractor R. P. Gray, and to pay certain demands held by different persons against the institution.

The following memorandum rendered by said house, will show the amount which they have paid on this account.

(Copy.)

*College of Physicians and Surgeons, of the Iowa University,*

*In account with Cox & Shelley,*

1851, Sept, 15th, Amount of order from Doct. Hudson, . . .	22 71
Dec. 12th; To amount paid Shepherd & Volantine for Lumber . . . . .	103 75.
1852. Interest on the above after 4 months . . . . .	4 41
Sept. 13th, For an acceptance in favor of J. M. Kershaw	86 25.
" 27th, " " " " J. Wickersham	88 50.
Oct. 1st " " " " R. L. Wilson . .	128 00.

<b>Judgment against said College obtained by R. P. Gray on</b>	
Jan. 31st, 1852, and assigned to us by said Gray...	1352 66
Interest to date.....	104 79
Bonus given us for taking Judgment.....	10 00
Nov. 8th, Order from C. F. Conn.....	79 80
From A. Hamlen & Co.,.....	60 00
“ Schirffelin Haines & Co.....	73 25

Amount paid by Cox and Shelley.....\$2203 32

The amount of indebtedness for the payment of which no definite arrangement has been made, is a part of what was incurred before the appropriation was made to the College of Physicians and Surgeons, and is embraced in the amount which the Superintendent of Public Instruction authorized to be paid out of this fund: See Document in Superintendent's office, dated June 6th, 1851.

Amount paid by Messrs. Perkins & Pitman to L. J. Zwart	
interest to date,.....	33 56
Paid by C. Garber & Co. with interest to date,.....	182 50
“ “ J. E. Burke “ “ .....	61 83
Balance due Messrs. Curtis & Gilmore,.....	79 51
Amount due Mr. Dewey, (about) .....	75 00
“ “ J. F. Sanford for money paid for chemical	
apparatus and other purposes.....	297 00
“ paid by Wm. Anderson to Zwart.....	41 38
“ “ “ Bridgeman & Reed,.....	125 00
<b>Total,.....</b>	<b>\$894 78</b>

#### RECAPITULATION.

Amount paid out as per certificate of J. A. Graham Mayor	1672 89
Of which 72,89 is embraced in J. F. Sanford's claim,....	72 89
	<hr/>
	1600 00
Amount paid by Cox & Shelley.....	2203 32
Debts remaining unpaid,.....	958 07
	<hr/>
<b>Whole Indebtedness .....</b>	<b>\$4761 39</b>
If the Saline Lands belonging to the State could be sold at an early	



day, so as to realize the interest which the Medical College has in the proceeds of the sale, by virtue of an act of the General Assembly, the Institution could pay the debts as well as the constantly accruing interest and thus easily maintain their solvency and credit.

JOHN F. SANFORD, Dean.

#### NORMAN SCHOOLS.

Under the provisions of the supplemental act of February 5th, 1851, the undersigned proceeded, immediately after the adjournment of the General Assembly, to appoint the trustees of the Normal Schools located respectively at Mount Pleasant and Oskaloosa. No report has been received from either of those institutions, except the one at Oskaloosa. The report presents in a specific form, all necessary information respecting the progress of the school, and is therefore laid before you without comment.

*To the Hon. Thomas H. Benton, Jr.,*

*Superintendent of Public Instruction:*

In accordance with chapter 72, of the Code of Iowa, which provides, that the Board of Trustees of the Normal Schools shall meet on the first Wednesday in April of each year, pursuant to notice, the Trustees of the Oskaloosa Normal School, met at the court house, in Oskaloosa, on said first Wednesday of April, 1852. A quorum being present, the board proceeded to elect their officers and the result of said election was, that Micajah T. Williams was elected President, Henry Temple, Vice President, and Henry Blackburn, Secretary, Treasurer and Librarian. Vacancies from removal, inability and other causes have occurred, and have been at different times filled by the Superintendent of Public Instruction.

On the 8th day of January, 1852, subscriptions were opened and circulated through the county, by the trustees and friends of education, and up to this date, the sum of \$2473,60 has been subscribed. On the 17th day of April following, the board selected a site on which to erect the building. Four acres of land adjacent to the town was selected, and a deed in fee simple for the same was procured. A plan of the building was procured from Mr. Harris, an experienced builder,

and on the 23rd of June, the board met and received sealed proposals for the masonry, brick and carpenter's work. Messrs. Harbour and Harris, being the lowest and best bidders for the former, and Messrs. Leighton & Houts for the latter, they were respectively contracted with for the different portions of the work. On the 3rd of July, 1852. the corner stone of the edifice was laid in due form, and appropriate addresses were delivered on the occasion.

The building is 52 by 34 feet, and two stories high—each story 12 feet in the clear. It is constructed of brick, with a stone foundation 4 feet high, and a flat cement roof. The height, from the rock foundation, is 30 feet. There are two rooms on each floor, with a hall in the centre, 10 feet wide. The work has been somewhat retarded in consequence of the difficulty of obtaining lumber, the Mississippi being the nearest point at which pine lumber could be procured. Great credit is due to the contractors, each having manifested a desire to complete their engagements as early as practicable. The walls are now raised to the height of 20 feet, and the contractors give us the most positive assurance that the building will be covered by the 20th day of November next, and the board are making arrangements for furnishing it, with the view of occupying it the coming winter. Out of the above sum of \$2473,60 subscribed, half of which became due on the first day of July last, \$1147,35, up to this time, has been collected and expended. The residue of the subscription, amounting to \$1326,25, falls due on the first of November next, at which time we are assured it will be promptly paid.

The Oakaloosa Normal School commenced its first session on the 13th day of September 1852, in the court house, under the charge of Prof. G. M. Drake and lady, and up to the present time 47 pupils have been admitted to the various branches of Reading, Writing, Arithmetic, Geography, English Grammer, Algebra, Geometry, Philosophy, Latin and French, and taught at the following rates of tuition for the term of 12 weeks, to-wit: first class students \$3,00, second class, \$4,00 and third class \$5,00.

All of which is respectfully submitted.

STEPHEN ROACHE, Prest. pro. tem.

HENRY BLACKBURN, Secretary.

Oakaloosa, October 6, 1852.

As recommended in a former, and intimated in another part of this report, I am still of opinion that some plan should be adopted

for the separation of these schools from the State University. By the terms of the act establishing them, each school is to receive annually the sum of five hundred dollars from the University fund. The school at Andrew has been in operation since the 21st of November, 1849. The citizens at that place have raised the necessary amount for the erection of buildings, to entitle them to the annual appropriation from the University fund, and yet they have received nothing from that source, and cannot until a much larger amount of the fund has been invested. The school at Oskaloosa, as shown by their report, has far exceeded the requisitions of the law in raising means for the erection of buildings, but it is not likely to receive any aid from the University fund for years to come. Under these circumstances it would certainly be better to assign them a definite portion of the fund, and let their connection with the University cease, and thus free them from the embarrassments naturally growing out of that connection.

#### DEAF, DUMB AND BLIND.

By a conference with the Auditor of State, it was deemed necessary to require new certificates from those wishing to avail themselves of the appropriation made, by the act of the last session, for the relief of the deaf, dumb and blind. The annexed statement shows the amount received by each under the new law.

