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MESSAGES AND PROCLAMATIONS

OF THE

GOVERNORS OF IOWA



THE
MESSAGES AND PROCLAMATIONS
OF THE
GOVERNORS OF IOWA

COMPILED AND EDITED BY
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VOLUME IV

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PREFACE

This volume of the "Messages and Proclamations of the Governors of Iowa" includes the messages and proclamations of Cyrus Clay Carpenter (1872-1876), Samuel Jordan Kirkwood (third term, 1876-1877), and Joshua Giddings Newbold (1877-1878).

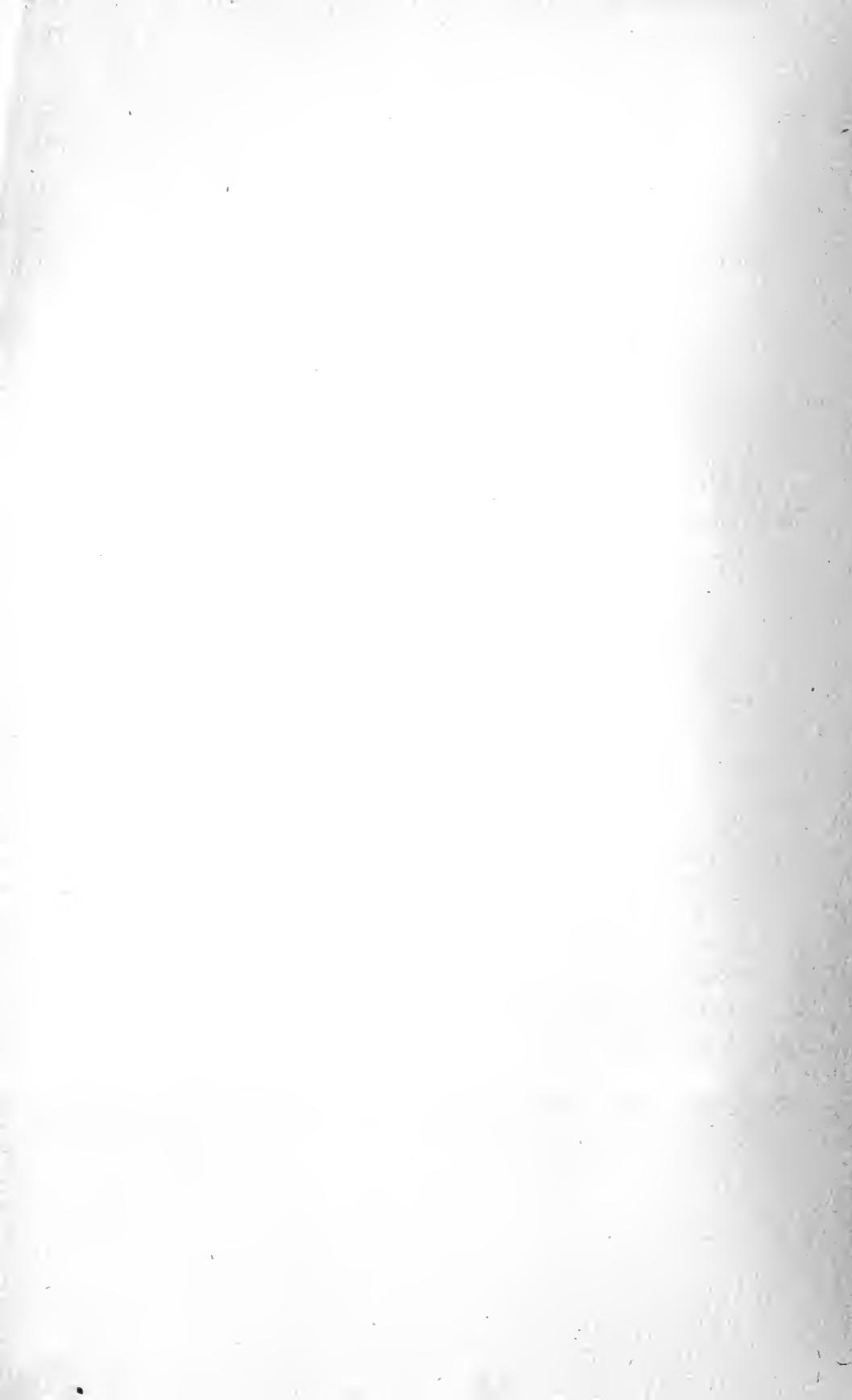
It has seemed advisable to publish the messages and proclamations of Governor Kirkwood, which were transmitted and issued during his third term, in their chronological order rather than in connection with the messages and proclamations of his first and second terms, which were printed in volume II of this series.

Mr. Newbold, who took the oath of office as Governor on February 1, 1877, had been elected Lieutenant Governor at the general election in 1876. And so upon the resignation of Governor Kirkwood, who had been elected to a seat in the Senate of the United States, he came to the office of chief executive of the State of Iowa.

It is interesting to note that Mr. Kirkwood is the only man in the history of our State who has been honored, up to the present time, by a third term; while Mr. Newbold is the only Lieutenant Governor who has succeeded to the office of Governor.

BENJ. F. SHAMBAUGH

IOWA CITY, 1903



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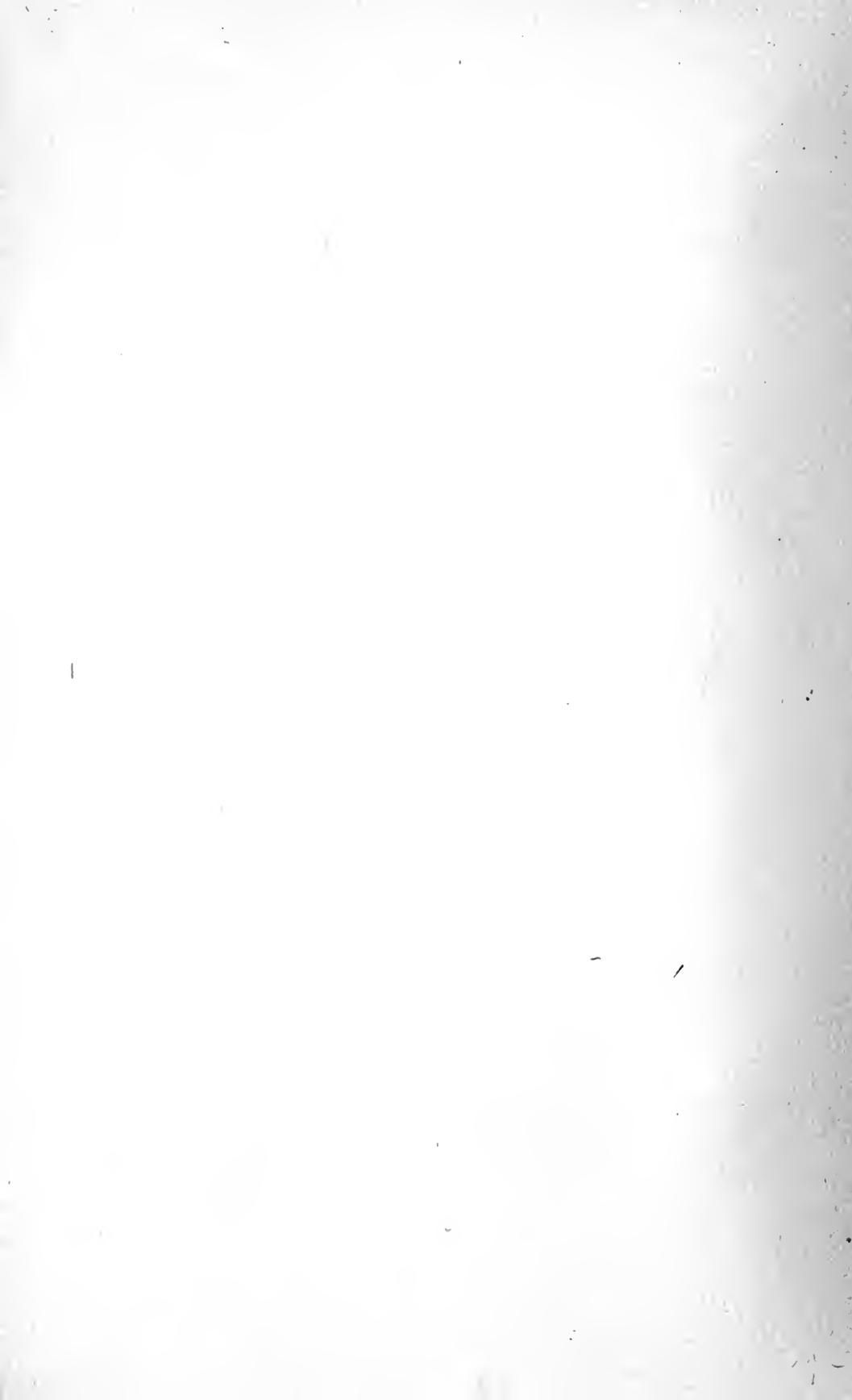
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GOVERNOR CYRUS CLAY CARPENTER

BIOGRAPHICAL SKETCH

Cyrus Clay Carpenter, the eighth Governor of the State of Iowa, was born at Harford, Susquehanna County, Pennsylvania, on November 24, 1829. His grandfather, John Carpenter, had settled in what came to be known as Harford in 1789. This part of Pennsylvania was at that time "new country." John Carpenter was, therefore, a pioneer. He had come from Massachusetts. Mr. C. C. Carpenter's grandfather on his mother's side had likewise come from Massachusetts to the Harford community at an early day.

Mr. Carpenter attended the country school in his early boyhood. Later he studied at an academy. At the age of twenty-five he came to Iowa, and settled at Ft. Dodge. Here he began his life on the frontier as a surveyor, and it was not long before he was elected to the office of County Surveyor. He was an active member of the Ft. Dodge "Claim Club."

In 1857 Mr. Carpenter was elected to a seat in the General Assembly. At the outbreak of the Civil War, he entered the army as captain. He was afterwards promoted to the rank of Lieutenant Colonel and then to the rank of brevet Colonel. In 1866 he became Register of the Land Office in this State. He was elected Governor of the State in 1871, and again in 1873. His two terms as chief executive cover the period from January, 1872, to January, 1876. Twice elected to Congress, he occupied a seat in the House of Representatives from 1879 to 1883.

During the later years of his life Mr. Carpenter served as Postmaster in his home town. He died on May 29, 1898, and was buried at Ft. Dodge.



FIRST INAUGURAL

JANUARY 11, 1872

*From Pamphlet Edition of Address—in the Library of the State
Historical Society of Iowa, Iowa City*

Gentlemen of the Senate and House of Representatives:

Elected by my fellow-citizens to undertake the duties of Chief Executive of the State, in accordance with custom, I embrace this occasion briefly to express my views upon a few measures which seem to demand legislative action.

Those questions of a national character which have heretofore largely absorbed public attention are now so generally approved by the intelligent and tranquil masses, as to have crystallized into principles. The late amendments to the Federal Constitution are, to-day, not merely regarded as a necessity of State restoration, but a natural outgrowth of our new civilization. Humanity as well as patriotism approves the measures adopted by the Administration to enforce obedience to law where the lingering echoes of treason still awaken a spirit of violence. Public sentiment indorses the peaceful diplomacy by which it is proposed to settle, without sacrifice of rights, honor, or pride, the rasping questions of international dispute, which have been for years a constant menace of war with Great Britain. The policy of referring proposals contemplating the annexation of foreign territory to the enlightened judgment of public opinion is accepted as a proper disposition of issues involv-

ing national expansion. A new theory of dealing with the Indians upon the frontier, illustrating not only the strength but the mercy of our Christian civilization, is another feature of the wisdom of this Administration, which meets popular approval. The firmness and energy which have been infused into the civil service, holding financial agents to a strict accountability, and demanding honesty and economy in the collection and disbursement of the revenues, commend themselves to the public conscience. A large diminution of federal taxation during the last three years, with an increasing yield in the annual revenue, even at present lower rates, coupled with economical reforms in every department of the public service, promising further tax reduction in the near future, gives additional luster to the present management of the National Treasury. Finally, so administering the finances as to diminish the national debt more than 280,000,000 of dollars in three years, saving the people 17,000,000 of dollars in annual interest, improving the public credit at home and abroad, and appreciating legal-tender currency from more than thirty-three per cent. discount, to within ten per cent. of a gold basis, without even checking commercial enterprise, is indorsed by intelligent citizens as the crowning glory of the President's policy. An Administration illustrating its career with so many beneficent measures needs no factitious bolstering; I shall therefore not pause to consider any questions of exclusively national concern, but will address myself to issues which pertain specially to Iowa and her people.

Prior to the rebellion, the people of the United States had been for a quarter of a century engaged in the discus-

sion of such moral and political theories as were in their nature constitutional and fundamental. These questions, after years of acrimonious debate, were finally settled by that sternest of all arbiters—the sword. And now that they have been disposed of—and, as is believed, wisely and permanently—we are invited to devote more thought and energy to the development of our intellectual and material resources.

Slavery has been abolished: the question now recurs, How shall the interests of free labor be best promoted? A new race has been given the ballot: the question comes back, How shall all men be stimulated to acquire such knowledge as will not only fit them to perform the duties of citizens intelligently, but with advantage to free society? All men have been declared “equal before the law:” now the question receives an added force, How shall all men be brought to feel an equal interest in the preservation of Free Government, and equal pride in the purity and glory of free institutions?

The great truth expressed by President Madison: “That the public good, the real welfare of the great body of the people, is the supreme object to be pursued; and that no form of government, whatever, has any other value than as it may be fitted for the attainment of this object;” is no longer open to discussion.

Groping its way, in pursuance of this idea, through the twilight of liberal thought for nearly a century, this Nation has arrived, with reluctant steps, at a point in which it acknowledges, by the formality of a constitutional amendment, that the political freedom of every man, and his indi-

vidual right to representation in its administration, is the chief corner-stone upon which rests the superstructure of Free Government. This theory is now forever settled and eliminated from political controversy.

Next to political freedom, the most important element of a good government is an intelligent people. Here we approach a question which will test, in some measure, the wisdom of this legislature. The school system of Iowa—when our youthfulness as a State is considered—does not suffer by comparison with that of any State in the Union. But this should not satisfy the aspiration of a people, the affluence of whose intellectual and material resources will render their failure to reach the highest educational possibility an inexcusable folly. That we have attained this advanced position—though occupying a line near the front—will not be argued. While perfection in human institutions is not attainable, every improvement which experience or philosophy suggests to a thinking and progressive people will receive, at least, the response of a fair discussion. In this view, it is my purpose briefly to review an acknowledged need of our common schools.

There is no principle in modern theories of education so well attested, as that to improve our schools, we must improve the training and scholarship of the teachers. And for this purpose there has been no more effective instrumentality devised, than that, so generally adopted by many States, known as Normal Instruction. That in the administration of our State government, a wise economy in the expenditure of money should be observed, cannot be doubted. But retrenchment in any reasonable expenditures for educational

purposes would not be economy. The accumulated wealth of the State must, in some manner, and at some time, pay for its own protection. If citizens of large wealth would place a guard over their treasures, more reliable than locks or bolts of safes, and cheaper than the iron bars of prison cells, the *per diem* of jurors, or the salaries of sheriffs and judges, that safeguard will be found in enlarging and perfecting the common school system of Iowa, until no citizen can reach maturity without obtaining a fair education.

If asked why this constant effort at improvement is continued, after the great advancement our State has made in this direction, it may be answered: there is an analogy between systems formed by human agency and the character of man. Moral and mental philosophy demonstrate the inability of man to remain stationary. He must either go forward, or he will involuntarily go backward. Thus, it is found in the older States, there must be constant effort to improve the effectiveness of the school system, to keep it in motion even at the standard it has already attained. It may be said, however, the teacher can obtain the instruction necessary in the High School, or University. This, so far as mere culture is concerned, is doubtless true; but, after the general culture received at these institutions is obtained, the student who is successful in life must become a specialist. The acquisitions of the ordinary course in the College or University may be termed CULTURE. The acquirements made preparatory to a life-work in some profession, constitute TRAINING. And this *training*, for those who purpose teaching, the Normal School is designed to supply. It may seem a formidable undertaking to bring twelve thousand

teachers into this special training, preparatory to their work. For myself, I do not think immediate success will be attained; and for a time the effort will probably seem barren of the desired results. But if a few succeed they will have a reflex influence through Teachers' Institutes and like agencies, upon others, until the profession of the teacher will be lifted to a dignity and usefulness which higher intelligence alone can give it. It has been the experience of all ages, in all departments of human endeavor, that, where a few men were raised above the level of their age, they would go forth, equipped for the activities of life, "leavening the whole lump," until the age, in turn, was lifted above itself. Such spirit and effectiveness ought to distinguish the educators of Iowa.

The Normal Department connected with the State University, has accomplished much, but facilities should be provided that will enable the system to reach larger results. How and by what means this shall be done will depend upon those steps you may regard as justified by wisdom, and the condition of the treasury, when reasonable provision has been made for enterprises already begun.

While upon the subject of education, I will be excused for alluding to the high position attained by our State University and Agricultural College, among the educational institutions of the country. I am pleased to do this, not only as due to the merits of these institutions, but as their processes of teaching serve to illustrate the principle of special training I have sought, in my remarks upon Normal Schools, to unfold.

While the State University was originally founded upon

the theory of exclusively promoting general culture, the practical character of the age has modified its curriculum, until departments for special instruction have given it a standing it could never have acquired or deserved without them. And it is hoped the day is not distant, when the young men and women of Iowa will not feel it necessary to go into other States to acquire either general literary culture, or professional training. This institution, not only from its history, and the nature of the work it is designed to accomplish, but the character of the able gentlemen who fill its chairs, would seem to commend itself to your favorable consideration.

In our Agricultural College the same sentiment, in favor of special training for the duties of life, finds emphatic expression. This College, generously endowed with a grant of public lands from the United States, is designed to secure a liberal education to the Industrial classes. Here, the promotion of agriculture and the mechanic arts are kept prominently in view; whatever branches of learning receive attention, it is designed that nothing shall preclude the study of natural science, in its application to human industry. Men of intellectual vigor are developing this experiment, not only here, but in other States; and in a State so eminently agricultural as Iowa, in my judgment, it commends itself to every man, whose love of his race looks to the future improvement of the foundation upon which human industry rests.

The Experimental Farm connected with the College is being brought into a fine state of cultivation. Agriculture, horticulture, and the mechanic arts are all receiving atten-

tion, while labor in every department is being systematized and put upon a paying basis. It is sometimes said that an experimental farm ought not to be connected with any institution of learning, as it will not pay expenses. This argument would be equally good against a chemical laboratory or philosophical apparatus in any college in the country. The idea of improving and perfecting agriculture by a college curriculum is sometimes scouted; but when we remember that the mining schools in Europe have so improved the hand that wields the pick, and even the muscle that wheels the slag from the furnace, as to develop an ability to work low grade ores profitably, which starved uneducated workmen before the establishment of these schools, it must be acknowledged that the multiform specialties of the farm, requiring brain to plan and skill to execute, will be benefited by scientific instruction. The very fact that the labor of the farm is coming to be so largely performed by machinery necessitates greater intelligence among those who use the machinery. This College already begins to bear fruit. A series of Farmers' Institutes was held last winter in different counties throughout the State, conducted by the President of the College and others connected with it, resulting in numerous appointments and applications for similar Institutes, in different counties of the State, the present winter. Wherever these institutes were held, they have given agriculture a new impulse among the people, eliciting thought, inciting experiments, and tending to increase in the farmer a much needed pride of profession.

A wise disposition of these educational questions will tend to dispose, in advance, of the so-called labor problem.

The opinion prevails, in certain quarters, that there is an antagonism between capital and labor, and upon this doctrine parties for political action are being organized. It would seem that, with the diversity of occupation our State is capable of affording, and will afford when her manufacturing ability and illimitable resources are fully developed, with the empire of unoccupied territory in this country, upon which surplus population can overflow for a century to come, this issue would here be indefinitely postponed. This generation having removed the badge of dishonor which slavery affixed to labor, by striking the shackles from every foot that treads our soil, has done more to lift up and dignify human industry than could be accomplished by a dozen social revolutions. But notwithstanding this, as these labor questions have come in older States, unless their causes are provided against, they will be upon us.

Though political economy may teach that there is no antagonism between capital and labor; that the more capital there is, the more labor will be employed, and the better it will be paid; that capital is simply what is saved by the prudent foresight and self-denial of one class of laborers, to be used in the employment of other labor, to produce more capital; still many will believe in the future, as in the past, that some statute of talismanic power might be framed which would solve every social problem. If the economist argues, upon the proposition to reduce labor by statute to eight hours a day, that such action will diminish the accumulated wealth of the world, by so much as the additional two hours' daily labor, of its combined industry, would produce—and that in proportion to this diminution of wealth, the

comforts of mankind will be lessened; that the houses to shelter both capitalist and laborer, the clothing they wear, the food they eat, and their resources for intellectual and social enjoyment will all be diminished, while capital will possess the power, then as now, to appropriate the greater proportional share of the remainder, leaving less for division among those whose sole capital is labor—we may be told this argument is inspired by the tyranny of capital. But when we convince the world that knowledge has greater power than capital; and that if man can be taught to work with a so much defter hand and more inventive brain, aided by the ingenious appliances which take the place of muscle, as to be able to accomplish in eight hours as much as he does now in ten, then this social problem will solve itself, without the intervention of statutory force. So, after going round the circle of theories upon which hinge the progress and prosperity of the people, we come back at last to the point from which we started, and emphasize the fact that the intelligence of the coming man will more effectually aid him, than either labor-strikes or all the arbitrary statutes fixing hours of labor, and prices to be paid therefor, which the ingenuity of political science can devise.

The next most important subject capable of being influenced by legislation, upon which depends the solid happiness of the people, is their material progress and prosperity. And as Iowa is so largely agricultural, this inquiry naturally resolves itself into the solution of the problem, How shall the products of the soil be made to yield the largest returns to the producer? To bring the manufactured articles required by our people, and the products of their industry,

nearer together, in my judgment, is of paramount importance. That the producer would be materially benefited if the wagon, reaper, plow, and cultivator, with which he plies his industrial enterprises, and the cloth he wears, were manufactured at his market town, whither he could carry his surplus products and exchange them for these necessities, saving cost of transportation long distances both ways,—is a proposition so self-evident that it needs no support by argument. But while the General Government may, as an incident of its power to collect revenue and the necessities of its treasury, be able to discriminate so as to encourage such industries as are compatible with our habits, climate, and resources—and wisely exercises such discrimination—a State having no such authority, it may be asked: How can legislation aid us in this particular? It is answered, if we can do nothing more, it is possible, through our Board of Immigration, to call attention to our manufacturing resources. The fact that Iowa is supplied with coal mines developing veins from six to eleven feet in thickness, which invite new industries to their vicinity; with lead-mines, in which new lodes are daily discovered; with black-walnut and other woods for manufacturing purposes; with inexhaustible gypsum beds; with limestone quarries of every variety; with clays for the production of all kinds of brick and pottery; and with other resources inviting skill and capital, so numerous, as to forbid, now and here, the mention—might all be set forth in a pamphlet, which distributed, by the Board of Immigration, could not fail to attract attention, and produce results. Two years ago an appropriation of five thousand dollars was made in the interest of immigration, and count-

ing every able-bodied man influenced to settle in Iowa, thereby, as an addition of five hundred dollars to the material wealth of the State, this sum has yielded a percentage in its present and remote influence upon our prosperity, not easily calculated by the ordinary methods of computation.

Another telling influence upon the profits of the producer, in this State, as in others, is the cheapness, accessibility, and abundance of good fuel. While we have coal-mines which will yield sufficient fuel for more than the wants of any probable population in the future of this State; yet owing to costly process of mining, and exorbitant charges upon local freights, this indispensable article is so expensive as largely to discourage immigration. Coal, here, as elsewhere, is coming to be regarded as the principal article for fuel, and it is probable that more than half of our population, will throughout all the future depend upon it for this purpose. Indeed, the extent of the coal-fields of Iowa measures the capacity of large portions of our own State, as well as States adjoining us, for occupancy and improvement. Therefore, anything that can be done to promote prospecting for, and the opening of, new mines; to encourage and protect miners in their employment; and to cheapen the transportation of this article, will greatly accelerate the settlement of our fertile prairies, lessen the price of fuel throughout the State, and be an invaluable aid to future manufacturing enterprises.

Another means of promoting the results of industry, by legislative influence, is to keep the burdens of taxation down to the minimum standard. I would carry forward to completion, with judicious economy, those enterprises already

commenced. If the prudent man of business, as a legislator, will act upon the same principle in regard to public expenditures which he observes in the conduct of his own private affairs, he will measure his public duties by a standard that will seldom produce extravagance. The danger, usually, is not in the larger appropriations which attract public attention, and the disbursement of which are narrowly watched by the people, but in smaller amounts which receive but little examination, and are voted upon with the remark: "It is but a trifle anyhow." Perhaps it will not be thought out of place in this connection to say, that during the earlier part of the session, when, unlike its closing hours, there is no haste, the general appropriation bill should be examined and perfected, or as nearly so as practicable; and then amendments sought to be inserted in the last hours, should receive a searching analysis. When individuals, during the confusion necessarily preceding the adjournment, clamor for the recognition of claims which the entire session has afforded them opportunity to fully present, when they could have been thoroughly canvassed, this fact of itself should elicit a careful scrutiny as to their merits.

And here I may not inappropriately speak of the uncalculating manner in which many communities—and especially of the more sparsely populated counties—impose taxes upon themselves. If there is legislative power this should be remedied. I cannot think it would do municipal corporations a very great injustice, so to hedge the privilege of imposing obligations upon themselves, that their power to contract debts will be kept somewhere within the boundary of ability to pay.

Appropriations for our benevolent institutions will, of course, reach the extent of their needs, economically estimated. The Reform School, though of recent origin, is doing a noble work, and commends itself to your consideration. The Soldiers' Orphans' Homes are doubtless becoming less burdensome to the treasury, as the children for whose care and education they were intended are yearly reaching an age of self-support. Still, while the necessity for such care continues, we will but echo the voice of patriotism, by liberally providing for the children of those noble men who illustrated Iowa in the Great Rebellion. Such appropriations for carrying forward the work upon the Capitol Building, and the Insane Hospital at Independence, as may be necessary and attainable, without increasing the taxes of the people, will doubtless be sanctioned both by wisdom and economy. The condition of the treasury, and the amount that can be judiciously expended upon these buildings in the next two years, evidently should determine the limit of these appropriations. It may be necessary to add some expense to the Penitentiary to make it equal to present requirements. In reference to convict labor, it has always seemed to me that, if the avenues in which such labor could be employed were increased, not leaving the State so entirely dependent upon the grasping caprice of contractors, it would be of advantage to the State and improve the prison management.

No appropriation ought to exceed the amount which can be economically applied to the purpose intended; as, whatever confidence may be reposed in public officials, they should not be tempted to extravagance by appropriations

out of proportion to their objects. The honesty and economy with which governments like ours are administered depend upon the people. As the stream does not rise above its source, so, where the people are the source of power, those elected to office generally represent a fair average of the honesty and intelligence of the masses. A late election in a sister State, where the people, especially of the great metropolis, had been wrought up to an appreciation of public duty, by a series of political villainies never paralleled upon this continent, has illustrated the fact, that when the intelligent masses are once aroused, and move with a determinate purpose, they have power to crush venality and corruption as easily as a giant can set foot upon a worm. But, while it is proper to reform political abuses where they have been permitted to grow to overshadowing proportions, it is better for the people to keep so constantly on the alert as to give no opportunity for such abuses to develop.

Cheap and reliable facilities for the exchange of products are the last, though not least important, aids of profitable production to which I purpose calling attention at the present time. The consideration of this question will involve a brief discussion of the railway problem. And when it is understood that during the last forty years more than six thousand millions of dollars of the world's capital has been invested in railways, and that throughout our entire country this mode of travel and transportation is fast superseding all others, the importance of finally and equitably defining the relation between railways and the community can, in a measure, be realized. Henry Clay, a statesman of prophetic forecast, believed, a half century ago, that his efforts in be-

half of the Cumberland turnpike would connect his name with an enterprise of enduring greatness; and that it would specially be remembered to his credit by the multitude who would journey along it in all the future of the Republic. But to-day, that turnpike, and common roads everywhere, are fast passing into disuse, except as mere local conveniences; whilst the habits of the people are now conformed to a new mode of commerce and communication. The private citizen who could once put his own wagon upon the road, or boat upon the river and lake, now finds himself forced, in order to keep pace with the world's business habits, to intrust his person and his property, in moving from point to point, to a transportation monopoly. A consideration of these facts cannot but impress thinking men with the importance of the railroad question.

I do not regard the pretense that railways are beyond the control of law, in respect to fare and freights, as worthy of more than a moment's consideration. It cannot be conceded that a corporation, when asking the right of eminent domain, may avow the purpose of building a public highway, for which purpose alone it could hope to acquire this prerogative of sovereignty; and, when the right has been conferred and accepted, and is enjoyed, may declare itself independent of statutory control, in the limitation of fares and freights, on the ground that a railway is private property. It has been said that "both currency and internal communication between different portions of a State are exclusively the prerogatives of sovereignty." If, therefore, banks owe a debt to the community as well as their stockholders for the prerogative franchises with which they

have been clothed, there can be no question of the consideration due from railways for their still greater privileges. As an individual cannot conclusively determine his own rights in respect to his dealings with community, it is not to be supposed that a vast moneyed power, subject to the restrictions of a common carrier, can assume prerogatives denied, in this regard, to a private citizen. It has always seemed to me that railroad men, to as great an extent at least as any other persons, would have a deep interest in the effectiveness and stability of wholesome statutes, as upon pure and just law the permanent value of their stocks and franchises alone depend; yet it is a fact that the possession of enormous franchises breeds a contempt for law. There can be no clearer duty, therefore, than for the State to maintain its power over railway and all other corporations of her own creation. And if Iowa ever abdicates this sovereignty, she will have proved herself unworthy the dignity of a free commonwealth.

Approaching, however, the question as to how fares and freights shall be regulated, I am free to admit the difficulties which surround it. Many experiments have been tried in other States, some of which defeated the very end they were intended to promote. If all railways were alike in cost of construction and operation, and in their earnings, the problem could easily be solved; but when the facts confront us, they present unexpected difficulties. That we can, by arbitrary statute, fix the price for freights upon all articles, and on all roads, and do justice to the community and the railways, seems almost impossible. To establish a like freight upon a ton of iron and a ton of tea, or per car

for the transportation of a car-load of common horses, or the fancy stock of the sportsman or breeder, with the difference in liability in the one case as compared with the other, illustrates the obstacles in the way of adjusting a tariff of freights so as to meet the various demands of commerce. When we consider, further, the difference of expense in operating railways: one having easy grades and running through a level, agricultural country, with light expense and a local business profitable to stockholders; another through a hilly region, with sharp curvatures, heavy grades, and a limited local business: the difficulties are increased. And if we consider the further fact, that one road may be largely supported by passenger traffic, while another is specially a freight, coal, or lumber road, it still further multiplies the obstacles in our pathway.

There are, however, some abuses which, in my judgment, are capable of remedy by legislative intervention. We are sometimes told that competition will settle all these questions. But this cannot be true. George Stephenson once said, "where combination is possible competition is impossible;" and that is true to-day. Indeed, competition not infrequently proves a source of oppression to the people. Railways are generally designed as commercial channels between certain points, while the intervening country, with its business, is regarded as only an incident of their main purpose. It frequently happens that rival railways, though connecting the same points, widely diverge in their passage through the country they traverse. If, from any cause, competition for the through business becomes sharp at the ends of these lines, freights have at times been reduced be-

low cost, the companies making up their losses by exorbitant charges on the intervening country. An evil of this nature, legislation ought to reach.

The habit of "stock-watering," which has grown up of late years, not only in railway corporations, but in other companies possessing corporate powers, ought to be prohibited. Although throwing fictitious stock upon the market, for speculative purposes, may seem harmless to the operators, the tax, which, in the way of interest and tolls, must be paid by the people, is one feature of the transaction in which there is no fiction.

Allowing drawbacks to large dealers or favorites, thus, in effect, driving small dealers from business, and breaking down competition in the purchase of products, is opposed to public policy, and should evoke statutory inhibition.

Discrimination against water transportation is both unjust and oppressive to the producer, and should elicit regulation; while if the State can encourage, by moral influence, the opening of direct water communication with the Atlantic sea-board, it will aid in giving the West one channel for the shipment of surplus commodities, a large portion of each year, upon which competition can be made effective.

I have thus briefly called attention to some of the points in this matter which seem to demand your attention. With the limited examination I have been able to bestow upon it, I am persuaded that full knowledge of the whole subject is of the first importance. In the determination of the rights and interests of the community and the railways, involving issues so fundamental and important, in my judgment there should be a tribunal which would thoroughly examine the

entire field of inquiry, and report facts and conclusions with a spirit of judicial fairness. It may be these anomalous interests have not yet assumed such proportions as to require, immediately, the creation, with the consequent expense, of a commission; but when they shall have reached such proportions, I have no doubt this action will be both wise and expedient. As the rights and duties of the community, the stockholders, and the operators of railways, should be well understood by all parties, I am led to suggest, whether it would not be well to have prepared a compilation or digest, in a single pamphlet volume, of all laws in relation to this subject. Giving them the same convenient form as our road and school laws would greatly facilitate ready reference, and remove any excuse for being ignorant of the law.

The question of railroad taxation will also come to your attention. Whilst I have no hesitation in saying that a larger revenue should be collected from our railways, I am not able to see that the same mode of assessment should be adopted as is applied to the assessment of private property. It would seem to be unjust in many particulars, and, withal, very nearly impracticable. But that the property of corporations should be taxed uniformly with that of private citizens is both constitutional and right. It has cost many sacrifices to establish the principle of "equality before the law," and no individual or corporation should escape the operation of a principle so beneficent. This principle should not only be applied in the taxation of railway property, but in dealing with the entire question. If, however, we assess railways in the same *manner* as other property, a few townships in each county will reap the benefit of all

local taxes, and a few towns in the State of all tax upon rolling-stock and other property. For these, with other reasons, it would seem to be unjust to a very large majority of the people of the State, who do not live in townships and counties having railroad advantages.

It would also work injustice to the railways. The value of a railroad is evidently not in its right of way, embankments, masonry, bridges, ties, iron, machinery, locomotives, cars, buildings, &c., &c., but in the essential franchise. And the value of this franchise is dependent upon dividends. If railway property is assessed by the same mode employed in the assessment of other property, the road constructed through the hilliest country, with the most expensive bridging, would be liable to the larger assessment, though it paid the least. Such a policy would be dictated by neither wisdom nor justice. The constitutional provision that "the property of all corporations for pecuniary profit shall be subject to taxation the same as that of individuals," while unmistakable as to amount, is, in my judgment, not directory as to the mode of assessment. Therefore, if a policy should be adopted which would operate unequally, in the valuation of railway property, as compared with that of private persons, or the result of which would be to tax, in some instances, railway property at twice its value—having paid once upon hypothecations—it might result in litigation, and perhaps decisions adverse to the State. Indeed, I understand this very liability in relation to mortgaged real estate of private persons, is provided against in the amendments to the Revision of 1860, submitted to you by the Codifying Commissioners.

In saying this much, however, I in no wise deviate from my unyielding conviction that railway companies should be taxed uniformly with every private citizen in the State. Upon this point I would not be misunderstood. Having confidence in your wisdom, as the representatives of the people, I have no doubt you will be able to originate such measures, as a basis upon which to tax this class of property, as will secure to the State the full amount of revenue which should accrue from the aggregate value of all the railways, and at the same time do justice to all parts of the State, and to the railroad companies.

Closing what I have to say upon these questions of a general nature, permit me to call your attention to a matter which, though somewhat exceptional in its nature, demands your earnest consideration. I refer to the position of a large number of settlers on what is known as River Land, situated in the Des Moines Valley. I will not stop here to argue that the State should take some action to bring this question to the attention of Congress, and should earnestly besiege that body until such compensation is made to these people as will enable them to buy their land of the parties in whom the Supreme Court of the United States has lately adjudged the title to exist. It seems to me the simple facts in the case are sufficient to commend it to the favor of every just and humane man.

I desire, however, to answer an objection which has been urged against the claims of these settlers. It is said they knew the title to this land was in dispute, and in going upon it took their chances. This is sufficiently answered by saying, that when different officers of the land department at

Washington disagreed in reference to the extent of this grant, whereby it was kept oscillating under conflicting decisions, between the State and the general government, for twelve years; and when the Supreme Court, in 1859, decided the grant did not extend above the Racoon Fork (or city of Des Moines); and when the Commissioner of the General Land Office, Secretary of the Interior, and other ministerial officers of the general government were so far convinced that these lands were open to settlement and pre-emption as to issue patents to hundreds of these claimants, and to set apart indemnity lands, under the grant of July 12th, 1862, in place of these pre-emptions; can it be presumed these settlers would be able to see through the technicalities which finally produced a decision of the court holding their titles invalid?

I cannot believe, if the merits of these claims are properly presented to Congress, that they will go unadjusted. A case almost precisely parallel to this, relative to lands on the Virginia soldiers' reservation in Ohio, a portion of which were sold, by mistake in reference to the boundaries of the reservation, to large numbers of settlers, and afterwards entered by Gen. McArthur and others with Virginia bounty scrip, was fully indemnified by the United States, as far back as 1821; and it is believed the sense of justice is as strong now, both in our people and government, as at any former time. That it will cost something is true; but the army and navy had better be reduced than to suffer this crying wrong to go unadjusted. The love of the people for their government, secured and retained by the knowledge that it will suffer no wrong to its weakest citizen, is a

cheaper defense than standing armies. I believe the State should appoint an Agent to proceed at once in a thorough examination of each of these disputed titles; that lists should be made containing the name of the settler, the length of time he has occupied the land; the *status* of his title; whether he has a patent from the general government, a certificate of pre-emption, or simply a squatter's claim; the date of his record title, if he has one, and the probable value of his improvements. This report would enable those pressing these claims at Washington to do so intelligently, and with ability to approximate the appropriation necessary to secure a fair adjustment.

The report of the Codifying Commission will claim your attention. As it is the work of distinguished lawyers, who have given the subject upon which they report deliberate thought and study, I have no doubt the adoption of their suggestions will tend to round out and perfect our code of laws.

In reference to amendments to existing laws generally, in my judgment, it is well to bear in mind that all changes are not reforms. When the people come to know the law, and their habits are conformed to a system, unless it can be materially improved, it is unwise to confuse public business with needless innovations.

But, as my predecessor has submitted an able and comprehensive Message—with the conclusions of which I heartily agree—any further reference to these special subjects would be a work of supererogation.

I have thus rapidly reviewed a few of the salient points which have presented themselves to my mind as capable of

ministering to the progress, prosperity, and happiness of the people. But, while so much may be expected from intellectual and material growth, I would not be understood as ignoring the fact, that the future of Iowa is largely dependent upon the morals of her citizens. Believing as I do that, "except the Lord build the house, they labor in vain that build it," I am but loyal to a settled conviction of public duty in acknowledging my need, not only of that support which comes from the confidence of the people, but the aid of that Divine Ruler who is too wise to err, and to whose laws nations, as individuals, are alike amenable.

Although gratefully accepted from the hands of a generous people, I am not unmindful of the great responsibilities of the position they have conferred upon me. These reflections impress me the more forcibly when I remember that my acts will be compared by a discriminating public with those of an unbroken succession of predecessors whose statesmanship has given an added luster to the history of the generation they so wisely served. It in no wise relieves these misgivings, to reflect, that this comparison will be all the more sharply drawn from the fact that I assume these duties as the immediate successor to the distinguished gentleman, who, during the last four years, has performed them with such signal honor to himself and advantage to the State.

