

*Widener*

*In loc. 1.10*

**JOURNAL**



OF THE

**SENATE,**

OF THE

**STATE OF IOWA,**

**AT THE SPECIAL SESSION.**

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

---

IOWA CITY.  
P. MORIARTY, STATE PRINTER.  
.....  
**1856.**

**JOURNAL**

OF THE

**SENATE,**

OF THE

**STATE OF IOWA,**

**AT THE SPECIAL SESSION,**

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

---

IOWA CITY.  
P. MORIARTY, STATE PRINTER.  
.....  
**1856.**

---

PRINTED AT THE  
***IOWA CITY JOB OFFICE,***  
BY CRUM & BOYE,  
**IOWA CITY.**

---

# SENATE CHAMBER.

---

IOWA CITY, IOWA, WEDNESDAY, JULY 2, 1856.

This being the day designated by his Excellency, JAMES W. GRIMES, Governor of the State of Iowa, in his Proclamation, of which the annexed is a true copy.

## PROCLAMATION.

BY THE GOVERNOR.

WHEREAS, it is believed that subjects of vital importance to the State of Iowa, demand *immediate* legislative action:

Therefore, I, JAMES W. GRIMES, Governor of said State, by virtue of the authority in me vested, do hereby convene the General Assembly of said State, in Special Session, to be begun and held at Iowa City, on Wednesday, the second day of July next, at two o'clock in the afternoon of said day.

In testimony whereof, I have hereunto set my hand, and [SS.] caused to be hereto affixed the great seal of the State of Iowa.  
Done at Iowa City, this third day of June, 1856.

JAMES W. GRIMES.

By the Governor.

GEO. W. McCLEARY, Sec'y of State.

And the hour of two o'clock of said day having arrived,

The Senate was called to order by the Hon. W. F. Coolbaugh, of Desmoines; upon whose motion,

Hon. W. W. Hamilton was appointed President, *pro tem.*

The roll being called by P. B. Bradley, Assistant Secretary of

the Senate, at the last session, it appeared that the following members were present, namely:

Messrs. Anderson, Birge, Browning, Cleaver, Coolbaugh, Fulton, Hamilton, Hillis, Hogan, Jordan, Lucas, Matthews, McAchran, McCrary, McCullough, Needham, Ramsey, Schramm, Thurston, Udell, Workman, and Fisher.

On motion of Mr. Browning,

Mr. Fisher was unanimously elected President.

Whereupon the President appointed Messrs. Browning and Coolbaugh to escort the President elect to the Chair.

The President, upon taking the Chair, addressed the Senate in substance as follows:

SENATORS:

For the evidence of esteem and confidence, exhibited by your re-electing me with so much unanimity, to be President of the Senate, I return you my most sincere acknowledgements, and I will endeavor to manifest my gratitude by striving to discharge with fidelity and impartiality, the duties to which you have called me. The justice of Congress has, at length realized our hopes, and furnished us with means of developing the resources of the State, promoting its settlement and hastening forward its destiny. I congratulate you, Senators, that, in addition to the acts of public usefulness and philanthropy, which have already distinguished your legislation, now, you have an opportunity of connecting your names with the great system of public improvements which will speedily unite with iron bands the Mississippi and the Missouri, and cover with an enterprising and happy people the magnificent plains of this, our American Mesopotamia, compared with which the renowned Mesopotamia of the Tigris and Euphrates is a barren strand and pestilential waste.

On motion of Mr. Fulton,

P. B. Bradley was elected Secretary.

On motion of Mr. Udell,

William Tomlinson was elected Assistant Secretary.

On motion of Mr. Jordon,

James Trimble was elected Sergeant-at-arms.

On motion of Mr. Workman,

F. Connolly was elected Doorkeeper.

On motion of Mr. Matthews,

F. M. Thompson was elected Messenger.

On motion of Mr. Workman,  
John W. Templin, and John M. Peck were elected Assistant Messengers.

On motion of Mr. McCulloch,  
A Committee of three, on Credentials, was ordered.

Messrs. McCulloch, Fulton, and Hillis, were appointed said Committee.

On motion of Mr. Schramm,  
Any credentials of new members were referred to said Committee.

On motion of Mr. Workman,  
It was ordered that Editors and Reporters of newspapers, generally, be admitted to seats within the bar of the Senate.

On motion of Mr. Thurston,  
The rules of the last session were adopted for the government of the Senate during the present session.

On motion of Mr. Thurston,  
It was ordered that a Committee of three be appointed to inform the House of Representatives of the permanent organization of the Senate.

Messrs. Thurston, Needham, and Udell, were appointed said Committee.

Mr. Cleaver moved that the Secretary be instructed to furnish each Senator with ten copies of such newspapers published in Iowa City as the Senators might respectively designate.

Mr. Workman moved to amend by striking out "ten" and inserting twenty-five.

The question being on the motion to amend, it was carried.

The vote being now on the resolution as amended, it was adopted.

Mr. Thurston offered the following resolution:

*Resolved*, That the Secretary be instructed and authorized to make such necessary arrangements with the Post Master of Iowa City, concerning the postage of the Senators and officers during the session, as are customary and proper.

The resolution was adopted.

Mr. McCulloch, from the Committee on Credentials, made the following report:

## JOURNAL OF

The Committee on Credentials beg leave to report that they have examined the credentials of D. T. Brigham, and find them correct, and recommend him to his seat as a member of the Senate.

On motion, the report was adopted, and the oath of office was duly administered to Mr. Brigham, whereupon he took his seat as a member of the Senate.

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

THURSDAY, JULY 3, 1856.

Senate met pursuant to adjournment.

On motion of Mr. McCrary,

The Rev. Mr. Shearer was invited to open the Session with prayer, which he did.

A Committee from the House, Consisting of Messrs. Neal, Dorland, and Conkey, was announced, who informed the Senate of the organization of the House, and that they were ready for the transaction of business.

Mr. Thurston offered the following resolution which was adopted:

*Resolved*, That the Secretary of the Senate procure and furnish to the new members of the Senate a copy of the Code, and such other documents as have heretofore been furnished the old members.

Mr. Test, on leave, offered the following resolution:

*Resolved*, That the Secretary of the Senate be authorized to employ some competent person whose duty it shall be to take charge of the Senate Chamber, to keep it clean and well-ventilated, and that such person be allowed the sum of three dollars per day, for his services.

Mr. Ramsey moved to amend by striking out the words "some competent person," and inserting "Doorkeeper," and also to strike out "three dollars per day."

Mr. McCrary moved to refer to a Select Committee of three.

Lost.

Mr. Anderson moved to lay the resolution and pending amendments on the table, which motion was carried.

Mr. McCrary, on leave, offered the following resolution, which was adopted:

*Resolved*, That the Rev. Mr. Shearer be elected Chaplain during the present session.

Mr. Coolbaugh moved to appoint a Committee of three, to act in conjunction with a similar Committee on the part of the House, to wait upon his excellency, the Governor, and inform him of their readiness to receive any communication which he might have to make to the General Assembly.

The motion carried, and,

The President appointed as the committee on the part of the Senate, Messrs. Coolbaugh, Anderson and Cleaver.

The committee retired, and after a short absence returned, and reported that they had discharged their duty, and that the Governor would send in a communication in writing.

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

*Resolved*, That the President of the Senate appoint the usual Standing Committees.

The following Message was received from the House, by Mr. Nourse, Chief Clerk.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has appointed Messrs. Tracy, Williams, and Hyde, a committee on the part of the House to act in conjunction with the committee of the Senate to wait upon the Governor, and inform him of the organization of the House, and receive any communication he may desire to make to the General Assembly.

CHAS. C. NOURSE,

Clerk.

A communication from his excellency, the Governor, by Mr. McCleary, Secretary of State, was received.

And,

Which was read.



*Gentlemen of the Senate,*

*and House of Representatives:*

By an act of Congress, approved May 15th, 1856, there was "granted to the State of Iowa, for the purpose of aiding in the construction of Rail Roads, from Burlington, on the Mississippi river, to a point on the Missouri river, near the mouth of the Platte river; from the city of Davenport via Iowa City and Fort Desmoines, to Council Bluffs; from Lyons city, northwesterly to a point of intersection with the main line of the Iowa Central Air Line Rail Road, near Maquoketa; thence on said main line, running as near as practicable to the forty-second parallel, across the said State, to the Missouri river; from the city of Dubuque, to a point on the Missouri river, near Sioux City, with a branch from the mouth of the Tete Des Morts, to the nearest point on said road, to be completed as soon as the main road is completed to that point, every alternate section of land designated by odd numbers, for six sections in width on each side of said roads."

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

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

sity, that the State take immediate measures to secure the lands granted, by an early compliance with the provisions of the act of Congress, and with the instructions of his Department.

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

1s<sup>t</sup>. Whether or not the State shall accept the grant made under the 15th of May last, and if so,

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

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

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

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

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

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

The introduction of Rail Roads within the State has rendered necessary an act more clearly defining the rights, duties and liabilities of railway companies. The law should declare that where *death* is caused through negligence or misconduct of the agents or servants of such companies, the same remedies shall be open in a suit at law, as for like injuries to the person resulting in disability and not in death. Among other things, the speed of trains passing through cities, and villages and across highways, should be regu-

lated by law, and the disasters that have occurred in a neighboring State, have admonished us of the necessity for a law, prohibiting a company from carrying passengers over a new road, until it has first been examined and pronounced safe by a competent and disinterested Board of Engineers. It is evidently as much the duty of the State to protect the lives and safety of the citizens from accidents, resulting from carelessness, misconduct or cupidity, as from open and premeditated violence.

In the month of August, 1855, the workshops, attached to the State Penitentiary, were consumed by fire. The Inspectors immediately made arrangements for their speedy re-construction, for which they were compelled to contract an indebtedness against the Institution of about \$2,900 00. Provision should be made for discharging that indebtedness, as well as for the completion of an additional number of cells. The Penitentiary is now crowded with convicts to its utmost capacity.

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

The interest of society require that this great power should be exercised with humanity, but at the same time with the greatest discrimination and caution. Justice to the officer who is compelled to investigate each case presented to him, as well as to the parties more immediately interested, requires that every fact proved upon the trial, should be accessible to him, to the condemned and to the prosecutors. I therefore recommend that the judges of the several District Courts, be required to reduce the evidence given in all criminal cases to writing, to be preserved as a permanent

record in the county where the trial was held;—and that before any application shall be made to the Governor for pardon, a notice of the time and place, when and where the application will be presented, shall be served upon the Prosecuting Attorney of the county where the offence was committed.

It is to be regretted that the joint resolutions, passed by the House of Representatives, at each of its two last sessions, authorizing a revision, by a Board of Commissioners, of the laws in relation to schools and school lands, failed to receive the approval of the Senate. No one, who gives the subject a moment's consideration, can doubt the necessity for a thorough revision of the whole subject. With a large and constantly increasing school fund, our school system is without unity and efficiency, and is, in my conviction, discreditable to the State. It reaches so many interests, it runs into so many details, and it is so important in its influences, that it seems to me impossible for the General Assembly to perfect the necessary amendments and reduce them to a harmonious system, in the limited period of fifty days—and I, therefore, recommend that three competent persons be selected to revise all the laws on the subject, and submit their revision to the next General Assembly. Should you, however, not deem this advisable, I then submit, that it is expedient at once to divest the Superintendent of Public Instruction of all control over and responsibility for the school money and school lands. When his office was created, it was never contemplated that the Superintendent should be burdened with the custody of public monies, with the sale of public lands, and with the revision of the acts of eighty School Fund Commissioners. It was designed that he should have charge of the instruction of the State and not of the money of the State; it was intended that he should keep alive the public interest on the subject of education; that he should hold teachers' institutes in the several counties; that he should determine the text books to be used in the public schools, and that he should settle all appeals growing out of the management of the numerous districts. The *legitimate* duties of a Superintendent are sufficiently onerous to engage the attention of one man.

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

A contract was made between the agents of the State and a com-

pany of gentlemen for the prosecution of the work, by which the navigation of the river was to be completed in the year 1858, and for which the company were to receive Des Moines river lands at \$1,25 per acre. It is reported that this contract has been materially changed during the past year, but by what authority and in what manner, I am not informed. Although the grant to the State has never been finally adjusted by the Department at Washington, yet certificates have been issued to the company by the State officers connected with the improvement, to the effect that the company is entitled to about 200,000 acres of land along the river, which lands the company now proposes to sell. I am informed that many of the tracts, described in these certificates, are claimed by the State as school lands, and that many others have been already sold and patented by the General Government to actual residents thereon. It will be seen that the issuance of these certificates will entail great trouble, and perhaps litigation, upon individuals and upon the State, and no more should be allowed to issue until the grant is finally adjusted by the Secretary of the Interior, and the title vested in the State.

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

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

free labor, free soil and a free press in that territory, and in the councils of the nation.

JAMES W. GRIMES.

IOWA CITY, JULY 3RD, 1856.

On motion of Mr. McCulloch, was

Laid on the table, and,

Five thousand copies ordered to be printed for the use of the Senate.

Mr. Thurston moved to print five thousand copies of the Act of Congress referred to in the communication of the Governor, granting lands to the State of Iowa for Railroads.

[THE FOLLOWING IS THE ACT REFERRED TO.]

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

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

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

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

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

SEC. 4. *And be it further enacted*, That the lands hereby grant

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

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

Mr. Hamilton moved to strike out "five thousand," and insert two thousand.

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

The question being on striking out five thousand, was decided in the negative.

The question recurring on the original resolution, it was adopted.

On motion of Mr. Cleaver,

The Senate adjourned until two o'clock this afternoon.

---

TWO O'CLOCK, P. M.

Mr. Coolbaugh moved to refer so much of the Governor's Message as relates to the grant of lands by Congress for the construction of Railroads to a select committee of seven.

Mr. Thurston moved to amend by inserting ten.



Which motion was lost.

The resolution was then adopted.

Senators Coolbaugh, Fulton, Test, Matthews, Hamilton, Brigham, and Hillis, were appointed said committee.

The President offered a communication from Henry Farnam, as follows:

HON. M. L. FISHER,

*President of the Senate,*

DEAR SIR:—Understanding that the Senate is to adjourn over the 4th, I would extend an invitation to the members and officers, in behalf of the Mississippi and Missouri, and the Chicago and Rock Island Railroad Companies to ride over their Roads to Chicago, and return.

The trains leave here at half-past 3, this afternoon, and Rock Island at 9, this evening, arriving at Chicago at 5, to-morrow morning.

Will you communicate this to the Senate?

Very respectfully yours,

HENRY FARNAM.

Iowa City, July 3, 1856.

Which was read.

On motion of Mr. Coolbaugh,

The Senate accepted the kind invitation of Mr. Farnam.

Mr. Coolbaugh moved that when the Senate adjourn, it adjourn until Monday next, at 10 o'clock, A. M.

Which motion was lost.

Mr. Test moved that when the Senate adjourn, it adjourn until Saturday next, at 2 o'clock, P. M.

Which was decided in the affirmative.

Mr. Hamilton offered the following resolutions:

*Resolved,* That the Senate has heard with profound regret, the death of the Hon. John G. Shields, late a member of this body, from the county of Dubuque.

*Resolved,* That in his death, the Senate has lost a useful and valuable member; and at a time when his services were particularly needed. Taken away in the prime of life, and in the midst of his usefulness, the remembrance of his past services, and of his uni-

form kindness of demeanor, and of his habitual honesty and integrity, will be long and affectionately remembered by us.

*Resolved*, That in view of this saddening event, the members of the Senate will wear the usual badge of mourning, during the session.

Which were read, and,  
On motion of Mr. Browning,  
Unanimously adopted.  
On motion,  
The Senate adjourned.

---

SATURDAY, JULY 5th, 1856.

There being no quorum present,  
On motion of Mr. Birge,  
The Senate adjourned until Monday morning at ten o'clock.

---

MONDAY, JULY 7th, 1856.

Senate met pursuant to adjournment.  
Prayer by the Rev. F. A. Shearer.  
The President announced the standing committees as follows:

WAYS AND MEANS.

Senators Preston, Hillis, Coolbaugh, Saunders and Brigham.

## JUDICIARY.

Senators Browning, Preston, Hamilton, Test and Anderson.

## FEDERAL RELATIONS.

Senators Udell, *McAchrán*, Coop, Wilkinson and Schramm.

## INTERNAL IMPROVEMENTS.

Senators Coolbaugh, Park, Thurston, *Mathews* and Jordan.

## MILITARY AFFAIRS.

Senators Ramsey, Needham, Birge, Fulton and Cleaver.

## SCHOOLS.

Senators Brigham, Browning, Clark, Anderson and Udell.

## ROADS.

Senators Lucas, Park, McCulloch, Fulton and Hogan.

## ELECTION.

Senators Test, Needham, Udell, Saunders and Ramsey.

## ENROLLED BILLS.

Senators *Mathews* and Thurston.

## ENGROSSED BILLS.

Senators Schramm and Workman.

## AGRICULTURE.

Senators Coop, *McCrary*, Jordan, Hillis and McCulloch.

## COUNTY BOUNDARIES.

Senators Thurston, Hogan, Jordan, Wilkinson and *Mathews*.

## INCORPORATIONS.

Senators Birge, Saunders, Clark, Anderson and McCulloch.

## NEW COUNTIES.

Senators Workman, Fulton, Lucas, Schramm and Cleaver.

## CLAIMS.

Senators *McAchrán*, Cleaver, Schramm Birge and Ramsey.

PUBLIC BUILDINGS.

Senators Needham, Thurston, Cleaver and Coolbaugh.

PUBLIC LANDS.

Senators Hamilton, Lucas, Park, Coop and Workman.

CHARITABLE INSTITUTIONS.

Senators Saunders, Browning, Ramsey, McCrary and Hamilton.

STATE LIBRARY.

Senators Clark, McAchran, Hogan, McCrary and Brigham.

Mr. Udell offered the following resolution:

*Resolved*, That the Secretary of the Senate be instructed to furnish each member of the Senate with a sectional map of Iowa.

Which was adopted.

Mr. Thurston gave notice that he would on to-morrow or some day thereafter, ask leave to introduce a bill,

For an act repealing chapter forty-five of the laws of the last session;

Also,

A memorial to Congress to change the conditions of the present Rail Road grant to the State.

On motion of Mr. Fulton,

The message of the Governor was taken from the table;

And,

That portion of the same relating to the payment of the State Bonds of 1846, referred to the Committee on Ways and Means.

On motion of Mr. Thurston,

So much of the message as relates to the Penitentiary was referred to a select committee of three.

The President appointed Senators Thurston, Preston and McCrary said committee.

On motion of Mr. Fulton,

So much of the message as relates to arms furnished the State by the General Government, was referred to the Committee on Military Affairs.

Mr. Coop offered the following resolution:

*Resolved*, That a committee of three be appointed by the President, to act in conjunction with a like committee of the House of Representatives upon so much of the Governor's message as relates

to the Des Moines River Improvement; and that such joint committee have power of investigation and of conference with the officers of the Des Moines Navigation and Rail Road Company, and report as soon as practicable what Legislative action the interests of the State demand in the premises.

Which was adopted.

The President appointed Senators Brigham, Needham and Coop said committee.

On motion of Mr. Needham,

That part of the Governor's message relating to schools, was referred to the Committee on Schools;

And also,

On his motion,

That portion of the message which relates to the taking of evidence in criminal cases was referred to the Committee on the Judiciary.

Mr. Lucas offered the following:

*Resolved*, That five more Senators be added to the select committee, to which was referred so much of the Governor's message as relates to Rail Roads, so that the interest of the whole State may be more fairly represented.

Upon the adoption of which the yeas and nays, being demanded, were ordered, and were as follows:

YEAS—Senators Birge, Brigham, Cleaver, Hillis, Hogan, Lusas, McCachran, McCrary McCulloch, Schramm, Thurston and Udell—12

NAYS—Senators Anderson, Browning, Coolbaugh, Coop, Fulton, Hamilton, Jordan, Mathews, Needham, Preston, Ramsey, Saunders, Workman and Mr. President—14.

The resolution was not adopted.

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

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has appointed a committee of thirteen, to act upon the part of the House in conjunction with a committee, which the Senate may appoint, for the purpose of considering so much of the Governor's message as relates to Rail Roads and Rail Road Grants. Said committee consists of Messrs. Samuels, Hamilton, Edie, Williams,

Holmes, of Jones, Hyde, Tracy, McCrory, Neal, Neely, Richman, Turner and Yeoman.

CHAS. C. NOURSE,  
Clerk of House of Rep.

MR. PRESIDENT:

I am directed to inform the Senate that the House adopted the following joint resolution, and ask the concurrence of the Senate therein:

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

CHAS. C. NOURSE,  
Clerk of House of Rep.

On motion of Mr. Coolbaugh,

It was ordered that the select committee of seven, to whom was referred that portion of the Governor's message relating to a grant of lands for Rail Road purposes, act conjointly with the House committee on that subject.

Mr. Hamilton offered the following:

*Resolved*, That the Superintendent of Public Instruction be, and he is, hereby requested to report to this House, whether or not the amount of the five per cent. fund, arising from the sale of the public lands, for the fiscal year, ending June, 1854, has been received by him; and if so, whether the same has been distributed among the different counties; to what counties; in what amounts, and whether any of said fund yet remains in his hand; also, that he reports the amount of same fund, if any, that has come into his hands since the close of the fiscal year, ending June, 1854; whether or not the same, or any part thereof, has been distributed among the different counties; and if so, when; to what counties; what amount to each, and what amount still remains in his hands; also, that he reports whether said fund, or any part thereof, has been deposited with any Bank, Banker, or other persons, in or out of the State; and if so, to whom, what amount, and on what conditions; whether any portion of said fund has been loaned by said Superintendent; and if so, when and to whom; what amount's, at what interest, in what county, and by what authority.

Which was adopted.

The following communication was received from the Rev. F. A. Shearer :

IOWA CITY, July 7th, 1856.

DEAR SIR—Your complimentary note of the fifth inst., containing the resolution of the Senate, by which I am invited to act as Chaplain, during the present session, is at hand. Please tender to the Gentlemen of the Senate, my sincere thanks for this special and renewed favor, together with the assurance that it will afford me much pleasure to meet with them every morning, and officiate in the capacity designated, according to the best of my ability.

I have the honor to be

Yours Respectfully, &c.,

F. A. SHEARER.

HON. P. B. BRADLEY, Secretary of Senate.

Mr. Preston, by unanimous consent, introduced Senate File No. 1; a bill,

For an act accepting certain lands, granted to the State of Iowa, to aid in the construction of certain Rail Roads in said State.

Which was read a first and second time.

Mr. Thurston moved

That the bill be laid upon the table; and

Upon this question the yeas and nays being demanded, were ordered, and were as follows :

YEAS—Senators Birge, Brigham, Cleaver, Hillis, Hogan, Lucas, McAchran, McCrary, McCulloch, Schramm, Thurston and U-dell—12.

NAYS—Senators Anderson, Browning, Coolbaugh, Coop, Fulton, Hamilton, Jordan, Mathews, Needham, Preston, Ramsey, Saunders, Workman and Mr. President—14.