NAMES.	Impediment.	Age.	County.	Date of Certificate.	Amount.
Dennis A. Dewey,.....	deaf and dumb,	13 years,	Johnson,	July 12, 1851	200 00
Nancy Walters,.....	blind,	18 "	Iowa,	Aug. 5, "	100 00
Rhoda Bowen,.....	do	25 "	Johnson,	" 9, "	100 00
Josephine Porter,*.....	do	11 "	do	" 16, "	50 00
Elizabeth Ann Beall,.....	deaf and dumb,	12 "	do	" 16, "	100 00
Helen A. Brabrook,.....	do	12 "	Scott,	" 21, "	200 00
Susannah McClure.....	do	11 "	Louisa	Sept. 21 "	100 00
William Bryan,.....	do	16 "	Iowa,	" 25 "	100 00
Samuel Houston Black,.....	do	10 "	Marion,	Oct. 23, "	100 00
William Gunn,.....	blind,	15 "	Clinton,	" 27, "	100 00
James A. Gilliland,.....	do	21 "	Johnson,	Nov. 11, "	100 00
Milton Vandyke.....	deaf and dumb,	18 "	Lee,	Dec. 8, "	100 00
Sophrona Wellington.....	do	25 "	Louisa,	" " "	200 00
Peter Moore.....	blind,	17 "	Van Buren,	" " "	100 00
Fanny Whait.....	deaf and dumb,	13 "	Buchanan,	" " "	100 00
William Fell, Jr.....	do	21 "	Muscatine,	" 13 "	100 00
David Fell,.....	deaf, dumb and blind,	26 "	do	" " "	100 00
Elizabeth Thomas.....	blind,	21 "	Page,	" 15 "	100 00
Eliza Jane Plott.....	deaf and dumb,	10 "	Davis,	" 24 "	100 00
James Kemp,.....	do	11 "	Johnson,	Jan. 14, 1862	100 00
Sarah Davison,.....	blind,	28 "	Louisa,	" " "	100 00
Alesepth Witham,.....	deaf and dumb,	11 "	Jefferson,	Feb. 7 "	100 00
Elizabeth Matthew,.....	do	18 "	Wapello,	" 7 "	100 00
William F. Hoover.....	do	29 "	Madison,	March 1 "	100 00

\*Fifty dollars drawn for the same year under former law.

Angeline Packwood, . . . . .	deaf and dumb.	13 years,	Wapello,	March 27, 1852,	100 00
Elin C. Johnson, . . . . .	do	22 "	Appanoose,	" " "	100 00
John F. Wendel, . . . . .	blind,	15 "	Jackson,	" " "	100 00
Matilda C. Bayles, . . . . .	deaf and dumb,	13 "	Henry,	April 12, "	100 00
Rebecca Cameron, . . . . .	blind,	11 "	Jackson,	May 4, "	100 00
<b>Total</b> . . . . .					<b>\$3,150 00</b>

The following is a statement of the amount drawn under the first law since the date of my last report:

Andrew Ensinger . . . . .	dumb,	21 years,	Johnson,	Jan'y 4, 1852,	50 00
Isaac M. Easley, . . . . .	blind,	16 "	Wapello,	" 14, "	50 00
Rhoda Rowen, . . . . .	do	25 "	Johnson,	" 16, "	50 00
Josephine Porter, . . . . .	do	11 "	do	" 22, "	50 00
John F. Wendell, . . . . .	do	14 "	Jackson,	" " "	50 00
<b>Total</b> . . . . .					<b>\$250 00</b>

Thus it will be seen that the total amount drawn under both acts, since the date of my last report, is \$3,400 00.

## FIVE PER CENT FUND.

In November last, I received from the Comptroller of the Treasury of the United States, the sum of \$6464.36, the amount of the five per cent fund due the State of Iowa, for the year 1850. This sum, with \$7.00 premium on draft, \$6471.36, I apportioned among the several counties as follows:

Alamakee.....	\$ 30 00
Appanoose.....	105 57
Benton.....	25 00
Boone.....	35 00
Buchanan.....	35 54
Cedar.....	130 00
Clayton.....	138 18
Clinton.....	82 71
Dallas.....	35 00
Davis.....	273 06
Decatur.....	37 17
Delaware.....	70 94
Des Moines.....	415 26
Dubuque.....	316 69
Henry.....	334 47
Iowa.....	50 00
Jackson.....	209 08
Jasper.....	40 68
Jefferson.....	367 20
Johnson.....	203 27
Jones.....	200 00
Keokuk.....	165 33
Lee.....	546 75
Linn.....	248 00
Louisa.....	218 88
Lucas.....	25 00
Madison.....	50 00
Mahaska.....	265 00
Marion.....	159 12
Marshall.....	30 00
Monroe.....	120 00
Muscatine.....	200 78

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Polk, .....	130 00
Poweshiek, .....	35 00
Scott, .....	196 22
Van Buren, .....	425 61
Wapello, .....	290 26
Warren, .....	30 00
Washington, .....	200 59

Total, ..... \$6471 36

The annexed statement exhibits the condition of the five per cent. fund, so far as the undersigned has had any connection with it.

DR.

To dividend for 1847 (including \$20,00 premium).....	\$16,442,05
" " " 1848 .....	9,105,52
" " " 1849 (including \$10,98 premium).....	5,708,44
" " " 1850 (including \$7,00 premium).....	6,471,36
<hr/>	
Total amount received,.....	\$37,727,37

CR.

By loan to State, per act of Jan. 12, 1849,.....	\$16,442,05
" " " " 13, " .....	6,000,00
" Amt. paid Fund Com'rs, in lieu of tax &c.,.....	751,82
" " " " " in Monroe county,.....	162,26
" " apporportioned to Fund Com'rs, Nov. 19, 1850,.....	5,566,18
" Loan to State, per act of Feb. 5, 1851,.....	3,353,70
" Amt. apporportioned to Fund Com'rs, Dec. 24, 1851,....	6,471,36

Total amount disbursed, .....\$37,727,37

I learn from His Excellency, the Governor, that he has recently been notified by the Comptroller of the Treasury that the amount of this fund due the State for the year 1851, is \$11,901,90. So soon as the money comes into the hands of the undersigned, it will be apporportioned among the several counties as heretofore.

## SCHOOL LANDS.

The agents appointed to select the lands donated to the State, under the act of Congress of the 4th of September, 1841, familiarly known as "the five hundred thousand acre grant," have reported to this office, 498,101,84 acres, namely:

From the Dubuque District.....	292,290,02	acres
"    Iowa City,    "    .....	81,821,27	"
"    Fairfield,    "    .....	100,335,64	"
Add to the above, selections made by the Fund Commissioners under former law,.....	23,654,91	"
	<hr/>	
Total amount selected,.....	498,101,84	

On the 3d of September, 1851, I ordered into market, at the appraised value, all of the lands in the organized counties which had been approved by the Secretary of the Interior, except those in the counties of Wayne and Winneshiek. These two counties were excepted in consequence of some doubt as to the election of Fund Commissioners. The lands in the former county, were ordered into market on the 17th of May, 1852, and those in the latter, will be attended to at an early day.

A large portion of these lands are located in the unorganized counties, and are consequently beyond the jurisdiction of the Superintendent, his authority to order sales being limited to the *organized* counties. Most of the tracts are occupied by settlers, and some of them in a high state of cultivation. They are constantly exposed to the depredations of the lawless, and the school fund is deprived of the revenue that might be derived from them. Thus it is essential that some additional provision shall be made to protect them from waste, and also to bring them into market without further delay.

## SCHOOL FUND.

Subsequent to the close of the last session of the General Assembly, I had a uniform set of books prepared, in the City of New York, for the use of the Fund Commissioners. In doing so, I adopted the simplest arrangement by which the accounts may be *accurately* and *uniformly* kept. They cost, delivered at my office, \$0,50 per set, and are sufficiently comprehensive to embrace all the financial affairs



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pertaining to the management of the School fund. They consist of a register for the sale of lands, with appropriate columns for the name of the purchaser, date, description of land, the number of acres (designating the grant to which each tract belongs,) price per acre, amount in cash, and amount on credit of each sale.