Gentlemen of the Fourteenth General Assmby: The trust confided to us, in our co-ordinate departments, is of no ordinary moment. I hope to co-operate with you in measures which will tend to promote the welfare of the people of Iowa. That I shall uniformly be free from error, is hardly

probable; but, believing in the utmost frankness, in my administration of these duties, I shall have no concealments from you, from my friends in other departments of the State government, or from the people. Even a mistake frankly acknowledged, followed by sincere attempts to retrace the steps taken in a wrong direction, is generally relieved of half its otherwise evil consequences. We may differ upon some measures of public policy. We may, as partisans, be Republicans and Democrats. But there is one particular in which we will not differ: in our abiding love for Iowa and her people we are one. And my desire is, we may so meet our joint responsibilities that, in the great realm of the future, Iowa, in her character for Patriotism, Virtue, and Intelligence, will stand an exemplar in a sisterhood of States, the number of which no prophet may to-day predict: all constituting "one nation, one sovereign nationality, with one governing civilization, one inspiring history, one alluring hope, one foredated future destiny, and one eternal weight of earthly glory."

CYRUS C. CARPENTER.

FIRST BIENNIAL MESSAGE

JANUARY 23, 1874

From Iowa Documents for 1874, Volume I

Gentlemen of the Senate and House of Representatives:

At the threshold of your permanent organization it becomes my duty to communicate to you "the condition of the State," and to "recommend such matters" as I "may deem expedient." The past biennial period has been one of varied experience to the people of Iowa. Prior to the last four months it had been marked by all the evidences of progress and prosperity in the social, moral, and material enterprises which uniformly characterize an intelligent and ambitious people. But near the middle of last September financial disaster prostrated, for the time being, the commercial interests of the entire country. Iowa did not escape the influence of the panic, and is not now fully recovered from the business stagnation of which it was the precursor. It is with pleasure, however, that I refer to one fact which the late revulsion has made apparent, and that is, that the development of our great natural resources, and our growth as a State in every element of wealth, have reached a point which insures our people for the future from such entire prostration, helplessness, and distress as followed a like revulsion during the year 1857. This immunity from the worst effects of commercial disaster is largely attribu-

table to the fact that Iowa is pre-eminently an agricultural State. In this connection it is also a cause of pride and congratulation to the citizens of Iowa that the finances of the State, as shown by the reports of the Auditor and Treasurer, are in a most favorable condition, and promise to supply every necessary demand upon the treasury without embarrassment to the people or recourse to new measures for an increase of revenue.

FINANCES.

The report of the Auditor of State shows that during the fiscal term there was paid into the general revenue fund of the State, the sum of \$2,129,577.51, and there was disbursed therefrom the sum of \$2,180,100.69; the expenditures thus exceeding the receipts \$50,523.18, which amount deducted from the balance on hand, November 6th, 1871, viz.; \$81,740.84, leaves \$31,217.66 in the treasury to the credit of the general revenue at the end of the term. The total balance on hand of all funds was \$57,228.04. Last winter, for the first time in several years, the Treasurer of State was compelled to indorse warrants for want of funds, and before the moneys in the treasury allowed of their being called in, which was done as soon as practicable, interest had accrued to the amount of \$2,807.65, which has since been paid.

Special appropriations should be drawn as used.—Attention is invited to the paragraph in the Auditor's report recommending that, in special appropriations designed for enterprises extending over the biennial period, a provision be inserted preventing more than one-half of the money

from being drawn the first year. The reasons given for this restriction are clear and unanswerable, and I not only indorse them, but my judgment would lead me to go a step farther, and to say that the money in such cases should be drawn, on vouchers, as necessary for use in the purpose to which it is applied, and that not more than one-half should be drawn the first year. Such a provision in our law in the past would have saved nearly if not quite all the interest paid on warrants during the last fiscal term.

Estimated receipts and expenditures.—The Auditor estimates the receipts of State revenue in the next two years at \$1,973,800, and the expenditures now provided for by law at \$1,474,000; which will leave a surplus of \$499,800 to be applied to such special purposes as the General Assembly may deem wise. In this connection I would heartily indorse his recommendations respecting reforms in the collection of the State revenue. I do this the more confidently and emphatically because his former suggestions respecting the management of the school-fund were a foundation for legislation which absolutely wrought a revolution in the treatment of this most important trust to a considerable degree indemnifying the blunders of the past, and securing the future from the possibility of their recurrence. In addition to his recommendations in reference to changes in the management of the revenue, I will suggest whether it would not be well to collect the taxes semi-annually instead of annually, as now required by law. This would not only benefit the tax-payer by relieving him from the necessity of raising all the money at a single payment, but would leave one-half the amount of his taxes in his own hands for use six months

in each year, whereas otherwise it would remain idle and non-productive in the treasury. Governor Chase suggested this reform to the Ohio legislature during the stringency for money following the financial crisis of 1857, and it has been found to work so admirably that the practice has been continued.

How the money goes.—The interesting tables upon taxation, compiled by the Auditor, show that there was levied in the State for all purposes (except the municipal taxes in a few cities incorporated under special charters), in 1871, the sum of \$11,267,562.13, or 3.23 per cent. of the valuation, and in 1872, \$10,711,925.49, or 2.94 per cent. Of these amounts less than one-thirteenth, or, to be exact, \$1,606,716.94, was for State purposes. These are suggestive tables, and worthy of consideration by representatives of the people. They indicate with tolerable clearness “where the money goes,” and prove that taxation is largely—almost entirely—local and self-imposed; and that, when it becomes burdensome, the remedy is at the source of the evil. Another feature of these tables calls for special comment: The “insane hospital” tax for the two years foots up \$435,037.86, levied in sixty-nine counties. Of the remaining counties, a few have no patients to support, but the larger part meet the necessary expenditures for this purpose out of their ordinary revenue. Yet the entire receipts of “insane dues” at the treasury, from the counties amount to only \$226,250.12. It is evident that taxes have in many cases been levied, ostensibly for the support of the insane, but really for other purposes. One county, for instance, levied nearly \$32,000 for this purpose, yet the entire charge upon

the county for the care of its insane, including amount due in 1871, as I am informed by the Auditor of State, was less than \$3,100, and it still owes the State on this account \$900. Another levied over \$10,000 to meet obligations amounting to some \$150; a third over \$8,000 to pay less than \$650; and a fourth imposed taxes amounting to $3\frac{1}{2}$ mills in the two years to pay a little over \$50 of insane dues. On the other hand, Linn county finds a levy of three mills sufficient for county, poor, and insane funds. That the excessive amounts are diverted to ordinary county purposes is well understood, yet it is clearly unlawful, and should not be tolerated. If it be found that the maximum county levy is too small for the ordinary expenses of the county, let it be increased as much as may be needed; but there should be no taxes levied under fraudulent garbs, and especially when such wrongdoing mocks the State's liberality and pollutes her great charities. The proper remedy to be applied I leave to the wisdom of the General Assembly, with the remark, however, that a maximum levy for this purpose of half a mill is more than ample for the support of both hospitals.

TREASURER'S REPORT.

The report of the Treasurer of State is placed before you. It gives in a compact form the receipts and disbursements during the biennium closing November 1st, 1873, and shows clearly, and by well-classified arrangement, the condition of each fund at that date. A slight discrepancy will be observed between it and the Auditor's report in the receipts and disbursements of general revenue. This occurred from a balance found due the State, from Black Hawk county,

by the adjustment of an old swamp-land claim, which the Auditor secured during the last year in office of the predecessor of the present Treasurer. By mistake this had been credited to the wrong fund. It, however, may be easily transferred, and even now does not affect the general balance, which will be found to compare.

PERMANENT SCHOOL FUND.

The amount of the permanent school-fund is put by the Auditor at \$3,294,742.83—an increase, since 1871, of \$133,259.82. The State holds \$243,056.15 of this fund, on which it pays interest at the rate of eight per cent. per annum. Under the law of 1872, the funds in the custody of the counties will hereafter pay the same rate, the State looking to the counties only for the interest, and leaving to the latter the whole matter of collection, for which they will receive one-fifth the interest, including what may be found uncollectable. This, I look upon as one of the most salutary changes made for many years in the management of this fund.

During the past two years, I have sold of the Eads lands 80 acres in Jackson county for \$2,000; and some city lots in Keokuk and Des Moines for \$2,350.

PUBLIC LANDS.

The report of the Register of the State Land-Office shows that there have been patented during the past two years, of school lands, 48,718.08 acres, 30½ lots, and a half block; of university lands, 2,320 acres; and of swamp lands, 11,643.43 acres. Swamp land indemnity certificates have been received, calling for 14,057.74 acres, but as there are no lands

in Iowa on which these can be located they are at present of doubtful value. The Register adds to the valuable tables presented in his former report a list of the swamp and overflowed lands for which the federal government has allowed the State indemnity in either scrip or cash.

In March, 1872, Congress passed an act requiring the commissioner of the general land-office to receive and examine selections of swamp-lands made in several counties of the State, which selections had been reported to the surveyor-general at Dubuque, but which, not having been reported by that officer to the commissioner of the general land-office, had been ignored by the latter. Mr. Cleghorn, the swamp-land commissioner of this State, in a report to the register, states the amount of the claims thus reopened at 865,770.46 acres. From only a small part of these lands, however, will the counties receive any benefit, as most of them have passed into the hands of purchasers or been taken up under the homestead act, unless Congress should permit indemnity certificates issued therefor to be located outside of this State.

A few additional tracts of land certified directly or indirectly to the Burlington & Missouri River railroad company make the aggregate of all the grants for internal improvements in Iowa 4,898,668.88 acres.

On the 26th of July, 1872, upon satisfactory evidence, I certified to the Secretary of the Interior the completion of two sections of ten miles each, "from the south line of the State of Minnesota southerly in the direction of Sioux City," of the Sioux City and St. Paul railroad. Upon similar evidence, on the 10th of August, I certified to the construc-

tion of another section; and on the 4th day of February, 1873, to the completion of two more sections, one prior to August 10, and another prior to September 10, 1872. On the 16th of October, 1872, the United States conveyed to the State 191,464.04 acres on account of this road, and on the 17th of June last 205,374.76 acres more. As no provision of law has yet been made for the conveyance of the lands of this grant to the company earning the same, I call your attention thereto, in order that you may take the necessary action to fulfill the obligations of the State to the company. Some of the lands are claimed by the McGregor & Missouri River Railroad Company, and I have been served with an injunction issued out of the circuit court of Osceola county restraining me from patenting those thus in dispute. The road is now completed from the State line to Lemars, whence the track of the Iowa Falls & Sioux City road is made use of into Sioux City. From the State line the road owned by the St. Paul & Sioux City Company is constructed through to St. Paul, furnishing Minnesota with its most direct route to the Pacific. The Iowa company has yet to build its road to Sioux City, a distance of some twenty-five miles.

But little progress has been made towards the completion of the McGregor and Missouri River railroad west of Algona. The act of Congress making the grant for this road says the initial point of the road shall be "at or near the foot of Main street, south McGregor." The act of the General Assembly of 1868, regranteeing the lands, required, as a condition of such regrant, that the road should be completed "as far west as to Chickasaw, in range fourteen, in Chicka-

saw county, by the first day of September, 1869." That point is, and was before that time, in railroad communication with the Mississippi river at North McGregor, some two miles north of the proximate initial point named in the act of Congress. Admitting, what is more than questionable, that the piece of road built from the Mississippi river to Calmar by another company is a part of the line contemplated in the act of the General Assembly, there is yet much room for doubt whether the requirement as to the initial point has been complied with. The designation, "at or near the foot of Main street, south McGregor," would hardly seem to cover a point not in South McGregor at all. The word "south," let it be observed, is no part of the corporate name of the city of McGregor, nor was it of the town of McGregor, the place contemplated in the act, and seems to have been made use of by Congress for the sole purpose of distinguishing it from the place platted and known as "North McGregor." The commencement of the road at the latter point, therefore, appears not only to be a non-compliance with the law, but to be an act in direct contravention of the legislative will. If this view be correct, then the grantee has not *completed* its road to Chickasaw, and the failure to do so gives the General Assembly an opportunity to take such action as may seem needed to bring about a compliance by the railroad company with all the conditions of the grant.

On page 195 of the report of the Register will be found his remarks upon a recent decision of the Supreme Court; immediately following which is the decision itself. If the lands referred to—in townships 89 and 90 of ranges 28 and

29—should, under this decision of the Supreme Court, be held as inuring to the Des Moines Valley Railroad company, it would unsettle the title to their homes of quite a number of families who now hold under the Dubuque and Sioux City Railroad company, to which these lands were certified under the act of May 15th, 1856. In view of the great hardships that will result to the settlers—who have cultivated these lands for years, believing their title to be perfect,—I would suggest whether it would not be well for the General Assembly to refer the matter to the Attorney-General, and, if in his opinion the Des Moines Valley company hold the title, then to adopt some measure by which the State may assume the *onus* of settling with the company and these families be saved from distress and, in many instances, ruin.

It has been suggested to me that the Register of the State Land-Office would be able, if directed by law, to secure abstracts of original entries, copies of which are needed in every county, for such counties as have not obtained them, at comparatively small cost in the aggregate, as compared with the expense when obtained by a single county. The matter is submitted for consideration, and may perhaps be worthy your attention and some legislative action. It would also be well for the State to have a complete abstract of original entries at the capitol, as it would be important for reference at all times hereafter.

THE CENSUS.

The twelfth State census, taken last spring, and compiled by the Secretary of State in a pamphlet with much other useful information, is before you. It shows a population of 1,251,333—an increase since 1869, when the eleventh State

census was taken, of 210,514, but of only 57,313 over the footings of the federal enumeration of 1870. The latter meager increase has led many to suppose the State census entirely unreliable. A comparison, however, of this and the previous enumerations taken by the assessors, with the returns of the school population, as ascertained by the district secretaries, shows such uniform proportions between the two classes of enumerations as to inspire confidence in the substantial correctness of the State census. Tried by a similar test, the federal enumeration shows a disproportionately large aggregate, as compared with the school population. That there was such a disproportion is probably true to some extent. The construction of railroads, so actively prosecuted in 1870, brought among us its attendant population, composed largely of the men without families, whose numbers would help swell the aggregates of population, while their presence would be scarcely observable in the school census. This will doubtless account for part of the disproportion; the remainder would seem to be excessive enumeration. The difference between the modes adopted by the federal and State governments, respectively, for taking the census, I cannot but think favorable to the greater accuracy of the latter. The enumeration of every township, town, and city, by a local officer resident therein, who is often personally acquainted with much the greater part of the population, especially in the rural districts, is certainly more likely to be accurate than one taken by an official whose range of duty covers several townships, and sometimes a number of counties.

In 1875, the population of the State will again be enumer-

ated, as provided by the constitution. In order that such enumeration may be made as nearly accurate as is attainable, I would suggest that all the information sought for the United States census be called for, including the name, &c., of every inhabitant of the State, with full returns of the agricultural, manufacturing, and mining statistics. To this end, the census in cities and towns, at least, had better be taken by separate officers, or the assessors be allowed to appoint deputies for this special purpose, divesting the census, as much as possible, from every appearance of connection with taxation. Should the Federal Government determine, as is not improbable, to take a census in 1875, no action need be taken by the General Assembly, as everything we could desire in the way of statistics will undoubtedly be thereby supplied; although it is hoped Congress will improve the plan of the work so as to bespeak greater accuracy.

Diversified Industry.—The census of the present year shows, what has indeed been apparent to common observation, that the rapidity of growth which marked the history of Iowa from 1865 to 1870 has received a check. Immigration, except to the newer counties of the State, is nearly if not quite balanced by emigration to the cheaper but not better lands beyond the Missouri. From this, I deduce the fact that some parts of our State have reached a point beyond which no great growth may be anticipated until their industries shall have become more largely diversified: in other words, that, with agriculture alone as a basis of productive wealth, they have reached the period of their greatest comparative prosperity. If such be the case, it becomes the statesmen of to-day to look it in the face, and, if legis-

lation can do anything towards bringing about the needed diversification, to apply such legislation. A few years ago the desirability of encouraging the growth of timber, fruit-trees, shade-trees, and hedges induced the General Assembly to make liberal exemptions from taxation in favor of their cultivation. The effect has been to dot the prairies of the newer counties with groves of young timber, and to stimulate all over the State the growth of trees and hedges. That similar results would follow like liberality towards manufacturing industries, there can be no doubt. The propriety of such exemption I most earnestly recommend to the consideration of the General Assembly, in the hope that it will be found advisable to enact measures calculated to stimulate those industries. The immense coal-fields underlying the soil of Iowa, renders it probable that such encouragement will not long be needed, and that a little aid at the incipiency of manufacturing enterprises, sufficiently long extended to convince their projectors of the inviting field Iowa offers them, is all that is necessary to establish on a firm footing the most extensive manufactures. The exemption from taxation of the moneys invested therein above a certain amount, would, I am persuaded, bring into the State much capital, the unexempted part of which would itself in no small degree increase the amount of taxable property, and for which, without some such discrimination, we may wait for years.

THE MILITIA.

The militia law of the State needs revision. The present statute, enacted originally in a time of war, contemplated a thorough organization of the entire militia. The occasion

that called forth such an enactment having passed away, there is now no disposition to enforce its stringent provisions. Hereupon I ask, for the suggestions of the Adjutant-General, whose attention has unavoidably been drawn to the inadequacy of the present law, the careful consideration of the General Assembly. An increase of compensation seems to be advisable in case of those who may be called on for active duty, as in the instance I shall presently mention. To be required to quit one's business, perhaps on peremptory notice, in order to do military duty for the protection of community, ought to command better pay than 44 cents a day and subsistence. Active militia under our law obtain no immunities by reason of service, as in some other States where a term of years in a military company exempts from jury duty and poll-tax; hence the more reason for a better compensation for active service.

The Adjutant-General reports a total amount of \$13,432.01 paid on account of the grey uniforms of the second and third Iowa infantry; and on the first Iowa cavalry claims \$31,499.58, of which amount there remains due by the United States \$3,753.16. He also paid on other claims \$908.91 during 1872 and 1873. The code making no provision for the expenses of the quartermaster department of the State, I recommend the passage of a statute similar to the former one upon the subject, or a permanent appropriation therefor. I also suggest an enlarged allowance to this officer for clerk-hire. I would commend to you attention other recommendations of the Adjutant-General in relation to his office.

On the morning of Monday, November 17th, 1873, I re-

ceived a telegram from some of the most prominent men in Council Bluffs, informing me that a prize-fight was contemplated in that vicinity the next day; that several hundred "roughs" had congregated in that city and Omaha to witness the fight, and that the civil authorities were powerless before them; and they requested me to send a military force to prevent the disgrace to the State and their city. I replied that if the sheriff informed me officially of his inability to execute the law, I would feel it my duty to aid him to the extent of my power. The sheriff responded asking for aid to execute the law, saying that he was unable to do so with any force at his command in Pottawattamie county. In response to this, I issued orders to the Adjutant-General to forward a military company to his aid, ordering them to report to the sheriff. This order was executed. Late in the afternoon of the next day, the Adjutant-General forwarded me a telegram, saying that the train was about leaving for some point on the Council Bluffs and St. Joseph railroad, conveying several hundred roughs to witness the fight; that the two principals had gone on below in carriages; and that the sheriff was unwilling to take the responsibility of following them. General Baker, upon receiving this telegram, informed Colonel Olmsted, the commander of the company, that he was expected to obey the sheriff, which was in accordance with my order of the day before. But upon reading this dispatch I saw that the matter had taken a turn not anticipated when I made the order, and I therefore without hesitation wrote a dispatch telling Colonel Olmsted "to prevent the fight without regard to sheriff or anybody else," and sent my private secretary to the tele-

graph office with it, in order to be sure that it was sent without delay. Upon his arriving at the the office, however, he found that the train had reached its destination near Pacific City, in Mills county, and that the fight was over. The cause of the failure to prevent this lawless encounter was not in any lack of discipline, or of readiness to obey orders on the part of the military company, but it grew in part out of the sheriff's confusion as to the law and the "overt act," owing to the difference of opinion which he heard among lawyers. But the ruling cause was the fact that Iowa has no law upon her statute-books to prevent prize-fighting. And if this experience results in giving us a law that will furnish full authority to prevent the re-enactment of scenes of this character within the State, it will in a measure compensate for the mortification felt from this unsuccessful attempt to perform what seemed a plain duty, and the State will be compensated for the unavailing expense. Such a statute, owing to the nature of the offense, should be not only punitive, but directly preventive, clothing the authorities with extraordinary powers, if necessary, for its enforcement.

THE LIBRARY.

The State Librarian reports 12,004 volumes in the library, an increase of 2,075 since last report. The public property in this department is well managed by the present librarian, who, continuing the work so happily inaugurated by her predecessor, spares no effort to increase the usefulness of the collection. During the past term, she has been able to complete full sets of the laws of Iowa, the House journals, and the Senate journals, and all but one of the Council journals.

The State has of late years refrained from insuring its property; but the large amount of perishable property here concentrated in a small compass and in an insecure building gives weight to the suggestion of the trustees that the library be insured, and I commend the same to your consideration.

THE SCHOOLS.

The report of the Superintendent of Public Instruction presents the usual valuable statistics of that interesting department of the State government. The number of persons within the school age is 491,344, an increase during the biennial period of 29,862. The number of school-districts has increased 932, owing to the organization of independent districts under a law of 1872, there being only six more township-districts than in 1871. As each independent district has five officers, and the larger ones eight, the advance in the number of school functionaries is probably nearly as great as that in the enrollment of scholars above mentioned, viz.: 5,332. The creation of over 900 new secretaryships with no more records to keep, of over 900 new treasurer-ships with no more funds to handle, and of thousands of new school-directorships with no more duties to perform, with the division and almost dissipation of responsibility thereby wrought, is of itself a forcible argument in support of the views of the superintendent in favor of a simple township organization. Indeed, the system of almost infinitesimal districts seems to be hardly defensible except upon the theory that the best government is that which comes nearest supplying every man with an office. The surprising mismanagement of school moneys revealed in the superintend-

ent's report, in some of the counties, will not be improved by a multiplication of fiduciary officers.

The recommendations of the superintendent, — that annual reports be required from both school secretaries and treasurers, and that these officers be chosen in September; for more effective county supervision; and in favor of providing for State teachers' certificates, — are the suggestions of an officer who has seen the practical need there exists for improvement in these respects, and I cordially endorse the spirit of those recommendations. I would also invite your attention to the superintendent's arguments in behalf of normal schools; and likewise to his suggestions for better provision for teachers' institutes. To my mind, if the General Assembly should not deem the occasion opportune for the establishment of normal schools, a tentative substitute, both cheap and effective, may be found in the encouragement of these institutes, by providing for terms of several weeks, and giving them competent instructors. Some have already been held in different parts of the State with very satisfactory results. Other States have tried the experiment, with apparent success. I entertain no doubt that such gatherings, with substantial recognition from the State, will be of benefit to all who attend, affording them measurably the advantages of the normal school. It becomes us to neglect no means calculated in any manner to advance the standard of the instructors of our youth, the fruits of whose labors are such large factors in whatever will be the developed characters of the future men and women of Iowa.

THE STATE UNIVERSITY.

No Iowa institution has developed into power for usefulness with greater rapidity than the State University. The report of the board of regents, embracing also the report of the president, the different members of the faculty, and the treasurer, is placed before you with the confident hope that the good results which they show will be regarded as an earnest of still greater achievements in the future, if the institution continues to be encouraged and fostered. The University still holds 7840 acres of the land-grant, valued at \$27,300. The income for the two years ending June 30, 1873, was \$122,041.29; which includes the appropriations of the 14th General Assembly. The actual income from July 1st to October 1st, 1873, was \$6,458.60, and the estimate for the next nine months, which will bring the institution to the close of another fiscal year, is \$23,150. The assets of the University are \$232,221.51; of which \$202,821.53 represents the working or productive capital of the institution. The expenses from June 21, 1871, to October 1, 1873, were \$103,415.93. An institution growing as this is, not only in the confidence of the people but in the number of its students, and the constant enlargement of its enterprises, will necessarily more and more require the fostering care of the State in order to furnish accommodations to its new departments, its new professors, and the students that overflow its crowded apartments. To-day, more than ever before, those who are proud of the career of this institution, and who deeply appreciate its possibilities for usefulness, by elevating the intellectual standard in our State, and enlarging the domain of scholarship, are tempted to knock

at the doors of your legislative halls for additional appropriations. New avenues requiring extraordinary expenditures are constantly presenting themselves to the board of regents, and they have no other alternative than to frankly lay the necessities of the institution with their own views before the General Assembly.

The University needs a study-hall; a cabinet of natural science; larger accommodations for the academical and professional departments; a wood-house; and a house for the janitor. The law-school should have separate apartments; the medical department, now located in a building formerly used for another purpose, would be greatly improved and its usefulness facilitated if given the control of apartments adapted to its work. With greater means at their command, the regents could devise methods which would largely increase the power of the institution for good. The dentists of Iowa, through their State Association, are moving with the hope and purpose of securing recognition in the University by the establishment of one or more chairs in connection with the medical department, in order to promote the usefulness and efficiency of their specialty, and to fix a standard of qualifications for its practitioners. The beneficent results of this profession have come to be so appreciated throughout the country that the value of such a department will hardly be controverted; and yet the regents have not felt that they have the means at their disposal, or the authority, to give encouragement to the petitioners.

Permit me to suggest for your consideration, whether it would not be well to fix an annual standing appropriation for this institution. Placing a fixed and determinate amount

at the disposal of the board of regents, to be applied as they might regard as for the best interests of the University, would remove the necessity for their coming to each General Assembly to ask for the aid which has absolutely become a necessity in carrying forward the school; and it would put the regents upon their responsibility as citizens and officers, inspiring them to so husband and expend the trust as in the greatest degree to promote the welfare of the University.

THE AGRICULTURAL COLLEGE.

The report of the Iowa State Agricultural College shows that the usefulness and success of a collegiate institution, embodying in its curriculum the industrial idea, so far as Iowa is concerned, is no longer an experiment. The president's report is full and satisfactory upon the question of harmonizing mental and manual labor. Reading his report has but strengthened my own long entertained opinion, that those studies which will prepare the young for active industrial pursuits possess every element as mental disciplinarians for producing a well rounded and cultivated manhood. This college having now graduated two classes, the members of which have taken rank with the students of any other college in the country, its character and its management need no further indorsement in the way of theory.

The land agent, Mr. Bassett, has been authorized to lease lands for ten years from January 1st, 1872. The number of acres of lands unleased November, 1871, was 19,547; since which time 3,591 have been leased, and 6,809 acres have been forfeited; making a total of 22,765 acres of unleased lands at date of report.

An appropriation of \$25,000 is asked for to carry forward a necessary enlargement of the institution in order to meet its growing wants. It seems to me this institution should be dealt with liberally by this General Assembly. The public mind is alive to an unprecedented degree to the future of the farmer. Agriculture and its interests are being pushed to the front with a vigor and persistency which promise a wide and permanent increase in power and influence. As the farmer reaches out for more rights, the first consideration should be the means of educating his sons and daughters in those branches of a higher education which will prepare them for useful and successful lives. In this view, he cannot afford to neglect to foster an institution which not only illustrates the recognition due to his profession, but opens the way for the sons and daughters of agriculturists to attend a school where the best culture of the period is combined with those practical sciences necessary to increase the efficiency of labor.

Two years ago, an appropriation of \$38,500 was made for the purpose of building a laboratory and for other improvements at the college. Unfortunately it was intrusted to the custody of a treasurer who used a large portion of it in his private speculations, thus bringing ruin upon himself and seriously crippling the institution. The first intimation I had of this defalcation, was on the ninth day of December, 1872. I immediately communicated all the information I had in reference to it to the board of trustees, then in session at the college. From an unfortunate oversight in the trustees—which doubtless grew out of the fact that the treasurer was also State Treasurer, and that most of the

board were new members who, coming into their positions as trustees and finding him in custody of the funds, doubtless continued him in the position without suspicion, and probably with the idea that the two offices were in some way connected,—it turned out that there was no bond on file which is thought to cover any portion of the time to which the defalcation extended. A committee of the board, however, were authorized to secure such indemnity for the college losses as was then possible. In the prosecution of this object, although I had but recently become connected with the board as an *ex-officio* member, I gave them such aid as was in my power. I was fully cognizant of the transactions of this committee, and I thought then, and think now, that they acted with good judgment and with the single motive to secure the college from loss as far as possible. But, as this whole matter has been the subject of an elaborate investigation by the legislature, I will not enter further into details.

A portion of the property for which deeds were taken had been previously mortgaged, and this, together with the revulsion in the money market, has greatly embarrassed the committee, and prevented them from realizing a large amount upon their property. There has seemed to be a studied purpose in some quarters to *bear* or depreciate the property in public estimation, and to embarrass the committee in their attempts to handle it, with the view of obstructing its sale, and with a hope in the end that it may sell for comparatively nothing. In view of this fact, would it not be well for the State, by appropriating a sufficient sum in addition to what they have already realized upon it,

to enable the committee to lift these mortgages and thus clear the property of incumbrances which now embarrass its sale and diminish its productiveness? If this were done, I have no doubt it would make the college whole in due time.

In connection with other property, 1,600 acres of wild land in Lyon county was deeded to the college. It is at present unavailable, but I am told by Mr. Noble, the chairman of the committee of trustees, to whom the care of this property was assigned, that this land could be leased for six dollars per acre, upon the same terms as other college land, if the committee were authorized to do so. I would therefore suggest whether it would not be good policy to confer upon this committee such authority by special law.

Before leaving this subject I would call attention to two lessons in legislation which seem to me to be suggested by this occurrence:—First: It will be observed that there is no provision of law directory of boards of trustees, if from any cause they deem it necessary to proceed against the treasurer of the funds of the institution. The law provides that in case the Governor believes the public interest requires an examination of the books and accounts of a State officer, including the State treasurer, he may appoint a commission of three competent accountants to examine and report, and if irregularities are shown to exist, by reason of which the State is liable to suffer loss, he has power to suspend the officer, and he is directed how to proceed by statute. It seems to me that the trustees of our educational and benevolent institutions should be directed specifically as to their duties in case one of their officers is found either derelict in duty or to be proceeding in violation of his trust.

Second: In my judgment treasurers holding public funds should be restrained, by law, from accepting the treasurer-ship of any other institution, public or private. If the treasurer of the agricultural college had not at the same time been State treasurer, it is probable the temptation to use the college money in his own speculations would never have occurred to him. But the opportunity to count State funds in making his settlements with the board of trustees doubtless seemed to him so tempting, that, taken in connection with a natural desire to try his hand in speculations, it overcame the better impulses of his nature. I believe also that county treasurers should neither be given the custody of township or school-district funds, nor be allowed to disburse the revenues of our cities. In this connection it would seem to me wise to forbid directors and officers of savings banks, incorporated under the laws of the State, from accepting or holding like positions in other banking institutions. The connection of a savings bank with the Merchants' National Bank of Dubuque was doubtless one agency which enabled the officer who was engaged in the illegal use of the funds of the national bank to so long deceive the public and the agents of the government as to the true condition of that institution. In fact, such a law should apply to all officers holding trust funds in any capacity.

I call your attention also to the fact that the law which fixes the number entitled to admission to the college from the several counties is very defective. As it now stands, each county is entitled to send three. No account is taken of difference in population, and the aggregate of students

which may legally claim admission is far beyond the capacity of the college building. Moreover, no plan by which applicants for admission to the college may be selected in the counties has been fixed by law. No better method suggests itself to me than to give to each representative in the house whose district is not already represented in the college the power to select two students who shall be entitled to admission from his district. Any plan, however, by which the privileges of this school would be distributed according to population, giving the board of trustees discretion to make selections where districts have not availed themselves of the right thus accorded them, would be preferable to the method now in force.

COLLEGE FOR THE BLIND.

The college for the blind continues to maintain its high rank among institutions of kindred design throughout the land. The whole number of pupils in attendance is reported at 112, 31 having been admitted during the term. Since the foundation of the institution, 269 persons have enjoyed its benefits. The health of the students during the term has been excellent, with rare cases of illness of any kind. The north wing of the college building, the construction of which was provided for by the last General Assembly, has been erected and inclosed, and the remainder of the sum to which the law limited the cost of the structure will be more than sufficient to complete the building entire, including heating apparatus. This was \$100,000, of which \$70,000 was granted. An appropriation of the remainder is asked by the trustees, as also of \$12,000 for new engine-

house and laundry (for reasons set forth in the report), of \$5,000 for furniture, and of \$2,000 for improvement of grounds. The principal asks for a law prohibiting the admission to the college, other than to the industrial school, of any person over 21. To this suggestion, and especially to that looking to a course of study so that pupils who have finished the same and learned trades may not return to crowd the institution, I ask your attention. The remarks of that officer upon the intermarriage of the blind, and especially of those who are dependent on the State's bounty, are worthy of thoughtful consideration.

THE INSTITUTION OF THE DEAF AND DUMB

Acceptably continues its work of educating those for whom it is intended. One hundred and nineteen students are enrolled, coming from fifty-one counties. One-third of the counties have never had pupils in this institution, although some of them appear to have within their borders several who need its instructions. The superintendent, in his report, points out some of the causes which prevent those having the care of deaf and dumb youth from securing its privileges for their wards, and justly remarks that compulsory education, if desirable anywhere, would seem to be eminently proper in behalf of this unfortunate class.

The building, with the aid of the appropriation of last session, has been made quite comfortable, and the means of heating and lighting improved. For the present needs of this institution, some of them very pressing, I refer you to the reports of its superintendent and the board. Upon two points I would particularly enlarge. One of these is that

in reference to a higher education at this school. The State has made ample provision for the instruction of those who can hear and speak, not forgetting the blind; and it is only right that this school should afford to its pupils an opportunity for attaining the highest culture of which they may be found capable. The suggestion that trades be established at the institution seems to be so reasonable, and instruction in such trades so desirable, that I deem it only necessary to call your especial attention thereto, believing that the propriety of the improvement proposed will be readily apparent to all.

The building commissioners present their report of expenditures made under their supervision. Of the appropriation of 1870, for completing the building, and making sundry improvements, they have expended, since last report, \$7,919.87. Of the appropriation of 1872, for barn, gas-works, reservoir, shrubbery, repair of carpenter work, &c., \$14,981.22 has been expended, and the work contemplated by the act making the appropriation has been completed.

The commissioners have been harassed for some years by a lawsuit brought against them by the contractor who put up the building, on account of alleged extra work, which suit is now pending in the United States circuit court. It is due to these officers, I think, that inquiry be made, or provided for, by the General Assembly into the nature of this claim, and, if it should be found baseless, that the State assume the defense of the suit; while if the claim be considered well founded, and the action of the commissioners to have been in entire good faith, it would seem proper that provision be made for the payment by the State of whatever amount may be found due the contractor.

SOLDIERS' ORPHANS' HOME.

The report of the trustees of the Soldiers' Orphans' Home, with those of the superintendents, will be laid before you. The number of children in the homes is 508, representing 55 counties. Of these, 256 are at Cedar Falls, 154 at Davenport, and 98 at Glenwood. Two years ago, 718 children were in the homes; so that the present report shows a decrease of 210 in the number present. The support of the homes has cost during the year \$146,050; while \$12,000 was expended for improvements, and \$550 for libraries. A chapel has been erected at Cedar Falls at a cost, (including furniture and heating apparatus, of \$3,750), the barn tripled in size, and improvements made in the laundry, out of the savings of the general support fund. Other improvements, including adequate sewerage, have also been secured. The board asks for \$11,800 for furniture, repairs, etc., and \$550 for library, for the several homes.

The work of this great charity, as the children of the soldiers pass beyond need of its help, draws to a close. In view of this fact, and of the large investments made by the State at the several points, the board and the superintendents recommend that the homes be opened to all orphans; and if this be done that provision be made for instructing the children in trades.

An interesting statement is presented by the superintendent of the Cedar Falls home as the result of an effort to ascertain something of the history of the children after leaving the institution. Ninety-five in various occupations—farmers, mechanics, &c.—are more or less creditably performing their respective duties in life; while eighty-two

have not been heard from. Could all have been accounted for, excellent data would doubtless have been furnished for judging of the success of the home in preparing the children for the work of life. The information, so far as received, reflects much credit upon the home and its beneficent influences.

THE REFORM SCHOOL.

The reports of the board of trustees, the superintendent, the assistant superintendent, and the treasurer of the Reform School are respectfully referred to your consideration. Iowa, in keeping with the advanced intelligence of her population, is moving abreast with the older of her sister States, in the number and character of her benevolent and reformatory institutions. Your immediate predecessors therefore provided for the permanent location of the reform school, and made an appropriation of \$45,000 with which to improve a farm, erect buildings, &c., &c., and of \$5,000 with which to continue the support of a girls' department in Lee county, (near Salem,) on the farm leased originally for the accommodation of the entire institution. The trustees at their meeting in April, 1872, gave public notice that they would receive proposals from different localities of the donations their citizens would be willing to give to secure the location of the school. Des Moines, Ottumwa, Oskaloosa, Muscatine, and Eldora were the principal competitors, and were severally visited by the trustees. Eldora was finally selected. The citizens of that place donated to the State 440 acres of land—400 being prairie land, within a mile of the city, and 40 acres of timber in the vicinity. Last April, two buildings being nearly complete, and the third under

contract, the trustees determined, in order to raise a crop and to utilize the labor of the boys in making the improvements, to move them to the new home. Accordingly the girls' school was organized at the farm in Lee county. It was placed under the immediate supervision of Mr. and Mrs. Lewelling, all being under the general superintendence of Prof. McCarty. There are now 145 boys in the school at Eldora, and 11 girls in the school at Salem. The progress of the reformatory work in both branches of this institution is creditable to those employed in the work, and is a vindication of the theory of coupling with the protection of community from juvenile offenders the purpose of their final restoration to society *reformed and useful citizens*.

The trustees ask for an appropriation of \$45,000 for future improvements and purchases, and this recommendation is emphasized and elaborated by the superintendent. Their statements respecting the necessities of the farm and school should be carefully read and considered. I visited the institution when the present improvements were near completion, and I desire to add my testimony to that of the board and the superintendent that it has been located with good judgment, and that the appropriation has been expended most economically and judiciously. It seems to me that no better piece of land could have been selected for a farm. In natural drainage, fertility of soil, and convenience to water and fuel it could hardly have been excelled in the State. That a larger area, to be used for the purposes of general farming, will be required in the near future, if it is not at the present time, there can be no doubt. Every appropriation that will increase the opportunity to render the

labor of the boys productive in the very things which they consume, and which if not raised must be bought, would seem to me to be in the interest of economy. The barn should be finished. As to the necessity for two new family buildings the reports will furnish information in full. These, together with ice-house, coal-house, and meat-house, with a library and musical instruments, are all essential to the usefulness of the institution, and should be provided for, if in your opinion the funds of the State will warrant the appropriation.

THE PENITENTIARY OF THE STATE.

Your earnest attention is invited to the report of the Warden of the Penitentiary. It is a document which will repay perusal even by persons who may not be called to legislate in reference to the management or support of convicts. In my visits to this institution during the past two years, and in my official relations with the warden, I have uniformly been pleased with his earnest efforts to meet the onerous requirements of his position. While he has labored to bring the management of the penitentiary into entire harmony with the humane tendencies of the age, he has neither relaxed the discipline of the convicts nor diminished their efficiency as laborers. It is to be hoped this institution will soon reach the point of self-support.