The motion was lost.

Mr. Brigham moved

That the bill be referred to the Committee on Internal Improvements, with instructions to report to-morrow morning.

Mr. McAchran moved

That the bill be laid upon the table, and made the special order for Thursday next; and,

Upon this question the yeas and nays were demanded, and were as follows :

**YEAS**—Senators Birge, Brigham, Lucas, McAchran, McCulloch, Thurston and Udell—7

**NAYS**—Senators Anderson, Browning, Cleaver, Coolbaugh, Coop, Fulton, Hamilton, Hillis, Hogan, Jordan, Mathews, McCrary, Needham, Preston, Ramsey, Saunders, Schramm, Workman and Mr. President—19.

The motion was lost.

The question recurring on the motion to refer to the Committee on Internal Improvements, with instruction, was decided in the affirmative, and the bill so referred.

Mr. Saunders, by unanimous consent, introduced Senate File, No. 2, a bill,

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

Which was read a first and second time ; and,

On motion of Mr. Needham,

Referred to the committee on Charitable Institutions, with instruction to report to-morrow morning.

Mr. Preston, by unanimous consent, introduced Senate File No. 3, a bill,

For an act to locate the county seat of Cerro Gordo County.

Which was read a first and second time.

Mr. McCrary moved to lay the bill on the table.

Which was lost.

On motion of Mr. Preston,

The bill was then referred to the Committee on New Counties.

Mr. Fulton asked the unanimous consent of the Senate, to introduce a bill,

For an act creating the Eleventh Judicial District.

Which consent was refused.

Mr. Hillis gave notice that he would on to-morrow, or some future day, ask leave to introduce a bill,

For an act to create the Eleventh Judicial District.

On motion of Mr. Hamilton,

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



TWO O'CLOCK, *P. M.*

On motion of Mr. Schramm,

The message from the House, on the subject of the adjournment was taken from the table.

Mr. Schramm moved

That the Senate concur in the resolution passed by the House to adjourn on Monday the 14th inst.

On motion of Mr. Birge,

The resolution was laid on the table.

On motion of Mr. Preston,

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

TUESDAY MORNING, JULY 8, 1856.

Senate met pursuant to adjournment.

Prayer by the Rev. F. A. Shearer.

Mr. Test moved that the Senate adjourn until 2 o'clock, *P. M.*

Which was lost.

Mr. Jordan, on leave, presented the petition of Samuel H. Elbert, and seventeen others, Attorneys in the 5th Judicial District.

Also,

The petition of H. J. Skiff, and six others, Attorneys of Jasper county, asking for the establishment of a new Judicial District, to be called the 11th Judicial District.

Which was read, and,

On his motion,

Referred to the Committee on the Judiciary.

Mr. Cleaver gave notice,

That he would on to-morrow, or some subsequent day, ask leave to introduce a bill,

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

Mr. McCrary gave notice,

That he would on to-morrow, or some subsequent day, ask leave to introduce a bill,

For an Act to amend the Charter of the town of Bentonsport.

Mr. Thurston, from the Select Committee, to whom was referred so much of the Governor's message as relates to the Penitentiary, reported.

Senate File No. 4; a bill for an Act for an appropriation for the Penitentiary, which was read a first and second time.

On motion of Mr. Preston,

The bill was laid on the table, subject to the order of the Senate.

Mr. Sanders, from the Committee on Charitable Institutions, to whom was referred,

Senate File No. 2; a bill,

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

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

On motion of Mr. Preston,

The bill was laid on the table.

Mr. Thurston, in pursuance of previous notice, leave being granted, introduced

Senate File No. 5; a bill for an Act to repeal an Act for the suppression of intemperance; which was read a first and second time.

Mr. Workman moved to refer the bill to a Select Committee of five.

Mr. Anderson moved to lay the bill on the table,

Which was decided in the affirmative.

Mr. Workman, from the Committee on New Counties, to whom was referred,

Senate File No. 3; a bill,

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

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

On motion of Mr. Ramsey,

The bill was laid on the table.

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

---

TWO O'CLOCK, *P. M.*

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

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following bills, in which they ask the concurrence of the Senate.

House File No. 1; joint resolution and memorial to Congress, relating to swamp lands.

Also,

House File No. 2; a bill for an Act to amend chapter 139 of the Laws of the Fifth General Assembly.

Also,

House File No. 3; a bill for an Act to amend the town Charter of the town of Ft. Madison.

Also,

House File No. 5; a bill for an Act to amend an Act fixing the terms of the Courts in the several Judicial Districts.

Also,

House File No. 6; a bill for an Act to amend an Act to dispose of the swamp and overflowed lands, &c., approved February 2, A. D. 1853,

CHARLES C. NOURSE,  
Clerk House Rep.

Message from the House was taken up for consideration.

H. R. File No. 1; memorial and joint resolution, which was read a first and second time, and,

On motion of Mr. Preston,

Laid on the table.

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

For an Act to amend chapter 139 of the Laws of the State of Iowa, passed at the regular session of the Fifth General Assembly, was read a first and second time, and,

There being no objection, was ordered to a third reading to-morrow.

H. R. File No. 3; a bill,

For an Act to amend section 1st of an Act to amend the Charter of the town of Ft. Madison, approved January 22d, 1855, was read a first and second time, and,

On motion of Mr. McCulloch,

Referred to the delegation from Lee county.

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

For an Act to amend an Act fixing the boundaries of the several Judicial Districts, and the time of holding Courts therein, which was read a first and second time, and,

No objection being made, was ordered to a third reading to-morrow.

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

For an Act to amend an Act entitled an Act to dispose of the swamp and overflowed lands within this State, and to pay the expenses of selecting and surveying the same, approved February 2d, 1853, which was read a first and second time, and,

On motion of Mr. Preston,

The further consideration of the same was indefinitely postponed.

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

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has appointed Messrs. Creamer, Creel, Baldwin, Corse, and Neal, a committee upon the part of the House, to act in conjunction with a committee upon the part of the Senate, to consider so much of the Governor's message as refers to the Des Moines River Improvement, and that they have power to investigate said matters, confer with the officers of said improvement, and report as soon as practicable, what legislation the interest of the State demands, in the premises.

CHARLES C. NOURSE,  
Clerk of House of Rep.

**MR. PRESIDENT:**

I am directed by the House to inform the Senate that the House has passed the following bills, in which they ask the concurrence of the Senate.

House File No. 4; a bill,

For an Act to amend the Charter of the city of Keokuk,

Also,

House File No. 7; joint resolution and memorial to Congress, to extend the boundary line of the State of Iowa.

Also,

House File No. 8; an Act to legalize the acts of certain Assessors in Howard county, Iowa.

CHARLES C. NOURSE,  
Clerk of House of Rep.

H. R. File No. 4; a bill,

For an Act to amend the Charter of the City of Keokuk, which was read a first and second time, and,

On motion of Mr. Thurston,

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

H. R. File No. 7; memorial and joint resolution for the extension of the Western boundary line of the State of Iowa, to the Missouri River, which was read a first and second time, and,

There being no objection, was ordered to a third reading tomorrow.

H. R. File No. 8; a bill,

For an Act to legalize the official acts of Township Assessors, in Howard county, Iowa, was read a first and second time, and,

On motion of Mr. Thurston,

Laid on the table.

Mr. McCrary, on leave, introduced,

Senate File No. 6; a bill,

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

On his motion,

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

Mr. McAchran, on leave, presented certain bills against the State, which were,

On his motion,

Referred to the Committee on Claims.

On motion of Mr. Ramsey,

Senate File No. 3; a bill,

For an Act to locate the county seat of Cerro Gordo county, was taken from the table, and,

On his motion,

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

On motion of Mr. Ramsey,

The Senate adjourned until 8 o'clock, to-morrow morning.

### WEDNESDAY MORNING, JULY 9, 1856.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Lucas presented the petition of R. V. Boggess, and forty six other citizens of Fremont county, Iowa, asking for the appointment of a Commissioner to locate a State road therein named, and,

On his motion,

The reading of the same was dispensed with, and,

The petition referred to the Committee on Roads.

H. R. File No. 2; an Act to amend chapter 139 of the Laws of the State of Iowa, passed at the regular session of the Fifth General Assembly, which was read a third time, passed and its title agreed to.

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

For an Act to amend an Act fixing the boundaries of the several Judicial Districts, and the time of holding Courts therein, was read a third time, passed and its title agreed to.

H. R. File No. 7; memorial and joint resolution for the extension

of the Western boundary line of the State of Iowa, to the Missouri river, was read a third time, passed, and its title agreed to.

Senate File No. 3; a bill,

For an Act to locate the county seat of Cerro Gordo county, was read a third time, passed, and its title agreed to.

Mr. Udell, by unanimous consent, introduced Senate File No. 7; a bill,

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

On his motion,

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

Mr. Mathews, by unanimous consent, introduced Senate File No. 8; a bill,

For an Act to amend an Act to incorporate the city of Lyons, approved January 24th, 1855, which was read a first and second time, and,

On his motion,

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

Mr. Thurston, from the Select Committee, to whom was referred H. R. File No. 3, reported the same back, with one amendment, which was concurred in by the Senate, and the bill was read a third time, passed and its title agreed to.

Mr. Cleaver, by unanimous consent, introduced Senate File No. 9; a bill,

For an Act to incorporate the City of Wapello, in Louisa County, which was read a first and second time, and,

On his motion,

Was referred to a Select Committee of three, with instructions to report to-morrow morning.

The President appointed Senators Cleaver, Hamilton, and Hillis, said Committee.

Mr. Hillis, by unanimous consent, introduced Senate File No. 10; a bill,

For an Act to create the 11th Judicial District, and fixing the boundaries of the same, which was read a first and second time, and,

On his motion,

Referred to the Committee on the Judiciary.

Mr. Fulton gave notice,

That he would on to-morrow, or some subsequent day, ask leave to introduce a bill for an Act creating a Judicial District within the counties of Clinton, Scott, and Muscatine.

Mr. Cleaver, on leave, introduced Senate File No. 11; a bill,

For an Act to vacate an alley in block 14, in the town of Grandview, Louisa county, Iowa, which was read a first and second time, and,

On his motion,

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

On motion of Mr. Thurston, Senate File No. 4; a bill,

For an Act for an appropriation for the Penitentiary, was taken from the table, and,

On his motion,

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

On motion of Mr. Saunders, Senate File No. 2; a bill,

For an Act for a further appropriation for the State Insane Assylum, was taken from the table, and,

On his motion,

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

Mr. Hamilton, on leave, presented,

A memorial and resolutions of a public meeting of the citizens of Dubuque, on the subject of the disposition of a portion of the lands granted to Iowa, to assist in the construction of Railroads, which was read, and,

On his motion,

Referred to the Select Joint Committee on that subject.

On motion of Mr. Birge,

The vote taken yesterday on the indefinite postponement of H. R. File No. 6; a bill,

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

On motion of Mr. Lucas,



Referred to a Select Committee of three.

The President appointed Senators Lucas, Test, and Preston, said committee.

Mr. McAchran, on leave, introduced Senate File No. 12; a bill, For an Act to amend an Act to incorporate the town of Bloomfield, which was read a first and second time, and,

On his motion,

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

On motion of Mr. Thurston, Senate File No. 5; a bill,

For an Act to repeal an Act for the suppression of intemperance, was taken from the table.

Mr. Anderson moved its indefinite postponement, and demanded the yeas and nays on the question.

Mr. Coolbaugh moved a call of the Senate, which was had, and, Senators Clark, Park, and Wilkinson, were absent, and,

On his motion,

Further action under the call was dispensed with.

The question being the indefinite postponement of the bill,

Those who voted in the affirmative were,

Senators Anderson, Cleaver, Fulton, Hillis, Hogan, Jordan, Lucas, Mathews, McAchran, McCrary, Needham, and Saunders—12.

Those who voted in the negative were,

Senators Birge, Brigham, Browning, Coolbaugh, Coop, Hamilton, McCulloch, Preston, Ramsey, Schramm, Test, Thurston, Udell, Workman, and Mr. President—14.

The motion was lost.

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

On this question the yeas and nays being demanded, were ordered, and were as follows:

YEAS—Senators Birge, Brigham, Browning, Coolbaugh, Coop, Hamilton, McCulloch, Preston, Ramsey, Schramm, Test, Thurston, Udell, Workman, and Mr. President—15.

NAYS—Senators Anderson, Cleaver, Fulton, Hillis, Hogan, Jordan, Lucas, Mathews, McAchran, McCrary, Needham, and Saunders—12.

The motion was sustained, and,

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

Mr. Ramsey, on leave, reported from the Committee on Military Affairs, Senate File No. 13; a bill,

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

On motion of Mr. Coop,

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

Mr. Thurston, on leave, introduced Senate File No. 14; a bill,

For an Act to amend an Act regulating the issue of County Corporate Bonds, approved January 25, 1855, so as to exempt the town of Ft. Madison from its operations, which was read a first and second time, and,

On his motion,

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

On motion of Mr. Workman,

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

---

## TWO O'CLOCK, P. M.

The following message was received from the House of Representatives, by Mr. Nourse, Clerk.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House of Representatives has passed the following bills, in which it asks the concurrence of the Senate.

House File No. 10; a bill,

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

Also,

House File No. 11; a bill,

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

Also,

House File No. 13; a bill,

For an Act in relation to the disposition of taxes levied upon the stock of the Mississippi and Missouri Railroad Company.

Also,

House File No. 14; a bill,

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

Also,

House File No. 15;

Joint resolution providing for the payment of certain moneys to the Warden of the Penitentiary.

Also,

House File No. 16; a bill,

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

Also,

House File No. 17; a bill

For an Act to enlarge a School District in Muscatine county, Iowa.

CHARLES C. NOURSE,

Clerk of House of Rep.

The House has also passed,

Senate File No. 6; a bill,

For an Act to amend the town Charter of the town of Bentonsport, which is herewith returned.

CHAS. C. NOURSE,

Clerk of House of Rep.

Mr. Fulton, in pursuance of notice, leave being granted, introduced

Senate File No. — a bill,

For an Act creating the Eleventh Judicial District, which was read a first and second time, and,

On motion of Mr. Preston,

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

H. R. File No. 10;

An Act to amend an Act to incorporate the city of Muscatine, was read a first and second time, and,

On motion of Mr. Wilkinson,

Ordered to be read a third time to-morrow.

H. R. File No. 11, was read a first and second time, and,

On motion of Mr. Ramsey,

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

H. R. File No. 13; a bill,

For an Act in relation to the disposition of taxes levied upon the stock of the Mississippi and Missouri Railroad Company, was read a first and second time, and,

On motion of Mr. Fulton,

Was referred to the Senators representing Scott, Muscatine and Johnson counties.

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

For an Act to provide for the necessary expense of the District Court, held at Keokuk, in Lee county, which was read a first and second time.

On motion of Mr. McCulloch,

The second section of the bill was amended, by striking out the word "passage," and adding to the section the words, "publication in the Iowa Reporter, and Keokuk Times."

On motion of Mr. McCulloch,

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

H. R. File No. 15;

Joint resolution in relation to paying over money for the use of the Iowa Penitentiary, was read a first and second time, and,

On motion of Mr. Schramm,

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

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

For an Act to incorporate the city of Mt. Pleasant, was read a first and second time, and,

On motion of Mr. Hamilton,

Referred to the Committee on Incorporations.

H. R. File No. 17; a bill,

For an Act to enlarge School District No. 2, in Bloomington township, Muscatine county, Iowa, which was read the first time.

Mr. Hamilton moved that the bill be rejected, which was decided in the affirmative.

On motion of Mr. Udell,

H. R. File No. 1;

Memorial and joint resolution, was taken from the table.

On motion of Mr. Ramsey,

The Senate resolved itself into Committee of the Whole, for its consideration.

Mr. Needham in the Chair,

And after a short time spent therein, the Committee rose, and recommended through their Chairman its passage.

Mr. Fulton moved that it be referred to the Committee on the Judiciary.

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

YEAS—Senators Anderson, Brigham, Browning, Coop, Fulton, Hamilton, Hillis, Jordan, Mathews, McAchran, McCrary, Preston, Ramsey, Saunders, Wilkinson, and Mr. President—16.

NAYS—Senators Birge, Cleaver, Coolbaugh, Hogan, Lucas, McCulloch, Needham, Schramm, Test, Thurston, Udell, and Mr. Workman—12.

So the memorial was referred.

Mr. Coolbaugh offered the following, which was adopted:

*Resolved*, That the State Treasurer be requested to inform the Senate what amount of funds, if any, there is in the State Treasury.

Mr. Birge, on leave, introduced

A memorial from the Directors of the Great North Western Railroad Company, which was read, and,

On his motion,

Referred to the Select Joint Committee on that subject.

Mr. Hamilton, on leave, offered the following, which was adopted:

*Resolved*, That the Governor be respectfully requested to inform the Senate what action has been had, if any, by the Commissioners appointed in pursuance of an Act entitled an Act to authorize the

appointment of Commissioners to settle with State officers, and others, approved January 24, 1855.

Mr. Coolbaugh, from the Select Joint Committee on the subject of the Railroad Grant, on leave,

Reported that the Committee had discharged the duty assigned them, that the report would be first made to the House, by the Chairman, and that printed copies of the bill would be laid on the desks of Senators, in the morning.

Mr. Coolbaugh then moved that said bill be made the special order of the Senate at 10 o'clock to-morrow morning, which was adopted.

On motion of Mr. Ramsey,  
The Senate adjourned until to-morrow morning, 9 o'clock.

---

THURSDAY, JULY 10, 1856.

Prayer by the Rev. Mr. Shearer.

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

MR. PRESIDENT:

I am directed by the House to inform the Senate, that the House of Representatives has passed the following bills, in which they ask the concurrence of the Senate.

House File No. 21, a bill,

For an act to appoint Commissioners to revise the school laws of Iowa.

I herewith return Senate File No. 3, a bill,

For an act to locate the county seat of Cerro Gordo county;

Also,

Senate File No. 8, a bill,

For an act to amend an act to incorporate the City of Lyons;

Also,

Senate File No. 12, a bill,

For an act to incorporate the town of Bloomfield.

The House having passed said bills without amendment.

I also return herewith Senate File, No. 7, a bill,

For an act authorizing the Register of the State Land Office, to close the Saline grant.

Which has passed the House with an amendment, in which they ask the concurrence of the Senate.

CHARLES C. NOURSE,

Clerk of House of Rep.

The President laid before the Senate a memorial from Donald Mann, concerning abuses in the Demoiné Navigation and Rail Road Company.

Which was read.

*To the General Assembly of the State of Iowa :*

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

The 680th section of the Code of Iowa, as well as the Charter of Incorporation, has been violated by the managers of the “Demoiné Company,” in this among other particulars:—Their Charter of Incorporation declares that “the officers and persons who shall conduct the affairs of the Company, shall be the President and Board of Directors;” yet those managers have, by their By-Laws, and in practice, transferred to an “Executive Committee” of five persons all the powers of the Board of Directors, without giving the public notice required by the Code of Iowa; the Code declaring that no change in the provisions of the Charter shall be legal, unless published formally in the same manner as the Charter was originally published. An examination of the proceedings of this “Executive Committee,” under the authority of the Legislature or the Courts, will show that this *unpublished* and *illegal* change in the management of the Company was influenced by no such “*honest* purpose” as is contemplated by the Code of Iowa,

The 683th section of the Code has been violated for more than two years, notwithstanding the attention of the managers of the Company has been repeatedly called to the matter by certain officers of the State of Iowa, and by some of the Directors of the Company, as must appear by the records and correspondence of the Company. That section requires that

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

There never has been *any* “statement” exhibited, notwithstanding this requirement of the Code, and the managers of the Company refrain from making such “statement,” for the purpose of “deceiving the public and individuals in relation to their means;” inasmuch as the Company represent to “the public and individuals,” that there has been paid into their treasury “enormous sums of money” on account of stock sold—say seven or eight times more money than has been actually received; and the better to accomplish and maintain such deception, the managers (or a majority of them) caused to be issued certificates of stock to the amount, *nominaly*, of \$630,000, or 6,300 shares of \$100, for each of which shares they represent to the “public and individuals” that the holder paid into the Company’s treasury the sum of \$100, amounting in all to \$630,000—when in truth they never received, or expected to receive, but 5 (five) per cent. of that amount. And “the public and individuals” were and are thus grossly “deceived” in regard to the value of the stock, and in regard to the Company’s “means.”

*Still further.* They issued about \$1,470,000, or 14,700 shares of stock, on which the sum of \$20 on each share was “acknowledged to have been paid”—amounting in all to \$314,000—when in truth no such amount had been, or was expected to be, received, there having been only 5 per cent. paid for the stock instead of 20 per cent., and but \$78,500 received, instead of \$314,000, as represented to “the public and to individuals.” Even the “5 per cent. *said to have been paid in* when the Charter or Certificate of Incorporation was issued.”



poration was filed and published at the organization of the Company, was not *actually paid in by some of the managing Directors and members of the Executive Committee for many months after that period*—which state of things prevented the Company, for nearly a year, from paying off the balance of indebtedness, due from the improvement, to its former creditors.

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

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

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

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

A correct “Statement” of the financial operations of the *Managers* of the Demoiné Company, and of the mismanagement of the vast interests of the enterprise under their charge, *would*, were it, (as the law requires,) accessible to and “subject to the inspection of” the people and public officers of Iowa, present such a spectacle

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

Section 687 of the Iowa Code, as well as the charter of the Company, has been violated persistently by certain managers of the Demoiné Company, constituting a majority of the Executive Committee, by collusion with its Treasurer in various ways; of which operations a specimen may be mentioned. The Treasurer, Mr. Alvah Hunt, who gives no security for the safe keeping of the Company's money, and whose duty it was to have deposited the money for safety in the banks designated by the Board of Directors, has, at various times, taken the checks or due bills of members of the Executive Committee for large sums in payment for stock which they bought of the Company, agreeing to pay cash therefor—thus perilling the interests of the stockholders and the people of Iowa in reference to the Demoiné Improvement, by colluding with *some* persons for their and his benefit, to the injury as aforesaid, while *properly* requiring *cash* from others, as it was his duty to do from *all* who were indebted to the Company for stock. By collusion with some of the managers of the Company, the Treasurer has also loaned to members of the Executive Committee, (such as Messrs. Edwin C. Litchfield, Elisha C. Litchfield, and John Styker, who form a majority of the said Committee,) large sums of money

paid in by the "outsiders,") being the largest portion of the funds) that should at the time have been in the deposit banks for safe keeping, to the credit of the Company. These loans, by the Treasurer, to members of the Executive Committee, were corruptly made, without the shadow of authority or legal right, to the great danger of the property of the stockholders and to the detriment of the Demoine Improvement, for the sole profit and benefit of the said Treasurer and members of the Executive Committee.