A record of mortgages, showing the name of the mortgageor, date of the mortgage, value of the property mortgaged, amount of loan, and renewal or canceling of mortgage.

An interest record, showing the amount of interest due annually from each loanee or purchaser, the amount paid, and the amount delinquent.

An apportionment record, for the annual apportionment of school money, exhibiting the character of the funds apportioned, the number of children, the amount apportioned to each district, and the date of payment to the district treasurer.

A blank record, for recording contracts and certificates of final payment.

It is believed that these books, with the occasional addition of a blank record, are sufficiently extensive to embrace all the school lands in the State. The simplicity of the arrangement, renders it comparatively easy to transfer the business from one officer to another and the affairs of the office may hereafter be examined with one hundredth part of the labor now required.

My design was to deliver these books in person, and at the same time to examine minutely the affairs of the office, and transcribe the financial business into them. With this view, I commenced a tour through the State last spring.

The task proved to be much more arduous than at first supposed requiring from one to three weeks in each county. The labor was greatly increased, where the business had passed through the hands of several officers. It soon became obvious, that I could not complete the work as contemplated prior to the commencement of your present session. I proceeded however with my original plan, and succeeded in examining the offices of ten counties, in the manner above indicated, and should have accomplished much more had not the sickness of my family rendered my return home imperiously necessary.

I am happy to state, that so far as these investigations were extended, no defalcations were discovered. The business of the respective officers, though in some instances much confused and garbled, was

found to be correct, so far as the investment of the school fund was concerned, when arranged in a manner to render it intelligible.— There were no developments calculated to impeach the honesty of the officers. Omissions, erroneous calculations and entries, however, were frequent, and served to confirm the convictions of the undersigned, that many of the reports heretofore made to this office were incorrect. Commissioners have generally been able to render a correct statement of the business transacted by themselves, but in attempting to present that of their predecessors, it has been about half guess work.

I purpose resuming my labors early in the coming spring, unless otherwise ordered, and shall extend them to the entire State. When through with the examination, I design presenting a full statement of the condition of the school fund in a supplemental report, at the close of my official term, for which I shall be prepared to vouch. For the present I beg leave to refer you to the abstract of the reports of the Fund Commissioners hereto annexed.

Before dismissing this subject, it is proper to invite your special attention to the fact, that under the act of February 25, 1847, by which the office of Fund Commissioner was created, some of these officers paid their salary out of the *principal* of the school fund. This matter was presented in my former Reports, but without eliciting any definite action on the part of the General Assembly. A portion of these payments were made before the undersigned sustained his present relation to the school system, and all of them without his knowledge. Under the act above referred to, the Commissioners, without consulting the Superintendent, were authorized to pay themselves, with the approval of the County Commissioners, "*out of the School Fund.*" The ambiguity of the law led to different constructions, and the result was that some of the Commissioners deducted their salary from the interest, and others from the principal of the fund. In my examination of the offices thus far, I have ascertained definitely the amount of the fund thus appropriated, and shall be careful to do so in all future investigations. If therefore, it is deemed advisable to reimburse the principal out of the interest, the undersigned will cheerfully conform to your instructions. Without such instructions, however, he does not feel himself authorized to act.

In travelling through the State, I have lectured whenever opportunity offered, and regret that I have had repeated calls from various

quarters that could not be answered, in consequence of the multiplicity of other engagements. At a majority of the places at which I had the pleasure of lecturing, a degree of interest was manifested by the people which augers well for the future prosperity of our school system.

#### AMENDMENTS.

A few amendments to the school law have been suggested, to which your attention is respectfully invited.

The Secretary of State should be authorized to procure duly authenticated plats of all State lands, and also a set of tract books in which to make his entries when patents are issued. Without them it is impossible to detect errors made in the sale of lands by subordinate officers. Certificates of final payment are frequently issued, in part or in whole, for the same land to different persons. Such an error would be readily perceived by reference to the plats and tract books. The Secretary has issued 1061 patents for school lands alone, and unless he is furnished with the necessary records to keep a correct statement of them, it will become exceedingly difficult in future time to trace the title of lands sold by the State. The undersigned flatters himself that a matter of so much importance will be neglected no longer.

The provision, if made, would belong more properly to the law regulating the Secretary's office.

When it becomes necessary for school districts to raise money by taxation, the Secretaries should be empowered to list and assess the taxable property, without reference to the assessment roll of the county. It is often more difficult for them to correct the transcript furnished by the county assessor, than it would be to list the property themselves.

District officers are required to take the oath of office before a "justice of the peace." It would suit their convenience better to permit them to qualify before any one authorized to administer oaths.

Some more specific method of admitting non-resident pupils to the public schools is required. For instance, a gentleman having in his employ a boy residing in an adjoining district, desired to send him to school in the district in which he himself resided, and paid tax for the erection of the school house, upon the condition that he should pay

the full amount of tuition required, without availing himself of the benefit of the public money; but the directors refused to admit the pupil upon any terms, on the ground that he was not a resident of the district. Express provision should be made to prevent such flagrant injustice.

Some of the larger towns have expressed a desire, that the law should be so amended as to enable them to continue their schools through the years. Such, I would remark, is the practice of other States. The Cities and larger Towns are provided for by special laws, suited to their circumstances. They receive their proportion of the public money under the general law, and are then empowered to raise such additional means and make such additional regulations for the benefit of their schools as they may think proper. It is upon this principle that the schools of the Atlantic Cities have attained their present high degree of perfection and while the plan proposed is of great utility to the larger towns, it is not at all detrimental to the districts in the country. An amendment, therefore, applicable to the case, is respectfully recommended.

The passage of a *rate bill*, is also recommended. The rate bill has been adopted by nearly all the States that have made any considerable progress in popular education. It provides for the collection of the balance due on tuition after the expenditure of public money.—For instance, the district meeting may vote to continue their school for a term of six months. The directors accordingly employ a teacher for the term, at \$20,00 per month, making the amount due for tuition at the end of term \$120,00. To meet this demand, they have only \$50,00 of public money, leaving a balance of \$70,00 to be met from some other source. The rate bill simply authorizes the directors to assess and collect this balance from persons who patronize the school, in proportion to the number of children sent by each.

It is also a matter of importance that it should be made obligatory upon school districts to divide the public money between the summer and winter terms. Some districts appropriate the whole amount to the summer term, thus excluding that class of pupils who can only attend school during the winter term. Others appropriate the whole amount for the winter term, when the effect is *vice versa*.

The present law requires the Fund Commissioners to report the names of persons delinquent in the payment of interest, to the Prose-

cuting Attorneys. The Prosecuting Attorneys are often tardy in making collections, and generally charge pretty liberal fees for their services. This duty may just as well be performed by the Fund Commissioners. The costs and fees of collection, should in all cases be paid by the delinquent, and not by the school fund.

Some definite action should be had in reference to the compensation of township trustees, for allotting and appraising section sixteen. Bills are constantly presented for such services, and some of them very extravagant—amounting to thirty or forty dollars for one section. I have uniformly given it as my opinion that the law makes no provision for expenses of this character incurred since the 12th of January, 1849. At that time a law was passed for the payment of trustees and surveyors, but it was simply *retrospective* in its operation.

The act above referred to, may be found on page 73, of the Statutes of 1849. It is essential that you settle this vexed question by some express enactment. I am disposed to regard this expense a needless one, as the duty would be as well and perhaps better performed by the Fund Commissioners themselves.

Some Commissioners have felt themselves authorized to purchase school lands and borrow school money of themselves. In this view the undersigned has felt himself compelled to differ with them, from the fact that it seems to be at variance with the spirit, and not authorized by the letter of the law. The question is therefore presented for your investigation, as your decision will settle the issue.