The number of convicts borne upon the books at the date of the report was 276; of which 213 are "State prisoners," to which may be added 20 sent to the additional penitentiary at Anamosa. November 6, 1871, there were 230 "State prisoners," showing, when the increase in our popu-

lation is taken into account, an encouraging decrease in crime. The report shows a balance in the general support fund of \$14,448.04, notwithstanding repairs and cost of transportation had been taken out of this fund. * You will learn through this report that the appropriation of the last General Assembly to enlarge the shop-room of the prison was judiciously expended, and that the additional shop-room contemplated has been completed. That portion of the appropriation designated to light the prison with gas, instead of oil, was not used, as it was found to be insufficient for the purpose to which it was to be applied. The warden recommends an additional appropriation of \$1,500 for the purpose of supplying gas, and to this I add my hearty approval. With the small appropriation necessary to make this much needed improvement, it seems to me that the use of oil, with its explosive and dangerous properties, and the unhealthy gases generated by so large a number of lights as are found necessary for the purposes of this institution, makes it not only a cruel parsimony, but in reality an extravagance, to withhold the appropriation asked. A fire occurred April 24, 1872, destroying the roof of the boiler-house,—an old shingle-roof very much exposed; which was repaired, raised, and all covered with slate at a cost of \$411. Another fire occurred on the 29th of July, 1873, which destroyed two of the shops and necessitated an expenditure of \$5,290.60 out of the fund placed at the disposal of the executive council for emergencies of this nature. By this expenditure the shops were replaced in better and safer condition than before. Fire-walls were carried up between them, and between each of them and the other shops with

which they were connected. It will be the duty of the General Assembly to consider the propriety of the other improvements recommended. I make no specific recommendations, but refer you to the report of the visiting committee authorized by the Fourteenth General Assembly for information as to the necessity for those improvements.

The warden has stated the fact of his appointment as a delegate to the National Prison Congress, and has detailed to some extent the proceedings of that convention, in which he was a participant. This convention was composed of gentlemen, many of whom had not only had valuable experience in the direction and control of convicts, but also of humane men, who had made the matter of prison discipline a subject of thought and study for years. It seemed to me that, when the public mind was awake to the question of how best to conduct prison discipline so as not only to protect society but to make it educational and reformatory as well as exemplary, Iowa should lend encouragement to this spirit of progress by proper representation in conventions called to promote it, and that she should have the benefit in her own prisons of all wise suggestions made at these conventions. It was therefore gratifying to me that Major Craig accepted the commission and attended the convention. It was a source of regret to me that there was no fund at my disposal out of which I felt authorized to pay his expenses, and it seems to me the General Assembly should make the small appropriation necessary for his reimbursement.

I must be permitted to reiterate and emphasize the warden's recommendation for a prison-school. Having visited

the penitentiary Sabbath-school, I have seen the anxious and eager efforts these poor convicts made to improve the hour or two devoted to religious exercises and instruction, to which the good people who live in the vicinity contribute their presence and their voluntary teachings. It should be the object of the law, and the discipline to which the convict is subject, to so temper his punishment with mercy as to make him a better and wiser man when he goes out again into the world. I believe half the crimes which were committed by the convicts now in the penitentiary were solely the result of a vicious education of these persons in their youth. A large proportion of these convicts are young men who have grown up in that slovenly, indolent manner, the inevitable result of which is to produce a manhood in which there is neither self-reliance nor the power of self-direction. Such an education is the next door to crime itself. I had intended to recommend a prison-school if the warden had not done so, and I had intended to recommend the building of a school-house within the prison-yard; but I am gratified that he has suggested the use of the chapel, which will save this expense, and leave scarcely an excuse for the neglect of an improvement so beneficent. I have frequently observed convicts in the different shops, who had finished their task by the middle of the afternoon, but who necessarily must sit in listless silence until the hour came for marching to the cell. As it has been suggested that to be denied the privilege of attending the Sabbath-school is a penalty dreaded more than any other by the convict, it has occurred to me that attendance upon this secular school might not only be made an incentive to good behavior, but also to

a defter and more active and energetic performance of prison tasks.

If the General Assembly resolve to continue the system of contract labor, which I believe is generally conceded to be the best mode of giving employment to the convicts, it will become your duty to provide for advertising and letting the contract. It is to be hoped that the next lease may be for a better price than we have heretofore obtained. Labor in the Illinois penitentiary sold for a price nearly double that of ours under the present contract. This difference could be neither in the more fortunate location of the prison nor in better facilities to secure effective work. In compliance with joint resolution number 23, approved April 23, 1872, I appointed Robert S. Finkbine, a competent builder, "to examine and estimate the value of material furnished and work done by the contractors for the convict labor at the penitentiary," in building two shops, upon which they claim money is due them. As the General Assembly also made provision to raise these shops another story, I thought it proper to have this work done before they were disturbed preparatory to this improvement. Accordingly Mr. Finkbine visited the penitentiary, made the estimate as required, and his report is on file in the executive office for the use of the General Assembly.

THE ADDITIONAL PENITENTIARY.

Herewith there will be transmitted to you the report of the commissioners of the additional penitentiary. It gives in detail the transactions of the commissioners in the performance of their duties. It appears from the accompany-

ing pamphlet that there were differences of opinion in the commission, which led to the preparation of two separate reports, both of which were ordered printed, and will be found in a single pamphlet. I have not thought it necessary or profitable to summarize these documents. In the details going to make up the history of the transactions of the commissioners, there is no substantial difference; the differences of opinion being in matters of policy more than in matters of detail.

The reports show that the commissioners obtained one tract of land for farming purposes, and another of fifteen acres, ten of which was donated by the citizens of Jones county. The other five acres are to be paid for, and the commissioners ask that the General Assembly appropriate \$2,500 for this purpose. Near this fifteen acres, upon which the penitentiary is located, there is an everliving spring so much higher than the prospective walls of the prison that it will afford abundance of water, which can be conveyed to every part of the prison-yard with very little expense. The quarry, which was purchased for \$15,000, is two and one-half miles from the penitentiary. So far as developed, it is an excellent quarry, and is believed to be fully worth the money paid for it. The expenses thus far, as shown, exceed the appropriation by \$1,232.35. The prison is in debt \$6,000 for general support. Thirty prisoners have been confined therein, of which twenty-five remained at the date of the report. I call attention to the appropriations asked for by the commissioners. The visiting committee having examined the work of the commissioners and considered the propriety of further large ex-

penditures, I will defer expressing an opinion here, as I believe that committee has acted upon information which makes their report worthy of full faith and credit.

There are two things in connection with this matter, however, which seem to me to be dictated by sound policy and business economy. One is, that the outstanding obligations of the institution should be paid. This is also demanded by good faith. And the other is, that the work now commenced should be carried forward to a point at which it will not only secure the property from waste and deterioration, but utilize it, and as far as possible render it productive. That this can be done with a little additional expense, the experiments already had with the stone-quarry, though under great disadvantages, seem to demonstrate.

THE VISITING COMMITTEE.

In accordance with joint resolution number six of the 14th General Assembly, 1873, I appointed Hugh M. Thomson of Scott co., P. Gad Bryan of Warren, Sylvester L. Carey of Howard, and Albert W. Swalm of Greene, as the committee to visit the two penitentiaries and report upon the points named in the resolution. When notifying these gentlemen of their appointment, I informed them that no appropriation had been made by the General Assembly which provided for the payment of the committee, but, as I deemed the information contemplated in the resolution important, I asked them to do the work and await your action for pay. They did so, with what result you will learn by an examination of the report which they submit to you. These gentlemen performed their duties, in my judgment,

with the sole view of promoting the interests of the State. They spent their own money in going and coming, besides taking the time from their own business; and I hope the General Assembly will provide at an early day for their compensation. Their itemized bill is on file in the executive office.

MT. PLEASANT HOSPITAL FOR THE INSANE.

The Hospital for the Insane at Mt. Pleasant is shown by the accompanying report of its board of trustees to have been skillfully and economically managed, and to have met the requirements of such an institution during the past two years as efficiently as at any former period of its history. At the close of the biennial period, there were 495 patients in its wards. Of the number of patients treated during this time 28.16 per cent. recovered; 21.65 per cent. improved, and 27.64 per cent. remained stationary; which, by comparison with other institutions of the character, is a record that does honor to the persons having it in charge.

There has been received from all sources belonging to the current expense fund \$235,795.33; of which there has been expended \$229,441.25. The appropriation by the Fourteenth General Assembly of \$1,800 for a bath-room in the basement of the west wing was thought insufficient for the purpose, and therefore remains undrawn. An addition of \$600 to cover this improvement is recommended, and to this I add my indorsement. An appropriation of \$3,000 is recommended to build a carpenter shop, at a greater distance from the boiler-house than the building now occupied for that purpose, as the proximity of these two buildings greatly increases the danger of fire. Being convinced of the urgent

need of this improvement by personal observation, not only as a matter of ordinary prudence, but as embodying the first principles of economy, I desire to enforce this recommendation to the extent of my earnest approval. The trustees also ask for \$3,000 to improve the grounds; \$500 for renewing steam-pipe; \$4,000 for contingencies; and \$650 for iron doors. In the reports of the trustees and superintendent are given at length the reasons which seem to demand these expenditures, to which your attention is invited.

THE INDEPENDENCE HOSPITAL FOR THE INSANE.

The reports of the building commissioners and superintendent of construction of the Hospital for the Insane at Independence, together with the reports of the board of trustees and medical superintendent, constitute a complete and interesting history of the construction, the organization of the supervisory force, the opening to receive patients, the progress of the hospital work, and the present condition of that institution. As frequently as my other duties would permit, I have attended the meetings of these boards and assisted and encouraged the building commissioners and trustees in their joint duties of forwarding the work so that every room which it was possible to complete with the funds at command could be utilized; and it gives me pleasure to say that the conscientious devotion of the members of these boards to the public interests, and their patient efforts to do all that was possible in presence of great difficulties, have been to me a source of satisfaction. The commissioners, as is generally the case in the prosecution of a great enterprise, met with unexpected obstacles; and from circumstances be-

yond the forecast of human wisdom, when the time came for an expenditure to be made, they frequently found their estimates much below the actual demand. Notwithstanding every discouragement, however, they pushed forward the work, and on the first day of May last the hospital was opened for the reception of patients. Up to the date of the accompanying report of Dr. Reynolds, 178 patients had been received, and 26 discharged, leaving then in the hospital 152.

It must be understood that the main central building, and the first section of the north wing, are not entirely complete, as was anticipated when the last appropriation was made. The causes which prevented the commissioners from accomplishing as much with the appropriation as was expected are fully explained and accounted for in their report, to which special attention is invited. It will be apparent to the reader of these reports that the State will sustain serious loss if the central building, and the first longitudinal section in the north wing adjoining it,—now far advanced towards completion, large expenditures upon them having already been made, and the room they will furnish being almost indispensable, not only to accommodate the insane of the State, but to make the occupancy of the entire building at all convenient or suitable to the permanent accommodation of any number of patients,—are not completed at as early a day as possible. In addition to this, the superintendent of construction reports that the building already completed will be seriously injured unless this central building is also finished. He estimates that \$76,000 will complete it, and in my judgment humanity and sound economy alike dictate

that appropriation should be made. The trustees also regard it as important that an appropriation of \$20,000 should be made for the purpose of buying furniture, building a barn, grading and improving the grounds, fencing and breaking prairie, and purchasing stock, and for contingencies. All these things are important; some of them are indispensable. It will therefore remain for the General Assembly, when considering what may be done with the means at its disposal to promote in each State institution the greatest degree of efficiency, to determine how this hospital for the insane can be brought to a maximum of usefulness.

VISITING COMMITTEE TO INSANE HOSPITALS.

The Fourteenth General Assembly passed a law requiring the Governor to appoint a committee of three persons to visit at regular intervals the insane hospitals, and perform certain duties in connection with the administration of affairs in these institutions. At the time this act was before the legislature it elicited a lively discussion, and when finally passed into law it was with some reluctance I gave it my approval; but finally did so, believing that if its effects were damaging to the usefulness of the hospitals it could be repealed at an early day. I believe, however, the report of the committee will vindicate the wisdom of the law. They enter into details, and have considered questions not properly within the province of the trustees; and I believe, so long as men are not infallible, the more safeguards you throw around the unfortunate who may be brought within their control, the more they will guard themselves from the

appearance of an abuse of power. One of the officers, whose report is printed with that of the board of trustees of the Mt. Pleasant hospital, attacks the law with great force, and in my judgment speaks of the General Assembly which passed it with unseemly temper; especially in view of his official relations at that time to the State and its people. Without entering into any argument upon the questions which he discusses, there is one thing said in the report which demands a single word. In my judgment, whenever the law-making power of a State deems it wise or proper to increase or strengthen the safeguards by which any of its unfortunate citizens may be protected from anything that approaches, in the remotest degree, an abuse of the power under which they are temporarily placed; or if, in the wisdom of the legislature, new checks and safeguards are thrown around the administration of the finances of the State; no officer or agent of the State, from the highest to the lowest, has a right to assume that there was implied in this legislative discretion a personal reflection upon himself. I am gratified that this committee were able, after searching investigations, to report that they found the affairs of our hospitals administered with so much faithfulness, fidelity and professional skill. By this report they have added to the professional reputation even of the official who in his report treats them so cavalierly. But the fact that the superintendents and employees of *our* hospitals are above reproach does not prove that among all those who have to do with the insane in the different hospitals of this country there may not be now and then one who would, if left unwatched, abuse his power. This was shown in the gross abuses of the

Bloomington hospital in New York, which were brought to light by the tact and enterprise of a newspaper correspondent. That the evils which were anticipated as an effect of this law have not followed, so far as the experiment has been tried, is proven by the fact that the percentage of cures and of cases improved in the Mt. Pleasant hospital has been as large during the past two years as ever before in the history of this or other hospitals. It is not strange that a convention composed entirely of superintendents, jealous of their powers, and engaged in the innocent amusement of "mutual admiration," should have flattered the professional vanity of each other by criticising with coarse epithets a law and a legislature that constituted a tribunal with the powers and duties of this committee; but that one of these gentlemen should, months after the ebullition of this occasion might be supposed to have cooled to a better reason, introduce epithets which were thrown out in extemporaneous and self-glorifying speeches into a grave report to a legislature, is another evidence of the evil effects of many years of unrestrained power over those incapable of self-direction, even upon a cultivated mind. This committee will have proved itself of great utility if it accomplish no other good than to rid the State for the future of such arrogance.

THE NEW CAPITOL.

There has been expended during the past two years, on the new capitol building, \$254,828.26; the entire expenditures, thus far, upon this work, have been \$374,825.88. For all the details in reference to the progress of the work, and the itemized expenses thereof, I refer you to the accom-

panying report of the commissioners, which will afford to the reader the fullest information. I will add to the recommendations made therein the following considerations, which I regard as suggested by the first principles of economy. Up to the present time the appropriations for carrying forward this work have been as large, perhaps, as could be economically used. The commissioners have had a work upon their hands of a different character, and of greater magnitude, than other building commissioners in this State have had to deal with heretofore. Quarries and quarry-stone were to be examined and considered. There are doubtless many quarries in Iowa that, in the opinion of the unprofessional and casual visitor, would afford the material for a dozen capitol buildings, but which, upon trial, would scarcely turn out a single dimension-stone answering the requirements of a building of this character. Under such circumstances, the commissioners were disposed to move slowly and be able, if one experiment failed, to try another without involving the State in serious loss. Now, however, the building has reached a point of advancement where quite large sums of money will necessarily have to be expended for other material than stone. Quantities of iron will be required in the near future, and whether this work is pressed vigorously, and driven toward completion with such speed as would be possible and feasible with a large force of hands, or whether it lingers, and the energies of the commissioners are hampered by limited appropriations, the expense of superintendence will be about the same in either case. We must necessarily have an architect, a superintendent of construction, a board of building commissioners, and

a secretary of the board. These officers could just as well, and just as judiciously and wisely, spend \$400,000 a year, and thus the sooner complete the work and stop their salaries, as spend \$125,000. It therefore seems to me, in view of the fact that our treasury is in a condition to afford it, that it will be true economy to increase the appropriation for the work by at least \$100,000 a year.

Before leaving this subject I would do discredit to my own sense of fair-dealing, if I did not say that the gentlemen who were chosen to serve as commissioners by the Fourteenth General Assembly have, in my judgment, performed their duties with conscientious fidelity to the public interests and with admirable ability. Four men with more aptitude for their duties could scarcely have been found. General Ed Wright, who has performed the duties of secretary, has also, without any increase in the limited salary of that position, acted as assistant superintendent of construction, which position is, ordinarily, in works of this character, a distinct salaried office.

And, while I say this of my colleagues, it is fair to say that we took up the work where our predecessors of the old board left off, having the full advantage of their experience. When the first board entered upon their duties they had no precedents to guide them, and the entire State, so far as furnishing material for a work of this character was concerned, was undeveloped and experimental. That men should have fallen into some errors, under such circumstances, was but a natural result of the difficulties of the situation. They were anxious to get the material cheap; to get it in Iowa, if possible; and thus they were driven to try

the experiment of using stone from undeveloped quarries. I think, therefore, they have sometimes been too harshly criticised. If a farmer in laying the foundation of his barn or house falls into error in the material he uses, and finds it necessary to tear out a part of his foundation, at some expense, his neighbors do not ordinarily regard him as more short-sighted than themselves, as they reason that under similar circumstances they might have made the same mistake.

THE STATE HISTORICAL SOCIETY

The report of the historical society is herewith transmitted. It will be found interesting and valuable. This society, under the law for its reorganization passed by the 14th General Assembly, has entered upon a new career, promising greater usefulness than ever before in its history. The transactions of its board of curators and of its local officers are set forth at length in the accompanying report, and will be found worthy the attention of all who feel an interest and pride in the history and development of Iowa. The board of curators re-enumerate and indorse the recommendations for appropriations made by the visiting committee of the 14th General Assembly, and I would invite especial attention to the reasons given in this report for the recognition and aid which is asked from the State through the action of the General Assembly.

BOARD OF IMMIGRATION.

Immediately after the act making an appropriation "to encourage and promote immigration to the State" became a law, the board was reorganized by the appointment of S.

F. Spofford, M. J. Rohlf's, Marcus Tuttle, and Chas. V. Gardner as commissioners. They organized, and elected Judge A. R. Fulton secretary. During the time the board continued in existence, which was up to September last, they distributed 20,000 copies of a pamphlet, the publication of which was conducted under the supervision of Judge Fulton, setting forth the manufacturing and agricultural resources of Iowa. This publication was largely distributed through the Middle and New England States. They also distributed in Europe 10,000 copies of an edition of a German pamphlet prepared by Mr. Rohlf's, besides a large number of other documents, papers, and circulars directing attention to Iowa. These documents were commented upon, and liberally extracted from, by a large number of Eastern papers.

Although the effects of a work of this character may not be immediately perceptible, still I believe the board has accomplished much good; results of which I have myself seen, through the correspondence of persons and agents of colonies whose attention has been turned Westward through the instrumentality of this board. Among those who have acted as agents for the board, Danford Eddy, Hon. Asa C. Call, John Brennan, and L. S. Coffin have been conspicuously active and successful.

It expended \$9,464.98, leaving a balance of \$535.02 undrawn at the termination of its existence. In carrying forward this work many of the railroad companies, and especially those having land-grants, have rendered invaluable service by granting transportation to agents and otherwise giving encouragement to the board.

THE NEW CODE.

On the first day of last September the new Code, which had been in preparation for some years, and was finally carried into law at the adjourned session of the 14th General Assembly, took effect throughout the State. The code commissioners having the revision in charge performed their duties faithfully and with marked ability. The legislature thoroughly and carefully reviewed, and to some extent revised, their report, and gave it the character of law by passing upon each title in the ordinary method of statutory enactment. After all the precautions, however, which were taken to make it as nearly perfect as the nature of such a work would admit, it will be found to contain imperfections, oversights, and errors, and will doubtless require amendments and corrections in many particulars by this General Assembly. So long as the people are required to know what the law is, and are not excused from penalties for its violation when they are ignorant of its provisions, it should be plain, compact, and accessible to all. It is often necessary, after a statute has been amended and perhaps re-amended, to have so keen a scent in searching the intricate mazes of an index as to be able to detect by a faint and shadowy allusion the connection between an amendment and the original act, in order to determine what the law is. If this is so in respect to those who are practiced in the investigations of law questions, it is not difficult to see that one unaccustomed to such investigations will be left entirely in the dark after a law has passed the ordeal of two or three amendments. I would therefore recommend, as matter of justice and convenience to the people, that when a law re-

quires amendment the section amended be written in full, with the amendment introduced and occupying its proper place. Experts frequently become confused in matters of law, when amendments are enacted reading as follows: "Section——of chapter——of title——is amended by adding the words '—— —— —— —' after the word '——' in the fifth line of the section." This could all be made plain, and remove every excuse for lack of knowledge with regard to the existing law, by inserting the words in their proper place, and re-enacting the entire section.

A difficulty which I may here mention occurs in the construction of section 799, which permits boards of supervisors to allow exemptions on account of trees, hedges, &c.; and in which occurs this language: "But no person shall have any personal property more than one-half his real estate exempted" (from taxation on this account). The design seems to have been to provide that neither personal property *nor* more than one-half the realty should be exempted; and this I suggest the General Assembly to declare by proper amendment of the section, which indeed needs revision throughout, an amendment adopted while it was under consideration having made that part contemplating "proportionate" exemption surplusage.

NOTARIES PUBLIC.

Section 258 of the code uses this language: "The commissions of all notaries public heretofore or hereafter, issued prior to the fourth day of July, A. D. 1876, shall expire on that day." This would seem to continue all commissions which would expire by their own limitation, subsequent to

the taking effect of the code, until July 4, 1876. Yet, as no provision is anywhere made for renewal of official bond for such extended commission, it is doubtful whether the extension was really intended. In view of this want of penal obligation for the proper performance of the duties of the notarial office, I have decided to vacate all commissions at the end of the three years for which they were originally issued, until the legislature should have an opportunity for revising the statute, and making provision, if it so desire, for the filing of new bonds.

JURORS.

The code, aiming to rid our tribunals of professional jurors, provides that, if there be not the required number of trial jurors in attendance at any term of court, the deficient number shall be drawn the same as the first, and not selected at the discretion of the sheriff, as formerly. The immediate effect of this enactment has been to delay the business of the courts, sometimes for several days, before the newly drawn jurors could report; thus of course much increasing the cost to the county. I would suggest that this be remedied, perhaps by providing that a larger number than will be needed shall be drawn and summoned, so as to cover those who from any cause do not respond. It does not appear advisable to return to the practice heretofore prevalent of summoning jurors from bystanders. Indeed, it would seem proper that the grand jury should also be completed from the jury list, if the difficulty which has attended the application of the rule to trial jurors should be obviated.

THE INSURANCE LAW.

In the Auditor's report several suggestions are made respecting our insurance law, which demand early attention. Many provisions of the law in its present form are irreconcilable with each other, while some of its most important sections are so confused and obscure as to render them difficult of interpretation even by persons learned in the law. While there are so many acknowledged defects in the law itself, coupled with the fact that even the greatest limit of time allowed to companies in which to file the statements required of them is evidently too short, it seems to me that the legislature should at an early day so amend and simplify this law as to make it intelligible in all its parts, and reconcilable with the end sought to be attained. The design of the law was to protect the insured and their heirs, but some of its features are entirely inconsistent with the object sought. Speaking in behalf of those whose interest in insurance companies is that of policy-holders, and not for the managing officers and stockholders, my convictions are strong, and I believe they are founded upon the true theory of public policy, that the supervision of these companies should be solely and entirely in the hands of the State Auditor, with power, in special cases, to call to his aid the Attorney-General, or otherwise to obtain proper legal advice. I cannot but regard any law which may be distorted into an instrument for putting money into the pocket of a private informer, without reference to the benefits society is to receive therefrom, and with no pretense of a design to punish a willful defiance of its provisions, as pernicious in its effects, and oppressive in its character. I believe, there-

fore, as the Auditor is the best judge of the nature of an offense against a law of which he is the supervisor, that he should have the power to determine when the law is willfully disobeyed, and whether the protection of the community and the interests of the State demand its enforcement in the courts. It would, therefore, seem to me to be wise to empower him, when he is satisfied there is no intentional violation of law on the part of any one, to remit penalties which may be supposed to have been incurred under the sections in question.

There is a bald inconsistency in prosecuting and fining the guardians of trust-funds for technical violations of the statute in respect to their trust; as there can be no principle in financial economy clearer than that the penalty in the end comes from the widows and orphans of those for whom the trust is held. Our laws would hardly tolerate the prosecution of a guardian for a violation of a law of merely a technical nature, when in his character as guardian the expense of his defense and the amount of the fine would by so much diminish the funds of his ward. This seems to me to fairly illustrate the effect of prosecutions of insurance companies for technical violations of our present insurance law. And this argument is strengthened in a case where the law is so irreconcilable in many of its provisions as to render it impossible to meet all its requirements.

SAVINGS BANKS.

The Auditor calls attention to the law which provides for the organization and control of local banking associations. Without recapitulating what he has so well said, permit me

to direct your special attention to his suggestions; and to add thereto a few thoughts which occur to me in this connection. That the law requires thorough revision there is no manner of doubt. It seems to me that our State has arrived at a position, in the business habits and varied enterprises of its people, where we should have savings banks organized upon the theory which has uniformly prevailed respecting the character and objects of these institutions. A savings bank is not designed as a place for the deposits of business men, nor as an institution for negotiation of call loans; but is supposed to be constituted of a directory empowered to receive the limited savings of those in moderate circumstances, but prevented by the exacting demands of daily labor from making investments for themselves, who therefore depute these institutions to invest their money for them. In this view it can readily be seen that a savings bank, whose directory pursues the legitimate business of such an institution, is in a great measure relieved, under the pressure of a financial crisis, from the vicissitudes of an ordinary bank. The safety of these institutions is the principal object which should inspire legislation in regard to them. If they are subject to correct and stringent rules as to the securities which they are permitted to accept, and are prevented by proper penalties from speculations not legitimately within the sphere of a well-conducted bank; if they are divorced by rigid law from other moneyed institutions; if their directors and officers are required to file an oath annually with some proper officer (say the State Auditor) to perform the duties of their offices faithfully, and strictly to obey the law; and if the State Auditor, who for this pur-

pose performs the duties of bank controller, is authorized and paid to visit and investigate the affairs, either in person or by the employment of an expert, at frequent intervals, they may be made institutions that will deserve the confidence of the public, and will become stimulants and accessories to the industry of the people. In order to give them a character which will make them useful auxiliaries of thrift and economy in the people, the duties of their directory must be defined by plain and unmistakable provisions of law. That this cannot be said of our present statute in relation to them is shown by the recent experience of the district court in Dubuque county. The code provides that banking associations, organized under the laws of the State, shall file quarterly a statement with the Auditor, verified by the oath of the president or vice-president, of the cashier or secretary, and two of the directors, showing the condition of the bank; and that failure to do so works a forfeiture of the rights and privileges of the association and is also misdemeanor punishable in law. When, however, a grand jury comes to inquire who is to be punished, it is difficult to select the two directors who are guilty for not having verified a statement, or to determine whether the president or vice-president is most guilty for the neglect. It is provided that the officers or stockholders of any such institution shall not have the right to commence business until they have furnished to the Auditor a sworn statement of their capital, which, in towns of over 3,000 inhabitants, must be \$50,000, and of less, \$25,000; and, if the Auditor is satisfied it is his duty, he shall issue a certificate authorizing the association to commence business; yet if the bank does not furnish this

statement, but commences business without the Auditor's certificate, and without capital, no penalty is provided. It should be enacted that, when the Auditor is furnished with a verified statement of the assets upon which an association proposes to commence the business of banking, he may, if he choose, visit the bank and inspect the nature of these assets. There is no doubt that property which in no sense can be regarded as legitimate assets of a banking association is frequently listed as such in order to meet the requirements of the law. Section 1573 (in reference to the neglect or failure of the *proper* officers to comply with the requirements of the entire law) is lame, in that it does not state whether such neglect or failure shall work an absolute and immediate forfeiture, or whether such forfeiture may be worked by proper proceedings in court. There are other points to which your attention might be directed; but I refrain from presenting them, feeling assured that, with the experience of the past few months fresh in your minds, which has so thoroughly demonstrated the weak points in the present statute, you will take up the matter and give it such thought, discussion, and research as will produce a better and safer law—one that is up to the demands of the times, and that will protect the interests of the people.

RAILROADS.

On the 31st day of December, 1870, there were 2,783 miles of railroad in the State. One year later, the amount of mileage which had been added was 312, and at the close of 1872 the whole number of miles was 3,643. At present it is about 3,800. I have before spoken of the completion

of a part of the Sioux City and St. Paul railroad. Within the past two years the Burlington, Cedar Rapids & Minnesota R. R. Co. has extended its line so as to make direct connections into Minnesota, and has built a branch from Cedar Rapids to Postville, in Allamakee county, there connecting with the Milwaukee & St. Paul and another from Vinton westward into Tama county, and has constructed the Muscatine Western from Muscatine to the Iowa river. The Davenport and St. Paul road is now in operation to Fayette. The Chicago, Clinton & Dubuque R. R., (formerly the Dubuque, Bellevue & Mississippi,) is in operation from Clinton to Dubuque, whence the line is continued northward into Minnesota by the Chicago, Dubuque & Minnesota, with a branch up the Turkey river to Elkport. The Burlington & Southwestern road has been extended through Appanoose county to Unionville, Mo. The Des Moines, Winterset & Southwestern railroad is completed from Summerset, on the Des Moines, Indianola & Missouri, to Winterset. The Brownsville & Nodaway road has been built from Villisca to Clarinda, and the Burlington & Missouri from Chariton to Leon; both of these are operated by the Burlington & Missouri River R. R. Co. The Sabula, Ackley & Dakota has been finished to Marion, and has passed under the control of the Western Union R. R. Co. The Missouri, Iowa & Nebraska Co., building from Alexandria, Mo., on the Mississippi, and entering Iowa in the southeastern part of Appanoose county, has completed its track to Centerville. A short branch has been built from Newton, on the C. R. I. & P. R. R., as well as one from Toledo, on the Cedar Rapids & Missouri River R. R. A road, nine miles

long, has been constructed from Stanwood, on the Chicago, Iowa & Nebraska, to Tipton, in Cedar county. The narrow gauge has been introduced into the State, and applied to a short road running from Beulah Junction to Elkader, in Clayton county; and it is expected that another road of this character will soon be built from Des Moines to the Northwestern railroad.

At the adjourned session of the 14th General Assembly, a joint resolution was adopted authorizing the Governor to spend such sum as might be deemed necessary, not exceeding one thousand dollars, to procure statistics showing the actual cost of railways in this State and throughout the United States, the cost of operating the same, including all necessary repairs of rolling stock and track, the actual cost of transportation in this State by railway and river, and in the United States by canal, lake, and river, and the cost of ocean freights for the past five years from the United States to the ports of western Europe, and from the same ports to the ports of the Baltic and Black seas, and such other facts and statistics as would give light on the subject of transportation, and thus enable the General Assembly to enact wise laws in relation to that subject, and that he report the same to the next General Assembly. An effort in the direction indicated by this resolution was sufficient to convince me that it would be impossible for me to go over this wide and important field of inquiry without a greater clerical force than my office afforded, and much more extended powers than any existing law seemed to confer upon me. I was unable to procure facts outside of the published railway reports, and other commercial documents of this country and

Europe, except such as transportation companies were willing to volunteer or such as were obtainable from other sources and to a considerable degree conjectural. The obstacles that would intervene in my pathway in attempting to carry out the spirit of the resolution will be apparent, when it is considered that the Senate of the United States adopted a resolution of similar import at its last session, appointing a committee from its own body to conduct the inquiry, with power to call and swear witnesses, to travel from city to city, from state to state, and from ocean to ocean, and with leisure to devote the entire season to the investigation.

As I found that, with my limited leisure, and limited authority in the matter of compelling testimony from railway officials, most of what I was able to procure would be more or less colored with the railroad view of the question, I have procured such statistical works upon transportation as were to be obtained,—one of which is a very full report to both houses of the British Parliament, in the compilation of which a Parliamentary committee was engaged several years; and all of which will be placed at your disposal. With the aid of my private secretary, I have classified and arranged some of these tables and other matters which seemed to be the salient points in the issue, and combining them with a few original communications which were obtained from practical, disinterested, and intelligent gentlemen who volunteered their assistance, it will be submitted for such action as you may deem proper. It is to be hoped that you may procure such a number of copies of the report of the senatorial committee as will furnish one to each member of

the General Assembly; as it has cost great labor and will doubtless contain valuable information.

In my judgment the time has arrived when a limit to freight charges on our Iowa railroads should be fixed by law. During the past two years the construction of railroads in this State has largely fallen off, as compared with the biennium immediately preceding; and during the year just closed enterprises of this character have practically ceased. So long as this remains true, the hope of diminishing railway rates through the effects of increasing competition will be futile. It is believed by many that the cessation of railway building, prior to the recent financial disturbances, was due, more than to any other cause, to threatened restrictive legislation. And this no doubt is in part true. It would, therefore, seem to me to add force to the arguments favoring early action upon this subject. Besides the necessity which producers feel for legislation of this character, it is equally necessary as a means of restoring confidence to capitalists who have ceased to invest in Western railway enterprises. So long as the proposition for legislative restriction is a vague and undefined threat, capital will shrink from taking the risk of subjecting itself to what it fears may be a capricious ebullition of unreasoning anger; but let this public sentiment once crystallize into sensible, conservative, wholesome law, and there will be a reaction in favor of investments in western railways. It is human nature to exaggerate the effect of a blow which is threatened by an uplifted arm, the blow as it falls being generally tempered by the power which directs it, lest the concussion be as serious to the force that gives as to the force that receives it.

I will make no attempt to indicate the details of the law required. From the consideration I have given the subject, my mind has been led to the conclusion, that a law fixing maximum charges, thus affording opportunity for the effects of competition below the limit established, is the true theory of restriction.

The railways of the State should also be classified, so that those which run through regions of country furnishing a paying business, having profitable through connections, and which were the original recipients of large subsidies, shall be fairly restricted, while those which are poor and weak are treated accordingly. If this is done there can be no complaint of injustice on the part of either the railways or the people. How to fix the point above which charges shall not be made is the great question to be decided. While the fact remains that railways are dependent for life upon the prosperity of the country, and the future of productive industry is equally dependent upon the successful management of railways: in short, that they are two interdependent interests, side by side, which must stand or fall together: it seems to me that a common ground, where the interests of both will be secured upon the old theory of "live and let live," may be reached, and will be mutually beneficial. While railways, with honest and fair management, should pay a fair per cent. on the real money invested in them, it must be borne in mind that common carriers exist for the sake of trade, and not trade for the sake of common carriers. I know that railroad men will say that they are doing work at minimum rates now; but that such is not the case is shown by the fact, that the moment lake and canal

transport is brought in competition with them, freights go down, while so soon as these competing channels are closed rates are increased. Railroad officials should also consider, when they estimate the cost of their lines, and then plead the justice of a ten per cent. dividend upon these investments, that the producer should not be required to pay interest upon that portion of the cost of railways which the public furnished in the way of subsidy. Nor should the public be required to pay such rates as will afford profits upon stocks that in no sense represent capital. Before closing upon this subject, I cannot but express the hope that our railway legislation will be so wisely adjusted to the interests of the various sections of the State that capital will be encouraged to carry forward projected railroads in those localities which do not now enjoy their advantages, and are sorely in need of the facilities they will afford.

THE DES MOINES RIVER.

Joint resolution number VII. of the adjourned session of the 14th General Assembly authorized and requested the Governor to ascertain what amount of money would be necessary to remove or modify the dams in the Des Moines river so as to permit the passage of flat-boats. With the view of complying with this resolution, I consulted a competent professional engineer respecting the time and expense necessary to effect the object desired. I found from this consultation that the cost would be so considerable that, as the General Assembly had made no appropriation to cover it, I did not feel myself authorized to incur the expense without further legislation.

THE RIVER-LAND TROUBLE.

In compliance with the authority vested in me by chapter seven of the local and temporary laws of the Fourteenth General Assembly, I appointed Norman H. Hart, John A. Hull, and Charles Aldrich a commission to examine and report upon the losses, by reason of failure of title, of settlers and claimants upon the Des Moines river lands. Immediately after their appointment these gentlemen entered upon the performance of their duties. They found that to do justice to the matter in hand would require time, patience, and labor; but they pressed the work with commendable industry, and in due time submitted a comprehensive and full report as contemplated by law. At the last session of Congress, upon the information which this report furnished and the personal representations of the justice of the case by Messrs. Hull and Aldrich, whom I deputed to spend a portion of the winter in Washington to aid our delegation in securing attention to this matter, a bill was passed authorizing the President to appoint a commission to go over the entire question and make a report to Congress. That commission was appointed by the President, and have submitted their report. I have felt deeply interested in the progress of this attempt to secure indemnity to these settlers. Many of them were my neighbors, whom I had known for from fifteen to twenty years. I was personally cognizant of the hardships they had endured in opening up the farms to which the titles have proved invalid. If personal sacrifice or effort would bring justice to these people no appeal would be made to the General Assembly for aid in pushing this matter to an issue before Congress. But the magnitude of

the interests at stake, and the unquestioned justice of the cause of these citizens of Iowa, demand the interference of the State in a legislative capacity.

And here it may be well to call attention to the School River Lands. These lands were a portion of the 500,000-acres grant which were selected within the limits of the Des Moines river grant prior to its being reserved for the river improvement. Consequently there are one or two legal questions respecting the title to these lands which were not considered or decided when the title to the remainder was determined as being in the River Company. It therefore seems to me the State, as it has disposed of a large portion of them to innocent purchasers, should assume the *onus* and expense of any future litigation that may arise concerning them; and if finally beaten should make these titles good in the grantees by purchasing of the company. All that now saves these poor settlers from being rudely ejected from farms upon which many of them have in good faith devoted twenty years of toil, and in the improvement of which they have spent a moderate fortune, is the "occupying claimant" law of the Code of Iowa. The present owners have generally come into possession of these lands in virtue of their connection with the Des Moines River Company, and are as heartless and conscienceless as might be expected of the heirs of such a corporation. They have no sympathy with the poor, and are enraged at anything which interposes to defeat or delay the purposes of their avarice. It is hoped that if the legislature can throw around the settler any additional safeguards by an amendment to our present occupying claimant law, it will be done without

hesitancy. It has occurred to me one amendment might be made which would give it additional protective power. At present, when the settler finds it impossible to pay the enormous price which the company asks for the lands to which his labor has given all the value they have at all, and he proposes to go into the courts to secure pay for his improvements, attempts are made, and with too much success, to prove large offsets for rent. It is not difficult to estimate what the *rent* should be for raw prairie lands, which have been broken, fenced, and cultivated by a settler whose title is afterwards declared invalid by the courts; and it is an absurdity, which will be at once apparent to any one who has had the experience of a pioneer, for a land-owner of this character, when ejecting a pre-emptor or purchaser from a farm to which his toil has given all the real value it possesses, even to *name* the word *rent*. If, therefore, the legislature can amend the occupying claimant law, by providing that no offset for rents should be allowed, making the law retroactive, if at all admissible, it will be but an act of simple justice.

Cases are arising every day where men who have bought and settled on what the United States land-officers supposed to be government land, have been reduced to poverty after spending years of toil in bringing their farms into cultivation, as they are found to fall within some of the numerous grants which shingle the Western States and territories. Would it not therefore be well to petition our delegation in Congress to secure the passage of a federal law something like the one designed to protect occupying claimants in Iowa? This would make it applicable, without question, in

the federal courts, and secure a beneficent law for our whole country. I drafted a bill of this character a few years ago, which was introduced by Hon. Chas. Pomeroy, and, upon barely calling the attention of our delegation in Congress to its necessity, they secured its passage. It did not, however reach the President until the expiring hours of the session, and from some unaccountable oversight it failed to receive his signature. I believe the indorsement of this legislature would insure another measure of a similar character a better fate. And in my judgment, to serve the ends of strict justice, Congress should go further even than to give the settler the benefit of such an occupying claimant law. To determine the equity of losses growing out of the necessities of war, a court of claims was organized to take proof under the strict forms of legal evidence, upon which Congress could afterwards act with full knowledge of all the facts. If the government does this for the class of semi-loyal claimants which come before that commission, how much more does it behoove Congress to organize a similar tribunal before which the claims of the poor pre-emptor or possessor of a homestead, who perhaps has served in the armies of his country in the hour of its peril, may present the proof of his compliance with law and the good faith of his settlement, when without any fault of his own he has fallen within the boundaries of a land-grant. By this means the government could be furnished with all the facts in the case and learn the amount for which he is entitled to reimbursement.