Thus have the books and accounts of the Demoine Company been falsely kept; and, *in order to avoid exposure*, those books and accounts have *not been kept in the office of the Company as required by law*, and thus have individuals been deceived and subjected to loss in buying the stock of the Company, not being aware of the fraudulent manner in which it was issued, nor of the condition of the Company's finances—a large portion of whatever funds it possessed having been loaned without authority, by collusion between the Treasurer and some other officers of the Company. Soon after the before-mentioned fraudulent issue of stock, the President of the Company and some of the principle Directors, sold large amounts *at par*, to innocent parties, who supposed that the sum specified on the face of the scrip had been *actually paid in* upon it, thus losing 15 or 95 dollars on each share, according as they bought the "full paid" or "20 per cent. stock," so called, both being fraudulent.

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

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

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

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

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

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

All of which is respectfully submitted.

DONALD MANN.

June 27th, 1856.

On motion of Mr. Ramsey,

It was referred to the select joint committee on the Des Moines River Improvement, with instructions to report at as early a period as practicable.

Mr. Lucas, from the select committee, to whom was referred House File, No. 6, entitled

“An act to amend an act entitled ‘An act to dispose of the swamp and overflowed lands within this State, and to pay the expenses of selecting and surveying the same,’ approved, February 2nd, 1853,”

Reported back the bill and recommended its passage.

On motion of Mr. Browning,

The bill was amended by striking out of the last section the words “posted up at the several Court Houses, and a copy.”

On motion of Mr. Test,

The bill was amended further by adding the following Proviso:

“*Provided*, That nothing in this act shall be so construed as to legalize the sales of Swamp Lands, in cases where such sales were made without authority of law.”

Mr. Cleaver, from the select committee, to which was referred Senate File, No. 9, reported back said bill with one amendment, as follows:

“This act to take effect from and after its publication in the Iowa City Republican and Wapello Intelligence, the expense to be paid by the City of Wapello.”

On motion of Mr. Cleaver,

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

Mr. Ramsey, by unanimous consent, introduced Senate File, No. 16, a bill,

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

Which was read a first and second time.

On his motion,

The bill was referred to a select committee of three.

The President appointed Senators Ramsey, Hogan and Coop said committee.

Mr. Browning, from the Judiciary Committee, to whom was referred Senate File, No. 10 and 15, reported the same back with a recommendation that they be indefinitely postponed.

On motion of M. Test,

The report of the committee was laid on the table.

Mr. Lucas, from the Committee on Roads, to whom was referred the petition of R. V. Boogess and 46 others, citizens of Fremont county, Iowa, concerning a certain state road, reported Senate File No. 17, a bill,

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

And recommended its passage.

The bill was read a first and second time.

On motion of Mr. Test,

The eleventh rule was suspended, the bill read a third time, and on its passage,

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

YEAS—Senators Brigham, Cleaver, Coolbaugh, Fulton, Hillis, Hogan, Jordan, Lucas, McAchran, McCulloch, Needham, Ramsey, Saunders, Schramm, Test, Thurston, Udell, Wilkinson, Workman and Mr. President—20.

NAYS—Senators Anderson, Birge, Browning, Coop, Hamilton, Mathews, MCrary and Preston—8.

So the bill was passed and its title agreed to.

Mr. Workman, on leave, introduced Senate File No. 18, a bill,

For an act to amend an act entitled "an act to incorporate Iowa City, approved, January 18th, 1855."

Which was read a first and second time.

On his motion,

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

The President presented a communication from His Excellency, the Governor, in answer to a resolution which passed the Senate yesterday.

EXECUTIVE OFFICE, IOWA CITY, }  
July 10th, 1856. }

*To the President of the Senate:*

SIR—In reply to the resolution of the Senate, adopted, on the 9th inst., inquiring what action has been had, if any, by the Commissioners appointed in pursuance of an act, entitled an act to authorize the appointment of Commissioners to settle with State Officers and others, approved January 24th, 1855," I have the hon-

or to say, that according to the construction of similar legislative acts by the Supreme Court of the State, no such commission has been legally constituted. The act referred to provided for the appointment by the President of the Senate and the Speaker of the House of Representatives of one Commissioner each, and directed that the Governor should act as the third Commissioner, and be Chairman of the Board. Before the close of the last session of the General Assembly, the President and Speaker attempted to exercise the power conferred upon them, but as the act of the General Assembly did not take effect until the month of July following, their appointment have not been regarded as valid. So far as I know, no subsequent appointments have been made by either of those officers; and hence there is not and has not been any legal commission in existence.

The failure of the law to answer the purpose contemplated in it, is wholly owing to the anomalous distribution of the appointing power, of which it is the only example in the whole history of legislation that has ever come to my notice.

Very Truly, Your Ob't Serv't,  
JAMES W. GRIMES.

Which was read, and,

On motion of Mr. Browning,

Laid on the table.

The President presented to the Senate a communication from the Treasurer of State, in answer to a resolution which passed the Senate yesterday, as follows:

STATE TREASURER'S OFFICE, IOWA, }  
IOWA CITY, July 9, 1856. }

HON. M. L. FISHER,

*President of the Senate,*

*Sir*—In compliance with a resolution of your honorbale body. passed to-day, making enquiry in relation to the present condition of the Treasury, I have the honor to report that there is now in the State Treasury, \$9,872 93, all of which is subject to the redemption of out-standing Auditor's Warrants,

Respectfully submitted,

M. L. MORRIS,

Which was read, and,

On motion,

It was laid on the table.

Mr. Birge, by unanimous consent, introduced  
Senate File No. 18; a bill,

For an Act to restrain swine from running at large, in Jackson county, which was read a first and second time.

Mr. Ramsey moved to indefinitely postpone the bill.

Lost.

On motion of Mr. Birge,

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

Mr. Fulton, by unanimous consent, introduced

Senate File No. 19; a bill,

For an Act to define the manner of bringing actions against rafts of logs, lumber, boards, and shingles, which was read a first and second time, and,

On motion of Mr. Fulton,

It was referred to the Judiciary Committee.

On motion of Mr. Test,

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

For an Act to amend an Act entitled an Act to dispose of the swamp and overflowed lands, within this State, and to pay the expenses of selecting and surveying the same, approved February 2, 1853, was read a third time, passed, and its title agreed to.

The following message was received from the House of Representatives, by A. R. Fulton, Assistant Clerk.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House of Representatives has passed,

House File No. 23; a bill,

For an Act amendatory of the Act incorporating the town of Cedar Rapids, to which they ask the concurrence of the Senate.

A. R. FULTON,

Assist. Clerk House.

On motion of Mr. Udell,

The Senate concurred in the amendment made by the House, to Senate File No. 7; a bill,

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



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

For an Act amendatory of the Act incorporating the town of Cedar Rapids, was read a first and second time.

Mr. Test moved the indefinite postponement of the bill,  
Which was lost.

On motion of Mr. Preston,

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

H. R. File No. 21; a bill,

For an Act to authorize the appointment of Commissioners, to revise the School Laws of Iowa, was read a first and second time, and,

On motion of Mr. Fulton,

Referred to the Committee on Schools.

Senate File No. 11; a bill,

For an Act to vacate an alley in block 14 in the town of Grandview, in Louisa county was read, a third time, passed, and the title agreed to.

Senate File No. 5; a bill,

For an Act to repeal an Act for the suppression of intemperance, was read a third time.

The question being on the passage of the bill.

On motion of Mr. Saunders,

A call of the Senate was had, and it appearing that all the members were present, except Senators Clark and Park,

On motion,

Further proceedings under the call were suspended, and,

On motion of Mr. Ramsey,

The bill was laid on the table.

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

For an Act to amend the Act to incorporate the city of Muscatine, being on its third reading,

Mr. Wilkinson, by unanimous consent, moved a substitute for the first section of the bill,

Which was adopted.

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

On motion of *Mr. Thurston*.

The memorial of Donald *Mann*, on the subject of *Demoiné River Improvement*, was taken from the table, and,

Five hundred copies ordered to be printed for the use of the Senate.

*Mr. Coolbaugh*, from the Select Joint Committee, to whom was referred so much of the Governor's message as relates to the grant of lands to aid in the construction of Railroads, reported,

Senate File No. 20; a bill,

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

On his motion,

Made the special order of the Senate, for this afternoon, at two o'clock.

On motion of *Mr. Ramsey*,

The communication from the State Treasurer, was taken from the table, and referred to the Committee on Claims.

*Mr. Fulton*, from the Select Committee, to whom was referred *H. R. File No. 13*; a bill,

For an Act in relation to the disposition of taxes levied upon the stock of the *Mississippi and Missouri Railroad Company*, reported the same back, with a recommendation, from the majority of said Committee, that the bill pass; and from the minority of the Committee, a recommendation that the further consideration of the bill be indefinitely postponed, when,

On motion of *Mr. Workman*,

It was referred to the Senators from *Scott, Muscatine, Johnson, and Cedar* counties.

*Mr. Workman*, on leave, presented a bill of *Morsman and Cochran*, against the State, which was,

On his motion,

Referred to the Committee on Claims.

On motion of *Mr. Preston*,

Senate File No. 5, was taken from the table, and,

On his motion,

By unanimous consent, a fourth section was added to the bill.

Mr. Cleaver moved that the Senate adjourn until two o'clock this afternoon.

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

YEAS—Senators Anderson, Cleaver, Hillis, Hogan, Jordan, Mathews, McAchran, McCrary, Needham, Saunders, and Wilkinson—11.

NAYS—Senators Birge, Brigham, Browning, Coolbaugh, Coop, Fulton, Hamilton, Lucas, McCulloch, Preston, Ramsey, Schramm, Test, Thurston, Udell, Workman, and Mr. President—17.

The motion was lost.

Mr. Saunders moved that the bill be laid on the table.

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

YEAS—Senators Anderson, Cleaver, Fulton, Hillis, Hogan, Jordan, Mathews, McAchran, McCrary, Needham, Saunders, and Wilkinson—12.

NAYS—Birge, Brigham, Browning, Coolbaugh, Coop, Hamilton, Lucas, McCulloch, Preston, Ramsey, Schramm, Test, Thurston, Udell, Workman, and Mr. President—16.

The motion was lost.

Mr. Jordan moved that the Senate adjourn until two o'clock, *P. M.*

Upon this question the yeas and nays were demanded, ordered, and were as follows:

YEAS—Senators Anderson, Cleaver, Fulton, Hillis, Hogan, Jordan, Mathews, McAchran, McCrary, Needham, Saunders, and Wilkinson—12.

NAYS—Senators Birge, Brigham, Browning, Coolbaugh, Coop, Hamilton, Lucas, McCulloch, Preston, Ramsey, Schramm, Test, Thurston, Udell, Workman, and Mr. President—16.

The motion was lost.

The question being on the passage of the bill, the yeas and nays were demanded, ordered, and were as follows:

YEAS—Senators Birge, Brigham, Browning, Coolbaugh, Coop, Hamilton, Lucas, McCulloch, Preston, Ramsey, Schramm, Test, Thurston, Udell, Workman, and Mr. President—16.

NAYS—Senators Anderson, Cleaver, Fulton, Hillis, Hogan, Jordan, Mathews, McAchran, McCrary, Needham, Saunders, and Wilkinson—12.

The bill was passed, and the title agreed to.

On motion of Mr. Lucas,

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

---

TWO O'CLOCK, *P. M.*

The special order being the consideration of

Senate File No. 20;

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

Mr. Lucas moved that the Senate resolve itself into Committee of the whole Senate, for the consideration of the bill.

Which was lost.

Mr. Brigham moved to amend the 9th section, by adding the word "crossings," before the word "turnouts," in the eighth line; to strike out in the 9th line the words, "such," and "which may be brought," and the word "any," and insert so as to make the section from the commencement of the ninth line read as follows:

And passengers over either or any Road or Roads hereby mutually accommodated, whether said passengers or freight are brought by the Roads benefitted by this Act, or any other Road or Roads, now constructed, or which may hereafter be constructed, and at such rates as shall not in any case exceed the regular tariff of charges on such Road or Roads.

Which was decided in the affirmative, and the bill so amended.

On motion of Mr. Coolbaugh,

The word "the" before the word "approved," in the second line of the ninth section, was stricken out.

Mr. Browning moved to amend by striking out the tenth, eleventh and twelfth sections of the bill.

Mr. Test moved to re-commit the bill to the Select Senate Committee on the subject of Rail Road grants.

Which was lost.

On motion of Mr. Saunders,

The figures and words three hundred and twenty, whenever they occur in the bill, were stricken out, and "one hundred and sixty" inserted in lieu thereof.

Mr. Browning moved to amend section ten, by inserting after the word "same" in the second line, the following:

Where from any good reason they may have failed to perfect said pre-emption under the act of Congress.

Which was lost.

Mr. Preston moved that the Senate adjourn until nine o'clock to-morrow morning.

Which was lost.

The question now being on striking out the tenth, eleventh and twelfth sections, the yeas and nays were demanded, ordered, and were as follows:

YEAS—Senators Browning, McAchran, Preston, Schramm and Wilkinson—5.

NAYS—Senators Anderson, Birge, Brigham, Cleaver, Coolbaugh, Coop, Fulton, Hamilton, Hillis, Hogan, Jordan, Lucas, Mathews, McCrary, McCulloch, Needham, Saunders, Test, Thurston, Udell, Workman and Mr. President—22.

The motion was lost.

Mr. Thurston moved to amend the eighth section, by adding thereto the following:

And that the said companies shall forfeit and pay to the State the full amount received from the sale of the lands granted to said Roads by this grant.

The following message was received from the House, by Mr. Nourse, Chief Clerk.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House of Representatives have passed the following bills, in which they ask the concurrence of the Senate;

House File No. 22,  
 Joint resolution and memorial to Congress for a Railroad Grant ;  
 And,  
 House File No. 24,

An act authorizing certain Highways in Clayton county.

I herewith return the following Senate Files with amendments thereto, in which they ask the concurrence of the Senate.

Senate File No. 4, an act for making appropriations to the State Penitentiary, with one amendment;

Also,

Senate File No. 13, a bill,

For an act to distribute the arms of the State with two amendments.

CHARLES C. NOURSE,  
 Clerk House Rep.

On motion of Mr. Lucas,

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

FRIDAY MORNING, JULY 11, 1856.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

Mr. Birge asked leave to withdraw the memorial of the North-Western Railroad Company, on the subject of building a Railroad from Dubuque to the Missouri River, with a branch from the mouth of the Tete Des Morts, to connect with said Road at the nearest point.

Which was granted, and,

The memorial withdrawn.

Mr. Wilkinson presented the petition of John Smalley, and five others, citizens of Muscatine county, asking to be attached to certain School Districts,

Which was read, and,

On his motion,  
Laid on the table.

Mr. Wilkinson, by unanimous consent, introduced  
Senate File No. 21; a bill,

For an Act to enlarge School Districts No. one and two, (1 and 2)  
in Bloomington township, Muscatine county, and define their bound-  
aries, which was read a first and second time, and,

On motion of Mr. Coop,

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

Mr. Mathews, from the Committee on Enrolled Bills, reported  
Senate Files Nos. 3, 6, 7, 8, and 12, as correctly enrolled.

Mr. McAchran, from the Committee on Claims, to whom was re-  
ferred the bills of different persons for material and services for fit-  
ting up State House, reported that they had examined the same,  
and recommended that they be allowed.

Which report was concurred in, by the Senate.

Mr. Preston, from the Committee on the Judiciary, to whom  
was referred so much of the Governor's message as relates to crim-  
inal evidence, reported,

Senate File No. 22; a bill,

For an Act requiring evidence in criminal cases, to be reduced  
to writing, which was read a first and second time, and,

On his motion,

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

Mr. Schramm offered, the following, which was adopted:

*Resolved*, That the Secretary of the Senate be authorized to em-  
ploy such assistance as may be necessary for engrossing and enrol-  
ling bills.

Mr. Coop, on leave, offered the following resolution:

*Resolved*, That no new matter be entertained in the Senate after  
the 12th instant, which,

On motion of Mr. Test,

Was laid on the table.

Mr. Browning, from the Committee on the Judiciary, to whom  
was referred H. R. File No. 1, memorial and joint resolution, re-

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

On motion of Mr. Test,

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

Mr. Browning, from the Committee on the Judiciary, to whom was referred,

Senate File No. 19; a bill,

For an Act to define the manner of bringing actions against rafts of logs, lumber, boards, and shingles, reported the same back, without amendment, and recommended its passage.

On motion of Mr. Test,

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

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

For an Act to authorize the re-survey of certain highways in the counties of Clayton, was read a first and second time, and,

On motion of Mr. Hamilton,

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

On motion of Mr. McCulloch,

The Senate concurred in the amendment made by the House to Senate File No. 4; a bill,

For an Act for an appropriation for the Penitentiary.

The Senate also concurred in the amendments made by the House to

Senate File No. 13; a bill,

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

Mr. Birge, from the Committee on Incorporations, to whom was referred,

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

For an Act to incorporate the city of Mt. Pleasant, reported the same back, with two amendments, which were adopted, and,

On motion of Mr. Saunders,

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

Mr. Hamilton, on leave, introduced,



Senate File No. 23; a bill,

For an Act to repeal an Act to legalize the Acts of certain Commissioners, passed at the present session, which was read a first and second time, and,

On motion of Mr. Test,

Referred to the Committee on New Counties, with instructions to report to-morrow morning.

The President presented to the Senate a communication from the Superintendent of Public Instruction.

On motion of Mr. Udell,

The further reading was suspended, and,

On motion of Mr. Needham,

The communication was referred to the Committee on Ways and Means.

On motion of Mr. Needham,

The communication from the Governor, received yesterday, in answer to a resolution of the Senate, was taken from the table, and referred to the Committee on Ways and Means.

Mr. Brigham, from the Committee on Schools, to whom was referred,

H. R. File No. 21; a bill,

For an Act to authorize the appointment of Commissioners to revise the School Laws of Iowa, reported the same back, with one amendment, to strike out the word "thirty," in the last line of the second section, and insert "ten" in lieu thereof.

Which amendment was adopted.

When, on motion of Mr. Preston,

The bill was recommitted to the Committee on Schools, with instructions to amend the bill, as to give the Governor the power to appoint the Commissioners; and report the same back to the Senate to-morrow morning.

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

MR. PRESIDENT:

I herewith present for your signature the following bills, the same having passed both branches of the General Assembly, and signed by the Speaker of the House, to wit:

An Act amendatory of the Act incorporating the town of Cedar Rapids.

Also,

An Act to amend the Charter of the city of Keokuk.

CHARLES C. NOURSE,

Clerk House of Rep.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House have passed the following bills, in which it asks the concurrence of the Senate.

House File No. 26;

Joint resolution and memorial to Congress, for grant of lands for Railroad purposes.

Also,

House File No. 27; a bill,

For an Act to establish a State Road in the counties of Monroe and Wayne.

CHARLES C. NOURSE,

Clerk House of Rep.

H. R. File No. 22;

Joint Resolution and memorial, was read a first and second time, and,

On motion of Mr. Thurston,

Laid on the table.

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

MR. PRESIDENT:

I herewith present for your signature the following bills, the same having passed both branches of the General Assembly, and signed by the Speaker of the House of Representatives:

An Act to amend section 1st of an Act to amend the Charter of the town of Ft. Madison, approved January 22nd, 1855.

Also,

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

Also,

An Act to enable the County Judge of Wapello county to change the boundaries of certain lots in Chillicothe.

Also,

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

Also,

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

Also,

An Act to amend an Act entitled an Act fixing the boundaries of the several Judicial Districts, and the time of holding Courts therein, approved January 22nd, 1853.

CHARLES C. NOURSE,  
Clerk of House of Rep.

H. R. File No. 26;

Joint resolution for a grant of lands, was read a first and second time, and,

On motion of *Mr. Cleaver*,

Referred to a Select Committee of three.

The President appointed Senators Cleaver, Thurston, and Preston, said committee.

H. R. File No. 27; a bill,

For an Act to establish a State Road in the counties of Monroe and Wayne, was read a first and second time, and,

On motion of *Mr. Fulton*,

Referred to the Committee on Roads.

Senate File No. 20 being under consideration, and,

The question being on the adoption of the amendment to the eighth section of the bill, offered by *Mr. Thurston*, the yeas and nays were demanded, ordered, and were as follows:

Those voting in the affirmative were,

Senators Birge, Browning, Cleaver, Hillis, *McAchrans*, *McCrary*, *McCulloch*, *Needham*, *Test*, and *Thurston*—10.

NAYS—Senators *Anderson*, *Brigham*, *Coolbaugh*, *Coop*, *Fulton*, *Hamilton*, *Hogan*, *Jordan*, *Lucas*, *Mathews*, *Preston*, *Ramsey*, *Saunders*, *Schramm*, *Udell*, *Wilkinson*, *Workman*, and *Mr. President*—18.

The amendment was not adopted.

*Mr. Jordan* moved to amend the eighth section by adding thereto the following:

*Provided*, That nothing in the foregoing section or sections shall be so construed as to apply to any Road or Roads now built and constructed, pending which,

On motion of *Mr. Test*,

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

---

TWO O'CLOCK, *P. M.*

*Mr. Preston* from the Committee on Ways and *Means*, to whom was referred the communication of the Superintendent of Public Instruction, on leave, reported the following:

*Resolved*, That the Superintendent of Public Instruction be and is hereby requested to report to the Senate, as supplemental to his report, received by the Senate, July 11th, 1856, stating particularly when and to whom, and for what length of time, said moneys were loaned, what amount to each person, at what rate of interest, and upon what security; if real estate, state the amount and character of the real estate in each case, and whether such security is by bond and mortgage upon such real estate. And that he state the rate of interest received from the Banks in Iowa City, and the time when the deposits were made in the other Banks referred to in said report, and upon what terms said deposits were made, if any.

Which was adopted.

The question pending on the adjournment this morning, being on the amendment offered by *Mr. Jordan* to section eight, Senate File No. 29, a vote was had, and the amendment lost.

*Mr. Birge* moved to strike out section five, same bill, and insert the following as a substitute:

SEC. 5. That so much of the lands, interest, rights, powers and privileges as are hereby or may be granted and conferred to aid in the construction of a Railroad from the City of Dubuque, to a point on the Missouri River, at or near Sioux City, with a branch from the mouth of the Tete de Morts to the nearest point on said road, to be completed as soon as the main line is completed to that point, are hereby disposed of, granted and conferred to and upon the

Great North Western Rail Road Company, a body corporate, created and acting under the laws of the State of Iowa, on condition that the aforesaid Rail Road Company, shall build, construct and equip thirty continuous miles of said road from the City of Dubuque westerly, before said Rail Road Company shall receive any of the above granted lands, or any of the proceeds thereof; and the said company is hereby obligated to pay into the Treasury of the State of Iowa annually, for the use and benefit of said State, five per cent. of the nett earnings of said roads. The said Rail Road Company is hereby obligated to furnish, equip and operate the main line and the branch thereof, under this grant, in the same manner and on equal terms thereof, by business arrangements, tariff of prices or otherwise, in all business transactions; and furthermore, that if said Rail Road Company shall fail to have the main line of said road completed from the Mississippi river to the Missouri river, by the fourth day of July, 1865, then the whole road and all the rights thereof shall revert to the State of Iowa.

