

# JOURNAL

OF THE

## HOUSE OF REPRESENTATIVES

OF THE

GENERAL ASSEMBLY OF THE STATE OF IOWA,



BEGUN AND HELD AT THE CAPITOL, IN IOWA CITY, ON MONDAY, THE  
THIRD DAY OF JANUARY, A. D. 1848, BY VIRTUE OF, AND PUR-  
SUANT TO, THE PROCLAMATION, OF THE GOVERNOR  
DATED THE THIRD DAY OF DEC., A. D. 1847.

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KEOSAUQUA:  
DES MOINES VALLEY WHIG OFFICE.

1848.



**JOURNAL**

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**HOUSE OF REPRESENTATIVES.**

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**GENERAL ASSEMBLY OF THE STATE OF IOWA,**

BEGUN and held at the Capitol, in Iowa City, on Monday, the third day of January, A. D. 1848, by virtue of, and pursuant to the Proclamation of the Governor, dated the third day of December, A. D. 1847.

At 12 o'clock, M., the House was called to order by Francis C. Porter, Assistant Clerk of the last regular session, (Silas A. Hudson, the Chief Clerk, being absent,) who proceeded to call a roll of the members; and upon the call, the following named members answered, to wit:

From the County of Lee—JESSE B. BROWNE, WILLIAM STEELE, WILLIAM J. COCHRAN, JOSIAH CLIFTON.

From the County of Van Buren—ANDERSON MCPHERRIN, DUDLEY HARDY, R. B. WILLOUGHBY, and GEORGE MONTAGUE.

From the Counties of Davis and Appanoose—ANDREW LEECH.

From the Counties of Marion, Polk, Dallas and Jasper—JOHN N. KINSMAN.

From the County of Des Moines—ALFRED HEBARD, JOSHUA HOLLAND, DAVID E. BLAIR.

From the County of Henry—JOHN T. MORTON, A. UPDEGRAFF, and THOMAS WRIGHT.

From the County of Louisa—WRIGHT WILLIAMS.

From the County of Washington—STEWART GOODRELL.

From the County of Keokuk—NELSON KING.

From the County of Mahaska—

From the County of Muscatine—ELIJAH SELLS.

From the Counties of Johnson and Iowa—SMYLEY H. BONHAM.

From the County of Scott—JAMES McMANUS.

From the County of Clinton—WILLIAM. E. LEFFINGWELL.

From the County of Cedar—NELSON RATHBUN.

From the Counties of Linn and Benton—ROBERT SMYTH.

From the Counties of Jackson and Jones—GEORGE F. GREEN,  
and SYLVESTER G. MATSON.

From the Counties of Dubuque, Delaware, Clayton, Fayette,  
Buchanan and Blackhawk—MICHAEL O'BRIEN.

From the County of Jefferson—JAMES R. BAILEY, WILLIAM  
H. LYONS.

From the County of Wappello—

From the County of Monroe—

From the County of Muscatine, Johnson and Iowa—IRAD C.  
DAY.

The Assistant Clerk reported a quorum present—Whereupon

On motion of Elijah Sells,

Stewart Goodrell was appointed Speaker *pro tem*.

On motion of Mr. Morton,

J. Scott Richman was appointed Chief Clerk *pro tem*.

On motion of Mr. Leffingwell,

James L. Parmer was appointed Assistant Clerk *pro tem*.

On motion of Mr. Smyth,

Amos Stone was appointed Sergeant-at-Arms *pro tem*.

On motion of Mr. Sells,

Peter Conby was appointed Fireman *pro tem*.

On motion of Mr. Bonham,

Peter Ewing was appointed Messenger *pro tem*.

On motion of Mr. Morton,

The rules of the last session were adopted as the rules of this  
House *pro tem*.

Mr. Morton presented the credentials of William Edmundson,  
member elect from Mahaska County.

Mr. Hebard presented the credentials of T. L. Sergent, as mem-  
ber elect from Des Moines County.

Mr. Leffingwell presented the credentials of Josiah Kent, as a  
member elect from Lee County.

Mr. Bailey presented the credentials of George Weyand, as a  
member elect from Jefferson County.

On motion of Mr. Sells,

A committee consisting of three was appointed to examine the credentials of members elected since the adjournment of the last session of this House.

The Speaker *pro tem* appointed Mr. Sells, Mr. Leffingwell, and Mr. Morton said committee.

On motion of Mr. Sells,

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

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### **Tuesday Morning, January 4, 1848.**

The House met, pursuant to adjournment.

The Journal having been read,

Mr. Sells, from the committee appointed to examine the credentials of new members, have examined the same, and have instructed me to report that—

T. L. Sergeant, of Des Moines County, George Weyand, of Jefferson County, Josiah Kent, of Lee County, and William Edmundson, of Mahaska County, are entitled to seats as members of this House.

And thereupon, the said members came forward and severally took and subscribed the oath required by the constitution.

Mr. Montague moved that the House do now proceed to the election of Speaker.

Mr. Hebard moved a call of the House,

Which being had, Messrs. King, Anderson and Reynolds were reported absent.

The absent members were sent for, pending which Mr. Day moved that a further call of the House be dispensed with, which was not agreed to.

Mr. Lyons moved that a further call of the House be dispensed with.

Mr. Olmstead called for the ayes and noes, which were had.

Those who voted in the affirmative were Messrs. Bonham, ~~Barley~~, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Smyth, Sergeant, Weyand, and Willoughby.—18.

Those who voted in the negative were Messrs. Blair, Brown, Cochran, Clifton, Comstock, Edmundson, Hebard, Goodrell, Hol-

land, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright and Williams.—18.

So the motion was lost.

Mr. King, one of the absent members, was reported present, when a further call of the House was dispensed with.

Mr. Morton moved that the motion of Mr. Montague be so amended that the election of Speaker should be *viva voce*.

And on the amendment, the ayes and noes being desired by two members, were as follows :

Those who voted in the affirmative were Messrs. Anderson, Blair, Bonham, Browne, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, Kinsman, Leffingwell, McManus, Morton, Rathbun, Sells, Steele, Updegraff and Williams.—21.

Those who voted in the negative were Messrs. Bailey, Day, Green, Hardy, Kent, Leech, Lyons, Matson, McPherrin, Montague, O'Brien, Olmstead, Smith, Sergeant, Wright, Weyand and Willoughby.—17.

The amendment was carried.

The question then recurring on the adoption of the motion as amended, the same was agreed to.

Mr. McPherrin offered the following resolution :

*Resolved*—That a Speaker, Chief Clerk and Assistant Clerk, Sergeant-at-Arms and Fireman, constitute the officers of the House of Representatives at this session.

Mr. Morton moved to amend the resolution by adding to the list of officers therein named a Messenger.

On which amendment the ayes and noes being desired by two members, were as follows :

Those who voted in the affirmative were—

Messrs. Blair, Bailey, Browne, Cochran, Clifton, Comstock, Day, Edmundson, Goodrell, Hebard, Holland, King, Leffingwell, Lyons, Matson, McManus, McPherrin, Morton, O'Brien, Rathbun, Sells, Smith, Steele, Sergeant, Updegraff, Wright, Williams and Willoughby.—28.

Those who voted in the negative were Messrs. Bonham, Green, Hardy, Kinsman, Kent, Leech, Montague, Olmstead and Weyand.—9.

So the resolution was amended.

The question then recurring on the adoption of the resolution as amended,

The same was agreed to.

The House then proceeded to the election of Speaker.

Mr. Sells nominated Jesse B. Browne, of Lee County, for Speaker.

Mr. Matson nominated Robert Smyth, of Linn County, for Speaker.

The names of the members being called in alphabetical order, the vote was as follows :

For Jesse E Browne,	- - - -	19 votes.
For Robert Smyth,	- - - -	17 "
For Smyley H. Bonham,	- - - -	1 "
Blank,	- - - -	1 "

Those who voted for Mr. Browne were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Hebard, Hdand, King, McManus, McPherrin, Morton, Rathbun, Sells, Steel Updegraff, Wright and Williams.

Those who voted for Mr. Smyth were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Sergeant, Weyanand Willoughby.

Mr. Smith voted for Mr. Bonham.

Mr. Browne voted blank.

No one having received a majority of all the votes cast,

A second election was had, with the following result :

Mr. Browne received	- - - -	19 votes.
Mr. Smyth	" - - - -	17 "
Mr. Bonham	" - - - -	1 "

Mr. Browne did not vote.

And before the result was announced, Mr. Sells moved that Mr. Browne be excused from voting.

Mr. Leffingwell here rose to a point of order.

The Speaker decided the motion to be in order.

Mr. Leffingwell appealed from the decision of the chair.

Which appeal was not sustained.

The question then came up on the motion of Mr. Sells to excuse Mr. Browne from voting.

Upon which question the ayes and noes being demanded, those who voted in the affirmative were—

Messrs. Anderson, Blair, Bonham, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hardy, Hebard, Holland, King, Kinsman, Kent, McManus, McPherrin, Morton, Montague, Rathbun, Sells, Smyth Steele, Sergeant, Updegraff, Wright, Williams and Willoughby—

Those who voted in the negative were—

Messrs. Bailey, Day, Green, Leech, Leffingwell, Lyons, Matson, O'Brien and Olmstead.—9.

So Mr. Browne was excused from voting.

Those who voted for Mr. Browne were—

Messrs. Anderson, Blair, Cochran, Clifton, Constock, Edmundson, Goodrell, Hebard, Holland, King, McMaus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright and Williams.

Those who voted for Mr. Smyth were—

Messrs. Bonham, Bailey, Day, Greene, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, OBrien, Olmstead, Sergeant, Weyand and Willoughby.

Mr. Smyth voted for Mr. Bonham.

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

Messrs. Olmstead and Sells conducted the Speaker to the Chair, when he returned thanks for the honor conferred upon him.

On motion of Mr. Montague,

The House proceeded to ballot for Chief Clerk

Mr. Morton nominated Wm. H. Wallace, of Henry County, for Chief Clerk.

Mr. Lyons nominated John S. McClure, of DeMoines County, as Chief Clerk.

The House accordingly proceeded to ballot for Chief Clerk.

The ballots having been taken and counted, it appeared that

Wm. H. Wallace received	-	-	-	-	19	votes.
John S. McClure	"	-	-	-	18	"
Blank	-	-	-	-	1	"

No one having received a majority of all the votes cast, a second balloting was had, which resulted as follows:

Mr. Wallace received	-	-	-	-	7	votes.
Mr. McClure	"	-	-	-	5	"
James L. Parmer	"	-	-	-	2	"
J. Scott Richman	"	-	-	-	3	"
Blank	"	-	-	-	1	"

No one having received a majority of all the votes cast a third balloting was had, with the following result:

Mr. Wallace received	-	-	-	-	18	votes.
Mr. McClure	"	-	-	-	15	"
Mr. Richman,	"	-	-	-	4	"
Blank	"	-	-	-	1	"

No choice.

On motion of Mr. Montague,

The House proceeded to the election of Assistant Clerk.

Mr. Day nominated James L. Parmer, of Dubuque, for Assistant Clerk.

Mr. Goodrell nominated Francis C. Porter, of Mahaska County.

The ballots being taken and counted, it appeared that

James L. Parmer received	- - -	20 votes.
Francis C. Porter	" - - - - -	17 "
Blank	" - - - - -	1 "

James L. Parmer having received a majority of all the votes cast, was declared duly elected Assistant Clerk of this House.

On motion of Mr. Goodrell,

The House then proceeded to ballot again for Chief Clerk.

The ballots having been taken and counted, the result was as follows :

J. Scott Richman received	- - -	26 votes.
Wm. H. Wallace	" - - - - -	3 "
Jno. S. McClure	" - - - - -	3 "
Blank	" - - - - -	5 "

J. Scott Richman having received a majority of all the votes cast, was declared duly elected Chief Clerk of this House.

Mr. Sells offered the following resolution:

*Resolved*—That the Secretary of State be requested to furnish each member of this House with a copy of the Journals of the last session of the House of Representatives, and with a copy of the laws of the General Assembly, and the Revised Statutes.

Mr. Cochran moved to amend the resolution by striking out the words "and the Revised Statutes."

The amendment was accepted by Mr. Sells, and the resolution as amended was adopted.

Mr. Sells moved that the House proceed to elect Sergeant-at-Arms.

Mr. Morton moved a call of the House.

Which being had, Messrs. Cochran, Clifton, McPherrin and Reynolds were reported absent.

The Sergeant-at-Arms was despatched for the absent members, Pending which Mr. Leffingwell moved that a further call of the House be dispensed with.

Which was agreed to.

The House then proceeded to the election of Sergeant-at-Arms.

Mr. Hardy nominated Amos Stone.

Mr. McManus nominated Hawkins Taylor.

The ballots having been taken and counted, Sells and Olmstead acting as tellers, it appeared that

Hawkins Taylor received	-	-	-	20 votes.
Amos Stone	"	-	-	18 "

Mr. Taylor having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms.

On motion of Mr. Cochran,

The House proceed to elect a Messenger.

Mr. Morton nominated H. H. Hendricks.

Mr. O'Brien nominated M. McWilliams.

The ballots having been taken and counted, it appeared that—

H. H. Hendricks received	-	-	-	20 votes.
M. McWilliams	"	-	-	18 "

Mr. Hendricks having received a majority of all the votes cast, was declared duly elected Messenger of this House.

On motion of Mr. Montague,

The House proceeded to elect a Fireman,

Mr. King nominated Jacob Koltrider.

Mr. Montague nominated Peter Conboy.

The ballots having been taken and counted, it appeared that

Peter Conboy received	-	-	-	20 votes.
Jacob Koltrider	"	-	-	18 "

Mr. Conboy having received a majority of all the votes cast, was declared duly elected Fireman.

The officers elect then came forward, and were duly sworn to discharge the duties of their several offices according to the best of their abilities.

On motion of Mr. Morton,

A committee of two was appointed to wait on the Senate, and inform that body that the House was now organized and ready to proceed to business.

The Speaker appointed Messrs. Morton and Leffingwell said committee.

Mr. Montague offered the following resolution :

*Resolved*—That the Chief Clerk receive proposals in writing for performing the incidental printing of this House.

Mr. Sells moved that the resolution be laid on the table.

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

Those who voted in the affirmative were—

Messrs. Anderson, Cochran, Clifton, Comstock, Edmundson, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker—16.

Those who voted in the negative were—

Messrs. Blair, Bonham, Bailey, Day, Goodrell, Greene, Hardy, Hebard, Holland, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Smyth, Sergeant, Weyand and Willoughby—22.

So the House refused to lay the resolution on the table.

Mr. Morton then offered the following substitute :

*Resolved*—That the Chief Clerk be, and he is hereby authorised to employ the Iowa Standard to do the incidental printing of this House, during the present session, at the prices fixed by law.

Mr. Goodrell moved to amend the substitute by inserting between the words "prices" and "fixed," the words "to be," which amendment was accepted.

The question then came up upon the adoption of the substitute as amended, on which the yeas and nays being demanded,

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Bonham, Cochran, Comstock, Edmundson, Goodrell, Holland, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—18.

Those who voted in the negative were—

Messrs. Bailey, Clifton, Day, Green, Hardy, Hebard, King, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Smyth, Sergeant, Weyand and Willoughby.—20.

So the substitute was lost.

The question then recurring on the original resolution,

Mr. Comstock moved to lay the same on the table till to-morrow morning.

On which motion the yeas and nays being demanded,

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Bonham, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

Those who voted in the negative were—

Messrs. Bailey, Clifton, Day, Greene, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Smyth, Sargent, Weyand and Willoughby.—18.

So the resolution was laid on the table.

Mr. Sells offered the following resolution :

Whereas, it is represented that the seat of the former member of this House from the County of Jasper, in the district composed of the Counties of Polk, Dallas and Jasper, has since the adjournment of the General Asembly, in February last, become vacant by the resignation of that gentleman, and his removal from his district—Therefore

*Resolved*—That a committee of five members be appointed, with power to send for persons and papers, to investigate the facts of the case, and to make report thereof to the House as early as practicable.

Mr. Bonham moved to lay the preamble and resolution on the table.

And upon this question the yeas and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Greene, Hardy, Kent, Leech, Lyons, Matson, Montague, Smyth, Sargent, Weyand and Willoughby.—14.

Those who voted in the negative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, Leffingwell, McManus, McPherrin, Morton, O'Brien, Olmstead, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—23.

So the resolution was not laid on the table.

The question then recurring on the adoption of the resolution, the yeas and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, Leffingwell, McManus, McPherrin, Morton, O'Brien, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—22.

Those who voted in the negative were—

Messrs. Bonham, Bailey, Day, Greene, Hardy, Kent, Leech, Lyons, Matson, Montague, Olmstead, Smyth, Sargent, Weyand and Willoughby.—15.

So the resolution was adopted, and

The Speaker appointed Messrs. Sells, Goodrell, Hebard, Smyth and Bonham said committee.

Mr. Sells offered the following resolution:

*Resolved*—That the Delegates of the Whig State Convention be allowed the use of this Hall on Wednesday, the 5th inst., at 12 o'clock, M.

Which was adopted.

Mr. Edmundson gave notice that he would on to-morrow, or some future day, introduce a bill for the vacation of certain Territorial and county roads.

On motion of Mr. McManus,

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

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### Wednesday Morning, January, 5, 1848.

The House met pursuant to adjournment.

Mr. Morton presented the petition of 250 citizens of Henry county praying for an amendment of an act entitled an act to provide for the navigation of Skunk River, and moved that the reading be dispensed with and that the petition be referred to a select committee of one from each electoral district bordering on Skunk river.

The motion was decided in the affirmative.

The Speaker appointed, Messrs. Morton of Henry county, Steele of Lee, Holland of Desmoines, Weyand of Jefferson, Goodrel of Washington, King of Keokuk and Edmundson of Mahaska said committee.

Mr. Olmstead offered the following resolution:

*Resolved*, That the chief Clerk be authorized to furnish each member of this House with twenty-five copies weekly of such newspapers, published in this city, as they may direct.

Mr. Goodrell moved to amend the resolution by inserting 20 in the place of 25, which was accepted, and the yeas and nays being demanded on the adoption of the resolution as amended those who voted in the affirmative were, Messrs. Anderson, Blair, Bonham, Bailey, Cochran, Clifton, Comstock, Day, Edmundson, Goodrell, Greene, Holland, King, Kinsman, Leech, Leffingwell, Lyons, Matson, McManus, McPherrin, Morton, Montague, O'Brien, Olmstead, Rath-

bun, Sells, Smyth, Steele, Sergeant, Updegraff, Wright, Weyand, Williams, Willoughby and Mr. Speaker—35.

Nays—None.

So the resolution as amended was adopted.

Mr. Cochran offered the following resolution, which was adopted.

*Resolved*, That the chief clerk of the House be and he is hereby authorized to make arrangements with the Post Master in Iowa City in relation to the postage of members of the General Assembly.

Pursuant to previous notice,

Mr. Edmundson introduced H. R. file No. 1. A Bill for an act in relation to Roads—which was read a first time.

Messrs. Bissell and Browning, a committee from the Senate, were announced, and informed the House that the Senate was then organized and ready to proceed to business.

The Speaker laid before the House a communication from Charles R. Lisk, which was read, and on motion of Mr. Olmstead the same was laid upon the table.

A message from the Senate by Mr. Russell, their secretary:

Mr. Speaker:—

I have been directed to inform this House that—

Messrs. Bradly, Springer and Benton have been appointed a committee on the part of the Senate, to wait upon the Secretary of State and ascertain if he had any communications from the Governor to the General Assembly.

Messrs. Morton, Hebard and Lyons were appointed said committee on the part of the House.

The committee retired and in a few moments returned, bringing with them a message from the Governor.

Which on motion of Mr. Sells was read, as follows:

GENTLEMEN OF THE SENATE,

AND HOUSE OF REPRESENTATIVES:

The ninth section of the fifth article of the Constitution of this State, provides that the Executive “may on extraordinary occasions, convene the General Assembly by Proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.” Believing that the interests and welfare of the State called for the exercise of the power thus conferred upon the Executive, I issued my Proclamation convening the General Assem-

bly, at Iowa City, on the first Monday in January, 1848. You have assembled in obedience to that proclamation, and I now proceed to state, as concisely as possible, the "purpose" for which you have been convened.

Our Laws relative to Common Schools, in my judgment, call for your immediate and careful attention. The people of Iowa have ever manifested an earnest and commendable zeal in the spread of education, and, especially, in the establishment of an efficient and permanent system of Common Schools. Of such prominent importance is this subject in their estimation, that they have made the most ample provisions in the Constitution for the spread of education and the support of common schools; and, also, enjoined upon the General Assembly, in an imperative manner, the duty of carrying out those provisions.

The act of the General Assembly, approved February 24th 1847, entitled "an act supplemental and amendatory to an act to establish Common Schools," approved January 16, 1840, provides, "That there shall be annually an election on the first Tuesday of April, in each School District, for the purpose of choosing three Directors, who shall hold their office until their successors are elected;" that "at each annual township election, there shall be a School Inspector elected, who shall hold his office for one year, and until his successor shall be elected;" that "at the next annual township election and tri-annually thereafter, there shall be a Superintendent of Public Instruction elected, who shall hold his office for three years, and until his successor shall be duly elected and qualified;" and that "at the next annual township election, in every organized county in this State, there shall be selected a school fund commissioner for the county, who shall hold his office for two years, and until his successor is elected and qualified."

Soon after its approval, and previous to the last township elections, the law was published in several of the newspapers of the state. Supposing the law to have taken effect, and to be in force, the people, on the first Tuesday of April last past, and at the last township elections, elected the officers above enumerated. The highest judicial tribunal of the state has since decided, that at the time those elections were held, the School Law of 1847 was not in force, and that the elections, so far as those officers were concerned, were void and of no effect.

As it is understood the law is now in force, and as it expressly repeals all School laws heretofore in force, it seems the people, at

the present time, have a school law, but no officers to carry out the provisions of that law.

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

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

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

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

Sections made according to the provisions of the eighth section of this act, have been reported to the General Land office by the gentleman elected as Superintendent of Public Instruction. The report has been returned, as incorrect and invalid, on the ground that the selections thus made, conflict with the General Land Office instructions of August 6th 1847, in reference to State selections under the act of Congress of 4th September 1841, entitled, "an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights." The 5th section of those instructions makes it important and necessary that the selecting agent of the State "should make such careful and thorough preliminary examinations as will enable him to select lands to which may exist no valid claim by pre-emption or otherwise;" and the sixth section provides that "if, notwithstanding such precaution, the State shall hereafter select lands which shall be found to be interfered with by any prior or better claim or claims, the selections, to the whole extent of such claim or claims, will of course be null and void." It will readily be perceived from the foregoing instructions, that it is not contemplated by the act of Congress, above referred to, to surrender to the States any land covered by any valid claim "by pre-emption or otherwise." Consequently, the law of this State,—allowing persons having claims upon the public lands by virtue of improvements thereon; to register them as lands selected by the State, and then to purchase them from our own State officers, conflicts, in a very material point, with the instructions from the General Land Office. It is of the utmost importance to the cause of education in this State that these selections should be made as soon as practicable. In order to accomplish this object, our laws relative to the making of those selections, must harmonize with the requirements of the General Government. I trust that this subject, also, will receive your early attention. The circular of Instructions from the General Land Office of August 6th, 1847, the selections reported by the Superintendent of Public Instruction, together with a letter from the General Land Office of November 3d, 1847, relative to those selections, will hereafter be presented to you. It is a source of regret that so much confusion prevails in our Statute Laws. The interests of the state, in my opinion, call for a revision of those laws as soon as practicable. Should you coincide with the executive in this opinion, I would respectfully recommend that a commissioner or commissioners be appointed to revise the code; and that they be instruc-

ted or required to report their proceedings at the next regular session of the General Assembly.

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

Since the close of the last session of the General Assembly, all of the Judges of the Supreme Court of this State, who held their offices by virtue of appointments under the General Government, have resigned. The eighth section of the fifth article of the Constitution, provides that "when any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws, for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the General Assembly or at the next election by the people," as, in my opinion, the contingencies contemplated by the Constitution, had arisen, I filled the vacancies thus occasioned, by granting commissions, which will "expire at the end of the next session of the General Assembly."

The question may possibly be started, whether the Constitution intends that these commissions shall expire at the end of a regular session of the General Assembly, or whether it will be so constructed as to render the provision above mentioned, applicable, also, to a special session? It can be gathered from the Constitution, that the people of this State are determined to retain as much power in their own hands, as they can consistently with a proper and judicious Administration of the affairs of the Government, as all history and experience teach, that where power is vested in any one man, it is liable to be perverted and abused, they have thought proper, in order to prevent any temptations to such abuse, to withhold, as a general rule, all power from their State officers except such as is absolutely necessary for the performance of their official duties. Consequently, so far as the power of appointment is concerned, the Executive of this State is clothed with that power only when a vacancy in office occurs, for which no provision is made in the Constitution, and laws; and it is further provided that even those appointments shall exist no longer than until the people can fill such vacancies, either

by their own immediate action, or in the manner provided by them. As the Executive is thus restricted—as the power would probably not have been granted could it properly have been withheld,—and as it appears clear that it is the intention of the Constitution that the people shall exercise this power as soon as they have an opportunity so to do, I am strongly inclined to the belief that these commissions expire at the end of the present session of the General Assembly; and that, if it was the intention of the powers of the Constitution that they should expire at the end of the next regular session, they would have so couched the provision in question, instead of using the language in which it stands clothed.

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

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

As it is, unquestionably, the desire of the people, that the affairs of State should be conducted as economically as possible, consistently with their interests, I have recommended and briefly communicated upon those subjects only, which, in my judgment, immediately affect those interests; and I would respectfully suggest that your attention

should, at the present session, be confined to those matters in which they are thus concerned, and that, as a general rule, all local legislation be deferred until the regular session of the General Assembly.

ANSEL BRIGGS.

Iowa City, January 3d, 1848.

Mr. Morton introduced the following resolution:

*Resolved*,—That the rules of this House at the last session of the Legislature be adopted for the government of this House during this session.

Which was adopted.

On motion of Mr. COMSTOCK the resolution relative to printing was taken from the table. When Mr. MORTON offered the following joint resolution as a substitute which was read a first time:

*Resolved*,—By the General Assembly of the State of Iowa: That the Secretary of the Senate and the Chief Clerk of the House be and they are hereby authorized to receive proposals in writing for the incidental printing of the Senate and House and communicate the same to each body as soon as practicable and that the lowest responsible bidder do said printing at the rates fixed in his bid and no more.

Mr. COCHRAN moved that the chief Clerk be authorized to [furnish] 2000 copies of the Governor's Message for the use of this House.

Mr. HARDY moved to substitute 1000 in the place of 2000 copies. Pending which Mr. BONHAM moved that the same be laid on the table subject to the order of the House which was agreed to.

On motion of Mr. OLNSTEAD the House adjourned until to-morrow morning at 10 o'clock.

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### Thursday Morning, January 6, 1848.

The House met, pursuant to adjournment.

After the reading of the Journal, the following Standing Committees were announced:

ON WAYS AND MEANS—Messrs. Hebard, McPherrin, Goodrell, Sergent and Smyth.

JUDICIARY—Messrs. Morton, Leffingwell, Cochran, Day and Lyons.

ON CLAIMS—Messrs. McManus, Williams, Wright, McPherrin and Kent.

ON SCHOOLS—Messrs. Smyth, Edmundson, Hardy, Matson and McPherrin,

ON THE MILITIA—Messrs. Cochran, Weyand, Montague, King and Willoughby.

ON ENROLLED BILLS—Messrs. Day and Sells.

ON ENGROSSED BILLS—Messrs. Lyons and Williams.

ON EXPENDITURES—Messrs. Goodrell, O'Brien, Blair, Comstock and Bailey.

ON ROADS AND HIGHWAYS—Messrs. Bonham, Kent, Clifton, Edmundson and Holland.

ON COUNTY AND TOWNSHIP ORGANIZATION—Messrs. Leffingwell, Olmstead, Updegraff, McPherrin and Willoughby.

ON PUBLIC BUILDINGS—Messrs. Steele, Anderson, Greene, Leech and Sergent.

ON NEW COUNTIES—Messrs. Comstock, Montague, Anderson, Leech and Kinsman.

ON AGRICULTURE—Messrs. Bonham, Clifton, Wright, Hardy and Blair.

ON ELECTIONS—Messrs. Sells, Leffingwell, Morton, Willoughby and Goodrell.

ON INCORPORATIONS—Messrs. Cochran, Hardy, Olmstead, McManus and Morton.

On motion of Mr. Hebard,

A Committee on "Public Works" was added to the list of Standing Committees.

Messrs. Hebard, Blair, Williams, Hardy and Montague were appointed said Committee.

Mr. Green presented the petition of 762 citizens of Jackson County, praying for the passage of a law for the re-location of the county seat of Jackson County.

And on his motion, the reading of said petition was dispensed with, and it was referred to the members from Jackson and Jones counties.

Mr. Smyth presented the petition of 137 citizens of Franklin Township, in Linn County, relative to the case of H. Gillett, who has settled upon Section 16, in said township, and made valuable improvements.

And on his motion the reading was dispensed with, and it was referred to the Committee on Schools.

Mr. Goodrell presented the petition of 23 citizens of Washington County, asking for an alteration of the School Laws.

And on his motion the reading was dispensed with, and referred to the Committee on Schools.

The Speaker laid before the House the Auditor's Report, which was read by the Chief Clerk, as follows :

### REPORT.

STATE OF IOWA,  
AUDITOR'S OFFICE, JAN. 3, 1848. }

*Gentlemen of the Senate and*

*House of Representatives :*

In accordance with the requirements of law, I have the honor to submit the following statement of the revenues, taxable funds, resources, incomes, and property of the State, known to this office; also the expenditures and disbursements of the fiscal year which closed on the 30th of November last, together with an estimate of the appropriations necessary to be made for the present year.

It affords me pleasure to report to you that the revenue of the year 1847 will be fully equal to the current expenses of the State, and the payment of interest on the loan; though the revenue will not yield as much as was anticipated, in consequence of its not going into operation until after the assessment was made, yet the levy in July was made under the new law.

From the returns received from the several counties, it appears that the aggregate value of property taxed within the State amounts to \$11,277,139, which, at two mills on the dollar, yields a revenue of \$22,554 27; deduct from this, say 30 per cent, for delinquencies and expenses of collection, and we have the sum of \$15,788 00.

The annual expenses of salaries, interest on loan, &c., amount to \$15,250 00. If, therefore, there had been no session of the General Assembly this year, we should have been able to meet all our liabilities with promptness. The loan of \$55,000 has enabled the State to maintain her credit at home, and keep the warrants issued from this office at par. The first six months interest on the loan, which is required to be paid semi-annually at the Philadelphia Bank, amounting to \$2,730 23, has been remitted to John B. Trevor, Esq., of Philadelphia, for that purpose.

The Treasurer of State has received during the year, up to the 1st of November, the sum of \$60,782 36, and paid on warrants during that time, the sum of \$59,184 36. The interest paid to holders of warrants is not included in this amount. During the year, up to the 1st of December, the warrants drawn on the Treasurer, amount to \$52,103 17.

By a provision of the Constitution, "no money can be drawn from the Treasury, but in consequence of appropriation by law." Several laws are in force, requiring compensation to be made on the performance of certain services; but as appropriations were not made to cover them, I deemed it my duty to suspend the allowance of such claims, and submit the same to the General Assembly, and ask for appropriations to meet them, which will be found under the proper head. I would respectfully suggest that there be a general contingent fund set apart to meet such cases, which should only be used where the law is plain requiring the payment of money, and the appropriation has been neglected.

By the act of the 8th of February last, relative to the Miner's Bank of Dubuque, I was required to issue a warrant on the Treasurer, to the President, Directors & Co. of that institution, or their assigns, for any balance of debt or interest that might be due from the Territory of Iowa, on their surrendering to me the evidences of debt executed by the Territorial Agent. On the 6th day of May, an injunction from the District Court of Dubuque county, was served upon me, at the instance of the Trustees appointed to wind up the affairs of the Bank, enjoining me not to audit and allow the debt.

On the 24th of June, the notes and evidences of debt were presented to me for settlement by the assignee of the Bank. Upon an examination of the question, I discovered that an assignment of the effects of the Bank, and of the notes given by the Territorial Agent, had been made several days previous to the taking effect of the act appointing the Trustees, and believing it to be an improper interference of the Court with my duties as a government officer, I discharged the injunction, and issued my warrant on the Treasurer for the sum of \$6,931 23. I have since been served with a notice to appear before the District Court of Dubuque county, to show cause why an attachment should not issue against me for contempt. I appeared before the Court, at its last session, and was fully acquitted, and the rule against me dismissed. Thus has ended this vexed question with the Miner's Bank, which has been before the Legislature, in some shape or other, for the last ten years.

By a reference to the tabular statements herewith submitted, it will be discovered that great inequality in the valuation of property exists in the several counties, which proves one of two things, either that in some counties, a large amount of property escapes taxation, or that the assessment is made at a very low rate; and no doubt both causes have their effect. It would be well to require of the assessors to procure from the land office, annually, an abstract of the lands sold in their respective counties. The registers will cheerfully furnish such an abstract for a small fee, which should be paid for out of the County Treasuries. It is estimated that the sum of \$500 has been added to the Taxes of Johnson County this year, by such an abstract, which would have been wholly lost without it.

By a comparative statement of the value of property in 1846 and '47, herewith submitted, it will be perceived that, while in most of the counties there has been a gradual increase, in the counties of Cedar, Desmoines, Muscatine and Scott, there has been a great decrease, and as it is well known that there has been a large addition to the population of those counties the past year, it must be attributed to an imperfect valuation.

The tables which follow, showing the several kinds of property taxed, and for what purposes, have been made up from the best information I could obtain from the several commissioner's clerks.— Though there is no law requiring them to specify the several kinds of property, they have generally very promptly complied with my request, by furnishing the items. Some have objected to do so, because the County Commissioners will not compensate them for their labor. I would, therefore, suggest that such services should be paid for out of the County Treasuries, and that the clerks be liable to a penalty in case of neglect or refusal to discharge the duty.

The Commissioner's clerk of Dubuque County has neglected to furnish an abstract of the assessed value of property in that county since the year 1843, consequently there has been nothing charged in all that time. Some time since I authorized the Prosecuting Attorney of the district to institute proceedings against the Clerk by mandamus, to compel him to discharge his duty. At the last Court the cause came up, and a preptory mandamus was ordered out against him.

The assessment next year, under the new law, will doubtless bring much property on the lists that has heretofore escaped taxation, yet there will certainly be a great deficiency in the revenue to

meet all the expenses and liabilities, and also those which will grow out of your present session; which ought to be provided for immediately. I would therefore suggest the propriety of effecting an additional loan of \$25,000, which can in all probability be obtained within the State at a reasonable interest.

The warrants drawn on the Treasurer, when there is no money on hand, depreciate in value from ten to fifty per cent. I think this could in a great measure be obviated, if the warrants were printed in the style of bank notes of the denomination of ten, twenty and fifty dollars, and allowed to draw as much interest as we would be willing to pay for a loan, they would then probably circulate on a par with bank paper throughout the State, and become a circulating medium amongst our citizens; if such a plan was adopted, a loan would be unnecessary. An appropriation of \$250 will furnish a plate and the printing of warrants sufficient for three or four years. Some specimens are herewith submitted. I would suggest that a sinking fund be established, to which should be appropriated annually the sum of \$5,500, for the purpose of meeting the amount obtained by loan, which will be due in the year 1857.

By estimates herewith submitted, it appears that it will be necessary to raise the present year the sum of \$24,686 00. To accomplish this the levy for State purposes should be increased to three mills on the dollar.

In some of the States it is made the duty of the Auditor, after he has ascertained the amount of property assessed, and the amount it will be necessary to raise for the year, to make the levy and inform the county officers accordingly. By this means a greater tax than is actually needed, is not imposed upon the people. Whether such a system would be proper in this State, I am not prepared to say.

Of the tax levied in 1846, amounting to \$7,454 42, only \$4,830 75 has been paid into the Treasury.

I am using every means within my power to enforce a more prompt settlement with the County Treasurers, than has been the practice under the territorial government. Accounts have been sent to the Prosecuting Attorneys of several counties, with instructions to use the most efficient measures to enforce the collection of the sums now due. The sum of \$5,186 stands charged on the books of this office against the treasurers of twenty-one of the

counties, prior to the year 1847. How much of the amount can be collected, I am unable to estimate.

Respectfully submitted,

JOS. T. FALES.

### A DETAILED STATEMENT,

*Of the Receipts and Disbursements during the year ending 30th November, 1847.*

#### RECEIPTS.

Amount of tax paid to M. RENO, Esq., Treasurer.