THE FIVE PER CENT. FUND.

In accordance with joint resolution number V. of the 14th General Assembly, I appointed Hon. Ralph P. Lowe, of Lee county, "an agent in behalf of this State to prosecute" its claim against the United States for the five per cent. due from the latter "upon the lands in this State disposed of under military warrants issued" as bounty to volunteers of the Mexican war. That gentleman immediately entered upon his duties under a contract made in accordance with the resolution, and, although nothing has yet been obtained upon the claim, he still continues his labors with much hope of final success.

Under the modification of this resolution, made by number XIII. of the joint resolutions of the adjourned session of last winter, Governor Lowe has succeeded beyond expectation in obtaining the percentage upon the value of the lands in the half-breed tract in Lee county, the amount of which—\$5,672.21—has been paid into the treasury on account of the permanent school-fund.

THE CONSTITUTION.

Two amendments to the constitution proposed by the last General Assembly require your approval before submission to the people. One contemplates the removal of all restrictions as to the number of judicial districts the General Assembly may create; the other has in view the abolition of the office of district-attorney and the revival of that of prosecuting attorney for each county.

COUNTIES AND CITIES.

The Supreme Court has recently decided that taxes to pay judgments founded upon warrants for ordinary county expenditures cannot be levied so as to increase the county tax beyond the maximum fixed by law for such expenditures. In the correctness of this legal determination the people will generally acquiesce. The object of the law, in fixing a rate of taxation beyond which the county authorities may not go, is evidently to limit expenditures to an amount equal to the proceeds of such taxation. Some of our counties, however, and I may add cities, towns, and school-districts also, I regret to say, seem to have no regard in their outlay to this limitation, but contract debts and issue warrants often with reckless prodigality. That these warrants may and do pass into innocent hands, notwithstanding their un-negotiable character, is well known; and, as, when issued in such large quantities, they become nearly if not quite uncollectable, they bring upon the counties the charge of repudiation, which measurably attaches to the whole State. I submit then to the General Assembly whether it would not be well to place a positive limit upon the expenditures any local board may incur, which will bear some relation to the limit already set to their respective revenues; and to make officers pecuniarily liable who transcend their lawful authority in contracting municipal debts. Something of this character I cannot but think would be of great benefit to the people immediately affected, and to be needed for the credit of the State. I would further suggest that all issues of bonds of counties, cities, and school-districts be submitted before issuance to the scrutiny of some State officer,

who should be empowered and required to ascertain whether they in all respects conform to the law, and whose certificate to that effect, executed upon such bonds, would be essential to their validity. This plan has been adopted in one or more other States, with the effect to enhance the value of municipal securities in the financial markets.

THE ROAD LAW.

The suggestion has been made, and I cannot but regard it as the correct theory under our form of government, that if our road laws were so amended as to bring the responsibility for the economy and efficiency with which they are administered, as well as for the condition of the roads, more directly home to the great mass of the people, we would have better roads at less expense. I suggest for consideration whether it would not be well to make each road-district independent, and provide that the people may come together and levy a tax to build highways as the law provides they may do to build school-houses. This is the practice in some States, and the result proves its wisdom. If one enterprising district, for the honor of the neighborhood, secures good roads, the adjoining district is stimulated to like enterprise. Contracts let to competitors among neighbors, whose reputation in the neighborhood depends upon faithful performance, are not only usually done well but economically.

SUFFERING IN THE NORTHWEST.

During the last two years there has been a constant stream of immigration pouring into the counties in the northwestern portion of the State. So rapid has been this influx, that in

counties where three years ago there was scarcely a human habitation there are to-day from two to three thousand inhabitants. When it is considered that a large proportion of these settlers went into this country with very limited means, in order to take advantage of the homestead law, and that under the most favorable circumstances they must have undergone severe deprivations and hardships, it is scarcely a matter of surprise that, when there is added to these facts an unusual shortness of crops, there should be great want and distress. There was a general belief, when these people settled in these sparsely timbered counties, that the McGregor & Sioux City railway would be completed in the year 1872, or at the farthest in 1873. This has been delayed, from causes beyond the control of the settlers, rendering it much more difficult and expensive to procure fuel than they had reason to expect. This, combined with the other causes of destitution mentioned above, has made the case of these people one of extreme hardship. In a country overflowing with agricultural products it would be a shame to allow any of our citizens who, from local or temporary causes have been brought to want, to suffer for the necessaries of life. Would it not be well for the General Assembly to appoint a committee from its own body to inquire into the real condition and needs of these people, and, if found necessary, to devise and present to you for consideration some practical mode of relief?

FISH CULTURE.

The propagation of brook-trout and fresh-water salmon has been commenced in Winneshiek, Clayton, and Jackson

counties. It has been demonstrated, by experiments extending over the last four years, that the spring waters of our State are suited to the culture of fish, and that the business can be made successful and profitable. I have been told that during the last year over one thousand dollars' worth of fish, raised in artificial ponds, were marketed from Clayton county. The legislature should therefore provide adequate punishment for trespass upon the premises devoted to this industry, and give capital invested therein such other protection as may be just and wise. This industry has for years received encouragement from legislative action in the Eastern States. The fish-ways of the whole State, whether for artificial culture or for the native fish, should be regulated by law; and if in the future our people expect to enjoy this great luxury, caught from the streams and lakes of Iowa, there are certain seasons of the year when fish should not be taken by either hook or seine.

THE CENTENNIAL EXHIBITION.

My predecessor appointed Hon. Robert Lowry, and Hon. C. F. Clarkson, commissioner and alternate, to represent Iowa in the United States Centennial Commission. They have performed their duties with credit to the State; and as the time approaches for this grand exhibition in commemoration of the hundredth anniversary of our national independence, the greatness of the undertaking, and the responsibility of those having it in charge, become more and more apparent. In connection with this subject several documents have been forwarded to this office, making suggestions as to the steps which it seems necessary each State

should take for itself in order to secure a proper representation in the exposition. I regard it as highly important that Iowa should make a creditable exhibition of the products of her soil, art, and industry in this great world's fair, and will, therefore, at an early day lay the documents which have been transmitted to me before the General Assembly with such other suggestions as may occur to me as of importance at the time.

THE CONTINGENT FUND.

Of the appropriation of 1870, for contingent expenses of the executive office, I have disbursed \$180.70; and of the appropriation of 1872, for similar purposes, I have expended \$1,303.68; in all, \$1,484.38; vouchers for all of which are on file in the executive office.

CONCLUSION.

In closing, it may not be improper to say that this message has reached a greater length than was intended. But as Iowa has greatly increased in population; in her material interests and enterprises; and in the number and size of her various educational, charitable and penal institutions, all of which, in complying with the constitutional direction, "to give information of the condition of the State," *must be noticed*; and, if noticed at all, must necessarily be considered at sufficient length to cover the salient points of their condition and wants; I have found it impossible to compress the facts presented into less space than has been occupied. If this information shall aid you in the duties you are met to perform, it will meet the only purpose that

gives me any anxiety. And now, wishing for you a harmonious session, and hoping that your care and efforts to promote all the great interests of our State, may be of such character as to deserve and receive the blessings of Heaven, I beg to assure you a cordial co-operation in the important work to which you have been called.

CYRUS C. CARPENTER.

SECOND INAUGURAL

JANUARY, 27, 1874

From the Iowa Legislative Documents for 1874, Vol. I

*Gentlemen of the House of Representatives, Senators, and
Fellow-Citizens:*

The people of Iowa wisely retain in her constitution the provision empowering them, by the vote, and at frequent intervals, to resume and re-distribute the authority which they necessarily confer upon their public servants. Even if they re-clothe those whom they have before chosen with a new lease of official life, it is well by frequent elections, in which the character and public acts of the officer are submitted to the canvass of the stump and the press, and to the arbitrament of the ballot, to impress him with the fact that he is amenable at the judgment-bar of an enlightened and exacting public opinion for the manner in which he performs the duties of his office. In this view, it is flattering to human pride to be a second time chosen to undertake the responsibilities of an exalted office, especially at a time when the public judgment is greatly aroused, and the demands upon those in official life are rigidly enforced.

Coming into your presence a second time for the purpose of assuming the obligations of an oath "to support the constitution of the United States and that of the State of Iowa, and to faithfully and impartially and to the best of my knowledge and ability perform the duties incumbent upon

me," I need not state so much in detail, as on a former occasion, the principles and policy which will govern my official conduct in the future. In a State, however, whose social, political, and industrial life and institutions are in course of such rapid development as in ours, and in which the future happiness and prosperity of the people so largely depend upon a "survival of the fittest," new issues and untried theories must constantly be presented for public examination and political determination. Upon two or three of the questions that will come prominently before the public, either now or in the near future, and upon which political action will be invoked, I desire briefly to express the opinions which I entertain.

The proper adjustment of the relationship between labor and capital, as a state grows older and its population multiplies, while its social and commercial interests widen, is a question which will present itself for determination, and will not down at the bidding of either timidity or conservatism. This question is upon us. And it is not too early to ask, Will we have the courage, the intelligence, and the patriotism to meet it, in a spirit of unselfish statesmanship? Our experiment of self-government has reached a point in history where it is safe to assume that, if it ever fail, its decay will not be traceable to revolutions growing out of local or climatic causes, or differences of opinion among the people; but such failure will result from a constant widening of the space between labor and capital. It is therefore matter of congratulation, and an earnest of a glorious future, that the legislation and influence of the federal government in the past, and more particularly during the last thirteen

years, have tended with unvarying constancy to narrow the space which has heretofore existed between these two elements of all civilized society. If there is one thing above another tending to lift up and dignify human labor it is that feeling of self-respect which comes from the knowledge in the bosom of the laborer that he belongs to a race of freemen, that his occupation is on a level with anybody's, and that his chance in the race for life is hedged by no badge of social or political discrimination against him. While there was a spot on the continent where the manacle of a slave could be arrogantly shaken in the face of a freeman, to this extent physical labor was discredited and dishonored. At the beginning of the war of the rebellion this leprous spot of degradation infected the spirit of labor wherever human hands were hardened by toil. That it was strongly entrenched in the prejudices of a large minority of the people is shown in the fact that it required the blood of three hundred thousand patriot martyrs to wash out this stain from the escutcheon of free labor in America.

A pertinent illustration, of the difference between public sentiment in relation to *the right of the demands of labor to recognition*, and the responsibility of office-holders, and also of the morals of politics—since and before the war, comparatively—may be drawn from a recent speech delivered by Hon. Alexander H. Stephens, in the congress of the United States. He came before the country and before congress, as would one who had been abroad in some foreign land, shut out in a measure from the news in respect to passing events at home, and at the end of fourteen years of self-assumed exile dropping down to the scene of his old

triumphs, blissfully ignorant of the fact that, while the world had been moving, materially, educationally, and mentally, the national conscience had been moving too. Drawing himself upon his feet by the unsteady help of his crutch, with an occasional flash of his old power in the days of his brilliant leadership, he defended in all its provisions the bill increasing the salaries of federal office-holders. And when he declared exultingly that he had introduced a resolution into that house fourteen years ago proposing to fix salaries at a far higher figure than the law under discussion, and that it elicited no unfriendly comment, and called down upon him neither the indignation nor the resentment of his party or his constituents,—it was an involuntary tribute to the spirit of these times, which could have been given by no other man upon the floor of congress. He spoke fourteen years ago for a constituency that owned the labor which cultivated the soil, and it mattered little to them what salaries were paid, so that their dogmas and their institutions were ably and zealously defended. Today, however, the great mass of the people more actively participate in the direction of political sentiment; a more watchful care of official details is exercised, and therefore a more respectful consideration of public intelligence prevails. This speech, in all its parts, evidences that the idea, which has gained a limited currency, that civilization is going backwards, in either political conscience or philosophy, libels the spirit of the age.

The present federal administration is in accord with the public sentiment of the nation. Heretofore the world has almost uniformly spent its surplus capital in the waste of

war. Nothing in the history of the planet has had a greater influence to impoverish the people, and diminish the results of human industry, than the wars which have been waged to settle points of etiquette between rulers. Whatever may be the justice of a national cause, and however impartially the government may endeavor to enforce the burdens and responsibilities of war upon all citizens equally, yet after all in a large measure it will be "the rich man's war and the poor man's fight." In fact this was so evident to former historians that war came to be called "the pastime of kings." Nations might accumulate sufficient wealth to profitably employ the people in those productive enterprises which would afford them not only bread, but social happiness, and many elements of culture; and in a single war it would be wasted. And here it may be proper for me to correct a commonly received error of opinion which does violence to the first principles of political economy. It is frequently remarked that, if large sums of money are spent in war, somebody gets the money—it is given a brisker circulation, while in amount of capital there is nothing lost in the end. No error could be more illusory than this. If capital is expended in a legitimate enterprise the money is not only earned by somebody, and kept in circulation, but *something is produced*, of equal value with the money, and also with the time of the person employed in producing it. The article thus produced is an addition of so much value to the world's capital. So, upon whatever side you consider it, war impoverishes the people and diminishes national wealth. Yet when General Grant came to administer the government, he being pre-eminently a soldier, with the instincts

and education of a soldier, there was a half fear that, if any unforeseen complications involved our international relations with any foreign government, he would regard it as the easiest and most natural way to cut the Gordian knot with the sword. But the world does not furnish, in all the history of international controversy, more patience, more skill, and a more complete triumph of reason and diplomacy than is illustrated in the settlement of the Alabama imbroglio. Here the administration recognized the great fact that the industrial classes in this country, and the better sentiments of our civilization, alike demanded that diplomacy should be exhausted before a resort to arms was contemplated. And the productive industry and peaceful arts which to-day bless our country are largely the result of this wisdom. The settlement of this question by a new system of arbitration has also fixed a point in the world's history and established a precedent which it is believed will do more to prevent in the future the wickedness and waste of war than any other event of the century.

Again, when from many quarters there was an attempt to complicate our relations and discourage negotiations with Spain, in the hope that war would result from the Cuban difficulty, the President was resolute in the position that diplomacy should be exhausted first, and that war should be the last and a reluctant resort. The thinking masses felt that the young men of our country would be more useful to themselves and the world, engaged in productive industry, than in wasting their lives in camps, and on marches, to chase down a few bloodthirsty Spaniards; and they felt too that we wanted a greater breadth of the country we

already possess brought into cultivation, and new industries developed to diversify and employ profitably the labor of the people, more than we wanted Cuba or its population. Upon this theory the administration acted, and history will attest its wisdom.

I now turn to matters more immediately connected with our state government. The fact that to-day we are not fully recovered from the effects of a financial panic suggests the probability that the public mind will look with more than ordinary anxiety for legislative remedies. It has become a habit of American thought, which rises almost to the character of a mania, to believe that, for all the political ills to which human economy is heir, either a new statute, or an amendment to some existing statute, will be an effective cure. Almost every man has a panacea which in his judgment will improve the business prosperity of the country, and secure the future against the recurrence of those financial disasters which have heretofore periodically affected all commercial nations. In Iowa these disturbances have increased the former grievances of agriculture, and have set inquiry on tip-toe in search of a remedy. We are told by one that free banking will educe order out of financial chaos, restore confidence, and give our currency an elasticity which will adjust it to all the demands of trade. Another tells us that the burden to which agriculture is subjected is mainly ascribable to the tariff, and that free trade is the all-healing antidote. And still another informs us that excessive charges for transportation is the blight which has smitten the Western cornfield. Others are impressed that "rings" and combinations for the purpose of controlling the grain

market, the market in corporation stocks, the price of gold, and the business channels of the country, are sapping the foundations of public morals, as well as the life-blood of the producer. There may be more or less truth in each of the causes to which these various persons ascribe the responsibility for breaking down the profits of the farmer. But neither of them furnishes, nor do they all taken together, constitute, the main reason for the inequality of which complaint is made. Happily for the people, wherever the reasons which have been named are chargeable with diminishing the prosperity of the producer, they are of a character capable of being reached and abated by legislation. Will a more elastic system of banking produce beneficial effects? Congress has the power to give it, and already the question is being considered with earnest attention. If the tariff is chargeable with any portion of this responsibility, from year to year, as the necessity for large revenues diminishes, it is being adjusted upon a lower scale, and new articles are being transferred to a free list. Are the combinations of men who control exchanges at the market centers responsible for fluctuating markets and breaking down the profits of the producer? The same power that makes gambling a crime, and that prohibits lotteries, should punish with greater severity a species of gambling that may bring suffering to the fireside of every producer in the country. Perhaps we may not be able to reach operators of this class directly, as our markets and the gold-boards are at present beyond our borders; but we should set an example to the government and to other states by fixing upon these combinations the badge of dishonor in making them a crime by our statutes.

Are the railroads responsible for any portion of this complaint? They are subject to the control of the power to which they are indebted for life; and in many particulars they should be controlled. They should be prevented from making unjust discriminations against places or individuals, and restricted from discriminations to prevent freighters from reaping the advantages of water-communication. Their business and business-offices should be localized within our state, so that they may be brought nearer the customers with whom they deal. They should be prevented from discouraging manufacturing industries by charging more for shipping the same weight and the same bulk in a manufactured article than in the raw material. They should also be prevented from charging more when business is brisk, thus keeping all their wheels and all their hands in motion, and consequently enabling them to do the work cheaper, than when they have less work and equally large expenses. They should be treated so fairly and so consistently, and yet so firmly, by our law-makers, that they will feel no temptation to employ lobbyists to besiege legislatures. And finally, when the happy medium is determined—considering the different circumstances, and the character of the business on each road, and the numberless kinds of freight to be handled—that will be fair to the road and fair to the community, maximum rates should be established, above which they may not be permitted to charge.

But when we have done and said all this, the great difficulty which interposes to check the prosperity of the Western producer will not be reached. The Hon. William J. McAlpine, of Albany, formerly state engineer and canal

commissioner of New York—an accomplished civil engineer, and a man who has given the transportation problem as much study as any other man in the country,—says to me, in a letter inclosing his address upon transportation delivered before the New York chamber of commerce in May last: “The true problem for your State to solve is to find the cheapest connection with the water-lines leading to the places of consumption of your heavy surplus agricultural productions. The cost of all railway transportation will leave no profit to the producer. Return purchases which are of the same aggregate value, but only one-fourth the weight, can afford to pay the cost of railway transport.” To this theory I in part subscribe; and I have no doubt the relief he proposes will help; but in my judgment the great remedy is of a more fundamental character than this proposition seems to contemplate. In the year 1870 there were raised in the United States seven and four-tenths bushels of wheat for every man, woman, and child in the country, which, according to the ordinary estimate of the quantity necessary for consumption, would leave an amount equal to three and one-tenth bushels for every man, woman and child in the country to be disposed of abroad. It is a fact known to everybody that Great Britain is practically our only foreign grain market; and in 1872 Great Britain required to import only 88,000,000 bushels of wheat; thus our surplus would have more than supplied this demand, without regard to the fact that the surplus of France and the Baltic and Black seas district are so near and accessible that we may never hope to compete with them on equal terms. It is true that cheaper grain would stimulate a greater consump-

tion, but the additional consumption would also stimulate more young men to go West and become producers. And when we consider that in Iowa alone,—whose population according to the last federal census was 1,194,020,—out of the persons engaged in the different occupations—being 344,276 in all,—210,263 of this number were engaged in agricultural pursuits, and that in the same year Iowa produced 20,435,992 bushels of wheat (nearly one-fourth the amount bought by Great Britain during that year,) and 68,935,065 bushels of corn, we will see how utterly futile will be the attempt to so cheapen transportation as to find a market for the surplus cereals of the whole Mississippi valley.

Nor is it the tariff that burdens the farmer. An ingenious writer has shown, by estimating with great care, and by unmistakable mathematical rules and exactness, that if you take the New York Central railroad, and assume that it extends from Chicago to New York, double-track the entire distance, laid with iron weighing 65 pounds to the yard, and then assume that this iron represents only half of the road's consumption of iron, and further assume that the original cost of all this iron was increased by the entire tariff which would have been collected on each ton had it all been imported,—when he has granted all this, and assumed all this, he demonstrates by actual computation, taking the cost of transport of one thousand and twenty-one million tons of freight, the amount this road carried one mile last year, that the exact additional charge on a bushel of wheat from Chicago to New York would be 1.188 cents on account of the tariff. The tariff will never ruin the Western farmer.

I come now to consider my theory of the remedy for the existing and increasing obstacles to successful agriculture. While in some instances statutory enactments may aid the achievements of agricultural industry, as has been hinted in what has been said respecting the special evils, which have been enumerated,—still, such statutes will fail to reach the bed-rock of the difficulty. The real obstruction to the profits of agriculture will be found lying away back of these incidental and superficial evils. And the cause must be considered in order to determine the remedy. And here I come back for a moment to consider another elementary principle of the labor question. You will excuse me for this, for, after all, the world's material advancement depends upon the proper direction and protection of the men with a disposition to *toil*, to *dare*, and to *save*. And it is extremely doubtful to my mind whether the fact, so universally true, that man eats his bread in the sweat of his face, is so much of a curse as many regard it. "The blessed gospel of work," when rightly directed and properly paid, is a conservator and promoter of not only the material greatness but the morals and decency of the world. I need not enter into any theoretical disquisition upon the relationship between capital and labor. This is not the place, and it would hardly be regarded as germane to the business in hand, to discuss an abstract question of political economy for the purpose of adding to the great mass which has already been said upon it. But as one or two of the simplest elements of this question are a necessary stepping-stone to a few practical thoughts which I desire to elaborate, it will be necessary to pause a moment to state them. Much has

been said as to which should be the subject and which the master—*capital* or *labor*. Were the question submitted to me, Which of these two elements shall rule? my emphatic answer would be, NEITHER. They should both stand side by side, *coequal*, the one the complement of the other. I have said elsewhere that, if the experiment of free government fail, it will be from the constant widening of the space between capital and labor. Nor do I believe this space is to be kept from widening by filling statute-books with arbitrary laws. In what I have said heretofore concerning *labor*, reference was not made to men who own farms, but to the toiler for wages. The farmer is moving to take care of himself. There is to-day a social organization among the farmers which is becoming an element of the social life of the people of the entire country, and particularly of the West. And in whatever respect this organization may seek to promote the material, social, and moral interests of the agricultural producer, to widen his influence, to broaden his enterprises, to quicken his intelligence, every lover of his race will sympathize with its objects. And, while less of its purposes will be accomplished through legislation than through the moral and social force of which it will become the embodiment and exponent, yet whenever it speaks for such legislation as will promote the prosperity of its members and cripple no other industry—legislation in which the producers of corn and wheat, of plows and fanning-mills, of cloths and leather, and of books and newspapers are all equally protected and encouraged,—the wise legislator will heed the voice. He will not only heed the voice of the farm-producer, whose chief concern is to

increase returns upon his surplus products, but, with a statesmanship looking beyond to-day and to the greater questions of to-morrow, taking knowledge of the past in other and older States, he will, while building wisely for labor that owns farms, build with equal wisdom for labor that owns only hands—the men who do not look for greater profits, but for bread; who care less to keep the tax-collector, than the wolf, from their doors. Unless we build wisely for these as well as others, in less than two decades from now there will be formidable conventions of this great and increasing class demanding, by resolution and political action, such legislation as will fix their hours of daily work and the price per day for husking corn. I say these things with the more directness and with the greater boldness because, for myself, I own no dollar of property but what is in a farm, and my heart never throbs but in sympathy with the toiling millions of my countrymen.

And here is the gist of my argument. What we need, and must have, for the producer, for the laborer, for the middleman, and for the State, is a greater diversification of industry. We need this not only to employ surplus labor and to furnish a market for home products, but we need it also to build up here local marts of trade and manufactures, instead of pouring all our accumulations into the lap of great central cities—a folly which has proved the ruin of more than one nation now gone to decay. An eminent English agriculturist wrote but a short time since: “It is precisely because British farmers have their customers—the British manufacturers—almost at their doors, and that other corn-producing countries have not such manufacturers, that

British agriculture is rich and thriving." It is said by historians that the act for which the first Napoleon will be best known one hundred years from now is the fact that he encouraged the introduction and naturalization of beet-sugar culture, as a new industry of the French people.

A writer, not long since, in speaking of the farmers' movement, said: "His (the farmer's) trouble is not the result of excessive transportation charges, nor of the large profits of middlemen, nor of speculations in stocks, nor wheat corners, but it will be found in the fact that the silk dress has got into the farmer's house, and can't be got out." In my judgment much of the responsibility for small profits to the farmer may be ascribed to the causes which this writer would entirely exonerate. It is, however, doubtless true that the wants of the farmer and a taste for luxuries have grown with his growth, as is the case with all other classes. In other words, the silk dress has got into the house. For myself, I am glad that the silk dress has got into the farmer's house, and I would have it remain there; but what I would have, if I could speak my theories into a living reality, would be an industry near the farmer's door, where the silk for this dress could be manufactured; thus enabling him to haul his load of flour to the establishment, where it would in part be needed for the consumption of the employees, and bring home the dress, paid for by the exchange. And if there were a daughter in the farmer's house whose taste and skill gave her an adaptation to silk culture, as well as silk wearing, and she should prefer this employment to working butter, or turning cheeses, or teaching the district-school, I would say that was the place for her, and that the occupation for her to pursue.

The difference between manufacturing the raw products at home, and having no industry but the cultivation of the soil, was strikingly impressed upon my mind, last fall, while passing through the eastern portion of the State. Riding one day through a fine wheat-growing region, where the grain had been recently threshed, the air was thick with the smoke of burning straw. In almost every field the busy farmer, in preparation for his fall-plowing, was ridding himself of what seemed to him the comparatively worthless straw by feeding it to the flames. In less than eighty miles from this neighborhood, on stepping down from the platform of the depot at which I had stopped, I hailed the driver of a passing load of straw with the question, "How much do you get for straw?" "Six dollars a ton," was the response. "Where do you sell it?" "Just down here at the paper-mill," he replied. This fact is introduced, not because I think that all the straw in Iowa could be manufactured into paper at six dollars a ton, but because it illustrates the result of reducing the raw material to the manufactured article. The reason why one man burned his straw as worthless, and the other sold it for six dollars a ton, was not because of railway discriminations, nor on account of the financial panic, nor from the lack of free banks, nor on account of the tariff on salt or iron; but it was because there was a paper mill in one place and none in the other.

But you will ask me, What can this general assembly do to promote the object for which you plead? I answer, It may do much to make Iowa desirable for men who, while they seek investments in manufacturing enterprises, are not indifferent to the moral, intellectual, and social well-being

of those who shall come after them. We may invite capital and men of enterprise to our State, by constantly raising the standard of our common schools and other educational institutions, until they rival the best in the world; by improving the character of our temperance legislation, maintaining inviolate our Sunday laws, and the unqualified execution of the wise statutes now in force upon these questions; by representing our resources abroad, through agents if thought advisable, and certainly through a creditable display in the approaching centennial exhibition; by encouraging the building of narrow-gauge, a cheaper class of railways, which in time may come to be built with honest money, and largely owned by citizens whose interests are allied with the people of the State; by providing for a wise system of savings banks, in which capital may be aggregated in the interest of business, and in which the small savings of the laborer will be entirely safe and fairly productive; by encouraging every legitimate manufacturing enterprise, as a State and as a people; by holding persons who under our laws are entrusted with public funds to such strict accountability as to utterly annihilate the practice of temporarily using moneys held in a fiduciary capacity; and finally, more than through any other agency, we may promote the introduction to Iowa of capital and enterprise by a strict adherence to our professions of economy in public expenditures. A two-mills tax for State purposes never prevented a dollar in capital from coming to Iowa; but local taxes and local mismanagement have done so. I have been told that a portion of the colony of Russian Mennonites were greatly pleased with one of our northwestern counties, and would

have located there, had they not learned of the enormous indebtedness which the county authorities have contracted, and which will hang like a millstone upon every legitimate enterprise of the people for years to come. Many of these people had wealth, and all of them had, what is better, industrious habits and high moral principles: being possessed of such strong religious and moral sentiments as to voluntarily exile themselves from Russia to avoid the effects of an edict which was obnoxious to their religious convictions. This colony was lost to Iowa because our laws do not protect these counties from an extravagance which in some instances falls but little, if any, below criminality.

SENATORS: REPRESENTATIVES: We cannot escape the history which we ourselves will make. We are met to perform our part in the world's political activities at an hour when the public mind is more awake and the public conscience more active than ever before in American history. With our daily press, our swift locomotives, our telegraphs, and our newspaper reporters, whose business it is to inform the world one day of all that has been done the day preceding, the public man is tried by a severer test than he was fifty years ago. Then, if some unchivalric senator, who had come on horseback from Ohio to Washington, turned his horse into a national park to nip government grass, the news might not reach his constituents until his term had expired. If, therefore, no higher motive incites to noble effort, the certainty of exposure and disgrace in case of failure should spur us to our best endeavor. The people to-day are reading and thinking: they demand a more chivalric unselfishness in the performance of public duty than hereto-

fore; and therefore he who passes unscathed beneath the ordeal to which he will be subjected in this supreme hour of rigid reckoning, may be regarded as gold purified by the refiner's fire.

Nineteen years ago, when the Governor-elect was inducted into office, in speaking of the high responsibilities resting upon the people and their official servants, he said: "To every elector might appropriately be applied the injunction anciently addressed to the Jewish king, 'Be strong and shew thyself a man.'" Since that occasion nearly two decades have been numbered with the years of the past. The history of these years marks the momentous events of the century. The political world has felt the throbbings of new ideas in respect to freedom and equal rights. Armies have trodden down a rebellion, broken the manacles, and erased the prejudices of the past. Material enterprise has brought the Atlantic and the Pacific into commercial embrace. New States have come into existence. Old States have been clothed with a new and better life. And he who spoke these brave words was one of the distinguished actors in giving direction to these mighty achievements of the people. Since I entered upon the office you call me now to re-assume, he has been stricken down by death and buried in the soil of the State he loved so ardently and served so well. But though the great issues which brought out his high qualities are forever settled, still now, as through all the years of the past, the times require in those called to official station that exaltation of character which alone deserves the name of MANHOOD. The necessity for courage, wisdom, and fidelity has not gone out with the life of one whose char-

acter was the type and exponent of these exalted qualities. And if in the high duties to which we are called we would measure ourselves up to a worthy pattern, no better standard can be found than was illustrated in the public life of JAMES W. GRIMES.

CYRUS C. CARPENTER.

SECOND BIENNIAL MESSAGE

JANUARY, 12, 1876

From the Iowa Legislative Documents for 1876, Vol. I

Gentlemen of the Senate and House of Representatives:

After two years' silence the voice of the people, emphasized by the legislative action of their representatives, is again to be heard. In compliance with my constitutional duty, and to aid in directing your attention to matters which require consideration, I submit to you a summary of the condition of the State and its various institutions, accompanied by the recommendation of such measures as seem to me expedient.

The reports of the Auditor of State and the Treasurer of State, herewith submitted, show the condition of the public finances to be satisfactory, and that the duties of these officers have been diligently and carefully performed. The Auditor reports that there has been received into the treasury on account of general fund in the last two years \$1,947,412.24; that the balance in the treasury at date of former report was \$31,217.66; making a total State revenue from all sources of \$1,978,629.90. There has been disbursed during the biennial period \$1,975,512.24, leaving a balance in the treasury of \$3,114.66. To this balance should be added the State revenue in the different county treasuries which had not been ordered in at the date of this report, amounting to \$147,643.49, and which is properly a part of

the cash assets of the state treasury. The Auditor estimates the receipts for the general fund which will come into the treasury from all sources during the two coming years at \$1,962,000, and the ordinary expenditures, as provided for by existing law, at \$1,553,927, leaving a balance of \$408,073 to be applied to such purposes at the General Assembly may deem necessary and wise.

I desire to call attention to the various recommendations which will be found in the text of the Auditor's comprehensive and valuable report. The nature of his duties has suggested to his mind several reforms in the management of the revenues of the State, which are worthy of serious consideration by legislators. To the following suggestions, viz.: to make the appropriation year and fiscal year begin and end on the same day; to hold the counties responsible for the collection and payment into the treasury of the state tax; to give the board of equalization power to equalize between the realty in cities and the lands outside the corporations, in counties where such action is required, the same as is now done between different counties; to tax in a general way many species of property which, from the failure of the local assessors to reach them, now escape their just share of the public burden; to require State banking companies to file in the auditor's office duplicate articles of incorporation; to affix a penalty upon counties misapplying the insane hospital fund; to charge interest to counties whose treasurers have created a deficiency in the general revenue when such deficiency is not made good by the county within six months from the date of adjustment; to put European insurance companies upon the same footing as home companies; to

authorize the Auditor to admit, or reject for sufficient cause, companies seeking to work in this state, and to order the payment of examiners independent of the company examined; and to retire the redeemable permanent school-fund bonds and distribute the money to counties in which it can be loaned: I wish to add my approval and urge them upon your attention. I would also recommend that the fiscal year be made to begin a month earlier than it does under the present law, in order that the reports may be prepared at a correspondingly earlier day.

The report of the Treasurer shows the amounts of the several funds which have come into his hands during the two years, and how and to what purpose they have been applied. I would direct your attention to his suggestion in relation to the *per centum* of swamp-land indemnity fund retained in the treasury under the law to reimburse the state for money paid to agents of the counties, and would second his recommendation that the amount so retained be transferred to the general revenue. His remarks relative to the agricultural college endowment fund fully and clearly define the status of the portion of that fund now in the treasury, and which under the limitations of the law of Congress he has been unable to invest in either state or United States bonds. The board of trustees of the agricultural college in their report upon that institution make some valuable suggestions in relation to this fund, which should be read in connection with the remarks of the Treasurer. It seems to me that the General Assembly should at an early day of the session consider the propriety of either using the money in the manner suggested by the board, and paying a

reasonable interest therefor to be used in support of the college, or of authorizing the Treasurer to invest it in other safe bonds than those of the state or United States, or of petitioning Congress to permit a wider latitude in the use of the interest fund than was contemplated by the law making the grant. This last suggestion, however, implies so much time in its consummation, and is withal so uncertain of success, that I am strongly of the opinion the legislature should give some authoritative directions in respect to it. The interest upon this large sum is so much needed to enable that institution to keep pace in its appointments with the growing popularity of its curriculum among the people that this legislature should not adjourn, trusting the contingency of some future action of Congress to make this fund available. The appendix to the Treasurer's report comprises a statement of the disposition made of the property which was transferred to the agricultural college by Major Rankin, and turned over to the state in compliance with section 4, chapter 78, acts of the Fifteenth General Assembly. Under this law the executive council was charged with the care of this property. The council appointed Captain Christy to the special duty of its custody. He has realized on sales, in money and well secured notes, \$19,828,28. There yet remains 1880 acres of wild land unsold, estimated to be worth \$6,300. The Treasurer has given much attention to the care of this property, and his management thereof has been fully approved by his associates.

In this connection I desire to call attention to the fact that the Treasurer frequently finds it difficult to obtain currency upon the drafts in which the general revenue is now

almost uniformly transmitted by the county treasurers. I would suggest that the Auditor of State be authorized to make an arrangement with the express companies for the direct transmission of the currency.

MILITARY.

The Adjutant-General reports the transactions of his office during the past year, which taken with his report of the previous year embraces the biennial period. It would reduce expense, and at the same time bring out this report in time for the use of the General Assembly, which is the chief object of its issuance, if the law should be so amended as to require it to be made biennially.

The Adjutant-General thinks we should have a well organized and efficient militia system, and I fully agree with him in this opinion. He complains that the General Assembly has failed to supply him with the means to perform the duties which prior mandatory laws have devolved upon his office. And it does seem that the quartermaster's allowance was too limited to be of practical utility, if he is expected to do anything for the encouragement of militia organizations or to properly care for the arms, equipments, books, and other valuable military archives. I commend the consideration of the requirements of the law, and the clerical and other aid necessary to the performance of the duties enjoined, to the General Assembly.

I would particularly invite attention to the claims of the State against the United States. If other States through special agencies press the collection of suspended and rejected claims, we cannot well afford to pay a *pro rata* towards

reimbursing these allowances and not at the same time make proper efforts to collect those of equal validity due to Iowa.

To the miscellaneous suggestions of the Adjutant-General I would direct attention; and would suggest in addition whether it would not be well to equip the Adjutant-General's office for full and constant work and impose upon it the general duty of giving such information to the soldiers and widows and orphans of the war as is now frequently obtained by them on the payment of exorbitant fees to attorneys. I have always believed that every citizen of Iowa to whom a pension is justly due, or whose dues from the government for services in the war had not been fully adjusted, should receive all proper aid in the obtainment of his just claims without cost to himself.

PUBLIC LANDS.

The report of the Register of the State Land-Office shows the operations of that department during the past two years. There have been patented by the State 6,474.57 acres of the 500,000-acre grant; 53,134.77 acres of the 16th-section grant; 2,038.77 acres and 18 town-lots of mortgage school-lands; 880 acres of the saline land-grant; and 13,478.54 acres of the agricultural college grant. There have also been patented to the state by the general government, and by the state to the several counties, 8,715.52 acres of swamp-lands. The Register has published a full list of the swamp-land selections as made by the counties. This list having been carefully compiled will be a valuable book of reference to all the officers of counties seeking a final adjustment of their claims.

Lands have been certified to the various land-grant railroad companies as follows: Cedar Rapids and Missouri River R. R., 628,589.71 acres; Sioux City and St. Paul R. R., 208,050.34 acres; Iowa Falls and Sioux City R. R., 6,471.08 acres; Des Moines Valley R. R., 20,630.96 acres; making a total of 863,742.09 acres. There have been certified to the State by the United States for the benefit of the railroads named the following lands: Burlington and Missouri River R. R., 120 acres; Cedar Rapids and Missouri River R. R., 3,381.49 acres; Iowa Falls and Sioux City R. R., 3,465.82 acres; McGregor and Missouri River Railway, 4,297.74 acres; Sioux City and St. Paul R. R., 10,911.41 acres; Des Moines Valley R. R., 39,942.97 acres; making a total of 62,119.33 acres.

In regard to the lands certified for the benefit of the Des Moines Valley Railroad, it is proper that I should make a statement somewhat in detail. After the so-called Litchfield decision, announced in December, 1859, which fixed the limit of the grant of 1846 at the mouth of the Raccoon fork (the city of Des Moines), immigrants believing the land north of this point open to pre-emption, and being encouraged in this opinion by the commissioner of the general land-office, settled and improved thousands of acres within five miles of the river, between the city of Des Moines and the north line of the state. On the 12th of July, 1862, a bill was passed by Congress extending the grant of 1846 to the Minnesota line. The act of Congress provided that the lands were to be held and applied in accordance with the terms of the original grant, except that the consent of Congress was given to divert a portion to aid in the construction

of the Keokuk, Ft. Des Moines and Minnesota Railroad—since called the Des Moines Valley Railroad. This act further declared: “And if any of said lands shall have been sold or otherwise disposed of by the United States to the grantees of the State of Iowa, under joint resolution of March 2d, 1861, the Secretary of the Interior is hereby directed to set apart an equal amount of lands within said State to be certified in lieu thereof.” Under this provision 298,921.06 acres of indemnity land were subsequently selected and certified to the state in lieu of lands which were found to be occupied within the limits of the grant, and these lands were afterwards transferred by the state to the Des Moines Valley Railroad Company. In the meantime an act entitled “An act confirming the title to certain lands,” approved March 3, 1871, the object of which purported to be to allay any doubts that might have arisen as to the validity of the title to these indemnity lands, was passed by Congress. Subsequently, at the December term 1872, the Supreme Court of the United States in effect decided that this act of March 3d, 1871, made a new grant of the so-called indemnity lands, and held that the title to all these lands was therefore fixed in the railroad company; and at the same time the court decided that the odd sections within five miles of the Des Moines river, having been reserved by competent authority under the grant of 1846, had not been legally disposed of either by sale or pre-emption. The effect of this decision was therefore not only to affirm the title to the indemnity lands in the Des Moines Valley Railroad Company, but also to give that company a large proportion of the very lands for which they were supposed

to be an indemnity. When therefore the commissioner of the general land-office, accepting this decision as final and as mandatory upon his department, issued supplemental certificates to the state in behalf of this company for 39,942.97 acres of lands within five miles of the Des Moines river, a greater portion of which had been bought or was held under homestead and pre-emption titles by actual settlers, I declined to certify them to the company. It is true they were technically entitled to a certificate to these lands, but I felt that the anomalous condition in which their unconditional transfer by the state would place these innocent purchasers and pre-emptors would justify me in exercising a somewhat arbitrary right of personal judgment. I however told the agent of the company that if he would arrange terms of sale with the occupants of these lands I would certify them, or I would certify any particular tract which he might sell to a settler, upon the request of such settler. In this manner some of the land has been certified. But this is a very unsatisfactory method of reaching a final adjustment. It occurs to me therefore that notwithstanding the agent of the company, Geo. B. Smyth, Esq., of Keokuk, has acted honorably and justly, so far as I know, to the extent he has gone in this business, yet if there is any method by which the legislature can provide for its settlement upon a fixed principle and by just law it should be done.