Which was lost.

Mr. Thurston moved the following amendment, as an additional section:

“SEC. —. That in the appropriation of lands granted by said act of Congress, the point of commencement in allowing leave to any of said companies, shall be at the present terminus at which the same are now operated.”

Which was lost.

Mr. Preston offered the following as an additional section:

“SEC. 14. Said Rail Road Companies accepting the provisions of this act shall, at all times, be subject to such rules and regulations as may from time to time be enacted and provided for by the General Assembly of Iowa, not inconsistent with the provisions of this act, and the act of Congress making the grant.”

Which was adopted.

Mr. Udell moved to amend section five, by adding thereto the following:

“Upon condition that said Company pay annually into the Treasury of the State of Iowa, five per cent. of the nett profits of said road.”

Which was lost.

Mr. Coolbaugh moved to amend by adding the following section:

“SEC. 15. It shall be the duty of the companies receiving the benefits of this act, to make a regular annual report of their proceedings, at the usual time and place of electing their officers, exhibiting a detailed statement, as far as practicable, of the amount of their expenditures, liabilities, &c., a copy of which shall be filed in the office of the Secretary of State.”

Which amendment was adopted.

Mr. Browning moved to amend by adding the following section:

“SEC. 16. *Be it further enacted*, That any of said companies, accepting the grants of land under this act, shall take the same with the conditions imposed and incumbrances specified in this act, and shall in no event have any claim or recourse, whatever, upon the State of Iowa, for a misapplication of said grant, incumbrances or conditions in this act imposed.”

Which amendment was adopted.

Mr. Coolbaugh moved to amend by adding the following section:

“SEC. 17. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa City Republican.”

Which amendment was adopted.

On motion of Mr. Test,

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

The following message was received from the House, by Mr. Nourse, Chief Clerk:

MR. PRESIDENT:

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

House File No 9;

An act authorizing the holding of District Courts in the counties of Howard, Mitchell, Cerro Gordo and Worth, &c;

Also,

House File, No. 28; a bill,

For an act to locate a State road from Bear Grove, in Guthrie county, to the Missouri river;

Also,

House File, No. 29;

Joint Resolution and Memorial to Congress, asking a grant of land for railroad purposes;

Also,

House File, No. 30;

Joint resolution and memorial to Congress, for grant of land to aid in the construction of railroads;

Also,

House File, No. 31;

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

Also,

House file No. 32, a bill;

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

Also,

House File No. 33;

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

Also,

House File, No. 35;

An act to locate a certain State road;

Also,

House File, No. 37,

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

Also,

House File No. 36,

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

I am also instructed to inform the Senate that the House has passed Senate file, No. 14, a bill;

For an act to amend "an act regulating the issue of county and corporate bonds," approved, January 25th, 1855, so as to except the town of Ft. Madison, Iowa, from its operation, without amendment.

CHARLES C. NOURSE,  
Clerk of House of Rep.

On motion,

The message from the House was taken up for consideration.

H. R. File, No. 9, a bill;

For an act authorizing the holding of District Courts, in the counties of Howard, Mitchell, Cerro Gordo and Worth, and detaching the same from Floyd county,

Was read a first and second time; and,

On motion of Mr. Ramsey,

Referred to the Committee on the Judiciary.

H. R. File, No. 28, a bill;

For an act to locate a State Road from Bear Grove, in Guthrie county, to the Missouri River,

Was read a first and second time; and,

On motion of Mr. Birge,

Was referred to a select committee of three.

The President appointed Senators Test, Birge and Lucas said committee.

H. R. File, No. 29;

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

Was read a first and second time; and,

On motion of Mr. Ramsey,

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

H. R. File, No. 30;

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

Was read a first and second time; and,

On motion of Mr. Thurston,

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

H. R. File, No. 31, a bill;

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

Was read a first and second time; and,

On motion of Mr. Workman,

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



H. R. File, No. 32, a bill ;

For an act to establish a certain State Road therein named.

Which was read a first and second time ; and,

On motion of Mr. Coop,

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

H. R. File, No. 33, a bill ;

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

Was read a first and second time ; and,

On motion of Mr. McCulloch,

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

H. R. File, No. 35, a bill ;

For an act to locate certain State Roads,

Was read a first and second time ; and,

On motion of Mr. McAchran,

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

H. R. File, No. 36,

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

Which was read a first and second time ; and,

On motion of Mr. Preston,

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

H. R. File, No. 37 ;

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

Which was read a first and second time ; and,

On motion of Mr. Hamilton,

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

Mr. Udell, on leave, introduced,

Senate File No. 23 ; a bill,

For an Act to extend the time of locating a State Road, was read a first and second time, and,

On motion of Mr. Coop,

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

Mr. Coop, from the Select Committee to whom was referred Senate File No. 16; a bill,

For an Act to incorporate the city of Ottumwa, in Wapello county, reported the same back, with one amendment, which was adopted, and,

On his motion,

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

Mr. McCachran, from the Committee on Claims, on leave, reported

Senate File No. 24;

Joint resolution authorizing the Treasurer of State to borrow of the Superintendent of Public Instruction the sum of forty thousand dollars, which was read a first and second time, and,

On motion of Mr. Coolbaugh,

Referred to the Committee on Ways and Means.

The President laid before the Senate a communication from the Treasurer of State, as follows:

STATE TREASURER'S OFFICE, IOWA, }  
IOWA CITY, July 11, 1856. }

HON. M. L. FISHER,

*President of the Senate:*

*Sir*—By a report of the Superintendent of Public Instruction, made to the Senate, it appears that said officer has *deposited* \$50,000 with the State Treasurer. Now all I have to say in answer to the above allegation, is, that no such deposit has been made in this office during my administration.

Yours, truly,

M. L. MORRIS,  
State Treasurer.

Which was read, and,

On motion of Mr. Test,

Referred to the Committee on Ways and Means.

Mr. Matthews, on leave, introduced,

Senate File No. 25; a bill,

For an Act to authorize certain Towns therein named, to subscribe to the capital stock of Railroad corporations, and to issue bonds to aid in the construction of Railroads, which was read a first and second time; when,

On motion of Mr. Preston,

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

---

SATURDAY MORNING, JULY 12, 1856.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Benton,

Mr. Hamilton offered the following:

*Resolved*, That the Committee of Ways and Means be, and they are hereby instructed to examine the books, accounts, vouchers, securities, and moneys, in the office of the Superintendent of Public Instruction, and of the State Treasurer, and report to the Senate the amount of the moneys now on hand, and the nature and description of the vouchers for moneys distributed, among the several School Fund Commissioners, and the nature and description of the mortgages and other securities, reported by said Superintendent, to be taken for certain sums loaned by him, reporting especially whether said mortgages are taken in the name of said Superintendent, as an individual, or in his official character, or in that of the State of Iowa, and whether the same are recorded in the proper counties. Also the names of any persons with whom any of said moneys have been deposited, when deposited; at what rate of interest, and also, whether said Superintendent has now on deposit with the State Treasurer the sum of Fifty Thousand Dollars, or any other sum of money held by him, as part of the School Fund, and that said Committee have power to send for persons and papers, and administer oaths.

Which was adopted.

On motion of Mr. Coolbaugh,

Mr. Hamilton was added to the Committee on Ways and Means.  
Mr. Mathews from the Committee on Enrolled Bills, reported,  
Senate Files Nos. 4, 13, and 14, correctly enrolled.

Mr. Lucas, from the Committee on Roads, to whom was referred,

H. R. File No. 27; a bill,

For an Act to establish a State Road in the counties of Monroe and Wayne.

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

On motion of Mr. Udell,

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

Mr. Test, from the Select Committee to whom was referred,

H. R. File No. 28; a bill,

For an Act to locate a State Road from Bear Grove, in Guthrie county, to the Missouri River,

Reported the same back, and recommended its passage; and,

On his motion,

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

Mr. Ramsey, offered the following, which was adopted:

*Resolved*, That the Committee to whom was referred that part of the Governor's message relating to the Improvement of the Des-moines river, be requested to report to the Senate to-day, at two o'clock, P. M.

Mr. Preston, from the Committee on Ways and Means, to whom was referred Senate File No. 24, reported a substitute therefor, which was adopted, and,

On motion,

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

Mr. Cleaver, from the Select Committee, to whom was referred

H. R. File No. 26; joint resolution for a grant of lands,

Reported the same back with two amendments, which were adopted; and,

On his motion,

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

Mr. Fulton, from the Select Committee, to whom was referred H. R. File No. 13; reported a substitute therefor, which was adopted, and,

On motion of *Mr. Coop*,

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

Mr. Fulton moved the indefinite postponement of Senate File No. 25; a bill,

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

Upon this question the yeas and nays being demanded, were ordered, and were as follows:

Mr. Fulton voted in the affirmative—1.

Those voting in the negative, were,

Senators Anderson, Birge, Browning, Cleaver, Coop, Hamilton, Hillis, Hogan, Jordan, Lucas, Mathews, McAchran, McCrary, McCulloch, Needham, Preston, Ramsey, Saunders, Schramm, Test, Thurston, Udell, Workman, and Mr. President—24.

The motion was lost.

On motion of *Mr. Coop*,

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

On motion of *Mr. Thurston*,

H. R. file No. 22;

Joint resolution and memorial, was taken from the table; and,

On his motion,

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

On motion of *Mr. Workman*,

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

## TWO O'CLOCK, P. M.

Mr. Workman, from the Committee on New Counties, to whom was referred Senate File, No. 26, a bill,

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

Reported the same back and recommended its passage.

On motion of Mr. Hamilton,

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

Mr. Ramsey offered the following:

*Resolved*, That no new matter be entertained by the Senate during the present session.

Which was,

On motion of Mr. McAchran,

Laid on the table.

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

MR. PRESIDENT:

I herewith return Senate File, No. 11, a bill,

For an act to vacate an alley in block No. 14, in the town of Grandview, Louisa county, Iowa;

Also,

Senate File, No. 9, a bill,

For an act to incorporate the city of Wapello, in Louisa county, The same having passed the House of Representatives without amendment.

I also herewith return Senate File, No. 17, a bill,

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

With two amendments, in which they ask the concurrence of the Senate.

I also return House File, No. 6;

An act to amend the act to dispose of swamp and overflowed lands,

The House having concurred in the amendment of the Senate.

and made a further amendment to said bill, in which they ask the concurrence of the Senate.

I also return herewith Senate File, No. 20, a bill,

For an act to accept of the grant of Congress for railroad purposes, &c,

With amendments to sections two, three, four, five, six and eleven of said bill, in which they ask the concurrence of the Senate.

CHARLES C. NOURSE,

Clerk of House of Rep.

On motion of *Mr. Coolbaugh*,

The Senate concurred in the amendments made by the House to Senate file No. 20, a bill,

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

On motion of *Mr. Lucas*,

The Senate concurred in the amendment made by the House to H. R. No. 6, a bill,

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

On motion of *Mr. Test*,

The Senate concurred in the amendments made by the House to Senate file No. 17, a bill,

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

*Mr. Hamilton*, by unanimous consent, introduced Senate file, No. 27, a bill,

For an act to authorize the bridging of Cedar River.

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.

*Mr. Brigham*, from the committee to whom was referred so much of the Governor's message as relates to the Des Moines River Improvement, asked until Monday morning next, to make a report.

Which leave was granted by the Senate.

On motion of *Mr.* Thurston,  
The Senate adjourned until half past three o'clock.

---

HALF PAST THREE O'CLOCK, P. M.

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

MR. PRESIDENT:

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

House file No. 38, a bill,

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

Also,

House file, No. 39, a bill,

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

Also,

House file No. 40, a bill,

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

Also,

House file No. 42, a bill,

For an act, entitled an act to authorize the townships of Clinton, Eden and Dewitt, in Clinton county, respectively to subscribe to the capitol stock of the Chicago, Iowa and Nebraska Railroad;

Also,

House file No. 45, a bill,

For an act authorizing the County Judge, of Jackson county, to transcribe a portion of the probate records of Jackson county;

Also,

House file No. 46, a bill,



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

Also,

House file, No. 47, a bill,

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

CHAS. C. NOURSE,

Clerk House Rep.

House file, No. 38, a bill,

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

Was read a first and second time; and,

On motion of Mr. Saunders,

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

House file, No. 40, a bill,

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

Was read a first and second time; and,

On motion of Mr. Needham,

Referred to the committee on Ways and Means.

H. R. file, No. 42, a bill,

For an act entitled an act to authorize the townships of Clinton, Eden and Dewitt, in Clinton County, respectively, to subscribe to the capital stock of the Chicago, Iowa and Nebraska Railroad,

Was read a first and second time; and,

On motion of Mr. Browning,

Referred to the Committee on Roads.

House file, No. 39, a bill,

For an act authorizing the levy of a tax upon the lands upon Muscatine Island,

Was read a first and second time; and,

On motion of Mr. Cleaver,

Referred to the Committee on the Judiciary.

House file, No. 45, a bill,

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

Was read a first and second time; and,

On motion of Mr. Thurston,

Referred to the Senators from Jackson county.

House file, No. 46, a bill,

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

Was read a first and second time; and,

On motion of Mr. Lucas,

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

House file, No. 47, a bill,

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

Was read a first and second time.

Mr. Test moved

To refer the bill to the Committee on Incorporations,

Which was lost.

On motion of Mr. Preston,

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

Mr. Brigham, from the Committee on Schools, to whom was referred, with instructions,

House file, No. 21, a bill,

For an act to authorize the appointment of Commissioners to revise the School Laws of Iowa,

Reported the same back with one amendment, which was concurred in by the Senate.

On motion of Mr. Needham,

The vote taken on the motion to strike out "thirty," in the 2nd section, and insert "ten," was reconsidered.

The question now being on striking out "thirty," was decided in the negative.

The question now being on ordering the bill to a third reading.

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

YEAS—Senators Anderson, Birge, Cleaver, Coolbaugh, Fulton, Hillis, Hogan, Lucas, Mathews, McAchran, McCrary, Needham, Preston, Saunders and Wilkinson—15.

NAYS—Senators Brigham, Browning, Coop, Hamilton, McCul-

loch, Ramsey, Schramm, Test, Thurston, Udell, Workman and Mr. President—12.

The question was decided in the affirmative ; and,

The bill ordered to a third reading on Monday next.

The following message was received from the House of Representatives, by the Clerk :

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives have passed Senate file, No. 2, a bill,

For an act for a further appropriation for the State Insane Asylum,

With one amendment, in which they ask the concurrence of the Senate.

I herewith present for your signature the following bills, the same having passed both branches of the General Assembly, and been signed by the Speaker of the House of Representatives :

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

Also,

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

Also,

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

Also,

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

Also,

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

CHAS. C. NOURSE,

Clerk House Rep.

Mr. Coop moved

That the Senate adjourn for one hour.

Which was lost.

Mr. Preston moved

That the Senate adjourn until Monday morning at nine o'clock.

Which was lost.

Mr. Ramsey moved

That the Senate adjourn until eight o'clock on Monday morning.

Which was lost.

On motion of Mr. Saunders,

The Senate concurred in the amendment made by the House to Senate file, No. 2, a bill,

For an act for a further appropriation for the State Insane Asylum.

On motion of Mr. Coolbaugh,

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

---

MONDAY MORNING, JULY 14, 1856.

Senate met pursuant to adjournment.

Prayer by the Chaplain.

On motion of Mr. McCulloch,

The reading of the Journal was dispensed with.

Mr. Brigham, from the committee, to whom was referred all matters pertaining to the Des Moines River Improvement, reported,

Senate file No. 28;

Memorial and joint resolutions, which were read a first and second time.

Mr. Preston moved to refer the preamble and resolutions to the Committee on the Judiciary, with instructions to report to-morrow morning.

Mr. Thurston moved to amend the motion, by inserting two o'clock, this afternoon.

Which was decided in the affirmative.

The motion as amended, was adopted.

The following messages were received from the House, by Mr. Nourse, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the following bills have passed both branches of the General Assembly, and have been signed by the Speaker of the House:

Joint resolution asking for a grant to construct a Railroad from Keokuk to the South Bend of the Minnesota river, with a branch from Ft. Desmoines to the north-west corner of the State.

Also,

An Act to relocate a part of the State Road from the town of Primrose to the city of Keokuk, in Lee county.

Also,

An Act to establish a certain State Road therein named.

Also,

An Act to locate and establish a certain State Road.

Also,

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

Also,

An Act to amend the Act so incorporate the city of Muscatine.

A. R. FULTON,

Ass't Clerk, H. R.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, in which they ask the concurrence of the Senate:

House file No. 51, a bill,

For an Act authorizing the District Judge of Lee county to hold special sessions for the trial of criminal causes.

Also,

House file No. 52, a bill,

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

I am also requested to report that the House of Representatives have passed without amendment, the following:

Senate file No. 18, a bill,

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

Also,

Senate file No. 21; a bill,

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

Also,

Substitute for Senate file No. 24;

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

A. R. EULTON,  
Ass't Clerk, H. R.

I am further directed to inform the Senate that the House has passed, with one amendment,

Senate file No. 16; a bill,

For an Act to incorporate the city of Ottumwa.

Also, with one amendment,

Senate File No. 18; a bill,

For an Act to amend an Act entitled "An Act to amend an Act entitled an Act to incorporate Iowa City," approved January 18, 1856.

In which amendment they ask the concurrence of the Senate.

A. R. FULTON,  
Ass't Clerk, H. R.

Mr. Mathews, from the Committee on Enrolled Bills, reported that they had presented to the Governor, for his approval, Senate files, Nos. 3, 4, 6, 7, 8, 12, 13, and 14.

And, also reported Senate files Nos, 2, 9, 11, 17, and 20, as correctly enrolled.

Mr. Brigham, from the Select Committee, to whom was referred so much of the Governor's message as relates to the Desmoine River Improvement, reported,

Senate file No. 29, a bill,

For an Act in relation to the Desmoine River Improvement, which was read a first and second time, and,

On motion of Mr. Browning,

Laid upon the table.

H. R. file No. 21, being on its third reading,

Mr. Browning moved that it be referred to the Committee on Schools.

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

YEAS—Senators Birge, Brigham, Browning, Coop, Lucas, McCulloch, Schramm, Thurston, and Udell—9.

NAYS—Senators Anderson, Cleaver, Coolbaugh, Fulton, Hamilton, Hillis, Hogan, Jordan, Mathews, McAchran, McCrary, Needham, Preston, Ramsey, Saunders, Test, Wilkinson, Workman, and Mr. President—19.

The motion was lost.

The question now being, shall the bill pass?

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

YEAS—Senators Anderson, Cleaver, Coolbaugh, Fulton, Hillis, Hogan, Jordan, Lucas, Mathews, McAchran, McCrary, Needham, Preston, Saunders, Wilkinson, and Workman—16.

NAYS—Senators Birge, Brigham, Browning, Coop, Hamilton, McCulloch, Ramsey, Schramm, Thurston, Udell, and Mr. President—11.

The bill was passed, and its title agreed to.

Mr. Preston, from the Committee on Ways and Means, to whom was referred,

H. R. file No. 40; a bill,

To make appropriations to pay the members and officers of the General Assembly,

Reported the same back with one amendment, as follows:

“Provided that nothing in this act shall be so construed as to allow the members of the General Assembly more than two dollars per day for their attendance on the present session of the General Assembly.”

Mr. Saunders moved to amend the proviso, by inserting after the word day “and mileage.”

Which was adopted.

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

YEAS—Senators Anderson, Brigham, Cleaver, Coolbaugh, Coop,

Hogan, Mathews, *McCrary*, Needham, Preston, Saunders, Test, Workman and Mr. President.—14.

NAYS—Senators Birge, Browning, Fulton, Hamilton, Hillis, Jordan, Lucas, *McAchran*, *McCulloch*, Ramsey, Schramm, Thurston, Udell and Wilkinson—14.

The report was not concurred in.

Mr. Coop moved that the Senate adjourn until two o'clock, *P. M.*  
Which was lost.

Mr. Needham moved to strike out "3,873 00" in the second section, and insert "two thousand."

Which was lost.

The question now being on ordering the bill to a third reading, the yeas and nays were demanded, ordered and were as follows:

YEAS—Senators Anderson, Birge, Browning, Cleaver, Hamilton, Hillis, Jordan, Lucas, *McAchran*, *McCulloch*, Ramsey, Schramm, Thurston, Udell and Mr. President—15.

NAYS—Senators Brigham, Coolbaugh, Coop, Fulton, Hogan, Mathews, *McCrary*, Needham, Preston, Saunders, Test, Wilkinson, and Workman—13.

The bill was ordered to a third reading.

Mr. Preston moved that the eleventh rule be suspended, and the bill be read a third time now.

Which was lost.

The following message was received from the House by Mr. Nourse, Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives have indefinitely postponed the following:

Senate file No. 5, a bill,

For an act to repeal "an act for the suppression of intemperance."

I am also directed to inform the Senate that the House have passed with one amendment,

Senate file No. 23, a bill,

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

Also, with one amendment,

Senate file No. 25, a bill,

For an act to authorize certain towns therein named, to subscribe



to the capital stock of Railroad corporations, and to issue bonds to aid in the construction of railroads.

A. R. FULTON,  
Asst. Clerk, H. Rep.

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

---

TWO O'CLCOK, *P. M.*

The President laid before the Senate the following communication, from his Excellency, the Governor :

EXECUTIVE OFFICE, IOWA CITY, }  
JULY 14TH, 1856. }

*President of the Senate :*

SIR :

I am compelled to return a bill entitled "An act to amend an act regulating the issue of county and corporate bonds, approved January 25th, 1855, so as to exempt the town of Ft. Madison, Iowa, from its operation," (to your house, where it originated,) without my approval.

Section six, of the first article of the Constitution declares that "*all laws of a general nature shall have a uniform operation.*" The act of the 25th January, 1855, regulating the issue of county and corporate bonds, is a general law, by its terms applying to all cities and counties within the State. The bill before me, is for a special act, designed to exempt the town of Fort Madison, from the operation of this general law, and is therefore, in my conviction, unconstitutional.

I am very truly

Your obedient servant,

JAMES W. GRIMES.

Which was read ; and,

The question being,

Shall the bill pass, notwithstanding the objection of the Governor ?

The yeas and nays were as follows :

YEAS—None.

NAYS—Senators Anderson, Birge, Cleaver, Coop, Fulton, Hillis, Hogan, Lucas, Mathews, McAchran, McCulloch, Needham, Ramsey, Schramm, Thurston, Udell, Wilkinson, Workman and Mr. President—18.

The bill was not passed.

Mr. Browning, from the Committee on the Judiciary, to whom was referred House file No. 39, a bill,

For an act authorizing the levy of a tax upon the lands upon Muscatine Island,

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

On motion of Mr. Cleaver,

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

On motion of Mr. Birge,

The Senate concurred in the amendments made by the House to Senate files No. 23 and 25.

On motion of Mr. Ramsey,

Senate file No. 16, a bill,

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

Was laid on the table.