From the County of Appanoose, for 1846,	- - -	\$ 9 95
“ “ Benton, “ “ - - -	- - -	10 35
“ “ Cedar, “ “ - - -	- - -	126 00
“ “ Clayton, “ 1845, '46, - -	- -	70 33
“ “ Clinton, “ 1846, - -	- -	90 34
“ “ Davis, “ “ - - -	- - -	108 00
“ “ Delaware, “ 1845, - -	- -	28 90
“ “ Des Moines, “ 1844, '45, '46, -	- -	969 00
“ “ Dubuque, “ 1846, - -	- -	242 43
“ “ Henry, “ 1844, '46, - -	- -	445 78
“ “ Iowa, “ 1846, - -	- -	3 50
“ “ Jackson, “ 1844, '45, '46, -	- -	112 83
“ “ Jefferson, “ 1844, '45, '46, -	- -	276 01
“ “ Johnson, “ 1846, - -	- -	296 77
“ “ Jones, “ 1846, '47, - -	- -	102 00
“ “ Keokuk, “ 1846, - -	- -	52 48
“ “ Lee, “ 1846, - -	- -	705 24
“ “ Linn, “ 1845, '46, '47, -	- -	404 72
“ “ Louisa, “ 1844, '46, - -	- -	232 11
“ “ Mahaska, “ 1846, - -	- -	38 10
“ “ Marion, “ 1846, - -	- -	25 00
“ “ Monroe, “ 1846, - -	- -	25 00
“ “ Muscatine, “ 1843, - -	- -	259 80
“ “ Scott, “ 1846, - -	- -	285 44

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\$4,880 08

Amount brought forward, - - - - -	\$4,880 08
From the County of Van Buren, for 1846, - - -	595 97
"    "    Wapello, " 1845, '46, - - -	72 31
"    "    Washington, " 1846, - - -	194 00
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Total amount of tax received, - - - - -	\$5,782 36
Amount of loan received through Wm F. Coolbaugh, -	55,000 00
<hr/>	
	\$60,782 36

## DISBURSEMENTS.

*Amount of Warrants drawn upon the Treasury for the payment of Appropriations made by law for the purposes specified.*

For General Appropriation Bill, - - - - -	\$20,221 07
C. A. Robins, for seal, - - - - -	55 00
E. Cutler, Jr., for indexing and distributing laws, -	300 00
A. H. Palmer, for printing and binding laws of 1847,	2,105 68
Charles Mason, as Attorney, Iowa vs. Missouri, -	200 00
Silas Foster, for printing laws in the Standard, -	179 00
A. H. Palmer, " " Reporter, -	109 00
A. P. Wood, " " Tribune, -	18 00
Geo. Greene, " " Express, -	18 00
A. Sanders, " " Davenport Gaz. -	6 00
Edwards & Broadwell, for printing Journal of H. R. -	1,199 87
M. Mobly, Assignee Miner's Bank of Dubuque, -	6,931 23
A. H. Palmer, for printing Journal of the Senate, -	818 27
"    "    School Laws, pamphlet, -	33 10
Wm. F. Coolbaugh, for expenses and services in pro- curing loan, - - - - -	600 00
Convention of 1844, - - - - -	1,128 00
"    1846, - - - - -	3,812 96
Governor's Salary, - - - - -	1000 00
Secretary's do. - - - - -	500 00
Auditor's do. - - - - -	600 00
Treasurer's do. - - - - -	400 00

Librarian's Salary, - - - - -	112 50
Lessee of Penitentiary,, - - - - -	233 96
Expenses of Penitentiary, - - - - -	289 00
Deputy Sheriff of Supreme Court, - - - - -	13 50
Governor's Contingent Fund, - - - - -	500 00
Secretary's do. - - - - -	300 00
Auditor's do. - - - - -	300 00
Treasurer's do. - - - - -	300 00
Librarian's do. - - - - -	75 00
Judges Supreme Court Salaries, - - - - -	2,413 88
do. District do. - - - - -	2,000 00
Fund for arresting Fugitives from Justice, - - - - -	400 00
Interest on Loan, up to January 1, 1848, - - - - -	2,730 23
Public Buildings, Iowa City, - - - - -	2,200 00
	<hr/>
	\$52,103 17
	<hr/>

## AN ESTIMATE

*Of Appropriations necessary to pay for services required by law.*

Compensation of Agent to select Salt Springs, - - -	\$800 00
Costs due Dubuque County, U. S. vs. William Evans, et al, - - - - -	1,286 00
Salary of Superintendent of Public Instruction, - - -	1,200 00
Contingent Fund for do. do. - - -	150 00
Reports of the Supreme Court, - - - - -	750 00
Expenses of Penitentiary, - - - - -	500 00
Fees of Sheriff in Supreme Court, - - - - -	50 00
	<hr/>
	\$4,736 00
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## OTHER ESTIMATES.

Warrants outstanding, - - - - -	\$5,700 00
Expenses of present Session, - - - - -	9,300 00
	<hr/>

Sinking Fund, - - - - -	5,500 00
Salaries, &c., already appropriated, - - - - -	15,250 00
	<hr/>
Amount of Revenue of 1847, - - - - -	\$40,486 00
	15,800 00
	<hr/>
Amount necessary to be raised in 1848, - - - - -	\$24,686 00

A LIST

*Of the Organized Counties in the Year 1846, with the names of the County Commissioner's Clerks, County Treasurers, the value of Property taxed, and the amount levied for State purposes, at three-fourths of a mill on the dollar.*

COUNTIES.	CLERKS.	TREASURERS.	VALUE OF PRO- PERTY.	STATE TAX
Appanoose,	J. F. Stratton,	Jesse Wood,	\$21,795	16 35
Benton,	D. S. Pratt,	S S Morse,	14,793	11 90
Cedar,	W. K. Whittlesey	Robt M Long,	433,756	325 70
Clayton,	Robert R. Reed,	D D Walker,	138,124	104 43
Clinton,	John P. Soliss,	E Dunning,	155,612	115 77
Davis,	Israel Kister.	D Trullinger,	168,574	126 43
Delaware,	John W. Clark,	H A Carter,	70,988	53 32
Des Moines,	R. W. Dolbee,	G Blickhahn,	1,671,890	1,253 92
Dubuque,	G L Nightingale,	C J Leist,	No Return	
Henry,	N Lathrop,	H W Snyder,	673,040	504 78
Iowa,	G W Kitchens,	John B Irwin,	12,070	9 07
Jackson,	S S Fenn,	Robert Reed,	287,121	215 34
Jefferson,	John Shields,	Jesse Woollard,	484,539	362 90
Johnson,	S B Gardner,	Thos Snyder,	517,248	387 93
Jones,	B Whittemore,	J B Ryan,	142,496	108 87
Keokuk,	J B Whisler,	E Shockley,	105,952	79 46
Lee,	D McCready,	R A Russell,	1,368,458	1,026 34
Linn,	Alpheus Brown.	A R Sauseman,	496,572	372 43
Louisa,	S W Kirkpatrick,	G F Thomas,	395,490	296 61
Mahaska,	F C Porter,	Geo W Baer,	85,870	64 40
Marion,	Joseph Clark,	D T Durham,	32,745	24 56
Monroe,	D C Barber,	John Webb,	24,635	18 48
Muscatine,	Z Washburn,	J M Kane,	732,680	549 51
Polk,	Lewis Whitten,		354	2 65
Scott,	John Pope,	A H Miller,	406,452	304 83
Van Buren,	J L T Mitchell,	G B Alexander	1,019,002	764 25
Wapello,	J C Tolman,	J Baker,	140,408	105 85
Washington,	R H Marsh	C S Cleaves,	340,557	255 41
			<hr/>	
			\$9,939,221	\$7,454 42

## AMOUNT

*Due from the Treasurers of the following named Counties, previous to the year 1847.*

Appanoose, - - - - -	\$6 40
Cedar, - - - - -	259 69
Clayton, - - - - -	197 19
Clinton, - - - - -	92 20
Delaware, - - - - -	68 68
Des Moines, - - - - -	1,448 83
Dubuque, - - - - -	417 29
Iowa, - - - - -	8 59
Jackson, - - - - -	255 07
Jefferson, - - - - -	74 86
Johnson, - - - - -	85 03
Keokuk, - - - - -	9 45
Lee, - - - - -	48 00
Linn, - - - - -	80 23
Louisa, - - - - -	95 25
Muscatine, - - - - -	1,051 42
Polk, - - - - -	2 65
Scott, - - - - -	111 68
Van Buren, - - - - -	702 31
Wapello, - - - - -	40 24
Washington, - - - - -	131 68
	<hr/>
	\$5,186 74

Annexed is a Tabular Statement of the Organized Counties, with the names of the Commissioner's Clerks, Treasurers and Prosecuting Attornies—the aggregate amount of Property taxed—the amount levied on the same for State purposes at two mills on the dollar—also the County, Poll and School Taxes so far as the same has been reported for the year 1847.

## THE FOLLOWING TABLE

Shows the Value of Property taxed in each County in the Years 1846 and 1847, and the comparative increase or decrease in the value in those years :

COUNTIES.	VALUE IN 1846.	VALUE IN 1847.	INCREASE IN VALUE.	DECREASE IN VALUE.
Appanoose,	\$21,795	\$27,532	\$5,747	
Benton,	14,793	19,299	4,506	
Cedar,	433,756	415,105		\$18,651
Clayton,	138,124	234,218	96,094	
Clinton,	155,612	172,637	17,025	
Davis,	168,574	225,984	57,410	
Delaware,	70,988	76,921	5,933	
Des Moines,	1,671,890	1,459,170		212,720
Dubuque,	No return			
Henry,	673,040	707,634	34,591	
Iowa,	12,070	16,835	4,766	
Jackson,	287,121	352,127	65,006	
Jefferson,	484,339	603,424	119,085	
Johnson,	517,248	608,737	91,489	
Jones,	142,496	175,414	32,918	
Keokuk,	105,952	153,248	47,296	
Lee,	1,368,458	1,655,532	287,074	
Linn,	496,572	511,223	14,651	
Louisa,	395,490	538,496	143,006	
Mahaska,	85,870	171,232	85,360	
Marion,	32,745	65,478	32,733	
Monroe,	24,635	35,978	11,343	
Muscatine,	732,680	693,008		39,672
Polk,	354	51,488	51,134	
Scott,	406,452	383,121		23,331
Van Buren,	1,019,002	1,276,000	256,998	
Wapello,	140,408	237,945	97,539	
Washington,	340,557	386,302	45,745	

## LIST OF COUNTIES IN THE STATE.

[Those in Italics are not organized.]

1 <i>Alamakee,</i>	27 Lee,
2 Appanoose,	28 Linn,
3 Benton,	29 Louisa,
4 <i>Blackhawk,</i>	30 <i>Lucas,</i>
5 <i>Boone,</i>	31 <i>Madison,</i>
6 Buchanan	32 Mahaska,
7 Cedar,	33 Marion,
8 <i>Clarke,</i>	34 <i>Marshall,</i>
9 Clayton,	35 Monroe,
10 Clinton,	36 Muscatine,
11 Dallas,	37 <i>Page,</i>
12 Davis,	38 Polk,
13 <i>Decatur,</i>	39 <i>Pottawatamie,</i>
14 Delaware,	40 <i>Poweshiek,</i>
15 Des Moines,	41 <i>Ringgold,</i>
16 Dubuque,	42 Scott,
17 <i>Fayette,</i>	43 <i>Story,</i>
18 <i>Fremont,</i>	44 <i>Tama,</i>
19 Henry,	45 <i>Taylor,</i>
20 Iowa,	46 Van Buren,
21 Jackson,	47 Wapello,
22 Jasper,	48 <i>Warren,</i>
23 Jefferson,	49 Washington,
24 Johnson,	50 <i>Wayne,</i>
25 Jones,	51 <i>Winneshiek.</i>
26 Keokuk,	

Counties.	Clerks.	Treasurers.	Pros. Attorneys.	Ag. prop. Taxed.	State tax.	County Tax.	Poll Tax.	School Tax.
1 Appanoose,	J F Stratton,	Jesse Wood		\$27,532	\$55 06	\$110 12	\$91 59	\$13 76
2 Benton,	D S Pratt,	D S Pratt	I M Preston	19,299	38 59	77 19	33 50	9 65
3 Cedar,	W K Whittlesey,	W K Whittlesey	J P Cook	415,105	830 21	1,972 00	312 00	207 23
4 Clayton,	Robert R Reed,	Robert R Reed	Rbuben Noble	234,218	468 43	936 87	262 00	117 11
5 Clinton,	T B Butterfield,	Robert Bedford	W E Leffingwell	172,637	345 27			
6 Dallas,	S K Scovell,			7,935	15 87		20 50	
7 Davis,	Wm Cameron,	Wm S Stephens	S S Carpenter	225,984	451 96	903 92	428 00	225 98
8 Delaware,	John W Clark,	Ira W Green		76,921	153 84	307 68	105 50	38 46
9 Des Moines	W M Wallbridge,	Geo Blickhahn	Jas W Woods	1,459,170	2,918 34	5,836 68	993 00	1,459 17
10 Dubuque,	G L Nightingale,	I P Van Hagen	L A Thomas	No	Returns.			
11 Henry,	N Lathrop,	H M Snyder		707,634	1,415 26	2,759 45	663 00	698 81
12 Iowa,	G W Kitchens,	Robert McKee	Geo W Kitchens	16,826	33 67	67 34	44 50	8 41
13 Jackson,	Stephen Decatur,	S S Fenn	F Bangs	352,127	704 25	1,353 45	523 00	331 31
14 Jasper,	Jesse Richman,	Seth Hammer		15,115	30 23	60 40	44 50	7 55
15 Jefferson,	Saml. H Bradley,	— Ford	Geo Acheson	603,424	1,206 84		673 50	
16 Johnson,	S B Gardner,	Hiram Watts	H D Downey	608,737	1,218 95	2,793 38	360 50	611 73
17 Jones,	C C Rockwell,	Wm Sterling	C C Rockwell	175,413	350 83	701 66	194 00	87 50
18 Keokuk,	Sedley C Harris,	Joel Long		153,248	306 50	612 99	308 00	153 25
19 Lee,	Eli Stoddard,	Robt A Russell		1,655,532	3,311 00	4,900 39	1,255 00	827 56
20 Linn,	Alpheus Brown,	W M Harris	D P Palmer	511,223	1,022 44	2,044 89	387 50	255 61
21 Louisa,	S W Kirkpatrick,	S Townsend	E H Thomas	538,496	1,080 83	1,621 44	378 50	270 21
22 Mahaska,	Moses McLean,	G W Baer		171,232	342 46	684 92	338 50	342 46
23 Marion,	James F Wilson,	I H Walters	E G Starfield	65,478	130 95	261 51	255 00	65 47
24 Monroe,	D C Barber,	John Webb		35,978	71 95	143 91	119 00	35 97
25 Muscatine,	N Halleck,	F H Stone	W G Woodward	693,008	1,387 76	2,775 00	321 50	345 65
26 Polk,	Lewis Whitten,	Jas Campbell	Thos Baker	51,488	102 97	209 95	206 00	
27 Scott,	John Pope,	A H Miller	A W McGieger	383,121	771 21	1,542 82	311 50	386 40
28 Van Buren,	John D Mitchler,	G B Alexander	G G Wright	1,276,000	2,731 52	4,164 04	1,033 00	1,309 46
29 Wapello,	A J Rodenbaugh,	Joseph Leighton,		237,945	475 89	817 23	561 50	113 54
30 Washington	R H Marsh,	Caleb S Cleaves,	Wm. Churchman	386,302	772 60	1,545 20	356 00	193 15

## A TABULAR STATEMENT,

Exhibiting the number of Polls, the number of acres of Land assessed in the several Counties, with the value thereof—the value of the several kinds of Property in each County, so far as the same has been returned for the year 1847.

COUNTIES.	Number of Polls.	Acres of Land.	Value of Land and Improvements.	Value of Town Lots & Improvements.	Amount of Money at Interest.	Value of Merchandise.	Value of Machinery.	Value of Cattle.	Value of Horses.	Value of Sheep.	Value of Swine.	Value of Mules, Jacks & Jennies.	Value of Wagons and Carriages.	Value of Furniture.	Miscellaneous.
Appanoose,	183	1,775	\$8,415	\$14	\$747	\$250	\$1,500	\$6,081	\$5,773	\$562	\$1,761	\$100	\$2,276	\$	
Benton,	67	2,393	5,821		787			5,008	4,360	225	1,100	80	1,255	25	
Cedar,	624	75,203	283,692	23,977	1,281	7,235	3,752	25,706	41,332	3,922	8,574		14,339	180	1,
Clayton,	524		146,650	24,000	1,824	5,300	5,000	22,085	16,541	575	4,220	280	6,292	200	1,
Clinton,		26,454	98,414	16,077	3,060	1,000	4,700	20,101	18,581	1,273	2,550	70	6,676	50	
Dallas,	41		1,858		930			2,433	1,050	183	342		850		
Davis,	856	33,851	115,756	2,173	2,604	5,250	2,115	28,117	38,705	5,777	8,331	310	12,202	250	4,
Delaware,	211	25,652	48,055	684	675	500		10,455	9,231	1,141	2,049	100	3,974		
Des Moines,	1986		1,145,796	included	11,032	81,900	10,080	47,481	76,778	11,032	13,325		31,443	3250	4,
Dubuque,	No Returns			in lands.											
Henry,	1326	177,480	492,525	25,171	9,229	24,450	5,708	39,139	60,165	8,436	15,409	25	23,825		3,
Iowa,	89	1,994	3,846	725				4,480	3,250	382	1,482		2,060	75	
Jackson,	1046		No Returns.												
Jasper,	89	495	990	561	362	733	600	4,536	3,615	403	1,105	30	2,148	30	
Jefferson,	1347	181,058	402,488	30,486	6,462	14,195	2,225	42,046	57,288	12,564	14,746	230	23,010	250	



Mr. Day offered the following resolution :

*Resolved*—That this House will discourage local legislation, and the introduction of any business not recommended for consideration by the Governor's Message.

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

Pending which Mr. Matson offered the following substitute :

*Resolved*—That the action of this House be confined principally to the subjects recommended in the Governor's Message, and that legislation in local matters be dispensed with except in cases of absolute necessity.

And on the adoption of the substitute the yeas and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Day, Green, Hardy, Kinsman, Kent, Leech, Lyons, Leffingwell, Matson, Montague, O'Brien, Olmstead, Smyth, Sergeant, Weyand and Willoughby.—18.

Those who voted in the negative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Williams and Mr. Speaker.—19.

So the substitute was lost.

The question then recurred on Mr. Cochran's motion to lay the resolution on the table, and decided in the affirmative.

Yeas 19—Nays 17.

And the yeas and nays being demanded,

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Holland, King, Kinsman, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Williams and Mr. Speaker.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Hebard, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Smyth, Sergeant, Weyand and Willoughby.

Mr. Comstock gave notice that on to-morrow, or some future day, he would ask leave to introduce a bill to amend an act passed at the last session of the General Assembly, relative to Grocery Licenses.

Mr. Montague gave notice that he would, on some future day, ask leave to introduce a bill for an act to establish Common Schools.

Mr. Morton gave notice that he would ask leave to introduce a

bill for an act to re-locate portions of certain roads therein named.

Mr. Leffingwell gave notice that he would, on some future day, ask leave to introduce a bill to divide this State into five Judicial Districts.

Mr. Edmundson gave notice that he would, on some future day, introduce a bill to amend an act, entitled "An Act to divide the State of Iowa into Judicial Districts."

And also a bill to amend an act entitled "An Act to divide the State into two Congressional Districts."

Mr. Matson on leave introduced the following joint resolution, H. R. File No. 2.

*Resolved*—(The Senate concurring,) That the committee of the two Houses on Schools be instructed to hold joint meetings, and agree on some system of Common Schools, before any system is acted upon by either House.

Mr. Hardy gave notice that he would on to-morrow, or some future day, ask leave to introduce a bill regulating the price of Public Printing.

A message from the Senate by Mr. Russell, their Secretary :

MR. SPEAKER—

I am directed to inform the House of Representatives that the Senate have ordered the printing of 2,000 copies of the Governor's Message, and 2,000 copies of the Auditor's Report, for the use of the General Assembly.

H. R. File No. 1 was read a second time, and referred to the Committee on Roads and Highways.

H. R. File, No. 1. The joint resolution of Mr. Morton, relative to printing, was read a second time.

When Mr. Sells moved that the 42d Rule be suspended, and that the resolution be read a third time now.

Mr. Bonham moved that the resolution be indefinitely postponed.

Which was not agreed to.

The question recurring on the motion to suspend the 42d Rule, it was decided in the negative.

On motion of Mr. Goodrell,

The resolution of Mr. Morton, relative to printing was taken from the table.

Mr. Leffingwell moved to amend the same by striking out "Iowa Standard," and inserting Iowa Capital Reporter, which amendment was agreed to.

The question was then on the adoption of the resolution as amended.

Pending which Mr. Morton moved a call of the House.

A call was had, and Messrs. Wright and Reynolds reported absent.

The absent members were sent for.

Mr. Bailey moved that a further call of the House be dispensed with, which was not agreed to.

Mr. Wright appearing in his seat, the further call of the House was dispensed with.

The question was then stated.

And the ayes and nays being demanded,

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Smyth, Sergeant, Weyand and Willoughby.—18.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

So the resolution was lost.

Mr. Goodrell offered the following resolution :

*Resolved*—That the incidental printing of this House be given to the Iowa City Standard, the prices of said printing to be hereafter fixed by law.

On the adoption of this resolution, the ayes and nays being demanded,

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Bonham, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bailey, Day, Green, Hardy, King, Kinsman, Kent, Leech, Lyons, Leffingwell, Montague, O'Brien, Olmstead, Smyth, Sergeant, Weyand and Willoughby.—18.

So the resolution was adopted,

Mr. O'Brien offered the following resolution :

*Resolved*—That Mr. Mooney be allowed the use of the Hall this

evening, after the adjournment, for the purpose of giving a public Lecture.

On motion of Mr. Rathbun,

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

### 2 O'Clock, P. M.

The House met pursuant to adjournment.

Mr. Comstock gave notice that on to-morrow, or some future day, he should ask leave to introduce a bill for the relief of H. H. Hendricks and Edward Pedigo.

Mr. McManus moved that the Governor's Message be taken up and referred to appropriate committees.

Pending which. Mr. Hébard moved that the House resolve itself into Committee of the Whole House, for consideration of the Governor's Message.

Which was agreed to.

And the House sat in Committee of the Whole, Mr. Comstock in the chair, and after some time spent therein, the committee rose and reported that they had had the Governor's Message under consideration, and had made sundry references, in which they asked the concurrence of the House.

The House concurred.

Mr. Morton, from the select committee, to whom was referred the petition of sundry citizens of Henry County, praying for the amendment of an act entitled "An Act to provide for the navigation of Skunk River," reported, H. R. File, No. 2, a bill for an act to provide for the descending navigation of Skunk River, which was read a first time.

Mr. Matson asked and obtained leave to introduce the following resolution :

*Resolved*—That the Committee to whom was referred that portion of the Governor's Message relating to the Mexican War, be instructed to defer their report until the next Presidential election—which was agreed to.

On motion of Mr. Leffingwell,

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

**Friday Morning, January 7, 1848.**

House met pursuant to adjournment.

Mr. Morton offered the following resolution:

*Resolved*—That the Free Masons be allowed the use of the Hall of the House this evening. Which was agreed to.

Mr. Bailey gave notice that he would on to-morrow, or some future day ask leave to introduce a bill concerning Costs and Fees.

Mr. Comstock gave notice that he would on some future day ask leave to introduce a bill to amend the sixth section of an act to provide for levying and collecting revenue for State and County purposes.

Mr. Green from the select committee to whom was referred the petition of the citizens of Jackson County praying for a law to relocate the county seat of said county—reported H. R. file No. 3—“an act to provide for the re-location of the county seat of Jackson county;” which was read a first time.

A Message from the Senate by Mr. Russell their Secretary:

MR. SPEAKER:—I am directed to inform the House that the Senate have passed—Senate file No. 2—a bill to provide for locating and establishing certain roads therein named, and Senate file No. 3. A bill to repeal the act allowing the County Commissioner's Clerk pay for filing papers.

In which the concurrence of the House is requested.

Mr. Bonham from the committee on roads and highways to whom was referred

H. R. File No. 1, reported the same back to the House and recommended its indefinite postponement.

The report of the committee was concurred in by the House.

Mr. Leffingwell, pursuant to previous notice introduced H. R. file No. 4,—“An act to divide the State of Iowa into Judicial Districts which was read a first time.

H. R. File No. 2, was read a second time. Mr. Morton moved to fill the blanks in said bill—and on his motion the names of L. D. Woodworth and George Miller were inserted as commissioners from Henry County.

On motion of Mr. Cochran the name of E. A. Gibbs was inserted as commissioner from Lee County.

On motion of Mr. Holland the name of B. F. Roe was inserted as commissioner from Des Moines County.

Mr. Bailey moved that the name of Thomas Miller be inserted as commissioner from Jefferson County.

Mr. Goodrell moved to strike out the name of Thomas Miller and insert the name of ——Vardeman which was not agreed to.

The question recurring, shall the name of Thomas Miller fill the blank for Jefferson County? It was decided in the affirmative.

Mr. Goodrell moved that the name of Anson Moore be inserted as commissioner from Washington County; which was agreed to.

Mr. Goodrell moved to fill the blank relative to slopes with "thirty feet."

Mr. Morton moved to insert 25 feet, which was agreed to.

Mr. Goodrell offered the following amendment, which was agreed to;

Insert before the provision of the 3d section "said commissioners shall proceed immediately after the taking effect of this act to locate said slopes and shall make immediate report of their action to the Commissioner's Clerk of the proper county, to be entered of record and shall receive a proper compensation for their services, to be paid to each, by the county in which he shall reside.

Mr. Morton moved that the 42nd rule be suspended and that the bill be read a third time now—which was agreed to.

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

Ordered, that the Chief Clerk request the concurrence of the Senate.

Joint Resolution, No. 2 was read a second time—and on motion of Mr. Comstock ordered that the 42nd rule be suspended and that the resolution be read a third time now.

The 42nd rule being suspended the resolution was read a third time and passed.

Ordered, that the Chief Clerk request the concurrence of the Senate therein.

Mr. Sells offered the following resolution:

*Resolved*—That the Chief Clerk be required to ascertain the reason why the members of this House have not been furnished with their portion of the Governor's Message and Auditor's Report which were ordered to be printed by the Senate for the use of the General Assembly, which was adopted.

Mr. Smyth offered the following resolution:

*Resolved*—That the Chief Clerk of this House be instructed to have a sufficient number of the list of standing committees printed to furnish each member with a copy—agreed to.

On motion of Mr. Comstock the Message from the Senate was taken up.

Senate file No. 3 having been read, on motion of Mr. McPherrin the 42nd Rule was suspended and the bill read a second and third time and passed and title agreed to.

Senate file No. 2, having been read. On motion of Mr. Bonham the 42nd Rule was suspended, Bill read a 2nd time, when

On motion of Mr. Smyth,

The same was referred to the Committee on Roads and Highways.

Mr. Day offered the following Resolution:

*Resolved*—That the Judiciary Committee be instructed to report by Bill or otherwise, upon that part of the Governor's Message, which recommends a revision of the Laws by Commissioners, on Monday next—which was adopted.

Mr. Matson moved that the resolution of Monday, referring to local legislation be taken from the table.

And on this question the ayes and nays were demanded, pending which,

On motion of Mr. Goodrell,

The House adjourned till 2 o'clock P. M.

## 2 O'Clock, P. M.

House met pursuant to adjournment.

Mr. Day offered the following resolution:

*Resolved*—That the Senate be requested to meet this House in the Hall of the House of Representatives on Tuesday the 11th inst., at 2 o'clock P. M. to elect Senators to represent this State in the Congress of the United States,

One Chief Justice and two Associates as Judges of the Supreme Court of Iowa.

Mr. Morton moved a call of the House, which was had, and the Sergeant-at-Arms despatched for absent members.

Mr. Day moved a further call of the House be dispensed with, which was not agreed to.

The absent members appearing in their seats a further call was dispensed with.

Mr. Goodrell offered to amend the resolution of Mr. Day by inserting after the word 'Resolved,' the words, 'the Senate concurring' which was not agreed to.

Mr. Goodrell offered to amend by inserting after the word, 'Resolved,' the words "by the General Assembly," which was agreed to—and the said resolution as amended was read a first time.

On motion of Mr. Cochran it was ordered that 500 copies of the Auditor's Report be printed for the use of this House.

Mr. Leffingwell asked and obtained leave to introduce the following resolution :

*Resolved*,—That this House disapprove the suggestion of the Auditor of State in his communication to this House in reference to the issuing of Warrants upon the State Treasury in the character of "Bank notes to become a circulating medium throughout the State" as incompatible with the Constitution and as diametrically opposed to the character and future prosperity of our State.

On motion of Mr. Comstock, Senate File No. 1 was taken up and read a first time.

Mr. Olmstead offered the following resolution :

*Resolved*,—That the use of this Hall be given to the Democrats to-morrow for the purpose of celebrating the glorious anniversary of the victory of New Orleans—which was agreed to.

Mr. Bonham presented the remonstrance of P. H. Patterson and 20 others against the passage of any law to change the place of holding the Supreme Court.

Joint Resolution Senate File No. 2, was taken up and read a first time, and on motion of Mr. Sells the 42nd Rule was suspended and the resolution read a second and third time, and passed.

Mr. Bonham moved a reconsideration of the vote on Mr. Olmstead's resolution—and on this question the ayes and nays being demanded,

Those who voted in the affirmative were,

Messrs. Bonham, Bailey, Cochran, Day, Greene, Hardy, Kinsman, Kent, Leech, Lyons, Leffingwell, Matson, McPherrin, Montague, O'Brien, Smyth, Sergeant and Willoughby—18.

In the negative,

Messrs. Anderson, Blair, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, Morton, Olmstead, Rathbun, Sells, Steele, Updegraff, Weyand, Williams and Mr. Speaker

So the House refused to reconsider the vote.

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

Mr. Comstock moved to substitute Monday morning at 10 o'clock and on this question the ayes and nays being demanded, those who voted in the affirmative were,

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin Matson, Rathbun, Sells, Steele, Updegraff, Williams and Mr. Speaker—19.

In the negative,

Messrs. Bonham, Bailey, Day, Greene, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Smyth, Sergent, Weyand and Willoughby—18.

So the amendment was agreed to.

The question was then on the adoption of the motion as amended—and the ayes and nays being demanded, those who voted in the affirmative were,

Messrs. Anderson, Blair, Comstock, King, McManus, Morton, Olmstead, Rathbun, Steele, Updegraff and Mr. Speaker—11.

In the negative,

Messrs. Bonham, Bailey, Cochran, Clifton, Day, Edmundson Goodrell, Green, Hardy, Hebard, Holland, Kinsman, Kent, Leech Leffingwell, Lyons, Matson, McPherrin, Montague, O'Brien, Sells, Smyth, Sergent, Weyand, Williams and Willoughby—26.

So the House refused to adjourn till Monday.

The question recurring on the original motion, it was decided in the affirmative.

And the House adjourned till to-morrow morning 10 o'clock.

### Saturday Morning, January 8, 1848.

The House met pursuant to adjournment.

After the reading of the Journal Mr. Morton of Henry County announced to the House the decease of the Hon. John W. Smyth, late a member of this House from the county of Mahaska as follows:

MR. SPEAKER:—I take this occasion to announce formally to this House, the decease of the Hon. John W. Smyth, late a member of this Body from the county of Mahaska; who died at his lodgings in

this City, on Saturday the 27th day of February 1847, but a few days after the adjournment of the General Assembly.

In the prime of life—loved and respected by all—LOVED for the many amiable and noble traits of character he possessed, and respected for the ability and integrity which marked his course, his career of usefulness was closed by one of those inscrutable and afflicting dispensations of Providence to which we must bow with resignation, even while we feel humbled and afflicted by the stroke.

How proper then, after the excitement and tumult of our organization have subsided,—to express calmly the feeling which this melancholy event has produced in our hearts.

In accordance with what I believe to be the sentiments of this House, I move the following resolutions:

Resolved—That a committee of three be appointed to address a letter of condolence to the widow and family of the deceased.

Resolved—That the members and officers of this House testify their respect for the deceased, by wearing the usual badge of mourning.

The resolutions were unanimously adopted—and Messrs. Morton, Hebard and Cochran were appointed said committee.

Mr. Cochran moved that the House do now adjourn until Monday morning 10 o'clock. And on this question the ayes and nays being demanded—

Those who voted in the affirmative were,

Messrs. Blair, Cochran, Clifton, Edmundson, Goodrell, Hebard, Holland, King, McManus, Matson, O'Brien, Olmstead, Sells, Steele, Sergeant, Updegraff, Wright, Williams, and Mr. Speaker—19.

In the negative,

Messrs. Bonham, Bailey, Day, Greene, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, McPherrin, Montague, Reynolds, Smyth, Weyand and Willoughby—17.

So the House adjourned till Monday morning 10 o'clock.

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### Monday Morning, January, 10, 1848.

The House met pursuant to adjournment.

Mr. Edmundson presented the remonstrance of 43 citizens of Marion, Polk, Dallas and Jasper counties, against John N. Kinsman taking his seat as a member of this House, and,

On motion of Mr. Morton,

The same was referred to the Select Committee to whom was referred the facts &c., relative to the right of said Kinsman to hold his seat in this body.

Mr. Day presented from sundry citizens in the same district requesting said Kinsman to continue to act as their Representative, and

On motion of Mr. Day,

The petition was referred to same committee.

Mr. Sells gave notice that he would on to-morrow or some future day ask leave to introduce a Bill to amend "An act regulating practice in the District Courts in the State of Iowa," also

A Bill to amend an act entitled an act to provide for levying and collecting Revenue for State and county purposes.

Mr. Day gave notice that he would on to-morrow or some future day ask leave to introduce a Bill to amend an act incorporating the Town of Bloomington.

Mr. Lyons gave notice that he would on to-morrow or some future day ask leave to introduce a bill to amend an act entitled an act to lay out and establish a State Road from Iowaville in Van Buren county to Lancaster in Keokuk county.

Mr. Olmstead gave notice that he would on some future day, ask leave to introduce a bill to locate a State Road from Quarquaton in Buchanan county to Elkrador in Clayton county.

Mr. Cochran gave notice that on to-morrow or some future day he would ask leave to introduce a bill for an act for the relief of Harriet O'Reilly, also,

A Bill to amend an act concerning Wills and Administrators—Approved Feb. 13, 1843.

Mr. Steele, from the committee on Public Buildings to whom was referred that part of the Governor's Message relative to the Penitentiary, reported,

Joint resolution H. R. File No. 4—relative to the appointment of an agent to carry out the provisions of the "act relative to the Penitentiary"—approved Feb. 25th, 1847.

Mr. Morton from the Committee on the Judiciary to whom was referred that part of the Governor's Message relative to a revision of the laws, reported, H. R. File No 6, A Bill for an act to provide for revising and digesting the laws,—read a 1st time.

A message from the Senate, by Mr. Russell, their Secretary :

**MR. SPEAKER:**—I am directed to inform the House of Representatives that the Senate have passed,

Senate File No. 4, A Bill for the confinement of prisoners under the authority of the United States, in the Jails of this State and,

Senate File No. 5, A Bill to change the time of holding Courts in the second Judicial District.

In which the concurrence of the House is requested.

I herewith return

H. R. File No. 2, Joint Resolution relative to common schools, the same having passed the Senate without amendment.

Mr. Hebard, from the committee on Public Buildings, on leave being granted introduced,

H. R. No. 7, A Bill for an act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines River, approved February 24, 1847—and on motion

The usual number of copies were ordered to be printed,

H. R. File No. 3, was read a second time and

On motion of Mr. Greene,

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

H. R. File No. 4, was read a 2nd time, and,

On motion of Mr. Kinsman

Referred to a select committee of two from each Judicial District.

Messrs. Kinsman, Blair, Rathbun, Leech, Cochran, Green, Comstock, and Bonham, were appointed said committee.

H. R. File No. 5 was read a second time and on motion of Mr. Morton was laid upon the table.

Senate File No. 1, A Bill reorganizing the Supreme Court, was read a second time, and on motion of Mr. Edmundson referred to a committee of one from each Judicial District.

Messrs. Edmundson, Kent, Leffingwell and Smyth were appointed said committee.

Joint Resolution House File No. 3, was read a second time—when Mr. Matson moved that the 42nd Rule be suspended and the same read a third time now. And on this the ayes and nays were demanded—pending which Mr. Bonham moved to amend by striking out the words “by the General Assembly of the State of Iowa,” which amendment the Speaker decided not to be in order.

Mr. Cochran moved to amend by striking out the words Senate

be requested to meet this House and insert "two Houses thereof meet"—and on this question the ayes and nays being demanded those who voted in the affirmative were,

Messrs. Anderson, Blair, Bonham, Bailey, Cochran, Clifton, Comstock, Day, Edmundson, Goodrell, Green, Hardy, Hebard, Holland, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, McManus, Morton, Montague, O'Brien, Olmstead, Reynolds, Sells, Steele, Sergeant, Updegraff, Wright, Weyand, Williams, Willoughby and Mr. Speaker—37.

In the negative,

Mr. McPherrin. So the amendment was adopted.

The question recurring on Mr. Morton's motion to suspend the 42nd Rule—the ayes and nays were demanded,

And those who voted in the affirmative were,

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby—19.

In the negative,

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, McManus, McPherrin, Morton, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker—18.

Two thirds not voting in the affirmative, the rule was not suspended,

Mr. Montague moved to amend by striking out Tuesday and inserting Thursday which was agreed to.