Des Moines River Lands.—Four years ago the General Assembly passed an act to aid in securing indemnity for the settlers upon lands to which the Des Moines Navigation Company had acquired title. Under this law a considerable

progress was made. Hon. Jackson Orr, then in Congress, gave the proposed measure careful attention and able advocacy, and aided by the other members of the Iowa delegation secured the passage in the House of Representatives of an indemnity bill which would have gone far towards insuring justice to these settlers. In the Senate however it met unexpected opposition, and finally a sub-committee of the committee on public lands reported against it, assigning as the reason for this determination that in case of failure of titles derived from the United States government the law provided for refunding his money to the party whose title had failed. This committee strangely ignored the fact that on several occasions the government had indemnified entire communities for losses sustained by reason of failure of titles derived from the government. But, notwithstanding this adverse decision, I do not believe that the State should surrender the effort to see justice done to these settlers until something approaching it is attained. It is cold cruelty and insult to offer these people the money they paid originally for their lands after they have spent the best years of their lives in improving them. Our country boasts that it would redress the wrongs of its weakest citizen, even at the cost of war, as against a foreign nation, and yet here are over three hundred citizens of Iowa, many of whom were soldiers in the union army, and who through no fault of their own, but relying upon the accuracy and good faith of the government, find themselves suddenly despoiled of the accumulations of a life of industry; and it will be a sad commentary upon humanity if, when venturing to appeal for justice, these people are rudely pushed from the door of Congress with a

cool reference to the conditions "nominated in the bond." Every case included in Mr. Orr's bill should have been indemnified. But, if this cannot be secured by a single appropriation, Congress should be besieged by legislative resolutions to adopt some general measure referring cases involving failure of the land-titles of actual settlers arising from a confusion of congressional grants to one of the existing courts of claims; and upon evidence of good faith, of valuable improvements, and of conflicting titles, of which even the United States land-officers were ignorant, the poor unfortunate settler upon the public lands should be indemnified for his losses.

In this connection I desire to recommend some legislative action making it as criminal in law as it now is in morals for the owners of large tracts of land to force settlers who may occupy any portion of the same under color of title to sign what are generally known as "*cut-throat* contracts." I myself have known many instances where poor, badgered settlers, through fear of being forcibly ejected from land for which they had once paid the government, and in which their all was invested, but which had been determined to be part of a grant, have consented to sign contracts providing for the payment of an exorbitant price for their lands, and providing that in case of failure to meet a single payment when due the contracts are to be forfeited without the intervention of legal proceedings and without the reservation of any claim for improvements under the occupying claimant law of the state.

—In compliance with chapter 29, private, local, and temporary laws, 15th General Assembly, I employed Hon.

Galusha Parsons and Mr. John A. Hull, both of whom had been engaged in behalf of individual settlers upon the school river-lands prior to the passage of the act, to carry one representative case through the courts and determine the status of that grant. They have not progressed so far as I had hoped they would have done, but have advanced as rapidly as is perhaps practicable under the dilatory forms of practice in the courts. You will find a statement of what has been done in the Register's report.

One of the most important elements in the welfare of any community is a perfect confidence in land titles. In view of the various and conflicting land-grants in this state, without the exercise of great care, titles in many portions of the state will become interminably confused. To prevent this, the land-office should have a complete set of plat-books, and all the grants should be platted by township and range, as this will enable the examiner to detect an error invariably, and will greatly assist the Register in the correct discharge of his duty. It would be well if the General Assembly would authorize the procurement of such books.

RAILROADS.

The Fifteenth General Assembly passed an act to establish reasonable maximum rates of charges for the transportation of freight and passengers on the different railroads of the State. This law has been in operation since July, 1874; and while it is probable that it has not been in force a sufficient length of time to determine fully its effect on the material interests of the state, its practical operation has doubtless developed many defects which will require con-

sideration and modification. If either of its provisions has proved to be oppressive upon any class or pursuit, or if it affects any locality in the state unequally or unjustly, or if any of its requirements are shown to be very embarrassing or damaging to honest railroad management, there should be no objection or hesitancy, wherever such defects are found to exist, in applying the remedy. And happily, as most of the railways have conformed their schedules to the requirements of the law, there need be no objection to any just modification on the ground that it would be a surrender of the principle involved in its passage. When this law went into operation the roads, with two or three exceptions, conformed to its provisions without resistance. In the cases of those which refused compliance, and when complaints were made and suits commenced, attorneys were authorized to prosecute. After a few suits had been commenced the Burlington and Missouri River Railroad, operated by the Chicago, Burlington and Quincy Railroad Company, procured an injunction restraining the Attorney-General from prosecuting the railroad company, and the State Treasurer from paying out money to aid such litigation, and also some of the private persons who had commenced suits, from their further prosecution. The question upon making this injunction perpetual was argued in the Circuit Court of the United States before Judge Dillon, by the Attorney-General, assisted by Judge SeEVERS, for the state and by Hon. O. H. Browning and Judge Rorer for the company, and was decided for the state. Upon the announcement of this decision the company conformed its schedules of charges to the provisions of the law. The case, however, has been appealed to

the Supreme Court of the United States, whither the Attorney-General will follow it, and I trust at an early day, will obtain a favorable decision. It is proper to say here that the zeal and ability with which that officer has conducted these cases have commanded my entire approval, and believing that the cause of the State would be as thoroughly and ably presented by him as it would be if expense should be created by the employment of other counsel, I have left the case to his management.

What may be the effect of legislative control upon the general interests of the people is impossible at the present time to prophesy. I have no doubt, however, that its general effect will prove beneficent. It will settle the principle of legislative control, and reform some of the evils of railway management. The law should therefore in its main features be retained, and perfected as experience may unfold its weaknesses, or as may be necessary to adjust it to the future demands of commerce. It has, however, always seemed questionable to me whether the most glaring evils of railway management could be reached and abolished by statute. I uniformly argued, before such public assemblies as I was invited to address and when my views were sought upon this issue, even when the railway controversy was at a white heat, that I had less faith in legislative restrictions than I had in seeking and encouraging a wider diversification of our industries, in inaugurating a cheaper system of railways, and in fostering the improvement and construction of a system of water-ways for the transportation of our heavy and bulky products. The public mind has recently seemed to be moving in this direction. Narrow-gauge rail-

roads are being projected and constructed, and they should receive all proper legislative encouragement. The Wisconsin and Fox rivers improvement is progressing. The project of the Hennepin canal is being revived. And the progress in deepening the outlet of the Mississippi river by the jetty experiment is gratifying to the projectors, with every prospect of final success. These, with the completion of improvements to perfect the navigation of the Mississippi river upon our own borders, will in my judgment open the way for a competition in the shipment of many bulky commodities of western production which will more effectually cheapen transportation than any law the wit of man can devise.

There is, however, one mode of securing satisfactory results by railroad legislation which has as yet received but little attention in Iowa. Mr. Charles Francis Adams, Jr., railroad commissioner for Massachusetts, says, in substance, that after eight years' study of the railway problem he is satisfied more can be accomplished by the *light* and *publicity* which a commission may afford in regard to railroad business, and the partial supervision of railroads by such commission, than by any general law for controlling the details of their management. In all the late discussions of the railroad problem, but little was said in regard to the protection of stockholders, and this of itself is the very gist of the problem. It would be wise for the General Assembly to consider this. I would not recommend an increase of State officers, but all the good results of a commission might be reached through some of our present officials. The executive council by the employment of an intelligent statistical

clerk would make an effective railroad commission. Or if the Register of the State Land-Office were charged with the duty, in addition to his present duties, of exercising a limited supervision of the railroads of the State, and reporting such measures as his experience would suggest, I think it would exercise a good influence upon the roads and upon their patrons.

The McGregor & Missouri River Railway.—This road had been completed to Algona prior to my message of two years ago. The act of the 12th General Assembly conferring the grant of May 12, 1864, upon the McGregor and Sioux City Railway Company contained in substance the following conditions, viz.: That it should be built upon or near the 43d parallel, north latitude, and within one mile of New Hampton, Charles City, Mason City, and Algona, intersecting the proposed railroad running from Sioux City to the Minnesota State line in O'Brien county. It also provided that the road should be completed to its terminus in O'Brien county by the first day of December, 1875, and that in case of failure to comply with these conditions the state could resume all the rights conferred by the act and all the lands granted, which might remain undisposed of, to said company on account of road actually built. As the law provided that an aggregate of 450 sections of land should be certified to the company upon the completion of the road to Algona, and all the balance when it should reach the Little Sioux river, the fact that the road has not been completed west of Algona will require this legislature to determine whether the lands forfeited shall be resumed, and what disposition shall be made of them to

insure the early completion of the road. It may be argued by the company, in extenuation of its failure to finish, that the road would not pay if completed. The very theory of land-grants, however, is to induce the building of roads in advance of a dense population, where it is presumed they will not immediately pay, and where the business of railways is insufficient of itself to induce capitalists to undertake their construction. It may be said that the state of the public mind of late in respect to the rights conferred by railroad franchises has rendered it difficult to procure money for building railways. This doubtless is in part true, and yet, as money has been obtained to build a few short lines of road without land-grants, it seems to me that this road might have been completed if proper effort had been made. I call attention to this matter, as it is unjust that the people residing in the counties through which the uncompleted portion of the road is located, should suffer all the disadvantages of having their territory shingled with a land-grant and yet receive none of the compensating advantages of a railway.

Railroads Constructed.—The Des Moines & Minnesota Railroad Company has built and put in successful operation thirty-five miles of road, of three-foot gauge, from Des Moines to Ames; and a short railway of the same gauge has been constructed from Keosauqua to Summit station, on the K. & D. M. R. R. A road of the ordinary gauge has also been built from Albia to Knoxville, and another from Grinnell to Montezuma. There are now about 3,850 miles of railway in operation in Iowa. Another piece of narrow gauge road is under construction from Liscomb, Marshall

county, eastward, in which wooden rails are to be used at the first.

THE SCHOOLS.

The Superintendent of Public Instruction presents with his biennial report an unusually interesting review of the history and condition of the educational work and the school systems of Iowa from the time of the organization of the territory. This report, intended as it is as well for the educational department of the centennial exhibition as for the General Assembly and teachers and people of Iowa, will be one of the most valuable and interesting documents ever issued from any of the departments of the State government. It would be useless for me to attempt to summarize it. I can only urge that the General Assembly and the people study these suggestions, coming as they do from one who has given to the special subjects of which he treats so much thought and study, and to their presentation for the benefit of the people so much care and labor. In the past two years the school-houses built in Iowa have cost \$2,269,428.98; the contingent fund expended for school purposes was \$1,725,272.25; and teachers' salaries \$5,045,869.95; making a total expenditure for educational purposes of \$9,040,571.18; which shows, as nothing else can, the healthy condition of the common-school work. The teachers' normal institutes, which received legislative recognition two years ago, have improved the qualifications of teachers more generally than any other system for their special instruction heretofore devised. And here it may not be inappropriate to ask whether, in view of the capital the state is constantly investing in educational enterprises, it is not the right and

duty of the state to demand that every child within her borders shall have the benefit of a common-school education.

THE STATE UNIVERSITY.

The last catalogue of the State University shows an enrollment of 620 students, which indicates a steady growth and widening popularity. Its wants are numerous and some of them pressing. Accommodations for the academical department are straitened, whilst the professional departments are calling for room for constantly increasing numbers. I cannot think the problem suggested by this fact should be solved by allowing either of the departments to languish for want of encouragement. It would seem to be a reflection upon the intelligence and pride of our people to deprive the many students who, in all the years to come will desire to graduate in one of the professions, of the opportunity to do so in their own state, and at the university so generously endowed by the government. I may, however, be met with the argument that the university should not be enlarged beyond the income of the grant intended for its support—that it should not be made a tax upon the state. In my judgment, however, we should make this university to Iowa what Ann Arbor is to Michigan, or Harvard to Massachusetts. It will then be a standard to which all other colleges and all other schools may properly strive to attain. And there is one argument in favor of a liberal state support, which among others may have been overlooked. When the grant of lands was made it was supposed it would be sufficient for all the wants of a great university, as the lands would increase in value with the growth of the state until

the 40,000-acre donation would sell for ten or twelve dollars per acre. The selections were good, and had the policy originally contemplated, and which was recommended by Chancellor Dean, its first presiding officer, been carried out, the income would have been ample for all its accumulating needs. But the argument that the people who endured the hardships of pioneer life should enjoy their share of the benefits accruing from the grant, as well as those who should come after them, was potential. These lands were accordingly thrown upon the market, and were sold at an average of little over three dollars per acre, and as a result the university, instead of having an endowment of from four to five hundred thousand dollars, has a working capital from all sources of \$218,347.26. It therefore seems to me that the state, in addition to its own interest in encouraging the growth of the university until it shall become the peer of any in the country, is bound in good faith, as the trustee of the grant from the United States, to make good the conditions upon which the trust was accepted. I therefore suggest whether it would not be wise to make a special levy of say one-tenth or one-fifteenth of a mill per dollar, as a permanent fund for the university. This would not at first produce so much as the usual special appropriations, but it would increase with the wealth of the state and with the growing demands of the institution. And above all it would enable the regents to conform their expenditures to a fixed income and relieve them from coming before each legislature in the unwelcome character of lobbyists.

The professor of physical science and director of the laboratory at the university has commenced a series of meteor-

ological observations, in order to determine the laws governing the climate of Iowa. To aid him in this work he has enlisted the services of a considerable number of volunteer observers throughout the State. Tri-monthly reports of results have been given to the public through the columns of newspapers, and a small monthly publication has been commenced devoted entirely to the information thus obtained. Comparatively inexpensive as is the plan acted upon, it nevertheless necessitates some outlay, which has so far been borne mainly by its zealous and devoted originator. The work done in this direction by the United States signal service is of incalculable value, but it is necessarily spread over so much territory that its observations must be of less utility than those covering the more limited field of our own state. I therefore commend the subject and the work already done to your favorable consideration.

STATE AGRICULTURAL COLLEGE AND FARM.

In commenting upon the report of the Treasurer of State attention was directed to the uninvested endowment funds in his hands, and early legislation to make them available was urgently recommended. It only remains for me in this place to briefly summarize a few of the principal wants of this institution, and which can only be supplied by an appropriation from the state treasury. As stated by the president and trustees there is an urgent and immediate necessity for certain repairs to insure the safety of the main building and to preserve from waste the valuable property of the college. The necessity for these repairs is enforced by a report of Mr. Finkbine, in whose judgment and skill

as an architect and builder I have implicit confidence. These improvements he estimates will cost \$31,720, which includes \$17,000 for a new heating apparatus in the main building, which would seem to be required to enable the term to open at the appointed day in the early spring. The need of increased accommodations is urged by the board and the president, accompanied by suggestions as to the character of the buildings which should be erected. The plan proposed seems economical and practical; and the reasons given therefor are numerous and sound. I am tempted to elaborate, but have only space to touch a single suggestion, but which I regard as potential. The statement is made that these improvements, which will cost \$35,000, will enable the college to receive double the number of students it can now accommodate. Here are professors, laboratories, a farm, and other appointments sufficient to afford instruction to 550 students, instead of 277, the number enrolled in 1875, and withal an endowment capable of covering every expenditure to which its proceeds can be applied under the condition of the grant; while throughout the state are young men and women hungering for education who stand ready to avail themselves of the increased accommodations sought, and yet the want of this small outlay, when compared with the cost of past improvements, prevents the institution from receiving them.

The report of the president in reference to the labor department merits attention, and his statement of the object of the college is worthy of careful perusal. In fact every farmer and horticulturist in the state would find it profitable to read this report, and from the reports of the special de-

partments could gather many valuable suggestions not only respecting improved methods of cultivation, but as to the destruction of the enemies of crops.

THE PENITENTIARIES.

The Penitentiary of the State.—The condition of the penitentiary at Fort Madison, as shown by the warden's report and the reports of the physician, chaplain and clerk, and uniformly as testified by official visitors, is very gratifying. A full and lucid statement of the operations of this institution during the period just ended will be found in that report. Its probable requirements for future usefulness are also carefully set forth. You will also find printed in connection with this document a report to the executive council of the commissioners appointed under chapter 35, temporary acts of the 15th General Assembly, to lease the convict labor. It may be proper to add that this labor has never been leased more advantageously for the state, nor more in the interest of the health, safety, and moral reformation of the convicts, than under present contracts. The one hundred and fifty men leased to O. B. Dodge & Co., manufacturers of shoe-pacs, is a peculiarly fortunate contract. It is a work upon which men unfitted for the exhausting labor of other shops may be employed; and as the manufacture of shoe-pacs is an anomalous business in the West, it does not compete with the free labor of the state; and, requiring but little machinery, it does not expose the prison to fires or accidents incident to furnaces and steam-engines. The warden and chaplain speak in enthusiastic terms of the progress made in the prison-school, even with the limited

facilities which the buildings now afford; and I trust there will be no hesitancy, in view of the good already attained through this school, in building and properly equipping a school-house for its accommodation. The warden recommends several very important improvements, which he estimates will cost \$34,980; and he states they will furnish room in the penitentiary for 504 convicts, or 186 more than its present capacity—there being now cell-room for 318, with 309 present occupants. In view of the fact that, with the increasing population of the state and the rapid growth of its larger cities, the number of convicts must continue to increase for years to come, these recommendations are worthy of serious consideration. The warden also recommends that the deputy be paid \$1,200 per annum instead of \$1,000; that the clerk be paid a salary of \$1,200, which should be provided for by permanent law, and that the guards be paid \$60 per month. In consideration of the arduous duties of these officers and employees, I am of opinion their salaries should be increased, and I hope the General Assembly may be convinced of the justice and propriety of this recommendation. It is estimated that \$1,800 will be required for the transportation of prisoners, which should be provided.

Special attention is invited to the remarks of the warden and the physician of the penitentiary upon the subject of insane criminals, that are well worthy of thoughtful consideration.

The Additional Penitentiary.—Since the last meeting of the General Assembly the temporary cell-room for which an appropriation was made has been completed. This building contains seventy-two cells and is built in a workmanlike

and substantial manner, creditable alike to the business management of the commissioners and the superintendent, and to the mechanics immediately in charge of the work. And it is remarkable that nearly all the labor upon this building was performed by convicts, but few of whom had any experience in stone-work prior to incarceration in the penitentiary. The commissioners, seconding the recommendation of the warden, ask that the general support fund of that institution, now eight and one-third dollars per month per man, be increased to twelve dollars. I heartily indorse this recommendation, and would call special attention to the reasons given for it. Provision should be made for the employment of a physician; and the physician who has acted in that capacity for two years, and whose report accompanies the warden's, should be paid for his services. There should be a deputy warden provided for by law, and the guard who has faithfully performed the duties of deputy in the past should be compensated for this more responsible and onerous labor. Sound policy, enforced by the spirit of our christian civilization, demands that provision be made for a chaplain, who shall also act as a teacher. In view of the beneficent results of the prison-school at Fort Madison, which is but a repetition of the experience of all penitentiaries in which schools have been organized, I need not occupy space by an argument in support of this suggestion. An appropriation of \$52,000 is asked for, with which to build prison-walls. There is no doubt as to the necessity and propriety of an early inclosure of the prison-grounds. The character of the walls, and the amount of money they should cost, will be for the General Assembly to determine.

—I come now to consider briefly another question in connection with the future of our penitentiaries, which involves the welfare and honor of the state. I assume that but few persons will question the doctrine, that crime is a moral disease, and that the object of punishment is to protect society from exposure to the results of this malady, and to cure the disease. Modern thinkers and writers upon social science have made many suggestions regarding the improvement of methods and practices in the discipline of prisons and reformatories. The aggregated result of the discussions by the most experienced delegates to the International Prison Congress of 1872, held in London, and at the National Prison Congress of 1874, in St. Louis, was practically to agree, that, to give penitentiaries the largest measure of efficiency as reformatories, no prison should contain over 500 convicts at any one time. Between 300 and 500 were held to be about the number best calculated to enable the manager to exercise a personal influence upon each individual, and to afford the best results in moral and intellectual progress, as well as in the profits of labor. They also agreed in the conclusion that convicts should be classified according to the grade of their crimes, and the moral progress made subsequent to incarceration.

The time is rapidly approaching when, if the proportion of criminals to population remains as at present—and we can hardly expect this proportion to be materially diminished—the penitentiary at Fort Madison will be filled to the limits that may be profitably cared for under one management, and the Additional Penitentiary will find its accommodations for convicts in full demand. Now I suggest

that the state try in its main features the experiment of prison discipline which has been found to work so admirably in other countries. Say we should use the penitentiary at Fort Madison for all convicts properly classified as of a *criminal nature*. Let the Additional Penitentiary be for those who do not belong in this class—those whose crimes consisted in giving way to sudden passion, or who had fallen from having come into the presence of an unlooked-for temptation. And then, gradually, those who have been held with the *criminal class*, especially youths convicted of a first offense, after a probationary schooling under the rigorous discipline of Fort Madison, and upon showing satisfactory progress in reformation, could be transferred to the prison of a milder discipline, and where the inmates might safely and profitably exercise a more enlarged personality than could be permitted to the entirely unreformed. The Irish system of probationary prisons takes the convict through several intermediate classifications during his penitentiary life, and finally, when discharged, he is still partially supervised by a system of tickets-of-leave, until he finds his place in society. At Lusk, in Ireland, some seventy or eighty prisoners are employed in agricultural labor, all of whom have graduated through the rigorous discipline of the intermediate prisons, and reaching this last stage in the reforming process they are here held in subjection by the moral influence of the manager, without walls to hedge them or guards to intimidate them. This illustrates what moral and intellectual training may do for the most hardened. I am thoroughly convinced that with proper management a fair proportion of all persons convicted of crime

may be reformed. The daily routine-labor of the prison for those who have never been taught habits of industry; the night-school for those who have been raised in ignorance; the Sunday-school, and ministrations and friendly visits of the chaplain, for those who have never been taught the way of a higher life; and the cheering words of encouragement from generous-hearted prison officers; will all enter as elements into the experience and education which may be made to transform the lives of even criminals. But I will be told that this will cost; and that society is unwilling to suffer the depredations of criminals, and then pay money to educate them. It is by no means certain, when you take into consideration the diminution of crime from a system that will reform men instead of turning them out to repeat their old crimes, and in view of the fact that the penitentiary containing the partially reformed will require comparatively light walls and few guards, and will contain prisoners who may be worked profitably outside the yard, that there will be any additional expense in the system proposed. But if it should cost, to begin with, something more than under present arrangements, it would in the end compensate by lessening crime in the state. But I only hint at reforms which present inviting fields for argument, and which I deem worthy the best thought and the earnest attention of legislators in an enlightened age and a progressive state.

THE REFORM SCHOOL.

In harmony with the foregoing theories relative to prison management, the state established a reform school for vicious and incorrigible youths at Eldora in Hardin county.

The board of trustees and superintendent have stated in their reports the condition and needs of this school. I would respectfully invite your attention to their suggestions. They deem it important that the contemplated main building should be immediately erected and estimate its cost at \$75,000. This will permit the building now occupied as headquarters to be used as a general shop (the purpose for which it was originally intended), to the great advantage of the state and in aid of the industrial department of the school. It will also enable the trustees to remove the girls' department to Eldora and temporarily care for it in this main building, where the girls can be isolated from the boys under the immediate supervision of the superintendent and matron. The necessity for some provision to accommodate the girl's school is enforced by the fact that the lease of the quarters now occupied for this department will expire in 1878. The amount of funds which may properly be used towards meeting these objects will remain for you, having in view all the state institutions and all their needs, to determine.

In the removal of the school to a new and unproductive farm, attended by the expenses of the transfer and re-establishment, a debt of some \$1,800 was necessarily contracted, and good faith requires its payment.

Last April, in compliance with what seemed to be a necessity, and at the request of the board of trustees for a committee to aid them, I appointed Hon. A. C. Dodge, Wm. H. Leas, Esqr., and Mrs. Deborah Cattell to visit and investigate the finances and management of the school and to report their conclusion to me. The committee and

trustees met at Eldora where a joint investigation, extending through several weeks, was held. It resulted in two reports, one by a majority of the committee appointed by me, and the other by the trustees, indorsed, with one or two qualifications, by Mrs. Cattell. These reports are submitted for your information with the evidence taken upon the investigation. I could not enter upon an examination of these proceedings and conclusions without occupying too much space for this message. I will say, however, that I believe thoroughly in the conscientiousness of the trustees, and that from my reading of the testimony the late superintendent's want of adaptation for the position was more from lack of penetration in the choice of subordinates than in any positive wrong in himself. And when we consider that the school under his administration was passing through the developing process, cramped for money and facilities, and that the salaries paid minor subordinates would not secure persons of the best intelligence and established character, it in some measure extenuates the admitted faults of his management. But, as he seemed to be the principal object of the investigation, his resignation at the close of the proceedings removed the cause of the contention. The trustees filled the vacancy by the appointment of a gentleman who I understand is well fitted for the position. A physician and assistant superintendent has also been chosen whose well-known character is a guaranty of arduous and intelligent efforts for the honor of the state and the reformation of these children.

I should say further that one cause of the irregularities which led to this investigation was that boys had been sent

to the reform school who were too old in years and crime for its discipline. They had been sent here however at the expense of the *morale* of younger pupils, for the reason that courts shrank from sentencing them to the companionship of hopeless criminals. All this could have been avoided through the agency of an intermediate prison such as above recommended.

I ordered the payment to the committee appointed by myself of three dollars per day, as provided by the code, for the time employed in the investigation. Their itemized bill for personal expenses; together with other necessary expenses of the joint committee which the code does not provide for, are on file in this office, and I think should be paid.

THE HOSPITAL FOR THE INSANE AT MT. PLEASANT.

The duty will devolve upon this General Assembly to seek some method by which the hospitals for the insane may be relieved from their overcrowded condition. The reports of the trustees and of the superintendents of the hospital at Mt. Pleasant and at Independence are alike emphatic upon this point. At Mt. Pleasant the appropriation of \$10,000 made by the last General Assembly has been applied as contemplated, and the improvements are fully detailed in the reports from that institution. Exhibits accompany the report of the trustees, showing that during the biennial period \$220,518.17 has been expended, that the average daily attendance was 505.86, and that the cost per week of each patient was \$4.12. The board recommends an appropriation for special repairs and improvements. In

this connection I should call attention to the report of Messrs. Piquenard and Finkbine, who were consulted by the trustees in regard to the necessity for these repairs, and as to their cost. From their report the necessity would seem to be urgent, and they estimate the cost at \$16,237.50. These gentlemen having given this matter personal attention, there is no question in my mind as to the accuracy of the figures, or the propriety of immediate action to preserve the building from further waste and insure its safety. The superintendent in the last few pages of his report forcibly reviews the need of certain improvements in and about the hospital, and his statements should be read and considered by each member of the General Assembly.

HOSPITAL FOR THE INSANE AT INDEPENDENCE.

The report of the board of trustees of the hospital for the insane at Independence shows that eleven wards are now complete, furnishing room for 250 patients. Out of the appropriation of \$18,000 made by the Fifteenth General Assembly for improvement of grounds, building a barn, &c., \$16,716.22 has been expended, leaving an unexpended balance of \$1,273.78. A fine supply of soft water has been procured from a well one-fourth of a mile from the hospital, which is brought with facility and at small expense to the reservoir at the buildings. An appropriation of \$5,000 is asked to erect gas-works. The reasons given by Dr. Reynolds for this expenditure are so forcible, and to my mind so reasonable, that I desire to add my conviction of its propriety and necessity. Dr. Reynolds urges the importance of sending patients to the hospital for treatment

before the cases become chronic; and he very logically concludes that this is one method of relieving the overcrowded condition of the hospital, as the cases treated before they become incurable go out and leave room for others, while if delayed until too late for cure they will encumber the hospital until removed by death. The building commissioners give reasons for the work in the past having exceeded their estimates. They ask for money to put in double windows on the north and west sides of the north wing and to finish the main central building, all of which will cost \$15,000. Humanity and sound economy enforce the propriety of these recommendations. The commissioners also ask \$300,000 with which to build the south wing, as contemplated in the original plan of the hospital. The crowded condition of our present hospital accommodations, the number of insane persons now being cared for by their friends who should receive hospital treatment, and the condition of the treasury with the other demands upon it, are all proper subjects of consideration in this connection.

I would suggest whether it might not simplify matters, and perhaps save expense, to abolish the board of building commissioners and confer upon the board of trustees the control in building future additions to the hospital.

THE VISITING COMMITTEE.

This committee have gone thoroughly, intelligently, and conscientiously over the ground connected with their duties, and have made a report which should be read by every citizen and thoroughly studied by every legislator. Without summarizing its facts or its arguments I refer the entire

document to your careful consideration. It has cost time, thought, correspondence, and careful investigation, and should receive merited attention.

And here it is proper for me to say that in my judgment the duties of this committee, with such additional members as may be thought wise, should be widened to something in the nature of a permanent board of charities, having a limited supervision of all benevolent, reformatory, and penal institutions in the state, to include also in the scope of its duties the examination and suggestion of improvements in the jails and poor-houses of the counties. The reasons which might be adduced to enforce this suggestion are numerous and unanswerable. At present, boards of trustees of the different institutions are likely to have their judgments colored as to the needs of the institutions they are set to supervise, by the local feeling of the town in which it may be located. But this committee, looking over the whole field, could impartially determine the relative appropriations which should be made to each. It would be a standing committee to examine and adjust any complaints of mismanagement. If our prison discipline shall be advanced to conform more nearly to modern theories, this board could supervise the classification, and examine applications and recommend to the Governor fit subjects for clemency.

But I cannot enlarge upon matters which will suggest themselves to the legislator. I am led, however, to remark that the committee could consider and recommend the character, cost, and style of buildings which would be most economical and best adapted to the purpose of these several

institutions. I have long entertained the opinion that unless a public building is intended for ornament as well as utility, or as a kind of memorial structure, brick buildings, plain in design and substantial in architecture, should always be preferred to stone. They would be far cheaper and, unless great care is taken in the selection of stone, much more enduring. I have hinted at the possible advantages of this committee. Should these suggestions be deemed worthy of consideration, the details of its organization must be matured by the General Assembly.

THE SOLDIERS' ORPHANS' HOME.

The report of the board of trustees, and of the superintendents of the soldiers' orphans' home, show this institution to be in a satisfactory condition. They ask that an appropriation of \$7,300 be made for the Cedar Falls branch, and \$4,800 for the branch at Davenport, the object of which will be found fully detailed in the reports. They also ask, contingently, that \$10,700 be appropriated to aid in the establishment of industrial departments in the home. During the past year the branch at Glenwood has been discontinued, as the number of inmates had diminished until the monthly allowance for support would no longer clear the expenses. A full history of the proceedings connected with this discontinuance will be found reported by the trustees.

On November 1, 1873, there were in the several branches of the home 508 children, whilst on the first day of last November there were but 298. This indicates that within the next two years it will be necessary to close the institu-

tion unless it should be opened for the reception of other orphans than those of soldiers. The policy of opening it for a general orphans' home is strongly recommended by the superintendents and the trustees. I fully endorse these views, and, not having space to give the reasons which influence my judgment, I ask for their suggestions a careful reading. I will add that in my opinion the state will save the cost of such an institution in raising to useful citizenship indigent orphans who would, if unprovided for, become criminals. New York on the first day of this year removed all pauper children from county alms-houses to state asylums; and it is announced that no event has caused more joy in that state since the Emancipation Proclamation was issued.

The Glenwood Building.—The discontinuance of the branch at Glenwood leaves a building which, either now or in the near future, should be utilized for some purpose of education or benevolence. It is possible it might with small expense be made a safe retreat for the chronic and harmless insane, and thus relieve the crowded condition of the present hospitals. The state will eventually establish an inebriate asylum, for which this building could be used. And when we consider the wonderful reformatations these asylums have wrought in other states, it is none too soon to *think* of having one in Iowa. A school in course of time will be established for the instruction of the feeble-minded. If not therefore immediately, this building will eventually be, required for some benevolent object, and should neither be frittered away nor be suffered to fall into decay.

THE NEW CAPITOL BUILDING.

As the progress made upon the new capitol can be seen by each member of the General Assembly, a statement of what has been done is unnecessary. Tables, prepared with care, showing cost of material, cost of labor, and cost of superintendence in all departments, accompany the report of the commissioner. Also a classified abstract of expenditures to the smallest outlay has been prepared from the records, by the superintendent of finance and the secretary of the board, for your information. Attention thereto is invited. The examination of these reports will commend to the people of Iowa the care, economy, and good judgment with which this enterprise has been supervised by the architect, overseer of the work, and assistant superintendent and secretary. The beauty and durability of the stone finally selected, after many vexatious delays and disappointments, the perfect character of the work so far as advanced, and the symmetrical plan of the structure, are assurances that Iowa will soon have a capitol which will compare favorably with any public building in the country. And as I shall no longer have an official connection with the board of commissioners, it may not be improper for me to say, that the earnestness and singleness of purpose with which the four gentlemen who sign this report have performed their duties, and the zeal and intelligence with which they have sought to give the state the best possible results with the least possible cost, have challenged and received my hearty approval. In relation to the future of this work I have but one suggestion to make. The need of this building as soon as it can be finished, without burdening the people, is appar-

ent. And that every day its construction can be hastened will save money to the state, is equally apparent. It is hardly necessary, therefore, to say that it will be wise to push it forward as fast as the condition of the treasury will permit.

IOWA COLLEGE FOR THE BLIND.

Since the last session of the General Assembly, Prof. S. A. Knapp, then superintendent of the College for the Blind, has resigned. The trustees in announcing it speak of his services as an officer and his character as a man in fitting terms of praise. Prof. Orlando Clark, who formerly held the position, has been appointed to the vacancy, and the work of the institution progresses successfully under his charge. The improvements for which an appropriation was made by your predecessors have all been completed, and within the estimated cost. The trustees and superintendent recommend the expenditure of \$16,250 in various improvements in and about the building and in additions to its appointments for instruction. In the report of the superintendent attention is called to the necessity of an industrial home for adult blind, and to the fact that the present accommodations of the college are only adequate to those who remain during pupilage. He also calls attention to the propriety of establishing an infirmary for the eye. These suggestions are timely and merit serious consideration.

INSTITUTION FOR THE EDUCATION OF THE DEAF AND DUMB.

The Institution for the Education of the Deaf and Dumb is successfully fulfilling the design of its establishment. During the last five years the number of pupils has increased

from 91 to 158. This increase in the number necessary to be accommodated enforces the many reasons suggested for enlarging the institution: and it is urgently recommended by the trustees and superintendent that the west wing, originally contemplated in the plan of the building, should be immediately erected. The estimated cost is \$65,000. In addition to this the sum of \$10,800 is desired, for much needed improvements in the heating apparatus and for the purchase of tools and stock for the shops. The industrial department of the institution, now in successful operation, will be promoted in efficiency by an increase in its resources. The reasons for these various improvements are forcibly presented in these reports, to which I call special attention. I desire to add my recommendation to the proposed employment of an instructor in articulation. This department in deaf-mute teaching has been inaugurated, with the best results, in many of the States, and our institution should lack nothing which will promote the welfare or happiness of the unfortunate class committed to it for instruction. Since the last session of the General Assembly, Hon. Caleb Baldwin, one of the trustees of this institution having resigned, I appointed Dexter C. Bloomer, Esq., of Council Bluffs, his successor, to hold office until your meeting.

The report of the building commissioners is also submitted for your information. Accompanying this report is the award of the referees appointed by the district court of Pottawattamie county in the case of W. R. Craig vs. the Commissioners and others. The history of this case is fully given by the commissioners and referees. No more competent men could have been found in Iowa for this business

than the referees appointed by the court. And as they have considered it with great care, both as experts and as dispassionate and impartial men, I believe that the good faith of the state will dictate a settlement upon the basis they recommend.

SUMMARY OF EXTRAORDINARY APPROPRIATIONS PROPOSED.

I present herewith a compilation of the amounts deemed necessary, by the various boards having charge of public institutions and enterprises, for improvements and for enlargement of the scope of their respective operations:

STATE UNIVERSITY, say.....		\$ 50,000.00
AGRICULTURAL COLLEGE:		
New heating apparatus..	\$ 17,000.00	
Other improvements with repairs.....	14,720.00	
Buildings for boarding- houses....	35,000.00	66,720.00
Appropriation for repairs.	—————	
COLLEGE FOR THE BLIND.....		16,250.00
INSTITUTION FOR THE DEAF AND DUMB:		
New boilers and furnace, with boiler-house, con- taining laundry.....	8,800.00	
Tools.....	2,000.00	
Additional wing.....	65,000.00	75,800.00
SOLDIERS' ORPHANS' HOMES:		
<i>Davenport Branch—</i>		
Improvements		
and repairs..	\$3,100.00	

Library \$ 200.00

Furniture and

pumps 1,500.00—\$4,800.00

Cedar Falls Branch—

Improvements

and repairs..\$5,600.00

Furniture 1,500.00

Library 200.00 —7,300.00

If the homes are opened

to all orphans, there is

asked for industries, to

be divided between the

homes 10,700.00

\$22,100.00

HOSPITALS FOR THE INSANE:

At Mt. Pleasant—

Improvements and repairs

of building 24,000.00

Improvements and repairs

in grounds 1,500.00

New furniture 1,000.00

Replacing sub-basement. 16,237.50

42,737.50

At Independence—

Erection of south wing.. 200,000.00

Completion of present

building 15,000.00

Gas-works 5,000.00

220,000.00

REFORM SCHOOL:

New building for girls'

school and offices 75,000.00

Drying-room 3,000.00

Indebtedness 1,800.00

79,800.00

PENITENTIARY OF THE STATE:

Alteration of deputy ward-
en's house into cell-
rooms \$7,500.00

New house for
deputy 1,500.00 \$9,000.00

Heightening the walls, and
putting in additional
tier of cells 19,680.00 \$28,680.00

ADDITIONAL PENITENTIARY:

For completing stone wall 52,000.00

STATE HISTORICAL SOCIETY:

For building 5,000.00

For binding newspapers. 2,000.00

For purchase of historical
books 2,000.00

For salary of librarian . . . 2,000.00 11,000.00

NEW CAPITOL 350,000.00

FISH COMMISSION 10,000.00

\$1,025,787.50

This aggregate, it will be observed, far exceeds twice the amount of surplus estimated by the Auditor of State to be available for these objects. Doubtless additional appropriations, for purposes not enumerated above, will be deemed advisable by the General Assembly. Great care will therefore be required to keep the appropriations within the estimated receipts of the treasury, or else to provide additional means wherewith to meet them. Here I would suggest that it would be well to authorize a larger levy at least

for the year of the legislative session. The expenses of the session, with the numerous miscellaneous appropriations made at each, naturally cause the outlay of that year to exceed very largely that of the remainder of the fiscal term. The first year of the biennial period, immediately preceding the one now under review, witnessed an expenditure of \$238,709.43 in excess of that of the other year, notwithstanding that during the latter the General Assembly held an adjourned session, and the code adopted at that session was printed, necessarily entailing unusual outlay. During the term just ended, the excess the first year was \$153,795.40, much less than in the preceding period, but still too large. This reduction was mainly due to the fact that in several special appropriation bills the General Assembly limited the amount which could be drawn the first year; and I would recommend that the principle be still further applied by permitting only one-third of the special appropriations for public improvements to be drawn within the present calendar year. This would enable the treasury better to meet the demands upon it the first year, and allow time for the realization of such additional means as the General Assembly may provide.