House file No. 52, a bill,

For an act to provide for the publication and distribution of the laws of the present session of the General Assembly,

Was read a first and second time ; and,

On motion of Coop,

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

House file No. 51, a bill,

For an act empowering the District Judge, of Lee county, to hold special sessions of Courts, &c.,

Was read a first and second time ; and,

On motion of Mr. Thurston,

Referred to the Committee on the Judiciary.

Mr. Coolbaugh, from the Committee on Ways and Means, on leave, reported,

Senate file No. 30, a bill,

For an act to prevent the loaning of the School Fund, by the Superintendent of Public Instruction.

Which was read a first and second time; and,

On his motion,

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

Mr. Cleaver presented the claim of \_\_\_\_\_ against the State; which was,

On his motion,

Referred to the Committee on Claims.

Mr. Lucas, from the Committee on Roads, to whom was referred,

House file No. 42, a bill,

For an act entitled an act to authorize the townships of Clinton, Eden and DeWitt, in Clinton county, respectively to subscribe to the capital stock of the Chicago, Iowa and Nebraska Railroad,

Reported the same back, with a recommendation that it be indefinitely postponed.

Which report was concurred in by the Senate.

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

House file No 45, a bill,

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

Reported the same back, with one amendment.

Which was concurred in by the Senate; and,

On his motion,

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

House file No. 55, a bill,

For an act to protect Agricultural Exhibitions,

Was read a first and second time.

Mr. Test moved its indefinite postponement.

Mr. Fulton moved to refer it to the Committee on Agriculture.

Which was lost.

The question was then taken on the indefinite postponement of the bill.

It was decided in the affirmative.

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives have passed with two amendments,  
Senate file No. 30, a bill,

For an act to prevent the loaning of the School Fund, by the Superintendent of Public Instruction.

I am also directed to inform the Senate that the House have passed the following joint resolution:

*Resolved*, the Senate concurring, that the General Assembly adjourn *sine die* on the 15th instant, at 12 o'clock, M.

A. R. FULTON,  
Ass't Clerk, H. R.

MR. PRESIDENT:

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

House file No. 55, a bill,

For an act to protect Agricultural Exhibitions.

Also,

Senate Substitute for House file No. 49, a bill,

For an act to change the time of holding Courts in the counties comprising the Sixth and Seventh Judicial Districts.

Also,

Substitute for Senate file No. 27, an act to authorize the bridging of certain rivers.

CHARLES C. NOURSE,  
Chief Clerk, H. R.

Substitute for House file No. 49, a bill,

For an act to change the time of holding Courts in the counties comprising the Sixth and Seventh Judicial Districts,

Read a first and second time; and,

On motion of Mr. Test,

Laid on the table.

House substitute for Senate file No. 27, a bill,

For an act to authorize the bridging of Cedar and Desmoines rivers,

Was read a first and second time.

Mr. Test moved to amend by striking out all of the first section after the word "roads."

Mr. Ramsey moved that the bill be laid on the table.

Upon which question the yeas and nays were demanded.

Mr. Fulton moved to amend by adding to section first:

Said bridges to be elevated at least twelve feet above the ordinary highth of low water.

Which was adopted.

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

Which was lost.

Mr. Preston moved the indefinite postponement of the bill.

Lost.

The yeas and nays were ordered on the motion of Mr. Ramsey to lay on the table, and were as follows:

YEAS—Senators Anderson, Birge, Brigham, Coop, Hillis, McAchran, McCrary, McCulloch, Needham, Preston, Ramsey, Saunders, Schramm and Udell—15.

NAYS—Senators Browning, Cleaver, Coolbaugh, Fulton, Hamilton, Hogan, Jordan, Lucas, Mathews, Test, Thurston, Wilkinson, Workman and Mr. President—13.

Mr. Thurston, on leave, introduced

Senate file No. 31, a bill,

For an act to legalize the issue of the bonds of Ft. Madison.

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.

On motion,

The Senate concurred in the amendments made by the House to Senate file No. 30.

Mr. Preston moved to lay on the table the resolution of the House for the adjournment of the Legislature *sine die*, on the 15th inst. at 12 o'clock, M.

On motion of Mr. Needham,

Twelve o'clock, M., was stricken out of said resolution.

Mr. Preston's motion to lay on the table was then adopted.

On motion of Mr. Test,

Substitute for House file No. 49, was taken from the table; and,

On his motion,

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

Mr. Mathews, from the Committee on Enrolled Bills, reported Senate files No. 18, 21 and 24, as correctly enrolled.

Also,

That the Committee had presented to the Governor for his approval Senate files No. 2, 9, 11, 17 and 20.

Mr. Brigham moved that the Senate adjourn until eight o'clock this evening.

Which was lost.

On motion of Mr. Browning,

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

## TUESDAY MORNING, JULY 15th, 1856.

Senate met pursuant to adjournment.

On motion of Mr. Thurston,

The reading of the Journal was dispensed with.

Mr. Mathews, from the Committee on Enrolled Bills, reported Senate files, No. 23, 25, 26, 30, as correctly enrolled.

Mr. Coolbaugh, from the Committee on Ways and Means, to whom was referred a resolution of the Senate authorizing them to examine the books, papers and moneys in the office of the Treasurer of State and of the Superintendent of Public Instruction, made the following

### REPORT.

(SEE APPENDIX.)

Mr. McCachran, from the Committee on Claims, presented a report concerning the claims of the Publishers of the Capital Reporter and Republican, printed at Iowa City.

Which report was adopted.

Mr. Coolbaugh, on leave introduced.

Senate file No. 32, a bill,

For an act further to restrain the duties of the Superintendent of Public Instruction ;

Which was read a first and second time ; and,

On motion of Mr. McCulloch,

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

The President presented to the Senate the memorial of Henry O'Rielly, concerning the Demoine Navigation and Railroad Company.

Mr. Brigham moved that the memorialist have leave to withdraw his memorial.

(SEE APPENDIX FOR O'RIELLY'S MEMORIAL.)

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

*Resolved*, That the Secretary of the Senate be allowed the sum of fifty dollars, for superintending the printing of, and indexing the Journal of the present session, and the sum of three hundred and fifty dollars for distributing the same to Senators, and to the different organized counties of the State, five copies to each member, and five copies to each county clerk, and that six hundred copies be printed.

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

*Resolved*, That the Secretary and Assistant Secretary of the Senate be allowed the sum of eight dollars per day, each, for their services, at the present session of the General Assembly, and also that they be allowed the usual mileage allowed members of the General Assembly.

Mr. Brigham moved to take from the table,

Senate file, No. 29.

Mr. Schramm offered a substitute for Senate file, No. 29.

Which was read.

Mr. Thurston offered a substitute for the substitute offered by Mr. Schramm.

Mr. Ramsey moved the indefinite postponement of the whole subject of the Demoine River Improvement.

Which was carried.

Mr. Mathews, from the Committee on Enrolled Bills, reported Senate files, Nos. 16, 31, 13 and 32 as correctly enrolled.

House file No. 59, "A." a bill,

Providing for the publication of certain laws.

Was read a first and second time.

Mr. Preston moved to amend the first section, by inserting after the word "localities," "and one newspaper printed in Iowa City."

Which amendment was adopted.

Whereupon,

On motion of Mr. Preston,

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

House file No. 59, B;

Was read a first and second time; and,

Which,

On motion of Mr. Preston,

Was referred to a select committee of three.

The President appointed Messers. Thurston, Preston and Ramsey said Committee.

Mr. Preston moved to take from the table the joint resolution of the House of Representatives, concerning a *sine die* adjournment on the 15th of July.

Mr. Thurston moved to amend by striking out "15th," and inserting "16th".

Which amendment was adopted.

Mr. Preston moved to amend the amendment by adding "6 o'clock, A. M."

Which was lost.

H. R. file, No. 40, a bill,

For an act to make appropriations to pay the members and officers of the General Assembly.

Which was read a first time; and,

On motion,

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

The following messages from the House of Representatives were received:



MR. PRESIDENT:

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

H. R. file No. 58, a bill,

For an act to locate a State road from a point near DeWitt, to Poston's Grove.

A. R. FULTON,  
Assistant Clerk House Rep.

MR. PRESIDENT:

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

House file, No. 59, a bill,

For an Act in relation to certain Indians in Tama county.

A. R. FULTON,  
Assistant Clerk House Rep.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, in which it asks the concurrence of the Senate:

House file, No. 54, a bill,

For an act to change the name of Dakota, in Dubuque county, to Centralia.

Also,

House file No. 57;

Joint resolution to procure additional mail facilities.

In which the House asks the concurrence of the Senate.

CHARLES C. NOURSE,  
Clerk of House of Rep.

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed,

House File No. 59,

Joint resolution providing for the publication of certain Acts.

Also, without amendment,

Senate file No. 31, a bill,

For an Act to legalize the issue of corporate bonds of the town of Ft. Madison.

Also, without amendment,

Senate substitute, for H. R. file, No. 13, a bill,  
 For an act in relation to taxes assessed upon the non-resident  
 stock holders of the Mississippi and Missouri Railroad Company.

A. R. FULTON,  
 Ass't Clerk, H. R.

MR. PRESIDENT:

I am directed to inform the Senate that the House of Represent-  
 atives has passed, without amendment,

Senate file, No. 32, a bill,

For an act further to restrict the duties of the Superintendent of  
 Public Instruction.

A. R. FULTON,  
 Ass't Clerk H. Representatives.

House file No. 54, a bill,

For an act to change the name of Dacota, in Dubuque county,  
 to Centralia,

Was read a first, and second time; when,

On motion of Mr. Schramm,

The eleventh rule was suspended, the bill read a third time, pass-  
 ed and the title agreed to.

House file No. 57,

Joint resolution to procure additional mail facilities.

Was read a first and second time; when,

On motion of Mr. Lucas,

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

Mr. Udell offered for adoption the following resolution:

*Resolved*, That each member of the Senate shall receive for his  
 services for this session, the sum of one hundred dollars, and the  
 mileage each way be entitled to.

Mr. Coop moved to amend by striking out "one hundred" and  
 inserting "two dollars per day."

Lost.

The question recurring on the resolution offered by Mr. Udell,  
 the same was carried.

On motion of Mr. Ramsey,

The Senate adjourned until half past one o'clock, P. M.

HALF PAST ONE O'CLOCK, P. M.

Senate met pursuant to adjournment.

Mr. Udell offered the following, which was adopted :

*Resolved*, That Maturin L. Fisher shall receive two dollars per day for his services, as President of the Senate, in addition to his pay and mileage as a member of the Senate.

House file No. 58, a bill,

For an act to locate a State road from a point near DeWitt to Poston's Grove.

Was read a first and second time; and,

On motion of Mr. Mathews,

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

Mr. Workman offered the following :

*Resolved*, That the Scargeant-at-Arms and Door-Keeper of the Senate, each, be allowed the sum of two dollars per day, and the Messengers be allowed the sum of one dollar, each, for their services, as officers of the Senate, during the present session of the General Assembly.

Mr. Browning moved to amend the resolution, by striking out the word "two" before dollars, and inserting "three."

Also, strike out "one" before dollar, and insert "two."

Which amendments were adopted; and,

On motion,

The resolution as amended, was adopted.

House file No. 59 B;

Was referred to the Committee on the Judiciary.

On motion of Mr. Preston,

The Senate adjourned one hour.

## HALF PAST THREE O'CLOCK, P. M.

Mr. Browning, from the committee on the Judiciary, to whom it had been referred, reported back House file No. 59 B, with one amendment.

Which was adopted.

Mr. Needham moved that the bill be indefinitely postponed.

Which was lost.

On motion of Mr. Preston,

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

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

*Resolved*, That the thanks of the Senate are hereby tendered to the Hon. M. L. Fisher, for the able and impartial discharge of the duties of President of the Senate, during the present session.

Mr. Hamilton offered the following, which was unanimously adopted:

*Resolved*, That the thanks of the Senate be tendered to P. B. Bradley and his Assistant, for the prompt, able and impartial manner, in which they have discharged the duties of Secretaries to the Senate during the present session

Mr. McAchran offered the following:

*Resolved*, That the Rev. F. A. Shearer be allowed the sum of one hundred dollars, for services as chaplain to the Senate the present session.

Mr. Ramsey moved to strike out "one hundred" and insert "thirty."

Mr. Fulton moved to amend the motion by inserting "fifty."

Mr. Preston called for a division of the question.

The question being on striking out, the yeas and nays were demanded, ordered, and were as follows:

YEAS—Senators Anderson, Birge, Coop, Hamilton, Hillis, Hogan, Lucas, Mathews, Needham, Ramsey, Saunders and Udell—12.

NAYS—Senators Browning, Fulton, McAchran, Preston, Wilkinson, Workman and Mr. President—7.

The motion was decided in the affirmative.

The question being on inserting "fifty" the yeas and nays were demanded, ordered, and were as follows:

YEAS—Senators Birge, Browning, Fulton, Hamilton, Hillis, Lucas, Mathews, McAchran, Needham, Saunders, Wilkinson and Workman—12.

NAYS—Senators Anderson, Coop, Hogan, Preston, Ramsey, Udell and Mr. President—7.

The question then being taken on the resolution as amended, was decided in the affirmative.

House file No. 62, a bill,

For an act to authorize the appointment of commissioners to examine the affairs of the Des Moines River Improvement,

Was read a first and second time; and,

On motion of Mr. Browning,

Its further consideration was indefinitely postponed.

Mr. Browning offered the following:

WHEREAS, It has been represented by members, who have applied to the Auditor of State for a warrant on the Treasurer, for the pay of members, allowed by resolution of both Houses; and that said Auditor has refused to audit the same, alleging that it is contrary to the Constitution and laws of the State; and that said decision of said Auditor is based upon the instructions of His Excellency, the Governor, as to said laws and Constitution; Therefore, be it

*Resolved*, by the Senate, the House concurring, That said Governor and Auditor inform the Senate by what authority it is they exercise judicial and legislative powers, and that they be requested to report to the Senate at five o'clock, this evening.

On motion of Mr. Mathews,

All that portion of the preamble and resolution, which related to the Governor, was stricken out.

The resolution was then adopted.

The following message was received from the House of Representatives:

MR. PRESIDENT:

I herewith present for your signature House files No. 6, 16 and

22, the same having passed both branches of the General Assembly, and signed by the Speaker of the House.

A. R. FULTON,  
Ass't Clerk, H. Rep.

MR. PRESIDENT :

I am directed to inform the Senate, that the House of Representative has passed,

House file No. 62, a bill,

For an act to authorize the appointment of commissioners to examine the affairs of the Desmoines River Improvement.

A. R. FULTON,  
Ass't Clerk, H. Rep.

Mr. McCachran offered the following:

*Resolved*, That the thanks of the Senate be and are hereby tendered to the Rev. Mr. Shearer, for the very satisfactory manner in which he has discharged his duty as chaplain to the Senate, during the present session.

Which was adopted.

The President presented the following communication from the Auditor of State, in reply to a resolution, which this day passed the General Assembly :

Which was read.

AUDITOR'S OFFICE, IOWA, }  
Iowa City, July 15th, 1856. }

*To the Hon. the General Assembly of Iowa:*

*Gentlemen*—In answer to your resolution of this date, and just received by me, asking by what authority I exercise judicial and legislative powers, I would most respectfully say, that I am not aware that I have undertaken to exercise either judicial or legislative power.

I did refuse to audit a bill presented by Hon. J. D. Hillis, and as to my authority for so refusing, I would beg leave to refer your Hon. Body to section eleven, chapter two, of the Code; supposing that to be the last law in relation to that subject, I thought it my duty to be governed by it.

I am Gentlemen, Most Respectfully,

Your Obedient Servant,

JOHN PATTEE,

Auditor of State.

On motion of Mr. Preston,

A committee of three was appointed to confer with the Auditor, regarding said resolution and the answer thereto.

The President appointed Senators Saunders, Preston and Workman said committee.

After a short absence, the committee, through Mr. Saunders, Chairman, reported that the Auditor refused to audit and allow the certificates of the members of the Senate and House of Representatives.

House Substitute for Senate file No. 22, a bill,

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

Was read a first and second time; and,

On motion of Mr. Browning,

It was laid on the table.

Mr. McAchran, by unanimous consent, introduced,

Senate file No. 33, a bill,

For an act to authorize the Treasurer to pay, from any money in the Treasury, the sums due to the members and officers of the General Assembly, for services rendered at the present session.

Which was read a first and second time; and,

On his motion,

The eleventh rule was suspended.

The question being on the reading of the bill a third time, the yeas and nays were demanded, ordered, and were as follows:

YEAS—Senators Anderson, Birge, Browning, Fulton, Hamilton, Hogan, Lucas, McAchran, Preston, Saunders, Udell, Wilkinson and Workman—13.

NAYS—Senators Coop, Hillis, Mathews, Needham and Mr. President—5.

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

On motion of Mr. Udell,

The Senate adjourned until eight o'clock this evening.

## EIGHT O'CLOCK, P. M.

Mr. Birge, on leave, introduced the memorial of H. H. Gear, President of the Great North-Western Rail Road Company, asking the State of Iowa to memorialize Congress for a grant of land in behalf of the construction of said road; which,

On motion of Mr. Udell,  
Was laid on the table.

A message from the House was received, as follows:

MR. PRESIDENT:

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

House file No. 63, a bill,

For an act making additional appropriations for the support of the State Government, for this extra session of the General Assembly.

In which they ask the concurrence of the Senate.

House file, No. 63, a bill,

For an act making additional appropriations for the support of the State Government, for the extra session of the General Assembly.

Was read a first and second time; and,

On motion of Mr. McAchran,  
Referred to the Committee on Claims.

On motion of Mr. Wilkinson,  
The Senate adjourned until half past nine.

---

HALF PAST NINE O'CLOCK.

Mr. Mathews, from the Committee on Enrolled Bills, reported that he had presented, Senate files, Nos. 16, 21, 29, 31, 13, 25, 26,



23, 30, 18 and 33, to his Excellency, the Governor, for his approval.

Mr. McAchran, from the Committee on Claims, to whom had been referred, the appropriation bill, No. 63, reported the same back with several amendments.

Mr. Preston moved to strike out one hundred and twenty dollars allowed Sylvester, Harrison & Brother, for copies of the Iowa Capital Reporter, furnished members of the Senate, during the present session, and insert two hundred and thirteen dollars.

Which amendment was carried.

Mr. Preston moved to strike out ninety-two dollars and sixty cents, allowed J. Teesdale for copies of the Iowa City Republican, furnished members of the Senate during the present session, and insert one hundred and fifty-three dollars and fifty cents.

Which amendment was carried.

Mr. McAchran moved to amend, by striking out sixty dollars allowed to the Sergeant-at-Arms, of the House of Representatives, and inserting forty-five dollars.

Which amendment was adopted.

Mr. Preston moved to amend, by striking out forty-five dollars allowed each Messenger of the House of Representatives, and inserting thirty dollars.

Which amendment was adopted.

The bill was then ordered to a third reading.

On motion of Mr. Coop,

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

On motion of Mr. Browning,

The memorial of H. H. Gear, President of the Great Northwestern Railroad Company, was taken from the table, and the Senate went into Committee of the Whole, on said Memorial.

A message was received from the House of Representatives, by Mr. Nourse, Chief Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House refuses to concur in the amendments made by the Senate to House file, No. 63.

CHAS. C. NOURSE,  
Clerk House Rep.

After a short time the Committee rose, and through their Chairman, reported the same back without amendment, and recommended the passage of the resolution.

Mr. Needham moved that the resolution be laid on the table.

Which was lost.

The resolution was then passed.

On motion of Mr. Browning,

The Senate recessed from its amendments to H. R. file, No. 63.

On motion of Mr. Saunders,

A Committee of two was appointed to act in conjunction with a similar Committee on the part of the House, to wait upon his Excellency, the Governor, and enquire if he has any further communication to make to the General Assembly, who after a short absence, reported that they had discharged the duty assigned them, and that the Governor had no further communication to make to the General Assembly.

Mr. Hillis moved that the Senate now adjourn *sine die*.

Agreed to.

*Senators!*

The kindness and respect which, on all occasions, you have shown toward me, the support which you have given me, in the discharge of my official duties, and the indulgence you have extended to the errors which I have committed, have excited in me emotions of gratitude, which I will not attempt to express. The unanimous approbation, which you have bestowed upon my efforts to serve the people in the capacity in which you have placed me, at a time of unusual political animosity, will be a source of happiness to me, during the remainder of my life.

This session has, indeed, been short, but it has been a laborious one—and its acts, which have already gone into the records of the past, will promote and hasten the future greatness of this, our recent republic.

The period of our final separation has arrived; in bidding you farewell, I offer my sincere wishes, that you may have a safe and happy return to your families, your friends and your constituents; and those of you who, with me, are about to return to the quietude of private life, may be succeeded in the service of the State, by men who will be inspired by the magnanimity and patriotism which have distinguished your public conduct.

# APPENDIX.

## Report of the Superintendent of Public Instruction.

---

### *To the President of the Senate, of the State of Iowa:*

In obedience to a resolution passed by the Senate on the 7th instant, making certain enquiries of this department, in regard to the disposition of the five per cent. fund due the State of Iowa, from the General Government, I would most respectfully beg leave to make the following

### **REPORT:**

I received in January, A. D. 1855, fifty four thousand, three hundred and forty-one dollars and fifty-nine cents, five per cent. fund, and on the first day of March on the same year, I distributed the same among the several counties, and sent a notice to the several School Fund Commissioners, informing them of the amount apportioned to their counties, and after waiting several months and not hearing from any of them, I ordered the funds to be loaned in the other counties. The funds are all loaned on real estate security, to double the amount loaned, drawing ten per cent. interest per annum, payable on the first day of January of each year, at the Office of the Superintendent of Public Instruction, or at the Office of the School Fund Commissioner.

Table "A" shows the amounts each county received of the fund, for the year 1853.

In March last I received from the General Government two hundred and twenty-six thousand, eight hundred dollars and eighty-six cents, of which amount I have loaned to individuals on real estate security amounting to eighty-four thousand, three hundred and thirty dollars (\$84,330 00) and have sent to the School Fund Com-

missioners, of the following counties, the amount set opposite to each county :

Lee, .....	\$30,000 00
Henry, .....	10,000 00
Desmoines, .....	5,000 00
Van Buren, .....	5,000 00
Wapello, .....	5,000 00
Davis, .....	5,000 00
Louisa, .....	5,000 00
Muscatine, .....	5,000 00
Scott, .....	5,000 00
Jefferson, .....	5,000 00
Marion, .....	5,000 00
Johnson, .....	5,000 00
Jasper, .....	2,000 00
Benton, June 27, '56, .....	500 00
	<u>\$92,500 00</u>

Leaving a balance in my hands, to be disposed of amounting to fifty thousand, four hundred and fifty dollars and eighty-six cents.

I have deposited money with Culbertson & Reno, Cook, Sargent & Downey, of Iowa City, on several occasions, amounting to the sum of fifty thousand dollars. I have also deposited with Hon. M. L. Morris, Treasurer of the State of Iowa, the sum of fifty thousand dollars. I never demanded any interest of Mr. Morris, nor did I ever receive any. From the banks of Iowa City, I received in interest, the sum of four hundred and fifty dollars.