Mr. Day offered the following resolution :

*Resolved*—That the committee on County and Township organization be instructed to inquire into the expediency of accepting the location made by commissioners of the New Seat of Government.

Mr. Olmstead moved to lay the Resolution on the table which was agreed to.

On motion of Mr. Goodrell Senate File No. 1, Joint Resolution for a mail route from Mount Pleasant to Oskaloosa was taken from the table and read a first time—and on his motion the 42nd Rule was suspended and the resolution read a second time; when Mr. Goodrell moved to amend by inserting before the word Richland the word "Brighton"—which was agreed to.

Mr. Comstock on leave introduced the following resolution :

*Resolved*—That the Governor be requested to report to this House

the amount expended for the purpose of arresting fugitives from justice.

Mr. Morton moved to amend by inserting between the word "the" and "amount"—"items of the" which amendment was accepted—and the resolution as amended was adopted.

Mr. Sells offered the following resolution:

Resolved—That the use of this Hall be granted to the Anti-Capital punishment, and prison-discipline Society this evening for the purpose of holding its second annual meeting.

On motion of Mr. Morton Mr. Edmundson was added to the committee appointed to address a letter of condolence to the widow and family of Hon. John W. Smith deceased.

Mr. Leffingwell offered the following resolution:

Resolved—That the Sergeant-at-arms furnish seats within the Bar of this House for Judges of the different courts of this State—and also,

For the Ex-Governors and Ex-members Congress of this State and Territory.

Mr. Morton moved,

To amend by adding and ex-members of the Territorial and State Legislatures—

Which amendment was agreed to.

Mr. Cochran moved;

To amend by adding and all others who see proper to sit within the Bar of the House.

Mr. Bonham moved to lay the resolution and amendments on the table; which was not agreed to.

Mr. Cochran moved to adjourn;

Not agreed to.

Mr. Sells moved to amend by adding to Mr. Morton's amendment, "and the present State Senators;"

Which was not agreed to.

And the resolution as amended was adopted.

Mr. Goodrell offered the following resolution:

Resolved—That the Sergeant-at-arms be requested to furnish as many seats—to be placed in the Lobby of this House as he can conveniently procure.

Not agreed to.

On motion of Mr. Hebard,

The House adjourned till two o'clock P. M.

Mr. Sells moved that Mr. Reynolds be added to the committee on Agriculture.

Agreed to.

And also;

That Mr. Rathbun be added to the committee on claims;

Which was agreed to.

Mr. Updegraff, on leave offered the following resolution:

Resolved—That the Superintendent [of Public Instruction be requested to make a report to this House as soon as practicable embodying all the information he has received in relation to the operation of the School Laws, from the fund commissioners of each county and all suggestions he may deem proper.

Mr. Smyth moved to lay the resolution on the table;

And on this question the ayes and nays were demanded;

Those who voted in the affirmative were,

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Lef-fingwell, Lyons, Matson, Montague, Olmstead, Reynolds, Smyth, Sergeant, Weyand, and Willoughby—17.

In the negative,

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Goodrell, Edmundson, Hebard, Holland, King, McManus, McPherrin, Matson, Sells, Steele, Updegraff, Wright, Williams, and Mr. Speaker—19.

So the House refused to lay the resolution on the table.

Mr. Olmstead moved to amend by striking out all after the word county;

Not agreed to.

Mr. Day moved to strike out "Superintendent of Public Instruction" and insert James Harlan;

Which was agreed to.

Mr. Smyth moved to amend by striking out "this House" and inserting the General Assembly of the State of Iowa.

Mr. Morton moved to lay the resolution on the table;

Which was not agreed to.

Mr. Goodrell moved to amend the amendment of Mr. Smyth by adding "as Superintendent of Public Instruction."

The question was then on the amendment of Mr. Goodrell to the amendment of Mr. Smyth.

Pending which,

Mr. Cochran moved to lay the resolution and amendment on the table;

Which was not agreed to.

Mr. Olmstead moved that the House resolve itself into committee of the whole on the resolution;

Which was not agreed to.

Mr. Smyth moved that the resolution with the amendments be indefinitely postponed, but before the question was put—the motion was, on leave withdrawn.

Mr. Goodrell at the suggestion of Mr. Leffingwell withdrew his amendment to the amendment of Mr. Smyth.

When Mr. Leffingwell proposed the following:

Insert at the last word of the resolution:

“Upon the pedigree of State officers;”

Which was not agreed to.

Mr. Goodrell renewed his amendment;

Which was not agreed to.

Mr. Day moved to refer the resolution to the committee on schools.

Which was not agreed to.

Mr. Smyth moved to refer the resolution to the committee on the Judiciary.

Which was not agreed to.

The question recurring on the adoption of the resolution as amended.

It was decided in the negative.

So the resolution was lost.

Mr. Comstock offered the following resolution:

Resolved---That the Select Committee to whom was referred,

Senate File No. 1,

Be requested to report on to-morrow morning;

Which was agreed to.

Mr. Clifton offered Joint Resolution H. R. File No. 5, relative to claim of Amos Ladd;

Which was read a first time.

Mr. Morton moved to adjourn till to-morrow morning ten o'clock

Which was agreed to,

And the House adjourned accordingly.

**Tuesday Morning, January, 11, 1848.**

House met pursuant to adjournment.

Mr. Leech presented the petition of 556 citizens of Davis county, asking for the re-location of the county seat of Davis county.

And on his motion the reading was dispensed with, and the petition referred to a select committee of three.

Messrs. Leech, Lyons and Kent were appointed said committee.

Mr. Montague gave notice that he would on to-morrow, or some future day, ask leave to introduce a bill to prohibit persons, associations, companies or corporations from exercising the privileges of banking.

Mr. Steele gave notice of a bill for an act to establish a Keokuk District Court.

Mr. Leffingwell gave notice that he would, on some future day, ask leave to introduce a bill to authorize John Brophy to keep a ferry across the Missouri river.

Also a bill to license and tax Pedlars.

Mr. Edmundson, to whom was referred Senate File No. 1, a bill re-organizing the Supreme Court, asked and obtained further time to report.

Mr. Sells, on leave, introduced H. R. File No. 8, a bill to amend an act entitled "An Act regulating practice in the District Court of Iowa Territory, approved Feb. 10th, 1843," which was read a first time.

Mr. Day, on leave, introduced H. R. File, No. 9, a bill to amend an act entitled "An Act to amend an act entitled an act to incorporate the town of Bloomington, approved December 29, 1840."

And,

On motion of Mr. Sells,

The 42d Rule was suspended, and the bill read a second and third time.

Bill passed, and the title agreed to.

Ordered, that

The Chief Clerk request the concurrence of the Senate therein.

Mr. Comstock, on leave, introduced H. R. File No. 10, A bill for an act for the relief of H. H. Hendrix and Edward Pedigo.

Also,

H. R. File No. 11, A bill for an act supplemental to an act providing that the legal voters of each township determine, at the township election, whether the County Commissioners shall grant license

for retailing intoxicating liquors in the respective counties, or not— which was read a first time.

Mr. Cochran, on leave, introduced H. R. File No. 12, A bill for the relief of Harriet O'Reilley.

And on his motion,

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

Ordered,

That the Chief Clérk request the concurrence of the Senate therein.

H. R. File No. 6, An act to provide for revising and digesting the laws, was read a second time,

And,

On motion of Mr. Morton,

Referred to a committee of the Whole House, and made the order of the day for to-morrow.

H. R. File No. 7, A bill for an act supplemental to an act creating a Board of Public Works, was read a second time.

Mr. Comstock moved that the bill be indefinitely postponed.

Mr. Cochran moved to refer the same to a committee of the Whole House, and that it be made the order of the day for this afternoon.

Mr. Montague moved that the House resolve itself into Committee of the Whole now.

Which was agreed to,

And the House sat in Committee of the Whole,

Mr. Goodrell in the Chair.

After some time spent therein, the Committee rose and reported the same back to the House without progress, and asked leave to sit again this afternoon.

Joint Resolution, House File No. 4 was read a second time.

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

Mr. Cochran moved that it be referred to a select committee of three.

Which was not agreed to.

Mr. Clifton moved that it be referred to the delegation from Lee County.

Which was agreed to.

Joint Resolution, H. R. File No. 5, was read a second time.

Joint Resolution, Senate File No. 1, relative to a mail route, was read a third time.

Passed, and title agreed to.

H. R. File No. 3, Joint Resolution, was read a third time.

Mr. Morton moved that the same be laid upon the table, subject to the order of the House.

And on this question the ayes and nays being demanded—

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smith, Sergeant, Weyand and Willoughby.—18.

So the resolution was laid on the table, subject to the order of the House,

On motion of Mr. Bonham,

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

## 2 O'Clock, P. M.

H. R. File, No. 7, A bill for an act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines River, being the order of the day,

The House resolved itself into a Committee of the Whole for the consideration of said bill.

Mr. Goodrell in the Chair.

After some time spent therein, the committee rose, and reported the same back to the House with sundry amendments, and asked the concurrence of the House therein.

Mr. Hardy moved to reject the report of the committee.

Which was not agreed to.

A message from the Senate, by Mr. Russell, their Secretary.

MR. SPEAKER—

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

Senate File, No. 6, An Act in relation to evidence.

In which the concurrence of the House is requested.

I herewith return,

H. R. File, No. 2, A Bill for an act to provide for the descending navigation of Skunk River.

The same having passed the Senate without amendment.

And then he withdrew.

Mr. Montague moved to lay the report of the Committee of the Whole on the table until the first Monday of August next.

And on this question the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Anderson, Clifton, Comstock, Edmundson, Kinsman, McManus, McPherrin, Morton, Montague, Rathbun, Reynolds, Sells, Steele and Mr. Speaker.—14.

In the negative—

Messrs. Blair, Bonham, Cochran, Day, Goodrell, Green, Hardy, Hebard, Holland, King, Kent, Leech, Leffingwell, Lyons, Matson, O'Brien, Olmstead, Smyth, Sergeant, Updegraff, Wright, Weyand, Williams and Willoughby.—24.

So the motion was decided in the negative.

Mr. Hebard moved to fill the blank in the last line of the 4th section of the bill, with the words "two dollars and fifty cents."

Mr. Edmundson moved to insert one dollar and twenty-five cents.

Mr. Comstock moved to adjourn.

Which was not agreed to.

The question then was on filling the blank with two dollars and fifty cents.

And on this question the yeas and nays were called for.

Those who voted in the affirmative were—

Messrs. Bonham, Day, Green, Hardy, Hebard, Kent, Leech, Leffingwell, Lyons, Matson, O'Brien, Olmstead, Sells, Smyth, Sergeant, Weyand and Willoughby.—16.

In the negative—

Messrs. Anderson, Blair, Clifton, Comstock, Edmundson, Holland, King, Kinsman, Lyons, McManus, McPherrin, Morton, Montague, Rathbun, Reynolds, Steele, Updegraff, Wright, Williams and Mr. Speaker.—17.

So the motion of Mr. Hebard did not prevail.

Mr. Bonham moved to fill the blank with two dollars.

And on this question the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Bonham, Day, Green, Hardy, Hebard, Kent, Leech, Leffingwell, Lyons, Matson, O'Brien, Olmstead, Sells, Smyth, Steele, Sergeant, Weyand, Williams and Willoughby,—20.

In the negative—

Messrs. Anderson, Blair, Clifton, Comstock, Edmundson, Holland, King, Kinsman, McPherrin, Morton, Montague, Reynolds, Updegraff, Wright and Mr. Speaker.—15.

So the blank was filled with two dollars..

Mr. Morton moved to amend the fifth line of section first, by striking out the words one hundred and sixty acres, or one quarter section, and insert three hundred and twenty acres.

And on the adoption of this amendment, the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Clifton, Comstock, Edmundson, Holland, King, Kinsman, McManus, McPherrin, Morton, Montague, Rathbun, Reynolds, Steele, Updegraff, Wright and Mr. Speaker.—18.

In the negative—

Messrs. Bonham, Day, Green, Hardy, Hebard, Kent, Leech, Leffingwell, Lyons, Matson, O'Brien, Sells, Smyth, Sergeant, Weyand, Williams and Willoughby.—17.

Mr. Comstock moved to amend the sixth line of section first, by striking out "may make," and inserting "have made."

Which was not agreed to.

On motion of Mr. Hardy,

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

Mr. Rathbun offered the following resolution:

Resolved, That the Superintendent of Public Instruction be requested to furnish this House with any communications that may have taken place between him and the Secretary of the Treasury of the United States, and the Commissioner of the General Land Office..

Also,

Any communication between him and any of the Registers in the Land Offices in the State of Iowa, in relation to the selection of the 500,000 acres of land, granted to the State of Iowa by virtue of the act of Congress of September 4th, 1841.

Also,

The number of School Districts organized in each county; the number of pupils between the ages of five and twenty-one years; the number at school; the amount paid for school purposes; current funds appropriated; whence derived; the permanent funds at interest; how invested; permanent fund not invested; whence derived; the sale of the sixteenth sections, offered, sold, and unsold, and amount received; the number of acres selected of the 500,000 grant; amount sold, and how invested, in each county, as far as the same may be reported to the said Superintendent's Office by the Fund Commissioners of each county in their annual reports; together with such other information as he may think proper to give in relation to the law regulating the duties of his office.

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

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Comstock, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby.—19.

In the negative—

Messrs. Anderson, Blair, Clifton, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells Steele, Updegraff, Wright, Williams and Mr. Speaker.—18.

So the resolution was laid upon the table.

Mr. Hebard, from the Committee on Public Buildings, reported H. R. File, No. 6, A Joint Resolution for a grant of land from Congress.

Which was read a first time.

Mr. Montague offered the following resolution :

Resolved—That this House will meet the Senate in Joint Convention for the purpose of electing Senators and Judges, as soon as the questions now pending are settled, relating to persons holding their seats as Members of the General Assembly.

And on this question the ayes and nays being demanded,

Those who voted in the affirmative were—

Messrs. Bonham, Clifton, Day, Green, Hardy, Hebard, Holland, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Morton, Montague, O'Brien, Reynolds, Smyth, Steele, Sergent, Weyand, Williams and Willoughby.—23.

In the negative,

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Good-

rell, King, McManus, McPherrin, Rathbun, Sells, Updegraff, Wright and Mr. Speaker.—15.

Mr. Hebard offered H. R. File No. 7, Joint Resolution relative to the adjournment of the two Houses, which was read a first time, and,

On motion of Mr. Montague,

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

And on its passage the ayes and nays being demanded,

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Bonham, Cochran, Clifton, Comstock, Day, Edmundson, Green, Hardy, Hebard, Holland, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, McManus, McPherrin, Morton, Montague, O'Brien, Olmstead, Rathbun, Reynolds, Sells, Smyth, Steele, Sergeant, Updegraff, Wright, Weyand, Williams, Willoughby and Mr. Speaker.—36.

In the negative,

Messrs. Goodrell and King.—2.

Mr. Olmstead, on leave, introduced H. R. File No. 13, A Bill for an act to locate a State Road from Elkkradn, in Clayton county, to Quasquaton, in Buchanan county.

And on his motion,

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

On motion of Mr. King,

The same was referred to the Committee on Roads and Highways.

Mr. Goodrell offered the following resolution :

Resolved—That the Committee on Schools be instructed to report by bill or otherwise, on to-morrow.

Agreed to.

Mr. Cochran, on leave, introduced H. R. File No. 14, A Bill for an act amendatory of an act concerning wills and administrators, which was read a first time, when,

On motion of Mr. Bonham,

The bill was rejected.

On motion of Mr. Goodrell,

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

**Wednesday Morning, January 12, 1848.**

House met pursuant to adjournment.

Mr. Kent gave notice that he would on to-morrow ask leave to introduce a bill authorizing Aden Hine to keep a ferry across the Mississippi river at Keokuk.

Mr. Smyth from the committee on schools who was by a resolution of yesterday required to report this morning reported that,

A bill for an act in relation to schools is in progress and would be ready to submit in a day or two;

They therefore ask for a further time to mature said bill.

Mr. Kinsman from the Select Committee to whom was referred H. R. File No. 4, reported that they had had the same under consideration and that the committee had instructed him, to report

H. R. File No. 17 an act amendatory to an act entitled an act to divide the State of Iowa into Judicial Districts; Approved February 4th 1847, as a substitute for said bill and recommend its passage, and the substitute was read a first time.

Mr. Steele introduced H. R. File No. 14.

A Bill to establish a District Court in the City of Keokuk in the county of Lee and,

On his motion,

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

• Mr. Cochran introduced H. R. File No. 15,

A Bill to authorize the Mississippi Rapids Rail Road Company to acquire a right of way.

And on his motion,

The 42nd Rule was suspended the Bill read a 2nd time and referred to the Committee on the Judiciary.

Mr. Comstock introduced H. R. File No. 16,

A Bill for an act to amend an act to provide for levying and collecting revenue for State and County purposes—approved February 25th 1847—read a first time.

Mr. Edmundson presented a petition from sundry citizens of Poweshiek county asking that said county may be organized—commissioners appointed to locate the seat of Justice and to alter the name of said county to that of Vermillion, which was referred to the committee on new counties.

H. R. File No. 8,

A Bill relative to *scire facias* on judgements was read a 2nd time and referred to the committee on the Judiciary.

H. R. File No. 10,

A Bill for the relief of H. H. Hendricks and Edward Pedigo was suspended the Bill read a second time,

And,

On motion of Mr. Comstock,

The 42nd Rule was suspended the Bill read a third time passed and title agreed to.

Ordered,

That the Clerk request the concurrence of the Senate therein.

H. R. File No. 11,

In relation to retailing liquors was read a second time;

When Mr. Montague moved to amend the same by striking out "gallon" whenever it occurs and inserting "quart."

Which was not agreed to.

On motion of Mr. Matson,

The Bill was referred to a select committee of three;

Messrs. Matson, Comstock and Clifton were appointed said committee.

Joint Resolution House File No. 6—

Relative to a grant of land was read a second time.

Mr. Hebard moved that the same be engrossed and read a third time to-morrow.

Mr. Smyth moved that it be referred to a Select Committee of one from each Electoral District—

Which was agreed to.

Joint Resolution No. 5;

Relative to claim of Amos Ladd was read a third time and referred to the Committee on Claims.

H. R. File No. 6—

A Bill for the revision of the Laws, being the order of the day was taken up in Committee of the Whole—

Mr. Hebard in the chair;

And after some time spent therein the Committee rose and reported the Bill back to the House with amendments in which they asked the concurrence of the House;

And the House did so concur.

On motion of Mr. Lyons,

Ordered,

That the Bill be suspended and read a third time to-morrow.

On motion of Mr. Goodrell,

The resolution of Mr. Rathbun calling upon the Superintendent of Public Instruction for information was taken from the table.

Mr. Montague offered the following resolution as a substitute:

Resolved—That the Committee on Schools are hereby empowered to send for persons and papers to acquire all necessary information relating to schools.

Mr. Matson moved to lay the substitute upon the table;

And on this question the ayes and nays being demanded---

Those who voted in the affirmative were,

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker—20.

In the negative,

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds Smyth, Sergeant, Weyand and Willoughby—18.

So the substitute was laid upon the table.

Mr. Montague moved to refer the resolution to the Committee on Schools.

Mr. Goodrell moved the previous question.

Mr. O'Brien moved a call of the House which was had and Mr. Kinsman was reported absent.

The absent member appearing in his seat. A further call was dispensed with.

And on the motion of Mr. Goodrell,

Shall the main question be put?

The same was agreed to.

The question recurring on the adoption of the resolution—the ayes and nays were demanded;

And those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Kinsman, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead,

Reynolds, Smyth, Sergent, Weyand and Willoughby—19.

So the resolution was adopted.

On motion of Mr. Goodrell,

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

### 2 O'Clock, P. M.

House met pursuant to adjournment.

Mr. Leech from the Select Committee to whom was referred the petition of the citizens of Davis County praying for a relocation of the County Seat of said county, reported,

H. R. File No. 18, A Bill for an act to locate the Seat of Justice of Davis County.

And, on motion of Mr. Leech,

The 42nd rule was suspended, the Bill read a 2nd and 3d time, passed and title agreed to.

On motion of Mr. Kinsman,

H. R. File No. 4 was taken up, read a 2nd time and referred to the committee on the Judiciary.

On motion of Mr. Hardy,

H. R. File No. 7 was taken from the table.

Mr. Lyons moved a call of the House, which was had.

Messrs. Bailey, Day, Leffingwell, Olmstead, Rathbun and Weyand were reported absent.

Mr. Sells asked leave of absence for Mr. Day, which was granted.

Mr. O'Brien moved a further call of the House be dispensed with, and all the absent members, excepting Mr. Day, appearing in their seats a further call was dispensed with.

Mr. Edmundson moved to refer the Bill to a select committee of five.

Mr. Bonham moved to refer the same to a committee of the whole House and make it the order of the day now ;

Which was agreed to.

The House resolved itself into a committee of the whole;

Mr. Bonham in the chair.

After sometime spent therein the committee rose and reported the Bill back to the House with one amendment, in which the concurrence of the House is asked.

A Message from the Senate by Mr. Russell their Secretary—

**MR. SPEAKER :**

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

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

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

And also a

Memorial to Congress for a donation of land to aid in the construction of a Rail Road from Dubuque to Keokuk, in said State;

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

Also, that

The Senate have concurred in the amendment made by the House to

Senate File No. 1, Joint Resolution for a mail route from Mount Pleasant to Oskaloosa.

I herewith return,

H. R. File No. 3, An Act to provide for the relocation of the County Seat of Jackson County.

H. R. File No. 12, An Act for the relief of Harriet O'Reilly.

And

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

The same having passed the Senate without amendment.

Mr. Montague moved to amend the report of the committee, by adding to Section 4, the following:

"And the purchaser shall pay to the occupant of said land the cash value of his improvements."

And on the adoption of this amendment the 'ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Anderson, Cochran, Clifton, Comstock, Edmundson, Goodrell, King, Kinsman, McManus, Morton, Montague, Rathbun, Reynolds, Sells, Steele, Updegraff, Wright and Mr. Speaker—18.

In the negative—

Messrs. Blair, Bonham, Bailey, Green, Hardy, Hebard, Holland, Kent, Leech, Leffingwell, Lyons, Matson, McPherrin, O'Brien,

Olmstead, Smyth, Sergeant, Weyand, Williams and Willoughby—20.

So the amendment was adopted.

Mr. Comstock moved to amend by inserting after the word "work" in the fourth line in the 4th Section "Any person who may purchase any of said lands, within one year after said notice has been given upon which improvements have been made the purchaser shall pay to the claimant of such land a reasonable compensation for his or her improvements."

And on the adoption of this question the ayes and nays being demanded;

Those who voted in the affirmative were—

Messrs. Anderson, Bailey, Clifton, Comstock, Edmundson, Goodrell, Holland, King, Kinsman, Lyons, Matson, McManus, Morton, Montague, Rathbun, Reynolds, Sells, Steele, Updegraff, Wright, Willoughby and Mr. Speaker—22.

In the negative—

Messrs. Blair, Bonham, Green, Hardy, Hebard, Kent, Leech, Leffingwell, McPherrin, O'Brien, Olmstead, Smyth, Sergeant, Weyand and Willoughby—15.

So the amendment was adopted.

The House then agreed to the amendment made by the committee.

Mr. Sells, then moved to amend by striking out of the 6th line of the 1st section the words, "and excepting such resolutions;"

Which was agreed to.

Mr. Hebard moved to add to the amendment made by Mr. Comstock by adding the words, "to be assessed by the Board of Public Works."

Which was agreed to.

Mr. Lyons moved that the Bill be considered engrossed and read a third time now;

Which was agreed to.

So the Bill was read a 3d time, passed, and title agreed to.

Ordered,

That the Clerk request the concurrence of the Senate therein.

Mr. Edmundson on leave introduced H. R. File No. 19: An act to amend an act entitled an act to divide the State into two Congressional Districts, which was read a first time.

Mr. Morton moved the rule be suspended and the Bill read a second time now;

Not agreed to.

Mr. Smyth moved to take up memorial from Senate for a grant of land to construct a Rail Road from Dubuque to Keokuk.

The memorial was taken up—read a first and second time and referred to a Select Committee, consisting of

Messrs. Smyth, Steele, Hebard, Wright, Lyons, Hardy, Leech, Goodrell, Sells, McManus, Green, Olmstead, Edmundson, Comstock and Kinsman; to whom had been referred H. R. File No. 6: Joint Resolution for a grant of land from Congress—

And the said committee were instructed, to report upon the Joint Resolution and also the memorial on to-morrow morning.

Mr. Morton, from the Committee on the Judiciary, to whom was referred H. R. File No. 15, A Bill for an act to authorize the Mississippi Rapids Railroad Company to acquire a right of way, reported the same back to the House with the following amendment:

Insert as Section 7,

“This act to take effect and be in force by publication in the Keokuk Register and Iowa Statesman, weekly newspapers, published in Lee County.”

And upon the adoption of this amendment, recommended that the bill pass; which amendment,

On motion of Mr. Cochran,

Was agreed to by the House.

The committee also reported that they had had under consideration H. R. File No. 8, A Bill to amend an act entitled “An act regulating practice in the District Court in the Territory of Iowa,” approved February 10th, 1843, and reported the same back with the following amendment:

Insert as Section 2,

“The publication shall be deemed sufficient if it contain the name of the parties, the nature of the proceedings, the date of the judgment sought to be revived, and the term of the Court at which the cause is to be heard, and may be signed by plaintiff’s attorney.”

Which amendment,

On motion of Mr. Sells,

The House agreed to,

And,

On motion of Mr. Sells,

H. R. File No. 8 was ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. Morton,

Senate File No. 5, A Bill for an act to change the times of holding Court in the Second Judicial District, was taken up and read, when,

On motion of Mr. Olmstead,

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

Mr. Sells gave notice of a motion for leave to introduce a bill for an act to amend an act entitled "An act establishing the price of public printing."

On motion of Mr. McManus,

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

### Thursday Morning, January 13, 1848.

The House met pursuant to adjournment.

Mr. Leffingwell presented the petition of ninety-eight citizens of Clinton county, praying for the re-location of the county seat of said county.

And on his motion,

The same was referred to the Committee on County and Township organization, with instructions to report a bill for a general law on the subject of re-locating county seats.

Mr. Cochran presented the petition of Jno. Sherwood and fifty-nine others, for a Ferry Charter at Nashville, Lee County,.

And on his motion,

The same was referred to the delegation from Lee County.

Mr. Bonham offered the following resolution :

Resolved—That the Judiciary Committee be requested to inquire into and report, what further legislative action, if any, is required by this General Assembly, to complete the admission of Iowa into the Union, including the propositions in the act of Congress, of March 3rd, 1845, in lieu of the ordinance appended to the Constitution of this State.

Which resolution was adopted.

Mr. Morton, from the Judiciary Committee, to whom was referred H. R. File No. 17, reported a bill for an act amendatory of an act to divide the State of Iowa into Judicial Districts, as a substitute for said bill, which was read a first time, and,

On motion of Mr. Bonham,

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

Mr. Edmundson from the Select Committee to whom had been referred Senate File No. 1, A Bill for re-organizing the Supreme Court, reported that they had had the same under consideration, and that the Committee had instructed him to report the same to the House without amendment; and,

On motion of Mr. Leffingwell,

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

Mr. Kent introduced H. R. File No. 20, A Bill for an act to authorize Adam Hine, his heirs and assigns, to establish and keep a Ferry across the Mississippi river at the city of Keokuk, in Lee County.

Mr. Leffingwell introduced H. R. File No. 21, A Bill for an act to authorize John Brophy to keep a Ferry across the Missouri river.

Also,

H. R. File No. 22, A Bill relating to revenue and taxing pedlars.

And on his motion,

The usual number of copies were ordered to be printed for the use of the House.

Mr. Lyons introduced H. R. File No. 23, A Bill for an act amendatory of an act entitled "An act to lay out and establish a State Road from Iowaville, in Van Buren County, to Lancaster, in Keokuk County, via Creaseville, in Jefferson County.

And on his motion,

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

Mr. Bailey introduced H. R. File No. 25, A Bill for an act concerning costs and fees, and the title of the bill having been read,

Mr. Bailey moved that the further reading of the bill be dispensed with, when

Mr. Olmstead moved that the usual number of copies of the bill be printed for the use of the House.

Which was not agreed to.

The Speaker laid before the House the following communication from the Secretary of the Treasury:

## REPORT.

SECRETARY'S OFFICE, IOWA,  
IOWA CITY, January 12th, 1848. }

*Gentlemen of the General Assembly:*

In reply to a resolution of the Senate of yesterday, I have the honor to transmit to you an abstract of the returns of the census of this State for the year 1847, showing the counties arranged according to the number of inhabitants in each, and the time when said returns were filed in this office. By which it will be perceived that the returns from the counties of Van Buren, Jefferson, Jackson, Dubuque, Benton, Marion, Scott and Winnesheik, were not filed in this office until after the time prescribed by the 3rd section of the 8th chapter of the laws of Iowa of 1846-7.

No returns have yet been received from the county of Buchanan, and it may be proper to state that it is doubtful if this county, and that of Winneshiek were organized in time to render the assessors and clerks liable for the forfeiture occasioned by the neglect of duty in the premises.

Very respectfully, Gentlemen,  
Your obedient servant,

ELISHA CUTLER, Jr.  
Secretary of State.

## AN ABSTRACT

*Of the Returns of the Census of this State for the Year 1847.*

NUMBER.	COUNTIES.	WHEN FILED.	NUMBER OF INHABITANTS.
1	Lee,	August 21st, 1847,	13,231
2	Van Buren,	October 28th, "	10,203
3	Des Moines,	July 28th, "	10,071
4	Jefferson,	Nov. 12th, "	8,463
5	Dubuque,	December 21st, "	7,440
6	Henry,	Sept. 19th, "	6,759
7	Wapello,	Sept. 4th, "	5,660
8	Jackson,	Nov. 15th, "	4,639
9	Davis,	August 20th, "	4,467
10	Linn,	Sept. 28th, "	3,954
11	Mahaska,	July 26th, "	3,774
12	Scott,	October 23d, "	3,652
13	Louisa,	Sept. 22d, "	3,648
14	Washington,	August 18th, "	3,518
15	Johnson,	August 12th, "	3,387
16	Muscatine,	" " "	3,010
17	Keokuk,	" 21st "	2,918
18	Cedar,	Sept. 10th, "	2,809
16	Marion,	October 18th, "	2,350
20	Clayton,	October 1st, "	2,176
21	Polk,	Sept. 19th, "	1,792
22	Jones,	Sept. 28th, "	1,779
23	Clinton,	October 5th, "	1,570
24	Monroe,	August 5th, "	1,222
25	Delaware,	July 26th, "	1,111
26	Appanoose,	Sept. 4th, "	948
27	Jasper,	July 15th, "	560
28	Iowa,	October 13th, "	435
29	Benton,	Nov. 29th, "	312
30	Winneshiek,	January 6, 1848, (unofficial)	182
31	Dallas,	Sept. 19th, 1847,	164
32	Buchanan,	No Returns.	
			116,204

H. R. File No. 19 was read a second time, and,

On motion of Mr. Edmundson,

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

On motion of Mr. Leffingwell,

Ordered that five hundred copies of the Report of the Secretary of State be printed for the use of the House.

H. R. File No. 16, A Bill for an act to amend an act to provide for levying and collecting revenue for State and County purposes, approved Feb. 25th, 1847, was read a second time, when

On motion of Mr. Leffingwell,

The bill was indefinitely postponed.

H. R. File No. 6, A Bill for revising and digesting the laws, was read a third time, when

On motion of Mr. Hebard,

The bill was ordered to be recommitted to the Committee on the Judiciary.

H. R. File No. 15, A Bill authorizing the Mississippi Rapids Railroad Company to acquire a right of way, was ordered to be read; when, after a portion of the same had been read,

On motion of Mr. Lyons,

A further reading of the bill was dispensed with.

On motion of Mr. Cochran,

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

H. R. File No. 8, A Bill for an act to amend an act regulating practice in the District Courts of the Territory of Iowa, approved Feb. 10th, 1843, was read a third time, passed, and title agreed to.

On motion of Mr. Leffingwell,

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

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## 2 O'Clock, P. M.

Mr. Smyth, from the Select Committee, to whom was referred the memorial to Congress for a donation of land, for the purpose of constructing a Railroad from Davenport to Council Bluffs, and also the Joint Resolution, H. R. File No. 6, for a donation to construct a Railroad from Dubuque to Keokuk, in Lee county, reported that the committee had had the same under consideration, and that he was

instructed to report the same to the House, and recommend their passage.

The House concurred in the report of the committee.

Mr. Lyons moved that the report be re-committed to the Select Committee.

Which was not agreed to.

The memorial and joint resolution came up on a third reading, and were severally read a third time, and passed.

Mr. Olmstead, on leave, introduced H. R. File No. 24, A Bill to repeal an act therein named, which,

On motion of Mr. Morton,

Was read a second time, and referred to the Committee on Roads and Highways.

Mr. McManus from the Committee on Claims, to whom was referred H. R. File No. 5, Joint Resolution, relative to claims of Amos Ladd, reported the same back to the House, with the following amendment :

Add "That any monies in the Treasury, not otherwise appropriated is hereby appropriated to pay the amount of said certificates when audited."

The report of the committee was concurred in, and the joint resolution passed as amended by the committee.

On motion of Mr. Montague,

Senate File No. 8 was taken up and read a first time, when

Mr. Montague moved,

That the 42nd rule be suspended and the same be read a second and third time now.

Which was not agreed to.

Mr. Sells introduced H. R. File No. 29, A Bill amendatory of an act establishing the prices of public printing.

Which on his motion,

Was read a second time and referred to the Committee on Expenditures.

Mr. Sells on leave introduced the following resolution :

Resolved—That the Committee of Ways and Means is hereby instructed to report a bill amendatory of the revenue law exempting improvements upon land from taxation.

Which was not agreed to.

On motion of Mr. Bonham,

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

### Friday Morning, January 14, 1848.

House met pursuant to adjournment.

Mr. Sells presented the petition of Charles Evans and eighty-nine others, citizens of Muscatine county, praying for an amendment of the School Law, and moved that the same be referred to a select committee of three.

Mr. Bonham moved that the petition be referred to the Committee on Schools.

And on this question the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Olmstead, Reynolds, Smyth, Sargent, Weyand and Willoughby.—17.

In the negative—

Messrs. Blair, Clifton, Cochran, Comstock, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, and Mr. Speaker.—17.

So the motion of Mr. Bonham was not agreed to.

The question then being on the reference of the petition to a Select Committee,

The same was agreed to; and

Messrs. Sells, Cochran and Sergeant were appointed said Committee.

Mr. McManus presented a petition from sundry citizens of Scott county, relative to hogs and sheep running at large.

And on his motion,

The same was referred to the Committee on Agriculture.

Mr. Bailey presented the petition of sundry citizens of Jefferson and Keokuk counties, relative to a road therein named.

And on his motion,

The same was referred to the Committee on Roads and Highways.

Mr. Hebard presented the petition of sundry citizens of Des Moines county, asking for a change in the Agency Road.

And on his motion,

The same was referred to the delegation of Des Moines county.

Mr. Olmstead gave notice that he would on some future day, ask

leave to introduce a bill for an act to amend an act to incorporate the Dubuque Mining Company.

Mr. Bonham, from the Committee on roads and Highways, to whom had been referred H. R. File No. 24, A Bill for an act relative to roads, reported a substitute for said bill.

When,

On motion of Mr. Olmstead,

The same was indefinitely postponed.

H. R. File No. 21, A Bill for an act to authorize John Brophy to keep a Ferry across the Missouri River, was read a second time; when,

Mr. Leffingwell offered the following amendment:

“Section 2. Any future legislature may alter, amend or repeal this act.”

Which amendment was not agreed to.

On motion of Mr. Leffingwell,

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

H. R. File No. 20, A Bill for an act allowing Adam Hine, his heirs and assigns to keep a ferry across the Mississippi River, at the city of Keokuk, was read a second time.

On motion of Mr. Olmstead,

The word “town” was stricken out, wherever the same occurred, and the word “city” inserted.

Mr. Kent moved that the 42nd rule be suspended, and that the bill be read a third time.

And on the passage of the bill the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, Kent, Leech, Leffingwell, Lyons, Matson, McManus, McPherrin, Morton, O'Brien, Olmstead, Rathbun, Reynolds, Sells, Steele, Sergeant, Updegraff, Wright, Williams, Willoughby and Mr. Speaker.—30.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Smyth and Weyand.—6.

So the bill was passed and title agreed to.

H. R. File No. 25, A Bill for an act concerning costs and fees, was read a second time by its title, and,

On motion of Mr. Sells,

The bill was laid on the table subject to the order of the House.  
A message from the Senate, by Mr. Russell, their Secretary.

MR. SPEAKER:

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

Senate File No. 5, Joint Resolution relative to the election of Senators and Judges.

Senate File No. 7, A Bill for an act to organize the township of Lake Prairie, in Marion county; and

Senate File No. 10, An Act in relation to deeds.

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

I herewith return—

H. R. File No. 23, A Bill to amend an act entitled "An Act to lay out and establish a State Road from Iowaville, in Van Buren county, to Lancaster, in Keokuk county, by the way of Creaseville in Jefferson county." Approved Feb. 20th, 1847.