Sundry amendments have been suggested to the Superintendent relative to the present mode of forming and altering schools districts, but he has no recommendations to make on the subject. His views heretofore expressed, are unchanged. I have uniformly advocated *large districts and permanent boundaries*, and if such a policy will not obviate the confusion and discord growing out of the formation and alteration of districts, I know of no plan that will. It is a matter of but little moment as to what officer the performance of this duty is entrusted, for the difficulty will be perpetuated just so long as that officer is authorized to alter the boundaries of districts at pleasure.

The propriety of abolishing the office of School Fund Commissioner, has excited considerable interest in the public mind during the past year. For myself, I am satisfied that the present system for the management of the School fund is by no means the best, and it is a

matter of regret that it was ever adopted. The undersigned has always advocated and is still in favor of a State Land Office, for the disposition of all State lands and the funds arising therefrom. It may be urged with propriety that it would be much more difficult to effect the proposed reformation now, than it would have been when the subject was first presented by the Superintendent, in his report of December 4th, 1848. But when the future advantages to be derived from it are deliberately considered, the argument is still in favor of attempting it, even at this late day. Under such a system the expenditures would doubtless be diminished, and the school fund might still be loaned in the several counties, in proportion to population.— Indeed the distribution would be much more equal, than it now is.— For instance, in Alamakee County, with a population of 2000, the amount of the fund invested, is 27,407.65; in Fayette, with a population of 2065, it is 29,882.89; in Cedar, with a population of 4971, it is 10,081.60; and in Linn, with a population of 6890, it is 19,951.77. So the argument of equality in loaning the money, in favor of the present system, amounts to nothing.

The amount paid Fund Commissioners for salary for the year commencing April 1, 1851, and ending March 31, 1852, is \$8,458.50, and for contingent expenses for same period \$842.90—total \$9,301.40. The amount reported to this office up to date (several counties not heard from) for salary for the year commencing April 1, 1852 and ending March 31, 1853, is \$8,593.30, and for contingent expenses for same period \$724.77—total \$9,318.07. See annexed statement of apportionment for the year 1851.

It should be borne in mind that any plan for the management of the school fund, must be attended with more than ordinary expense, until the school lands are disposed of. The great end to which my efforts have always been directed, will be attained when we succeed in devising the safest, most accurate and economical method of carrying into effect the educational provisions of the constitution. In case any further change is considered inexpedient, the expenses of the present system may be decreased by blending the office of Fund Commissioner with some one of the county offices, in which event the salary might be regulated by the county Judge and reported by him to the Superintendent. If a more radical change is determined upon, it may not be improper for the undersigned to suggest that it should

be *prospective* in its operation. Thus the facts have been briefly presented for your consideration and without further comment, I beg leave to commit the matter to your hands, feeling assured that, whatever may be your action, your purpose will be to husband the fund and provide for its faithful application.

I have the honor to be

Very Respectfully,

Your Obedient Servant,

THOMAS H. BENTON, Jr.,

Sup. Pub. Inst.

AN ABSTRACT of the Reports of School Fund Commissioners, for the period commencing October 15, 1850, and ending October 31, 1851—embraced in statements A. and B.

A.

COUNTIES.	No. of organized Districts.	Number of persons between 5 and 21 years.	Number of district schools.	Number of pupils in schools.	No. of teachers employed.		Compensation of teachers per month.		Number of days schools have been taught.	Number of volumes in Library.
					Male.	Female.	Male.	Female.		
Alamakee . . . . .	14	616	6	91	4	6	59 33	\$36 33	777	
Appanoose . . . . .	30	1,615	16	397	14	2	159 60	15 50	981	
Benton . . . . .	10	239	1	28	1	1	11 35	11 35	234	
Buchanan . . . . .	11	259	3	95	2	1	14 08	14 08	176	
Boone . . . . .	7	362	6	160	4	1	50 83	50 83	317	
Cedar . . . . .	32	1,503	26	605	16	9	261 20	48 00	1,174	
Clayton . . . . .	40	1,558	23	530	11	14	231 33	89 25		
Clinton . . . . .	27	1,239	20	547	14	10	167 66	69 75	7,714	
Dallas . . . . .	12	437	2	41	1	1	15 00	8 64	120	
Davis . . . . .	64	3,750	51	1,321	34	7	519 33	80 66	2,013	
Decatur . . . . .	7	500	2							
Delaware . . . . .	28	938	22	511	11	11	152 66	82 50	1,505	
Des Moines . . . . .	58	4,776	50	1,910	41	16	693 72	126 58	1,270	
Dubuque . . . . .	44	3,854	118	1,017	23	23	422 09	161 50	2,246	
Fayette . . . . .	4	234	3	87		2	16 00	16 00	147	
Fremont . . . . .	4	569								
Guthrie . . . . .	1	76								
Henry . . . . .	59	3,877	62	2,190	40	23	510 11	258 31	3,152	262
Iowa . . . . .	12	426	2	51	1	2	15 10	17 30	294	



Jackson	60	2,835	40	1,413	24	36	349 18	234 23	3,999	
Jasper	13	614	11	211	8	4	96 33	20 82		
Jefferson	65	4,463	88	2,869	51	23	849 70	186 83		
Johnson	42	1,765	38	782	18	19	322 22	111 66	2,668	
Jones	31	1,459	25	689	9	17	116 53	13 90	1,180	
Keokuk	26	2,098	27	811	21	5	45 38	35 40	886	
Lee	96	7,278	98	3,293	61	44	909 50	254 30	2,368	10
Linn	46	2,418	45	1,391	31	23	481 43	167 21	3,410	
Louisa	45	2,287	37	2,104	28	12	470 33	100 00	2,060	120
Lucas	3	129	1	42	1		16		75	
Madison	14	577	3	120	3		47		905	
Mahaska	52	2,662	31	898	23	8	266 83	36 00	1,467	
Marshall	3	188								
Marion	48	2,497	31	769	18	15	237 48	86 81	2,107	
Monroe	34	1,353	23	513	15	6	183 57	46 50	1,221	
Muscatine	36	2,170	32	1,001	17	13	202 99	165 66	1,231	
Polk	30	1,554	21	585	17	4	246 55	53 00	1,010	
Poweshiek	9	264	2	25	1		13 00		165	
Scott	38	2,412	36	1,052	25	20	432 00	192 00	90	84
Van Buren	84	5,115	82	2,065	54	28	856 73	209 77	5,180	
Wapello	64	3,627	57	1,779	42	13	14 88	10 41	2,892	
Warren	9	306	1	30	1		17 50	10 00	100	
Washington	45	2,137	39	1,016	22	13	332 15	108 40	1,598	
Wayne	3	174								
Total amounts	1,358	77,154	1,181	33,040	706	432	9,765 30	3,068 63	44,466	476