I have also deposited from time to time with Knapp & Eaton, Bankers, of the city of Fort Madison, Iowa, thirty-five thousand dollars, for which I never received any interest nor demanded any. I made those deposits for convenience, so that the drafts from this department could be paid without delay. I have never made any deposits of moneys belonging to the School Fund, out of the State of Iowa, with any bank or individual.

You ask me by "What authority I loan the School Fund?" I would refer you to *Sec. 1058*, of the code of Iowa, which places the money in my hands to be "*disposed of according to law*," and

this is the only provision of law touching the question, and as I was the only officer who was held responsible for said fund, I concluded to loan the money myself in preference to the slow process of sending it to the several counties, without any authority of law, to do so. After I had made up my mind to loan the money myself and make the interest payable at the office of the Superintendent of Public Instruction, I called upon D. C. Cloud, Attorney General of the State of Iowa, for his official opinion, and he stated that no other person but the Superintendent of Public Instruction had any control over the loaning of the five per cent. fund, and that it was my duty to loan it out, as I have in part done.

There is another consideration relative to the Superintendent of Public Instruction loaning the five per cent. fund and making the interest payable at this office from the fact that the interest can be distributed among the several counties at one half the expense which it would cost to equal the interest among the several counties.

## A.

*Distribution of the 5 per cent. fund among the several counties, for the year 1853, received by me January 18th, 1855, and distributed March 1st, 1855, as follows, to wit:*

COUNTIES.		D.	C.
Appanoose,	Aug. 12, '55,	1000	00
Benton,	March 18, '56,	500	00
Blackhawk,			
Cedar,		500	00
Clinton,	May 16, '55,	500	00
Davis,	Aug. 10, '55, \$1,000,	500	00
Des Moines,	April 6, '55,	2,000	00
Dubuque,	Aug. 2, '55,	2,000	00
Henry,	Feb. 8, '55,	1,927	00
Hardin,		500	00
Iowa,		500	00
Jackson,	{ 1855, \$700, } { Jan. '55 300, }	1,000	00
Jasper,	March 13, '55,	500	00
Jefferson,		2,000	00
Jones,		500	00
Johnson,		3,700	00
Keokuk,	July 14, '55,	1,000	00
Lee,	\$2,900 '59,	20,700	59
Linn,	July 13, '55,	500	00
Louisa,	June 1, '55,	1,500	00
Lucas,	Aug. 15, '55,	500	00
Mahaska,	Aug. 28, '55,	514	00
Marion,	July '55,	1,000	00
Marshall,	No date,	500	000
Monroe,		500	00
Muscatine,	May 13, '55,	1,500	00
Polk,	March 13, '55,	1,500	00
Pottawattamie,	Feb. 15, '55,	500	00
Scott,	June 1, '55,	1,500	00

## A.—CONTINUED.

Van Buren,.....	June 5, '55,.....	1,500 00
Wapello,.....	{ Oct. 12, '55, \$400, } { Aug. 23, '55 \$1,100, }	1,500 00
Warren, .....		500 00
Washington,.....	May 16, '55,.....	1,000 00
Wayne, ..	Left Nov. 16, '55, with J. W. Ellis, of Davis co. .	500 00
Total,.....		<u>\$54,341 59</u>

I herewith transmit to you my two reports showing the distribution of the interest arising from the permanent school fund of the State, for the year, A. D. 1854,—'55.

All of which is respectfully submitted to your honorable body,  
 JAMES D. EADS,  
 Sup. Pub. Inst.

COUNTIES.	As allowed by Co. Officers.		As approved by Superintendent.		Interest of the School Fund for 1855, apportion'd Jan. 25, 1856.			
	Salary.	Contingent expenses.	Salary.	Contingent expenses.	Amount reported.	Amount delinquent.	Number of children.	Amount apportioned for Schools.
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Adair, .....								
Adams, .....			\$ 50 00		\$ 266 09		215	\$ 146 11
Allamakee, .....			500 00	\$ 10 00	7,652 65		2,081	1,414 40
Appanoose, .....	\$200 00	\$ 3 00	200 00	3 00	1,664 06		3,360	2,283 71
Audubon, .....	25 00							
Benton, .....	400 00	335 00	400 00	335 00	2,043 25	819 25	1,679	1,141 17
Blackhawk, .....	300 00	10 00	300 00	10 00	2,954 41	78 89	863	586 56
Boone, .....	100 00		100 00	10 00	698 38		986	670 15
Bremer, .....	175 00		200 00		2,273 57	142 83	424	288 19
Butler, .....	100 00	12 00	100 00	12 00	186 75		313	212 74
Buchanan, .....	125 00	25 00	125 00	25 00	972 09	98 06	1,155	785 00
Calhoun, .....								
Cass, .....	10 00	2 14	10 00	2 14	26 32		97	65 92
Carroll, .....								
Cedar, .....	300 00	15 00	300 00	15 00	4,056 92	454 63	3,116	2,117 86
Cerro Gordo, .....								
Chickasaw, .....	250 00		250 00	5 00	622 46	20 00	271	184 18
Clarke, .....	300 00		300 00		2,184 52	702 02	896	608 97
Clayton, .....	425 00	25 00	425 00	25 00	4,597 37	217 83	3,813	2,591 59
Clinton, .....	400 00	40 00	400 00	40 00	4,259 36	540 00	3,337	2,268 08



Crawford, .....									
Dallas, .....	300 00	25 00	300 00	25 00	2,194 60	174 84	1,076	731 32	
Davis, .....	290 00	40 00	290 00	40 00	1,306 71	566 02	4,545	3,089 12	
Decatur, .....	450 00	50 00	450 00	50 00	5,942 35	612 99	1,888	1,283 20	
Delaware, .....	400 00	35 00	400 00	35 00	2,712 21	104 28	2,395	1,627 80	
Desmoines, .....	350 00	20 00	350 00	20 00	3,025 82	842 06	6,559	4,458 00	
Dubuque, .....	400 00	20 00	400 00	20 00	3,400 75	993 61	7,781	5,288 57	
<sup>14</sup> Fayette, .....	500 00		500 00		4,853 83	384 59	1,701	1,156 13	
Floyd, .....	100 00	5 00					380	258 27	
Franklin, .....									
Fremont, .....	250 00	3 00	250 00	3 00	606 93	89 32	1,197	813 56	
Guthrie, .....	150 00	5 00	150 00	5 00	251 48		504	342 56	
Greene, .....	55 00	25 00	55 00	25 00	191 28	4 00	389	264 38	
Harrison, .....	150 00	5 00	50 00	5 00	36 87		351	238 57	
Hardin, .....	200 00		200 00		805 42	27 75	520	353 42	
Henry, .....	350 00	10 00	400 00	10 00	2,031 03	530 51	4,571	3,106 91	
Howard, .....	240 00	20 00					260	176 70	
Iowa, .....	200 00	26 00	200 00	26 00	1,544 61	35 14	1,502	1,020 87	
Jackson, .....	375 00	15 00	375 00	15 00	2,179 66	84 79	5,530	3,758 61	
Jasper, .....	175 00	16 00	200 00	16 00	1,751 80		2,241	1,523 15	
Jefferson, .....	350 00	6 56	350 00	6 56	1,722 57	39 25	5,371	3,650 55	
Johnson, .....	350 00	25 00	350 00	25 00	1,937 45	253 48	4,150	2,820 64	
Jones, .....	350 00	60 00	400 00	60 00	4,531 51	721 86	3,371	2,291 18	
Keokuk, .....	200 00	15 00	200 00	15 00	1,679 38	118 46	3,317	2,594 33	
Kossuth, .....									
Lee, .....	400 00	50 00	400 00	50 00	2,385 65	62	9,161	6,226 52	
Linn, .....	400 00	25 00	400 00	25 00	3,222 14	94 24	5,136	3,490 82	
Louisa, .....	300 00	53 00	300 00	53 00	1,844 57		1,012	687 84	

COUNTIES.	As allowed by Co. Officers.		As approved by Superintendent.		Interest of the School Fund for 1855, apportion'd Jan. 25, 1856.			
	Salary.	Contingent expenses.	Salary.	Contingent expenses.	Am't reported.	Amount delinquent.	Number of Children.	Amount apportioned for schools.
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Lucas, .....	300 00	25 00	300 00	25 00	795 78	35 44	819	556 65
Madison, .....	400 00	10 00	300 00	10 00	2,142 20	604 43	1,676	1,139 11
Mahaska, .....	250 00	15 00	250 00	15 00	2,850 90		4,377	2,974 93
Marion, .....	300 00	35 00	300 00	35 00	1,426 76	300 00	4,512	3,066 69
Marshall, .....	250 00	20 00	275 00	20 00	1,652 56	11 25	1,102	749 03
Mills, .....	300 00	25 00	200 00	25 00	327 17		1,095	744 26
Monroe, .....	200 00		200 00		1,166 24	10 00	2,394	1,627 14
Monona, .....							62	42 14
Montgomery, ...	50 00		50 00		217 41		139	94 47
Mitchell, .....							3,513	2,387 70
Muscatine, .....	300 00	12 00	300 00	12 00	1,603 61	23 17	739	502 28
Page, .....	200 00	8 00	200 00	8 00	354 38		2,801	1,903 78
Polk, .....	375 00	5 00	375 00	5 00	1,721 65	48 50	972	660 67
Pottawattamie, ..	250 00	50 00	250 00	50 00	310 52		1,124	763 99
Poweshiek, .....	150 00	20 00	150 00	20 00	1,480 20	295 03		
Ringgold, .....							5,437	3,695 37
Scott, .....			275 00	25 00	1,615 00		75	50 98
Shelby, .....							458	311 28
Story, .....							393	267 12
Taylor, .....	90 00	11 15						

Tama,.....	337 00	27 00	337 00	27 00	1,614 67	406 24	902	613 07
Union, .....	250 00	15 00	250 00	15 00	1,285 87	64 62	249	169 27
Van Buren,.....	400 00	20 00	400 00	20 00	2,304 67		6,402	4,351 26
Wapello, .....	350 00	43 66	350 00	43 66	1,981 08	32 20	5,047	3,430 31
Warren, .....	295 00	5 00	295 00	5 00	1,275 39	226 25	2,000	1,359 42
Washington, ....	200 00	20 00	200 00	20 00	1,624 57		3,580	2,432 22
Wayne, .....	250 00	10 00	250 00	10 00	2,716 72	98 70	1,114	757 17
Webster, .....	350 00	25 00	550 00	26 00	3,050 92	113 57	561	381 29
Winneshiek, ....	300 00	5 00	200 00	5 00	332 98	409 01	1,388	943 38
Woodbury, .....								
Wright, .....							185	125 75
	<u>\$16,542 00</u>	<u>\$1,428 51</u>	<u>\$16,787 00</u>	<u>\$1,442 36</u>	<u>\$118,468 17</u>	<u>\$11,429 73</u>	<u>151,130</u>	<u>\$102,718 38</u>
Add interest on State Loans,.....					2,479 57			
					<u>\$120,947 74</u>			
Deduct salaries and contingent expenses,.....					18,229 36			
					<u>\$102,718 38</u>			

## C I R C U L A R .

---

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }  
IOWA CITY, IOWA, January 25, 1856. }

DEAR SIR :

The interest of the permanent school fund has been distributed as shown by the annexed statement. The apportionment has been somewhat delayed in consequence of the tardiness of some of the School Fund Commissioners, to make their interest report, and further delayed to apportion the funds in two counties which reported to this department after this document was first prepared for the printer.

The counties of Adair, Audubon, Calhoun, Carroll, Cerro Gordo, Franklin, Kossuth, Monona, Warren and Woodbury have failed to make their annual reports.

The counties of Adair, Audubon, Calhoun, Carroll, Cerro Gordo, Crawford, Floyd, Franklin, Howard, Kossuth, Monona, Mitchell, Ringgold, Shelby, Story, Woodbury and Wright, have each failed to make their interest report.

Taylor county has made an informal interest report.

Warren county has made an interest, but failed of making an annual report, but judging the ratio of increase of pupils there to be about the same as in the whole State, I have estimated the number at two thousand and made the apportionment accordingly.

The commissioner of that county will disburse the amount, viz; \$1,359,42, among the districts be they more or less.

The other counties failing to make their annual reports are mostly new counties, but it is no excuse for the Commissioners to neglect their duties. The Commissioner of Ringgold has made an annual report of "no organized districts," but failed to make his interest report.

Enquiries are constantly made at this Office relative to the condition of schools and the pecuniary affairs of the department in

different counties in the State which it is utterly impossible to answer in any definite manner because of the imperfect and loose manner of School Commissioners in making their annual reports.

The fault, no doubt, to a considerable extent is attributable to the failure of district secretaries to make their reports as prescribed by Sec. 1136 of the Code. The consequences of their failure to report are shown by Sec. 1137, to which the Fund Commissioner should call the attention of district officers and use all reasonable means to secure the rigid enforcement of the law.

It is important in the highest degree that all the Commissioners strictly comply with the provisions of the law in the collection of interest, and in making their quarterly, annual and interest reports. The large and inexcusable amount of uncollected interest the past year is wholly uncalled for: there is no excuse for it.

The law makes provision for the prompt payment of it, and whenever the loanee fails to make such payment immediate proceedings should be taken to collect the same.

After this there will be no salary allowed to the commissioner who fails to do his duty and make his reports promptly to this office as directed by law.

A respectable number have faithfully done their duty, and justly merit the approbation of their constituents, and an expression of thanks from this department.

The 8th column shows the amount your county is entitled to for school purposes, which, with all funds appropriated by the county, (except such as may have accrued under Sec. 1158, which should be apportioned as provided by Sec. 1159,) constitute the school fund to which your county is entitled.

It should be distributed on the first day of March (or as soon thereafter as possible) in proportion to the number of persons between the age of 5 and 21 years, as reported by the district secretaries under Sec. 1136.

Your county will be required to contribute to the general fund the amount indicated by the 5th column, but no more. Any excess you may have must be retained and reported in your next interest report as delinquent interest collected. You will first deduct from the 5th column the aggregate amount approved for salary, contingent expenses and distribution, as shown by the 3, 4, and 8 columns.

and the balance pay over to other counties on the official drafts of this department.

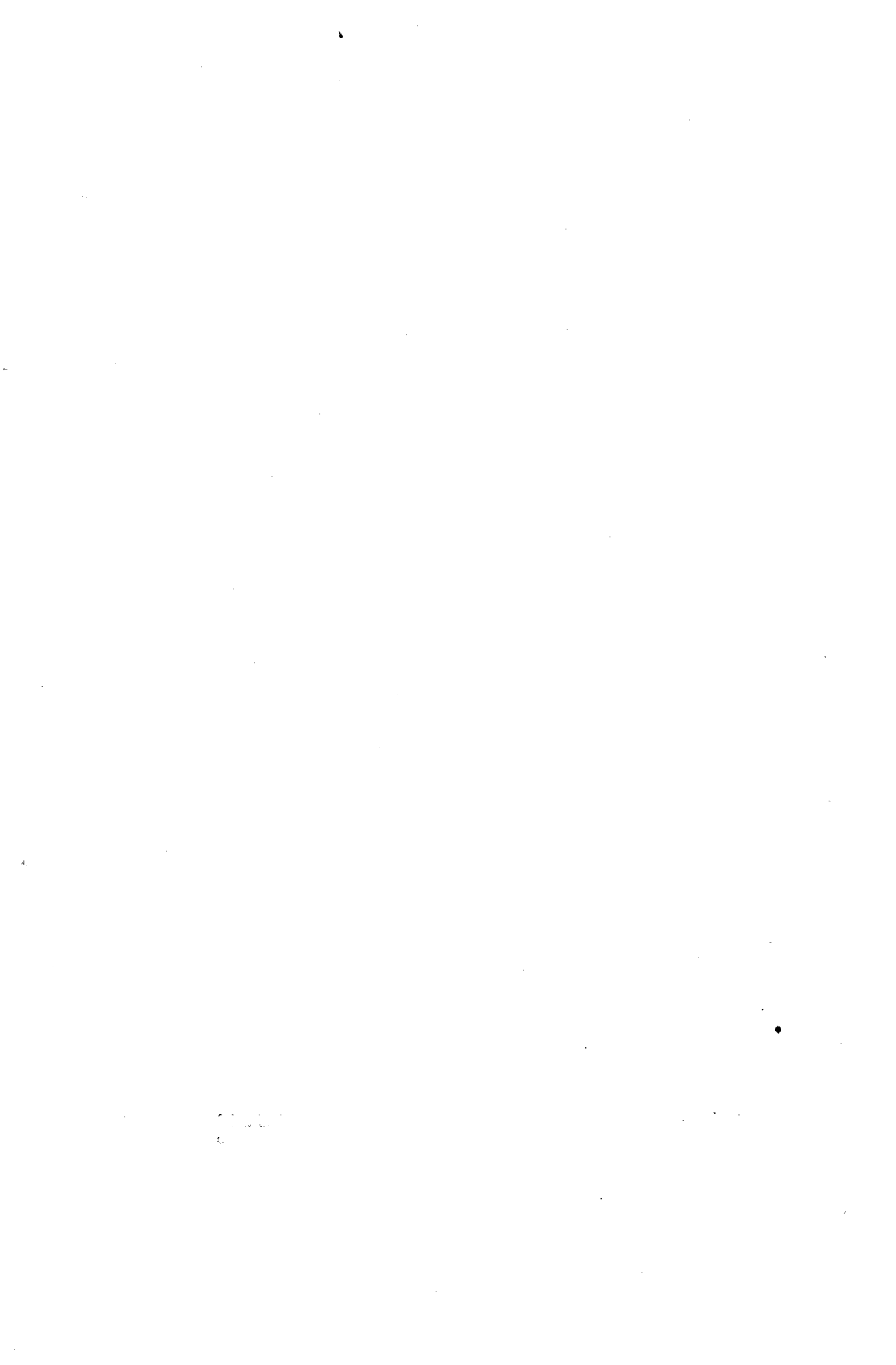
In case you have not in your hands sufficient funds to meet the expenses and apportionment of your county, the deficiency will be made up by drafts herewith enclosed on other counties or the State Treasurer.

I am, very respectfully,

Your Obedient Servant,

JAMES D. EADS,

Superintendent of Pub. Inst.



COUNTIES.	As allowed by Co. Officers.		As approved by the Superintendent.		Interest of the School Fund for the year 1854, as apportioned on the 25th day of January, 1855.			
	Salary.	Contingent Expenses.	Salary.	Contingent Expenses.	Amount Reported.	Amount delinquent.	No. of Children.	Amount apportioned for Schools.
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Adams, .....			20 00	5 00	41 48			
Alamakee, .....	\$500 00	40 00	475 00	40 00	5,767 89		1,245	\$709 65
Appanoose, .....	200 00	3 00	200 00	3 00	1,364 28	102 93	2,919	1,663 83
Benton, .....	400 00	75 00	375 00	75 00	1,318 33	109 52	999	569 43
Butler, .....								
Bremer, .....	325 00	20 00	325 00	20 00	1,539 72	158 09	408	232 56
Boone, .....	100 00	2 00	114 54	2 00	593 40		561	319 77
Blackhawk, .....			150 00	10 00			585	333 45
Buchanan, .....	100 00	27 50	115 00	27 50	730 30	15 35	981	559 17
Cedar, .....	200 00	15 00	200 00	15 00	2,954 18	174 79	3,065	1,747 05
Chickasaw, .....	250 00	10 00	250 00	10 00	532 49	16 30	157	89 49
Clayton, .....	400 00	10 00	335 00	10 00	2,322 34		3,151	1,796 07
Clinton, .....	400 00	40 00	360 00	40 00	3,391 10		2,221	1,265 97
Clarke, .....	370 00	30 00	325 00	30 00	1,420 71	234 26	509	290 13
Dallas, .....	300 00	20 00	300 00	20 00	1,947 50	61 25	872	497 04
Davis, .....	250 00		250 00	20 00	2,001 49		4,409	2,513 13
Decatur, .....			350 00	20 00	3,071 75	592 99	765	436 05
Delaware, .....	400 00	20 00	350 00	20 00	2,368 17	44 27	1,861	1,060 77
Des Moines, .....	300 00	30 00	250 00	30 00	2,132 73	1,606 03	5,632	3,210 24
Dubuque, .....	400 00	10 00	350 00	10 00	3,009 51	835 93	5,000	2,850 00



Fayette,.....	475 00	60 00	475 00	10 00	4,402 17	315 59	1,469	831 83
Floyd, .....								
Fremont, .....			200 00	10 00			1,003	571 71
15 Guthrie,.....			50 00	5 00	111 40		327	186 39
Harrison,.....			50 00	5 00			211	120 27
Henry,.....	300 00	26 00	275 00	26 00	1,127 48	678 64	4,427	2,523 39
Hardin, .....			95 00	5 00	479 55	15 25	212	120 84
Iowa, .....	125 00	25 00	125 00	25 00	1,030 94	4 34	788	449 73
Jasper,.....	150 00	3 00	150 00	3 00	1,192 24		1,507	858 99
Jones,.....	350 00	25 00	350 00	25 00	4,475 86	235 87	2,299	1,310 43
Jefferson,.....	350 00	41 00	350 00	40 00	1,668 00		5,065	2,887 05
Johnson,.....			254 00	25 00	1,439 81	227 92	3,240	1,846 80
Jackson, .....	375 00	12 50	375 00	12 50	2,066 62	25 02	4,384	2,498 88
Keokuk,.....	200 00	15 00	200 00	15 00	1,296 61	26 28	3,042	1,733 94
Linn, .....	425 00	40 00	425 00	40 00	3,007 14	69 74	4,422	2,520 54
Louisa,.....			250 00	10 00			2,794	1,592 58
Lee, .....	400 00		400 00		2,027 98	45 31	8,343	4,755 51
Lucas, .....	350 00	25 00	300 00	25 00	702 29	40 99	477	271 89
Mills, .....	250 00	8 00	200 00	8 00	171 91	3 35	951	542 07
Monroe,.....			200 00	10 00	812 69		2,009	1,145 13
Madison,.....	300 00	25 00	275 00	25 00	1,560 99	545 69	1,073	611 61
Mahaska,.....	350 00	10 00	350 00	10 00	2,635 97		3,757	2,141 49
Marshall,.....	175 00	15 00	200 00	15 00	1,271 64		617	351 69
Montgomery, ...	25 00	15 00	25 00	15 00	41 50		83	47 31
Marion,.....			250 00	20 00	1,130 07	300 00	3,800	2,166 00
Muscatine,.....	250 00	12 00	250 00	12 00	1,454 55	13 56	3,058	1,743 06
Polk, .....	375 00	3 00	325 00	3 00	1,424 18	123 47	1,832	1,044 24
Pottawattamie, .....			125 00	15 00			588	385 16

COUNTIES.	As allowed by Co. Officers.		As approved by Superintendent.		Interest of the School Fund for the year 1854, as apportioned on the 25th day of January, 1855.			
	Salary.	Contingent Expenses.	Salary.	Contingent Expenses.	Amount Reported.	Amount delinquent.	No. of children.	Amount apportioned for Schools.
	No. 1.	No. 2.	No. 3.	No. 4.	No. 5.	No. 6.	No. 7.	No. 8.
Page, .....			80 00	20 00	457 98		500	285 00
Poweshiek, .....			100 00	15 00	666 55	58 83	816	465 12
Scott, .....			325 00	25 00	1,514 00		3,931	2,240 67
Story, .....	75 00	5 00	80 00	5 00	198 04	47 75	80	45 60
Tama, .....			300 00	15 00			398	226 86
Taylor, .....			25 00	5 00			124	70 68
Van Buren, .....	400 00	15 00	400 00	15 00	2,224 85		6,088	3,470 1
Wapello, .....	350 00	29 00	350 00	29 00	1,666 66	135 30	4,496	2,562 72
Washington, .....			150 00	20 00			3,100	1,767 00
Wayne, .....			200 00	10 00	1,180 57	15 90	655	373 35
Webster, .....	350 00	45 00	300 00	45 00	1,676 06	156 86	293	167 01
Warren, .....	250 00	15 00	200 00	15 00	798 02	105 93	1,569	894 33
Winneshiek, .....			350 00	20 00			1,527	870 39
	\$11,545 00	\$762 00	\$14,474 54	\$1,061 00	\$82,502 22	\$7,143 10	120,696	\$68,796 72
Add interest on State Loans.....					2,479 57			
Deduct Salaries and Contingent Expenses of School Fund Commissioners as above.....				\$15,535 54	\$84,981 79			
Unpaid Warrants (1854) on Benton county.....				949 63				
					16,185 07			
					\$68,796 72			

## C I R C U L A R .

---

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }  
IOWA CITY, IOWA, Jan. 25, 1855. }

I send you herewith a statement of the apportionment of the interest of the school fund for the year 1854. The 8th column indicates the amount to which your county is entitled for school purposes. This sum, together with the county school tax and all other funds appropriated to the county for school purposes (except fines) should be added together, and the aggregate amount apportioned on the first day of March next, among the school districts of your county, which filed their reports with you on the first day of October last. The law requires that fines for breaches of the penal laws and exemption from military duty, shall be apportioned separate.