The same having passed the Senate without amendment.

H. R. File No. 22, A Bill for an act to license and tax Pedlars, was read a second time, when,

On motion of Mr. Goodrell,

The House resolved itself into a Committee of the Whole, for the consideration of said bill,

Mr. Smyth in the Chair.

After some time spent therein, the Committee rose and reported the same back to the House with sundry amendments, in which the concurrence of the House was requested.

And,

The question being put,

The House did so concur.

The Speaker laid before the House a communication from James Harlan, Superintendent of Public Instruction.

## REPORT.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION, }  
 IOWA CITY, JANUARY 14, 1848. }

*To the Speaker of the House of Representatives :*

I herewith transmit to you my answer to the resolution of the House of the 12th inst., which you will please lay before that body.

And oblige your obedient servant,

JAMES HARLAN,

Superintendent of Public Instruction.

*To the Honorable*

*The House of Representatives of the State of Iowa :*

In obedience to your resolution of the 12th inst., the undersigned would respectfully present the following report of the correspondence therein named, and opinions connected with subjects therein specified. And that the correspondence of this office with the Secretary of the Treasury, the Commissioner of the General Land Office and the Registers of the several land offices in this State may be fully understood, the undersigned would beg leave to state, that after it was ascertained by the official returns that he had been elected Superintendent of Public Instruction, the Secretary of State declined to give a certificate of election, on the ground that he, as Secretary, had no legal authority to give such certificate to any officer of the State elect. An abstract of the official returns over the signature of the Secretary of State with an official bond was forwarded to the Governor of the State. His Excellency approved this bond, but declined giving a commission, on the ground that the law authorizing the election, contemplated no such action by him.

This bond, as approved by his Excellency, and an authenticated copy of an oath of office were filed in the office of the Secretary of State, and a certificate taken from him, setting forth that a bond drawn on James Harlan in the penal sum of \$25,000, to the Governor of the State of Iowa, and approved by him, and also a copy

of an oath of office, conditioned for the faithful discharge of the duties of Superintendent of Public Instruction, were on file in that office. This certificate and a copy of the law authorizing the election and defining the duties of Superintendent of Public Instruction were sent to the Secretary of the Treasury of the United States, accompanied by a letter dated June 9th, 1847, the substance of which is herewith transmitted. See Appendix A.

In reply to this communication, the Secretary of the Treasury answered in a letter, dated June 22d, 1847. See Appendix B.

The Commissioner of the General Land Office, to whom it had been referred, also responded in a letter, dated June 24, 1847.— See Appendix B. To this letter of the Commissioner of the General Land Office, the undersigned replied on the 8th of July, 1847.— See Appendix D.

During the delay occasioned by a tardy induction into office, and the correspondence above referred to, various reports of lands from School Fund Commissioners were received at this office. And as the head of the Land Office Department had been informed of the existence of an agency on the part of the State, to locate the 500,000 acres of public lands, and the evidence of its existence being satisfactory, as tacitly manifested by the correspondence of the commissioner with the undersigned in his official capacity as Superintendent of Public Instruction, and that department having been solicited for the necessary instructions to enable the proper officers to proceed in the location of said lands, and the response of the Commissioners of the General Land Office having been received, without the most remote allusion to instructions: the undersigned was left to draw the inference that in his opinion no instructions were necessary, and that none could be expected, or that the highest functionaries of the nation were willing for ulterior purposes to injure the State in her vital interests, by a studied silence. Adhering to the more charitable conclusion, that in the opinion of the commissioner no instructions were necessary, in the absence of doubt or ambiguity as to the meaning of the law making a grant of these lands, the undersigned registered the lands selected by the different Fund Commissioners, as a part of the 500,000 acres, as directed in the 8th section of the school fund law of this State. On the 12th of July last, a letter, describing certain of these lands, was sent to the Secretary of the Treasury of the United State, and to the proper

land office, according to the provisions of the 17th section of the law of this State above referred to.

In reply to this communication, the commissioner answered in a letter dated July 29th 1847, giving the undersigned instructions in advance of a circular then in course of preparation. See Appendix E.

A copy of the above named circular of instructions of August 6th and two accompanying letters of the 11th August, 1847, and a formula for the report of lands, were duly received. See Appendix F, G and H.

Previous to the reception of these communications of August 6th and 11th, other selections of lands had been reported to the Secretary of the Treasury and to the proper land officers, to which the Commissioner of the General Land Office replied in a letter dated 17th August last, notifying the undersigned the new list of lands (previously reported) should be made out and sent to the registers with dates corresponding to the time when they were filed in their offices. See Appendix I.

In reply to another report of lands, the commissioner answered in a letter of 3d September 1847. See Appendix J.

Here the correspondence between this office and the Treasury and Land Office Department ceased,—the Secretary of the Treasury referring every thing to the Commissioner of the General Land Office, who answered repeatedly that selections reported directly from this office to the Secretary of the Treasury, could not be acted upon; that reports must come through the Registers of the Land Offices in the district where the lands are situated, and that he would submit them to the Secretary. Consequently, since that time selections have been reported to the registers alone.

After the reception of the circular and letters from the Commissioner of the General Land Office of the 6th and 11th of August above referred to, a letter was received from the Register at Fairfield, dated 24th Aug., last. See Appendix K. To which the undersigned replied in a letter of August 30th 1847, transmitting documents therein named. See Appendix L.

In accordance with the directions of the Commissioner of the General Land Office, in his circular of instructions and accompanying letters, similar letters were sent from this office to the land offices at Dubuque and Iowa City, with evidences of the authority of the undersigned, as agent of the State, to report selections of lands as a

part of the 500,000 acres donated to this State by Congress. See Appendix M and N.

This evidence the undersigned was left to infer, proved satisfactory, to the different registers, as he has never been officially informed to the contrary by them; although he regrets to add, that the action of the registers at Fairfield and Iowa City, has been clothed in ambiguity.

New lists of lands previously reported, were, on the reception of instructions, made out in accordance with those instructions and transmitted to the proper land officers, as directed by the Commissioner of the General Land Office. Since then, selections received at this office have been reported in accordance with the formula furnished by the commissioner.

	ACRES.
There has been selected by the School Fund Commissioners up to this date,	48,982
Deduct lands rejected at Dubuque,	4,348
	44,634
And there will remain,	44,634
To which add the proceeds of the sales of the 16th sections up to November 1st 1847,	
	\$33,684 04
School lands as above,	55,792 25
To which add the probable sales since that date,	20,000 00
	\$109,476 29

Which shows the permanent school fund of this State now under the control of the School Fund Commissioners to be \$109,476 29

■ The five per cent. on the net proceeds of the sales of public lands due the State of Iowa, for the current fiscal year, and that fraction of the year preceding that she was a State, will be adjusted and paid, in May or June, 1848, as has been shown by the correspondence between this office and the Secretary of the Treasury.

The Trustees of the Iowa State University have organized by the election of proper officers, the appointment of the necessary committees and the adoption of by-laws for their government, and have opened a correspondence with the agent appointed for the selection of the University lands, and with literary men of our country on the subject of Professorships.

The undersigned would beg leave further to report, that the action of the board of trustees and all the common school officers, and the selection and sale of the school lands, the organization of school districts, the erection of school houses, and the establishment of schools have been greatly retarded by ambiguity of the law authorizing the election of common school officers, discovered since their election in April last, as to the time of the taking effect of that law. And in consequence of an alleged unconstitutionality of the publication of the school law previous to the election of common school officers, some of these officers have been arraigned before the court of the country, and among them the undersigned, for having engaged in the discharge of the duties of his office.

Believing it to have been the design of the Legislature that the law should take immediate effect, and believing also that this and only this was fairly inferable from the language of that law, and that it would be charging them with a species of madness, not very charitable to their good sense and their devotion to the interests of the people whom they represented, to suppose them capable of enacting a law annihilating all other laws on a vitally important subject without intending the new law to take immediate effect, and believing that the spirit of the Constitution had been fully complied with in the official publication the law received at the hand of the Secretary of State, who had been vested with general powers by the Legislature for publishing all laws of the General Assembly to the office to which he had been elected by the votes of the people, and thereby protect the great interests of the people of the State, involved in the decision of this question: it is consequently in course of litigation, no decision of the court having yet been obtained.

This unexpected opposition to the peaceful execution of the school laws, has very seriously impeded the progress of the officers in the attainment of the objects proposed in their passage.

It was confidently expected by the friends of education, on the passage of the school laws of the last session, that in a single year the entire 500,000 acres would have been sold, yielding a school fund of \$625,000; that at least 100,000 or 150,000 acres of the 16th sections would have been sold in the same time, yielding the probable sum of 400,000, so that at the close of the first year of our existence as a State, we would have been possessed of more than one million of dollars as a permanent school fund; that this immense fund would have been invested in the different counties at

an interest of nine or ten per cent, furnishing capital for the business operations of the country, and yielding one hundred thousand dollars annually for the support of common schools. But these sanguine expectations have not been realized. Instead of the magnificent school fund of one million of dollars, the State finds herself in the doubtful possession of less than one hundred and ten thousand dollars. This unexpected result has been occasioned in no small degree by the legal obstacles interposed to the official action of the common school officers, but to some extent by the inoperative character of the laws themselves, on the subject of the selection and sale of lands, and the conflicting interests of the government of the United States and the government of the State of Iowa.

The mode of selecting the 500,000 acres of land as prescribed in the act of 24th February, 1847, was based upon the 8th section of the act of Congress of 4th September, 1841, which provides that the selections shall be made by the States in such manner as the Legislature thereof shall direct, and located in parcels conformably to sectional divisions and such divisions of not less than 320 acres in any one location on any public lands, except such as may be reserved from sale by any law of Congress or proclamation of the President of the United States.

The benefits of this act of Congress, without alteration or modification, have been extended to the State of Iowa. Yet, by a rule adopted by the Treasury and Land Office Departments, the State is restricted to lands which have not been settled upon or improved.— This office rule, as laid down by those departments, seems to come in conflict with the act of Congress, and deprives the State of a very important benefit to be derived in the selection. This is a matter to which I beg leave to call your attention. If, upon investigation, it should be found that these instructions from the General Land Office conflict in a material point with the act of Congress making the grant of these lands, that the interest of the State will suffer materially by a quiet acquiescence in this forced construction of the act of Congress, I would respectfully recommend that a joint memorial be passed and forwarded to our representatives in Congress, asserting our claim to the lands heretofore selected upon, which improvements have been made, and to claim the unrestricted and full benefit of the act of Congress in selecting the residue of these lands. This is a right which should not be surrendered without a full and fair investigation. The interest of those who have selected lands under exist-

ing laws, should be protected, while the State should claim to the fullest extent, all the benefits of the 8th section of the act of Congress above referred to.

It is also respectfully recommended that the General Assembly memorialize Congress for leave to select smaller tracts than three hundred and twenty acres.

Experience has shown that the mode of selecting these lands is defective, attended with delays and uncertainty, which cannot be guarded against or in any way avoided under the present law, and as a means of remedying this defect, it is recommended that the law be so changed as to require the selection of the residue of the 500,000 acres at the earliest practicable period, and that the State title be perfected before they are subject to entry as State Lands.

It is also respectfully recommended that the 4th section of an act of the Legislature of February 24, 1847, be so modified as to permit the erection of school houses by taxation; that the several sections of the same act be so amended as to enable the people of the different townships, to take an appeal from the decisions of the township inspectors to the school fund commissioner of the county, in all matters touching their interests; that the law defining the duties of the Superintendent of Public Instruction be so amended as to require him to furnish the necessary blank form for the reports of the township inspectors; that the law be so amended as to permit cities, towns, and populous districts to organize public schools of different grades, to suit the various wants of their children and youth; that in the disbursement of the school fund, the law be so changed as to permit an annual appropriation, in any township or district, for the purchase of a public library.

The undersigned would also most respectfully call your attention to the fact, that it has been made a question in various counties, "whether the purchaser of an improvement on the 16th section, made previous to the survey, but purchased afterwards, would entitle such purchaser to the benefits and privileges of the second section of the act of 25th Feb. 1847, for the management and disposition of the school fund," and that legal men are divided in opinion on this subject. It is recommended that the latter part of this section be so changed as to substitute the words "school fund commissioner," for "superintendent of public instruction." And, that part of the 17th section of the same act be so changed as to correspond with the rules of the Treasury Department.

The undersigned would also state, that in the absence of specific appropriation for that purpose, the Auditor of State has not felt authorized to audit and allow the quarterly accounts of the Superintendent, and that the expenses of the office for books, stationery, postage and other expenses, as they have accumulated for more than three quarters of a year, have become burthensome, and have rendered more tardy his active efforts to carry out the design of the Legislature in the passage of the school laws. But with proper legislative action on the subjects above referred to, the present school laws would become effective, their different parts harmonize, and the design of their passage be speedily realized.

For other information requested in your resolution, see an abstract of the annual reports of school fund commissioners, appendix marked O.

All of which is most respectfully submitted.

JAMES HARLAN,  
Superintendent of Public Instruction.

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## APPENDIX.

### A.

[A COPY.]

To the Hon. Secretary of the Treasury of the United States :

SIR :

Having been elected to the office of Superintendent of Public Instruction by the people of the State of Iowa, and having complied with the requisites of the law, preliminary to entering on the discharge of the duties of that office, as you will be enabled to see by reference to the 24th and 25th sections of "An act supplemental and amendatory to an act to establish Common Schools," and the certificate of the Secretary of the State of Iowa, herewith transmitted; and being thus legally constituted the Agent of the State for the location of the 500,000 acres of land donated by Congress to this State as one of the new States, and for the reception of the five per centum of the net proceeds of the sales of Public Lands in the State

of Iowa, as you will perceive by the 8th, 14th and 17th sections of an act entitled "An act to provide for the management and disposition of the School Fund," approved Feb. 25th, 1847, herewith transmitted. I therefore trust you will recognize me as such agent, and transmit to me and the Registers of the United States Land Offices in this State, the necessary instructions to enable me to fulfill the duties thus devolving upon me. At the same time, I would be pleased to be informed whether less quantities than half sections can be selected in separate tracts, if not, whether half sections can be selected from a part of two or more sections? Can fractional half sections, and half sections out of which any portions may have been otherwise disposed of by the Government, be selected? I would also respectfully inquire, whether an agent has been appointed to select the University lands granted to this State? If so, who is that agent, and what lands have been reported? If not, I would most respectfully suggest the propriety of permitting the Board of Trustees of the University to recommend a suitable person. My reason for making this suggestion is, that the Legislature has only allowed two dollars per day for such service, and it is not probable that a competent person can be obtained who would be willing to perform that duty for so small a compensation. But the Trustees might be able to recommend some one who would be willing to make the sacrifice to advance the educational interests of the State.

The people of this State are deeply interested in the speedy location of the 500,000 acres of land, the receipt of the five per cent fund, and such information touching the above inquiries as you may be pleased to give, will be most thankfully received by

Your obedient servant,

JAMES HARLAN,

Superintendent of Public Instruction.

To His Honor the Secretary of the Treasury of the U. S.

B.

[A COPY.]

TREASURY DEPARTMENT, }  
 June 22, 1847. }

SIR:—Your letter of the 9th inst., advising your election to the situation of Superintendent of Public Instruction, and as such, constituted the agent of the State for the location of the donation of 500,000 acres of public lands, &c., has been received and referred to the Commissioner of the General Land Office, who is charged with the requisite action in such cases.

Very respectfully,  
 Your obedient servant,

R. J. WALKER,  
 Sec. of the Treasury.

JAMES HARLAN, Esq., Iowa City, Iowa.

C.

[A COPY.]

GENERAL LAND OFFICE, }  
 June 24, 1847. }

SIR:—In reply to that portion of your letter of the 9th inst., to the Secretary of the Treasury, (which has been referred to this office,) having reference to the University lands for the State of Iowa. I have to inform you that John M. Whittaker, Esq., of Winchester, Van Buren county, Iowa, was on the 18th ult., appointed agent of the Treasury Department to make the selection for the purpose stated, under the act of Congress, approved 20th July, 1840.

Mr. Whittaker was informed by this office of his appointment, on the 24th ult., and instructions were given him as to the mode of selection, &c.

On the same day the Land Offices at Dubuque, Fairfield, and Iowa City were instructed to report such selections as might be reported

to them by Mr. Whittaker, made agreeably to the instructions referred to.

Sections 8 and 12 of T. 78 N. R. 10 W. Fairfield, and section 5, T. 78, N. R. 3 E., formerly Dubuque, now Iowa City, having been previously selected and reported, for the purpose stated, Mr. Whittaker was informed of the fact, and requested to include them in his report with the sixty-nine sections to be selected by him.

Respectfully,

Your obedient servant,

[Signed.]

RICHARD M. YOUNG,  
Commissioner.

JAMES HARLAN, Esq., Superintendent of Public Instruction, Iowa City, Iowa.

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D.

[A COPY.]

IOWA CITY, July 8th, 1847.

HON. RICHARD M. YOUNG, Com. &c.

Your letter of June 24th, contained the requisite information on the subject of the University lands granted to this State. But as you are silent on every other subject referred to in that letter, of paramount importance to the people of this State, I am inclined to believe that no other part of the letter was referred to you by the Secretary of the Treasury, for an answer; but this conclusion would not be justified by the import of the language of a letter dated June 22d, received directly from the Secretary of the Treasury.

I informed the Secretary of my election to the office of Superintendent of Public Instruction, and sent a certificate from the Secretary of the State of Iowa, in evidence that I had complied with the requirements of law, preliminary to the commencement of the discharge of the duties of such station, and also sent the Secretary of the Treasury of the United States a copy of a law of this State, (referring him to the sections,) which constitute me, as Superintendent of Public Instruction, the agent of the State of Iowa, for the location of the 500,000 acres of land donated to the State, by virtue

of a law of Congress "to appropriate the proceeds of the sales of the public lands, and to grant pre-emptiou rights, (sec. 8) approved September 14th, 1841," and likewise the legal agent for the reception of the five per centum of the net proceeds of the sales of the public lands granted to this State, by virtue of "an act supplemental to an act for the admission of Iowa and Florida," &c., approved March 3d, 1845, and "and an act for the admission of Iowa into the Union," approved Dec. 28th, 1846, I asked the Secretary for the necessary information and instructions to enable me to proceed in the location of these lands, and to authorize officers in the different land offices in this State, to regard me as such agent, and also for the reception of the five per cent, and enquired in reference to University lands, &c.

In reply to this letter, the Secretary writes :

SIR—Your letter of the 9th inst., advising your election to the station of Superintendent of Public Instruction, and as such, constituted the agent of the State for the location of the 500,000 acres of public lands, &c., has been received and referred to the Commissioner of the General Land Office, who is charged with the requisite action in such cases.

Very respectfully, &c."

In reply to this part of the letter, particularly mentioned by the Secretary, as referred to you, I find nothing in your communication.

I therefore beg leave to invite your attention particularly to this subject as repeated above, and request your instructions at your very earliest convenience, with the rules of the department to be observed in the location of the 500,000 acres of land, and in the reception of the five per centum of the net proceeds of the sales of the public lands, with the sum due to this State, the place where and time when it may be received.

Very Respectfully,

Your obedient servant,

JAMES HARLAN,

Superintendent of Public Instruction.

Hon. R. M. YOUNG, Com. Gen. Land Office.

E.

[A COPY.]

GENERAL LAND OFFICE, }  
July 29th, 1847. }

SIR—Your communication to the Secretary of the Treasury, of the 12th inst., describing certain tracts of land to have been selected by the State of Iowa, under the 8th section of the act of the 4th Sept., 1841, have been referred to this office; and in reply thereto I have to inform you, that whatever selections are made by the State, under the act referred to, are required to be reported to the Register of the Land Office in the District where the land is situated, and through him to this office, which will submit them to the Secretary of the Treasury. They are reported to the Register that he may compare them with the plot and tract books of his office, and see that they do not conflict with other interests, and also that they are in conformity to law, and then transmit them to this office for its action.

The communication has been retained, but no action will be had on the tracts thus reported. You will therefore report them to the Register, and when he transmits lists to this office, the selections will be considered.

In the mean time I would respectfully call your attention to the fact that it is required that distinct and separate lists be made of the selections under the different laws; that is, you are not to blend the school and seminary selections with those selected under the act of the 4th Sept., 1841, and also that each list is to be accompanied by a separate letter, the subject of which is to be confined to the particular class of selections which may from time to time be reported to the Register.

This is absolutely necessary, with a view to systemize the business, and have it conducted with satisfaction to yourself, the State, and the different officers through which said selections have to pass.

In advance of the instructions which are now preparing for the Registers of the different Land Offices, (a copy of which will be forwarded to you in a few days,) I would remark that the date of the selection of a tract of land, will not take effect until the time when it is filed with the Register; and also that selections cannot be re-

cognized until the approved plat of the survey of the land has been filed in the Register's Office.

It is respectfully recommended to defer making selections until a copy of the instructions referred to is received by you, which will enable you to act understandingly in the commencement of this business, and save you much unnecessary trouble in future.

Very Respectfully,

Your obedient servant,

**RICHARD M. YOUNG.**

Commissioner.

**JAMES HARLAN, Esq.,** Superintendent of Public Instruction of the State of Iowa, Iowa City.

F.

[A COPY.]

GENERAL LAND OFFICE, }  
August 11th, 1847. }

SIR—Enclosed herewith I send you a circular of instructions, dated 6th of August, 1847, in relation to the selection of the 500,000 grant, under the 8th section of the act of the 4th September, 1841, which has been issued and transmitted to the United States Registers. This circular is intended as a reply to that portion of your communication to the Secretary of the Treasury of the 9th of June, and to this office of the 8th of July, 1847, in relation to said selections.

I also send you a printed form of the list which is to be used in making said selections, and would respectfully recommend that you furnish the State agents with a supply that their action may be made in conformity thereto.

I am, sir, very respectfully,

Your obedient servant,

**RICHARD M. YOUNG,**

Commissioner.

**JAMES HARLAN, Esq.,** Superintendent of Public Instruction, Iowa City, Iowa.

G.

[A COPY.]

## CIRCULAR TO THE UNITED STATES REGISTERS.

GENERAL LAND OFFICE, }  
 August 6th, 1847. }

SIR—Herewith you will receive a copy of the 8th section of the act of 4th September, 1841, entitled “An act to appropriate the proceeds of the public lands, and to grant pre-emption rights.”

In order to facilitate the business of State selections under this act, I have to draw your attention to the following :

1st. The whole area to which the State of Iowa is entitled under this law, is 500,000 acres.

2nd. The act requires the selections to be “in parcels conformably to the sectional divisions and subdivisions of not less than three hundred and twenty acres in any one location,” &c.

Under this requirement, a selection may include a whole section or a fractional section, or an island containing three hundred and twenty acres, more or less ; provided the State, where the quantity is less than the prescribed number of acres, will agree to accept the same for and in lieu of a tract containing the full quantity of three hundred and twenty acres, but not otherwise.

Or it may embrace the East, West, North or South half of a section, or two adjoining quarters of different sections : provided the tracts selected join each other, and form compact parcels, containing together not less than three hundred and twenty acres.

3d. The selections must be based upon the official township plats of the public surveys, which are required to be approved by the Surveyor General, and on file in the local land office at the time of filing the selection.

4th. The law allows selections to be made upon public lands, whether offered or unoffered. But no selection is admissible upon any land to which a pre-emption or other valid claim shall be legally established, nor on any land which “is or may be reserved from sale by any law of Congress, or proclamation of the President of the United States,” nor upon any tract which is reserved or withdrawn from market for any purpose whatever.

5th. The selecting agent of the State should file in your office an authenticated copy of his letter of appointment, or other satisfactory

evidence of his authority ; and it is important and necessary that he should make such careful and thorough preliminary examinations as will enable him to select lands to which there may exist no valid claim by pre-emption or otherwise to avoid the embarrassment and delays consequent upon such conflicts, you will also examine the plats, records and papers in your office before the lists of lands so selected are filed, and see that such selections are in all respects free from such objections.

16th, If, notwithstanding such precaution, the State shall hereafter select lands which shall be found to be interfered with by any prior and better claim or claims, the selection to the whole extent of such [claim or claims] will of course be null and void ; and if such valid claim or claims shall only extend to a part of the selection, by the rejection of which the remaining portion or portions shall be reduced to one or more detached bodies, below the quantity of 320 acres, the part or parts not interfered with may nevertheless be confirmed, provided the State will accept each detached parcel, which may thus be reduced to less than 320, as equivalent to and in lieu of the full quantity of 320 acres ; otherwise, such parts or parcels will be rejected on the ground of the land not forming the compact parcel required by law.

7th, That the action of this office may be uniform, it is hereby determined, from the date of this circular, that when selections are reported to this office which are found to conflict with declaratory statements of pre-emptors, the approval of that part of the selection thus covered by such statement, together with such portion as may not be interfered with but which would be less than 320 acres, if the part covered by the declaration should be confirmed to the claimant, will be suspended to await the final result of the pre-emption claims, which if not established at the expiration of the period allowed by law, the selection of the State will then be approved.

8th, Should a tract of land be selected by the State and rejected on the ground of not forming the compact parcel required by law it is no bar to its being re-selected, provided other land, not interfered with, is selected in connection with it so as to form the compact parcel of 320 acres, or more, as the case may be. Should such re-selections be made they are required to be embraced in an entire new list, bearing the number of the series at the time of such re-selection.

Herewith you will receive the form of a list to be used for selec-

tions: This form requires the date to be given when the list is filed in your office, such date being regarded as the date of selection, so that in the event of a pre-emption or other conflict, the question as to priority of right may be properly settled:—The lists should bear a regular series of numbers from No. 1, and should be signed by the Agent. If the list is regular and complete you will enter up the selections on your books and mark them on the plats—sign the official certificate as to the correctness of the list of selections, and transmit the same to this office, in order that it may be transmitted to the Secretary of the Treasury for his approval.

The law of Congress allows no commissions on this business.

You are requested to acknowledge the receipt of this circular, which is designed to embrace the material principles in previous circulars in reference to this subject, and to be your rule of action in relation to this business in future.

Very respectfully, your ob't. serv't.,

RICHARD M. YOUNG,

Commissioner.

NOTE.—The States designated in the 1st section of the act of Congress, approved September 4th, 1841, entitled “An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights,” are Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, Louisiana, Arkansas and Michigan.

Act, Sep. 4, 1841.—Sec. 8, *And be it further enacted*, That there shall be granted to each State specified in the first section of this act, five hundred thousand acres of land, for purposes of internal improvement; *Provided*, That to each of said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make five hundred thousand acres; the selections in all of the said States to be made within their limits, respectively, in such manner as the Legislatures thereof shall direct, and located in parcels, conformably to sectional divisions and subdivisions, of not less than three hundred and twenty acres in any one location, on any public land except such as is or may be reserved from sale by any law of Congress, or proclamation of the President of the United States; which said locations may be made at any time after the lands of the United States, in said States, respectively shall have [been] surveyed according to existing laws. And there shall be and hereby is granted

to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission and while under a territorial government, for purposes of internal improvement as aforesaid, as shall make five hundred thousand acres of land, to be selected and located as aforesaid.

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*AN ACT to authorize the Governors of the States of Illinois, Arkansas and Missouri, to cause to be selected the lands therein mentioned.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the eighth section of the act entitled "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emptions," approved September fourth, one thousand eight hundred and forty-one, as provides that the selections of the grants of land made to the several States therein mentioned, for the purposes of internal improvement, shall be made respectively, in such manner as the Legislatures thereof shall direct, is so far modified as to authorize the Governors of the States of Illinois, Arkansas and Missouri to cause the selections to be made for those States without the necessity of convening the Legislature thereof for that purpose.

Approved, March 19, 1842.

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H.

[A COPY.]

GENERAL LAND OFFICE, }  
August 11th, 1847. }

SIR—In reply to that part of your letter of the 9th ult., having reference to the payment of the five per cent fund, accruing to Iowa under the act of 28th December, 1846, I have the honor to state that the accounts with the several States, entitled to a percentage upon the net proceeds of the sales of the public lands within their limits, are adjusted annually; that it was not deemed impor-

tant to adjust one with Iowa for the three days of 1846 that she was a State, it being intended that that fraction of a year should be included in that for the year 1847, which cannot be adjusted until some time in May or June 1848, as it is not anticipated that the accounts of the Receivers of public moneys, (which form the basis of the fund accounts,) for the fourth quarter, 1847, will be audited sooner than that. When the account shall have been audited, the amount found due the State will be paid by draft in your favor.

Respectfully,

Your obedient servant,

[Signed.]

RICHARD M. YOUNG,  
Commissioner.

JAMES HARLAN, Esq., Superintendent of Public Instruction, Iowa  
City, Iowa.

I.

[A COPY.]

GENERAL LAND OFFICE, }  
August 17th, 1847. }

SIR—Your two communications to the Secretary of the Treasury, one dated 29th July, and the other 3rd August, 1847, reporting selections under the 8th section of the act of the 4th September, 1841, have been referred to this office, and I have to inform you, that the same disposition has been made of them as the one referred to in the second paragraph of my letter to you of the 29th July, 1847, viz: that no action will be had on the tract thus reported, until the same shall have been reported to the Register, and through him to this office. Long ere this reaches its destination, you will have received the form of the list which has been adopted, and the instructions dated 6th of August, 1847, transmitted to you on the 11th inst. which, if strictly carried out, will save you, the State, the Registers and this office, much unnecessary trouble.

Very respectfully,

Your obedient servant,

RICHARD M. YOUNG,  
Commissioner.

JAMES HARLAN, Esq., Superintendent of Public Instruction, Iowa  
City, Iowa.

N. B.—To prevent difficulty as to priority of location or entries you will make out the new list according to my last instructions with dates to correspond with the time at which the State selections were filed, or may be filed with the Register.

R. M. YOUNG.

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J.

[A COPY.]

GENERAL LAND OFFICE, }  
September 3d, 1847. }

SIR—Your communication of the 18th August, 1847, to the Secretary of the Treasury, reporting lands selected under the act of 4th September, 1841, has been referred to this office, and I herewith inform you that the same disposition has been made of it as of those referred to in my communications to you of the 29th July, and 17th August last.

Very respectfully,

Your obedient servant,

RICHARD M. YOUNG,

Commissioner.

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K.

[A COPY.]

LAND OFFICE, FAIRFIELD, IOWA, }  
August 24, 1847. }

SIR—Six communications, severally dated July 5th, 12th, 17th, 23d, and 29th, and August 3rd, 1847, have been received at this office, signed by you as "Superintendent of Public Instruction," and designating certain lands as having been selected by you, on the part of the State of Iowa, as a portion of the 500,000 acres granted to said State by the 8th section of the act of September 4th, 1841.

The receipt of these communications would have been sooner acknowledged, but for the reasons that, until the present time this office was not in possession of any instructions authorizing it to take action in the premises.

By last evening's mail I received from the Commissioner of the General Land Office, a letter, bearing date August 11, 1847, together with a circular and the requisite forms of application, &c., relative to the grant in question. A copy of the circular, &c., has undoubtedly been received at the Land Office at your place, the perusal of which can be obtained by calling on the Register.

By this circular you will perceive that the first step to be taken by you, in order that your acts may be recognized by the General Government, will be to file in the District Land Offices of the State proper evidence as to your authority to act as an agent on the part of the State.

When such evidence is filed in this office, selections duly reported by you in accordance with the regulations and forms prescribed by the Treasury Department, will be acted upon by me.

Very respectfully,

Your obedient servant,

BERNHART HENN,

Register.

JAMES HARLAN, Esq., Iowa City, Iowa.

L.

[A COPY.]

SUPERINTENDENT'S OFFICE IOWA CITY, }  
August 30th 1847. }

SIR:—Your letter of August 24th, 1847, acknowledging the reception of various communications from this office, giving information of your present ability to take official action in such cases, and referring me to the land office of this place, for the contents of certain documents, has been duly received.

But having received, directly from the Commissioner of the General Land Office, what is supposed to be a copy of the same documents, and other communications on the subject of the location of the 500,000 acres of land, the application which you mention becomes unnecessary. Having given the Secretary of the Treasury

of the United States, official information and evidence of my authority to act as the agent of the State in the selection of these lands, previous to any report of selections of lands from this office, it was to be supposed that he would communicate this fact to subordinate offices. But being requested to do this by the Commissioner of the General Land Office, I enclose, in compliance with your intimation, a copy of "an act supplemental and amendatory to an act for the establishment of common schools," approved February 24th, 1847.—Section 24, which authorized the election of a Superintendent of Public Instruction; and the 25th section, which prescribes the manner of his instalment into office. Also, I enclose to you a certificate from the Secretary of the State of Iowa, of a compliance with the requirements of this section, having filed the necessary paper, approved by the Governor of the State. I also enclose, "an act to provide for the management and disposition of the school fund," referring you to the 17th section of said law, as evidence of my authority to make the reports referred to. All of which, at the request of the Commissioner of the General Land Office, is respectfully submitted.

Very respectfully, your ob't. serv't.,

JAMES HARLAN,  
Sup't of Public Instruction.

BERNHART HENN, Register Land Office,  
Fairfield, Iowa.

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M.

[A COPY]

IOWA CITY, September 15th, 1847.

SIR:—Herewith, you will receive a "report" of lands selected by the State of Iowa, as a part of the 500,000 acres of land granted to this State by the 8th section of "an act" of Congress of the 4th September, 1841. And as the agent for the State in the location of these lands, has been requested by the Commissioner of the General Land Office, to send you "an authenticated copy" of his letter of appointment, or other evidence of authority," you are respectfully referred to the 24th section of a law of this State, herewith transmit-

ted, entitled "an act supplemental and amendatory to an act for the establishment of common schools," &c., approved February 24th, 1847, authorizing the election of a Superintendent of Public Instruction; and to the 25th section of the same law, making it the duty of the person thus elected, before entering on the discharge of the duties of the office, to file papers therein named, with the Governor's approval, in the office of the Secretary of the State of Iowa; and to the inclosed certificate from the Secretary, that those papers, with the approval of the Governor of said State, have been filed, as prescribed by said law; and to the 17th section of a law of the State of Iowa, herewith transmitted, entitled "an act to provide for the management and disposition of the school fund," approved February 25th, 1847, requiring the Superintendent of Public Instruction to report to the land offices in this State, selections of lands, as therein prescribed; the same being part of the 500,000 above mentioned.

Very respectfully, your ob't. serv't.,

JAMES HARLAN,

Sup't. of Public Instruction.

Register of Land Office, Dubuque, Iowa.

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N.

[A COPY.]

IOWA CITY, September 10th, 1847.

SIR:—Having given official information of the creation and existence of an agency on the part of the State of Iowa, for the selection of the 500,000 acres of land granted by the 8th section of an act of Congress of September 4th, 1841, to the Secretary of the Treasury of the United States, it was supposed to be his province to communicate this fact to the proper subordinate officers of the department of which he is head. But being requested to do this, by the Commissioner of the General Land Office, you are respectfully referred to the 24th section of a law of this State, herewith transmitted, entitled "an act supplemental and amendatory to an act for the establishment of common schools," &c., approved February 24th, 1847, authorizing the election of a Superintendent of Public Instruc-

tion, and to the 25th section of the same law, making it the duty of the person thus elected, before entering on the duties of said office, to file papers therein named, with the Governor's approval, in the office of the Secretary of the State, and to the inclosed certificate, from the Secretary of the State of Iowa, that such papers with the approval of the Governor of said State, have been filed as prescribed by said law; and to the 18th section of a law of the State of Iowa herewith transmitted, entitled "an act &c., for the management and disposition of the school fund," approved February 25th, 1847, requiring the Superintendent of Public Instruction to report to the land offices of this State, selections of land therein prescribed, the same being a part of the 500,000 acres above mentioned.

Accompanying this, you will also receive a new list of lands previously reported to your office, from this office, according to the formula received from the Commissioner of the General Land Office with dates corresponding with the dates of the original reports received by you, as instructed by the Commissioner in the last communication received from him at this office.

Very respectfully, your ob't, serv't.

**JAMES HARLAN,**

Sup't. of Public Instruction.

Register of Land Office, Iowa City, Iowa.

HOUSE OF REPRESENTATIVES.

AN ABSTRACT

Of the Annual Reports of the School Fund Commissioners of the different Counties of the State of Iowa, November 1st, 1847.



COUNTIES.	Organized Districts in Counties.	Pupils over five and under twenty-one.	At School during Year.	Amount paid for School Purposes.	Current Funds Un-appropriated.	WHENCE DERIVED.		
						County Tax.	Sale of Water Crafts, &c.	Fines and Forfeitures.
Appanoose,	2	85						
Benton,	2	49						
Clayton,	7	145						
Clinton,	13	430	192	248 50				
Delaware,	4	146	107	85 00				
Des Moines,								
Dubuque,	5	118	59					
Henry,	39	2098	336	343 53	\$262 50	469 25		
Iowa,		167						
Jasper,								
Johnson,	17	257						
Jones,	9	316						
Keokuk,		148						
Lee,	49	4907	1005	851 44	434 49	979 12	171 82	88 65
Linn,	24	830			4 50			
Louisa,		1196	287					
Mahaska,	45	1310	109	35 53				
Marion,		379	24					
Monroe,	9	295						
Muscatine,	42	1196						
Scott,	4	639	140					
Van Buren,	74	3288		178 31				
Wapello,	41	1584	180					
Washington,	30	1345						

JOURNAL OF THE  
AN ABSTRACT

Of the Annual Reports of the School Fund Commissioners of the different Counties of the State of Iowa, November 1st, 1847.