COUNTIES.	Aggregate amount paid teachers during the year, and the source from which the same was received.		Amount of teachers fund in hands of Treasurers.	Number of district school houses and of what material constructed.			Cost of district school houses.	Amount raised in the districts during the year by tax and for what purpose.		
	Teacher's fund.	Voluntary subscription.		Brick	Stone	Frame		Erection of school houses.	Contingent expenses.	Library.
Alamakee, ..	57 81	97 54	29 20	.....	.....	4	280 75	.....	.....	.....
Appanoose, ..	370 53	264 69	279 88	.....	.....	11	698 00	35 00	55 24	.....
Benton, .....	26 25	.....	8 70	.....	.....	3	280 00	70 00	.....	.....
Buchanan, ..	72 87	39 36	47 13	.....	.....	1	50 00	.....	.....	.....
Boone, .....	137 55	150 46	17 68	.....	.....	4	51 00	175 00	30 00	.....
Cedar, .....	438 61	566 40	30 26	.....	.....	14	1,701 00	1,042 97	25 20	.....
Clayton, .....	412 59	272 18	103 47	.....	.....	15	1,402 85	775 05	25 94	.....
Clinton, .....	476 63	288 98	15 43	2	.....	12	3,620 00	770 50	45 00	.....
Dallas, .....	56 00	225 00	99 55	.....	.....	1	25 00	.....	.....	.....
Davis, .....	1,136 50	786 22	293 16	1	.....	24	2,453 29	58 00	284 00	.....
Decatur, .....	.....	60 00	.....	.....	.....	2	20 00	.....	.....	.....
Delaware, ..	411 29	321 93	82 21	.....	.....	9	1,430 00	349 00	.....	.....
Desmoines, ..	1,159 80	1,013 39	68 10	5	3	12	9,366 22	5,371 57	.....	.....
Dubuque, ..	981 90	708 45	167 17	6	.....	14	.....	3,168 97	.....	.....
Fayette, .....	.....	37 47	.....	.....	.....	2	100 00	.....	.....	.....
Fremont, .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Guthrie, .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Henry, .....	1,840 07	870 66	554 59	3	.....	21	4,413 50	1,313 07	189 40	80 78
Iowa, .....	86 67	67 34	33 45	.....	.....	4	60 00	73 07	.....	.....
Jackson, .....	994 88	1,482 66	157 67	2	.....	26	.....	872 90	161 77	5 00

Jasper, . . . . .	193 31	152 68	178 65	5	95 00	50 00	33 31			
Jefferson, . . . . .	2,122 55	2,131 39	315 55	3	37	4,251 54	1,799 44	159 44		
Johnson, . . . . .	1,063 07	474 34	99 00	12	784 75	294 93	61 25			
Jones, . . . . .	357 99	518 04	91 76	12	1,035 75	338 65	75 45	15 00		
Keokuk, . . . . .	219 29	500 04	163 50	12	1,170 00					
Lee, . . . . .	2,716 58	1,752 39	403 58	9	1	36	7,366 11	1,403 54	850 40	47 15
Linn, . . . . .	1,159 12	1,244 25	181 52	1	28	2,538 00	505 00	129 30		
Louisa, . . . . .	1,415 93	677 69	162 22	3	15	3,018 00	927 89	79 69		
Lucas, . . . . .		40 00								
Madison, . . . . .	38 00	39 00	86 88	3				533 00		
Mahaska, . . . . .	844 76	257 30	358 38	8	647 90	682 31				
Marshall, . . . . .			54 78					180 00		
Marion, . . . . .	641 70	681 88	151 20	15	1,379 75	222 77	80 90			
Monroe, . . . . .	591 28	281 69	104 79	8	695 00	245 00	26 98			
Muscatine, . . . . .	842 95	256 75	82 00	4	10	4,000 00	3,700 00	101 20	2 00	
Polk, . . . . .	383 90	210 14	241 51	14	773 40	355 00	31 20			
Poweshiek, . . . . .	62 51	32 74	76 82	1	40 00					
Scott, . . . . .	1,210 40	697 50	54 20	5	9	2,597 00	358 95	660 85		
Van Buren, . . . . .	1,776 80	1,777 68	286 59	4	43	6,769 68	1,475 17	26 60		
Wapello, . . . . .	1,437 35	817 03	329 45	33	4,025 22	1,667 28	71 88			
Warren, . . . . .	84 00	53 13	24 25	2	225 00	225 00	21 37			
Washington, . . . . .	830 04	811 02	55 41	1	23	2,739 00	509 00	26 75		
Wayne, . . . . .										
	26,676 18	20,825 41	5,487 69	40	4	504	63,412-08	25,619 05	3,475 12	158 93

An Abstract of the reports of School Fund Commissioners, for the period commencing November 1, 1851,  
and ending October 31, 1852—embraced in statements C and D.

C.

COUNTIES.	No. of organized districts.	No. of persons between 5 and 21 years.	Number of district schools.	Number of pupils in schools.	No. of teachers in schools.		Compensation of teachers per month.		Number of day-schools have been taught.	Number of volumes in library.	Average number of pupils who have attended school.
					Male.	Female.	Male.	Female.			
Alamakee . . . . .	18	691	4	96	4	2	\$50 00	\$16 00	304		50
Appanoose, . . . . .	37	1,928	17	477	13	4	150 32	56 50	910		331
Benton, . . . . .	10	398	4	97	1	3	16 66	19 00	261		45
Buchanan . . . . .	14	407	3		2	1	19 00	6 00	193		11
Boone, . . . . .	9	374	6	151	5	2	65 00	13 00	395		61
Cedar, . . . . .	29	1,507	32	329	16	15	267 78	92 73	1032		256
Clark, . . . . .	1	44									
Clayton . . . . .	55	2,219	19	237	8	11	102 60	64 66	999	20	287
Clinton, . . . . .	29	1,533	30	714	15	19	216 32	142 50	1729	75	583
Dallas, . . . . .	18	436	3	14	2		20 00		99		19
Davis . . . . .	70	3,764	58	1033	35	15	508 97	121 85	2685	5	488
Decatur, . . . . .	8	474									
Delaware, . . . . .	32	1,126	25	602	15	18	214 97	107 50	2161		275
Desmoines, . . . . .	61	5,111	59	2389	50	35	986 22	290 16	5414	80	1790
Dubuque . . . . .	56	4,081	38	1324	26	22	536 68	273 26	3693	204	591
Fayette, . . . . .	13	519	8	241	2	7	25 11	47 66	757		172
Fremont, . . . . .	4	593	4	128	3	1	91 66	20 00	189		50
Guthrie, . . . . .	3	117									
Henry, . . . . .	67	3,859	78	2380	50	29	743 61	274 50	2903		1253

Iowa, . . . . .	17	143	5	148	2	4	30 00	28 75	491	49	
Jasper, . . . . .	17	751	12	417	10	4	148 62	32 83	684	189	
Jackson, . . . . .	62	2,964	55	1380	28	33	459 88	269 81	4228	1075	
Jefferson, . . . . .	66	4,495	83	3041	60	24	971 25	210 41	5254	1571	
Johnson, . . . . .	41	2,106	47	921	23	22	420 00	167 66	2533	379	
Jones, . . . . .	37	1,738	31	604	15	17	211 76	118 53	1626	320	
Keokuk, . . . . .	28	2,067	25	720	13	6	233 65	54 16	1497	506	
Lee, . . . . .	94	7,483	93	2555	55	49	918 71	444 53	6433	150	1508
Linn, . . . . .	58	2,768	46	1291	33	18	482 68	129 43	2605	801	
Louisa, . . . . .	51	2,383	57	1377	33	23	627 06	240 40	3744	120	923
Lucas, . . . . .	8	303	2	44	1	1	21 50	5 00	118	23	
Madison, . . . . .	22	803	4	204	3	2	83 00	19 00	477	138	
Mahaska, . . . . .	57	2,926	41	1070	24	12	335 22	111 72	2292	559	
Marion, . . . . .	52	2,613	38	853	25	10	360 48	74 16	2848	613	
Marshall, . . . . .	4	186	2	51	2		30 00		107	36	
Mills, . . . . .	2	235	1	30	1		25 00		20		
Monroe, . . . . .	36	1,402	19	409	11	1	228 00	10 00	1091	128	
Muscatine, . . . . .	39	2,454	35	1041	21	15	395 50	199 01	1498	594	
Page, . . . . .	8	255									
Polk, . . . . .	32	1,561	19	442	6	5	261 15	52 30	1029	280	
Pottawattamie, . . . . .	6	370	4		3	3	36 00	13 00			
Poweshiek, . . . . .	12	337	4	71	2	2	26 33	10 55	197	50	
Scott, . . . . .	38	2,948	34	890	22	19	422 99	189 00	2753	40	491
Taylor, . . . . .	1	69									
Van Buren, . . . . .	93	5,363	100	2879	60	31	1,129 92	223 45	6222		1737

APPENDIX.