In case you have collected any interest which was not reported to me in time to be included in this apportionment as shown by the 5th column you will have to retain it on hand and include it in your report of interest in January, 1856, as no interest can be apportioned to the district until it is first reported to the Superintendent and apportioned by him among the several counties. This shows the absolute necessity of having the interest promptly paid and reported.

In the event you have an excess of interest, you will first deduct the aggregate of the respective sums required for salary, contingent expenses and school purposes as shown by the 3d, 4th and 8th columns, from the amount reported or estimated as shown by the 5th column, and pay over the remainder on drafts drawn on you by the undersigned in favor of other counties. These drafts are to be cancelled when paid, and filed with your vouchers. If you have collected no interest, or if the amount collected is not sufficient to meet the demands of your county for salary, contingent expenses and school purposes, the deficiency will be made up by drafts enclosed herewith on other counties or the State Treasurer. When you receive the money on these drafts, either from the per-

sons on whom they are drawn or of any one to whom you may transfer them, you should be careful to *endorse them officially*. If you do not succeed in collecting them before the first of March you should nevertheless include the amount in your apportionment and collect them so soon thereafter as possible. The drafts on the State Treasurer may be readily transferred to the county treasurer, or to persons wishing to use funds at the land office in this place, as the money will be paid on demand in specie. In case you find it convenient to make such a transfer, it will simply be necessary for you to endorse the draft.

I would add that the amount allowed for contingent expenses, can only be used for the legitimate expenses of the office. It is the property of the *office* and not of the Fund Commissioner, and in case it is not expended during his administration it should be transferred to his successor. Every Fund Commissioner should open a regular contingent expense account—enter each item of expense incurred and credit the account with the amount allowed. You will deduct your salary and contingent expenses as shown by the 3d and 4th columns before making your apportionment and file the certificate of allowance, returned herewith, with your vouchers. Where two or more officers have held the office during the same year, the salary should be divided between them in proportion to the time each had served.

The apportionment has been unavoidably delayed in consequence of the imperfection and late arrival of many of the Interest Reports. Some have come too late for insertion: and greater promptness hereafter will be very desirable: should the apportionment fail to reach any of the frontier counties by the first of March, and thus prevent the apportionment to the districts being made on that day, let it be made as soon thereafter as practicable.

By the present apportionment the amount for each person between the age of 5 and 21 years is *fifty-seven cents*. But in view of the small number actually attending school, and the addition of the county-tax, the amount going to each scholar will be about *two dollars and twenty-five cents*.

I am, respectfully,

Your Obedient Servant,

JAMES D. EADS,

Superintendent of Pub. Ina.

# REPORT

## Of the Committee of Ways and Means, in relation to the State Treasurer, and Superintendent of Public Instruc- tion.

The Committee on Ways and Means, who were authorized by a resolution of the Senate, to examine the book, papers and moneys in the office of the Treasurer of the State, and of the Superintendent of Public Instruction, beg leave to report, that they commenced their labors by examining the books, papers, &c., of the State Treasurer, and find him charged in the Auditor's Office, with a balance on sales of saline lands, on 1st Nov., 1854, of ..\$5,515 70  
Amount received for Revenue from 1st November, 1854,

to date, .....	202,935 80
\$208,451 50	
Making the sum of,	\$208,451 50
Of which sum, we find according to vouchers in his office, that he has disbursed, since the said first November, 1854, up to the present date, .....	197,366 45
Leaving a balance in his hands of, .....	11,085 05
\$208,451 50	

Which amount they found in his office in cash.

Your Committee further find upon careful examination, that the Superintendent of Public Instruction has not at any time deposited with Hon. M. L. Morris, State Treasurer, the sum of \$50,000 00 of the five per cent. fund, or any part of said sum, as stated in the report of the said Superintendent, of date July 11th, 1856.

Your committee find that the Superintendent of Public Instruction received on the — day of January, 1854, the sum of \$54,341 59 from the General Government, being the amount of the five per cent fund, on the proceeds of the sales of the public lands, for the previous year. Of this sum there has been distributed among the different counties, as per receipts of the Fund Commissioners on file in the office of the Superintendent, the following amounts to wit:

DATES.	COUNTIES.	D. C.
August 12, 1855,.....	Appanoose,.....	1000 00
March 15, 1856,.....	Benton,.....	500 00
May 6, 1855,.....	Clinton,.....	500 00
Aug. 10, 1855,.....	Davis,.....	1000 00
April 6, 1855,.....	Des Moines,.....	2000 00
Aug. 2, 1855,.....	Dubuque,.....	2000 00
Feb. and March,1855.....	Henry,.....	1927 00
June, 1855,.....	Jackson,.....	1000 00
March 13, 1855,.....	Jasper,.....	500 00
March, 1855,.....	Jones,.....	500 00
March to July, 1855,.....	Johnson,.....	3700 00
Feb. 14, 1855,.....	Keokuk,.....	1000 00
Feb. 1855,.....	Lee,.....	2900 59
July 13, 1855,.....	Linn,.....	500 00
June 1, 1855,.....	Louisa,.....	1500 00
August 15, —,.....	Lucas,.....	500 00
August 28, 1855,.....	Mahaska,.....	514 00
July, 1855,.....	Marion,.....	1000 00
No Date,.....	Marshall,.....	500 00
May 13, 1855,.....	Muscatine,.....	1500 00
March 13, 1855,.....	Polk,.....	1500 00
April 15, 1855,.....	Pottawattamie,.....	500 00
June 1, 1855,.....	Scott,.....	1500 00
June 5, 1855,.....	Van Buren,.....	1500 00
Oct. & Aug., 1855,.....	Wapello,.....	1500 00
May 16, 1855,.....	Washington,.....	1000 00

---

\$32,041 59

Making in all \$32,041 59 for which the proper vouchers are on file, and leaving of this fund the sum of \$22,300 00 unaccounted for.

It is but just, however, to the Superintendent to state that he claims to have sent to the Fund Commissioner of

Cedar County, the sum of .....	500 00
Hardin " " " .....	500 00
Jefferson, " " " .....	2000 00
Monroe, " " " .....	500 00
Warren, " " " .....	500 00
Wayne, " " " .....	500 00
Lee " " " .....	17,800 00

But no vouchers or other evidence were shown your committee that such sums had been paid over to the Fund Commissioners in the counties named.

Your committee also find that on the 10th of March, 1856, the Superintendent received from the same source the further sum of \$226,800 87.

Of this sum there has been paid to the Fund Commissioners of the following counties, to-wit:

Des Moines County, .....	\$5000 00
Wapello " .....	5000 00
Johnson " .....	5000 00
Benton " .....	500 00

---

\$15,500 00

Making in all the above sum distributed of the above fund, and for which the proper vouchers are filed in the office of the Superintendent.

Your committee also find that the said officer has loaned of the aforesaid fund, at ten per cent. interest, on a credit of five years, to the following persons, the sums set opposite their names, to-wit:

## APPENDIX.

June 26, 1856,	{ James D. Cavanaugh, Joseph M. Griffiths.	\$4125 00
July 1, 1856,	{ Joseph B. Stewart, T. A. Walker,	8250 00
July 1, 1856,	{ Jesler Hedge, James D. Cavanaugh.	1000 00
June 21, 1856,	{ W. A. Scott, James A. Williamson.	8300 00
June 27, 1856,	{ John W. Stanton, Alex. Shaw.	2000 00
June 26, 1856.	{ James D. Cavanaugh, Jos. M. Griffiths.	4125 00
June 16, 1856,	{ Wm. Thompson, P. C. Tiffany.	1000 00
June 27, 1856,	{ Thomas H. Brooks, Jas. A. Williamson.	4000 00
July 11, 1856,	{ Laurin Dewey, Alexander Shaw,	2000 00
June 27, 1856,	{ John W. Stanton. Jos. M. Griffiths,	3000 00
June 26, 1856,	{ James D. Cavanaugh. James A. Williamson,	8250 00
June 26, 1856,	{ W. A. Scott.	8300 00
July 12, 1856,	{ Geo. S. Hampton, S. J. Reid,	5000 00
July 12, 1856,	{ H. T. Reid.	680 00
July, 12, 1856,	{ J. W. Anderson, S. J. Reid.	640 00
July 12, 1856,	{ J. W. Anderson, S. J. Reid.	640 00
July 6, 1856,	{ Will Thomlinson,	4000 00
July 12, 1856,	{ Jarius E. Neal.	5000 00

Making in all the sum of \$70,310 00 loaned out at ten per cent interest on a credit of five years. These notes your committee find to be drawn to the order of James D. Eads, as Superintendent of Public Instruction, and purport on their face to be secured by mortgages on real estate, a part of which the said Superintendent informed your committee had been placed in the hands of his agents in the proper counties to be recorded. For the last two notes included in the above list, your committee were informed that the money had not been paid over, for the reason that the necessary security had not been furnished, thus reducing the amount *actually* loaned out to \$61,310 00. It also appears from the statements



made to your committee by the said Superintendent, that the loans made to sundry persons at Ft. Des Moines, (embracing much the major part of the whole amount loaned,) were entrusted entirely to the charge of an agent employed by him at said place, himself one of the principal borrowers, and that the said Superintendent had little if any *personal* knowledge of the character of said loans.

Your committee further find that there is yet in the hands of said Superintendent *in cash*, the sum of \$73,945 81, of which amount there is deposited to his *individual* credit at the office of Messrs. Cook, Sargent & Downey \$15,269 17, and at the office of Messrs. Culbertson & Reno \$17,256 64, the balance of said sum \$41,420 00, being in his office.

There is thus accounted for, of the aforesaid sum of \$226,800 56, the following amounts, to-wit:

Cash in hand,.....	73,945 81
Amount loaned,.....	61,310 00
Am't paid over to counties as per vouchers in office,	15,500 00

---

Making in all,.....\$150,755 81

And leaving \$76,044 75, for which no vouchers were exhibited to your committee. Of this amount, for which he has no vouchers, the Superintendent claims to have sent to the Fund Commissioners of the following counties, the sums set opposite the names of the counties:

Lee County,.....	\$30,000 00
Henry County,.....	10,000 00
Van Buren “ .....	5,000 00
Louisa “ .....	5,000 00
Davis “ .....	5,000 00
Muscatine “ .....	5,000 00
Jefferson “ .....	5,000 00
Marion “ .....	5,000 00
Jasper “ .....	2,000 00

---

Making a total of.....\$72,000 00

Assuming that the statements made to your committee by the Superintendent, with respect to the disposition of that portion of the fund for which no receipts or vouchers were exhibited, are true,

it evinces a carelessness on his part in the discharge of the duties pertaining to his office, which your committee feel it their duty to reprehend in the strongest manner. How that officer could so far forget the obligations resting upon himself as a public servant, and the responsibilities attaching to his sureties, as to permit an amount of money almost reaching \$100,000 to pass through his hands, without retaining any vouchers or other evidences showing the disposition made of it, as both the law and the plainest requirements of duty would suggest, seems to the minds of your committee most surprising and extraordinary, and indicates in their opinion an unfitness on his part to manage so large a fund, that must seem apparent to all.

Your committee also feel it their duty to call the attention of the Senate to, and condemn on their part in the most unequivocal manner, the assumption of authority by that officer, exercised even after a co-ordinate branch of the Legislature had called his attention to the fact, and in the absence of any positive enactment of law, in the loaning out, on a long credit, and with a recklessness in respect to security, which no private individual would for a moment tolerate, a large portion of the fund arising from the per centum accruing to the School Fund from the proceeds of the sales of the public lands. If it was the duty of that officer to apportion the amount of the fund in January, 1855, when it amounted to only \$54,341 59, as he seems to have acknowledged by his act in distributing it as he did the 1st of March, 1855, your committee cannot conceive why he should not have considered equally his duty to distribute the fund coming into his hands in March, 1856, when it amounted to \$226,800 56.

Your committee feel it their duty, also, to call the attention of the Senate to the singular inequality, shown by that officer, in the manner of distributing this fund among the different counties, so far as any distribution has been made. In the disposition of the fund apportioned on the 25th of March, 1855, \$54,341 59, there was, according to the statement of the Superintendent, paid over to Lee county, though the committee have no evidence of it except the verbal assurance of that officer, and vouchers exhibited for a *small* part only, the sum of \$20,700 59, while Dubuque and Desmoines received \$2,000 each, and more than half of the organized counties of the State did not received any.

So with regard to the partial ditribution of the fund received March, 1856. The Superintendent claims to have distributed some \$92,500 among thirteen different counties, though your committee as before stated, found vouchers for only \$15,500 so apportioned, but of the sum claimed to have been distributed by him, Lee county is again made to receive \$30,000, while Dubuque, Mahaska and other populous counties received nothing. So flagrant a violation of fairness and equality in the apportionment of the School fund, seems in the minds of your committee to demand the protecting arm of the General Assembly, and demonstrates if any thing were needed in addition to the facts previous stated, in their opinion, the utter incapacity of the present Superintendent of Public Instruction to manage the Shool fund, with that judicious care which the interests of the State and their protection demand.

Your committee would therefore recommend that the law authorizing the Superintendent to receive the fund now due the State from the General Government, accruing on the sales of the proceeds of the public lands for the fiscal year, ending June 30, 1856, be repealed.

All of which is respectfully submitted.

I. M. PRESTON,  
 Chairman of the Com. of Ways and Means.  
 W. W. COOLBAUGH,  
 D. T. BRIGHAM,  
 J. D. HILLIS,  
 A. SAUNDERS,  
 W. W. HAMILTON.

July 15, 1856.

***Testimony taken by the Committee of Ways and Means, in pursuance of the following resolutions:***

*Resolved*, That the Committee of Ways and Means be and they are hereby instructed to examine the books, accounts, vouchers, securities and moneys, in the office of the Superintendent of Public Instruction, and of the State Treasurer, and report to the Senate the amount of the moneys now on hand, and the nature and description of the vouchers for moneys distributed among the several School

Fund Commissioners, and the nature and description of mortgages and other securities reported by said Superintendent to be taken for certain sums loaned by him—reporting especially whether said mortgages are taken in the name of said Superintendent as an individual, or in his official character, or in that of the State of Iowa, and whether the same are recorded in the proper counties. Also, the names of any persons with whom any of said moneys have been deposited, when deposited, at what rate of interest; and also, whether said Superintendent has now on deposit with the State Treasurer, the sum of fifty thousand dollars, or any other sum of money held by him as paid of the School Fund, and the said Committee have power to send for persons and papers, and administer oaths.

M. L. Morris, Treasurer for the State of Iowa, being duly sworn, by the Committee of investigation, from the State Senate, to answer such questions as may be asked him by the Committee, makes answer as follows:

QUESTION BY THE COMMITTEE.

State whether Jas. D. Eads, the Superintendent of Public Instruction for the State of Iowa, has, at any time, since the first day of December, 1854, deposited any money with you as Treasurer of State, belonging to the School fund of Iowa? If yea, state when such deposit was made, how much was deposited, and whether you have said money now; if not, what disposition have you made of it, and when did you dispose of it?

ANSWER BY MR. MORRIS.

On or about the 25th of January, 1855, James D. Eads, Superintendent of Public Instruction *deposited* in the State Treasury Auditor's Warrants amounting to \$2,479 57, which has been paid out on his order, at various dates, except \$30 00, now in the Treasury, not having been called for. He also *deposited* on the 27th day of February, 1856, warrants, amounting to \$2,477 37, which has been paid out on his order, at various times, except \$276 60, now on hand uncalled for. The above sums belonged to the school fund, (interest due said fund from the State on money borrowed). This is all the *fund deposited* with me by said Superintendent of Public Instruction.

M. L. MORRIS,

State Treasurer.

Subscribed and sworn to before me this 14th day of July, 1856.

I. M. PRESTON,

Chairman of the Committee of Ways and Means.

## MEMORIAL OF HENRY O'RIELLY,

*Asking an Investigation of the affairs of the "Demoine Navigation and Railroad Company:" a Corporation of which he is a member, and which was organized under the Code of Iowa for the purpose of carrying into full effect the contract made between said O'Rielly and the State of Iowa, for the completion of the Demoine River Improvement.*

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF IOWA.

Extraordinary circumstances connected with the Demoine River Improvement, render it proper in this formal manner to invoke, as I now respectfully invoke, the attention of the legislative authorities of Iowa, towards an investigation of the malpractices connected with the management of the "Demoine Navigation and Railroad Company;" a Company of which I am a member, and in which I am also the representative of other interests; a Company organized for the purpose of "carrying into full effect" the original contract formed between the State of Iowa and myself, for the completion of the Demoine Improvement—*one half* of the whole of which work *was to have been* completed and in full operation on the first of this month of July, 1856.

After numerous and unavailing "Protests" filed by me as a Director *at various times during the last year*, (said Protests being filed in the archives of the Company,) the *necessity for such investigation* was submitted by me to the Governor of Iowa several weeks ago, before the present Legislative Session commenced. And I have also submitted the subject orally to various Senators and Representatives during the session.

Some of the malpractices referred to were set forth in the MEMORIAL OF DONALD MANN, a stockholder of the Company—which memorial was ordered to be printed by both Houses of the Legislature, and, in both, *referred to the joint committee* respecting the Demoine Improvement.

As that joint committee, however, has made *no report* on any of the various important allegations contained in the Memorial of said Mann, (the *substantial truth* of which allegations, and many other relevant matters, he declares, through me, that he holds himself *ready to prove*, whenever a proper opportunity is presented by the Legislative authorities of Iowa,) the undersigned respectfully requests that such inquiry shall be instituted in such manner as your Honorable Body may direct.

A thorough investigation of the operations of the "Managers" of the Demoine Company, (who concentrate all its powers in a small clique) will exhibit a remarkable degree of recklessness in violating *codes, laws, charters and contracts*,—in all which matters the people of Iowa generally have a *public interest* far beyond the pecuniary interest of any mere stockholders.

As a citizen of Iowa, and as a member representing sundry interests in said "Demoine Navigation Company," the undersigned holds himself ready, at any reasonable time, when a *thorough investigation* shall be ordered by your Honorable Body concerning the operations of the Managers of said Company, and concerning the present condition of the work under the contract, *to prove*, from the records of the Company, and by other evidences, that there is scarcely an important provision of the *Code of Iowa*, (applicable to *Corporations*); scarcely an important point in the *Demoine Improvement Laws*; scarcely an important provision in the *contracts* which the Company agreed to fulfil; scarce an essential provision in its own By-Laws, or even in the *Charter which gave it legal existence*; which has not been violated, and violated with a recklessness that will form a memorable feature in the history of Iowa—a *feature the more remarkable* if such recklessness and illegality shall succeed in eluding the vigilance of the sworn guardians of the interests and honor of the State.

As the "Demoine Improvement Contract," is one of the *most important Contracts ever made by any State or nation with any individual or Company*, and as the undersigned has labored steadily for nearly three years (and is still laboring) to promote a faithful fulfilment of said contract, he deems it proper now, after the failure

of all "protests" during the last two years against the *illegal acts of the Managers of the Company*, to present the whole subject for the consideration of the legislative authorities of Iowa.

The various "Protests" above mentioned were uttered by me as a *Director* against sundry illegal acts of the "*Managers*" of the Des Moines Navigation Company, and may be found among the Company's records *during the last two years*—the last of these "Protests" having been filed about six months ago. And in those "Protests" warning was distinctly given that, if such unlawful conduct was persisted in, it would become a duty to appeal directly to the *People of Iowa*, as I now appeal to their Senators and Representatives in this General Assembly.

As a specimen of those "Protests" I respectfully refer particularly to my "Protest" of the 22d of December, of last year, wherein, after alluding specifically to the "mismanagement of vast interests—interests (which I asserted in that document) are *greater* and more delicate than were ever before committed by any State in the American Union to any individual or corporation." I quote the words as I then uttered them, and as they will be found in the Company's records. *In the same document* I protested against these illegal acts, for the reason (among others) that the enormous powers of the Board of Directors should be exercised with the greatest justice, honor and moderation, as those powers were "*calculated to affect the interest of the Des Moines Valley and of the people of Iowa generally to a greater extent than any laws which can be framed on similar subjects by the Legislature of the State of Iowa.*" These words are quoted precisely as they appeared on the Company's records last year. *That* Protest (dated Dec. 22d) concluded in the following words:

"I, therefore, who individually formed the contract with the State of Iowa, which this Des Moines Navigation Company was subsequently organized to enable me to carry out, (and for the *better fulfilment* of which contract subsequent agreements were made between this Company and that State—I acting then as an officer of this Company in making such supplementary and explanatory agreements) I therefore protest now *in writing*, as I protested orally

when such resolutions and projects were before the Board, on the 8th of December, *and on other occasions*, against all such wholesale delegations and concentrations of power, as *unlawful, unbusiness-like, and pernicious to the interests of Stockholders and Bondholders* of this Company, as well as DETRIMENTAL TO THE INTERESTS OF THE PEOPLE OF IOWA, *from whom this Company has derived* (or expects to derive) *all its powers and means* for the improvement the Demoine Valley—MEANS worth *many millions of dollars*, and POWERS extending through several generations into the twentieth century.”