COUNTIES.	Permanent Fund at Interest	How Invested.		SALE 16th SECTION.		PART 500,000 ACRES.		Part 16th Section Offered and Un- sold.	16th Section Unoffered.
		Permanent Fund not Invested.	Mortgage on Real Estate.	Amount.	No. Acres.	Amount.	No. Acres.		
Benton,	\$420 00			320	\$420 00			5,240	4,425
Clayton,	660 00			520	660 00				All
Clinton,									10,200
Delaware,									
Des Moines,	8,615 57		\$518 51	1,995	9,134 08				
Dubuque,	6,121 34		1,699 33	4,212	6,476 67	1,040	1,300 00	6,200	962
Henry,			120 00	80	120 00				
Jasper,	1,508 05		114 51						12,800
Johnson,									All
Jones,	772 95		178 05					1,320	2,240
Lee,	2,396 90		6,759 20						
Louisa,	168 75		56 25	5,254	9,154 10				
Mahaska,	16,770 39			100	225 00			1,320	2,240
Marion,	3,900 00			1,560	3,339 09	10,663	13,329 97	1,000	7,680
Monroe,	487 50		18 50	640	800 00	2,480	3,100 00		
Muscataine,	325 00		111 00	400	500 00			2,160	5,120
Scott,	472 75			320	426 00			2,240	5,760
Van Buren,	925 00			720				1,920	5,760
Wapello,	245 25		82 75	163	327 00				
Washington,	245 25		300 00	1,101	2,092 10			726	8,320

Mr. Lyons moved to lay the communication on the table.

Mr. Morton moved to amend the motion of Mr. Lyons, by adding —“and that five hundred copies be printed for the use of this House.”

And on the amendment the ayes and nays being demanded,  
Those who voted in the affirmative were—

Messrs. Anderson, Blair, Bonham, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hardy, Hebard, Holland, King, Kinsman, Kent, Leech, McManus, McPherrin, Morton, Rathbun, Reynolds, Sells, Smyth, Steele, Sergeant, Updegraff, Wright, Williams and Mr. Speaker.—28.

In the negative—

Messrs. Bailey, Day, Green, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Weyand and Willoughby.—11.

So the amendment was adopted.

The question recurring,

Shall the motion as amended be adopted?

It was decided in the affirmative.

Senate File No. 8, was read a second time, and

On motion of Mr. McPherrin,

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

Mr. Morton, from the Committee on the Judiciary, reported H. R. File, No. 14, A Bill fixing the time of holding Courts in the Second Judicial District, as a substitute for H. R. File No. 14, An Act establishing the holding of a District Court in Keokuk, Lee county.

And on his motion,

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

Mr. Bonham presented the petition of Mr. Ballard and others, in relation to interest on County Orders.

And on his motion,

The same was referred to the Committee on County and Township organization.

Mr. Hebard, from the Select Committee to whom had been referred the petition of sundry citizens of Des Moines county, praying for the re-location of a part of Agency Road, reported H. R. File No. 26, A Bill for an act to re-locate a part of the Agency road in Des Moines County.

And on his motion,

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

Mr. Morton moved to take from the table H. R. File No. 24, and refer the same to a select committee of five.

Which was agreed to ; and

Messrs. Morton, Olmstead, Rathbun, Weyand and Wright were appointed said committee.

Mr. Leffingwell, from the Committee on County and Township Organization, to whom was referred the petition of citizens of Clinton county, praying for a re-location of the County seat of said county, reported,

H. R. File No. 27, A Bill for a general law relative to County seats.

And on motion of Mr. Bonham,

The usual number of copies of said bill was ordered to be printed for the use of the members of this House.

Mr. Morton offered the following resolution :

Resolved—That Rev. Alcimus Young be allowed the use of the Hall of the House on Tuesday evening next, for the purpose of delivering a temperance lecture.

Which was adopted.

On motion of Mr. Clifton,

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

## 2 O'Clock, P. M.

Mr. Matson, from the Select Committee, to whom had been referred H. R. File No. 11, A Bill for an act relative to the Board of County Commissioners granting license for the retail of intoxicating liquors in their respective counties—Approved Feb. 15th, 1847—reported the following as a substitute :

A Bill for an act to prevent the sale of intoxicating liquors in less quantities than a gallon, without authority of law, which was read a first time.

On motion of Mr. Matson,

Joint Resolution Senate File No. 5, relative to the election of Senators and Judges was taken up, and

On his motion,

A call of the House was had.

Messrs. Edmundson, Hebard, King, McManus and Montague were reported absent.

The Sergeant-at-Arms was despatched for the absentees.

The absent members appearing in their seats, a further call was dispensed with.

The Joint Resolution having been read,

Mr. Lyons moved that the 42nd rule be suspended, and the resolution read a second and third time now.

And on the suspension of the rule, the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun,, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

So the rule was not suspended.

Mr. Bonham moved that the 42nd rule be suspended, and that the Joint Resolution be read a second time now.

And on the suspension the ayes and nays were again called for, and,

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Clifton, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby—20.

In the negative—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker—19.

It requiring two thirds to suspend the rule, the rule was not suspended.

Mr. Olmstead introduced H. R. File No. 28, A Bill for an act to incorporate the Dubuque Mining Company, and,

On motion of Mr. O'Brien,

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

On motion of Mr. Bailey,

H. R. File No. 25, A Bill concerning costs and fees was taken up, and referred to a select committee of five, with instructions to report to-morrow.

The Speaker appointed the following gentlemen said committee :—

Messrs. Leech, Cochran, Bailey, Goodrell and Comstock.

Mr. Morton, from the Select Committee, to whom was referred H. R. File No. 24, A Bill for an act to repeal an act therein named, reported the same back without amendment.

Mr. Leffingwell offered the following resolution :

Resolved—That the Committee on Ways and Means enquire into and report to this House the expediency of negotiating a loan of twenty thousand dollars, to defray the expenses of the current year.

Which was adopted.

Mr. Sells offered the following resolution :

Resolved—That the Secretary of State be, and is hereby requested to communicate to the General Assembly, at the earliest practicable period, the returns received at his office from the Clerks of the District Courts of the several counties, under the act approved Feb. 14th, 1847, entitled an act to provide for criminal returns, and that he throw said returns into tabular form.

Which was adopted.

Mr. Leech introduced H. R. File No. 30, A Bill to compensate an agent to select University lands—read a first time.

Mr. Clifton, from the Select Committee, to whom was referred H. R. File No. 4, Joint Resolution relative to the appointment of an agent to carry out the provisions of an act relative to the Penitentiary, approved Feb. 24th, 1847, reported that they had had the same under consideration, and that the committee had instructed him to report a substitute for the same.

And the substitute was read a first time ; when

On motion of Mr. Smyth,

The 42nd rule was suspended, the Joint Resolution (substituted) read a second time, when,

On motion of Mr. Bonham,

The blank in same was filled with the name of Charles McDonald ; and,

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

On motion of Mr. Olmstead,

H. R. File No. 24, A Bill to repeal a certain act therein named, was read a third time, passed, and title agreed to.

On motion of Mr. Blair,

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

### Saturday Morning, January 15, 1848.

House met pursuant to adjournment.

Mr. Rathbun offered H. R. File No. 8. Joint Resolution for a mail route from Tipton, Cedar County, via Pioneer Grove and Marion to the County Seat of Benton.

Which was read a 1st time, and

On motion of Mr. Smyth,

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

Mr. Sells offered the following resolution :

Resolved—That Mr. Miller be allowed the use of this Hall for public worship, on to-morrow and to-morrow night.

Which was adopted.

Mr. Comstock from the Select Committee to whom was referred the petition from sundry citizens of Poweshiek County, reported,

H. R. File No. 31, A Bill to organize Poweshiek County and to locate the Seat of Justice thereof,

Which was read a first time, when,

On motion of Mr. Comstock,

The bill was referred to be read a second time,

And on motion,

The blank in the eleventh section thereof was filled with,—“first Monday in May next,” and

On motion of Mr. Comstock,

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

Mr. Morton from Judiciary Committee to whom was referred,

H. R. File No. 6, A Bill to provide for revising and digesting the laws, reported,

A Bill for an act to provide for the appointment of Commissioners to prepare a code of laws, as a substitute therefor, and

On motion of Mr. Morton,

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

The Speaker laid before the House a memorial signed by Charles Mason and many others, members of the Iowa Anti-Capital Punishment and Prison Discipline Society, relative to the unfinished and insecure condition of the State Penitentiary which,

On motion of Mr. Lyons,

Was referred to the Committee on Public Buildings,

H. R. File No. 11, A Bill for an act to prevent the sale of intoxicating liquors in less quantities than one gallon, was read, when,

On motion of Mr. Comstock,

The Bill was ordered to be engrossed and read a third time on Monday next.

H. R. File No. 30, A Bill to compensate an agent to select University lands, was read a second time.

On motion of Mr. Montague,

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

H. R. File No. 22, A Bill for an act to license and tax Pedlers, was read a second time.

On motion of Mr. Lyons,

The bill was ordered to be read a third time on Monday next.

A Message from the Senate, by Mr. Russell their Secretary:

**MR. SPEAKER:**

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

Senate File No. 14, An Act to amend the charter of the City of Burlington.

Senate File No. 16, An Act to provide for the election of Representatives in Congress.

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

In all of which the concurrence of the House is requested;

Also to return

H. R. File No. 7, An Act supplemental to an act creating a

Board of Public Works, and providing for the improvement of the Des Moines River, approved February 24th, 1847.

H. R. File No. 8, An Act to amend an act entitled an act regulating the practice in the District Court in the Territory of Iowa, approved February 10th, 1843.

H. R. File No. 19, An Act to amend an act entitled an act to divide the State into two Congressional Districts.

H. R. File No. 21, An act to authorize John Brophy, to keep a ferry across the Missouri River.

H. R. File No. 26, An Act to locate a Road therein named, and

H. R. File No. 6, Joint Resolution relative to a grant of land from Congress.

The same having passed the Senate without amendment.

H. R. File, No. 27, An Act to provide for the location and relocation of County Seats, was read a second time, and

On motion of Mr. Comstock,

The same was made the order of the day for Monday next.

Senate File No. 5, Joint Resolution relative to the election of Senators and Judges, was read a second time, when

Mr. Smyth moved to amend by striking out "14th inst." and inserting "15th inst.,"

Which was not agreed to.

Mr. Day moved to strike out "Saturday the 14th," and insert "Monday the 17th,"

And on this amendment the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leflingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby—18.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker—20.

So the amendment was not agreed to.

Mr. Bonham moved to insert Tuesday morning.

Mr. Day moved a call of the House,

Which was had, and

Mr. Kinsman reported absent.

Mr. Kinsman appearing in his seat a further call was dispensed with.

Mr. Sells moved to lay the Joint Resolution on the table ;

And on this question the ayes and nays being demanded,

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker—20

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby—19.

So the resolution was laid on the table.

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

H. R. File No. 28, A Bill to amend an act to incorporate the Dubuque Mining Company, reported the same back to the House without amendment and recommended its passage and the Bill was read a third time passed and title agreed to.

Mr. Goodrell from the Committee on Expenditure to whom was referred

H. R. File No. 29, A Bill to amend an act to establish the price of Public Printing, reported the same back to the House and recommended its passage and the bill was read a third time passed and title agreed to.

Mr. Hardy offered the following :

Ordered,

“That the Chief Clerk of this House inform the Senate that this House will receive the Senate in joint convention in this Hall, at ten o'clock on Monday the 17th inst., for the purpose of electing one Chief Justice and two Associate Justices of the Supreme Court of the State of Iowa.”

And on its adoption the ayes and nays were demanded ;

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant Weyand and Willoughby—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker--20.

So the resolution was not adopted.

Mr. Lyons offered the following resolution :

Resolved—"That the Senate be invited to meet in the Hall of Representatives immediately, and proceed to the election of a Chief Justice and two Associate Justices, of the Supreme Court."

And on the adoption of this resolution the ayes and nays were demanded ;

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Updegraff, Wright, Williams and Mr. Speaker—20.

So the resolution was not adopted.

Mr. Matson, introduced H. R. File No. 9, Joint Resolution relative to the election of Senators which was read a first time.

Mr. Olmstead presented a memorial asking Congress for a donation of the site of Fort Atkinson—

Which on his motion,

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

Mr. Montague offered Joint Resolution, H. R. File No. 10—relative to the appointment of Delazon Smith Esq., to a Captaincy in the U. S. Army ;

Which was read a first time.

On motion of Mr. Smyth,

The House adjourned till Monday morning ten o'clock.

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### Monday Morning, January 17, 1848.

House met pursuant to adjournment.

Mr. Lyons presented a petition from sundry citizens of Fairfield in Jefferson county, praying for a repeal of the charter of said town and also a remonstrance on the same subject.

And on his motion,

The same was referred to the delegation from Jefferson county.

Mr. Olmstead gave notice that he would on to-morrow, or some future day, introduce a bill for an act to establish branches of the State University.

Mr. Cochran gave notice that he would ask leave to introduce a bill for an act amendatory of an act concerning grand and petit jurors.

Also, a bill amendatory of an act prescribing the general duties of the Governor.

Mr. Sells from the Select Committee, to whom was referred the petition of sundry citizens of Muscatine county, praying for an amendment of the School Laws, reported H. R. File No. 32, A Bill supplemental and amendatory to an act concerning schools, which was read a first time, and the usual number of copies ordered to be printed.

H. R. File No. 9, Joint Resolution relative to the election of Senators, was read a second time.

When Mr. Sells moved to lay the same upon the table.

And on this question the ayes and nays being demanded,

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Sergent, Weyand and Willoughby.—18.

So the resolution was laid upon the table.

Joint Resolution H. R. File No. 10, was read a second time.

Mr. Olmstead offered the following amendment:

Strike out all after the words "means of war," and insert the following:

That our Representatives in Congress be requested to use their influence with the President and Secretary of War to draw upon Iowa for one regiment of troops.

Resolved—That the Secretary of State be requested to forward a copy of the foregoing resolutions to the President of the United States, the Secretary of War, and our Representatives in Congress, at his earliest convenience.

Mr. Morton moved that the joint resolution and amendment be laid

on the table, and made the order of the day for to-morrow afternoon.

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Steele, Updegraff, Wright, Williams and Mr. Speaker.—19.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Sells, Sergeant, Weyand and Willoughby.—19.

So the motion was not agreed to.

Mr. Day moved to lay the amendment and resolution on the table.

Which was agreed to.

H. R. File No. 11 was read a third time.

Mr. Lyons moved to strike out the word gallon, wherever it occurs, and insert quart.

And on this amendment the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Cochran, Clifton, Day, Edmundson, Hardy, Holland, Kinsman, Kent, Leech, Leffingwell, Lyons, Montague, Olmstead, Weyand, and Mr. Speaker.—18.

In the negative—

Messrs. Anderson, Blair, Comstock, Goodrell, Green, Hebard, King, Matson, McManus, McPherrin, O'Brien, Rathbun, Sells, Steele, Sergeant, Updegraff, Williams, Wright and Willoughby.—20.

So the amendment was not adopted.

Mr. Montague moved to re-commit the bill to the same committee who reported it, with instructions to amend by inserting the following additional sections :

“The legal voters, at the next Township election, shall vote yea or nay on the passage of this act, and if a majority of the legal voters are in favor, it shall become a law, otherwise it shall be null and void—returns of said votes to be made in accordance with the law regulating general elections.”

Which was not agreed to.

Mr. Day moved to re-commit to to the same committee, with instructions to exempt regular Druggists.

And on this question the ayes and nays being demanded,  
Those who voted in the affirmative were—

Messrs. Bailey, Clifton, Day, Edmundson, Hardy, Kinsman,  
Kent, Leech, Leffingwell, Lyons, Morton, Wright and Mr. Speaker.  
13.

In the negative—

Messrs. Anderson, Blair, Bonham, Cochran, Comstock, Goodrell,  
Green, Hebard, Holland, King, Matson, McPherrin, McManus,  
Montague, O'Brien, Olmstead, Rathbun, Reynolds, Sells, Steele,  
Sergent, Updegraff, Weyand, Williams and Willoughby.—25.

So the amendment was not agreed to.

The question being then put—

Shall the bill pass?

It was decided in the affirmative.

The question being upon agreeing to the title,

Mr. Montague moved to amend the title by striking out, and in-  
serting "Second Edition of the Blue-laws of Iowa."

And on this question the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Leffingwell, Lyons and Montague.—3.

In the negative—

Messrs. Anderson, Blair, Bonham, Bailey, Cochran, Clifton,  
Comstock, Day, Edmundson, Goodrell, Green, Hardy, Hebard, Hol-  
land, King, Kinsman, Kent, Leech, Matson, McManus, McPherrin,  
Morton, O'Brien, Olmstead, Rathbun, Reynolds, Sells, Steele, Ser-  
gent, Updegraff, Wright, Weyand, Williams, Willoughby and Mr.  
Speaker.—35.

So the amendment was not adopted.

H. R. File No. 22, A Bill in relation to Pedlars, was read a third  
time, and,

On motion of Mr. Morton,

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

H. R. File No. 27, A Bill to re-locate county seats, being the or-  
der of the day, the House resolved itself into a Committee of the  
Whole, Mr. Montague in the Chair.

And after some time spent therein, the Committee rose and re-  
ported the bill back to the House and recommended its rejection,  
and asked the concurrence of the House.

The question, then, was on concurring in the report of the Com-  
mittee.

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, Kinsman, Kent, McManus, McPherin, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bailey, Clifton, Day, Green, Hardy, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Reynolds, Smith, Weyand and Willoughby.—15.

So the bill was rejected.

A message from the Senate by C. C. Rockwell, their Assistant Secretary.

MR. SPEAKER—

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

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

H. R. File No. 17, A Bill for an act amendatory of an act to divide the State into Judicial Districts.

Also substitute for H. R. File No. 5, Joint Resolution authorizing the Auditor to audit and allow certain certificates therein named.

In which the concurrence of the House is requested.

Mr. O'Brien offered the following resolution:

Resolved—That the use of this Hall be granted for the purpose of holding a Rail Road meeting, after the adjournment this evening.

Agreed to.

On motion of Mr. Cochran,

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

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**2 O'Clock, P. M.**

On motion of Mr. Sells,

H. R. File No. 5, Joint Resolution (substitute from the Senate,) relative to the auditing of certain certificates, was taken up and read.

And on his motion,

The 42nd rule was suspended, the Joint Resolution read a second time, and referred to the Committee on Claims.

On motion of Mr. Bonham,

H. R. File No. 17, An Act altering certain Judicial Districts, was taken up, the same having been returned from the Senate with amendments.

Mr. Bonham moved that the House agree with the amendments of the Senate.

Mr. King moved a call of the House;

Which was had.

Messrs. Day, O'Brien and Edmundson were reported absent.

The absentees appearing in their seats a further call was dispensed with.

On the question of agreeing to the first amendment made by the Senate, the ayes and nays were demanded:

Those who voted in the affirmative were—

Messrs. Bailey, Green, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, Olmstead, Reynolds, Weyand and Willoughby.—13.

In the negative—

Messrs. Blair, Bonham, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hardy, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Smyth, Steele, Sergeant, Updegraff, Wright, Willoughby and Mr. Speaker.—23.

So the amendment of the Senate was disagreed to.

The question being put on agreeing to the second amendment made by the Senate:

The same was agreed to.

Mr. Cochran introduced,

H. R. File No. 33, A Bill authorizing Josephus Bedell and James Brierly to keep a ferry across the Mississippi river at Nashville in Lee County:

Which was read a first time.

Mr. Cochran offered the following resolution:

Resolved—That the Treasurer of State be required to report to this House, what moneys if any, have been paid out of the Treasury, for the reports of the Supreme Court, or whether any order has been presented to him for payment, purporting to be for such re-

ports, as well as all other information that he may have on the subject.

Which was adopted.

Mr. Leech offered,

H. R. File No. 11, Joint Resolution requesting the Secretary of State to furnish the County of Appanoose with ten copies of the revised Statutes ;

Which was read a first time ;

And on his motion.

The 42nd rule was suspended the joint resolution read a second and third time and passed.

Mr. Matson offered,

H. R. File No. 13, Joint Resolution relative to the adjournment of the General Assembly, and moved,

That the 42nd rule be suspended and the Joint Resolution read a second time, when

On motion of Mr. Goodrell,

The same was laid on the table.

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

H. R. File No. 22, A Bill to license and tax pedlers, reported the same back to the House with sundry amendments, in all of which the House concurred, and

On motion of Mr. Morton,

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

Mr. Edmundson offered,

H. R. File No. 12, Joint Resolution requesting the Secretary of State to furnish Poweshiek County with 15 copies of the laws.

On motion of Mr. Morton,

The 42nd rule was suspended the Joint Resolution read a second and third time and passed.

On motion of Mr. Sells,

Senate File No. 16, An Act relative to the election of Representatives in Congress, was taken up ;

And on his motion,

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

When Mr. Comstock moved to refer the Bill to the Committee on Elections :

Which was not agreed to.

Mr. Sells offered the following amendment :

Insert after the word "death" in the fourth line in the second section " or removal from the district."

Mr. Bonham moved to reconsider the vote on the first amendment made by the Senate to

H. R. File No. 17.

And on this question the ayes and nays were demanded :

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

So the vote was not reconsidered.

A Message from the Senate by Mr. Russell their Secretary.

MR. SPEAKER :

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

Senate File No. 18, A Bill to review a part of the State Road from Walling's Landing to Columbus City.

Senate File No. 20, An Act to amend an act regulating Mills and Millers, and for other purposes, approved Feb. 3, 1848.

Senate File No. 21, An Act to re-locate a State Road therein named.

Senate File No. 22, An Act to lay out and establish a State Road from Eddyville, in Wapello County, to Chariton Point, in Lucas County.

And,

Senate File No. 23, An Act supplemental and amendatory to an act entitled an act to incorporate the City of Farmington.

Also,

Senate File No. 7, Joint Resolution relative to the Seat of Government,

and with an amendment.

H. R. File No. 8, Joint Resolution for a mail route.

In all of which the concurrence of the House of Representatives is requested.

I herewith return,

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

The same having passed the Senate without amendment.

Also,

That the Senate have appointed

Messrs. Browning, Davis and Huner a committee on the part of the Senate to carry out the object of Joint Resolution No. 7.

Mr. Bonham, presented a memorial from Edward Foster,

And on his motion,

The same was referred to the committee on claims, and

On motion of Mr. Comstock,

The committee were instructed to report by bill.

On motion of Mr. Sells,

Senate File No. 19, A Bill amendatory to an act organizing townships, was read, and

On motion of Mr. O'Brien,

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

Mr. Olmstead introduced,

H. R. File No. 33, A Bill to establish branches of the State University which was read a first time.

On motion of Mr. Bailey,

Senate File No. 21, An Act to re-locate a State Road therein named, was taken from the table, and on his motion the rule was suspended, and the bill read a second and third time, passed, and title agreed to.

On motion of Mr. Sells,

Senate File No. 14 was taken from the table. And,

On motion of Mr. Sergeant,

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

On motion of Mr. Morton,

H. R. File No. 5, A Bill for an act to vacate portions of certain roads therein named, was taken from the table, and the rule suspended, the bill read a second and third time, passed, and title agreed to.

On motion of Mr. Sells,

Senate File No. 20, An Act to amend an act regulating mills and millers was taken up, and,

On motion of Mr. McPherrin,

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

Senate File No. 22 was taken up, and,

On motion of Mr. Comstock,

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

On motion of Mr. Lyons,

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

### **Tuesday Morning, January 18, 1848.**

House met pursuant to adjournment.

Mr. Sells presented a petition from eighty-three citizens of Muscatine and Louisa counties, praying for an amendment to the School Law, which was referred to the committee to whom similar petitions had been referred.

Mr. King presented a petition from sundry citizens of Keokuk praying the Legislature to pass a law legalizing the acts of Samuel A. Evans, a Justice of the Peace in Keokuk county, which was referred to a select committee, composed of Messrs. King, Morton and Lyons.

Mr. Bonham gave notice that he would on to-morrow, or some future day, ask leave to introduce a bill for an act to amend an act entitled an act for the organization of Townships, approved February 17th, 1847. Also,

A bill for an act to vacate a part of the Territorial Road from Davenport via Rochester, in Cedar county, to Iowa city.

Mr. McManus, from the Committee on Claims, to whom had been referred H. R. File No. 5, Joint Resolution, relative to the auditing of certain certificates, reported the same back with this amendment:

“Strike out forty-two in the ninth line, and insert thirty-seven”

Which amendment the House agreed to.

Also, the Committee reported H. R. File No. 35, A Bill for the relief of Edward Foster; and,

On motion of Mr. Bonham,

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

Mr. Sells, from the Select Committee, to whom had been referred the case of Mr. Kinsman, reported the following :

The Select Committee who were appointed to collect and report the facts in relation to the right of John N. Kinsman to a seat as a member of this House, have instructed me to report, that they have collected and taken all the testimony in relation thereto that has come to their knowledge, excepting the testimony of the Governor, by whom Mr. Kinsman wishes to prove the contents of a letter, which has been alluded to in the testimony, which was written by Mr. Kinsman and directed to the Governor.

The Committee have been delaying their report for several days, (at the instance of Mr. Kinsman,) expecting the arrival of the Governor ; inasmuch as he has not arrived, and there is some doubt whether he will be here before the close of the session, we therefore ask for instructions from the House as to when it will be the pleasure of the House to hear said report.

Mr. Leffingwell moved that the committee report the evidence of the case to this House on Monday morning next.

Mr. Cochran moved to amend by inserting to-morrow morning, which amendment was agreed to.

And the motion of Mr. Leffingwell being put as amended, the same was agreed to.

On motion of Mr. Morton,

The vote, on yesterday, on the passage of Senate File No. 21, A Bill to re-locate a State Road therein named, was reconsidered, and referred to the delegations from the counties of Jefferson, Henry and Lee.

Mr. Olmstead introduced H. R. File No. 36, A Bill to establish a State Road from Elkrador, in Buchanan county, to Quasqaton, in Clayton county.

And on his motion,

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

Mr. Sells offered the following resolution :

Resolved—That this House will receive no new business after Wednesday, the 19th inst.

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

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Clifton, Day, Edmundson, Goodrell, Green, King, Leech, Leffingwell, Lyons, Matson, McPherrin, Morton, Montague, O'Brien, Olmstead, Smyth, Weyand and Mr. Speaker.—20.

In the negative—

Messrs. Anderson, Blair, Cochran, Comstock, Hardy, Hebard, Holland, McManus, Rathbun, Reynolds, Sells, Steele, Sergeant, Wright, Williams and Willoughby.—16.

So the resolution was laid on the table.

Mr. Cochran introduced H. R. File No. 37, A Bill amendatory to an act defining the general duties of Governor.

Mr. Leffingwell moved that the 42nd rule be suspended, and the bill be read a second and third time now.

Which was agreed to.

And the bill was so read—when,

Mr. Olmstead moved that the bill be indefinitely postponed.

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Green, Lyons, Matson, O'Brien, Olmstead, Reynolds and Sergeant.—7.

In the negative—

Messrs. Anderson, Blair, Bonham, Bailey, Cochran, Clifton, Comstock, Day, Edmundson, Goodrell, Hardy, Hebard, Holland, King, Kent, Leech, Leffingwell, McManus, McPherrin, Morton, Montague, Rathbun, Sells, Steele, Smyth, Updegraff, Wright, Weyand, Williams, Willoughby and Mr. Speaker.—31.

So the bill was not indefinitely postponed.

Mr. Olmstead offered the following amendment to the bill :

Provided—That a suitable residence be provided for the Governor, at the expense of the State.

Which was not agreed to.

The question then being on the passage of the bill, the same was passed and title agreed to.

Mr. Cochran introduced H. R. File No. 38, A Bill providing for the selection of Grand and Petit Jurors in the county of Lee— which having been read a second time, was referred to the delegation from Lee county.

Mr. Montague offered the following resolution :

Resolved—That the Messenger of this House be requested not

to delay the business of the House by reading acts, resolutions and notices to members before delivering them to the Clerk.

Mr. Morton moved to amend by adding—And that Mr. Montague be a committee of one to make the request.

And at the suggestion of Mr. Bonham, Mr. Morton further amended as follows :

And that he perform the duty instanter.

Which amendments were agreed to, and the resolution as amended was adopted.

Mr. Sargent introduced H. R. File No. 39, A Bill in relation to Prosecuting Attorneys.

On motion of Mr. Morton,

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

On motion of Mr. Goodrell,

It was referred to the Committee on the Judiciary.

H. R. File No. 33, A Bill authorizing Josephus Beall and James Brierly to keep a ferry across the Mississippi River at Nashville, was read a second time, when,

On motion of Mr. Cochran,

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

H. R. File No. 34, A Bill to establish branches of the State University, was read a second time, and,

On motion of Mr. Morton,

Was referred to a select committee of five.

Messrs. Morton, Hebard, Olmstead, Leffingwell and Cochran were appointed said committee.

Senate File No. 16, A Bill providing for the election of Representatives to Congress, was read a second time, and,

On motion of Mr. Sells,

Referred to a select committee of three.

Messrs. Sells, Goodrell and Hardy were appointed said committee.

Mr. Montague made the following report :

MR. SPEAKER—As a committee appointed to notify the Messenger of a resolution of the House relating to his duties as Messenger, I would beg leave to inform the House that I performed that duty instanter.

On motion of Mr. Morton,

The thanks of the House were returned to the Committee for the able manner in which he had discharged his duty.

On motion of Mr. Leffingwell,

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

### 2 O'Clock, P. M.

On motion of Mr. Montague,

Senate File, No. 23, A Bill relative to the incorporation of the town of Farmington, in Van Buren county, was taken up, when,

On his motion,

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

Mr. Edmundson offered H. R. File No. 14, Joint Resolution relative to the improvement of the Des Moines River, which,

On motion of Mr. Morton,

Was read a second time by its title, and referred to a select committee composed of one from each county on the Des Moines River.

On motion of Mr. Sells,

The Message from the Senate was taken up in order.

Mr. Cochran, from the Select Committee to whom was referred H. R. File No. 38, reported the same back to the House without amendment, and recommended its passage.

And on his motion,

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

Senate File No. 7, A Bill to organize Lake Prairie township, in Marion county, was taken up and read, and,

On motion of Mr. Sells,

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

H. R. File No. 8, Joint Resolution relative to a mail route, having been returned from the Senate with an amendment, and the concurrence of the House being desired therein, the House did so concur.

Senate File No. 18 was taken up and read, and,

On motion of Mr. Williams,

The bill was read a second time, when he offered the following substitute for the third section :

“ This act shall take effect and be in force from and after its passage.”

Which was agreed to.

On motion,

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

Senate File No. 7, Joint Resolution relative to the seat of government, was taken up, and,

On motion of Mr. McPherrin,

The 42nd rule was suspended, and the bill read a second time, when he moved to refer the same to a select committee of three.

Which was not agreed to.

Mr. Olmstead moved that the 42nd rule be suspended, and the bill be read a third time now.

Which was not agreed to.

Senate File No. 11 was read a first time.

Senate File No. 6 was read, and,

On motion of Mr. Sells,

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

A message from the Senate, by Mr. Russell, their Secretary.

MR. SPEAKER :

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

Senate File No. 27, A Bill for an act to authorize Nicholas Brown and others, to re-survey a portion of the town of Cedar Rapids, in Linn county.

Senate File No. 26, A Bill for an act to attach the county of Pottawatomie to the counties of Marion, Jasper, Polk and Dallas, for the election of members of the General Assembly.

Senate File No. 8, Joint Resolution relative to books in the Library, and

A Preamble and Joint Resolution for a grant of land to improve the Muscatine Island.

And, with amendments, H. R. File No. 31, An Act to organize the county of Poweshiek, and to provide for the location of the seat of Justice thereof.

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

I herewith return to the House—

H. R. File No. 24, A Bill for an act to repeal an act therein named.

H. R. File No. 26, A Bill for an act to amend an act establishing the price of Public Printing, approved February 2nd, 1843, and,

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

They having passed the Senate without amendment.

Also, that the Senate have passed a resolution in the following words :

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

Senate File No. 10, An Act in relation to Deeds, was taken up and read, and,

On motion of Mr. Cochran,

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

The following named gentlemen compose the Select Committee to whom was referred H. R. File No. 14, Joint Resolution relative to the improvement of the Des Moines River, to wit :

Messrs. Edmundson, Clifton, Hardy, Leech, Anderson, Comstock, Reynolds and Kinsman.

Senate File No. 11, An Act relative to the printing and distribution of the laws, was read a second and third time, passed, and title agreed to.

On motion of Mr. Bonham,

A subsequent message from the Senate was taken up in order.

Senate File No. 27 was taken up and read, and,

On motion of Mr. Smyth,

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

Senate File No. 26, A Bill attaching Pottawatamie county to Marion, Jasper, Polk and Dallas for the election of members of the General Assembly, was taken up and read, and,

On motion of Mr. Goodrell,

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

A message from the Senate by Mr. Russell, their Secretary .

MR. SPEAKER—

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

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

Senate File No. 25, An Act to amend the several acts for the incorporation of the city of Keosauqua, and,

Senate File No. 6, Joint Resolution relative to United States District Court Room.

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

Also that the Senate insists upon its amendment to H. R. File No. 17, A Bill for an act entitled an act to divide the State into Judicial Districts.

I herewith return,

H. R. File No. 5, A Bill for an act to vacate portions of certain roads therein named.

H. R. File No. 11, Joint Resolution to furnish Appanoose county with ten copies of the Revised Statutes ; and,

H. R. File No. 12, Joint Resolution to furnish Poweshiek county with Statutes of Iowa.

The same having passed the Senate without amendment.

Senate File No. 9, Joint Resolution relative to the State Library, was read.

A Preamble and Joint Resolution, relative to a grant of land from Congress for the improvement of Muscatine Island, was read, when,

On motion of Mr. Sells,

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

H. R. File No. 31, A Bill for the organization of Poweshiek county, having been returned from the Senate with several amendments, Mr. Edmundson moved that the House concur therein.

Which was agreed to.

Senate File No. 24, A Bill authorizing A. W. Thompson to keep a ferry across the Mississippi river, was read a first time, when,

On motion of Mr. Williams,

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

Senate File No. 25, An Act to amend the acts for the incorporation of Keosauqua, was read a first time, and

On motion of Mr. McPherrin,

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

Senate File No. 6, Joint Resolution, relative to the United States District Court Room was read, and,

On motion of Mr. Bonham,

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

Mr. Bonham moved that the House recede from its disagreeing vote on H. R. File No. 17.

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—18.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, Leffingwell, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—21.

So the House refused to recede.

Mr. Bonham moved that a Committee of Conference be appointed in relation to the disagreeing vote.

The Speaker appointed Messrs. Bonham, Goodrell and Hebard said Committee.

The Speaker laid before the House a communication from the Secretary of State, which was read, and,

On motion of Mr. Leffingwell,

Ordered—That one hundred copies be printed for the use of the General Assembly.

## SECRETARY'S REPORT.

## CRIMINAL RETURNS.

SECRETARY'S OFFICE, IOWA, }  
IOWA CITY, January 17th, 1848. }

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

In accordance with "An Act to provide for Criminal Returns," and the requirement of the House of Representatives, as contained in their Resolution of the 14th inst., I have the honor to report to you an abstract of said Criminal Returns for the year 1847, embracing all the counties from which returns have been filed in this office.

By said abstract it will be perceived that three of the Clerks of the District Courts, to wit, those of Washington, Cedar and Van Buren counties have complied with the requisitions of said act, in relation to the time when said returns should have been made.

On the 4th day of November last, I addressed a Circular (a copy of which is hereto attached,) to the Prosecuting Attorneys of the counties in default, and, although I have received answers from most of them, acknowledging the receipt of my notice, yet, so far as I am informed, no further action has been had in the matter, except in one instance; and in no case has a formal application been made upon this office for the evidence contemplated by said act, for the purpose of collecting the fines which have accrued under its provisions.

Since the 1st of November, returns have been received from most of the counties, many of which, as you will perceive, are very imperfect, complying but partially with the intention of the law. In the items of expenses a great discrepancy exists, many of the clerks reporting only the *costs of suit* in the cases of conviction, while in other counties the entire expenses growing out of criminal prosecutions, including Prosecuting Attorneys and Jurors fees, are more properly returned. If it is the intention of the Legislature to require these returns in future, and any useful object is to be attained thereby, it is suggested that the act in question should be so amended as

to inform the Clerks of the District Courts *particularly* as to what is required, and to authorize them to call on the County Officers for any information they may need: Or, that the Secretary should be authorized, in accordance with his recommendation of last winter, to procure and forward to the several clerks the necessary forms.—The duty of the Prosecuting Attorneys, under the law, should be made imperative, otherwise, in many cases the returns will not be enforced, or the fines collected.