## C—Continued.

COUNTIES.	No. of organized districts.	No. of persons between 5 and 21 years.	Number of district schools.	Number of pupils in schools.	No. of teachers in schools.		Compensation of teachers per month.		Number of day schools have been taught.	Number of volumes in library.	Average number of pupils who have attended schools.
					Male	Female	Male.	Female			
Wapello, . . . . .	69	3553	67	1749	46	23	\$716 26	\$141 18	3342	9	1192
Warren, . . . . .	10	428	7	157	5	2	94 49	10 00	380		98
Washington, . . .	46	2389	46	1460	36	14	574 06	144 33	3333		997
Wayne, . . . . .	6	315									
Winneshiek, . . .	14	472	1	17		1		5 00	40		10
<b>Total amounts,</b>	<b>1,560</b>	<b>85,060</b>	<b>1,266</b>	<b>33,033</b>	<b>806</b>	<b>525</b>	<b>13,208 41</b>	<b>4,453 58</b>	<b>78,666</b>	<b>703</b>	<b>20,520</b>

## D.

COUNTIES.	Aggregate amt paid teachers during the year, and the source from which the same was received.		Amount of teacher's fund in the hands of treasurers.	Number of district school houses and of what materials constructed.			Cost of district school houses.	Amount raised in the districts during the year by tax, and for what purpose.	
	Teacher's fund	Voluntary subscriptions.		Brick	Stone	Frame		Log	Erection of school houses
Allamakee...	\$54 21	\$80 29	\$168 68				4	110 00	
Appanoose...	284 67	306 37	399 84				18	867 00	92 00
Benton .....	54 35	46 65	32 50				2	20 00	
Buchanan...	26 74	72 53					2	150 00	100 00
Boone.....	182 15	22 13	28 29			1	5	45 00	
Cedar .....	461 96	433 20	174 65	3		10	5	5,023 00	1,953 18
Clarke .....							1	25 00	
Clayton.....	331 71	262 59	65 75			3	7	1,055 00	340 57
Clinton.....	596 14	429 43	51 31	4	1	7	9	4,646 50	404 00
Dallas.....	36 76	20 74	113 65				3	150 00	150 00
Davis.....	852 20	1,048 19	320 73		2	10	21	4,232 54	37 00
Decatur.....			30 00						
Delaware...	450 46	614 42	64 82			2	12	755 55	310 43
Des Moines..	2,597 54	1,784 31	845 57	13	5	25	20	13,251 76	4,581 40
Dubuque....	1,265 76	660 75	360 25	3		8	7	3,121 47	77 03
Fayette.....	128 00	124 00	20 36				5	100 00	
Fremont.....		310 00					3	80 00	59 65
Guthrie.....									
Henry.....	2,241 76	1,502 06	519 65	1		10	23	3,911 41	481 74
Iowa.....	97 81	106 69	88 67			1	3	84 15	58 00
Jasper.....	289 06	277 54	50 13			1	6	603 50	236 00

## D.—Continued.

COUNTIES.	Aggregate amt paid teachers during the year, and the source from which the same was received.		Amount of teacher's fund in the hands of reasurers.	Number of district school houses; and of what material constructed.				Cost of district school houses.	Amount raised in the districts during the year by tax, and for what purpose.	
	Teacher's fund	Voluntary subscription.		Brick	Stone	frame	Log		Erection of school houses.	Contingent expenses.
Jackson . . . .	\$1,108 76	\$1,711 67	\$169 61	3		17	23	5,718 72	788 15	159 50
Jefferson . . . .	1,903 04	1,849 55	254 61	4		14	35	1,861 25	392 16	227 40
Johnson, . . . .	750 44	718 39				5	12	1,153 50	439 77	170 00
Jones . . . . .	544 33	376 20		1		7	11	2,261 54	136 00	10 00
Keokuk . . . . .	627 45	469 73	134 37			1	16	1,280 49	196 29	30 00
Lee . . . . .	3,178 77	2,366 10	325 42	11	5	21	12	10,587 96	800 75	443 44
Linn . . . . .	838 44	1,141 74	183 24	2		5	25	3,057 45	1,344 45	103 36
Louisa, . . . .	1,322 64	1,671 33	240 08	6		14	13	5,841 69	1,641 78	175 25
Lucas . . . . .	44 18	31 87	28 40							
Madison, . . . .	131 59	162 41	129 29			1	3	327 90	204 00	16 00
Mahaska . . . .	754 54	642 19	617 94	1		5	19	2,054 50	649 17	127 70
Marion . . . . .	897 24	949 18	105 38	1		2	23	2,249 25	251 16	76 58
Marshall . . . .	50 87	17 12	129 60							
Mills . . . . .										
Monroe . . . . .	289 28	238 72	89 49			1	9	609 00		
Muscatine, . . .	1,181 37	899 98	183 95	3		12	8	144 60		
Page, . . . . .										
Polk . . . . .	395 28	477 72	101 37			3	14	1,304 40	160 50	140 75
Pottawattame		878 25						75 50		200 00
Poweshiek, . . .	64 90	13 60	121 42					190 00	29 40	3 00
Scott, . . . . .	1,631 46	963 17	163 75	6		9	5	4,119 40	579 00	252 48



Taylor.....										
Van Buren..	2,390 68	2,373 90	450 35	8		33	38	13,545 71	1,107 56	345 07
Wapello....	1,239 84	1,439 84	245 42	2	1	6	25	932 28	510 91	284 24
Warren.....	108 58	201 15				1	4	165 00	165 00	7 50
Washington.	1,173 76	1,018 26	303 95	2		10	18	4,015 70	546 64	62 50
Wayne.....			73 08							
Winneshie..										
	25,913 72	29,739 55	7,845 57	74	14	245	471	99,708 70	18,821 69	4,425 12

A STATEMENT of the annual apportionment of the interest of the permanent school fund among the several counties of the State, made by the Superintendent of Public Instruction, on the 25th day of January, 1851, as required by law:

COUNTIES.	Amount un- paid.	Amount re- ported.	No. of children.	Amount appor- tioned.
Alamakee,			328	119 72
Appanoose,		147 44	1,173	428 14
Benton,		26 77	99	36 13
Boone,			250	91 25½
Buchanan,		7 08	185	67 52½
Cedar,		488 32	1,111	405 51½
Clayton, (estimated)		664 37½	1,202	438 73
Clinton,		92 09	919	335 43½
Dallas,		4 16	204	74 46
Davis,		747 86	3,034	1,107 41
Decatur,			413	150 74½
Delaware,	9 75	155 20	766	279 59
Des Moines,		1,550 00	4,614	1,684 11
Dubuque,	478 34	1,251 38	3,445	1,257 42½
Fayette, (no fund commissioner,				
Fremont, do. do.				
Henry,	343 45	1,063 77	3,583	1,367 79
Iowa, (estimated)		20 00	238	86 87
Jackson,	57 00	493 18	2,212	807 38
Jasper,		55 10	452	164 98
Jefferson,		1,159 61	4,080	1,489 20
Johnson,	21 00	655 81	1,603	585 09
Jones,	227 82	516 94	1,092	398 58
Keokuk,		575 04	1,837	670 50½
Lee,		1,768 78	6,144	2,242 56
Linn,	6 75	858 03	1,900	726 35
Louisa,		841 57	1,932	705 18
Lucas,			34	12 41
Madison, (estimated)		5 00	472	172 28
Mahaska,	117 67	1,211 92	2,819	1,028 93½
Marion,	87 20	705 98	1,768	645 32
Marshall,			134	48 91
Monroe,	85 26	476 29	1,118	408 07
Muscataine,		727 30	1,897	692 40½
Polk,		308 95	1,301	474 86½
Pottawattamic, (no fund commissioner				