☞ Such was my language last year as *a Director of the Demoine Navigation and Railroad Company*. SUCH IS MY LANGUAGE now, as *a citizen of Iowa* in addressing the people of Iowa, through their Senators and Representatives.

I cannot conclude this Memorial without repeating my emphatic Protests against the improper manner in which it is now proposed to construct the Locks, under color of “modifications” of contract made last fall or winter between the present Demoine State Commissioner and the “Managers” of the Demoine Navigation Company. I respectfully submit to your Honorable Body the propriety of *immediately interfering with your authority* to declare such “Modifications” to be contrary to the Original Contract, which declared that “NO CHANGE shall be made authorizing an *inferior* kind of work, or the use of less valuable materials.” As *no locks have yet been built by the Company* on the Demoine River, ( the three locks now in existence, at Croton, Bonaparte and Bentonsport, having been built *by the State of Iowa* BEFORE the Contract with me, which the Demoine Company twenty seven months ago agreed faithfully to carry out, ) the Legislature of Iowa will not occasion the destruction of any existing work by forbidding such unwarrantable “modifications” in the Contract and in the character of the work on the Demoine Improvement—as those ‘modifications’ are contrary to the express provisions of the Original Contract—and are alike unworthy of this great enterprise and unworth of this enlightened age, as well as an outrage on the munificence with which the People of Iowa have provided means for enabling the



Company to complete the Demoine Improvement in a proper manner.

I ask, therefore, for *a thorough investigation* of all these important matters.

Respectfully submitted,

HENRY O'RIELLY.

**Memorial of H. H. Greer, President of the Great  
Northwestern Railroad Company.**

---

*To the Honorable,*

*The Senate and House of Representatives of Iowa  
Now assembled.*

WHEREAS, The Great Northwestern Railroad Company, organized under the Laws of the State of Iowa, and have expended large amounts of money in explorations and have run up a line of the said road in a northwesterly direction, striking the valley of Minnesota Territory, near the Blue Earth river; thence to the head waters of the said river and the head waters of the Red river of the North, where it intersects with the line run by Gov. Stephens, of Washington Territory, on the Pacific Ocean, almost in an air line to Ft. Benton, at the Falls of the Missouri river, commencing at the mouth of the Tete des Morts river, on the banks of the Mississippi river, near the line between Jackson and Dubuque counties, in said State of Iowa. It is ascertained from the explorations and observations, that have been made upon said road, that when completed and finished, it will make the distance of the Great Northwestern route to China, seven hundred and fifty miles shorter than any other contemplated route.

Now, therefore, Resolved, that this honorable Senate and House of Representatives, instruct their Senators and Representatives in Congress, to use their endeavors to procure a grant of land upon said road through said State and Territories, upon the same condition, as the late act of Congress has in trust to the several Railroads therein named, to the Great Northwestern Railway Company, through said State and Territory.

H. H. GREER,  
President of said Company.





# INDEX.

---

## A.

### APPENDIX—

- Report of Superintendent, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18.
- Report of the Committee on Ways and Means, in relation to State Treasurer and Sup. Pub. Inst., 19, 20, 21, 22, 23, 24, 25, 26.
- Memorial of Henry O'Rielly, in relation to Demoiné Navigation Company, &c., 27, 28, 29, 30, 31.
- Memorial of H. H. Greer, President of the Great Northwestern Rail Road Co., 32.

## B.

### BILLS—NOTICE OF THE INTRODUCTION OF—

- By Mr. Thurston, to repeal chap. forty-five of last session, 19.
- Hillis, for an act to create the Eleventh Judicial District, 23.
- Cleaver, for an act to incorporate the City of Wapello, 24, 25.
- McCrary, for an act, to amend the charter of Bentonport, 25.
- Fulton, for an act creating a Judicial District within certain counties, 31.
- Ramsey, an act to enable the Governor to distribute the State arms, 33.

## BILLS—INTRODUCED—

By Mr. Preston, Senate file No. 1, for an act accepting certain lands, granted to the State of Iowa, for railroad purposes, 22.

Saunders, Senate file No. 2, for an act for a further appropriation to the State Insane Asylum, 23.

Preston, Senate file No. 3, to locate the county seat of Cerro Gordo county, 23.

Thurston, Senate file No. 4, for an appropriation to the Iowa Penitentiary, 25.

Thurston, Senate file, No 5, for an act to repeal an act for the suppression of intemperance, 25.

McCrary, Senate file No. 6, for an act authorizing the Register of the State Land Office, to close the Saline grant, 30.

Mathews, Senate file No. 8, for an act to amend an act to incorporate the City of Lyons, 30.

Cleaver, Senate file No. 9, for an act to incorporate the city of Wapello, 30.

Hillis, Senate file, No. 10, for an act to create the Eleventh Judicial District, &c., 30.

Cleaver, Senate file No. 11, for an act to vacate an alley in block 14, in Grandview, 31.

McAchrn, Senate file No. 12, for an act to amend an act to incorporate the town of Bloomfield. 32.

Thurston, Senate file No. 14, for an act to amend an act to regulate the issue of county corporate bonds, and to exempt Ft. Madison from its operations, 33.

Ramsey, Senate file No. 16, for an act to incorporate the City of Ottumwa, 44.

Lucas, Senate file No. 17, for an act to locate a State road from Sidney, in Fremont county, to Glenwood, in Mills county, 45.

Workman, Senate file No. 18, for an act to amend an act, entitled 'an act to incorporate Iowa City,' approved Jan. 18, 1855, 45.

Birge, Senate file No. 18, for an act to restrain swine from running at large in Jackson county, 47.

## BILLS—INTRODUCED—CONTINUED—

By Mr. Fulton, Senate file No. 19, for an act to define the manner of bringing actions against rafts of logs, lumber, boards and shingles, 47.

Coolbaugh, Senate file No. 20, for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa, by an act of Congress, entitled "an act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of railroads in said State," approved May 15th, 1856, 49.

Wilkinson, Senate file No. 21, for an act to enlarge school districts No 1 and 2, in Bloomington township, Muscatine county, and define their boundaries, 54.

Preston, Senate file No. 22, for an act requiring evidence in criminal cases, to be reduced to writing, 54.

Hamilton, Senate file No. 23, for an act to legalize the acts of certain Commissioners, passed at the present session, 55, 56.

McAchrán, Senate file No. 24, joint resolution authorizing the Treasurer of State to borrow of the Superintendent of Public Instruction, the sum of forty thousand dollars, 55.

Mathews, Senate file No. 25, for an act to authorize certain towns therein named, to subscribe to the capital stock of Railroad corporations, and to issue bonds to aid in the construction of railroads 65, 66.

Workman, Senate file No. 26, for an act to repeal an act, entitled "an act legalizing the acts of certain Commissioners, passed during the present session, 69.

Hamilton, Senate file No. 27, for an act to authorize the bridging of Cedar river, 70.

Brigham, Senate file No. 28, for memorial and joint resolution, 75.

Brigham, Senate file No. 29, for an act in relation

**BILLS—INTRODUCED—CONTINUED—**

to the Des Moines River Improvement, 77.

By Mr. Coolbaugh, Senate file No. 30, for an act to prevent the loaning of the school fund, by the Superintendent of Public Instruction, 82.

Thurston, Senate file No. 31, for an act to legalize the issue of the bonds of Ft. Madison, 84.

Coolbaugh, Senate file No. 32, for an act to further restrain the duties of the Superintendent of Public Instruction, 86.

McAchrans, Senate file No. 33, for an act to authorize the Treasurer to pay, from any money in the Treasury, the sums due to the members and officers of the General Assembly, for services rendered at the present session, 94.

**BILLS—SENATE FILES—ACTION OF THE SENATE UPON—**

No. 2, a bill for a further appropriation for the State Insane Asylum, 25, 31, 74, 75, 85.

3, a bill for an act to locate the county seat of Cerro Gordo county, 25, 29, 30, 77.

4, a bill for an act making an appropriation for the Iowa Penitentiary, 31, 55, 67, 77.

5, a bill for an act to repeal an act for the suppression of intemperance, 32, 48, 49, 79.

6, a bill for an act to amend the charter of the town of Bentonsport, 28, 77.

7, a bill for an act authorizing the Register of the State Land Office to close the Saline grant, 30, 47.

8, a bill for an act to amend an act to incorporate the City of Lyons, 30, 77.

9, a bill for an act to incorporate the city of Wapello, in Louisa county, 69, 85.

11, a bill for an act to vacate an alley in block 14, in the town of Grandview, 31, 48, 69, 85.

12, a bill for an act to amend an act to incorporate the town of Bloomfield, 32, 77.

13, a bill for an act to enable the Governor to distribute the State arms, 33, 55, 67, 77, 87.



## BILLS—SENATE FILES—ACTION OF THE SENATE UPON—

- No. 14, a bill for an act to regulate the issuing of county corporate bonds, 33, 67, 77.
- 16, a bill for an act to incorporate the city of Ottumwa, in Wapell county, 44, 65, 77, 81, 87, 95.
- 17, a bill for an act to locate a State road from Sidney, in Fremont county, to Glenwood, in Mills county, 45, 69, 70, 85.
- 18, a bill for an act to amend an act, entitled "an act to incorporate Iowa City, 45, 77, 96.
- 18, a bill for an act to restrain swine from running at large, in Jackson county, 47, 76, 77, 85, 96.
- 19, a bill for an act to define the manner of bringing action against rafts of logs, lumber, boards and shingles, 47, 55.
- 20, a bill for an act to accept of the grant, and carry into execution the trust conferred upon the State of Iowa, by an act of Congress, entitled "an act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of railroads in said State," approved May 15th, 1856, 49, 51, 58, 59, 60, 61, 70, 85.
- 21, a bill for an act to enlarge school districts No. 1 and 2, in Bloomington township, Muscatine county, and define their boundaries, 54, 77, 85, 95.
- 22, a bill for an act requiring evidence in criminal cases to be reduced to writing, 54, 94.
- 23, a bill for an act to legalize the acts of certain Commissioners, passed at the present session, 56, 96.
- 23, a bill for an act to extend the time of locating a State road, 64, 79, 81, 85, 96.
- 24, joint resolution authorizing the Treasurer of State to borrow of the Superintendent of Public Instruction the sum of forty thousand dollars, 65, 67, 77, 85.
- 25, a bill for an act to authorize certain towns therein named, to subscribe to the capital stock of Railroad corporations, and to issue bonds to aid in the construction of Railroads, 68, 79, 81, 85, 95.

## BILLS—SENATE FILES—ACTION OF THE SENATE UPON—

- No. 26, a bill for act to repeal an act, entitled "an act legalizing the acts of certain Commissioners, passed during the present session, 69, 85, 95.
- 27, a bill for an act to authorize the bridging of Cedar river, 70, 83.
- 28, memorial and joint resolution, 75.
- 29, a bill for an act in relation to the Des Moines River Improvement, 77, 86, 95.
- 30, a bill for an act to prevent the loaning of the school fund, by the Superintendent of Public Instruction, 82, 83, 84, 85, 96.
- 31, a bill for an act to legalize the issuing of corporate bonds of Ft. Madison, 84, 87, 88, 95.
- 32, a bill for an act further to restrain the duties of the Superintendent of Public Instruction, 86, 87, 89.
- 33, a bill for an act to authorize the Treasurer to pay, from any money in the Treasury, the sums due to the members and officers of the General Assembly, for services rendered at the present session, 94, 96.

## BILLS—HOUSE REP. FILES—ACTION OF THE SENATE UPON—

- No. 1, memorial and joint resolution, 26, 36, 54.
- 2, a bill for an act to amend chapter 139 of the laws of last session, 27, 29.
- 3, a bill for an act to amend the charter of Ft. Madison, 27, 30.
- 4, a bill for an act to amend the charter of the city of Keokuk, 28, 29.
- 5, a bill for an act fixing the boundaries of the several judicial districts, 27.
- 6, a bill for an act to dispose of the swamp lands of this state, 27, 44, 47, 69, 70, 92.
- 7, memorial and joint resolution to extend the western boundary line of Iowa, 28, 29, 30.
- 8, a bill for an act in relation to township assessors in Howard county, 28.

## BILLS—HOUSE REP. FILES—ACTION OF THE SENATE UPON—

- No. 9, a bill for an act authorizing the holding of district courts, in the counties of Howard, Mitchell, Cerro Gordo and Worth, &c., 63.
- 10, a bill for an act to amend an act to incorporate the city of Muscatine, 35, 48.
- 13, a bill for an act in relation to the disposition of taxes levied upon the stock of the Mississippi and Missouri Railroad company, 35, 49, 67, 89.
- 14, a bill for an act to provide for the necessary expense of the District Court, held at Keokuk, in Lee county, 35.
- 15, a joint resolution to the paying over of money for the use of the Iowa Penitentiary, 35.
- 16, a bill for an act to incorporate the city of Mt. Pleasant, 35, 55, 92.
- 17, a bill for an act to enlarge School District No. 2, in Bloomington township, Muscatine county, 36.
- 21, a bill for an act to authorize the appointment of Commissioners to revise the school laws of Iowa, 48, 56, 73, 78.
- 22, Joint resolution and memorial, 57, 68, 93.
- 23, a bill for an act amendatory of the act incorporating the town of Cedar Rapids, 48.
- 24, a bill for an act to authorize the re-survey of certain highways, in the county of Clayton, 55.
- 26, joint resolution for a grant of lands, 58, 67.
- 27, a bill for an act to establish a State road, in the counties of Monroe and Wayne, 58, 67.
- 28, a bill for an act to locate a State road from Bear Grove, in Guthrie county, to the Missouri river, 63, 67.
- 29, joint resolution, asking a grant of land to construct a railroad from Keokuk, to the South Bend of the Minnesota river, with a branch to the Northwest corner of the State, 63.
- 30, joint resolution, asking a grant of lands to aid in the construction of a Railroad from Ft. Madison, to a point at or near Nebraska city, 63.

## BILLS—HOUSE REP. FILES—ACTION OF THE SENATE UPON—

No. 31, a bill for an act to create and define the boundaries of school district No. 4, Scott township, Johnson county, 63.

32, a bill for an act to establish a certain State road therein named, 64.

33, a bill for an act to relocate a part of the State road, from the town of Primrose, to the city of Keokuk, in Lee county, 64.

35, a bill for an act to locate certain State roads, 64.

36, joint resolution, asking for a grant of land to aid in the construction of a certain railroad, 64.

37, joint resolution furnishing the Code and laws to officers entitled thereto by law 64.

38, a bill for an act to change the name of the town of Norway, in Fayette county, to Clermont, 71, 72.

39, a bill for an act authorizing the levy of a tax upon the lands upon Muscatine Island, and upon adjoining lands, to construct levees to preserve said land from overflow, 71, 72, 81.

40, a bill for an act to make appropriation to pay members and officers of the General Assembly, 71, 72, 78, 87.

42, a bill for an act entitled an act to authorize the townships of Clinton, Eden and DeWitt, in Clinton county, respectively, to subscribe to the capital stock of the Chicago, Iowa and Nebraska Railroad, 71, 72, 82.

45, a bill for an act authorizing the county judge of Jackson county to transcribe a portion of the Probate records, of Jackson county, 71, 72, 82.

46, a bill for an act to locate a State road from Glenwood, in Mills county, to Quincy, in Adams county, 71, 72, 73.

47, a bill for an act to amend an act for the construction of a free bridge across Cedar river, at Cedar Rapids, in Linn county, 72, 73.

9, a bill for an act to change the time of holding Courts in the counties comprising the sixth and seventh judicial districts, 83, 84.

## BILLS—HOUSE OF REP. FILES—ACTION OF THE SENATE UPON—

- No. 51, a bill for an act authorizing the District Judge of Lee county, to hold special sessions for the trial of criminal causes, 76, 81.
- 52, a bill for an act to provide for the publication and distribution of the laws of the present session of the General Assembly, 76, 81.
- 54, a bill for an act to change the name of Decota, in Dubuque county, to Centralia, 88 89.
- 55, a bill for an act to protect agricultural exhibitions, 82, 83.
- 57, joint resolution to procure additional mail facilities 88, 89.
- 58, a bill for an act to locate a State road from a point near DeWitt to Poston's Grove, 88, 90.
- 59, a bill for an act providing for the publication of certain laws, 87, 88.
- 62, a bill for an act to authorize the appointment of Commissioners to examine the affairs of the Des Moines River Improvement, 92, 93.
- 63, a bill for an act making additional appropriations for the support of the State Government, for the extra session of the General Assembly, 95, 96.

## C.

## CLAIMS—

- Morsman and Cockran's, 49.  
 Publishers Capital Reporter, 85,  
 Publishers Republican, 85.

## COMMITTEES—

- on credentials, 5.  
 to wait on the Governor, 7.  
 appointment of standing, 17, 18, 19.  
 on the part of the Senate on Desmoines River, 20  
 President appointed, 30, 31.  
 to wait on the Governor, 97.

## COMMUNICATIONS—

- Henry Farnam's invitation, 16.  
 from F. A. Shearer, accepting the office of Chaplain, 22.  
 Governor, 45, 46, 80.  
 M. L. Morris, 46, 65.  
 John Pattee, 93.

## COMPENSATION—

- Secretary, Senate, 86.  
 Assistant Secretary, Senate, 86.  
 Members of the Senate, 89.  
 President of the Senate, 90.  
 Sergeant-at-arms, 90, 96.  
 Door Keeper, 90.  
 Messengers, 90, 96.  
 Chaplain, 91.  
 Sylvester, Harrison & Brother, 96.  
 J. Teesdale, 96.

## E.

## ELECTION—

- Bradley, B. P., Secretary of Senate, 4.  
 Chaplain, 6.  
 Connelly, F., Door Keeper, 4.  
 Fisher, President, 4.  
 Hamilton, President, pro tem, 3.  
 Tomlinson, Will, Assistant Sec., 4.  
 Trimble, Jas., Sergeant-at-Arms, 4.  
 Thompson, F. M., Messenger, 5.  
 Templin, John W., Asst. Messenger, 5.  
 Peck, John M., " " 5.

## I.

IOWA LAND BILL, 13, 14, 15.

## M.

## MESSAGES—

Governor's, 8, 9, 10, 11, 12, 45, 46, 80.  
 from the House, 7, 20, 21, 22, 26, 27, 28, 33, 34,  
 37, 38, 47, 52, 56, 57, 61, 69, 71, 74, 76, 77, 79,  
 83, 87, 88, 89, 92, 95, 96.

## P.

## PETITIONS AND MEMORIALS PRESENTED—

By Mr. Thurston, memorial to Congress to change the land grant, 19.

Jordan, of Saml. H. Elbert and others, 24.

Jordan, of H. J. Skiff and others, 24.

Lucas, of R. V. Boggess, and others, 29.

Hamilton, from citizens of Dubuque county, in regard to the land grant, 31.

Birge, memorial of the Great North Western Railroad Company 36—(SEE APPENDIX 32, 33.)

President, from Donald Mann, in relation to claims of the Demoiné Navigation and Railroad Company, 38, 39, 40, 41, 42, 43.

Wilkinson, of John Smalley, and other citizens of Muscatine county, asking to be attached to certain school districts. 53.

President, of Henry O'Rielly, concerning the Demoiné Navigation Railroad Company, 86—SEE APPENDIX, 27, 28, 29, 30, 31.

Birge, Memorial of H. H. Gear, President of the North Western Railroad Company, for grant of land, 95.

## PROCLAMATION—

of the Governor, 3.

## PRESIDENT—

address of, 4, 97.

## POSTAGE—5.

## PROVISO—

to swamp land act, 44.

## PRINTING—

- Message of Governor, 23.
- act of Congress in relation to grant of land, 13, 15.
- the Journal of the House, 86.
- memorial of Donald Mann, 48.

## R.

## REPORTS OF COMMITTEES—

- By Mr. Coolbaugh, in relation to the Railroad grant, 37.
- Lucas, in relation to the Swamp lands of the State, 44.
- Browning, to indefinitely postpone Senate files 10 and 15, 44.
- Lucas, on the petition of R. V. Boggess and 46 others, in relation to State road, 45.
- Coolbaugh, from select committee on Rail Road, 48.
- McAchrán, in favor of allowing the claims of certain persons in repairing State House, 54.
- Preston, from Judiciary Committee, on Governor's Message, 54.
- Coolbaugh, from Committee of Ways and Means, on Morris and Eads, 85.
- Saunders, from joint committee to wait on Governor, 97
- Committee of Ways and Means—(SEE APPENDIX, 19, 20, 21, 22, 23, 24, 25, 26.

## RESOLUTIONS—

- By Mr. Test to appoint a person to take charge of Senate Chamber, 6.
- McCrary, in relation to Chaplain, 6, 7.
- McCulloch, President to appoint, 7.
- Hamilton, in relation to the death of Senator Shields, 16, 17.
- Udell, instructing Clerk to furnish sectional map of Iowa, 19.
- Coop, for the appointment of a joint committee to investigate Des Moines River Improvement affairs, 19, 20.
- Lucas, additional Senator to Railroad Committee, 20.
- Hamilton, in relation to Superintendent of Public Instruction, 21.



## RESOLUTIONS—CONTINUED—

By Mr. Coolbaugh, in relation to State Treasurer and State funds, 36.

Hamilton, in relation to settling with State officers, 36, 37.

Schramm, to authorize the Secretary of the Senate to employ assistance to enroll and engross, 54.

Coop, in relation to entertain any new matter of the 12th July, 54.

Preston, in relation to the Superintendent of Public Instruction, 59.

Hamilton, in relation to the affairs of the Superintendent of Public Instruction and Treasurer of State, 66.

Ramsey, requesting the committee on the Demoiné River Improvement, to report, 67.

Ramsey, to entertain no new matter, 69.

Preston, in relation to printing, indexing and distributing the journals of the House, 86.

Preston, in relation to allowing compensation to Secretary and Assistant Secretary, 87.

Udell, in relation to pay of members of the Senate, 89.

Udell, in relation to the President of the Senate, 90.

Preston, vote of thanks to the President, 91.

Hamilton, in relation to Rev. F. A. Shearer's allowance as Chaplain, 91.

Ramsey, in relation to the Governor and Auditor, 92  
McAchrán, that the thanks of the Senate were due to Mr. Shearer, Chaplain of the Senate, 93.

## RULES—5.

## S.

## SECRETARY SENATE—

P. B. Bradley, 4.

Will. Tomlinson, Ass., 4.

## SERGEANT-AT-ARMS—

James Trimble, 4.

## STANDING COMMITTEES—17, 18, 19.

## Y.

## YEAS AND NAYS—

20, 22, 23, 32, 36, 45, 50, 51, 52, 58, 68, 78,  
79, 84, 94.