I have been informed by the Prosecuting Attorney of the county of Dubuque, that in said county the fine has been collected from the Clerk of the District Court, and accompanying this report you will find the Attorney's bill for his services, submitted for your action.

No returns have yet been received from the counties of Dubuque, Jackson, Jasper, Benton, Dallas and Buchanan.

All of which is respectfully submitted.

ELISHA CUTLER, Jr.,  
Secretary of State.

[COPY OF CIRCULAR.]

SECRETARY'S OFFICE, IOWA, }  
IOWA CITY, November 4th, 1847. }

SIR—You are hereby notified that the return required of the Clerk of the District Court of the County of ———, by the 1st section of the 91st chapter of the Laws of Iowa, approved February 24th, 1847, has *not* been received at this office.

Very respectfully, &c.,  
ELISHA CUTLER, Jr.,  
Secretary of State.

To the Prosecuting Attorney of the County of Appanoose, Iowa.

Also, Benton, Buchanan, Clayton, Clinton, Davis, Dallas, Des Moines, Delaware, Dubuque, Henry, Iowa, Jasper, Jackson, Jefferson, Jones, Johnson, Keokuk, Lee, Linn, Louisa, Mahaska, Marion, Monroe, Muscatine, Polk, Scott, Wapello and Winneshiek.

## AN ABSTRACT OF THE CRIMINAL RETURNS OF THE STATE OF IOWA FOR 1847.

HOUSE OF REPRESENTATIVES.

<i>Names of Counties.</i>	<i>Returns When Filed.</i>	<i>Number of Convictions.</i>	<i>Nature of Crime.</i>	<i>Occupation.</i>	<i>Habits.</i>	<i>Read &amp; Write.</i>	<i>Sentence.</i>
Washington,	Oct. 27, '47.	1	Assault and battery.	Farmer.	Good.	Yes.	Fine \$7.
"		2	Obstructing road.	Farmers.	"	"	" \$10 each.
Cedar,	Oct. 27, "	None.					
Van Buren,	" 28, "	1	Larceny.	Laborer.	Very indolent.	"	Fine \$5, & 5 d. c. jail
"		1	Larceny,	Farmer.	Not Known.	"	Imp. 10 d'ys c'ty jail.
Clayton,	Nov. 5, "	5	Gambling.	Farmers.	Good.	"	Fine \$20 each.
"		1	do.	Grocery Keeper.	Bad.	"	" \$20.
"		1	do.	Merchant.	Good.	"	" \$20.
"		1	do.	Blacksmith.	Pretty Bad.	"	" \$20.
"		2	do.	Laborers.	Bad.	"	" \$20 each.
"		1	Suffering Gambling.	Farmer.	Good.	"	" \$50.
"		1	Selling Liq to Indians.	Grocery Keeper.	Very Bad.	No.	" \$100.
"		1	" "	Laborer.	Bad.	"	" \$100.
"		1	Murder.	Indian.	"	No.	" \$5, 10 ds. in P'y.
Johnson,	Nov. 5, "	1	Shooting an Ox.	Farmer.	Moral.	Yes.	" \$1, and costs.
Mahaska,	" 8,						
Lee,	" 10,						
Muscatine,	" "	1	As't deadly weap'n.	Farmer.	Not Known.	Not	Fine \$60, 5 m's in P'y
Louisa,	" 12,	None.				Known	

AN ABSTRACT OF THE CRIMINAL RETURNS—CONTINUED.

<i>Names of Counties.</i>	<i>Returns When Filed.</i>	<i>Number of Convictions.</i>	<i>Nature of Crime.</i>	<i>Occupation.</i>	<i>Habits.</i>	<i>Read &amp; Write.</i>	<i>Sentence.</i>
Jefferson,	Nov. 12, '47						
Des Moines,	" 15,	None.					
Linn,	" "	None.					
Scott,	" "	1	Larceny.	Girl.	Bad.	Read.	Fine \$10 and costs, and imp. 10 ds. in P'y.
Henry,	" "	1	Obst'ing Legal Proc's.	Farmer.	Ordinary good	Yes.	Fine \$5 and costs.
"	" "	1	Shooting a Horse.	"	Ordinary.	"	" "
Clinton,	" 16,	1	Larceny.	"	Industrious.	No.	1 Year in Pen'ty.
"	" "	1	Att'g to pass counterfeit money.	} Mail Carrier.	Dishonest.	"	" "
Iowa,	" 19,	None.					
Delaware,	" 22,	None.					
Davis,	" 17,	1	Larceny.		Mormon.		1 Year in Pen'ty.
Polk,	Dec. 1, '47.	None.					
Keokuk,	" "	None.					
Appanoose,	" 8,	None.					
Monroe,	" 10,						
Marion,	" 11,	None.					
Wapello,	" 23,	None.					
Jones,	Jan. 4, '48.	1	Assault and Battery.	Judge of Probate	Moral.	Yes.	Fine \$5 and costs.

## EXPENSES.

Washington,	-	-	-	-	-	-	-	-	-	\$285	17
Cedar,	-	-	-	-	-	-	-	-	-	105	84
Van Buren,	-	-	-	-	-	-	-	-	-	1384	60 <sup>a</sup>
Clayton,	-	-	-	-	-	-	-	-	-	204	13 <sup>b</sup>
Johnson,	-	-	-	-	-	-	-	-	-	183	50
Mahaska,	-	-	-	-	-	-	-	-	-	160	00 <sup>c</sup>
Lee,	-	-	-	-	-	-	-	-	-		
Muscatine,	-	-	-	-	-	-	-	-	-	93	34 <sup>d</sup>
Louisa,	-	-	-	-	-	-	-	-	-	79	62
Jefferson,	-	-	-	-	-	-	-	-	-	584	40 <sup>e</sup>
Des Moines,	-	-	-	-	-	-	-	-	-	120	15
Linn,	-	-	-	-	-	-	-	-	-		<sup>f</sup>
Scott,	-	-	-	-	-	-	-	-	-	238	54 <sup>g</sup>
Henry,	-	-	-	-	-	-	-	-	-	950	00 <sup>h</sup>
Clinton,	-	-	-	-	-	-	-	-	-	235	30
Iowa,	-	-	-	-	-	-	-	-	-		
Delaware,	-	-	-	-	-	-	-	-	-		
Davis,	-	-	-	-	-	-	-	-	-	294	62
Polk,	-	-	-	-	-	-	-	-	-	No Expenses.	
Keokuk,	-	-	-	-	-	-	-	-	-	72	92
Appanoose,	-	-	-	-	-	-	-	-	-		
Monroe,	-	-	-	-	-	-	-	-	-	29	88
Marion,	-	-	-	-	-	-	-	-	-	42	08 <sup>i</sup>
Wapello,	-	-	-	-	-	-	-	-	-	76	00 <sup>j</sup>
Jones,	-	-	-	-	-	-	-	-	-	58	00

NOTE.—<sup>a</sup> Van Buren, \$248 59 Grand Jury Fees. <sup>b</sup> Clayton county; these expenses seem to include only the costs of suit.—<sup>c</sup> Mahaska county, \$129 33 Prosecuting Attorney's fees. <sup>d</sup> This appears to be the costs in this suit only. <sup>e</sup> Jefferson county only returns the expenses. <sup>f</sup> Linn county; the expenses from this county are stated as Grand Juror Fees, &c., but no amount returned.—<sup>g</sup> Scott county, including Grand Jurors and witnesses before them. <sup>h</sup> Henry county, twenty-four cases determined, only two convictions. <sup>i</sup> Marion county; this is the costs of a single suit. <sup>j</sup> Wapello county—expenses estimated.

N. B.—The spaces left indicate that the items under that head were not reported.

## RECAPITULATION.

Number of Counties reported, - - - - -	25
“ Convictions, - - - - -	28

## CRIMES.

Murder, - - - - -	1
Assault with deadly weapon, - - - - -	1
Larceny, - - - - -	5
Gambling, - - - - -	10
Suffering Gaming, - - - - -	1
Selling Liquor to Indians, - - - - -	2
Obstructing Legal Process, - - - - -	1
Obstructing Roads, - - - - -	2
Attempting to pass counterfeit money, - - - - -	1
Shooting Domestic Animals, - - - - -	2
Assault and Battery, - - - - -	2

## OCCUPATION OF CONVICTED PERSONS.

Farmers, - - - - -	17
Laborers, - - - - -	3
Grocery Keepers, - - - - -	2
Merchants, - - - - -	1
Mechanics, - - - - -	1
Judge of Probate, - - - - -	1
Mail Carrier, - - - - -	1
Indian, - - - - -	1
Girl, - - - - -	1

## CHARACTER, HABITS, &amp;c.

Good and Moral, - - - - -	11
Bad and Dishonest, - - - - -	7
Can Read and Write, - - - - -	18
Cannot, - - - - -	4
Amount of Fines imposed, - - - - -	\$1150 00.
Expenses, - - - - -	1500 00

SECRETARY'S OFFICE, IOWA, }  
IOWA CITY, January 17th, 1848. }

I hereby certify that the foregoing Abstract and Recapitulation contain all the facts set forth in the Criminal Returns of the State of Iowa, for the year ending November, 1847.

ELISHA CUTLER, Jr.,  
Secretary of State.

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The Speaker laid before the House a communication from the Treasurer of State, relative to the Reports of the Supreme Court, which was read, and,

On motion of Mr. Leffingwell,

Referred to the Committee on Expenditures.

Mr. Morton, from the Committee on the Judiciary, reported back without amendment, H. R. File No. 39, A Bill relative to Prosecuting Attorneys, and,

On his motion,

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

On motion of Mr. Bailey,

The House adjourned until to-morrow morning, at ten o'clock.

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### Wednesday Morning, January 19, 1848.

Mr. Leffingwell presented a petition from 220 citizens of Clinton county, praying for a removal of the county seat.

And on his motion,

The reading was dispensed with; and the petition referred to a Select Committee. And

Messrs. Leffingwell, Day and Smyth were appointed said Committee.

Mr. Williams presented a petition from sundry citizens of Louisa county, asking the General Assembly to grant a charter to David Sterrit of said county, to construct a canal or mill race, and,

On his motion,

The petition was referred to a Select Committee.

Messrs. Williams, Hebard and Sergeant were appointed said Committee.

Mr. Bonham presented a petition signed by Robert Lucas and others, citizens of Johnson county, praying the General Assembly to enact a law taxing the legal and medical professions, which,

On motion of Mr. Morton,

Was referred to the Committee on Agriculture, with instructions to report by bill.

Mr. McManus gave notice that he would on to-morrow introduce a bill to allow George L. Davenport and others, to construct a bridge across the Wabisapinacon River.

Mr. Bonham gave notice that he would on to-morrow, or some future day, ask leave to introduce a bill fixing the time of holding the District Courts in the Fourth Judicial District.

Mr. Morton, from the Select Committee to whom was referred Senate File No. 21, reported the same back to the House with sundry amendments, in which the concurrence of the House was requested.

And the question being stated and put, the House did so concur ; and,

On motion of Mr. Morton,

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

Mr. Hebard, from the Committee on Ways and Means, reported H. R. File No. 41, A Bill to amend Revenue Laws, which was read a first time, and,

On motion of Mr. Comstock,

The usual number of copies were ordered to be printed.

Mr. Sells, from the Select Committee to whom had been referred Senate File No. 16, An Act providing for the election of Representatives to Congress, reported the same back to the House without amendment, and recommended its passage.

And the bill having been read a second time,

On his motion,

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

Mr. Sells, from the Select Committee to whom had been referred the case of Mr. Kinsman, in accordance with the resolution of yesterday, adopted by the House, made the following

## REPORT.

The Select Committee who were appointed in pursuance of a Preamble and Resolution, adopted January 4th, to investigate and report the facts in relation to John N. Kinsman's right to a seat as a member of this House, beg leave to report that they have had before them as witnesses Dr. Enos Lowe, F. C. Porter, Col. Fitz Henry Warren, Elisha Cutler, Jr., Secretary of State, George S. Hampton, and ——— Sawyer.

The following is the evidence which was had and received before the Committee.

Dr. Enos Lowe, after having been sworn, stated—That he was at John N. Kinsman's last fall, (perhaps in September;) had some conversation with him in relation to his right to a seat in the House of Representatives, and his conclusion was, from what Mr. Kinsman told him, that Mr. Kinsman thought his seat was vacated by his removal from the District in which he was elected; he was of the impression that Kinsman told him that he had written, or intended to write to the Governor, that he (Kinsman) had removed from the District. He thought, that from what Kinsman told him, that Kinsman believed that a new election would be ordered, in consequence of what he had done, or was about to do.

Mr. F. C. Porter, after having been sworn, stated that he had a conversation with Mr. Kinsman about the probability of a called session of the Legislature, some time before the Governor's proclamation issued convening the Legislature, at which time Kinsman told him that he had no business there—meaning at the Legislature.

Col. Fitz Henry Warren, after having been sworn, stated that he was at Mr. Kinsman's about the 20th July last, on his way home from Kinsman's District. He went to said District to ascertain whether Kinsman had resigned his seat in the Legislature, or whether any formal notice had been given for a new election. The impression was, as far as he could learn, that Kinsman's seat was vacated.

He made arrangements, while in Jasper county, to have the Secretary of State officially notified of said vacancy. Kinsman told him

that he had written to the Governor before he left Jasper county, notifying him of his intention to move from the District, and that after he had moved to Oscaloosa, in Mahaska county, he had written to the Governor resigning his seat.

Elisha Cutler, Jr., (Secretary of State,) after having been sworn, stated that he had not received any official notice of the resignation of Mr. Kinsman, nor of his removal from his District. He said he had received no communication from Mr. Kinsman, nor any other person, in relation to the matter. He stated that Mr. Hampton (who was his Deputy,) might have received some notice of it, during his absence; but if he did, he had not notified him of the fact. He had no knowledge of any resignation officially. He did receive a letter, which was directed to this office, to the address of the Governor, which he opened, and found that it was the resignation of Mr. Brown of Jefferson county. He endorsed said letter, and forwarded it to the Governor, and had not heard of it since.

George S. Hampton, Esq., after having been sworn, stated, that on or about the 15th of July last, while acting as Deputy Secretary of State, he received two letters; the endorsement on the backs of both were in the same hand-writing. One was addressed to the Secretary of State, which he opened, and found it contained the census of Jasper county, made out by the Clerk of the Board of County Commissioners of said county. The other was directed to the address of the Governor, Iowa City; he erased Iowa City, and wrote in lieu thereof Andrew, and put it in the office without opening it. Mr. Fales told him that the letter to the Governor was in relation to Mr. Kinsman's removal from his District. He had not heard any thing of the letter since that time.

Mr. Sawyer, after having been sworn, stated, that Mr. Kinsman had said, at different times in his presence, that he had written to the Governor in relation to his removal from his District, so that the Governor might order an election if he saw fit; and it was his impression that Mr. Kinsman had told him that he had received no answer from the Governor.

In addition to the foregoing, the Committee present the letter of the Clerk pro tem of the Board of County Commissioners of Jasper

county, notifying the Governor of Mr. Kinsman's removal from his District, under the seal of said Court.

STATE OF IOWA, }  
 JASPER COUNTY. }

CLERK'S OFFICE.

July 24th, A. D. 1847.

To the Governor of the State aforesaid :

SIR—I do hereby declare and make known to you that one of the Representatives of the General Assembly, viz, John N. Kinsman, has removed out of the District which he was elected to represent.

[Seal.] In testimony whereof I have hereunto set my hand, and affixed the seal of the Board of County Commissioners.

JESSE RICKMAN,  
 Clerk *pro tem*, B. C. J. C., I.

William Smith was sworn the 17th day of January, 1848—stated, that he lived in Jasper county, in this State; said he was acquainted with John N. Kinsman; said that Kinsman moved from Jasper county some time in June last, to Oscaloosa, in Mahaska county, where he had been living ever since, as he believed; had been at his house in Oscaloosa frequently; that he kept a public house at that place.

Said he had some conversation with Mr. Kinsman in relation to his seat; Mr. Kinsman told him he had written to the Governor that his seat was vacant, and how the vacancy occurred; would not be positive that Kinsman told him he had resigned; told him that he had written so that the Governor might have the vacancy filled.

The Committee would state to the House that John N. Kinsman stated to them that he had voted in Mahaska county, at the last August election.

All of which is respectfully submitted, and the Committee ask to be discharged from the further consideration of the subject.

E. SELLS,  
 Chairman.

Mr. Cochran moved to reconsider the vote of yesterday, requesting the Committee on the case of Mr. Kinsman to report to-day.

Which was agreed to.

On motion of Mr. Hebard,

The Report was read and laid on the table, subject to the order of the House.

Mr. Leffingwell, from the Committee on County and Township Organization, reported H. R. File No. 42, A Bill for an act making County Orders bear interest, which was read a first time.

Mr. Goodrell, from the Committee on Expenditures, to whom was referred the Report of the State Treasurer, reported H. R. File No. 15, Joint Resolution, authorizing the Auditor of State to audit and allow to Eastin Morris the sum of \$750 00, being the sum subscribed by His Excellency James Clarke, Ex-Governor of the Territory of Iowa, for one hundred and fifty copies of the Reports of the Supreme Court, which was read, and,

On motion,

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

Mr. Bonham introduced H. R. File No. 43, A Bill to amend an act entitled an act for the organization of Townships.

Mr. Sells introduced H. R. File No. 44, A Bill making appropriation in part to the Superintendent of Public Instruction, and moved that the 42nd rule be suspended, that the bill might be read a second time.

Which was not agreed to..

Mr. Bonham introduced H. R. File No. 45, A Bill for an act to vacate a part of the Territorial Road from Davenport via Rochester, to Iowa City.

And on his motion,

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

Mr. Hardy introduced H. R. File No. 46, A Bill for an act to provide for the Public Printing of the State of Iowa, which was read a first time.

The Speaker laid before the House a memorial from the National Medical Society, of Philadelphia, suggesting the propriety of enacting laws providing for the registration of Births, Deaths and Marriages.

Mr. Bailey moved that the same be referred to the Committee on Ways and Means.

Mr. Smyth moved its reference to a Select Committee, to be composed of the Physicians of this House.

Which was agreed to.

Mr. Morton introduced H. R. File No. 47, A Bill for an act fixing the compensation per diem of the Members of the General Assembly.

Read a first time.

H. R. File No. 32, A Bill amendatory to the School Law, was read a second time, and,

On motion of Mr. McManus,

The House resolved itself into a Committee of the Whole, for the consideration of said bill.

Mr. Day in the Chair.

And after some time spent therein, the Committee rose and reported the same back to the House with sundry amendments thereto, and asked leave to sit again.

On motion of Mr. Montague,

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

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### 2 O'Clock, P. M.

The House resolved itself into a Committee of the Whole, for the further consideration of H. R. File No. 32, A Bill for an act amendatory of the School Law.

After sitting some time the Committee rose and reported the same back to the House with several amendments, and recommended its passage.

Mr. Sells moved to amend by filling the blank in the third section with ten days.

Which was agreed to.

The question then being on concurring in the amendments made by the Committee of the Whole, the same were concurred in.

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

Mr. Sells moved a call of the House.

Messrs. Leffingwell, Morton and Montague were reported absent.

Mr. Comstock moved that a further call of the House be dispensed with.

Which was agreed to.

Mr. Hardy moved a call of the House.

Messrs. Leffingwell and Montague were reported absent.

The absentees appearing in their seats, a further call was dispensed with.

The question then recurring on the motion to lay the bill on the table, and the ayes and nays being demanded,

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McPherrin, McManus, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

So the bill was not laid on the table.

Mr. Smyth moved to amend by striking out the Seventh Section and insert the following—

“That all acts of persons who were elected as School Officers at the last April election, so far as they are in accordance with the spirit and object of the law to which this is amendatory, are hereby ratified and made valid.”

Which amendment was not agreed to.

Mr. Hardy moved to strike out the seventh section.

Which was not agreed to.

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

Mr. Lyons moved that the bill be indefinitely postponed.

Mr. McManus called for the previous question.

And on this the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—19.

So the previous question was put and agreed to.

Mr. Morton moved to take from the table the Report of the Investigating Committee in the case of Mr. Kinsman.

Which was agreed to.

Mr. McManus offered the following Preamble and Resolution :

Whereas, J. N. Kinsman, former member of this House from the District composed of the counties of Marion, Polk, Dallas and Jasper, did in, or before the month of July last, remove from his District to the county of Mahaska, take up his residence in said county, and vote in said county at the last election: And whereas, the Constitution makes residence in any District an essential requisite to become a member of this House as a Representative of said District: And whereas, there is evidence before this House that the said J. N. Kinsman did, on leaving his District, notify the Governor of the same, that he might order a new election, and stated to others that he had resigned his seat in this body: And whereas, no member has a right, once having resigned, to re-elect himself, by recalling or reconsidering his resignation. Therefore,

Resolved—That J. N. Kinsman has no right to fill the seat in this House belonging to the District composed of the counties of Marion, Polk, Dallas and Jasper, and said seat is hereby declared vacant.

Mr. Bonham moved to lay the same on the table.

And on this question the ayes and nays were called.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Lef-fingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmund-son, Goodrell, Hebard, Holland, King, McManus, McPherrin, Mor-ton, Rathbnn, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

So the question was decided in the negative.

On motion of Mr. Clifton,

The Preamble and Resolution were laid on the table, and made the order of the day for to-morrow afternoon.

Mr. Day moved that Mr. Kinsman be allowed counsel within the bar of this House.

Which was agreed to.

A message from the Senate, by Mr. Russell, their Secretary :

MR. SPEAKER—

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

Senate File No. 30, An Act to amend an act entitled an act to divide the State into two Congressional Districts, approved February 22, 1847.

And with amendments, H. R. File No. 23, A Bill for an act to license and tax Pedlars.

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

Also that the Senate have concurred in the amendment made by the House to Senate amendment to H. R. File No. 5, Joint Resolution authorizing the Auditor to audit and allow certain certificates therein named.

I herewith return,

H. R. File No. 36, A Bill for an act to establish a State Road from Elkrador, in Clayton county, to Quasquaton, in Buchanan county.

The same having passed the Senate without amendment.

Senate File No. 26 being on its second reading,

On motion of Mr. Morton,

The reading was dispensed with, and the same was referred to the Committee on Elections.

Senate File No. 9, A Bill relative to Books in the Library, was read a second time, when,

On motion of Mr. Olmstead,

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

Senate File No. 4, A Bill for an act for the confinement of prisoners under the authority of the United States, in the Jails of this State, was read a third time, passed, and title agreed to.

Senate File No. 7, Joint Resolution relative to the seat of Government, was read a third time, when,

On motion of Mr. Bailey,

The same was referred to the Committee on County and Township Organization.

On motion of Mr. Morton,

H. R. File No. — was taken up, read a third time, passed, and title agreed to.

Mr. Leffingwell, from the Committee to whom was referred the

petition from sundry citizens of Clinton county, praying for the re-location of the County Seat, reported,

H. R. File No. 48, A Bill for an act to locate the County Seat of Clinton, and,

On motion of Mr. McManus,

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

Mr. Olmstead introduced H. R. File No. 49, A Bill relative to the School Fund of Clayton county.

And on his motion,

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

A message from the Senate by Mr. Russell, their Secretary :

MR. SPEAKER—

I am directed to inform the House of Representatives that the Senate have passed a bill entitled

A Bill for an act to provide for the re-location of the Seat of Justice of Davis County, being a substitute for H. R. File No. 18, A Bill for an act to locate the Seat of Justice of Davis County.

In which the concurrence of the House is requested.

Mr. Goodrell offered H. R. File No. 16, Joint Resolution relative to the distribution of the Reports of the Supreme Court, which was read a first and second time, when

Mr. Leffingwell moved to amend the same so as to require the Secretary of State to furnish one copy of the same to each member of the General Assembly, instead of the Clerks of the different Counties.

Which was agreed to.

And the resolution as amended read a third time and passed.

On motion of Mr. Blair,

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

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**Thursday Morning, January 20, 1848.**

Mr. McPherrin presented the account of Howell & Cowles, publishers of the Valley Whig, for certain services, which was referred to the Committee on Claims.

Mr. Sells presented a petition from eighty-two citizens of Muscatine and Louisa counties, praying for amendments to the School Law.

And on his motion,

The petition was laid on the table.

Mr. Cochran presented the bill of J. U. & R. B. Ogden, for advertising sale of Lots at Monroe City.

And the same was referred to the Committee on Claims.

Mr. Morton offered the following resolution:

Resolved—That the resolution adopted by this House, on Tuesday, the 11th inst., in the following words, to wit:

Resolved—That this House will meet the Senate in Joint Convention, for the purpose of electing Senators and Judges, as soon as the questions, now pending, are settled relating to persons holding their seats as Members of the General Assembly.

Be, and the same is hereby rescinded.

Mr. Morton moved a call of the House.

Messrs. Clifton, Leffingwell and Olmstead were reported absent.

The absentees appearing, a further call of the House was dispensed with.

Mr. Day offered the following, as a substitute for the Resolution.

Resolved—That the Chief Clerk of the House be directed to request the Senate to meet the House in Joint Convention, in the Hall of the House of Representatives, on the 21st inst., at 10 o'clock, A. M., for the purpose of electing two Senators to represent this State in the Congress of the United States, and one Chief Justice, and two Associate Justices, as Judges of the Supreme Court of Iowa.

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

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmondson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—19.

So the substitute was laid on the table.

The main question was then called for.

And on its being put, the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby.—19.

So the question was decided in the affirmative.

The question then recurring on the resolution to rescind, and the ayes and nays being demanded,

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby.—19.

So the resolution was rescinded.

Mr. Morton, from the Select Committee to whom was referred H. R. File No. 34, A Bill for the establishment of Branches of the State University, reported the same back to the House with several amendments.

In all of which the House concurred.

Mr. Morton moved to further amend by striking out ten in the — Section, and inserting twenty.

Which was agreed to.

Mr. Olmstead moved to fill the blank in the Fourth Section with the following names—

Sidney Wood, Samuel Murdoch, Frederick Andross, James Watson and Thomas Sinton.

Which was agreed to.

And on motion of Mr. Morton,

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

Mr. Williams, from the Select Committee to whom had been referred the petition of sundry citizens of Louisa county, praying that David Sterritt be granted certain mill privileges, reported H. R. File No. 50, A Bill relative to that purpose, which was read, and

On motion of Mr. Williams,

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

Mr. Edmundson, from the Select Committee to whom had been referred H. R. File No. 14, Joint Resolution relative to the improvement of the Des Moines River, reported the same back without amendment.

Messrs. Hardy and Leech, from the same Committee, dissented from the views and opinions of the majority of the Committee, and presented a minority report.

Also H. R. File No. 51, A Bill for an act to divorce the Des Moines River from the Possum Fork thereof, as a substitute therefor.

On motion of Mr. Montague,

The Joint Resolution and substitute were laid on the table.

Mr. Bonham introduced H. R. File No. 52, A Bill for an act amendatory of an act fixing the times of holding Court in the several Judicial Districts of this State, which was read a first and second time, when,

Mr. Cochran moved that the same be referred to the Committee on the Judiciary.

Which was not agreed to.

Mr. Cochran moved to lay the same on the table, subject to the order of the House.

Not agreed to.

On motion of Mr. Bonham,

The 42nd rule was suspended, the bill read a third time, when,

On motion of Mr. Morton,

The bill was referred to a Select Committee, to be composed of the members of this House from the Fourth Judicial District.

Mr. Clifton introduced H. R. File No. 53, A Bill in relation to the Settlers on the Half Breed Tract, which was read a first and second time, and referred to the Committee on the Judiciary.

Mr. Smyth introduced H. R. No. 54, A Bill amendatory of an

act relative to the management and distribution of the School Fund, which was read a first and second time.

When Mr. Cochran moved to refer the same to the Committee on Schools.

Mr. Sells moved to refer the same to the Chairman of the Committee on Schools.

Which was agreed to.

Mr. Cochran introduced H. R. File No. 55, A Bill relative to the same subject.

Which was also referred to the Chairman of the Committee on Schools.

Mr. Bonham introduced H. R. File No. 56, A Bill for an act making appropriations for the Public Buildings at Iowa City, which was read a first and second time, when

Mr. Leffingwell moved to suspend the 42nd rule, and that the bill be read a third time.

Which was not agreed to.

A message from the Senate by Mr. Russell, their Secretary :

MR. SPEAKER—

I am directed to inform the House of Representatives that the Senate have appointed Messrs. Baker, Benton and Bissell a Committee of Conference on the part of the Senate, on the disagreeing vote of the two Houses, on H. R. File No. 17.

Mr. McManus introduced H. R. File No. 57, A Bill for an act to authorize George L. Davenport and others to erect a Toll Bridge across the Wapsipinicon river, which was read a first and second time, and referred to the Committee on Incorporations.

Mr. Smith, Chairman of the Committee on Schools, to whom had been referred H. R. File No. 54, A Bill relative to the management and distribution of the School Fund, reported the same back without amendment, and moved that the 42nd rule be suspended, and the bill read a third time.

Which was agreed to.

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

H. R. File No. 41, A Bill for an act to amend an act providing for levying and collecting Revenue for State and County purposes, was read a second time, when,

On motion of Mr. Leffingwell,

The House resolved itself into a Committee of the Whole for the consideration of said bill.

Mr. Comstock in the Chair.

And after some time spent therein, the Committee rose and reported the same back to the House with amendments, and asked leave to sit again.

Mr. Sells moved to amend the report of the Committee by recommending the passage of the bill.

Mr. Day moved that the Bill be re-committed to the Committee of the Whole, and made the order of the day for to-morrow afternoon.

Which was agreed to.

A message from the Senate, by Mr. Russell, their Secretary:

MR. SPEAKER—

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

Senate File No. 28, A Bill for an act to establish a system of Common Schools.

An with amendments, H. R. File No. 20, An Act to authorize Adam Hine, his heirs and assigns to establish and keep a Ferry across the Mississippi River, at the city of Keokuk; and,

Senate File No. 31, A Bill requiring the Assessors to take lists of persons subject to military duty.

Senate File No. 32, A Bill for an act to amend an act entitled an act for laying out and establishing certain roads therein named.

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

On motion,

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

## 2 O'Clock, P. M.

On motion of Mr. Leech,

Senate File No. 18, A Bill relative to the County Seat of Davis county, being a substitute for H. R. File No. 18, was taken up, and read a first time.

And on his motion,

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

Mr. Bonham, from the Select Committee, to whom had been referred H. R. File No. 52, A Bill fixing the times of holding Courts, &c., reported the same back to the House with one amendment.

And on his motion,

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

A message from the Senate, by Mr. Russell, their Secretary :

MR. SPEAKER—

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

Senate File No. 33, An Act allowing certain Road Commissioners further time to complete the survey of a road.

Senate File No. 34, An Act to lay out and establish a certain road therein named.

Senate File No. 35, An act concerning the limitation of suits.

Senate File No. 13, Joint Resolution for furnishing new counties with ten copies of the Statute Laws of this State.

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

Also that the Senate have concurred in the amendments made by the House to—

Senate File No. 16, An act to provide for the election of Representatives in Congress.

And Senate File No 21, An Act to re-locate a State Road therein named.

I herewith return—

H. R. File No. 33, An Act to authorize Josephus Beall and James Brierly, their heirs and assigns, to establish and keep a Ferry at Nashville, in Lee County.

H. R. File No. 38, An Act regulating the mode of selecting Grand and Petit Jurors for the several District Courts in Lee county.

H. R. File No. 39, An act to amend an act to define the duties of Prosecuting Attornies, and provide compensation for their services.

H. R. File No. 40, An Act to legalize the election of Samuel A. Evans, a Justice of the Peace in Keokuk county.

H. R. File No. 45, An Act to vacate a part of the Territorial Road from Davenport via Rochester, to Iowa City.

H. R. File No. 47, An Act fixing the compensation per diem of the Members of the General Assembly.

H. R. File No. No. 48, An Act to locate the County seat of Clinton county.

And H. R. File No. 49, An Act relating to the School Fund of Clayton county.

The same having passed the Senate without amendment.

MR. SPEAKER—

I herewith present for your signature An Act in relation to evidence.

An Act organizing the Supreme Court.

An Act to repeal the act allowing the County Commissioners Clerk pay for filing papers.

An Act in relation to Deeds.

An Act to organize the township of Lake Prairie, in Marion county.

An Act to amend the Charter of Burlington City.

An Act to authorize and empower the Board of Commissioners of the county of Van Buren to sell and convey Lots in the Town of Portland, in said county.

An Act to authorize A. W. Thompson to keep a Ferry across the Mississippi at a point opposite Kuthsburg.

An Act to change the time of holding Courts in the Second Judicial District of this State.

An Act to lay out and establish a State Road from Eddyville, in Wapello county, to Charitan Point, in Lucas county.

An Act to amend an act regulating Mills and Millers, and for other purposes, approved February 3, 1843.

An Act to review a part of the State Road from Walling's Landing to Columbus City.

An Act supplemental and amendatory to an act entitled an act for the organization of Townships.

An Act in relation to the Printing and Distribution of the Laws of this State.

An Act to authorize Nicholas B. Brown and others to re-survey a portion of the town of Cedar Rapids, in Linn County.

An Act supplemental and amendatory to an act entitled an act to incorporate the city of Farmington, in Van Buren county, Iowa.

An Act to amend the several acts for the incorporation of the city of Keosauqua.

And Joint Resolution for a Mail Route from Mt. Pleasant to Os-kaloosa.

Joint Resolution relative to Postage.

Joint Resolution relative to United States District Court Room.

Memorial to Congress for a donation of land to aid in the construction of a Rail Road from Dubuque to Keokuk, in the State of Iowa.

And Joint Resolution for a donation of land for the improvement of Muscatine Island.

The same having passed both Houses, and been reported as correctly enrolled.

Mr. Cochran, from the Committee on Incorporations, to whom had been referred H. R. File No. 57, A Bill authorizing George L. Davenport and others to erect a Toll Bridge across the Wapsipinicon river, reported the same back to the House with amendments.

Which were agreed to by the House.

Mr. McManus moved that the 42nd rule be suspended, and the bill read a third time by its title.

Which was agreed to.

And on the passage of the bill the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, Leffingwell, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Sergeant, Updegraff, Wright, Williams and Mr. Speaker.—21.

In the negative—

Messrs. Anderson, Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Weyand and Willoughby.—18.

So the bill was passed and the title agreed to.

Mr. Sells, from the Select Committee in the case of Mr. Kinsman, reported the following additional evidence, which was made a part of the Report:

The Select Committee, to whom was referred the case of John N. Kinsman, have instructed me to Report that, on this, the 20th day of January, 1848, they called upon His Excellency Governor Briggs.

And after the Governor was sworn, the following interrogatory was proposed to him by the Committee:

*Question*—Did John N. Kinsman, late Member of the House of Representatives, from the District composed of the counties of Marion, Polk, Dallas and Jasper, give you notice of his removal from

his District, since the adjournment of the last General Assembly? If so, please state what the nature of that notice was.

*Answer*—He never did. I never received a line from him on any subject.

Your Committee ask that this may be made a part of their Report, and ask leave to be discharged from the further consideration of the subject.

E. SELLS,

January 20, 1848.

Chairman.

The Preamble and Resolution relative to the right of Mr. Kinsman to hold a seat as a Member of this House, being the order of the day for this afternoon, the House proceeded to the consideration of the same.

Mr. Kinsman named Mr. Hall as his Counsel.

On motion of Mr. Goodrell,

Mr. Hall was invited to take a seat within the bar of the House.

After remarks by Messrs. Matson, Hall, the counsel for Mr. Kinsman, Sells and Leffingwell,

On motion of Mr. Clifton,

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

### Friday Morning, January 21, 1848.

House met pursuant to adjournment.

Mr. Sells moved that the usual business of the morning be dispensed with, and that the case of Mr. Kinsman be taken up, which was agreed to.

Mr. Cochran presented a petition for a road from Keokuk to Monroe City, and on his motion the same was referred to a select committee.

Messrs. Cochran and Edmundson were appointed said committee.

Mr. Smyth presented a petition from sundry citizens of Linn County, praying for an alteration of a certain part of the Territorial road, from Iowa City to Prairie du Chien, which was referred to the committee on roads and highways.

Mr. Smyth, chairman of the committee on Schools, to whom had

been referred H. R. File No. 55, reported the same back to the House without amendment.

Mr. Day, from the committee on enrollments reported the following Acts and Joint resolutions as correctly enrolled:

Joint Resolution to furnish Poweshiek Co. 15 copies of revised Statutes.

An Act to authorize John Brophy to keep a Ferry across the Missouri River.

Joint Resolution for a grant of land from Congress.

An act to repeal an act therein named.

Memorial to Congress for a donation of the site of Fort Atkinson.

An act to organize the county of Poweshiek and to provide for the location of the seat of justice thereof.

Joint resolution to furnish Appanoose county with 10 copies of revised Statutes.

Joint resolution for a mail rout.

A bill for an act to amend an act regulating Practice in the District Courts of the Territory of Iowa.

An act to vacate portions of certain roads therein named.

An act to provide for the descending navigation of Skunk River.

A bill for an act to vacate a road therein named.

An act for the relief of H. H. Hendrix and Edward Pedigo.

An act to amend an act entitled an act to lay out and establish a State Road from Iowaville in Van Buren county to Lancaster, in Keokuk county, by the way of Creaseville in Jefferson county, approved February 20, 1847.