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Poweshiek,		82 77	192	70 44½
Scott,		778 85	1,958	714 67
Van Buren,	15 00	1,516 26	4,729	1,726 08½
Wapello,	137 77	1,667 03	3,114	1,136 61
Warren,		21 62	115	41 97½
Washington,	142 50	449 75	1,951	712 11½
Interest on State Loan from Jan. 1, 1850, to Jan. 1, 1851,		1,644 20		
Interest on Penitentiary loan, from Jan. 1, 1850 to Jan. 1, 1851,		600 00		
Interest on State bound- ary loan, from Jan. 1, 1850, to Jan. 1, 1851.		297 36		
	1,730 51	23,545 78½	64,509	23,545 78½

Sales of School Land reported by the School Fund Commissioners  
since the 15th day of October, 1850.

COUNTIES.	NO. OF ACRES.		CASH.	CREDITS.
	16th section	800,000 acres		
Alamakee,	560.00	9813.99	4512 65	8442 45
Appanoose,	3,340.00	1480.00	2981 70	3137 50
Benton,	648.75	4691.34	2719 75	4641 62
Boone,	40.00	400.00	137 50	412 50
Buchanan,	560.00	1136.80	539 72	1517 81
Clayton,	1290.00	8497.92	4279 22	8599 66
Clinton,	4343.81	7497.18	6828 77	13459 15
Dallas,	920.00	8577.18	6794 65	6201 42
Davis,	1040.00	320.00	474 15	995 85
Decatur,	440.00	3779.64	3534 57	1772 69
Delaware,	1568.98	3591.47	2010 14	5380 45
Des Moines,	1280.00		600 00	1080 00
Dubuque,	1080.00	2746.49	1508 28	4284 88
Fayette,	840.00	22,514.90	12336 62	18134 24
Fremont,	560.00		340 00	660 00
Henry,	120.00		115 00	75 00
Iowa,	120.00	2940.00	1687 50	2162 50
Jackson,	1400.00	80.00	1032 50	1522 50
Jasper,	520.00	760.00	490 00	1170 00
Jefferson,	1160.00		857 50	842 50
Johnson,	1580.00		656 41	1939 21
Jones,	2637.25	9828.40	6249 48	11010 40
Keokuk,	580.00	415.26	349 77	959 30
Lee,	494.12		1426 40	1610 40
Linn,	3020.00	1123.63	2253 72	5147 74
Louisa,	1176.41		696 02	1076 18
Lucas,	540.00	40.00	642 40	937 50
Madison,	2000.00	2240.00	2515 75	4275 25
Mahaska,	1340.00	1781.80	1955 10	2085 00
Marion,	1600.00	320.00	1167 65	1518 45
Marshall,	880.00	2855.18	2458 27	2699 31
Monroe,	520.00	1021 58	905 45	1100 12
Muscatine,	1063.00		1104 91	758 77
Polk,	2443.00	1672.82	1754 01	4504 52
Poweshiek,		1700.00	1487 50	762 50
Scott,	850.00		655 00	765 00

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Van Buren,	1567.13		1249 23	2390 00
Wapello,	860.00	80.00	410 95	921 00
Warren,	960.00	1638.13	1438 91	2182 75
Wayne,	440.00	1124.14	1865 42	840 75
Total,	46,387.45	104,677.85	83,422 22	131,979 97
Add sales reported by fund com'rs prior to Oct. 15., 1850.	110,369.40	24,977.21	94,317 52	146,284 66
Grand Total,	156,756.85	129,355.06	177,739 74	278,225 62

COUNTIES.	As allowed by county officers.		As approved by Superintendent.		Interest of the School Fund for the year 1851, apportioned on the 25th day of January, 1852.			
	Salary.	Contingent expenses.	Salary.	Contingent expenses.	Amount reported.	No of children.	Amount apportioned.	Total am't due each county.
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Alamakee,	500 00	20 00	350 00	20 00		616	164 47.2	534 47.2
Appanoose,	200 00	25 00	200 00	25 00	576 56	1,615	431 20.5	656 20.5
Benton,	86 00	2 00	86 00	2 00	156 28	239	63 81.3	151 81.3
Boone,	50 00	8 00	50 00	8 00	15 00	362	96 65.4	154 65.4
Buchanan,	19 00	1 00	50 00	1 00	72 45	259	69 15.3	120 15.3
Cedar,	150 00	10 00	175 00	10 00	698 31	1,503	401 30.1	586 30.1
Clayton,	275 00	25 00	275 00	25 00	675 31	1,558	415 98.6	715 98.6
Clinton,	350 00	50 00	300 00	50 00	954 29	1,239	330 81.3	680 81.3
Dallas,	144 00	13 00	100 00	13 00	82 60	437	116 67.9	229 67.9
Davis,	175 00	25 00	200 00	25 00	1,109 06	3,750	1,001 25.0	1,226 25.0
Decatur,	150 00		100 00			500	133 50.0	233 50.0
Delaware,	144 00	6 00	144 00	6 00	318 64	938	250 44.6	400 44.6
Des Moines,	200 00	50 00	225 00	50 00	1,654 58	4,776	1,275 19.2	1,550 19.2
Dubuque,	500 00	25 00	400 00	25 00	1,616 79	3,854	1,029 01.8	1,504 01.8
Fayette,	300 00	50 00	300 00	50 00	180 07	234	62 47.8	412 47.8
Fremont,	40 00	15 00	40 00	15 00		569	151 92.3	206 92.3
Guthrie,	15 00	3 00	15 00	3 00		76	20 29.2	38 29.2
Henry,	150 00	10 00	200 00	10 00	1,302 33	3,877	1,035 15.9	1,245 15.9
Iowa,	45 50	4 25	50 00	4 25	59 64	426	113 74.2	167 99.2
Jackson,	400 00	15 00	350 00	15 00	1,054 75	2,834	756 67.8	1,121 67.8
Jasper,	40 00	2 36	40 00	2 36	79 13	614	163 93.8	208 29.8
Jefferson,	500 00	86 53	400 00	86 53	1,481 07	4,463	1,191 62.1	1,678 15.1
Johnson,	175 00	25 00	175 00	25 00	625 99	1,765	471 25.5	671 25.5