THE STATE LIBRARY.—The Librarian submits a report which will furnish you all the data necessary to a full knowledge of its condition. She has prepared in connection with her report an interesting and valuable history of its establishment and growth. I invite attention to this report, and also to the single suggestion relating to legislation made therein, which I fully approve.

THE STATE AGRICULTURAL SOCIETY.—For many years the agricultural society has labored to promote the interests of the state. It has illustrated the resources of Iowa, has stimulated a wholesome emulation among the people, and has through its fairs and published proceedings aided to improve the methods of farming: In view of these facts, it seems to me it was a false economy to deprive it of the small encouragement afforded it by the meager appropriation of former years. In the past two years it has met with serious misfortune in having unfavorable weather during its fairs. This has involved it in debt and seriously embarrassed its power for usefulness. Would it not be wise to aid it in this extremity by restoring it to the position of former years?

THE STATE HISTORICAL SOCIETY.—This society has done much to preserve and perpetuate that which will be regarded with deep interest in future years. It has had to struggle against many difficulties, and the report of its transactions, which will be submitted herewith, shows it to be seriously embarrassed. It deserves every encouragement which, with the numerous demands made upon the state, can be afforded to it.

THE FISH COMMISSION, which was provided for by the last General Assembly, and for the use of which \$3,000 was appropriated, has performed a good work with little money. It was the design to appoint men who had made a study of fish-culture, and who believed thoroughly in the utility of state encouragement. What these men have done, and what they believe can be done in the future, are well told in their report, to which special attention is invited.

GENEROSITY TO THE NORTHWEST.—The commission appointed to dispense the appropriation made by your predecessors to purchase seed for farmers made destitute by the grasshopper invasion in some of the counties of the northwest faithfully performed the duty. Although supplying all who came within the law, they returned \$13,786.58 to the state treasury. This appropriation, with the generous private donations made to these people, both in 1873 and again in 1874, when there was another partial destruction of crops, I have no doubt influenced 5,000 people to remain in the state who but for this generosity must have left the country. To this work of charity General Baker gave time and heart, and deserves mention. The past season most of these people have harvested twenty bushels of wheat to the acre and are now living in comparative comfort.

WOMAN SUFFRAGE. The proposed amendment to the constitution adopted by your predecessors, and which requires your sanction before being submitted to the voters of the state, will come before you. I venture to suggest, as the uniform expression in Wyoming Territory, where woman suffrage is a fact, is favorable to its continuance, and that wherever in Europe and America women have voted for school or minor officers the influence of their suffrage has been beneficent, and in view of the peculiar appropriateness of submitting this question in this year 1876 when all America is celebrating achievements which were inspired by the doctrine that taxation and representation are of right inseparable, that it would seem to me proper to give the people of Iowa an opportunity to express their judgment upon the proposed amendment at the ballot-box.

CENTENNIAL.—I regard it as very important to Iowa that immediate and effective steps be taken by the legislature for the proper representation of the state in the forthcoming International Exposition at Philadelphia. During the past two years considerable progress has been made by voluntary contributions and voluntary labor in securing a collection of articles to represent our material resources and some of our achievements in art and industry. Those who have given their time and effort to this work in the past have now arrived at a point where it becomes necessary to ship and enter for exhibition the collections made, and unless the state gives immediate aid the work must cease. It will readily be seen that in addition to the value of these centennial observances in inspiring anew the patriotic fervor of the people, and in their educating influence, we can in no better or cheaper manner advertise our state and its resources. It is impossible to enter here into details to show what has been done, but the committee, named by me at the request of the managers of the exposition, will present you a report which will afford full information as to what has been done and what is necessary to insure success.

THE THIRTEENTH CENSUS.

You have before you the voluminous and valuable report of the Thirteenth Census of the state, taken and compiled under the immediate supervision of the Secretary of State. The population of the state is shown to have been, a year ago, 1,350,544, double what it was in 1860, and four times as much as in 1854: a rapidity of growth almost, if not quite, unparalleled. The amount of products, both of the

farm, the mine, and the factory, as shown by this census, exhibits a still more rapid and vigorous growth. The wheat production appears to be five times as great as that of 1864, and that of corn three times as great as in that year; and nearly all products of the farm, and the amount of all kinds of live stock, have increased in large ratios. The yield of coal has multiplied enormously, while our manufactures were more than five times as productive in 1874 as in 1864. The entire showing of this census, prepared as it has been, is an extremely valuable contribution to the statistics of the nation's centennial. I commend to the consideration of the General Assembly the observations of the executive council upon the mode of taking our state census.

As the constitution provides that the apportionment for the House of Representatives shall take place at every regular session, I suggest that an enumeration of the inhabitants of the state be ordered to be taken in 1877, in order to furnish a basis for such apportionment.

MISCELLANEOUS.

Vagrancy and Crime.—I cannot refrain from calling your attention to the increasing number of itinerant vagrants, commonly called "tramps," who infest many parts of the country, and of whose depredations and even crimes the public press has been so full. If legislative action can be devised to overcome the evil, I hope the General Assembly will not be slow to apply it. Here I would also refer to the kindred but more criminal characters who haunt railroad trains, and fleece passengers out of their money by the devices known to professional gamblers. In one state this

crime has been made a felony, and punished as such. In another, railroad officials have been clothed with summary powers for the suppression of the evil. Through our state passes the great tide of California travel, and it behooves our law-makers to see that the fair fame of our state suffers no detriment because of this modern variety of highway robbery.

The consideration of a large number of applications for pardon during the past four years, in which time I have had the pleasure of opening prison-doors for the release of men of whose innocence I had become entirely convinced, confirms me in the belief that every accused person who desires it should be permitted to testify under oath in his own behalf. I am aware of the objection with which this suggestion will be met, viz.: that failure to testify will be construed unfavorably for the accused. Whatever force there may be in this objection is, I am satisfied, more than met by the consideration that to deny a man who is willing to subject himself to examination and cross-examination under oath the right to do so in fact establishes to some extent a presumption of guilt against him. I earnestly commend this matter to the consideration of the General Assembly.

While upon this subject, I recommend the repeal of the provision introduced into the code, allowing changes of venue in preliminary examinations. Its presence in the statutes, I am convinced, increases expense, interferes with justice, and secures no substantial rights.

The Jury System.—Entertaining as I do the profoundest veneration for this legacy of our ancestors, I yet do not think it beyond the reach of improvement. The require-

ment of unanimity in a jury in order to a verdict I cannot but look upon as an antique absurdity, which has too long fettered the administration of justice. I therefore recommend that steps be taken to do away with the requirement, and thus to conform our jury system more nearly to modern ideas, and practical common sense.

The Public Health.—The importance of the subject of public health has impressed itself so upon the public mind throughout the country that in several of our sister commonwealths state boards have been established having cognizance thereof with more or less limited powers. I submit to the General Assembly the propriety of adopting this or some other measure of a comprehensive character for the safety of the public health, believing no subject to be more deserving the attention of the sagacious legislator.

THE CONTINGENT FUND.

In my former message, I stated that of the appropriation made by the Fourteenth General Assembly for the contingent expenses of the executive office I had expended \$1,303.68. I have now to report an additional expenditure under that appropriation of \$536.94; making an aggregate of \$1840.62; of which \$1680.44 was expended for clerk-hire; \$16.98 for telegraphic dispatches; \$2.50 for visiting the penitentiary; \$8.85 for visiting other public institutions; and \$131.85 for other purposes. Vouchers for all of these disbursements are on file in the executive office. The amount of the appropriation undrawn and remaining in the treasury was \$1659.38. Of the appropriation made by the Fifteenth General Assembly for the same purposes, as re-

quired by the code I rendered an itemized statement to the Auditor of State of the expenditures for the fiscal term ending October 31st, 1875, amounting to \$1,842.91. Since that time, I have expended \$272 for clerk-hire, making an aggregate outlay of \$2,114.91. Of this sum, \$273.38 was paid out for the expenses of Gen. N. B. Baker and Thos. Sargent, Esq. (of Fort Dodge), in visiting the counties devastated by grasshoppers, and to report upon their condition. The balance remaining undrawn in the treasury is \$1,385.09.

COMPENSATION OF PUBLIC OFFICERS.

One of the judges of the Supreme Court has filed in the executive office his resignation, to take effect on the seventeenth day of the present month. He assigns as a reason for his retirement that the salary is inadequate to meet the expenses of his family. I do not believe in the payment of exorbitant salaries to public officials; and still it would be well for the General Assembly to give some consideration to the question of salaries. In the case of judicial officers it is both wisdom and economy to pay such salaries as will secure the highest talent not only for the supreme bench but for the district and circuit courts. And while upon this question of salaries I desire to say, that any salary paid to an official who subordinates public duty to his personal affairs and to private speculations is exorbitant. But the public officer who devotes himself with singleness of purpose to the duties of his office, making his private interests secondary to those of the public, should be paid for his labor. I know that it requires economical living to make the Governor's salary meet the expenses of a family; and as I am

about to retire from this office it is proper for me to say that I would be glad to see my successor more liberally paid. But while saying this, it is but just that I should state my opinion that the officers in the other departments of the state government receive smaller proportional salaries than does the Governor. I *know* the present officers of this state, and know that their time and talents are enthusiastically and entirely devoted to their public duties, and I would be glad to see them paid so that they can pay reasonable rents; meet the daily expenses of their families, and by prudent management have a pittance left at the close of each year.

—This concludes my message and my official relation to the people of Iowa. The distinguished gentleman whom the people have called to succeed me, resumes a position which he laid down twelve years ago. The Iowa of which he was then Governor contained 701,732 inhabitants: that of which he will be inaugurated the Governor in this centennial year returns by census 1,350,544 human souls, and a proportionately much larger increase of material wealth. In retiring, therefore, I can only wish for my state, in whose every rill and river, and grove and prairie, and all the people within her borders, my interest can only cease when I sleep in her soil, that the prosperity of the past may symbolize the glories of the future. And while her people pursue the same purposes, are guided by the same virtues, illustrate the same patriotism, and trust in the same God, as did those who have gone before, their continued prosperity and happiness will be assured.

CYRUS C. CARPENTER.

VETO MESSAGES

TO THE SENATE

MARCH 29, 1872

From the Journal of the Senate, p. 423

Gentlemen of the Senate:

A bill entitled "An act relating to the collection of taxes voted to aid in the construction of railroads in the counties of Clinton and Jackson," originating in the Senate, seems to me, if not absolutely unconstitutional, at least very questionable legislation. It provides "that in any township, incorporated city or town in the counties of Clinton and Jackson, where a tax has been voted to aid in the construction of any railroad, such tax in said counties shall be collected only on the basis of the valuation as determined by the board of supervisors of said counties, and not on the valuation where it has been raised by the State Board of Equalization," etc.

I cannot but regard this as in conflict with section 30, article 3, of the constitution. This section declares that "the General Assembly shall not pass local or special laws in the following cases," and then, after enumerating several specific purposes for which such special legislation shall not be had, it provides that "in all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation

throughout the State." In this view of the unconstitutionality of the proposed measure, the Attorney-General coincides, after a critical examination of the subject.

Fairness also, as well as constitutional law, would seem to require that if legislation of this kind may be applied to Clinton and Jackson counties, it should equally apply to all other counties, where the assessment has been increased by the State Board of Equalization. In fact, it should not only apply where the valuation has been increased, but it should also be made applicable where it has been diminished, by that board.

In another view of this subject, I cannot but regard the bill as tending to establish a very bad precedent. While it may be said and perhaps truthfully, that this bill is no more obnoxious to the charge of being a *special* enactment where general legislation would equally apply, than a great many other acts which have passed into law, having escaped the review of the courts; yet, if we admit all this, it is valuable occasionally to recur to these first principles of constitutional limitation, and especially so where the measure in question is likely to complicate, and perhaps render still more expensive to all parties, pending litigation.

It may be said that the equities are altogether with the tax-payers who are to be benefitted by this bill. This I will not question. It will, however, be admitted that there was no public improvement contemplated in either of these counties—no school house was to be built, no road repaired,—but what the estimate of the amount necessary in the way of finances, in this particular, was made upon the assessors' or supervisors' valuation, and that raising the assessment

will give a surplus to these objects not contemplated in the original estimates. Such taxes are just as properly subject to removal by special legislation as the tax to aid in the construction of a railroad.

Again, the results which might flow from this measure may not be confined to such portions of an assessment as have been fixed by the State board of equalization. It is difficult to see how a basis of valuation, as determined by a board of supervisors, in any county, can be more or less valid than when determined by the census board. The powers of each are derived from the same source. If, therefore, it is within the province of the legislature to exempt any county from a portion of any class of taxation upon the ground of such portion having been added by the state board of equalization, I cannot but regard the legislature as equally competent to wipe out by special law a portion, or all of the assessed valuation as determined by the board of supervisors.

It may be thought that the equalization by the census board is intended to apply particularly to taxes for state purposes. The law, however, makes no distinction in this regard, and if we once enter upon this doubtful ground of experiment, it will be difficult to draw the line of limitation.

For these reasons, and in view of the further fact that this legislation, if accepted as a precedent, and applied to other counties and to taxation for other purposes, will prove a prolific source of litigation, I feel impelled, though very reluctantly, and with great respect for the body in which it originated, to return the bill without my approval.

C. C. CARPENTER.

VETO RECORDED WITH THE SECRETARY OF
STATE

MAY 22, 1872

*From MS. Copy of Executive Journal, 1872, (Miscellaneous) p. 77—
in the Office of the Governor, Des Moines*

This day deposited in the office of the Secretary of State, without my approval, "Memorial and Joint Resolution to Congress relative to homestead settlers on lands claimed by railroads in Iowa," passed April 23, 1872, with the following statement of reasons:

The accompanying Joint Resolution, which was passed on the last day of the first session of the 14th General Assembly, was presented to me, just prior to adjournment, for my signature. After maturely considering it, I am not able to give it my approval. The accompanying letters from the Commissioners of the General Land Office show that the present officers of the Interior Department of the General Government have not at any time declined to issue patents upon homesteads or pre-emptions for lands which were entered upon subsequent to the passage of the Railroad Grants of May 15, 1856, and prior to the definite location of the respective lines. As I understand it, homestead and pre-emption entries were allowed by authority of the Secretary of the Interior not only up to the time of the *first* location of fixed lines for these roads, but have been allowed and carried into title up to that of the *second* or changed locations under the act of June 2, 1864. If persons settled upon these lands subsequent to this new location, it must have been with notice of their *status*, and claims based upon such settlement would hardly seem to be meritorious.

It may, however, be said that there could be no harm done by sending forward this Joint Resolution to our members of Congress, thereby giving the settlers contemplated therein the benefit of the doubt. I could not, however, regard any evasive disposition of this matter as a substantial compliance with my duty.

It is a high prerogative to the local state governments to be clothed with authority to indicate to their Senators and Representatives in Congress the will of the people in the States respecting measures which may not have been pressed upon their attention through the channels by which policies and principles are ordinarily agitated. If due caution is exercised to prevent instructions and requests by our legislative bodies from degenerating into a custom considered of little moment—simply a convenient way to dispose of doubtful questions—this high privilege of petition through the General Assembly will always carry with it a weight that will be likely to stimulate such active exertion on the part of members of Congress as will produce the desired results. While, on the contrary, if the Legislature, by being misled as to the facts or from misapprehension as to the importance which should attach to a Joint Resolution, endorses schemes which are of doubtful propriety or utility, it will weaken the effect which would otherwise be given to such endorsement, and render the adoption of Joint Resolutions of instruction of little or no avail.

For these reasons, and because of the further fact that the instructions contemplated would prove embarrassing to our delegation in Congress upon a question the merits of which

are considered doubtful, I can not regard it as my duty to approve this Resolution. (Signed) C. C. CARPENTER.

NOTE.—Copies of the documents mentioned in the foregoing were filed with the resolution.

VETO DEPOSITED WITH THE SECRETARY
OF STATE

MARCH 20, 1873

*From MS. Copy of Executive Journal, 1873, (Miscellaneous) p. 109
—in the Office of the Governor, Des Moines*

Having read and considered the bill which passed both branches of the General Assembly as house file number 34, and not being able to give it my approval, it is therefore filed in the office of the Secretary of State, accompanied with the reasons which have induced me to withhold from it my signature.

In the first place, the bill is so deficient in form that it would, doubtless be held invalid even if approved. Article 3, section 29, of the Constitution, declares "Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title." As the bill in question has no title, it would therefore be void under this clause of the constitution: as an act without a title must embrace subject-matter not expressed in the title. It might also be added to the above, that the very

fact of its having passed in the expiring hours of the session, with the appearance of having been the subject of so little care in its preparation and of so little attention in its consideration by the legislature that it lacks the essential constitutional form, is an indication of hasty legislation involving at least the liability of leading to serious mistakes.

This act is intended to cure a defective title to certain described real estate, which is shown, in the language of the bill itself, to have been sold upon a school fund mortgage for less than the sum for which it was mortgaged, and disposed of so informally as not to have been appraised, as the law requires. And this fact, unless good reason was shown for legalizing a transaction so loose in its character—even if the constitutional objections was not insuperable—would render it a measure of questionable propriety; and its approval would, in my judgment, establish a doubtful precedent for future General Assemblies.

TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1874

From the Journal of the House of Representatives, p. 292

Gentlemen of the House of Representatives:

Having maturely considered H. F. No. 164, I am unable to give it my approval, and therefore return it with a statement of the reasons which have influenced my judgment to arrest its becoming a law, and to afford the General Assembly an opportunity for its reconsideration. The act in question is entitled "An Act to repeal section 4374 of

chapter 24, title 25 of the Code of 1873, and to provide a substitute therefor." The object is to provide that in criminal cases, when the accused files the proper petition and affidavit, basing them upon the prejudice of the judge, no discretion shall be left with the court, but it shall be the duty of the judge to order a change of venue in accordance with the provisions of such chapter. Viewing this act from every standpoint my mind has been able to assume in respect to it, I cannot bring myself to any other conclusion than that it would be a most unwise provision of law. In the first place, it seems to me that it will create within the law itself an element of uncertainty in respect to the execution of penalties designed to prevent crime, which will greatly encourage those who are criminally disposed, while, at the same time, it will discourage their prosecution. If one thing more than another tends to produce a respect for law, in the minds of persons with criminal proclivities, it is the certainty of its penalties and the swiftness of their execution. This act, in my judgment, effectually cuts off these two principal and most efficacious elements of our criminal law. There is no provision in this act to limit the number of changes from court to court which the accused may choose to invoke, especially when he has means to employ in conducting his defense. How often he will choose to change the venue, in order to gain time when the possibility of the loss of testimony and final abandonment of the prosecution is his only hope of escape, is not difficult to determine. "The law's delays," even under our present statute, are a frequent subject of criticism, and are not always unjustly so. If this is true to-day, and if we provide

a means which will render the final conviction of a criminal, especially if his crimes are favored by wealth, practically impossible, we not only weaken the respect for law among the criminal class, but we furnish an excuse for communities to institute that worst of all law—a law that disregards venue or forms; whose execution is only dependent upon the unrestrained passion of an unreasoning mob.

Again, the item of additional expense is no trifling consideration in this connection. We cannot be ignorant that our court expenses, even under the present law, are the most burdensome to which the revenues of the people are applied. In illustration of this I borrow a paragraph from the report of Hon. Jno. B. Miller, late County Auditor of Polk county:

“* * In five years the court expenses have increased from \$9,937.35 in 1869, to \$22,306 in 1873. * * * *
 With the expenses of courts increasing in the future as in the past five years, it becomes a question of serious importance. How long can the people stand it? I am aware that you (the board of supervisors) are powerless to prevent it; that there are attorneys who have been employed to defend persons charged with grave crimes who have subpoenaed scores of witnesses who knew nothing of the facts in the case, taken them a long distance, at large expense to the county—many of whom were never examined—merely to increase the costs and render the prosecution odious. I am aware that large numbers of prisoners are kept for many months in jail, and at large expense to the county, who could secure justice, whether innocent or guilty, much better by a prompt trial if the laws would permit; and that you are powerless to prevent it.”

This may be an extreme case, as compared with other counties, but it illustrates a feature in our public expenditures, which is quite general in its application. If it may be regarded as a grievance "that prisoners are now kept for many months in jail at large expense to the county who could secure justice, whether innocent or guilty, much better by a prompt trial if the laws would permit," we will hardly be excused if, in face of present demands for retrenchment, we so legislate that the trial of these prisoners is rendered still more remote, while justice is removed still further into the future.

To illustrate, we will suppose a case: A court convenes, and, after the preliminary of organization, the criminal docket is reached. A case is called. Witnesses, at a loss to themselves and expense to the community, have awaited the calling of this case for three or four days; and now, when the court is ready to try it, the attorney for the defense coolly files the affidavit of the accused and makes his motion for a change of venue, and the court is left with no discretion whatever as to the merits of the motion. It may be said this law simply puts a criminal defendant upon the same footing with the civil defendant. A moment's reflection, however, will modify this opinion. Besides the fact that a civil defendant must secure supporting affidavits to effect a change of venue, there is a moral difference in the circumstances of the two defendants which will invariably prevent its abuse by a civil, although it probably would not in like manner affect the action of a criminal, defendant. The civil defendant is himself in a measure responsible for increased expense, and there is not the same temptation to

seek delays, for the mere purpose of gaining time, with him, as with a person accused of crime. In short, it is almost impossible to imagine a case, where one is really guilty of crime, that he would hesitate to make oath to the prejudice of the judge in order to delay trial, with the hope that some avenue of escape from the penalties of violated law would present itself before the issue could be reached.

I freely admit that an argument based upon saving dollars and cents should not weigh for a moment against the security and liberty of the innocent citizen. But is it true that this proposed law is necessary to secure justice to innocent citizens whose character and liberty, by a fortuitous combination of circumstances, are placed in jeopardy? I believe not. And I will be pardoned for stating my reason for so thinking. Under the present law it is a question of doubt in my own mind whether more changes of venue are now allowed by our criminal courts than are necessary to secure justice to criminal defendants, or than accord with a wholesome certainty and dispatch in the trial of criminal causes. A man who possesses the cast and qualities which would lead his fellow-citizens to select him for a District Judge would, in the very nature of things, be particularly sensitive to sitting in judgment upon the trial of an accused citizen when there was a shadow of a possibility that his mind might be biased against him. While I know that judges are human, and that that intangible electrical element which sometimes affects the judgment of a community, and seems to pervade the atmosphere with an influence akin to mental magnetism, may reach the mind of the judge, still, he being aware of this fact, and fearing lest he may be

influenced in judgment unconsciously to himself, I have no doubt, under the law as it now stands, a change of venue is frequently granted in cases where there is no prejudice, and when community should not be put to the expense, and witnesses should not be reluctantly dragged long distances from their homes to attend the trial.

More than this. The proposed law seems to me to place the State at a disadvantage in the trial of criminal causes. The state has undertaken the grave responsibility of seeing that society is protected from the depredations of crime. In the present condition of the public mind there is, instead of the contrary, an oversensitiveness lest justice shall not be at all times sufficiently tempered with mercy. This state of public sentiment must in some degree affect the mind of the judge; and yet no special provision to secure the rights of the State, when the prejudice may be against it, is thought of in this connection, and a law could not well be framed to reach it even if attempted.

Moreover, does the history of criminal convictions in our courts of justice prove the necessity for this law? I think not. During the past two years I have examined petitions, read letters, and heard personal appeals for pardons and remissions in from one hundred and fifty to two hundred criminal cases, and while these papers and petitions have been fertile in producing reasons which it was believed would commend the person in whose behalf they were prepared to executive clemency, I can recall but one instance in which it was charged that the judge was prejudiced against the prisoner. I have listened to the pleadings of wives, sisters, parents, and near friends, who racked their ingenuity to

produce reasons for the release of those who, though convicted of crime, were dear to them, and among all the conceivable statements made in palliation, or excuse for their conviction, in but the single instance named, has it ever been charged that the judge did not allow them a fair trial. It has frequently been alleged that the sentence was disproportioned to the heinousness of the offense, from an error in the judgment of the judge, or from the fact that all the palliating circumstances could not be brought to his attention, but not that he was prejudiced against the accused as an individual. And it is apparent that no such prejudice can endanger the rights of criminal defendants in our courts so long as the Supreme Court is open for a re-hearing, where a case may be reviewed at less cost than would accrue in a change of venue, and where, too, any prejudice which had operated against the defendant would be reviewed, and his rights secured either by a modification of the punishment or by the case being remanded back for a new and fair trial. And any modification of sentence, at re-hearing which may be granted from this court, in the exceptional instances in which such re-hearing or modification may be demanded, will not open the flood-gates, and tempt defendants to invoke the effects of delay and additional cost by securing a change of venue in every minor offense, until attempts to secure conviction become a farce, and those who, for the good of society, are willing to aid in enforcing the law, retire from the contest discomfited and discouraged.

These are the principal reasons which have suggested themselves to my mind as conclusive that the act in question should not become a law. I have reluctantly brought my-

self to the conviction that I should interpose a veto to a measure, upon the necessity and propriety of which gentlemen of equal patriotism, intelligence, sincerity, and zeal for the public good are divided in opinion. But the fact that quite a number of those who supported this measure originally, have voluntarily informed me that they voted for it under a misapprehension of its full effects, strengthens my own conviction that it should be referred back to the General Assembly for reconsideration.

I have withheld this message to the close of the constitutional limit for the return of the accompanying act, in the hope that the General Assembly would pass a supplemental bill which I understand has been introduced into both houses, and which, had it become a law, would have so modified my objections to it as to have induced me to give it my approval, rather than to resort, in a case involving only personal opinion, to the extraordinary power which the constitution confers upon an executive, and which should be invoked only with the greatest care and upon the strongest conviction that the public good demands it. But, as this supplemental bill has not been passed, it is not for me to inquire the cause of such failures; and, assured as I am that this act would be a bad measure in its present form, it would hardly be a proper performance of a public duty to approve it, trusting future legislation to remedy its defects. Therefore, as our present law seems to me to furnish adequate protection to a criminal defendant, and as it is my duty to consider this amendment solely upon its present merits, I cannot do otherwise than return it without my approval.

C. C. CARPENTER.

EXECUTIVE OFFICE, February 24, 1874.

SPECIAL MESSAGES

TO THE SENATE AND HOUSE OF REPRESENTATIVES

MARCH 8, 1872

From the Iowa Legislative Documents for 1872, Vol. II

Gentlemen of the Senate and House of Representatives:

I transmit herewith a communication from the Auditor of State, upon the subject of life and fire insurance legislation, and covering the draft of a proposed law in relation thereto. (There being only one copy of this draft, it is herewith laid before the House of Representatives). The bill thus drawn up is in the main the same as that prepared by the National Convention of State Insurance Officers, and appears to meet the demands of the public in reference to legislation upon insurance. Its aim is to secure, so far as practicable, reciprocal legislation among the several States upon this subject, an object the accomplishment of which I cannot but deem eminently desirable. The present I consider an opportune time for the presentation of this measure, the attention of the General Assembly being just now directed to a revision of the general laws of this State upon all subjects.

C. C. CARPENTER.

STATE OF IOWA, AUDITOR'S OFFICE,
DES MOINES, March 5, 1872.

To His Excellency, Governor C. C. Carpenter:

I herewith transmit for your consideration a form of general insurance law, the substance of which was recommended to the favorable consideration of the Governors and legislatures of the several States, by the National Convention of State officials, having the supervision of insurance business under their charge. At the request, and under the appointment of Gov. Merrill, I was present at the meeting of that body in the city of New York, in October last, as the representative of the State of Iowa. The principal object held in view by the convention was to consider and devise a uniform system of action relative to the now great and still rapidly growing business of insurance in its various branches. With this purpose in view, the convention adopted, and recommended to the various insurance departments in the several States, forms of annual statements for both fire and life companies, which in my opinion are excellent. They have been used by all the companies of other States, which have filed their statements in this office for the present year. The convention also deemed it of great importance to endeavor, so far as practicable, to secure the adoption, by the several States, of some general law regulating this great interest involving as it does hundreds of millions of dollars invested in it by the citizens of the country.

There having been no previous system of co-operation among the States, relative to the regulation and government of insurance companies, the laws and regulations adopted in regard to them in different communities have been so numerous and divergent, as to render it a difficult matter for officers to ascertain properly the requirements of law, regulating them in the discharge of their official duties. With the growth and rapid development of the business, a desire to make an attempt to secure, if possible, some degree of uniformity on the part of the different State authorities, in the mode of dealing with and regulating these corporations, resulted in the draft of a general insurance law, prepared by the convention, and by it recommended to the careful consideration of the legislatures of the several States.

I have devoted some attention to the consideration of this subject, and have made such modifications and additions to the form proposed by the convention as in my opinion would be necessary to adapt it to our local wants and circumstances. It will be seen that I recommend that all companies, both fire and life, be required to pay into the State treasury a tax of one and one-half per cent. on their gross receipts in the state during the year. Our present law requires fire companies only to pay two per cent., life companies being entirely exempt from the payment of any taxes. I confess I am unable to see any valid reason for this exemption. It has been said, by those engaged in the business, that any tax levied on life insurance would have to be paid by the insured, and would be a tax on the provident, and on widows and orphans, for whose benefit life policies are issued. It is no doubt true that the tax would have to be paid by those who purchase and pay for policies. It is equally true, however, that they have to pay for the fine marble palaces occupied and owned by many of these companies; also, for the princely salaries paid to the officers, who so tenderly care for the widows' welfare, and are ever ready to claim that their projects are the offspring of benevolence and charity. The fact is, they are the offspring of parties desiring to make money by their establishment; hence, I believe they should be required to pay an equal amount with fire companies on their gross receipts for the year. Nearly one million of dollars was collected by life companies in Iowa during the year 1870. The most of this amount goes to New York and other States, is there invested, and becomes a source of revenue to them, but is removed beyond the reach of our taxation. We tax all savings and accumulations of property; even if property belongs to widows and orphans, it is taxed. When a person invests his savings in a thousand or a ten thousand policy of life insurance, I am unable to see any adequate reason for exempting it from the payment of a small amount of tax. Those who invest their savings in land or other property are taxed on the investment.

It will also be seen that I propose to charge our home companies a lower rate of fees than the uniform rates, prescribed for companies of

other States and counties. This is done with a view to encourage and help the building up of home companies.

I present this matter for your consideration, leaving it with you to determine as to whether you deem it expedient to call the attention of the legislature to the subject.

Yours, truly,

JOHN RUSSELL, *Auditor of State.*

*TO THE SENATE AND HOUSE OF REPRESENTA-
TIVES*

MARCH 11, 1872

From the Journal of the Senate p. 294

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, March 11, 1872.

Gentlemen of the Senate and House of Representatives:

In compliance with the request of the Legislature of New Jersey, communicated to me by His Excellency, Gov. Joel Parker, I lay before you, for your information, a copy of a law passed by the Legislature of that State, approved Feb'y. 28, 1872, entitled "An act to make a contribution towards the completion of the Washington Monument." And I respectfully invite your attention thereto.

C. C. CARPENTER.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

MARCH 21, 1872

From the Iowa Legislative Documents for 1872, Vol. II

STATE OF IOWA, EXECUTIVE DEPARTMENT,
March 21, 1872.

Gentlemen of the Senate and House of Representatives:

I submit herewith the report of Hon. Josiah A. Harvey, Commissioner, appointed by chapter 79 of the acts of the Eleventh General Assembly, "on behalf of the State to adjust with the general government the matters and claims arising under sundry land-grants." I have carefully read this report, and feel no hesitancy in saying that it presents many important facts and much useful information upon questions connected with our unadjusted land-claims. I am pleased to be able to announce to you that, after faithful effort in behalf of the State, the Commissioner seems now to have brought these land matters to a point which promises success. His time, while in Washington, has of late been mostly devoted specially to pushing the swamp-land claims.

I am aware that many believe these claims never to have been founded upon very wise theories, and have but little sympathy with any effort to push them to a final issue. But this would seem to me to be a little unfair to the newer portions of the State. Before there was any question raised in regard to the expediency of the swamp-land grant, the older settled counties had acquired title to large quantities of this class of lands; but, as will be recollected by those

who have been conversant with land matters, about the time a large number of the newer counties were being organized, and had proceeded with the selection of their swamp-lands—as the older counties had done before them—the Commissioner of the General Land Office decided that the original grant was intended to apply only to lands subject to overflow along navigable rivers. Under this construction of the law, the Surveyor-General at Dubuque, through whose hands the reports of the county agents must necessarily pass, refused to examine or send up the list of selections made by these counties, until the time for filing these reports had expired and thus they were entirely cut off (by no fault of their own) from the enjoyment of a benefaction, of which all the older counties had obtained the avails accruing to them.

It has, therefore, always seemed to me proper to continue efforts looking to a reversal of these decisions, so adverse to the interests of the newer counties, until every county in the State is in this regard placed upon an equality with every other. And I am gratified that the steps which have been taken now promise a fair measure of success.

In my judgment, these newer counties, which have been subjected to this long delay in respect to their swamp-land claims, will never receive an equal advantage from this grant with the earlier settled portions of the State. Large quantities of the lands which would have proved of such swampy character as to be adjudged within the grant, if these lists of selections had been examined by the Government at the proper time, have now passed into the hands of third parties, whose titles the late act of Congress (a copy of which appears in the accompanying report,) provides

shall not be disturbed, and which it would not have been policy to disturb even if this provision had not been made.

But, as all the facts in reference to this business are fully and ably set forth in Mr. Harvey's report, it is unnecessary for me to say more at present than to ask your attention thereto. The documents accompanying this report being somewhat voluminous, they have not been copied, but are transmitted herewith to the Senate.

C. C. CARPENTER.

His Excellency, C. C. Carpenter, Governor of Iowa:

SIR:—When I reported to your predecessor in March, 1868, the condition of the claims of the State against the general government, under the swamp-land grant, I thought that within two or three years all these matters might be adjusted. Confident of the legal rights of the State, I was only mistaken in supposing that the Interior Department could so easily be induced to execute the law.

The great difficulty was to get a recognition of the "*suspended lists*," or "*new selections*," as they are sometimes called, as swamp selections.

It was agreed between the State and the Department, soon after the passage of the grant, that the State should select by agents appointed for that purpose the lands claimed as swamp and overflowed, and report them to the Surveyor-General. That officer was directed to examine all such lists of selections, and all evidence furnished by the State touching the character of the land, in connection with the field-notes of the government survey, plats, &c., in his office, and report to the General Land Office, as *swamp selections*, such as in his judgment, from such examination, came within the meaning of the grant. Such as he thus reported were then recorded on the tract-books in the swamp division of the General Land Office and held as legitimate selections. In pursuance of this arrangement

the State was still making and reporting her selections, and the Department receiving them, till July 13th, 1860, when the Commissioner changed the construction up to that time given to the grant, and issued his instructions to the Surveyors-General, limiting the application of the grant to "*lands contiguous to navigable rivers,*" and directing them not to return as selections any other lands.

Some of our selections were at that time in the Surveyor-General's office not acted on, and a number of our counties had not completed their selections, but did afterwards, and sent them to the Surveyor-General.

All such (unless contiguous to the Mississippi or Missouri river) were by these instructions prevented from being reported to the General Land Office, but were retained in the Surveyor-General's office at Dubuque. In September, 1860,—two months only after the instructions were issued,—on application of Senator Green, of Missouri, in a case from that State, it appears that the Secretary of the Interior overruled the Commissioner's construction of the grant, and held that any land so wet as to be unfit for cultivation, either by reason of being *swampy or overflowed*, whether contiguous to rivers or elsewhere, came within the meaning of the grant.

The Commissioner from oversight, or *design*, (I think the latter) failed to modify his instructions to the Surveyor-General of Iowa so as to accord with the views of the Secretary, but left him still acting under them as issued July 13, 1860.

The State, it seems, also remained ignorant of the decision of the Secretary, but continued to send her selections to the Surveyor-General; and, when notified by him of his instructions from the Land Office, requested him to retain them until a modification of the ruling could be procured. I find that the Surveyor-General called the attention of the Commissioner to these instructions, which prevented his acting on these selections, and to the lists accumulating and on file in his office, in each of his annual reports of 1863, 1864, and 1865, which were printed in the reports of the General Land Office for those years. Hence, I feel warranted in saying it must have been by *design*, rather than oversight.

The result was that in Iowa the grant was limited to lands along the Mississippi and Missouri rivers, while in other states it was applied to any lands too wet for successful cultivation. And this was done by a Commissioner hailing from a State that had already received over two million acres of land under this grant.

Thus our selections remained in the office at Dubuque till 1866, when that office was discontinued. They were then transferred to the General Land Office, simply as a part of the archives from the discontinued office. Prior to my connection with the matter as agent of the State, an effort was made, to have one of these lists (that of Dickinson county) taken up for adjustment, by Hon. A. W. Hubbard, (as appears from the decision,) but the Commissioner refused to recognize the selections because they had not been reported by the Surveyor-General in the usual way.

When I made my report to your predecessor, in 1868, I was confident that the State was entitled to have these lists received as legitimate selections, as it was by no fault or laches on her part that they were not regularly reported by the Surveyor-General, but such failure to report was caused entirely by the error of the Commissioner of the General Land Office. I had too much confidence in the integrity of the Government to believe, that, in a case fairly and fully presented, high public officers would persistently and willfully refuse to discharge a legal duty; and that, if they should, the case being so palpably just, it would not be difficult to secure relief by an act of Congress.

I have made repeated efforts to reach the desired end, but found it much more difficult than I expected. Selecting the list of selections of Buena Vista county as a test case, I applied to the Commissioner to take it up for adjustment. Failing in this, I succeeded in getting the case referred to the Secretary on the 29th of April, 1869. (See copy of the Commissioner's letter "A," attached.) I followed it up with several written arguments and personal interviews, until I was personally informed by the Assistant Secretary, to whom the case was submitted by the Secretary, that, if I pressed it to a decision, he

would sustain the action of the Commissioner, and gave as his reason that the State had swindled the Government under the Des Moines River grant; had taken *indemnity* under the act of 1862, and then, taking advantage of a decision of the Supreme Court, held the *lands in place*, thus duplicating the quantity granted; and he expressed his determination to allow none of these swamp-land claims. (I mention this simply to show the feeling of the Department, and what subterfuges were resorted to to prevent a settlement of these claims.)

I thought best to let the case rest for the present, and await the decision of the Supreme Court, which I felt confident would sustain our claim.

These decisions were rendered at the December term, 1869.

(*Railroad v. Fremont Co.*, and *Railroad v. Smith*, 9 Wallace, 89 and 95, published also with the late report of the Register of the State Land Office.)¹

In these cases the Supreme Court of the United States declares the rights of the State to depend upon the *grant*, and not on the act of the Secretary, and that they cannot be defeated by his failure to

¹ The Missouri case was submitted at the spring term. Not knowing that such a case was on the calendar, I happened in the Supreme Court on the day the case was being argued, and heard Senator Drake make his argument in support of Smith's claim under the swamp grant. He was evidently unprepared for the argument,—called, as he said, from his senatorial duties to engage in the discussion without time for preparation. The result was, that notwithstanding Mr. Drake's distinguished legal ability, his case was submitted with an argument of fifteen or twenty minutes in length, leaving, as I thought, the most important points untouched. It was really considered as a backing down on the part of the swamp claim. An adverse decision appeared almost certain. And fearing its consequence, as a precedent, and with Mr. Drake's approbation, I asked the court to withhold their decision till our Iowa cases could be argued or give me a hearing in that case. They declined to withhold the decision, but permitted me to file my arguments in the Fremont county case, for their consideration in the Missouri case. The result was the decision *was withheld till the Fremont case was argued and submitted at the next term*. And the decision in the latter case appears first in the report. I feel justified in claiming these decisions as the result of my labors. I deem it due to myself to make this statement, because my name does not appear in connection with the decisions as published in the Register's Report, although no one else ever, from its inception to its termination, appeared as attorney in the case for said county, nor assisted me in any respect therein. H.

do his duty; thus settling the construction of the act of 1850, establishing what I had been contending for on behalf of the State, and clearly indicating the duty of the department in these cases. Soon after, a change was made in the department. Secretary Cox gave place to Secretary Delano; Assistant Secretary Otto was removed; and finally Commissioner Wilson was compelled by force of circumstances to give way for Major Drummond in the Land Office.