An act to provide for the relocation of the County Seat of Jackson county.

An act to authorize the Mississippi Rapids Rail Road Company to acquire a right of way.

An act to amend an act to divide the State into Two Congressional Districts.

An act for the relief of Harriet O'Reilly.

An act to amend an act entitled an act to amend an act entitled an act to incorporate the town of Bloomington, approved December 29th, 1840.

Joint resolution relative to Common Schools.—And

An act to amend an act establishing the prices of Public Printing, approved February 2nd, 1843.

Mr. Morton from committee on the Judiciary to whom had been referred H. R. File, No. 53, reported the same back to the House without amendment, and on his motion the 42nd rule was suspended the Bill read a 2nd and third time, passed and title agreed to.

Mr. Lyons from the Select Committee to whom had been referred the petition and remonstrance of the citizens of Fairfield relative to the Incorporation of said town, reported H. R. File. No. 58.

A Bill permitting the citizens of the Town of Fairfield to repeal their Charter, which was read a first time, and on his motion the 42nd rule was suspended, the Bill read a second and third time, passed and title agreed to.

Mr. Bonham, from the committee of conference, reported the following:

The committee of conference on the part of the House relative to the disagreeing vote of the two Houses, upon H. R. File, No. 17, have instructed me to report, That they have met the conferees on the part of the Senate, and after free and full conference on the subject of the said disagreeing vote, the joint conferees have agreed to recommend, and do recommend as follows:

1st. That the Senate adhere to its said amendment.

2nd. That the House adhere to its disagreement.

The House concurred in the report of the committee.

The Speaker announced Mr. Leffingwell to be in possession of the floor for the consideration of the case of Mr. Kinsman.

Mr. Day moved a call of the House.

Messrs. Edmundson and King were reported absent.

Mr. Goodrell moved a further call be dispensed with, which was agreed to.

Mr. Clifton introduced H. R. File, No. 59;

A Bill amendatory of an act entitled an act for the limitation of suits and avoiding vexatious law suits, which was read a 1st and 2d time and referred to the committee on the Judiciary.

A message from the Senate by Mr. Russell, their Secretary.

MR. SPEAKER.

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

Senate File No. 36, An act amendatory to an act entitled an act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes, approved Feb. 17, 1843.

Senate File No, 37, An act to authorize arrests in any part of the state.

Senate File No. 38, An act to attach the county of Black Hawk to the county of Benton—and

Senate File No. 15, Joint Resolution for adjournment.

In which the concurrence of the House is requested.—Also

That the Senate have indefinitely postponed.

H. R. File, No. 28, A bill for an act to amend an act entitled an act to incorporate the Dubuque Mining Company, approved February, 13, 1844,—and

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

Mr. Goodrell introduced

H. R. File, No. 60, A Bill to authorize the School Directors of Brighton Township, Washington county, to levy a tax for School purposes, which was read a first and second time, when

Mr. Hardy moved to refer the same to the committee on Schools, and on this question the ayes and nays were demanded.

Those who voted in the affirmative were:

Messrs. Green, Hardy, Kent, Leffingwell and Matson,—5.

In the negative.

Messrs. Anderson, Blair, Bonham, Bailey, Cochran, Clifton, Comstock, Day, Edmundson, Goodrell, Hebard, Holland, King, Kinsman, Leech, Lyons, McManus, McPherin, Morton, Montague, O'Brien, Olmstead, Rathburn, Reynolds, Smyth, Steele, Sergeant, Updegraff, Wright, Weyand, Williams, Willoughby,—33.

The question was decided in the negative.

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

Mr. Leffingwell resumed the floor, and continued his remarks to some length, when he was followed by Messrs. Morton and Sells, on the same subject.

A message from the Senate by Mr. Russell their Secretary:

MR. SPEAKER:

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

Senate File, No. 12, An act to legalize the sales of School Lands, and

Senate File, No. 14, Joint Resolution relating to a grant of land to improve the navigation of the Mississippi river.

And with amendments.

H. R. File, No. 14, A bill fixing the times and places of holding the District Courts in the First Judicial District.

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

I herewith return,

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

H. R. File, No. 50, A bill to authorize David Sterrett, his heirs and assigns to build a dam across the Pittsburgh chute of the Iowa river, and a mill race thence to Wapello.

H. R. File, No. 52, An act to amend an act entitled an act fixing the time of holding the District Courts in this State, approved Feb. 17, 1847,—and

H. R. File, No. 54, A bill for an act to amend an act entitled an act to provide for the management and distribution of the School fund, approved 25th February, 1847.

The same having passed the Senate without amendment.

I also return substitute to

H. R. File, No. 18, A bill for an act to provide for the re-location of the seat of Justice of Davis County, it being, in its present shape, the property of the House of Representatives.

On motion of Mr. Clifton,

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

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## 2 O'Clock, P. M.

House met pursuant to adjournment.

Mr. Olmstead offered the following resolution :

Resolved—That the Senate be requested to meet this House in the Hall of the House of Representatives, on Monday, the 24th day of January, 1848, at two o'clock, P. M., for the purpose of electing two Senators to the Congress of the United States, one Chief Justice, and two Associate Justices of the Supreme Court of the State of Iowa.

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

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmondson, Goodrell, Hebard, Holland, King, McPherrin, McManus, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kinsman, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby.—19.

And the resolution was laid on the table.

The House proceeded to the further consideration of the case of Mr. Kinsman.

Mr. Hall, the counsel for Mr. Kinsman, appeared within the bar, and made some further remarks in defence of the right of Mr. Kinsman to his seat.

Mr. Hebard followed Mr. Hall in a few remarks.

A message from the Senate by Mr. Russell, their Secretary :

MR. SPEAKER—

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

Senate File No. 40, An Act to amend an act for the organization of Townships, approved February 17th, 1842.

Senate File No. 41, An Act to amend an act entitled an act to incorporate the city of Dubuque, approved February 24th, 1847.

And Senate File No. 16, Joint Resolution relative to the Printing and Distribution of the Laws.

And with an amendment, H. R. File No. 57, An Act to authorize George L. Davenport and others to erect a toll bridge.

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

I herewith return—

H. R. File No. 58, An Act to permit the people of the town of Fairfield to repeal their charter.

H. R. File No. 60, An Act to authorize the Directors of School District No. 3, in the Township of Brighton in Washington county, to levy a tax for school purposes.

H. R. File No. 16, Joint Resolution authorizing the Secretary of State to distribute the decisions of the Supreme Court of Iowa.

The same having passed the Senate without amendment.

I herewith return to the House, in which they originated—

An Act for the relief of H. H. Hendrix.

An Act to provide for the descending navigation of Skunk River.

An Act to authorize John Brophy to keep a Ferry across the Mississippi River.

An Act to amend an act entitled an act to amend an act entitled an act to incorporate the town of Bloomington, approved December 9, 1840:

An Act to amend an act entitled an act to Divide the State into two Congressional Districts.

An Act to provide for the re-location of the county seat of Jackson county.

An Act to vacate portions of certain roads therein named.

An Act for the relief of Harriet O'Reilly.

An Act to amend an act entitled an act to lay out and establish a State Road from Iowaville, in Van Buren county, to Lancaster, in Keokuk county, by the way of Creaseville, in Jefferson county, approved February 20, 1847.

An Act to amend an act establishing the prices of Public Printing, approved February 2, 1843.

An Act to amend an act entitled an act regulating practice in the District Courts in the Territory of Iowa, approved January 10, 1843.

An Act to repeal an act therein named.

An Act to organize the county of Poweshiek, and to provide for the location of the seat of justice thereof.

An Act to authorize the Mississippi Rapids Rail Road Company to acquire a right of way.

Joint Resolution to furnish Appanoose county with ten copies of the Revised Statutes.

Joint Resolution relative to a Mail Route.

Joint Resolution for a grant of land from Congress.

Joint Resolution relative to Common Schools.

Joint Resolution to furnish Poweshiek county with the Statutes of Iowa.

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

The same having been signed by the President of the Senate.

After some further remarks by Messrs. Leffingwell, Cochran, Clifton, Bonham and Smyth, the question was called for.

And on the adoption of the Preamble and Resolution the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—18.

So the Preamble and Resolution was adopted, and the seat of Mr. Kinsman was declared vacant.

Mr. Goodrell offered the following resolution:

Resolved—That J. N. Kinsman be, and he is hereby allowed his per diem until the close of this session, which,

On motion of Mr. O'Brien,

Was laid on the table.

Mr. Comstock moved to take from the table, Senate File No. 15, Joint Resolution for the adjournment of the General Assembly.

Mr. O'Brien moved that the House adjourn until to-morrow morning at ten o'clock.

On the motion to adjourn the ayes and nays were called.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Goodrell, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smith, Sergeant, Updegraff, Weyand and Mr. Speaker.—20.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Wright, Williams and Willoughby.—18.

So the question was decided in the affirmative.

### Saturday Morning, January 22, 1848.

House met pursuant to adjournment.

Mr. Sells moved that the reading of the Journal of Thursday be dispensed with.

Which was agreed to.

Mr. Morton presented a petition from sundry citizens of Henry county, praying for amendments to the School Law.

Which was laid on the table.

Mr. Montague offered the following resolution :

Resolved—That the question of dispute of persons holding their seats as Members of the General Assembly, being now disposed of, the Clerk of this House be, and he is hereby directed to notify the Senate that this House will meet the Senate in Joint Convention, in the Hall of the House of Representatives, on Monday, the 24th inst., at 11 o'clock, for the purpose of electing two Senators to the Congress of the United States, one Chief Justice, and two Associate Justices for the Supreme Court of Iowa.

Mr. Day moved a call of the House.

Messrs. Bailey, Leffingwell, Lyons and Sergent were reported absent.

The absent members appearing, a further call was dispensed with.

Mr. Morton moved that the Resolution lay on the table.

And on this question the ayes and nays were called.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—19.

In the negative—

Messrs. Bonham, Bailey, Clifton, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby.—19.

So the resolution was not laid on the table.

Mr. Clifton moved to amend the resolution by striking out Senators.

Which was agreed to.

The question then being on the adoption of the resolution as amended, and the ayes and nays being demanded,

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Clifton, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby.—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Good-

rell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—19.

So the resolution was not adopted.

Mr. Smyth offered the following resolution:

Resolved—That the Chief Clerk of this House immediately inform the Senate, that this House will receive the Senate in the House of Representatives on Monday, the 24th inst., at 11 o'clock, A. M., for the purpose of electing two persons to represent this State in the Senate of the United States.

On the adoption of the resolution the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Clifton, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby.—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—19.

So the resolution was not adopted.

Mr. Day offered the following resolution:

Resolved—That the Chief Clerk of this House be ordered to request the Senate to meet this House, in the Hall of the House of Representatives, on the 24th inst., at 10 o'clock, A. M., for the purpose of electing two Senators to represent this State in the Congress of the United States, one Chief Justice and two Associates, as Judges of the Supreme Court of this State.

On the adoption of the resolution the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Clifton, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby.—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—19.

The resolution was not adopted.

Mr. Olmstead offered a resolution, which the Speaker decided to be out of order.

Mr. Leffingwell offered a resolution, which the Speaker decided to be out of order and unparliamentary,

Mr. Leffingwell appealed from the decision of the Chair.

And on sustaining the Chair the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright and Williams.—19.  
—(The Speaker not voting.)

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—18.

So the decision of the Chair was sustained.

Mr. Day offered the following resolution:

Resolved—That this House will not adjourn until they have performed the important duties for which the General Assembly was convened. That among those duties, required by our oaths and the Constitution to be performed, stand pre-eminent the election of Senators to Congress, and Judges of the Supreme Court.

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

And on this motion the ayes and nays were called for.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—18.

So the resolution was laid on the table.

Mr. Lyons offered H. R. File No. 18, Joint Resolution relative to the kind of currency to be received for taxes, which was read a first and second time, and referred to the Committee on Ways and Means.

Mr. Matson offered H. R. File No. 19, Joint Resolution for a

donation of land to erect an Orphan Asylum and Manual Labor School.

And the 42nd rule was suspended, the resolution read a second and third time, and passed.

Mr. Day, from the Committee on Enrolled Bills, reported that he had examined the following, and found them correctly enrolled :

An Act to amend an act entitled an act fixing the time of holding the District Courts in this State, approved February 17, 1847.

An Act to provide for the location of the County Seat of the county of Clinton.

An Act for the relief of Edward Foster.

An Act to vacate a part of the Territorial Road from Davenport via Rochester, to Iowa City.

An Act fixing the compensation per diem of the Members of the General Assembly.

An Act to amend an act entitled an act to provide for the management and distribution of the School Fund, approved February 25, 1847.

An Act to legalize the election of Samuel A. Evans, as a Justice of the Peace of Richland township, in Keokuk county.

An Act to establish a State Road from Elkrador, in Clayton county, to Quasquaton, in Buchanan county.

An Act to authorize David Sterritt, his heirs and assigns, to build a dam across the Pittsburg Chute of the Iowa River, and a mill race from thence to Wapello.

An Act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines River, approved February 24, 1847.

An Act regulating the mode of selecting Grand and Petit Jurors for the several District Courts in Lee county.

An Act to define the duties of Prosecuting Attorneys, and provide compensation for their services.

An Act to authorize Josephus Beall and James Brierly, their heirs and assigns, to keep a ferry at Nashville, in Lee county.

An Act relating to the School Fund of Clayton county.

An Act providing for the re-location of the Seat of Justice of Davis county.

Joint Resolution authorizing the Auditor of State to audit and allow certain certificates therein named.

Joint Resolution authorizing the Secretary of State to distribute the decisions of the Supreme Court of Iowa.

An Act to authorize the Directors of School District No. 3, in the township of Brighton, in Washington county, to lay a tax for school purposes.

An Act to permit the people of the town of Fairfield to repeal their charter.

Mr. Day, from the Committee on Enrolled Bills, reported that he had presented to His Excellency Gov. Briggs, for his approval and signature, the following bills:

Joint Resolution to furnish Appanoose county with ten copies of the Revised Statutes.

Joint Resolution providing for a mail route from Tipton, Cedar county, via Pioneer Grove and Marion, to the county seat of Benton.

Joint Resolution for a grant of land from Congress.

Joint Resolution relative to Common Schools.

Joint Resolution to furnish Poweshiek county with fifteen copies of the Revised Statutes.

An Act to amend an act entitled an act to divide the State into two Congressional Districts.

An Act to provide for the descending navigation of Skunk River.

An Act for the relief of H. H. Hendrix and Edward Pedigo.

An Act to authorize John Brophy to keep a Ferry across the Missouri River.

An Act to provide for the re-location of the County seat in the county of Jackson.

An Act to vacate portions of certain roads therein named.

An Act to repeal an act herein named.

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

An Act to organize the county of Poweshiek, and to provide for the location of the Seat of Justice thereof.

An Act to amend an act establishing the price of Public Printing, approved February 2nd, 1843.

An Act for the relief of Harriet O'Reilly.

An Act to amend an act entitled an act to lay out and establish a State Road from Iowaville, in Van Buren county, to Lancaster, in Keokuk county, by the way of Creaseville, in Jefferson county, approved February 20, 1847.

An Act to amend an act entitled an act regulating practice in the District Courts in the Territory of Iowa, approved January 10th, 1843.

An Act to authorize the Mississippi Rapids Rail Road Company to acquire a right of way.

An Act to amend an act entitled an act to amend an act entitled an act to incorporate the town of Bloomington, approved December 29th, 1840.

Mr. Olmstead introduced H. R. File No. 61, A Bill to repeal an act therein named.

Which was read a first time.

Mr. Hardy introduced H. R. File No. 62, A Bill amendatory of an act relative to the printing of the Laws and Journals.

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

Which was agreed to.

And on motion of Mr. Smyth,

The bill was referred to a committee of the Whole House, and made the order of the day for this afternoon.

Senate File No. 28, A Bill to establish a system of Common Schools, was read, when,

On motion of Mr. Smyth,

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

On motion of Mr. Hebard,

Referred to a Committee of the Whole House, and made the order of the day for this afternoon.

The Speaker laid before the House a communication from the Auditor of State, relative to a claim of Murray & Sanxay.

Which was referred to the Committee on Claims.

H. R. File No. 44, A Bill making appropriation, in part, to the Superintendent of Public Instruction, was read a second time. when Mr. Sells moved that the 42nd rule be suspended, and the bill read a third time.

Which was not agreed to.

On motion of Mr. Sells,

The bill was ordered to be engrossed, and read a third time on Monday next.

H. R. File No. 43 was read a second time,

When Mr. Hardy moved to amend by striking out the second section of the bill.

Which was agreed to.

And on motion,

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

Senate File No. 41, A Bill relative to the Incorporation of the city of Dubuque, was read, and,

On motion of Mr. O'Brien,

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

H. R. File No. 14, A Bill fixing the time of holding Courts in the First Judicial District, was taken up, and,

On motion of Mr. Cochran,

The amendments of the Senate were agreed to, and the bill was read a second and third time, passed, and title agreed to.

H. R. File No. 59, A Bill to amend an act for the limitation of suits, and to avoid vexatious law suits, was read a second and third time, passed, and title agreed to.

H. R. File No. 42, A Bill making County Orders bear interest, was read a second time.

When Mr. Clifton moved to amend by striking out the second section.

Which was agreed to.

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

Which was not agreed to.

On motion,

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

And on the passage of the bill the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Bonham, Bailey, Clifton, Comstock, Day, Edmundson, Green, Hebard, Holland, King, Leffingwell, Matson, McManus, Rathbun, Reynolds, Sells, Smyth, Sergeant, Updegraff and Weyand.—22.

In the negative—

Messrs. Cochran, Goodrell, Hardy, Kent, Leech, McPherrin, Morton, Montague, O'Brien, Steele, Wright, Williams, Willoughby and Mr. Speaker.—15.

So the bill passed.

Mr. McPherrin moved to amend the title by inserting in lieu thereof, "An Act for the benefit of Speculators."

Which was not agreed to.

The original title of the bill was agreed to.

H. R. File No. 46, A Bill relative to the State Printing, was read a second time, when,

Mr. Clifton moved that the bill be indefinitely postponed.

Which was not agreed to.

Mr. Smyth moved that the bill be referred to the Committee of the Whole House, and be made the order of the day for Monday next.

Which was agreed to.

On motion of Mr. Sells,

H. R. File No. 32, A Bill amendatory of the law establishing Common Schools, was taken up, read a second and third time.

And on its passage the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergent, Weyand and Willoughby.—18.

The bill was passed and title agreed to.

On motion of Mr. McManus,

H. R. File No. 57, A Bill authorizing certain persons to erect a Toll Bridge across Wapsipinicon river, was taken up, and the amendments of the Senate agreed to.

A message from the Senate, by Mr. Russell, their Secretary :

MR. SPEAKER—

I herewith return to the House, in which they originated—

An act to amend an act entitled an act fixing the times of holding the District Courts in this State, approved February 17th, 1847.

An act to provide for the location of the County Seat of the county of Clinton.

An act for the relief of Edward Foster.

An act to locate a part of the Territorial Road from Dubuque, via Rochester, to Iowa City.

An act fixing the compensation per diem of the Members of the General Assembly.

An act to amend an act entitled an act to provide for the management and distribution of the School Fund, approved 25th February, 1847.

An act to legalize the election of Samuel A. Evans, as a Justice of the Peace of Richland Township, in Keokuk county.

An act to establish a State Road from Elkrador, in Clayton county, to Quasquaton, in Buchanan county.

An act to authorize David Sterritt, his heirs and assigns, to build a dam across the Pittsburg Chute, of the Iowa River, and a mill race thence to Wapello.

An act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines River, approved February 24th, 1847.

An act regulating the mode of selecting Grand and Petit Jurors, for the several District Courts in Lee county.

An act to define the duties of Prosecuting Attorneys, and provide compensation for their services.

An act to authorize Josephus Beall and James Brierly, their heirs and assigns, to keep a ferry at Nashville, in Lee county.

An act relating to the School Fund of Clayton county.

An act to provide for the re-location of the Seat of Justice of Davis county.

Joint Resolution authorizing the Auditor of State to audit and allow certain certificates therein named.

An act to authorize the Directors of School District No. 3, in the township of Brighton, in Washington county, to levy a tax for school purposes.

And an act to permit the people of the town of Fairfield to repeal their charter.

The same having been signed by the President of the Senate.

H. R. File No. 20, was taken up, and, on motion, the amendments of the Senate were agreed to.

H. R. File No. 41, A bill amendatory of an act providing for levying and collecting revenue for State and County purposes, was read a third time, when,

On motion of Mr. Hebard,

The House resolved itself into a Committee of the Whole for the consideration of said bill.

Mr. Smyth in the Chair.

And after some time spent therein, the Committee rose and reported the same back to the House with several amendments.

Mr. Bonham moved further to amend by striking out nine per cent in the Second Section, and inserting six per cent.

Which was not agreed to.

A message from the Senate by Mr. Russell their Secretary:

MR. SPEAKER:

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

Senate File No. 15, An act to amend the act of February 22d, 1847, entitled an act to authorize General Incorporations.

In which the concurrence of the House is requested.

I herewith return—

H. R. File No. 30, An act to compensate an agent employed to select University Lands for the State.

H. R. File No. 53, An act concerning claimants on the Half Breed Tract in Lee county.

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

H. R. File No. 11, Joint Resolution authorizing the Secretary of State to distribute the decisions of the Supreme Court of Iowa.

On motion of Mr. O'Brien,

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

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### 2 O'Clock, P. M.

House met pursuant to adjournment.

Mr. Clifton introduced H. R. File No. 63, A bill relative to the pay of Jurors, &c., in Lee county.

And on motion of Mr. Morton,

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

Mr. Kent introduced H. R. File No. 64, A bill for the incorporation of the town of Fort Madison, &c.

And on his motion,

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

H. R. File No. 41 was taken up, and the question being on agreeing to the amendments made in the Committee of the Whole, the same were agreed to.

Mr. Sells moved further to amend, by inserting in the third section, before "one hundred," the words "not less than."

Which was agreed to.

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

Mr. Cochran introduced H. R. File No. 65, A bill for the location of a road from Keokuk to Monroe City.

And on his motion,

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

Mr. Hardy introduced H. R. File No. 66, A bill relative to Printing, which was read a first and second time.

H. R. File No. 55 was read a third time and passed, and title agreed to.

H. R. File No. 62, A bill relative to the printing of the Laws and Journals, being the order of the day, the House resolved itself into a Committee of the Whole for the consideration of said bill.

Mr. Morton in the Chair.

After some time spent therein, the Committee rose and reported the bill back to the House without amendment, and the bill was read a third time, passed, and title agreed to.

Senate File No. 28, A bill to establish a system of Common Schools, being the order of the day for this afternoon, the House resolved itself into a Committee of the Whole.

Mr. Goodrell in the Chair.

After sometime spent therein, the Committee rose, and reported the bill back to the House with sundry amendments thereto, and recommended its passage.

The amendments were agreed to.

On motion of Mr. Sells,

Senate File No. 15, Joint Resolution for the adjournment of the General Assembly, was taken up, and on the motion to suspend the 42nd rule, that the bill might be read a second time, the ayes and nays were demanded.

And thirty-seven, being all the members present, voted in the affirmative.

So the rule was suspended, and the Joint Resolution read a second time.

Mr. Smyth moved that the 42nd rule be suspended, and Senate File No. 28, A bill to establish a System of Common Schools, be read a third time by its title.

Mr. Montague moved a call of the House.

Mr. Leffingwell was reported absent.

Mr. Comstock moved to adjourn.

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, Morton, Montague, Rathbun, Sells, Steele, Updegraff, Williams and Mr. Speaker.—18.

In the negative—

Messrs. Bonham, Bailey, Clifton, Day, Green, Hardy, Kent, Leech, Lyons, Matson, McPherrin, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Wright, Weyand and Willoughby.—19.

So the motion was decided in the negative.

Mr. Goodrell moved that a further call of the House be dispensed with.

Which was agreed to.

The question then recurred on the motion of Mr. Smyth, to suspend the rule for the reading of Senate File No. 28 a third time.

Which was decided in the negative.

Mr. Comstock moved the bill be recommitted to a Committee of the Whole House, and made the order of the day for Monday next.

On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Williams and Mr. Speaker.—19.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Wright, Weyand and Willoughby.—18.

The question was decided in the affirmative, and the bill ordered to be recommitted to a Committee of the Whole House on Monday next.

Mr. Sells, from the Committee on Enrolled Bills, reported that he had presented to His Excellency Governor Ansel Briggs for his approval and signature, the following :

An Act to authorize David Sterritt, his heirs and assigns, to build

a dam across the Pittsburg Chute of the Iowa River, and a mill race from thence to Wapello.

Joint Resolution authorizing the Auditor of State to audit and allow certain certificates therein named.

An Act relating to the School Fund of Clayton county.

An Act to amend an act entitled an act to provide for the management and distribution of the School Fund, approved February 25, 1847.

An Act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines River, approved February 24, 1847.

An Act to amend an act to define the duties of Prosecuting Attorneys, and provide compensation for their services.

An Act to authorize the Directors of School District No. 3, in the township of Brighton, in Washington county, to lay a tax for school purposes.

An Act to vacate a part of the Territorial Road from Davenport via Rochester, to Iowa City.

An Act to permit the people of the town of Fairfield to repeal their charter.

An Act to provide for the location of the County Seat of the county of Clinton.

An Act to authorize Josephus Beall and James Brierly, their heirs and assigns, to keep a ferry at Nashville, in Lee county.

An Act fixing the compensation per diem of the Members of the General Assembly.

An Act to legalize the election of Samuel A. Evans, as a Justice of the Peace of Richland township, in Keokuk county.

An Act for the relief of Edward Foster.

An Act providing for the re-location of the Seat of Justice of Davis county.

An Act to establish a State Road from Elkador, in Clayton county, to Quasquaton, in Buchanan county.

An act to amend an act entitled an act fixing the times of holding the District Courts in this State, approved February 17th, 1847.

An Act regulating the mode of selecting Grand and Petit Jurors for the several District Courts in Lee county.

On motion.

The House adjourned until Monday morning at 10 o'clock.

**Monday Morning, January 21, 1848.**

The petition of Eastin Morris, Esq., in relation to the distribution of the Reports of the Supreme Court, was read, and referred to the Committee on the Judiciary.

Mr. Cochran presented the petition of sundry citizens of Lee county, in relation to a District Court at Keokuk, which,

On his motion,

Was laid on the table.

Mr. Morton presented the petition of sundry citizens of Henry County relative to the navigation of Snipe Run.

And on his motion,

The reading was dispensed with, and the same laid upon the table.

On motion of Mr. Comstock,

Senate File No. 15, relative to adjournment, was read a third time and passed.

Mr. Bonham moved to take up H. R. File No. 56, relative to appropriations for public buildings at Iowa City.

Which was read a second time.

Mr. Clifton moved that the bill be indefinitely postponed.

And on this question the ayes' and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Cochran, Clifton, Edmundson, Hardy, Kent, McPherrin, Morton, Updegraff, Wright and Mr. Speaker.—11.

In the negative—

Messrs. Blair, Bonham, Bailey, Comstock, Day, Goodrell, Green, Hebard, Holland, King, Leech, Leffingwell, Lyons, Matson, McManus, Montague, O'Brien, Olmstead, Rathbun, Reynolds, Sells, Smyth, Steele, Sergent, Weyand, Williams and Willoughby.  
—27.

So the motion to indefinitely postpone was lost.

Mr. Morton moved to strike out \$5,000 00.

Which was agreed to.

Mr. Day made the following report:

The Committee on Enrolled Bills, have instructed me to report that they have examined H. R. File No. 20, No. 22, and an act fixing the times of holding the District Courts in the First Judicial District; and an act concerning claimants on the Half Breed Tract,

in Lee county; and an act to authorize George L. Davenport and others to erect a bridge across the Wapsipinicon River; and an act to repeal an act herein named; and an act to compensate the agent employed to select the University Lands, and find the same correctly enrolled.

Mr. Goodrell moved to insert \$3,000.

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Comstock, Day, Goodrell, Green, King, Leech, Leffingwell, Lyons, Matson, O'Brien, Olmstead, Rathbun, Reynolds, Sells, Smyth, Weyand and Williams.—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Edmundson, Hardy, Hebard, Holland, Kent, McManus, McPherrin, Morton, Montague, Steele, Sergent, Updegraff, Wright, Willoughby and Mr. Speaker.—19.

Decided in the negative.

Mr. Sells moved to insert \$2,500.

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Comstock, Day, Goodrell, Green, Holland, King, Leech, Leffingwell, Lyons, Matson, O'Brien, Olmstead, Rathbun, Reynolds, Sells, Smyth, Weyand and Williams.—20.

In the negative—

Messrs. Blair, Cochran, Clifton, Edmundson, Goodrell, Hardy, Hebard, Kent, McManus, McPherrin, Morton, Montague, Steele, Sergent, Updegraff, Willoughby and Mr. Speaker.—18.

It was decided in the affirmative.

Mr. Bonham moved to fill the blank in the second section of said bill with \$200.

Which was agreed to.

And on motion of Mr. Sells,

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

A message from the Senate by Mr. Russell, their Secretary:

MR. SPEAKER—

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

Senate File No. 39, An act to authorize a District School Tax.

Memorial in relation to Five Hundred Thousand Acres of Land.

Senate File No. 47, An act for a State Road therein named.

And an act to repeal an act to provide for the re-location of the Seat of Government of the State of Iowa, and for the selection of land granted by Congress to aid in the erection of Public Buildings, approved February 22, 1847.

In which the concurrence of the House is requested.

I herewith present for your signature—

An act to provide for the election of Representatives.

An act to re-locate a portion of a State Road therein named.

An act for the confinement of prisoners under the authority of the U. S. in the Jails of this State.

And Joint Resolution relative to Books in the Library.

Mr. McManus, from the Committee on Claims, made the following Report :

MR. SPEAKER—

The Committee on Claims, to which was referred the account of J. W. & R. B. Ogden, for printing notice of sale of Lots in Monroe City, have had the same under consideration, and have found it correct, and recommend that it be referred to the Committee on Expenditures with instructions to embrace the same in the Appropriation Bill.

The same Committee have had the Bill of Howell & Cowles, for furnishing papers to members of the Legislature during the Session of 1846-7, and publishing School Law, under consideration, and have found the same correct, and recommend the same to be referred to the Committee on Expenditures, with instructions to embrace the same in the Appropriation Bill.

The same Committee have had under consideration the communication of the Auditor of State, in reference to the claim of Murray & Sanxay, and recommend it to be allowed.

Mr. Clifton offered Joint Resolution, H. R. File No. 22, relative to School Land.

And on motion of Mr. Morton,

The 42d Rule was suspended and the resolution read a second and third time and passed.

Mr. Olmstead offered Joint Resolution relative to furnishing—County with the laws now in force.

And on his motion,

The 42d Rule was suspended the Joint Resolution read a second and third time and passed.

Mr. Hebard offered Joint Resolution No. 21, relative to certain Mail Routes.

And on his motion,

The Rule was suspended, and the same read a second and third time and passed.

A Message from the Senate by Mr. Russell their Secretary :

MR. SPEAKER—

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

Senate File No. 51, An act for the relief of Dubuque County.

I herewith return to the House in which they originated—

An act concerning claimants on the Half Breed Tract.

An act to locate and establish a State Road therein named.

An act to compensate the agent employed to select the University Lands of this State.

An act to authorize George L. Davenport and others to erect a toll bridge across the Wapsipinicon river.

An Act to repeal an act herein named.

An act fixing the times and places of holding the District Courts in the first Judicial District.

An act to authorize Adam Hine, his heirs and assigns to keep a ferry at the City of Keokuk; and

An act to license and tax Pedlars.

The same having been signed by the President of the Senate.

Mr. Smyth offered the following resolution :

Whereas—The State of Iowa is unrepresented in the Senate of the United States; and

Whereas—It is a matter of the highest importance to the people of Iowa to be represented in that branch of the Government, and

Whereas—Certain members of this House are unwilling to vote for a Joint Convention of both Houses of the General Assembly for the purpose of electing United States Senators; but prefer leaving the choice of Senators to the next General Assembly,

Therefore, in order to carry out the wishes, of such members, to refer the question as to which of the great political parties of the nation said persons shall belong, it is ordered, that this House will receive the Senate at 2 o'clock this afternoon, for the purpose of electing two United States Senators to serve until the next meeting of the General Assembly of this State, and will elect such persons only as Senators as will unconditionally publicly pledge themselves to the Joint Convention, to resign their seats so as to permit the next General Assembly to choose their successors; and that the Chief Clerk of this House notify the Senate accordingly.

Mr. Bonham moved a call of the House.

All the members were found to be present:

Mr. Sells moved to amend, so as to make the resolution Joint.

And on the amendment the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague; O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—18.

So the amendment was agreed to.

Mr. Bonham moved to suspend the 42nd rule, that the Joint Resolution might be read a second and third time.

And on the suspension of the rule the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Clifton, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—19.

In the negative—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—19.

So the rule was not suspended.

Mr. Smyth offered the following resolution :

Whereas, the State of Iowa is unrepresented in the Senate of the United States : and whereas, the interests of the State will be greatly prejudiced if the State should remain unrepresented in that branch of the Government; and whereas, a majority of this House is unwilling to vote for a Joint Convention of both Houses, for the purpose of electing United States Senators, because, as it is alleged by said majority, certain persons, viz, James Davis and Thomas Baker, now occupying seats in the Senate of this State, are not entitled to seats in that body, or to vote in such Joint Convention : Therefore, in order to obviate this objection, be it ordered, that this House will receive the Senate at 2 o'clock this afternoon, for the purpose of

electing U. S. Senators, provided said Baker and Davis will not appear in said Joint Convention as members of the Senate. or will previous to that time resign their seats.

Mr. Morton moved to amend, by making the Resolution Joint.

Mr. Bonham called for the previous question.

On putting the previous question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Clifton, Day, Green, Hardy, Leech, Lefingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—18.

In the negative—

Messrs. Anderson, Blair, Cochran, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker—19.

So the question was decided in the negative.

The question then recurred on the amendment offered by Mr. Morton.

Mr. Bonham moved a call of the House.

Mr. Kent was reported absent.

Mr. Kent appearing in his seat, a further call was dispensed with.

The question then being on the adoption of the amendment, the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Lefingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—18.

The amendment was agreed to.

Mr. Smyth moved to suspend the 42nd rule, that the Joint Resolution might be read a second and third time.

On the suspension of the rule, the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech; Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Smyth, Sergeant, Weyand and Willoughby.—17.

In the negative—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

The rule was not suspended.

On motion of Mr. Morton,

Senate File No. 49, A bill for the revision of the laws, was taken from the table, and,

On motion,

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

Mr. Smyth moved that the bill be indefinitely postponed.

Which was not agreed to.

Mr. Clifton moved that the bill be referred to the Committee on the Judiciary.

Which was not agreed to.

Mr. Olmstead offered the following Resolution :

Resolved—That Mr. Leffingwell's seat be, and it is hereby declared vacant, in order that Mr. Edmundson, of Mahaska, may have an opportunity of redeeming his pledge to the people of his District, by voting to go into Joint Ballot for the election of Senators and Judges. It is hereby declared that the object of this Resolution is to enable said Edmundson to redeem his pledge, which he solemnly made, and which, it is presumed, he is desirous of fulfilling, provided he can do it without effecting the objects of the Session, to wit, the election of Senators and Judges.

On motion of Mr. Cochran,

The resolution was laid on the table.

Mr. Bonham presented the claim of C. R. Fisk, for papers furnished members of this House.

Which was referred to the Committee on Claims.

Mr. Morton, from the Committee on the Judiciary, to whom was referred the petition of Eastin Morris, relative to the action of the House in the disposition of the Reports of the Supreme Court, reported the following :

The Committee on the Judiciary, to whom was referred the memorial of Eastin Morris, Reporter of the Supreme Court, have had

the same under consideration. They have reflected upon the reasons suggested by the memorialist, and cannot arrive at the conclusion that he will be injured by a distribution of the Supreme Court Reports among the Members. In their opinion, such distribution is founded on good and sufficient reasons. It will be a benefit to many remote districts, and ensure the presence of said Reports in places which they could not otherwise reach, and supply a market which would not conflict with the Reporter's interest. The sale of Reports by that gentleman would be mainly confined to Attorneys, from this and other States; and the Committee cannot see that this distribution interferes with that market. Under this plan, not half a dozen of those *necessary evils* will be supplied. The members receiving them, will retain them for the use of their own neighborhood. If there is any injury to the Reporter, the Committee cannot appreciate it. At any rate, it is so trivial, that the public benefit far outweighs it. The Committee have, therefore, instructed me to recommend that no further action be had on the subject.

The report of the Committee was concurred in.

Mr. Hardy introduced H. R. File No. 23, Joint Resolution.

Which was read a second and third time, and passed.

Mr. Matson, from the Select Committee of Physicians, to whom had been referred a memorial of a Medical Society in Philadelphia, reported a bill for the registration of Births, Deaths and Marriages, which,

On motion of Mr. Clifton,

Was rejected.

Mr. Bonham introduced H. R. File No. 24, Joint Resolution authorizing the Governor to make a deed to the heirs of William Kemp.