Jones,	300 00	20 00	300 00	20 00	981 48	1,459	389 55.3	709 55.8
Keokuk,	210 00	40 00	190 00	40 00	666 51	2,098	560 16.6	790 16.6
Lee,	350 00	3 55	350 00	3 55	1,615 86	7,278	1,943 22.6	2,296 77.6
Linn,	287 50	2 50	287 50	2 50	1,093 34	2,413	644 27.1	934 27.1
Louisa,	200 00	10 68	200 00	10 68	973 58	2,287	610 62.9	821 30.9
Lucas,	6 00	2 00	6 00	2 00	19 85	129	34 43.3	42 44.3
Madison,	200 00		175 00	14 62	363 83	527	140 70.9	330 32.9
Mahaska,	350 00	10 00	350 00	62 40	1,426 52	2,662	710 75.4	1,123 15.4
Marion,	200 00	25 00	200 00	25 00	922 27	2,497	666 69.9	891 69.9
Marshall,	145 00	10 00	75 00	10 00	22 85	188	50 19 6	135 19.6
Monroe,	200 00	10 00	250 00	10 00	773 62	1,353	361 25.1	621 25.1
Muscatine,	250 00	20 00	200 00	20 00	920 38	2,170	579 39.0	799 39.0
Polk,	300 00	58 01	275 00	56 01	392 08	1,554	414 91.0	745 92.8
Pottawattamie,	No Report,							
Page,	" "							
Poweshiek,	30 00		40 00			264	70 48.8	110 48.8
Scott,	330 00	25 00	300 00	25 00	*49 68	2,412	644 00.4	969 00.4
Van Buren,	400 00		400 00		1,145 64	5,115	1,365 70.5	1,785 70.5
Wapello,	335 00	15 00	335 00	15 00	*1,500 00	3,627	968 40.0	1,318 40.9
Warren,	75 00	5 00	75 00	5 00	1,600 04	306	81 70.2	161 70.2
Washington,	150 00		275 00		64 69	2,137	570 57.9	745 57.9
Wayne,	125 00		50 00		659 91	174	46 45.8	96 45.8
Winneshiek,	No Report,							
Interest on State Loans.					1,909 57			
	\$9,052 00	\$725 88	8,458 50	\$842 90	\$29,901 52	77,154	20,600 11.8	\$29,901 51.8

REPORT OF THE COMMISSIONER OF THE DESMOINES  
RIVER IMPROVEMENT IN REPLY TO SENATE RES-  
OLUTION, OF 25TH DEC. 1852.

IOWA CITY, December 23d, 1852.

*To the Honorable, the Senate of the State of Iowa:*

Conformably with the resolutions of the Senate, of the 20th instant, and in the absence of the Register, the undersigned has the honor to submit the following

REPORT:

The amount of lands sold out of the Des Moines River Grant, with the amount of money received therefor, is stated, precisely, in the reports of the Commissioner and Register of Dec. 1, 1851, and Nov. 30, 1852, as follows: On the first page of the report first mentioned, it is stated that "there had been sold, prior to the 10th day of March, 1851," (when the duties of the late Board of Public Works terminated) "188,446.44 acres, for which the sum of \$235,708 81 $\frac{1}{2}$  had been received."

On page 42 of the same report, it is shewn, by the Register's account, that the sales made by him between March 10, 1851, and the date of that Report, (Dec. 1, 1851,) amounted to 17,115.47 acres, for which the sum of \$21,604 33 $\frac{1}{4}$  was received. And by the Register's account, embraced in the report of November 30, 1852, it appears that he sold, from Dec. 1, 1851, to that date inclusive, 33,256.40 acres, and received therefor the sum of \$42,010 49.

Aggregating the amounts above named, and it gives, for the number of acres sold out of the Des Moines River Grant, up to December 1st, 1852, 238,838.31; and, the sum of money received therefor, \$299,323 64.

In reference to the second branch of the Senate's first resolution, as to "the amount of money paid out," and "specifying the items, particularly so in regard to the amount which is not accounted for in their (the Commissioner's and Register's) report of the — day of —"



1852," the undersigned begs leave respectfully to say; that all the moneys that have come into his hands—save the small balance reported on hand, October 31, and since disbursed—are accounted for, in his account, embraced in that report, under separate and distinct heads, as fully as it is possible to do it, without naming every item, down to a dollar, or even less, paid out on vouchers, or charged upon the books, which would make quite a voluminous statement. This cannot be done either, without a minute reference to such books and vouchers, which are not here, but in the office of the Commissioner. A perusal of the account of the undersigned, which was not printed for the use of the Senate, at the time of the adoption of its resolution, will, moreover, it is believed, give the information desired, to its fullest extent.

In the statement, on pages 14 and 15 of the report of the Commissioner and Register of the 30th ultimo, in regard to the present "Indebtedness of the Work," &c., the last item embraced therein, is in these words: "On all other items, not above enumerated, *estimated at, say, \$3,017 25.* This is at best but an approximate estimate, and it may amount to more than the sum named, while, on the other hand, it may turn out to be less. It was stated at a sum supposed, upon a rough calculation, to be sufficient to cover the items not particularly enumerated. There are various accounts and claims against the works, for materials furnished and labor performed, ranging over a thousand dollars in amount, down to less than five hundred dollars, which remain unpaid, either in whole or in part, and some of them even unrepresented for payment, for the reason that there has not been, as was well known, money on hand sufficient to pay them all.

Two of the principal items going to make up that mentioned above, as a mere approximate estimate, are now particularly remembered, and which, it is supposed, may amount, in the aggregate, to over two thousand dollars; to-wit, iron of various kinds furnished for dams and locks, and balanes due for building lock gates at Croton, and Bentsport. Besides these, there are very many other items, of smaller amounts, for materials and labor, as already stated, down perhaps to under five dollars, and which it is impossible to ascertain precisely, until they are presented for payment.

In regard to the information called for in the second resolution of the Senate, as to the "amount of work done on said work, and the amount of materials collected," &c., that can not be given either, any

more fully than it is furnished in the reports already made, without a particular reference to the books, in the office of the Chief Engineer. Long as is the report of the Commissioner and Register, of the 30th ultimo, to have embraced in it such a statement as is required by the language of the Senate's resolution, would have added very greatly to the length of that report. Moreover the report of the Chief Engineer, which accompanied that of the Board of Public Works, of December 2, 1850, contains a statement of what had been done upon the work prior to that time; as those from the same source—embraced in the reports of the Commissioner and Register, of December 1, 1851, and Nov. 30, 1852—do of what has been done since. If these shall be deemed insufficient, when laid before the Senate, a further report from the Chief Engineer, to embrace the whole matter, may be required for that purpose.

It may be mentioned here that when the undersigned became connected with the Improvement, in March 1851, work had been done on the canal below St. Francisville, amounting to nearly \$140,000; which portion of the Improvement has been permitted to remain in the condition in which it was found.

Damages, however, amounting to very nearly \$24,000, have since been recovered, through the action of the Board of Arbitrators—as shown by the report of the Commissioner and Register of December 1, 1851—by the contractors on that portion of the work, embracing the lock and dam at St. Francisville—the amount claimed by them, on that score, being over \$80,000.

The two jobs at Bonaparte and Bentonsport, the one completed, and the other nearly so, have cost an aggregate of probably \$80,000. Besides these two points, there are five others, where a great deal has been done upon the works; to-wit, at Croton, where the lock and lock gates, with substantial piers above and below; an ice breaker; side walls; and a slope wall to protect the bank; have all been completed; as will be found fully described in the report of the Chief Engineer; and the materials for the dam (stone and timbers) all gotten out, and delivered—thus requiring merely the putting in of the dam to complete the job; again, at St. Francisville, where the materials are very nearly, if not quite, all delivered; the stone for the lock dressed; and a large amount of the labor has been expended in preparing the the lock pit and dam foundations; and again Belfast; Plymouth; and Keosauqua; where quarries have been opened, and a large portion of

the materials required, delivered upon the ground. But for the commencement of the canal below St. Francisville, the dams and locks from that point to Keosauqua, both inclusive, might, it is confidently believed, have been now completed. The commencement of that part of the work was,—as is understood to be maintained by the first Board of Public Works of the State—in compliance with the provisions of the law under which they acted.

The draft (No. 19) drawn by the undersigned on the Register, Nov. 25th, as shown by the account of the latter, was to meet a payment for the work done at Bentonsport, and thus applied; while the balance reported by the Register, as remaining in his hands on the 30th ult.—the date of the last report—it may be proper here to remark, has since that date been drawn for by the undersigned, and immediately sent for disbursement, by an agent, to Keokuk, and points on the line of the work, among the score or two of persons to whom it was due. All of which is respectfully submitted.

V. P. VAN ANTWERP,

Com'r Des Moines River Imp't.



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