When these very desirable changes were effected, and relying on the law as expounded by the Supreme Court, I renewed my efforts in the Buena Vista county case, and, besides previous communications and interviews, I presented, on the 24th of March, 1871, a written argument covering the whole ground in dispute, which seemed to me conclusive. (Copy attached, "B.") Senator Wright also filed a written argument in addition. (Copy attached, "C.") Both Senators Wright and Harlan aided in personal interviews with the Secretary, urging the recognition of the list.

Leaving the case in this condition, I returned home the first of April, with the promise of the Assistant Attorney-General (just installed as solicitor of the Interior Department) that the matter would be decided within a few days.

No action being taken in the case, however, I returned in September, and insisted on final action in the case, and on the 23d of October, the Secretary rendered his decision. (Copy attached, "D.") This decision being adverse—which I did not expect—in clear violation of the law and rights of the State, I was discouraged, and sought the interview with yourself and the Census Board at Des Moines on the 23d November last, to counsel as to the better course to pursue.

In pursuance of our conclusion at that consultation, I returned to Washington and applied to the Secretary for a modification of his decision, so as to allow us to furnish the proof he found wanting. (Copy attached "E.")

I also applied to the Commissioner to take up a list of selections of Carroll county, which had the endorsement of the chief clerk on it,

showing when it was deposited in the Surveyor-General's office. This the Commissioner refused on grounds which appear to me utterly untenable, (see his letter "F,") and I appealed to the Secretary in this case also, and sustained the appeal with another written argument, reviewing the grounds of the Commissioner's decision, and the course of the department in these matters. (Copy attached, "G.")

Both the motion for a modification in the Buena Vista county case and the application to take up the Carroll county list, were refused by the Secretary, without attempting to sustain his action by argument or reason. (See copies attached, "H" and "I.")

Sustained by our Senators and Representatives in Congress, (all uniting with me, except Mr. McCrary, who was absent,) I appealed to the President for a review of these cases, and succeeded in getting them referred to the Attorney-General of the United States, Hon. Geo. H. Williams, in whose ability and integrity we all have the utmost confidence. When I left Washington a few days since, he had not found time to examine the cases, but expected to do so within two or three weeks.

After directing our written arguments (as well as the papers in the cases,) to be submitted to him, I left, with the understanding that Senators Wright and Harlan should look after the matter and secure an early decision.

Confident that the Attorney-General will render an opinion in harmony with the decisions of the Supreme Court, and knowing that to do so, he must overrule the decisions of the Secretary in these cases, I was anxious to have his opinion, regardless of the action of Congress, in regard to these suspended lists, and, therefore, requested our Senators to insist on it, although Congress should pass the bill for relief.

An appeal to the President from the head of a Department is very rarely resorted to. But few precedents can be found. In fact it cannot be claimed as a matter of right. There is no statutory provision authorizing it. It is only granted in cases of very great importance, when asked by those wielding official and political influence. In

these cases, it was granted at the request of our Congressional delegation as before stated. In a matter of so much importance, I felt justified in carrying it to the very utmost extent, to secure the rights of the State. As soon as the decision of the Attorney-General is rendered, I will notify you of the result, which I feel confident will be favorable.

While thus prosecuting the matter before the Department, we have also endeavored to secure relief by Congressional action. Occasionally the public press and the people, justly indignant at the extravagance of Congress in granting away the public domain, raise such a clamor, that Congress settles back to the other extreme, and becomes *extremely economical*. At such times it is useless to ask such legislation. Every thing relating to land is conceived to mean a *steal* of some kind, *express* or *implied*, and is introduced only to be smothered in committee, or fall between the two Houses.

At every session, when there was any prospect of success we have made the effort. At one session the bill passed the House and failed in the Senate, ostensibly for want of time for the committee to consider it. At a previous session a similar bill passed the Senate, and failed in the House for the same reason.

Early in the present session we had introduced, simultaneously in both branches of Congress, a bill requiring the Commissioner to take up and adjust all these suspended lists. I endeavored to draw it sufficiently explicit and imperative to prevent dodging, and at the same time as favorable for the State as we had reason to believe could be passed.

Our Senators soon passed it through their branch, but it was more difficult to get it through the House. It did however pass that body also on the 28th of February. (Copy of the bill attached. "K.")

For reasons stated in my argument (G) to the Secretary in the Carroll county case, it seemed to me hardly necessary or proper to insert the provision concerning rights of settlers. I would not abridge the rights of a *bona-fide* settler in any respect. But every lawyer knows that when any of these cases get into court, (as some

of them may,) the rights of the settler will depend on the legality of prior acts. *Subsequent* legislation cannot avail him, as against prior rights of others legally acquired. It would however have been very difficult, if not impossible to procure the passage of this act without this provision.

Under this provision a claim can hardly be considered *bona-fide* if the land is *actually swampy or overflowed*, for the simple reason that the entry was illegal. If the Department rejects the swamp claim, the courts can review the act. Our lists being now recognized as legitimate swamp selections, the greatest difficulty in the way of getting into court with these cases is removed.

While pressing these matters before the Department recently, the Secretary gave me to understand that he would order the lists taken up for adjustment, if I could release the claim of the State to all lands claimed as homesteads or pre-emptions, and also release all claim for indemnity therefor. I declined to do so, first because I had no *power* to do it, and *secondly*, I had no *inclination*, if I had the power.

If the land is in fact swamp land it belongs to the State, and the Department had no right to allow it to be entered or to dispose of it in any way. If it did the State then should have indemnity for it. We are entitled to the land or the indemnity. If they want to sustain their sales let them give us the purchase-money.

I considered the proposition of the Secretary a virtual acknowledgment of the legality of our claim. If not valid it is his duty to reject it without hesitation, otherwise he should award the State her due, without asking her to compromise away her rights under grant.

The counties having swamp selections, among these suspended lists, and which will be benefited by the act, are: Adams, Audubon, Benton, Black Hawk, Bremer, Buena Vista, Carroll, Calhoun, Cass, Cerro Gordo, Crawford, Dickinson, Dubuque, Emmet, Franklin, Green, Grundy, Lucas, Monona, Monroe, Montgomery, O'Brien, Page, Pocahontas, Ringold, Shelby, Taylor, Warren, Wayne, and Worth. (As to their several claims, see my report of 1868.) In

some of them all the selections made, in others only small lists are new selections.

In the aggregate, I think these lists embrace half a million acres, many of which are not swamp, doubtless, and should not have been selected. But, swamp or dry, they have nearly all been disposed of by the Government, under railroad grants and otherwise. It seemed to be the policy of the Department to hold the matter in suspense until they could all be disposed of.

Finding lists in process of preparation for approval of lands to the McGregor Western Railroad, I filed in the General Land Office, on the 19th day of March, 1871, a protest against certifying any lands embraced in these suspended selections, until the claim thereto under the swamp grant should be finally disposed of, and succeeded in preventing the approval and certification.

The Department will allow indemnity only for lands disposed of between Sept. 28, 1850, and March 3d, 1857. The great bulk of these lands have been disposed of since 1857, and while these lists have been held suspended in the General Land Office. Under the law as now construed there is no indemnity provided for them. In many instances non-resident speculators have entered whole sections in a body and paid the government in money therefor. In all such cases, my advice to the counties is to hold the land, if it is such as the grant contemplated, for, if it is actually swamp or overflowed, there is nothing clearer than that the title given to those purchasers and locators is invalid. And if some of them are set aside, Congress will be awakened to the necessity of legalizing them, which can be done only by granting indemnity, or in some other way securing a relinquishment of the claim under the swamp grant.

The Department by its own arbitrary rulings and practice, and not from any provision in the law, restricts the location of indemnity scrip to the State. This is unjust to this State, for, while they have held our lists and forbid us a settlement of our claims, they have disposed of the land, so as to leave us none on which to locate the scrip. As other States are interested in this same question, it is

probable that some provision will be made allowing such locations outside the State.

It may be thought that a due regard for the interest of the several counties should have prompted a more vigorous prosecution of these indemnity claims, at least so far as the selections had been reported and recognized, so as to have had more of the scrip located in the State. In fact, as you well know, some very serious charges were made against me at the last sessions of the legislature in reference to these matters. Charges, which if not made from sinister motives, certainly came from some one most profoundly ignorant concerning the matters referred to.

In the first place, it was the duty of the several counties to prepare and forward their indemnity proof. It was not expected that I should do it. I have aided them by giving information, forms, etc., whenever asked. And all the proof sent to me or with which I had anything to do, or control over as agent of the State, has long since been passed upon by the General Land Office, and allowed or rejected, except the proof for Howard county, filed in the General Land Office in March, 1871, and which is now being "*worked up.*" And in the second place, it would have been very unwise indeed, if the proof had been on file, to have had it examined and passed on within the last four years (previous to this winter), for reasons that will presently appear. It would have been equivalent to surrendering about nine-tenths of the claims.

On the 19th of March, 1866, while Mr. Harlan was Secretary of the Interior, he adopted the rule that in the adjustment of these indemnity claims, where the proof furnished came up to the requirements of the office, it should be considered sufficient except when the field-notes of the Government survey in some way contradicted the swampy or wet character of the land. In such cases, the matter was suspended for future action.

To illustrate: The State claims indemnity for a certain tract, and presents affidavits, in due form of two witnesses proving the swampy character of the land. Then an examination of the field-notes is

made, and, if, in running the nearest lines, the surveyor, in indicating the character, designates it as *high, dry, rolling*, or *good*, or uses any term inconsistent with the swampy character, then the claim is not allowed, but is held in suspense. (How long they will be suspended, no one knows.) But if the description is consistent with the swamp claim, as *low, wet, level*, etc., or if there is *no indication given*, as is the case in many instances, then the claim is allowed.

By this rule the office has been governed in the allowance of all our indemnity, so far as settlements have been made. Under this ruling, the indemnity proof of Greene county was "worked up" about the time, or soon after, Mr. Harlan retired from the Secretary's office, and the indemnity allowed by the Commissioner was \$4,691.28 cash, and over 10,000 acres scrip. This award was submitted to the Secretary, Mr. Browning, for approval. He neglected, or rather refused to approve it, and held it in suspense. After Secretary Cox came in, the case was repeatedly pressed upon his attention, until on the 21st of June, 1870, he rejected the award or allowance of the Commissioner, overruled the ruling laid down by Mr. Harlan, and decided that before any indemnity could be allowed, the proof of the State *must be sustained by the field-notes*: that is, we must not only prove by two or more witnesses that the land is swamp, but the field-notes *must show the same thing affirmatively*. And he returned the case to the Land Office with instructions to re-examine it in accordance with this ruling, which would deprive us of nearly all that was awarded under the previous ruling.

I used what influence I could exert, aided by Senator Harlan, and the American Emigrant Company, (claiming an interest in the Greene county swamp lands,) brought all the influence to bear which they could control, to hold the Department to the Harlan ruling, but without effect.

After Secretary Cox had retired, and Mr. Delano came in, efforts were renewed for a review of the Greene county case, and a modification of the Cox ruling, which eventually proved successful, and on the 24th of November last, scrip for 10,658.22 acres was sent to the

Governor, and the cash—\$4,691.28—also allowed; the Department thus overruling the Cox decision, and settling back on the Harlan ruling of March 19, 1866.

Now, if any indemnity claims had been crowded through after the Greene county case was “worked up” by the Commissioner they would have been governed by the Cox decision, which would have given us a very small percentage of the claims.

I thought it best to let these claims rest till the ruling could be changed, which I was confident must be done sooner or later.

That change having now been effected, these claims can be urged to settlement under the old ruling as rapidly as the counties will furnish the proof.

On the 10th of February I called the Commissioner’s attention to the claims of Howard county, and asked him to take them up for adjustment. The indemnity proof was filed, March 16, 1871, and is now being examined. I think there is no other proof on file there which has not been called up and passed on or suspended.

The claims of Woodbury county have also been examined, and an approved list transmitted to the State on the 27th ultimo, embracing 1,046.89 acres. The selections in that county were reported prior to the 3d of March, 1857, and might have been adjusted at any time so far as “lands in place” are concerned, but, as no disposition of these lands was permitted, there is no loss by the delay. There is no indemnity proof yet taken in that county.

No one regrets more than myself that I have been unable to bring this matter to a successful issue long since, but, with the adverse feelings and *rulings* of the Department, it has been impossible. I might have put in more time, but it would only have increased the expenses. I have spent all the time that I thought serviceable to the cause, and no more. I have endeavored to make the expenses as light as possible, economizing in every reasonable way.

I was particularly anxious on this point, because the final issue was doubtful; at any rate, the result of my labors was not yet seen. My expenses have been principally railroad fare in the numerous and

necessary trips to Washington. Pecuniarily it has not been to me a profitable business, as you will see from the amount per diem received. Whenever special inducements were offered, (which was the case sometimes,) for me to look particularly after certain claims for the purpose of hastening their settlement, I have declined, deeming it improper to do so, while charged, as the general agent of the State, with looking equally after the interests of all the counties and parties interested; and feeling it my duty to labor equally for the advantage of all, and to open up the way as speedily as possible for the final settlement of all the claims.

I have done the best I could, and would at any time have gladly given place to any one who could take charge of the business with better prospect of success.

Having at length followed the questions involved through all departments of the government,—established by construction of, and vindicated the rights of the State under, the swamp grant, in the two decisions of the Supreme Court of the United States, before referred to,—contested the adverse decisions and illegal rulings of the Commissioner of the General Land Office, and Secretary of the Interior, and carried them to the highest and last resort, the President himself,—and procured an act of Congress, mandatory in its terms, requiring the Commissioner to take up, and adjust these claims and allow the indemnity provided,—in short, having got the obstructions removed, and the way opened for the prosecution of all these claims to final settlement, without any further delay than is necessary to give time to work up the proof, I am ready to give up the work and place in the hands of any one designated to take charge of it, all papers and matters in my hands connected with the business proper to be turned over; and I will in a few days place in your hands my resignation.

It will be more necessary to keep an agent at Washington constantly now, than heretofore, for the reason that these claims will be taken up, one after another, as fast as they can be disposed of, if urged to do so, and some one should be there to call them up as fast as the office is ready to consider them, and to correspond with and

assist the counties, about their proof, inform them of the status of their claims, &c., that they may have them ready for submission.

John Cleghorn, Esq., of Sioux City, is now at Washington, as the accredited agent of the State for Woodbury county. He has assisted me considerably during this session of Congress in looking after and urging up the passage of the bill; and I can say the same of Robert Coles, of Chariton, interested in the matters of Lucas county.

Mr. Cleghorn, having been Register of the Land Office at Sioux City, and now agent for Woodbury county, and having acquired a sufficient knowledge of the business and interest in its success, I felt warranted in asking him to look after it there, and keep me advised, until some one is appointed to take my place.

I will willingly give to any one your excellency may see fit to appoint, all information in my possession in regard to these matters.

Thanking you for the interest you have manifested for my success in this mission, and for the kindness which you have ever extended to me personally, I am

Very respectfully yours.

MARCH 14, 1872.

J. A. HARVEY.

[For Accompanying Documents A, B, C, D, E, F, G, H, I, J, K, see *Iowa Legislative Documents* for 1872, Vol. II.]

TO THE SENATE AND HOUSE OF REPRESENTATIVES

APRIL 2, 1872

From the Iowa Legislative Documents for 1872, Vol. II

STATE OF IOWA, EXECUTIVE DEPARTMENT,
April 2, 1872.

Gentlemen of the Senate and House of Representatives:

I herewith transmit the report of Col. John N. Dewey, Commissioner under chapter 95, of the acts of the Eleventh

General Assembly, giving a detailed statement of the prosecution before the accounting officers at Washington, of the claims of the State growing out of the war of the rebellion, and the protection of our frontiers, from the date of his appointment to the 1st day of April, 1872.

This statement shows that since the date of his last report to my predecessor, the Commissioner has secured the allowance of \$80,237.40, making, with the sum then just allowed, a total of \$101,376.02, leaving a disallowed balance of \$33,900.82. The nature of the claims disallowed, and the extreme improbability of ever getting them audited and paid without special legislation by Congress, you will find fully set forth in the accompanying report.

On the 18th day of April, A. D., 1866, the act took effect, which constituted Col. Dewey a Commissioner for the State to press these claims to a settlement with the General Government. He entered upon his duties with his usual zeal, system, and determination. He found unadjusted balances claimed by the State of Iowa, amounting to \$1,090,733.50. These claims, although regarded as just, were at that time thought to be so uncertain as to collection, that several gentlemen who had given them attention, were favorable to a commutation with the Government, from which we would have failed to realize one-half the amount of subsequent allowances. I cannot, therefore, in submitting this report, fail to say that the Commissioner for Iowa, by the energy and good judgment with which he pressed the claims before the Departments at Washington, and the results realized from his efforts, has more than met the expectations of the people, especially of those conversant with the

obstacles he had to overcome, and is entitled, aside from his compensation, to the recognition of having been a faithful and conscientious agent of the State.

C. C. CARPENTER.

To His Excellency, C. C. Carpenter, Governor:

Having, since the date of my last report to your immediate predecessor, concluded a final settlement of the first installment of the Iowa war claims, by which the whole of the then outstanding balance has been recovered, and a special settlement of the second, third, fifth, and seventh installments, by which the further sum of \$80,237.40 has been admitted due, making, with the addition of the sum then but recently admitted, a total of \$101,376.02, which I have caused to be carried to the credit of the State, as per statement of Third Auditor to your Excellency, I beg now, as then intimated, to make a final report of my action in these premises.

These claims, although all of a military character, arose at different periods of time, and grew out of different exigencies. For some of them, Congress in 1861 made provision for payment, while, for others, none whatever had been made, these last being essentially for expenses incurred for State protection, and not for national defense. Nearly a quarter of a million dollars was of this character, and for their payment provision had first to be made by law. To secure this, was one of the earliest efforts of the undersigned,—an effort in the end successful, through the aid and influence of the very able delegation then representing this State in the Federal Congress. No authority of Congress, however, ever authorized the payment of any of these claims, except upon proper vouchers, passed upon and settled by the proper accounting officers of the Treasury Department, after the most rigid scrutiny. These settlements were made by installments, and involved a great amount of labor, not only in preparing them for departmental action, but also in subsequent explanations, personally and in writing, whereby objections were removed,

by supplying information to those having charge of the examination of the vouchers, as to the legality, authority, justice, or necessity of the different expenditures, for which re-imbursement was claimed.

The first installment (numerically) filed with the Department in February, 1862, was for pay of services of officers and men of the first three regiments of infantry, previous to their muster into United States service. It amounted to \$30,824.51.

The second installment, filed in February, 1863, was on account of payments made for "barracks and quarters, clothing, subsistence, transportation, recruiting, and other expenses," necessarily incurred in raising troops for the United States service, to be employed in suppressing the rebellion. Amount as filed, \$334,281.47.

The third installment, filed in March, 1863, was for payments made to the officers and men of the remaining infantry and cavalry regiments, (First Cavalry excepted,) for services previous to muster-in. Amount as filed, \$282,457.30.

The fourth installment, or what is known as the fourth installment, was really the first as to point of time in which it originated. It arose out of expenses incurred in maintaining a company of men in the Spirit Lake country in 1857-8, to guard against a recurrence of what was known as the "Ink-pa-du-tah raid," or massacre. It amounted to \$18,988.84, and was originally preferred against the general Government by Governor Lowe, in 1859. Congress passed an act in 1860 for its payment, but coupled with certain provisions that nearly rendered it nugatory, so much so that it was not sufficiently perfected to go before the accounting officers of the Treasury Department until November, 1867.

The fifth installment, filed January, 1869, like the second, was for expenses necessarily incurred for "barracks and quarters, clothing, subsistence, transportation, and other expenses," on account of troops raised for United States service, etc. Amount, as filed \$166,574.51.

The sixth installment, filed in April, 1869, was on account of expenses incurred in raising, paying, and maintaining a militia force in

1861, '2, and '3, along our northern and southern borders, to guard against incursions by hostile Indians and rebel guerrillas. Like the fourth installment, legislation by Congress had to be invoked before it could be acted upon, or paid. This was at last obtained in the winter of 1869, when the accounts were immediately "abstracted," and brought before the proper accounting officers of the Treasury Department. Amount filed, \$229,848.23.

The seventh installment, filed December, 1869, was on account of payments made to the officers and men exclusively of the First Iowa Volunteer Cavalry for services rendered previous to muster into the United States service. Amount filed, \$27,779.42.

These several installments amounted in the aggregate—after balancing errors in extensions and footings,—to the sum of \$1,090,733.-50. From this amount deduct, on account of vouchers withdrawn from second installments and filed with the sixth, \$343.04; also on account of vouchers withdrawn from fifth installment and returned to town of Guttenburg, and Clayton and Fayette counties, \$1,500.55—\$1,843.59—and we have remaining the sum of \$1,088,889.91. Of this amount I have recovered, and the State has been credited at different times on the books of the Treasury Department at Washington City, the sum of \$1,054,989.09, leaving \$33,889.91 as an unadjusted or disallowed balance. The vouchers representing this disallowed balance remain in the office of the Third Auditor at Washington; most of them have been disallowed two and three times over, after as many explanations. They represent a class of expenditures impossible for the State to have avoided, but yet of such a character that in no instance has the Government refunded them to a single State; their numbers and amounts, as well as reasons for their disallowance, may be ascertained upon consulting the statement of differences "on special settlement of second, third, fifth, and seventh installments, reported February 9th, 1872, returned February 10, 1872,"—copy of which has just been received, and which I hand you herewith. A comparison of these vouchers with the original abstracts filed therewith in the Department, shows this balance distributed as follows, viz:

On account of payments made to officers and men.....	\$17,294.30
“ “ “ clothing furnished to officers.....	211.62
“ “ “ subsistence.....	229.79
“ “ “ transportation.....	5,200.33
“ “ “ recruiting.....	110.00
“ “ “ other expenses.....	10,854.78
Total.....	<u>\$33,900.82</u>

A very large proportion of the “payments made to officers and men,” which were disallowed, was on account of their failure to muster into the United States service. So of subsistence and transportation; nearly all of it being on account of rejected volunteers, furloughed, sick, or wounded soldiers, and officers who, for various reasons, failed to muster.

Under the head of “other expenses” was included whatever was expended by the State that did not strictly fall under some one of the preceding heads; as, the entire expense of the Adjutant, Pay, Quartermaster, and Surgeon-General’s departments, the Bond or Loan Commissioners, the Board of Auditing Commissioners, interest on money temporarily borrowed, blank books and stationery for all the military departments, telegraphing, printing, advertising, etc. In the aggregate it amounted to nearly \$150,000, and, considering the nature, character, and great variety of these incidental expenses, the amount remaining unpaid is very small. It may be very nearly distributed as follows:

Clerical services in A. G., Q. M. G., and P. M. G. Departments, including blank books, stationery, &c.....	\$ 3,500.00
Bond or loan commissioners, with printing, &c., for same.	2,600.00
Auditing commissioners, including blank books, &c.....	500.00
Interest on money borrowed.....	2,400.00
Printing, advertising, &c.....	1,854.78
Total.....	<u>\$10,854.78</u>

As intimated above, the amount embraced in these disallowed vouchers is of such a character that the accounting officers of the

Treasury Department, by whom these settlements are made, have heretofore steadfastly refused re-imbursement to any of the States for similar claims; nor can they be expected to do otherwise in the future without a most material modification of the rules and regulations prescribed by Secretary Chase under the laws of 1861 for the settlement of State claims, and rigidly adhered to by his successors up to the present time, with one single exception, viz.: the admission or payment of transportation by wagons, which was originally denied. It is not impossible, however, with proper effort in the way of Congressional legislation, that a portion of these outstanding expenses might be recovered, and if successful in this direction it might be made to include payment for a small amount of similar claims, vouchers for which have never been filed, for the reason that they were understood to be clearly outside of any existing law authorizing their payment. To accomplish this purpose, however, might require a greater outlay of time and expense than would seem profitable to the State—in the minds of many persons,—especially in the event of failure. Such being the case, and having succeeded in recovering, at comparatively small expense, nearly ninety-seven (97) per cent. of the entire claim, which in 1866 was considered so hopeless that many prudent men—legislators and others—thought it best to part with the whole of the State's interest in it for less than one-half of the amount since collected, rather than incur the risk of additional expense, I hereby carry into effect a purpose several months since determined on, of respectfully declining any further action in the premises, by virtue of any existing act of the Legislature, conferring upon me the appointment of “a commissioner with full power to settle and adjust with the United States, all claims due therefrom, incurred by this State in raising, etc., troops, and sending them to the field, and for all other purposes or expenses growing out of, or incident to, the late rebellion.” I have the honor to remain

Your Excellency's obedient servant,

(Signed)

J. N. DEWEY.

DES MOINES, IOWA, April 1, 1872.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

APRIL 16, 1872

From the Iowa Legislative Documents for 1872, Vol. II

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, April 16, 1872.

Gentlemen of the Senate and House of Representatives:

In view of the fact that under the recent legislation of Congress, and late decisions of the Supreme Court of the United States, several counties are likely to realize, from the swamp-land grant, what had heretofore seemed an interest so remote as to be of little value, it is feared by many that it will develop a new source of danger to the citizens of these counties. I therefore feel warranted in calling the attention of the General Assembly, especially to matters connected with the disposition of the swamp-lands. While the authorities of several counties were in a state of doubt and uncertainty as to the probability of acquiring a title to any such lands, they disposed of what seemed, at best, but a stale and contingent claim at very low prices. During the past few years, many of these lands have passed into the hands of innocent third parties. It is feared, now, that the Boards of Supervisors in some of the counties, not fully understanding the force and effect of recent Congressional legislation and judicial decisions, may be operated upon by adventurous speculators with the argument; that they will prosecute the claims before the Departments at Washington, and in the courts if necessary to overthrow an adverse title, without expense to the counties, provided this contingent in-

terest is vested in them for a nominal sum; and that, by this specious reasoning such Boards may be induced still further to complicate the rights of these counties, and innocent holders, by new and sweeping contracts of sales.

Without intending to express an opinion in reference to the validity or expediency of any contracts these counties may have made in other years—a matter which the courts will doubtless settle in due time,—it does seem to me, that when innocent purchasers are likely to suffer, and especially when such purchasers have settled upon and expended money in the cultivation of their lands, they thereby become subjects for legislative protection, in whose behalf the General Assembly should intervene to the extent of its constitutional power.

While upon this subject, I will be excused for making another suggestion in reference to the disposition to be made of swamp-lands by the counties. I cannot but think the General Assembly would confer a lasting benefit upon any county which may hereafter acquire title to this class of lands and which may not have disposed of such title by prior sale, by providing that such lands shall be sold by the county authorities for the benefit of the county, in amounts not exceeding three hundred and twenty acres to any one person, and only to actual settlers. This may seem somewhat invidious, no such limitation having been made heretofore; but any act which would operate so beneficently to any county affected by it, and to all the people who in the future may settle therein, and which would so materially promote the interests and honor of the State, as would the proposed measure, should hardly be objected to upon the ground of

its being an innovation upon the practices which have heretofore obtained in the disposition of these lands.

C. C. CARPENTER.

TO THE SENATE

— 1872 —

From the Iowa Legislative Documents for 1872, Vol. II

Gentlemen of the Senate:

In response to the resolution of the Senate passed February 22d, asking me to inform your honorable body, as to “whether all the Commissioners, Architects, or Superintendents, having in charge the erection of Public Buildings belonging to the State, and whether the proper authorities of each of the public institutions of this State,” have complied with the requirements of sections 214 and 215 of the Revision of 1860, in reference to transmitting reports and vouchers to the Governor, I have the honor to submit the following :

Section 214, I find, requires those in charge of Public Buildings and State Institutions, “to transmit to the Governor, a detailed report showing the expenditure of all public money placed, or coming into their hands, down to the fifteenth day of December,” preceding each regular session of the General Assembly. Section 215 requires these reports to be accompanied by “each and every separate voucher, or duplicate voucher, for all expenditures.”

Chapter 114, of the acts of the Tenth General Assembly

provides that the fiscal term of the various State Institutions shall close on the day preceding the first Monday of November next preceding the regular session of the General Assembly. Except as thus modified, the sections of the Revision referred to in the resolution of the Senate do not appear to have been amended to the present time.

In order to comply the more fully with the spirit of the inquiry, I here present a statement of the character of the report received from each of the State buildings and public institutions in reference to its expenditures.

The Trustees of the Asylum, or Institution for the Education of the Blind, in their report detail the expenditures in full, giving date, number of warrant upon treasurer, and of voucher, payee, object, and amount of each item. Vouchers accompanying this report.

The Superintendent of the Institution of the Deaf and Dumb presents with his report a full statement of the amount expended for each kind of food, clothing, fuel and lights, furniture, salaries, &c., and transmits therewith vouchers.

The Commissioners having charge of the building for the Deaf and Dumb, recently constructed at Council Bluffs, report in detail the number of voucher, date, name of payee, amount of payment, and generally the purpose of each expenditure, up to December 15th, inclusive. Vouchers do not accompany this report, nor that of the Commissioners of the Hospital for the Insane at Independence. The latter classifies expenditures, giving amount in gross expended for each article used in the construction of the building, and for carpenters, masons, and other workmen

employed thereon up to December 1st. Vouchers for the past expenditures upon both these works are required to be filed with the Auditor of State whenever draft is made for additional funds by the respective boards.

The trustees of the Hospital for the Insane at Mt. Pleasant, present a general statement of objects and amount of expenditures. No vouchers transmitted.

The trustees of the Agricultural College and Farm present a statement of objects and amount of expenditures, unaccompanied by vouchers.

The Warden of the Penitentiary presents a general statement of disbursements, grouped under ledger headings. Vouchers do not accompany this report. At the beginning of each month, however, this officer transmits to the Governor vouchers for all expenditures during the preceding month.

The report of the Commissioners having charge of the new Capitol building gives a detailed report of expenditures in full up to the first day of the present year. Vouchers do not accompany this report. They are required, however, to be filed with the Auditor of State as money is drawn from the Treasury; and may be found in the custody of that officer.

The other institutions of the State do not report direct to the Governor. The University report is made to the Superintendent of Public Instruction, and that of the Soldiers' Orphans' Home, as well as that of the Reform School, is made to the General Assembly. I find, in the report of the first named institution, a statement detailing in full all the expenditures of the University for the past term, up to De-

cember 20th last, as also an account of the manner in which all appropriations made by the General Assembly since 1860 have been expended.

The report of the Orphans' Home presents a general statement of disbursements, and of the objects thereof.

The Superintendent details quite fully the expenditures of the Reform School, and appends thereto a classified statement of the same.

No vouchers have been filed with me from either of the three institutions last named.

It is proper to remark that the reports of most, if not all, of the State Boards are prepared in accordance with the laws enacted since the Revision of 1860. In some cases, these laws are doubtless construed to supercede the requirements of the sections of the Revision under consideration; while in others, the authorities of the various institutions, taking for their guidance the particular laws establishing their respective institutions, or organizing their boards of control, have overlooked the earlier and more general provisions of the Revision.

C. C. CARPENTER.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY, 15, 1873

*From MS. Copy of Executive Journal, 1873, (Miscellaneous) p. 97—
in the Office of the Governor, Des Moines*

Transmitted the following to the two Houses:

EXECUTIVE DEPARTMENT, January 15, 1873.

To the President of the Senate:

Senators Ketcham, of the twenty-sixth district, and McKean, of the 31st, having resigned during the recess of the General Assembly, elections were ordered to fill the vacancies.

To the Speaker of the House of Representatives:

Hon. John Morrison, of the twenty-fifth district, Hon. Wm. Maxwell, of the thirty-ninth, and Hon. F. A. Blake, of the sixty-eighth having resigned, elections were ordered to fill the vacancies.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1873

*From MS. Copy of Executive Journal, 1873, (Miscellaneous) p. 101
—in the Office of the Governor, Des Moines*

Sent to the General Assembly the following communication:

EXECUTIVE DEPARTMENT, February 10, 1873.

Gentlemen of the Senate and House of Representatives:

During the recess of the General Assembly I was formally advised of the death, in the month of September last, of John M. Boggs, one of the Trustees of the Iowa Hospital for the Insane at Independence. To fill the vacancy thus occasioned I appointed John G. House, of Buchanan County, and, upon his qualification, according to law, I commissioned him as such Trustee from and after the first day of October, 1872. As this appointment and commission expire with the meeting of the General Assembly, upon which body devolves the choice of a successor, I take this method of apprising the Houses of the vacancy.

(Signed)

C. C. CARPENTER.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 23, 1874

From the Journal of the Senate, p. 28

Gentlemen of the Senate and House of Representatives:

I herewith transmit my Biennial Message, and also a message containing a report of the pardons and remissions during the last two years. An explanation is due of the manner in which my message came to be printed in advance of its transmission, in the usual manner, to the two Houses of the General Assembly. In accordance with custom, such newspapers as applied for advance copies had been supplied

with them, and some of them had put it in type, preparatory to an early issue upon the organization of the House. The delay in respect to the organization was somewhat embarrassing to them, as much of their type was tied up in this document; and they therefore took the liberty of printing it prior to its delivery. Although this was of course not contemplated by me, yet I have felt embarrassed lest it might be thought to imply disrespect to the General Assembly, and have therefore deemed it proper, as before stated, to submit this explanation.

CYRUS C. CARPENTER.

EXECUTIVE OFFICE, January 23, 1874.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 23, 1874

From the Iowa Legislative Documents for 1874, Vol. II

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 23, 1874.

Gentlemen of the Senate and House of Representatives:

I submit to you, in compliance with the requirements of the constitution, a report of the pardons and remissions granted during the past two years, and the reasons therefor. Out of more than one hundred and fifty applications and cases called to my attention, I have deemed it proper, being impressed that it would subserve the best interests of society, to exercise clemency by shortening the terms of confinement of thirty-six prisoners. It will be observed that the

terms of several who were pardoned had very nearly expired, and that they practically received but little benefit from the pardon in respect to time; it was, however, my hope, and the hope of their friends, that this assurance that society was not indifferent to them and their future would help them to better lives after they had gone out again into the world, and it was also a recognition of their good conduct while incarcerated.

The experience of two years in the executive office, during which I have patiently heard and considered a large number of applications for pardons, and read with care the evidence in almost every case, and also the petitions and letters of the friends and attorneys of the convicts, has served to confirm an opinion which I entertained respecting the pardoning power long before coming into this office.

I believe that the Governor should be restricted in his power to grant pardons, reprieves, commutations, or remissions to such cases as, upon consideration, and after due public notice, and a full hearing in open session, may be recommended to him by a Board of Pardons. It seems to me that it would be wise for the General Assembly to submit the question contemplating an amendment to our constitution of this character to the people for consideration and determination at the ballot-box. I am convinced that there are many cases in which executive clemency may justly be exercised. Persons may commit crimes of a technical nature, in which the court would have been glad to exercise greater discretion in their punishment if the law had not prevented; in other cases subsequent developments may present an entirely new phase to the crime; then there may

be a real reformation in a youthful criminal; again there may be loss of health, or mind, or both; all or either of which a Board of this character could consider, and upon which they could act. I think a Board of this character would free the pardoning power in a measure from one of its most objectionable features. Persons of wealth can now procure attorneys, work up petitions, secure indorsement by letters from persons of distinction; while they have the time and money to persistently and unyieldingly present and enforce their wishes. If under such circumstances an Executive should not occasionally err he must necessarily be more than human. I am sure this power and responsibility should be divided. It is a case where the Executive is entitled to counsel and advice. I would recommend that the Executive Council, of which for this purpose the Attorney-General should be made a member, should constitute a Board of Pardons, and that without the recommendation of three members of this Board no pardon should be granted. It would also be well, if this proposition for an amendment to the constitution is submitted to the people, to include in the amendment the further proposition to limit the pardoning power of the Governor in cases of murder in the first degree to such subjects as may be recommended by a vote of the General Assembly. It is not likely that any Governor will ever attempt to assume the pardoning power in cases of murder in the first degree without submitting the question to the General Assembly; but as there is a seeming discrepancy between section 16, article 4 of the constitution and section 4,712 of the code, and as a constitutional amendment voted upon at a general election may be attained with

trifling cost, it seems to me that every question of doubt should be removed in respect to the harmony between a settled law and the constitution of the State.¹

CYRUS C. CARPENTER.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 31, 1874

From the Iowa Legislative Documents for 1874, Vol. II

Gentlemen of the Senate and House of Representatives:

In furtherance of the purpose expressed in my biennial message, I transmit, for such disposition as you may deem wise, the following communications in regard to the Centennial Exhibition, viz: A letter from Hon. Robert Lowry, Commissioner, signed also by Hon. C. F. Clarkson, Alternate Commissioner, in respect to the character and objects of the Exhibition; also a letter from Gen. A. T. Goshorn, Director-General United States Centennial Commission, calling attention to the steps each State will be required to take to secure a creditable representation therein. I have also inclosed circulars numbers 19, 39, and 50 of the Board of Commissioners, the last being entitled "Information for Exhibitors in the United States."

These official papers will give the General Assembly, or any Committee to which they may be referred, full and reli-

¹For the list of pardons as reported by the Governor, see Iowa Legislative Documents for 1874, Vol. II.

able information upon the salient points to be considered in regard to this great national exhibition. It is, therefore, unnecessary for me to elaborate what has been said by gentlemen whose sources of information could not fail to give them correct knowledge of what will be required from our State in order that we may compare favorably with others. There is one recommendation, however, which, in view of my interpretation of the truth that "the laborer is worthy of his hire," I cannot forbear to make; and I desire it to be understood that I do this from my own sense of fairness, as neither of the Commissioners has suggested the desire for a recommendation of this character.

Our Commissioners are eminently fitted, by aptitude and attainments, for their positions. Much to the credit, as it will be greatly to the advantage of Iowa, Mr. Lowry has been made Chairman of the Committee on Agriculture. Mr. Clarkson is not only a practical farmer, but an intelligent and forcible writer upon agricultural and other subjects. It therefore seems to me, if these men give their time to this work (and one of them, if not both, should devote nearly, if not quite, the entire interval from now until the close of the exhibition in looking after the interests of Iowa therein) that the State should pay their expenses. I do not regard this as a recommendation for a donation to help on a celebration which appeals to the patriotic impulses of every American, for I believe, throwing out of view every consideration of patriotism, that the money expended economically and carefully in securing a proper representation of Iowa in this exhibition, will be returned to the State increased at least four-fold.

I also transmit a communication from the Committee of the Board of Trustees of the Iowa State Agricultural College and Farm, to which has been assigned the duty of taking charge of the property deeded to the College by Samuel E. Rankin, late Treasurer of the Board. I expressed my opinion, in my biennial message, concerning the suggestions of the letter, and it is unnecessary to reiterate or elaborate them in this connection.

I also enclose, for the information of the General Assembly, a letter from Mr. Daniel W. Prindle, who was appointed by the State Grange of the Patrons of Husbandry to visit personally and report concerning the condition and wants of the people in those counties of Northwestern Iowa, who, from failure of their crops during the past year, coupled with their recent settlement in the country, are reduced to a condition of extreme need. With this letter I send a resolution of the Board of Supervisors of Sioux county upon the same subject; and the communication inclosing the same from Mr. Henry Hospers, Chairman of the Board. These communications contain information and make suggestions which, it seemed to me, might appropriately be submitted to the attention of the General Assembly, or to such Committee as may be assigned the duty of collecting facts concerning the destitution of these people.