Which was read a second and third time, and passed.

Mr. Sells offered the following resolution:

Resolved—That the Chief Clerk of this House be allowed four dollars per day for his services as such during the entire session.

Resolved—That the Assistant Clerk be allowed four dollars per day for his services as such, during the entire session.

Resolved—That the Sergeant-at-Arms of this House be allowed two dollars per day for his services as such, during the entire session.

Resolved—That the Fireman of this House be allowed two dollars per day for his services as such, during the entire session.

Resolved—That the Messenger of this House be allowed two dollars per day for his services as such.

Resolved—That the Chief Clerk be allowed \$250 for superintending the Printing, and indexing and distributing the Journals of this House.

Which resolutions were adopted.

Mr. Edmundson offered the following resolution :

Resolved—That F. C. Porter be allowed the sum of twenty dollars, his mileage and per diem, for calling the House to order, at the present session.

Mr. Montague moved that the resolution be indefinitely postponed.

Which was not agreed to.

Mr. Morton moved to amend the resolution by striking out twenty, and inserting fifteen.

Which was agreed to.

The question being on the adoption of the resolution as amended, the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Green, Hardy, Kent, Leech, Lefingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—17.

So the resolution was adopted.

Mr. Cochran introduced H. R. File No. 68, A bill authorizing the authorities of the city of Keokuk to grant Grocery Licenses, which,

On motion of Mr. Smyth,

Was laid on the table, subject to the order of the House.

Mr. Matson presented an account, which was referred to the Committee on Claims.

Mr. Willoughby offered the following resolution :

Resolved—That Amos Stone be allowed the sum of four dollars for two days services as Sergeant-at-Arms, *pro tem*, of this House.

Which was adopted.

Mr. Hardy offered a bill requiring Members of the General As-

sembly to provide themselves with newspapers, &c., at their own expense.

Mr. Sells moved that the bill be rejected.

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Bonham, Cochran, Clifton, Comstock, Edmundson, Goodrell, Green, King, Kent, Leffingwell, Matson, McManus, Morton, Montague, O'Brien, Olmstead, Rathbun, Reynolds, Sells, Smyth, Steele, Updegraff, Williams and Mr. Speaker.  
—25.

In the negative—

Messrs. Bailey, Hardy, Hebard, Holland, Leech, Lyons, McPherrin, Sergeant, Wright, Weyand and Willoughby.—11.

The bill was rejected.

Senate File No. 28, A bill to establish a system of Common Schools, being the order of the day, the House was resolved into a Committee of the Whole.

Mr. Hebard in the Chair.

And after some time spent therein, the Committee rose and reported the same back to the House, and recommended its passage.

On motion of Mr, McManus,

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

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## 2 O'Clock, P. M.

House met pursuant to adjournment.

On motion of Mr. Morton,

Senate File No. 35, was taken up, read a second and third time, passed, and title agreed to.

Senate File No. 12 was taken up and read a first time.

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

Which was not agreed to.

Senate File No. 28 was taken up.

Mr. Rathbun offered the following amendment :

“ Strike out the 72nd and 73d Sections, and insert—‘ The election

of the School Officers, elected on the first Monday of April, 1847, under an act entitled an act supplemental and amendatory to an act to establish Common Schools, approved February 24th, 1847, is hereby declared valid, and all acts performed by them, in obedience to said law, are hereby declared legal.' ”

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

Which was not agreed to.

Mr. Day moved a call of the House.

Which was ordered.

Mr. Matson was reported absent.

Mr. Matson appearing in his seat, a further call of the House was dispensed with.

The question recurring on the amendment of Mr. Rathbun, the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—18.

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

Mr. Leffingwell moved to amend the title to said bill, by striking out and inserting “ A bill to legalize the election of James Harlan.”

Which was not agreed to.

Mr. Comstock offered the following resolution :

Resolved—That the Printing of the Journals of the House of Representatives be given to Howell & Cowles, Editors and Proprietors of the Des Moines Valley Whig, at Keosauqua, Iowa.

Mr. Leffingwell moved to strike out Howell & Cowles, and insert “ Stout & Israel.”

Which was not agreed to.

Mr. Cochran moved the previous question.

The question then was—Shall the main question be now put ?

And it was decided in the affirmative.

The question recurring on the adoption of the resolution, the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Hardy, Holland, King, Leech, McManus, McPherrin, Morton, Montague, Rathbun, Sells, Steele, Updegraff, Wright, Williams, Willoughby and Mr. Speaker.—24.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Kent, Leffingwell, Lyons, Matson, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, and Weyand.—14.

So the resolution was adopted.

Senate File No. 29 was taken up.

Mr. Leffingwell moved to suspend the rule, and that the bill be read a second and third time now.

Which was not agreed to.

Mr. Edmundson introduced H. R. File No. 70, An act to authorize J. D. Bedell, his heirs and assigns, to establish a Ferry across the Des Moines River at Red Rock, and moved that the rule be suspended, and the bill be read a second and third time now.

Not agreed to.

Mr. Reynolds presented a petition from the constituents of Mr. Kinsman, which was read.

Mr. Cochran moved that the petition be laid on the table.

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, King, McManus, McPherrin, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—20.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, Montague, O'Brien, Olmstead, Reynolds, Smyth, Sergeant, Weyand and Willoughby.—18.

So the petition was laid on the table.

A Message from the Senate by Mr. Russell their Secretary.

MR. SPEAKER:

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

Senate File No. 50, An act to legalize the acts of S. A. Styles as Justice of the Peace.

Senate File, No. 17, Joint Resolution for a Mail route from Ce-

dar Rapids, in Linn County, to the Falls of Cedar river, in Black Hawk county, and

With one amendment,

H. R. File, No. 63, An act regulating the Fees of Jurors in Lee County.

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

I herewith return—

H. R. File No. 18, Joint Resolution for a donation of land from Congress for the purpose of erecting an Orphan Asylum and Manual Labor School.

H. R. File, No. 20, Joint Resolution to furnish Buchanan county with the Laws, and

H. R. File, No. 21, Joint Resolution relative to a Mail route.

The same having passed the Senate without amendment.

H. R. File, No. 46, A Bill relative to the Printing of the State, the order of the day, the House resolved into a committee of the whole for the consideration of the bill—after a short time spent therein the committee rose, and reported the bill back and recommended its rejection.

So the Bill was rejected.

Mr. Kent introduced

H. R. File, No. 69, A Bill authorizing the people of Lee county to decide, by vote the places of holding the District Courts, in said county,—and moved that the 42nd rule be suspended and the bill be read a 2nd and 3d time, which was not agreed to.

On motion, a Memorial to Congress, for a donation of lands, which had passed the Senate, was taken from the table, the 42nd rule was suspended, the memorial read a second and third time, and passed.

On motion of Mr. Cochran,

H. R. File No. 68 was taken from the table, the 42nd rule suspended, the bill read a second and third time, passed, and title agreed to.

Mr. Lyons introduced H. R. File No. 70, A bill changing the name of the County of Fremont to that of Mills County:

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

A Message from the Senate by Mr. Russell their Secretary :

MR. SPEAKER—

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

Senate File No. 48, An act to provide for the selection of the balance of the 500,000 acres of land.

And with amendments, H. R. File No. 41, An act to amend an act providing for levying and collecting revenue for State and county purposes, and,

H. R. File No. 62, An act in relation to the publication of the Laws and Journals.

In which the concurrence of the House is requested.

I herewith present for your signature—

Memorial in relation to 500,000 acres of land.

And Joint Resolution for adjournment.

The same having passed both Houses, and been reported as correctly enrolled.

Mr. Day, from the Committee on Enrollments, made the following Report:

The Committee on Enrolled Bills, have instructed me to report that they have presented to his Excellency, for his approval, the following Acts:

H. R. File No. 24.

H. R. File No. 20. Also,

An act to compensate the agent employed to select the University Lands of this State.

An act to authorize George L. Davenport and others to erect a toll bridge across the Wapsipinicon river.

An act to license and tax Pedlars.

An act concerning claimants on the Half Breed Tract.

An act fixing the times and places of holding the District Courts in the first Judicial District.

An act to locate and establish a State Road therein named.

On motion of Mr. Montague.

Joint Resolution, Senate File No. 16, was read a second and third time, and passed.

On motion of Mr. Smyth,

Joint Resolution, Senate File No. 12, relative to a mail route, was read a second and third time, and passed.

H. R. File NO. 17, Joint Resolution, was taken up, and read a second and third time, and passed.

Mr. Sells offered the following resolution:

Resolved—That the Speaker of this House be allowed two dol-

lars per day, in addition to his per diem, for his services as Speaker of this House.

Which was adopted.

Mr. Leech, from the Select Committee to whom had been referred, A bill concerning Costs and Fees, reported that the Committee had had the same under consideration, and made sundry amendments thereto, and recommended its passage.

And on concurring in the report of the Committee, the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Bailey, Cochran, Clifton, Hardy, King, Kent, Leech, Lyons, McPherrin, Montague, O'Brien, Wright, Weyand, Williams, Willoughby and Mr. Speaker—16.

In the negative—

Messrs. Anderson, Blair, Bonham, Comstock, Day, Edmundson, Green, Hebard, Holland, Leffingwell, Matson, McManus, Morton, Olmstead, Rathbun, Sells, Smyth, Steele, Sergeant and Updegraff.—20.

The Report of the Committee was not concurred in.

Mr. McManus introduced H. R. File No. 24, Joint Resolution relative to the printing of the Laws, which was read a first and second time, and passed.

Senate File No. 51, A bill for the relief of Dubuque county, was read a first and second time, and referred to the Committee on Claims.

Mr. Bonham introduced H. R. File No. 25, Joint Resolution relative to Roads, which was read a second time, and referred to the Committee on Roads and Highways.

Senate File No. 39, A bill relative to levying a District School Tax, was taken from the table, read a first and second time, and amended, and the 42nd rule was suspended, the bill read a third time, passed, and title agreed to.

Senate File No. 50, A bill legalizing the acts of L. A. Stiles, a Justice of the Peace, was read a second and third time, and passed.

On motion of Mr. Sells,

Senate File No. 49, A bill relative to the revision of the Laws, was taken from the table.

Mr. Leffingwell moved that the bill be indefinitely postponed.

Which was not agreed to.

Mr. Smyth moved to amend, by striking out the name of Stephen

Hempstead, as one of said Commissioners, and inserting the name of David P. Palmer.

Which was not agreed to.

On motion of Mr. Morton,

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

Mr. Sells offered the following resolution :

Resolved—That five hundred copies of the Journals of this House be printed, and distributed as follows : Five copies to each member of this House ; five copies in the office of the County Commissioner's Clerk of each organized County in this State ; the remainder to be deposited in the office of the Secretary of State, for the use of the State.

Agreed to.

On motion of Mr. Lyons,

The House adjourned until to-morrow morning, at 8 o'clock, A. M.

### Tuesday Morning, January 25, 1848.

The Speaker laid before the House the following communication from His Excellency Governor Briggs :

EXECUTIVE OFFICE,  
IOWA CITY, January 25, 1848. }

The Bill entitled "An Act for the relief of H. H. Hendrix and Edward Pedigo," being of such a character as to compel me to withhold my approval, I herewith return the same to the House of Representatives, where it originated, with these, my objections.

It appears that Hendrix and Pedigo, at the September Term, A. D. 1846, of the District Court of Wapello county, entered into recognizance for the appearance of James V. Potts, to answer to an indictment found against him in said Court: Potts failed to appear, and the object of this bill is to relieve Hendrix and Pedigo from the penalty of the recognizance.

The recognizance was entered into in compliance with the laws

of the State, in such case made and provided. Those laws were enacted for the purpose of securing the appearance, before the proper judicial tribunal, of persons charged with indictable offences.—Such laws, all must admit, are salutary, and, indeed, absolutely necessary. If so, and if they ought to operate upon one, they should operate upon all, unless special reasons are assigned. In the absence of such reasons, in my judgment, the law ought to be allowed to take its course. Should the bill pass into a law, I fear it would establish a pernicious precedent, and one at war with sound policy.

ANSEL BRIGGS.

Mr. Comstock moved to take up the bill returned by the Governor, with his objections thereto.

The same was taken up.

And the question then was—Shall the bill pass, the veto of the Governor notwithstanding?

And on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Clifton, Comstock, Edmundson, King, McManus, Morton, Rathbun, Steele, Updegraff, Williams and Mr. Speaker.—12.

In the negative—

Messrs. Anderson, Blair, Bonham, Bailey, Cochran, Day, Goodrell, Green, Hardy, Holland, Kent, Leech, Lessingwell, Lyons, Matson, Montague, Olmstead, Sells, Smyth, Sergent, Wright, Weyand and Willoughby.—22.

The bill was lost.

Mr. McManus, from the Committee, to whom had been referred Senate File No. 51, An act for the relief of Dubuque County, reported said bill back without amendment, and recommended its passage, and the bill was read a third time, passed and title agreed to.

Mr. Smyth presented the following Protest, and,

On motion of Mr. Morton,

The same was ordered to be placed upon the Journals.

#### PROTEST.

When all else is lost, the Constitution intends to secure to the minority the last privilege, of protesting against any act of this House which they may deem eminently illegal or unjust. The recent Resolution of this body, excluding, (unjustly, as we think,) one of our

fellow members from a seat here, imposes upon us the duty of expressing, in the constitutional way, our emphatic dissent thereto, and of doing all that now remains in our power, to prevent the present case from being regarded as a precedent hereafter. In justice, then, to ourselves, to our constituents, and to the great cause of constitutional liberty, we hereby solemnly protest against this act of exclusion, and appeal from the decision of the majority here to the country, and to that great court of appeals—Posterity.

Our first ground of protest is, that no proper charge is made in the resolution or indictment as a reason for excluding Mr. Kinsman from his seat, and depriving the people who sent him here of the benefit of his services. It vaguely shadows forth the allegations—1st, That he had resigned his office; 2nd, That he had removed from his District. Upon this double charge has he been tried by this House, and pronounced guilty, but whether of one or the other, or both these allegations, no one is informed. Possibly but little more than one fourth of his judges believed one of these charges sustained. Another like number might have found him guilty on the other; and thus, while nearly three fourths of this body would have declared in his favor in detail, a majority was willing to pronounce against him in the aggregate. The ripened reason of the law has well established the rule, that no person shall be compelled to defend himself from a compound charge. Should this high court have disposed of the interests of the people of a whole District, in a manner that would have been rejected as unjust and oppressive by the untutored reason of a simple magistrate?

Nor do we believe there is any legal or rational foundation for either of these charges. What was the proof that he had resigned his seat? An unguarded expression, substantiated by doubtful testimony—a mere verbal statement, made to one whose evident purpose was to entrap, and repeated by him with all natural coloring, in the very teeth of strong contradictory circumstances, is all the evidence of this pretended resignation.

Opposed to this, is the conclusive fact, that no such resignation can now be found, or has ever been seen. The original has not been produced; no copy has been shown—not even a witness who could swear that either ever existed. The tenure of office of the members of this body, and the rights of their constituents, are not to be placed in jeopardy by such proof as this.

Nor does the admitted fact of his removal from his district subse-

quent to his election furnish any more solid ground for the resolution adopted by this House. The rights of Representatives and constituents are fixed by nature limited only by our Constitution. That instrument leaves to the people all power not therein denied them. Their natural right to select whomsoever they please as their Representative or Agent has been narrowed down so as to limit their selections to white male citizens over twenty-one years of age who shall have resided one year in the State, and who at the time of this election, shall have had a residence of thirty days in the district.— When the people have taken care to select such an individual they may regard their right to be represented in the General Assembly as secure. There is no provision which requires them to confine his person within the limits of their District. Their property in him does not cease whenever he leaves his enclosure. The Constitution says what it means and means what it says, It has fixed no such qualification. We can make none.

These views are sustained by the exposition given to similar Constitutional provisions in the other States of the Union. May like cases have been known to arise there, and the construction has, we believe, been uniform, in coincidence with the position above assumed.

The same may be said in relation to the Constitution of the United States and the construction and practice under it. By that instrument the Representative when elected is required to be an inhabitant of the State in which he shall be chosen and yet though many instances of subsequent removal have arisen no objection on that account has ever been sustained. Judge Story in commenting upon this subject observes: "The omission to provide that a subsequent non-residence shall be a vacation of the seat, may in a measure defeat the policy of the original limitation. For it has happened in more than one instance that a member after his election has removed to another State and thus ceased to have that intimate intercourse with, and dependance upon his constituents upon which so much value has been placed in all the discussions on this subject." No doubt is expressed by the distinguished commentator as to the proper construction of that clause of the Constitution.

It is treated as an admitted fact that the Constitution cannot be so strained as to cause a disqualification to result from a subsequent removal from the State. The requirement of residence in the State is regarded as limited to the time of his election.

Our case is completely parallel. Why should we set our opinions against that of the Legislative and Judicial world? Especially when these Constitutional expositions have been made long previous to the adoption of the rules of eligibility and qualification by the people of this State. Having omitted to declare subsequent non-residence a disqualification the sound rule of construction would be that we should give to our Constitution the interpretation that similar provisions have uniformly received elsewhere, unless sound reason clearly dictates the contrary.

The power of this House is limited to judging of the qualifications prescribed by the Constitution and does not authorize the establishment of new ones. Although we may think other qualifications, would be salutary or even that they were omitted by oversight it is not in our power to add to or diminish from that instrument without sowing the wind of which the whirlwind will be the natural harvest. Sanction this principle and the Constitutional rights of the members of this House, and incidentally, those of their constituents, are swept away forever. From the decisions of this body on subjects of this nature there is no appeal. If a seat may be declared vacant for this cause it may for any other, or even without cause.—Inconvenient minorities may thus at any time be annihilated. Majorities on joint ballot inverted, the wishes of the people thwarted and their interest sacrificed. Nothing can prevent such abuses but a strict adherence to the safeguards of the Constitution. This can alone secure the crowning blessings of a Constitutional Government. The National Assembly of France during her Revolution made and unmade Constitutions as well as laws at their pleasure and treated both with contempt whenever they interfered with their unscrupulous purposes; and never in modern times has tyranny been clad in a bloodier garb, or sacrificed her victims with more relentless ferocity. Fortunately the life and liberty of our citizens have safeguards beyond the reach of injury from any action of this House.—Let a majority here do its worst, its direct power like that of the caged wild beast, is limited by these walls. Its fury must be expended upon the members of its own body.

But even these have rights as sacred as those of any other citizens. Nor can those rights be affected by such proceedings as have recently taken place in this House without striking a direct blow at the vitals of Constitutional freedom, subverting the purposes

of a Representative Government and rendering each a by-word and term of reproach among the nations of the *earth*.

Sincerely believing the views we have here taken to be correct, and that the act of this House, in declaring the seat of Mr. Kinsman vacant, was wholly unauthorized and illegal. We hereby respectfully claim that this, our solemn protest, be entered upon the Journals, in pursuance of the provisions of the Constitution.

ROBERT SMYTH,	S. G. MATSON,
ANDREW LEECH,	GEO. F. GREEN,
JAMES R. BAILEY,	DUDLEY HARDY,
MICHAEL O'BRIEN,	W. E. LEFFINGWELL,
S. H. BONHAM,	GEO. MONTAGUE,
W. H. LYONS,	JOSIAH KENT,
R. B. WILLOUGHBY,	GEO. WEYAND,
F. L. SERGENT,	IRAD C. DAY,
SIMEON REYNOLDS,	JOHN N. KINSMAN,
S. B. OLMSTEAD.	

On motion of Mr. Sells,

H. R. File No. 41, A bill in relation to the Revenue, was taken up.

And on his motion,

The House agreed to the amendments made by the Senate, except as to the amount of tax that should be levied for County purposes.

Senate File No. 29, A bill to repeal the act changing the seat of Government, was taken up and read a second time.

Mr. Bonham moved that the rule be suspended, and the bill be read a third now.

Not agreed to.

Mr. Sells, from the Committee on Elections, reported Senate Bill for attaching Pottawattamie county to a District therein named, for election purposes, back to the House, and recommended that the bill be indefinitely postponed.

Which was agreed to.

Senate File No. 47, was taken up, and read a third time, passed and title agreed to.

On motion of Mr. Hardy,

H. R. File No. 66, was taken up, read a second and third time, passed, and title agreed.

Mr. Goodrell, from the Committee on Expenditures, reported H. R. File No. 71, Appropriation Bill.

The bill was read a first and second time, and referred to the same Committee for amendment.

The Committee reported the same instanter, with sundry amendments, and the bill as amended was read a third time, passed, and title agreed to.

A Message from the Senate by Mr. Russell their Secretary.

MR. SPEAKER :

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

Senate File No. 18, Joint Resolution authorizing the Commissioners appointed to revise the Laws of the State of Iowa, to use the books of the Library.

And, with amendments,

H. R. File No. 71, An act to provide compensation to members, &c., of the Legislature.

In which the concurrence of the House is requested.

I herewith return—

H. R. Joint Resolution, authorizing the Auditor to pay the Printer, for publishing laws in the newspapers.

H. R. File No. 64, An act for the incorporation of Fort Madison.

And two Joint Resolutions, passed without amendment.

Mr. Hebard, from the Committee on Ways and Means, to whom had been referred Senate File No. 48, reported the same back, and recommended its passage.

The Report of the Committee was concurred in, and the bill read a third time and passed.

Mr. Matson introduced Joint Resolution No. 25, H. R. File, relative to an appropriation to run the northern and western boundary lines of the State.

And on his motion,

The rule was suspended, the same read a second and third time, and passed.

Mr. McManus introduced H. R. File No. 72, relative to compensation to J. R. Attee, and others.

And on his motion,

The same was read a second and third time, passed, and title agreed to.

Mr. Morton introduced H. R. File No. 27, Joint Resolution,

that each member be furnished with one copy of the Laws passed at this Session, which, on motion, was read a second and third time, and passed.

A message from the Senate, by Mr. Russell, their Secretary :

MR. SPEAKER :

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

H. R. File No. 66, An act to amend an act to amend an act to incorporate the city of Keokuk.

H. R. File No. 66, An act to amend an act defining the times of holding elections for State and County officers, approved February 16, 1843.

H. R. File No. 42, An act making County Orders bear interest, and,

An act to amend an act providing for levying and collecting revenue for State and County purposes.

The Senate having receded from its amendment thereto.

I present for your signature—

Senate File No. 49, An act to provide for the appointing of Commissioners to draft, revise and arrange a Code of Laws.

On motion,

Senate File No. 15, A bill amendatory of an act relative to General Incorporations, was taken up.

Mr. Leffingwell moved to amend by striking out all after the enacting clause, excepting the two last sections.

Which was agreed to. And,

On motion of Mr. Browne,

The bill as amended was referred to a Select Committee, composed of Messrs. Cochran, Hebard and Smyth, with instructions to report in five minutes.

Mr. Cochran, from the Committee, in a short time, reported, and recommended that that part which had been stricken out be reinstated.

Which was not agreed to.

Senate File No. 13, Joint Resolution, was read a second and third time, and passed.

Senate File, Joint Resolution, relative to a mail route, was taken up, read a second and third time, and passed.

Senate File No. 13, A Bill, was read a second and third time, and passed.

Senate File No. 28, A Bill to establish a system of Common Schools, was taken from the table.

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

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Messrs. Anderson, Blair, Cochran, Clifton, Comstock, Edmundson, Goodrell, Hebard, Holland, McManus, Morton, Rathbun, Sells, Steele, Updegraff, Wright, Williams and Mr. Speaker.—18.

In the negative—

Messrs. Bonham, Bailey, Day, Green, Hardy, Kent, Leech, Leffingwell, Lyons, Matson, O'Brien, Olmstead, Smyth, Sergeant and Weyand.—16.

So the bill was laid on the table.

H. R. File No. 71, A bill making appropriations, was taken up, and,

On motion of Mr. Olmstead,

The amendments of the Senate were agreed to.

On motion of Mr. Hebard,

H. R. File No. 62, A bill relative to the publication of the Laws and Journals was taken from the table.

On motion of Mr. Morton,

The amendment of the Senate was amended so as to refer only to the Laws and Journals of the Senate.

A message from the Senate by Mr. Russell, their Secretary :

MR. SPEAKER—

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

Senate File No. 44, An act in relation to the University and School Lands.

And have disagreed to House amendments to 72nd and 73rd sections of Senate File No. 28, An act to establish a system of Common Schools.

I herewith return—

H. R. File, An act to amend an act to provide for the management of the School Fund.

H. R. File No. 24, Joint Resolution, authorizing the Governor to make a Deed to the heirs of Wm. Kemp.

Also, An act making appropriations for the Public Buildings at Iowa City.

I herewith present for your signature—

An act to authorize a District School Tax.

An act to amend an act incorporating the Dubuque Mining Company.

An act to legalize the acts of L. A. Styles, a Justice of the Peace.

An act to legalize the sale of School Lands.

An act concerning the limitation of Actions.

Joint Resolution in relation to printing and distributing Laws.

Joint Resolution for a Topographical Survey.

Joint Resolution for a Mail Route.

The same having passed the Senate without amendment.

Messrs. Sanford and Baker, of the Senate, appeared and informed the House that the Senate had finished the business before them, and were ready to adjourn.

Mr. Hardy introduced H. R. File No. 28, Joint Resolution, complimentary of the officers and soldiers of the Army of the United States, in Mexico, from Iowa, which was read a second and third time, and passed unanimously.

A message from the Senate, by Mr. Russell, their Secretary :

MR. SPEAKER—

I herewith return for your signature—

An act regulating Jurors Fees in Lee county.

Joint Resolution to furnish Buchanan county with the Laws.

Joint Resolution for a donation of Land to erect an Orphan Asylum and Manual Labor School.

Joint Resolution for a Mail Route.

The same having passed both Houses and been signed by the President of the Senate.

The Senate has passed Joint Resolution, H. R. File No. 18, in relation to a certain Mail Route, without amendment.

Mr. Day, from the Committee on Enrolled Bills, reported that he had presented to His Excellency Gov. Briggs, for his approval, the following acts, viz :

An act to provide for the management and distribution of the School Fund.

Joint Resolution relative to Mail Routes.

Joint Resolution for a donation of land from Congress for the purpose of erecting an Orphan Asylum and Manual Labor School.

Joint Resolution authorizing the Governor to make a deed of a lot in Iowa City to the heirs of Wm. Kemp.

An act regulating the fees of Jurors in Lee county.

Joint Resolution to furnish Buchanan county with Laws.

An act to amend an act to incorporate the city of Keokuk.

An act to amend an act defining the times of holding elections for State, District and County purposes.

An act making County Orders bear interest.

An act to amend an act providing for levying and collecting revenue for State and County purposes.

An act to incorporate and establish the town of Fort Madison, and for revising and repealing all laws and parts of laws heretofore enacted upon the subject.

Joint Resolution authorizing the Commissioners appointed to revise the laws of the State of Iowa, to use the books of the Library.

Joint Resolution to authorize the Auditor of State to audit and to allow the accounts for certain newspapers.

An act to provide for the compensation of Members, Officers and Printers of the General Assembly and others.

On motion of Mr. Leffingwell,

A Committee of two were appointed to notify the Senate that the House had finished the business before it, and were ready to adjourn.

Messrs. Leffingwell and Comstock were appointed said Committee.

Mr. Morton offered the following resolution, which was unanimously adopted:

Resolved—That the thanks of this House are due, and are hereby tendered to Gen. Jesse B. Browne, for the ability and fidelity with which he has discharged the responsible duties of Speaker.

The Secretary of the Senate informed the House that the Senate had passed unanimously H. R. File No. 28, Joint Resolution, complimentary to our officers and soldiers in Mexico, from Iowa.

On motion of Mr. Cochran,

The House adjourned *sine die*.

## STANDING COMMITTEES.

*On Ways and Means*—Messrs. Hebard, McPherrin, Goodrell, Sergeant and Smyth.

*Judiciary*—Messrs. Morton, Leffingwell, Cochran, Day and Lyons.

*On Claims*—Messrs. McManus, Williams, Wright, McPherrin and Kent.

*On Schools*—Messrs. Smyth, Edmundson, Hardy, Matson and McPherrin.

*On the Militia*—Messrs. Cochran, Weyand, Montague, King and Willoughby.

*On Enrolled Bills*—Messrs. Day and Sells.

*On Engrossed Bills*—Messrs. Lyons and Williams.

*On Expenditures*—Messrs. Goodrell, O'Brien, Blair, Comstock and Bailey.

*On Roads and Highways*—Messrs. Bonham, Kent, Clifton, Edmundson and Holland.

*On County and Township Organization*—Messrs. Leffingwell, Olmstead, Updegraff, McPherrin and Willoughby.

*On Public Buildings*—Messrs. Steele, Anderson, Green, Leech and Sergeant.

*On New Counties*—Messrs. Comstock, Montague, Anderson, Leech and Kinsman.

*On Agriculture*—Messrs. Bonham, Clifton, Wright, Hardy and Blair.

*On Elections*—Messrs. Sells, Leffingwell, Morton, Willoughby and Goodrell.

*On Incorporations*—Messrs. Cochran, Hardy, Olmstead, McManus and Morton.

*On Public Works*—Messrs. Hebard, Blair, Williams, Hardy and Montague.

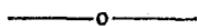


# R U L E S

for the government of the

## HOUSE OF REPRESENTATIVES.

OF THE STATE OF IOWA:



### DUTY OF THE SPEAKER.

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that [as the question may be] say **Aye**"—and, after the affirmative voice is expressed, "As many as are of the contrary opinion say **No.**" If the Speaker doubts, or a division be called for, the House shall divide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

5. The Speaker shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

6. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

7. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Nays.

8. All Acts, Addresses, and Joint Resolution shall be signed by the Speaker; and all Writs, Warrants, and Subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

9. In case of any disturbances or disorderly conduct in the lobby, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

#### 10. ORDER OF THE BUSINESS OF THE DAY.

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

1st—Petitions or Remonstrances to be offered.

2d—Resolutions and Notices to bring in bills.

3d—Reports of Committees.

4th—Bills to be introduced, of which notice has been given.

5th—Messages and Communications on the Speaker's table.

6th—Bills and Resolutions ready for a second time.

7th—Bills on their passage.

8th—Reports in possession of the House, which offer grounds for a bill, are to be taken up, in order that the Bill may be ordered in.

9th—Bills or other matters before the House and unfinished the preceding day.

#### OF DECORUM AND DEBATE.

11. When any member is about to speak in debate, or deliver any matter to the House; he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

12. If any member, in speaking, or otherwise, transgress the Rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order, shall immediately sit down, but may be permitted, with leave of the House, to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed; if otherwise he shall not

be permitted to proceed without leave of the House; and if the case require it, he shall be liable to the censure of the House.

13. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

14. No member shall speak more than twice on the same question, without leave of the House, nor more than once until every member choosing to speak shall have spoken.

15. Whilst the Speaker is putting any question, or addressing the House, none shall walk out of, or across the House; or when a member is speaking, shall entertain private discourse; nor whilst a member is speaking, shall pass within him and the Chair.

16. No member shall vote on any question, in the event of which he is immediately and particularly interested; or in case where he was not present when the question was put, unless the Speaker again state the question.

17. Upon a division and count of the House on any question, no member without the bar shall be counted.

18. Every member, who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

19. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair and read aloud by the Clerk before debated.

20. Every motion shall be reduced to writing, if the Speaker or any member desire it.

21. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may be withdrawn by leave of the House.

22. When a question is under debate, no motion shall be received but to adjourn; to lie on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain; to commit or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

23. When a Resolution shall be offered, or a motion made, to refer any subject, and different Committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House; a Standing Committee; a Select Committee.

24. A motion to adjourn shall always be in order, excepting when a member is speaking, or the House voting; and the motion to lie on the table, shall be decided without debate.

25. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall preclude all amendment and further debate upon the main question.

26. On a previous question there shall be no debate,

27. When a question is postponed indefinitely, it shall not be acted upon again during the session.

28. Any member may call for a division of the question, which shall be divided, if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out, being lost, shall preclude neither amendment nor a motion to strike out and insert.

29. Motions and Reports may be committed at the pleasure of the House.

30. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

31. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member in the majority to move for the reconsideration thereof, on the same or succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

32. Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place, a brief statement of the contents thereof, shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order they were read.

33. A proposition, requesting information from the Governor Secretary, or any other State Officer, shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from Select Committees, and when adopted, the Clerk shall cause the same to be delivered.

34. Any five members, if the Speaker be in the Chair, shall be authorized to compel the attendance of absent members.

35. Upon calls of the House, or in taking the Yeas and Nays on any question, the names of the members shall be called alphabetically.

36. No member shall absent himself from the service of the House without leave, unless he be sick or unable to attend.

37. Upon the call of the House, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over, and the Sergeant-at-arms shall be directed by the Speaker to compel their attendance.

38. No Committee shall sit during the sitting of the House without special leave.

39. Twenty members, including the Speaker, shall constitute a quorum, and, upon the demand of any two members the Ayes and Noes shall be ordered.

40. The hour to which this House shall stand adjourned from day to day, shall be 10 o'clock A. M., and 2 o'clock P. M., unless otherwise ordered by the House.

#### OF BILLS.

41. Every Bill shall be introduced by motion for leave or by an order of the House on the Report of a Committee. One day's notice, at least, shall be given of the motion to bring in a Bill.

42. Every Bill shall receive three several readings in the House previous to its passage; and all bills shall be dispatched in the order they were introduced, unless where the House shall direct otherwise, but no bill shall be twice read on the same day without special order of the House.

43. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

44. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed, then the question shall be whether to a Select or Standing Committee, or to a Committee of the Whole House. If to a Committee of the Whole House, the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

45. After a bill has been committed and reported back, it shall be considered on its second reading after the amendments of the Committee have been read,

46. After the commitment and report thereof to the House or at any time before its passage, a bill may be recommitted.

47. All bills ordered to be engrossed shall be executed in a fair round hand.

48. No amendment, unless by way of rider, shall be received to any bill on its third reading.

49. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

#### OF COMMITTEE OF THE WHOLE HOUSE.

50. In forming Committees of the Whole House, the Speaker shall leave his Chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

51. Upon bills committed to Committee of the Whole House, the bill shall be first read throughout by the Clerk or Chairman, and then again read and debated by clauses, leaving the preamble to be last considered; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

52. All amendments made to an original motion in Committee shall be incorporated with the motion and so reported.

53. All amendments made to a report committed to a committee of the Whole House, shall be noted and reported as in case of bills.

54. All questions, whether in Committee, or in the House, shall be propounded in the order which they were moved, except that in filling up blanks, the largest sum and longest time shall be first put.

55. The rules of the House shall be observed in Committee of the Whole House, so far as they are applicable.

56. No standing rule, or order of the House, shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two thirds of the members present: nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two thirds of the members present.

57. It shall be in order for the Committee on Enrolled Bills to report at any time.

58. When any matter is referred to a Standing Committee, by motion of any member, it shall be the duty of the Chairman of such

Standing Committee to notify such member of their time of sitting upon such matter so referred; and said member shall be permitted to confer with such Committee during their consideration of such matter.

60. The following shall be the standing Committees :

Committee on Ways and Means.

- “ “ the Judiciary.
- “ “ Claims.
- “ “ Schools.
- “ “ Military Affairs.
- “ “ Enrolled Bills.
- “ “ Engrossed Bills.
- “ “ Expenditures.
- “ “ Roads and Highways.
- “ “ Township and County Organization.
- “ “ Public Buildings.
- “ “ New Counties.
- “ “ Agriculture.
- “ “ Elections.
- “ “ Incorporations.

61. The rules of Parliamentary practice comprised in Jefferson's Manual, shall govern the House in all cases in which they are applicable, and where they are not inconsistent with the standing rules of this House.

## JOINT RULES OF BOTH HOUSES.

1. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer, such Committee shall, at a convenient hour, to be agreed on by their Chairman, meet and state to each other, verbally, or in writing, as either shall choose the reason of their respective House, for and against the amendment and confer freely thereon.

2. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

4. All messages from one House to the other, shall be sent by the Secretary of the Senate, Clerk of the House, or their respective assistants.

5. After a Bill shall have passed both Houses, it shall be duly enrolled by the Secretary or Clerk of the House in which it originated, before it shall be presented to the Governor.

6. When bills are enrolled, they shall be examined by a Joint

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

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

8. After a bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House in which the same did originate, and shall be entered on the Journal of each House; the said Committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

9. All orders, resolutions and votes which are to be presented to the Governor for his approbation, shall also in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same committee, as provided in cases of Bills.

10. When a Bill or Resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

11. When a bill or resolution which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two-thirds of the House in which it shall be renewed.

12. Each House shall transmit to the other all papers on which any bill or resolution may be founded.

13. After each House shall have adhered to their disagreement, a bill or resolution is lost.

14. When bills which may have passed one House, are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

15. All Messages, Reports, or other documents, presented to either House for the general information, and ordered to be printed by such House, shall when printed, be for the use of both Houses.

16. It shall be the duty of the Chief Clerk of the House, or the Secretary of the Senate, when any such document is ordered to be printed in their respective Houses, forthwith to communicate such order to the other, so that the same order may not be made in both Houses.

17. In all elections in Joint Convention of both branches of the General Assembly, the names of the members of both branches shall be arranged together in alphabetical order, and be called upon to vote in the order in which they shall stand arranged,

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