C. C. CARPENTER.

EXECUTIVE OFFICE, Jan. 31, 1874.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1874

From MS. Copy of Executive Journal, 1874, (Miscellaneous) p. 223
—in the Office of the Governor, Des Moines

Gentlemen of the Senate and House of Representatives:

I transmit herewith the Report of the Secretary of the State Agricultural Society for the year 1873. This report came into my hands after the transmission to you of my Biennial Message, or it would not have escaped notice therein. I regard it as of more universal interest than any other document ordered by the General Assembly. A careful and thorough reading of these reports for years, as each new volume has been issued, has tended to confirm me in the opinion that their general dissemination would greatly benefit the agricultural interests of the State. The accompanying report cannot fail to interest and instruct any person who is awake to the promotion of our material enterprises. It gives, in brief, the history of the State Agricultural Society; sums up the general productions of the State during the past year; reviews the weather in its effects upon the results of agricultural industry; and summarizes the reports showing the yield of the corn crop, and also of the wheat crop, which is estimated 42,000,000 of bushels—an increase of 11,000,000 bushels over the yield of 1872. The increase in shipment of cattle over last year is shown to be 155,980, indicating that our State is competing successfully with more Southern States and territories in this important industry. Sheep husbandry is not only increasing, as a

branch of agricultural industry, but its results, in dollars, are a prophecy of more general development. The business of raising hogs, and the facilities for packing and realizing upon them within the State, indicate a flattering advance upon the past. This report also contains important suggestions upon the transportation of stock; an interesting and valuable review of the culture and production of grasses, as well as all other farm products. It contains an important summarization of the effect throughout the State of the operation of the timber and orchard law, and also of the stock law. The facts and theories in reference to the grasshopper invasion contain interesting and valuable suggestions. The Secretary also reviewed in brief the results of immigration during the last year. He calls attention to the Centennial Exhibition; states what has already been done; suggests what is expected from it, and what Iowa should do to reap its share of the benefits which it is calculated to yield to the different States. He abstracts the societies by name, giving the names of officers, post-office address, and amount awarded in premiums during the past year. Also speaks of the society's library and museum, and gives an interesting account of the State Fair of 1873.

I believe this report will afford valuable information to every man in the State, and it should be put in such shape that all who desire may have the opportunity to read it. The agricultural interests of Iowa owe much to the thorough and efficient Secretary who prepared it, and who during the last twelve years has, in season and out of season, labored to promote the interests of the farmer and of the State. No man writes upon agricultural questions with more force and

clearness, and no man possesses a capacity for putting together statistics in a more comprehensible manner, and with a judgment better skilled in bringing into prominence such facts as are of greatest interest and value. As the presentation of this report closes the connection of Dr. J. M. Shaffer, in an official capacity, with the State Board of Agriculture, I am sure I but express the sentiment of every citizen who is proud of the material prosperity of our State in wishing for him the recognition due to one whose industry, ability and enthusiasm have so largely influenced and promoted the industrial interests of Iowa.

I have made no order upon the State Printer for the usual number of copies, as I did not know but that, in view of the value of this report, the General Assembly might desire to order a larger number than is provided in the general law.

C. C. CARPENTER.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1874

From the Iowa Legislative Documents for 1874, Vol. II

Gentlemen of the Senate and House of Representatives:

I submit for your consideration three documents upon the subject of transportation.

First. A report entitled "Views of Thomas M. Monroe upon the various subjects of inquiry in relation to transportation, embraced in a Joint Resolution of the General Assembly, approved February 20th, 1873; with references to

authorities." In submitting this report to you for such action in reference to it as you may deem proper, I desire to give the history of its preparation; and as I have read it twice with considerable care, and portions of it three times, I may be permitted to express an opinion of its merits.

On the 20th of February, 1873, the Fourteenth General Assembly passed a Joint Resolution upon the question of transportation, the substance of which I gave in my Biennial Message, together with a brief account of my action thereunder. This resolution was passed near the close of the adjourned session, and while its design was to put a thousand dollars at the disposal of the Governor to be expended in procuring statistical information to be submitted to this General Assembly, still, as no appropriation was made, the Auditor of State decided that no portion of the money could be drawn, as it is his view (with which I entirely coincide) that, while a Joint Resolution may *provide* for an appropriation, unless the appropriation is made by a subsequent law, it will not authorize the expenditure of money; consequently no portion of this \$1,000 has been expended.

Soon after this resolution was published Mr. Monroe, who is a resident of Dubuque, wrote me, saying, in substance, that he had given questions connected with cheap transportation much study and thought; that he had attended many conventions in which these subjects were considered; that he was deeply interested in their proper and early solution, and that he would like to see me at some time convenient to myself, and submit to me his views upon the inquiries contained in the resolution. In due time, upon his receiving my answer, he came to Des Moines; and after an interview,

in which I was much impressed with the extensive knowledge he possessed upon these questions, and the technical exactness of his information relative to the cost of railways, canals, and other means of transport, and also his exact knowledge in reference to the cost of transporting products by the different channels of commercial communication, and the various influences which tend to increase or diminish this cost, as well as his lucid manner of imparting this knowledge, I said to him that if he would write out his views I would submit them to the General Assembly. In accordance with this suggestion he has furnished me the accompanying report.

When Mr. Monroe visited me in the summer of 1873, I got the impression that he was acting in behalf of the Virginia Central Water-line, or, as it is sometimes called, the Kanawha, James River and Norfolk Canal; and that he would probably be paid by those who are interested in bringing that project to the attention of the General Government, and therefore nothing was said about his remuneration. He returned home and went to work. Early and late, although broken in health, still, with a mind on fire from continuous thought upon the great questions which he was seeking to aid his countrymen to master, he pushed forward his inquiries. This able and interesting pamphlet is the result of his labor. During the last few years I have read many reports, books, and addresses upon the subject of transportation, and I say with emphasis that I have read no paper upon this question more satisfactory in its compactness, its clearness, or its logical power than the one in question. While I do not agree with all his conclusions, I

recognize the fact that he may be right nevertheless. I especially dissent from his views of the constitutional power of the Federal Government to regulate railways, but his argument is so fair and free from dogmatism that it is valuable as the best that can be said on that side of the question. And I say without reservation, that any man who is honestly seeking information upon these questions will hardly be able to find a discussion of all the issues involved compacted into less space or presented with greater force and more fairness than in these views of Mr. Monroe. After he had his pamphlet fully prepared, he wrote me that he was not an attorney for the Virginia Central Water-line, and that, unless he was paid by the State, he would receive no remuneration for his work. I replied to him that I was not authorized to use any portion of the one thousand dollars contemplated in the resolution, but that I would read his report, and if in my judgment it was sufficiently general in its character to meet the requirements of the resolution under which it was prepared, I would submit it to the General Assembly, and ask that he be paid.

I have therefore read and re-read these views with interest and profit. They cannot fail to afford valuable information to the legislature. They are the matured reflections upon this complex question of five years' constant thought and study by a man of no ordinary mind. In pain and sickness, but with unfaltering zeal and enthusiasm, he has written, figured, sought out statistics from every available source, corresponded with experts, traveled to St. Louis, to Chicago, to Louisville, to Cincinnati, and to other cities, and the accompanying pamphlet is the result of this work. Its

facts and figures speak for themselves, and I believe the author is deserving of pecuniary recognition by the State. I also transmit with it letters from several citizens of Dubuque for the information of the General Assembly.

Second. I lay before you a report of Colonel A. B. Smedley, who represented Iowa, by my appointment, in the late National Cheap Transportation Convention, held at Washington, D. C., commencing on the 14th of January, ultimo. Under the call for this convention Iowa was entitled to one delegate at large by appointment of the Governor. It seemed to me proper, if I could find a person willing to go, to send a delegate who would be regarded as a fair representative of the industrial interests of the State. Upon making this suggestion to Colonel Smedley he consented to go. I believe good results are secured to us, as a State, by being represented in conventions of such general interest, and for the consideration of matters upon which the public mind is so greatly aroused, as was this. Our delegate went at his own expense, and it would seem to me fair that his expenses should be refunded to him.

Third. I also transmit to you my report prepared in accordance with the requirements of the Joint Resolution of the Fourteenth General Assembly, before referred to in this message. The character of this report, and the *data* from which it was compiled, were considered in my Biennial Message. While I think it will be found to contain much information which will be of value to those seeking light upon the railway problem; as it contains many salient points of the voluminous reports of railway commissioners, of the reports made by the railroad companies of Iowa to the Ex-

ecutive Council as a basis for taxation, and of many other works upon the railroad question which require much time and experience in investigations of this character for individual members of the General Assembly to search out from the original sources; yet I would not regard it of such general or permanent value as to warrant the expense of printing: especially so long as each member who cares to examine the figures which it represents will find an opportunity to do so in the manuscript.

Since writing the foregoing, I find that, from the pressure of work in the Executive Office, it will require two or three days' more time to copy the report alluded to above, and as I am anxious to lay Mr. Monroe's report before you, I transmit this message, and will, when copies are made, hand my report to the President of the Senate and Speaker of the House, or to such committees as may be designated.

C. C. CARPENTER.

EXECUTIVE OFFICE, Feb. 6, 1874.

DUBUQUE, IOWA, January 5, 1874.

GOVERNOR: The undersigned, who take great interest in the subjects treated of in the report prepared by Thomas M. Monroe, Esq., at the instance of your Excellency, under the resolution of the legislature of our State touching the improvement of the James River and Kanawha Canal in Virginia, the Fox and Wisconsin, the Ohio and the Mississippi rivers, the Rock river and Chicago Canal, and other subjects connected with transportation between the East and the West in the United States, beg leave to state that they are fully acquainted with the character of said report, which is now in the hands of the printer for publication. They believe that the same has been ably and thoroughly treated of by Mr. Monroe, and that his report

will be received as the most masterly production of the kind ever presented to any legislature in the Union or the Congress of the United States.

Considering, therefore, the great labor bestowed upon the report by Mr. Monroe, that he has made four trips to St. Louis, one each to McGregor, Prairie du Chien, St. Paul, Davenport, and Keokuk, two to Louisville, one each to Washington City and Cincinnati, two to Baltimore, and one each to the cities of Chicago and New York, generally at his own expense, and when, as during the past year or two, severely afflicted with disease, that he has attended conventions and public meetings in the above named cities for the purpose of directing the attention of the country to these all-important matters, we are firmly of the opinion that he should receive for his service not only what has been already appropriated in money by our legislature, but that further appropriations should be made by other legislatures in the country as well as by Congress.

We are, very respectfully, your obedient servants,

GEO. W. JONES,
D. N. COOLEY,
AUSTIN ADAMS,
S. BAGG,
T. S. WILSON,
D. S. WILSON,
D. A. MAHONEY,
C. S. D. JONES.

TO HIS EXCELLENCY, C. C. CARPENTER.

To His Excellency, C. C. Carpenter, Governor of the State of Iowa:

SIR: I have the honor to report the action of the National Transportation Convention, which met at Washington, Jan. 14th, and which I was instructed by you to attend as representative for Iowa. The convention was composed of delegates from twenty states and territories, and the subject of cheaper transportation was carefully

considered. On the first day of the session two committees were appointed, one on railways and one on water routes, who, after a session of two days, reported resolutions, which were adopted, as follows:

ON RAILWAYS

The committee state the following abuses:

First.—The present method of undertaking the construction of railways without a paid-up capital.

Second.—The inflation commonly known as “watering of stock,” by which its nominal value is largely increased, thereby making it necessary to unduly tax travel and commerce to secure it a value.

Third.—The but partial representation of the stockholders in the boards of direction.

Fourth.—By rings in their management, through which both the public and the non-managing stockholders are fleeced to enrich a few prominent officials and managing stockholders.

Fifth.—The present system, which necessitates the operation of passenger and freight traffic over the same roadbed, in which the passenger traffic has the right of way, thus making it necessary for freight trains to lay up two-thirds of the time when they should be rolling on to their destination.

Relief must come from :

First.—Legislation, by which our present system of railways can be regulated and improved; and

Second.—Competition, which will complete and carry out the reform which legislation must inaugurate.

Under the head of legislation we should have the following laws:

First.—A national law providing a bureau of commerce and transportation, which shall have power to prescribe a uniform system for keeping railway accounts, and such other powers of supervision and regulation as may be constitutional, and whose duty it shall be to make an annual report to Congress, and suggest legislation tending to improve our present system of transportation.

Second.—A law making it a penal offense for any public official to accept or use the free pass of any railway company, and prohibiting

railway companies from granting such passes to any but regular employees of such railways.

In view of the experience of the United States in affording aid to corporations, as shown in the building of the Pacific railroads, we can not indorse the granting of land or subsidies in any form to any corporation or association of individuals for the purpose of building any railway or canal; but we recommend that such internal improvements be constructed by the national Government—the manner of constructing the work to be by contract to the lowest bidder; that when constructed it should be used for the transportation of Government property, and when not required for Government use, all citizens to have the right to place cars and locomotives thereon, and operate the same subject to regulations to be provided by the Government, they paying toll therefor sufficient to maintain the roadway.

In constructing such a road the committee believes that very careful consideration should be given to the question of gauge, inasmuch as recent experience has shown that the cost of construction of a 3-foot gauge is but half that of the 4-8½ gauge, while the carrying capacity is about eight-tenths of that of the broad gauge.

The committee also recommend that members of the American Cheap Transportation Association should, in their several States, endeavor to obtain the following laws from their State Legislatures :

First.—A law creating a Board of Railway Commissioners, who shall be clothed with power to establish and regulate rates for transporting freight and cars over all railroads doing business in the State, and to prescribe a uniform system of keeping railway accounts.

Second.—A law prescribing an equitable system of proportional or minority representation of the stockholders in the boards of direction,

Third.—A law restraining railway companies from paying interest or dividends beyond a fair and just return on the actual cost of their property to their stock and bondholders, and compelling them to expend all sums in excess of such amount and what it requires to keep their roads in proper repair and pay their necessary operating

expenses on their moving, handling, and terminal facilities for public security and convenience, and to reduce their transportation charges when such facilities are in a perfect and complete condition.

Fourth.—A law prohibiting all railway companies from making unjust and excessive discriminations against places which are not competing points.

Fifth.—A law obliging all railway companies to transport the cars of other companies or of individuals for a just and impartial compensation, and with the same dispatch as the cars belonging exclusively to said roads.

Sixth.—A law to prohibit the leasing, consolidation, or combination of parallel lines of roads, by which competition is destroyed and the people's highways converted into monopolies.

Seventh.—A law prohibiting railway companies from acquiring or holding more real estate than is necessary for the operation of their roads, and prohibiting railway companies or officers of companies from engaging in mining or any business other than that of transportation.

Eighth.—A law making it a penal offense for any public official to accept or use the free pass of any railway company, and prohibiting railway companies from granting such passes to any but regular employees of such railways.

The committee further recommend that in charters hereafter granted the State reserves the right to regulate charges; that no work shall be contracted for until the money is in the treasury to pay for it; that dividends shall not exceed ten per cent. upon the actual cost, and that capital stock shall not be increased without authorization from the Legislature, and when such increase is made that said stock shall be disposed of at auction to the highest bidder.

ON WATER ROUTES.

In the opinion of this Convention it is the duty of Congress to take into careful consideration the necessity of, at the earliest moment possible, improving the natural water channels of our country.

And among those claiming attention may be mentioned the improvement of the mouth of the Mississippi river, the completion of the Illinois and Michigan Canal to Rock Island, the improvement of the Fox and Wisconsin rivers, the Chesapeake and Ohio Canal, and a water route from the Tennessee river to the Atlantic coast.

All these questions were carefully and intelligently discussed, and all concurred in the sentiment that the several State and General Governments must inaugurate some system which shall stimulate production by cheapening transportation.

After a full discussion of the subject a Committee of Conference was appointed to meet the Senate and House Committees on Transportation, to present the views of the Convention, and confer as to the best methods of remedying existing evils. The Conference was held on the 17th inst., at the Capital, and from the cordial feeling which characterized the meeting, I feel confident that something will be done during this session of Congress, to aid the people. I am of the opinion, however, that the first and most important work must be done in the several States. When we remember that Iowa is a producing State, and that nearly all of our products must find a distant market, it will at once be seen that this question is one of vital importance. The productions of Iowa, as shown by official returns, are as follows. After providing full subsistence for the population and live stock, we have the following surplus products for sale or export:

Wheat, bushels	20,054,000	Honey, pounds	526,607
Corn, "	75,254,563	Tobacco, "	71,792
Potatoes, "	4,650,967	Flax, "	695,578
Oats, "	14,022,285	Wool, "	2,967,043
Butter, pounds	13,788,949	Beef, "	212,982,750
Cheese, "	543,870	Mutton, "	6,599,000
Beeswax, "	2,225	Pork and Bacon, "	553,944,500

(This is exclusive of the large product of Horses, Mules, and Hogs.)

Or an aggregate total weight of surplus products equal to 3,291,153 tons. The present average cost of transporting this surplus product to the Liverpool market is not less than \$72,405,366.

It is asserted by competent business men and engineers that this expense may be reduced at least one-half and yet have a fair profit on money invested by transportation companies.

When we consider: *First.* That every reduction on freight goes into the pockets of the producer. *Second.* That production in our State has but fairly commenced, and *Third.* That nearly all the product must go over the public highways of our own State, it will readily be seen that if the doctrine be a true one, that "Government is from the people and for the people," a great responsibility rests on the State government to in every legitimate way see to it that the bountiful products of the farms and mines of our country shall reach the consumer at as cheap a rate as possible.

I cannot, however, close this report without speaking of the difficulties which appear to stand in the way of Congressional action, which must be had before we shall derive the full measure of benefit which the present state of our industrial interest demands. While *all* concede that relief is absolutely demanded, yet, some are of the opinion that Congress has no constitutional right to legislate in regard to railways even running through two or more states. All concede that Congress has a right to improve rivers and construct canals through which the products of the country may be transported by steam; but at the same time deny the right of Congress to build an iron highway on which the locomotive may do the same work. All concede, too, that Congress has the right to regulate commerce between the states on the rivers and canals, but deny the right to regulate commerce on iron highways already built.

It is also generally conceded that the States have the right to regulate freights and commerce within their borders. But the right of the Federal Government to do this for the good of *all the States*, is denied. While gentlemen may be entirely honest and sincere in believing in this extreme doctrine of "State rights," yet it would seem

that principles of government or law must be progressive, so as to keep pace with the ever advancing interests of the people. In a new country like ours, each decade brings forward new interests, enlarges old ones, and creates necessities which must be supplied.

The producing, mining, manufacturing and commercial interests of the country are demanding that legislation shall conform to the needs of the present. I am happy to know that our Representatives in Congress seem fully to comprehend and are desirous of carrying out the wishes of their constituents on this great and overshadowing question of cheaper transportation.

I am respectfully your obedient servant,

A. B. SMEDLEY.

JANUARY 29, 1874.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

FEBRUARY 21, 1874

From the Journal of the House of Representatives, p. 275

Gentlemen of the Senate and House of Representatives:

I herewith transmit to you the report of the Board of Immigration. This report has been furnished me by the Secretary of the Board, notwithstanding his duties as an officer, had ceased last September, with the expiration of the law creating the board. Having given an outline of the proceedings of this board in my biennial message, I will not retrace what has already been said.

I call attention to the suggestions of the Secretary in regard to giving authority and affording the names for the distribution of those documents which remained on hand when the board ceased to exist. The Secretary computes these documents at 4,000 copies in the German, and 8,000 in the

English language. Judge Fulton also states that \$85 is due L. W. Hasselman, a citizen of the Netherlands, for postage and expenses in the distribution of our documents in that country. There would seem to me to be a point of honor, as well as a principle of economy, involved in providing for these matters.

Since the Secretary's report was prepared, a bill has been presented to him, on behalf of Mr. Carl Jaacks of Hamburg, Germany, for services and expenses in distributing documents and otherwise disseminating information concerning Iowa throughout that empire. The bill is herewith submitted.

The report, owing to its length, has not been recopied, but goes herewith to the Senate.

C. C. CARPENTER.

FEBRUARY, 21, 1874.

TO THE GENERAL ASSEMBLY

JANUARY 13, 1876

From MS. Copy of Executive Journal, 1876, (Miscellaneous) p. 341

Transmitted to the General Assembly the following:

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 13, 1876.

To the General Assembly of the State of Iowa:

I have the Honor to transmit herewith my report of pardons and remissions.¹

C. C. CARPENTER.

¹For the full list of pardons and remissions see Executive Journal pp. 341—374 also Iowa Legislative Documents for 1876, Vol. III.

PROCLAMATIONS

ON ELECTION TO FILL A VACANCY IN THE HOUSE OF REPRESENTATIVES

JANUARY 19, 1872

*From MS. Copy of Executive Register, Vol. III, p. 114—in the
Office of the Secretary of State, Des Moines*

WHEREAS: The office of Representative in the General Assembly of the State of Iowa from the County of Dubuque, being the forty-ninth representative District of the State, has become vacant by reason of the death upon the 17th day of January instant of Martin Kaier, Representative elect from said County and district; and

WHEREAS, The General Assembly of the State is now convened in regular session,

Now therefore I, Cyrus C. Carpenter Governor of the State of Iowa by virtue of authority in me vested do hereby proclaim and direct that a

SPECIAL ELECTION

to fill such vacancy shall be held within and throughout said County of Dubuque, being the forty-ninth representative District aforesaid on

THURSDAY THE FIRST DAY OF FEBRUARY A. D. 1872.

Whereof all the electors of said district will take due notice

and whereof the Sheriff of said County of Dubuque will take official notice and be governed accordingly.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of
(L. S.) the State of Iowa.

Done at Des Moines this nineteenth day of
January A D 1872.

C. C. CARPENTER.

ED WRIGHT, Secretary of State.

ON THE GENERAL ELECTION

OCTOBER 1, 1872

From Copy in the Office of the Secretary of State, Des Moines

A Proclamation for the General Election, November 5,
1872.

Pursuant to law, I, Cyrus C. Carpenter, Governor of the State of Iowa, do hereby proclaim that at the General Election to be held on the

“TUESDAY NEXT AFTER THE FIRST MONDAY OF
NOVEMBER,” A. D. 1872,

The offices hereinafter named are to be filled by vote of all the electors in the State, and of the several districts designated, to-wit :

By vote of all the electors in the State:—

The office of Elector of President and Vice President of the United States, to be filled by the choice of eleven persons, at least one of whom shall be an “inhabitant of each Congressional district into which the State” is divided:

The office of Secretary of State;

The office of Auditor of State;

The office of Treasurer of State;

The office of Register of the State Land Office;

The office of Attorney-General;

The office of Attorney-General, to fill a vacancy occasioned by the resignation of Henry O'Connor.

By vote of the Electors of the several judicial districts, and also of those specially named below:

The office of Circuit Judge for each of said Judicial districts; in accordance with the provisions of Chapters 22, 61 and 90 of the General or Public Laws of the Fourteenth General Assembly.

The offices of Judge of the District Court, and District-Attorney, in and for the Twelfth Judicial District;

The offices of Judge of the District Court and District-Attorney, in and for the Thirteenth Judicial District, in accordance with Chapter Sixty-one of the General or Public Laws of the Fourteenth General Assembly.

By vote of the Electors of the several congressional districts:

The office of Representative in Congress from each of said districts.

Whereof all Electors throughout the State will take due notice, and the Sheriffs of the several counties will take official notice and be governed accordingly.

And I do further proclaim and give notice that, on the day of said general election, the offices named below, having become vacant, are to be filled by vote of the electors of the several districts and counties mentioned respectively:—

The office of Judge of the District Court in and for the Third Judicial District, to fill a vacancy occasioned by the resignation of James W. McDill.

The office of District-Attorney in and for the Third Judicial District, to fill a vacancy occasioned by the death of Marcus L. McPherson.

The office of Judge of the District Court in and for the Seventh Judicial District, to fill a vacancy occasioned by the resignation of J. Scott Richman.

The office of Judge of the District Court in and for the Ninth Judicial District, to fill a vacancy occasioned by the resignation of John M. Brayton.

The office of District-Attorney in and for the Eleventh Judicial District, to fill a vacancy occasioned by the resignation of John H. Bradley.

The office of District-Attorney in and for the Twelfth Judicial District, to fill a vacancy occasioned by the resignation of Irving W. Card.

The office of Senator in the General Assembly from the Twenty-sixth district—to-wit, the county of Iowa,—to fill a vacancy occasioned by the resignation of James P. Ketcham.

The office of Senator in the General Assembly from the Thirty-first District—to-wit, the county of Jones,—to fill a vacancy occasioned by the resignation of John McKean.

The office of Representative in the General Assembly from the county of Keokuk, to fill a vacancy occasioned by the resignation of John Morrison.

The office of Representative in the General Assembly from the Thirty-ninth District, (as represented in the Four-

teenth General Assembly,) constituted of the counties of Guthrie and Greene, to fill a vacancy occasioned by the resignation of Wm. Maxwell.

Whereof all the electors throughout the districts and counties designated will take due notice, and whereof the Sheriffs of the several counties therein will take official notice and be governed accordingly.

In Testimony Whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Iowa.

Done at Des Moines this first day of October, in the year of our Lord one thousand eight hundred and seventy-two; of the State of Iowa (Seal) the twenty-sixth, and of the independence of the United States the ninety-seventh.

C. C. CARPENTER.

By the Governor:

ED WRIGHT, Secretary of State.

ON THANKSGIVING

OCTOBER 30, 1872

*From MS. Copy of the Executive Journal, 1872, (Miscellaneous) p. 90
—in the Office of the Governor, Des Moines*

To the People of the State of Iowa:

Whereas, The time approaches which custom has determined as a proper occasion for all the people of the Nation publicly to acknowledge their dependence upon the Supreme Ruler;

I therefore republish the accompanying proclamation of the President of the United States, cordially adopting and approving its expressions of the grounds we have for thankfulness to Him who is Lord over all; and commending to the people of Iowa, who have certainly enjoyed a full share of the blessings therein enumerated, the recommendation to meet, on the 28th day of November, A. D. 1872, in their respective places of public worship, to join in Thanksgiving to God that He has so blessed our great Nation; and that in his bounteous givings, in addition to the good things named by the President, our own State has been so largely the subject of Divine beneficence in her material, educational, benevolent, and moral enterprises.

In Testimony Whereof, I have hereunto set my hand
(L. S.) and caused the Great Seal of the State to be affixed, this 30th day of October, A. D. 1872.

C. C. CARPENTER.

Whereas, The revolution of another year has again brought the time when it is usual to look back upon the past and publicly thank the Almighty for his mercies and his blessings; and,

Whereas, If any one people has more occasion than another for such thankfulness, it is the citizens of the United States, whose government is their creature, subject to their behests, who have reserved to themselves ample civil and religious freedom and equality before the law, who, during the last twelve months, have enjoyed exemption from any grievous or general calamity, and to whom prosperity in agriculture, manufacture and commerce has been vouchsafed;

Therefore, By these considerations I recommend that on Thursday, the 28th day of November next, the people meet in their re-

spective houses of worship, and there make acknowledgment to God for His kindness and bounty.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed, this 11th day of October, A. D. 1872.

(Signed) U. S. GRANT.

OFFERING A REWARD.

FEBRUARY 12, 1873

From MS. Copy of Executive Register—in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas: It has been represented to me that on or about the nineteenth day of December A. D. 1872 one Charles Kendall, a citizen of Green County was deliberately murdered in Kendrick township in said county. And Whereas it is believed said murder was committed by one Alva Chambers with or without accomplices, and

Whereas, Diligent search has been made for said Alva Chambers but thus far without success and he is still at large.

Now therefore I Cyrus C. Carpenter, Governor of the State of Iowa do hereby offer a reward of five hundred dollars for the discovery and arrest of the above named Alva Chambers and his delivery to the proper authorities of said Greene County.

In testimony whereof I have hereunto set my hand
L. S. and caused the Great Seal of the State of Iowa
to be affixed.

Done at Des Moines this twelfth day of February A. D. 1873. C. C. CARPENTER.

*REVOKING A PROCLAMATION OFFERING A
REWARD*

APRIL 12, 1873

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

To all whom it may concern:

Notice is hereby given that a proclamation issued by me on the twelfth day of February last, offering a reward of \$500 for the apprehension of Alva Chambers, suspected of the murder of Charles Kendall in the county of Greene, is this day revoked, & such offer of reward is hereby withdrawn.

In testimony whereof, I have hereunto set my hand
(Seal) and caused to be affixed the great seal of the State of Iowa, at Des Moines, this twelfth day of April, A. D. 1873.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secy of State

OFFERING A REWARD

JULY 8, 1873

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, It has been represented to me that, upon the twenty-second day of May last past, John Hunter, a resident of the city of Des Moines, county of Polk, was put to death by violence within the limits of said city;

Now, therefore, in order that the ends of justice may be furthered, and the guilty be brought to trial and punishment, I, CYRUS C. CARPENTER, Governor of the State of Iowa, do hereby offer a reward of FIVE HUNDRED DOLLARS for the apprehension and arrest of the murderer or murderers of said John Hunter, and his or their delivery to the proper authorities of Polk County; such reward to be paid upon the conviction of the party so arrested.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused to be affixed the great seal of the State of Iowa.

(Seal)

Done at Des Moines, the capital of the State, this eighth day of July, 1873.

C. C. CARPENTER.

By the Governor

JOSIAH T. YOUNG, Secy State.

OFFERING A REWARD

JULY 22, 1873

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

WHEREAS, On the twenty-first day of July instant, a train of cars was deliberately and maliciously thrown from the track of the Chicago, Rock Island & Pacific railroad, in the county of Cass, whereby John Rafferty, the engineer of said train, was killed;

Now, therefore, In pursuance of authority in me vested, I do hereby offer a reward of FIVE HUNDRED DOLLARS for

the apprehension, and delivery to the proper authorities of each of the persons engaged in the commission of such crime, the same to be paid upon the conviction of such persons.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa, this twenty-second day of July, A. D. 1873, in the year of independence the ninety-eighth and of the State the twenty-seventh.

C. C. CARPENTER.

By the Governor:

ON THE GENERAL ELECTION

SEPTEMBER 13, 1873

From Copy in the Office of the Secretary of State, Des Moines

PURSUANT TO LAW, I, CYRUS C. CARPENTER, Governor of the State of Iowa, do hereby proclaim that at the General Election to be held on the

SECOND TUESDAY IN OCTOBER, A. D. 1873,
the offices hereinafter named are to be filled, to-wit:

By vote of all the Electors of the State:

The office of Governor;

The office of Lieutenant-Governor;

The office of Judge of the Supreme Court, in place of Joseph M. Beck, whose term of office will expire December 31, 1873.

The office of Superintendent of Public Instruction.

By vote of the Electors of the several Senatorial Districts designated below :

The office of Senator in the General Assembly from each of said districts, to-wit:

From the first district, being Lee county ;

From the second district, being Van Buren county ;

From the tenth district, being Des Moines county ;

From the eleventh district, being Henry county ;

From the thirteenth district, being Wapello county ;

From the fourteenth district, being the county of Keokuk ;

From the sixteenth district, being the counties of Madison and Dallas ;

From the seventeenth district, being the counties of Adair, Cass, Adams, and Union ;

From the twenty-first district, being Muscatine county ;

From the twenty-second district, being Scott county ;

From the twenty-third district, being Clinton county ;

From the twenty-seventh district, being Jasper county ;

From the twenty-eighth district, being Polk county ;

From the twenty-ninth district, being the counties of Hamilton and Hardin ;

From the thirty-first district, being Jones county ;

From the thirty-fifth district, being Dubuque county ;

From the thirty-eighth district, being the counties of Poweshiek and Tama ;

From the forty-second district, being Winneshiek county ;

From the forty-fourth district, being Black Hawk county ;

From the forty-eighth district, being the counties of Howard, Chickasaw, and Bremer ;

From the fiftieth district, being the counties of Lyon,

Osceola, O'Brien, Sioux, Plymouth, Cherokee, Woodbury, Monona and Harrison;

In and for each of which districts one Senator is, to be chosen.

By vote of the Electors of the several counties and Representative Districts:

The office of representative in the General Assembly, from each of such counties and representative districts, as follows:

From Clinton, Dubuque, Lee, and Scott counties, each, three representatives;

From Benton, Black Hawk, Cedar, Clayton, Des Moines, Henry, Jackson, Jasper, Johnson, Jones, Keokuk, Linn, Mahaska, Marion, Muscatine, Polk, Wapello, Washington, and Winneshiek counties, each, two representatives;

From Allamakee, Appanoose, Boone, Bremer, Buchanan, Butler, Chickasaw, Clarke, Dallas, Davis, Decatur, Delaware, Fayette, Floyd, Fremont, Grundy, Guthrie, Hardin, Harrison, Howard, Iowa, Jefferson, Louisa, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Page, Pottawattamie, Poweshiek, Story, Tama, Taylor, Van Buren, Warren, Wayne, and Webster counties, each, one representative;

From the fourteenth district, being the counties of Ringgold and Union, one representative;

From the twentieth district, being Montgomery and Adams counties, one representative;

From the twenty-first district, being Audubon, Shelby, Adair and Cass counties, one representative;

From the forty-first district, being Monona, Crawford, Ida, and Cherokee counties, one representative;

From the forty-second district, being Greene, Carroll, Calhoun, and Sac counties, one representative;

From the sixty-eighth district, being Franklin and Cerro Gordo counties, one representative;

From the sixty-ninth district, being Worth, Winnebago, Kossuth, and Hancock counties, one representative;

From the seventieth district, being Humboldt, Hamilton, and Wright counties, one representative;

From the seventy-first district, being Pocahontas, Buena Vista, Palo Alto, and Emmet counties, one representative;

From the seventy-second district, being Clay, Dickinson, Osceola, and O'Brien counties, one representative;

From the seventy-third district, being Woodbury, Plymouth, Sioux, and Lyon counties, one representative.

Whereof all electors throughout the State will take due notice, and the sheriffs of the several counties will take official notice, and be governed accordingly.

And I do further proclaim, and give notice, that on the day of said General Election the offices named below, having become vacant, are to be filled:

By vote of the Electors of the Tenth Judicial District:

The office of District-Attorney in and for said district, to fill a vacancy occasioned by the resignation of Charles T. Granger. By vote of the Electors of the Fifth Senatorial District, composed of the counties of Monroe and Wayne:

The office of Senator in the General Assembly from said district, to fill a vacancy caused by the resignation of Martin Read.

Whereof all electors throughout said districts will take due notice, and the sheriffs of the several counties therein will take official notice, and be governed accordingly.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused to be affixed the GREAT SEAL of the State of Iowa.

(Seal) Done at Des Moines this thirteenth day of September, in the year of our Lord one thousand eight hundred and seventy-three; of the State of Iowa the twenty-seventh, and of the independence of the United States the ninety-eighth.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

ON THANKSGIVING

OCTOBER 20, 1873

*From MS. Copy of Executive Journal, 1873, (Miscellaneous) p. 124
— in the Office of the Governor, Des Moines*

To the People of the State of Iowa:

As the President has designated and set apart Thursday, the 27th day of November, 1873, for the customary ceremonies of thanksgiving and praise, commending to the people of the whole country the duty of its observance, I heartily second the recommendation, and renew the same to the citizens of Iowa. Our granaries full to overflowing, our general healthfulness as a people and a State; our comparative exemption from the effects of financial disaster; our growing wealth as a community, and our awakened thought upon questions which pertain to material progress, leading to the development of our home resources; and, above all, our

advancement in the educational, moral, and benevolent enterprises which distinguish this age of Christian civilization, and which are an earnest and a prophecy of still greater increase and progress in the future:—all constitute subjects of thankfulness and gratitude to Him who is Lord over all.

And, while we are returning thanks for the beneficence of an overruling Providence in his dealings with ourselves, we should remember in our prayers, and by liberal contributions, those of our neighbors, and even of our own people, whose homes are fixed in localities wasted by fires, ravaged by devouring insects, scourged by tornadoes, or stricken with pestilence. In testimony whereof, &c.

C. C. CARPENTER.

*ON ELECTION TO FILL A VACANCY IN THE HOUSE
OF REPRESENTATIVES*

DECEMBER 8, 1873

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

WHEREAS, I have been advised, by the Auditor of Lee County, of the death of Edward A. Layton, a member elect of the House of Representatives of the State from said Lee county, which event occurred on the seventh day of December instant;

AND WHEREAS, By reason thereof, a vacancy will exist, in the office of representative in the General Assembly from said county of Lee, at the time fixed by the constitution for the meeting of said body, unless the same be sooner filled;

AND WHEREAS, The General Assembly will convene in regular session before the next general election;

Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, by virtue of authority in me vested, do hereby proclaim and direct that a

SPECIAL ELECTION

to fill said office of representative in the General Assembly in place of Edward A. Layton, deceased, be held in and throughout said county of Lee, being the first representative district of the State, on

WEDNESDAY, THE SEVENTH DAY OF JANUARY, A. D. 1874; whereof all the electors of said district and county will take due notice, and whereof the sheriff of said county will take official notice, and be governed accordingly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the great seal
(SEAL) of the State of Iowa, this eighth day of December, A. D. 1873, in the year of the State the twenty-seventh, and of the independence of the United States the ninety-eighth.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary State.

ON ELECTION TO FILL A VACANCY IN THE HOUSE
OF REPRESENTATIVES

DECEMBER 28, 1873

*From MS. Copy of Executive Journal, 1873, (Miscellaneous) p. 96—
in the Office of the Governor, Des Moines*

EXECUTIVE DEPARTMENT, Dec. 28th, 1873.

Whereas the office of Representative in the General Assembly of the State of Iowa, from the Sixty-eighth Representative District (as represented in the Fourteenth General Assembly,) has become vacant by reason of the resignation of F. A. Blake, this day received; and, whereas, the General Assembly will convene in adjourned session on the 15th day of January, 1873; Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, by virtue and in pursuance of the provisions of section 672 of the Revision of 1860, Laws of Iowa, do hereby proclaim and direct that a Special Election, to fill such vacancy, shall be held within and throughout the counties of Carroll, Sac, Buena Vista, and Cherokee being the counties constituting said Sixty-eighth Representative District, on the Thirteenth day of January, 1873. Whereof the electors of said District will take due notice, and whereof the Sheriffs of the counties of Carroll, Sac, Buena Vista and Cherokee will take official notice, and be governed accordingly.

In testimony whereof, I have hereunto set my
(L. S.) hand, and caused to be affixed the Great Seal of
the State, the date first above written.

C. C. CARPENTER.

OFFERING A REWARD

FEBRUARY 25, 1874

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, On the evening of the eighteenth day of February, A. D. 1874, in the township of Winfield, in the county of Scott, Mrs. Elizabeth Brownlie was brutally murdered by some person or persons unknown;

And whereas, At the same time and place, Andrew Brownlie, a son of said Elizabeth Brownlie, was shot and fatally wounded by some person or persons unknown, by reason whereof he has since died;

Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, by virtue of authority in me vested by law, do hereby offer a reward of

FIVE HUNDRED DOLLARS

for the arrest and delivery to the proper authorities of the person or persons who so murdered the said Elizabeth Brownlie, and a like reward for similar arrest and delivery of the murderer or murderers of the boy Andrew Brownlie, such rewards to be paid upon the conviction of the person or persons so arrested.

In Testimony whereof, I have hereunto set my hand, and caused to be affixed the great seal of the State of Iowa, at Des Moines, this 25th day of February, A. D., 1874, in the twenty-eighth year of the State, and the ninety-eighth of the independence of the United States.

By the Governor:

C. C. CARPENTER.

JOSIAH T. YOUNG, Secretary of State.

OFFERING A REWARD

MARCH 23, 1874

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

WHEREAS, Mrs. Esther Alger was murdered in Olive township, Clinton county, Iowa, on the twenty-fifth day of September, 1872, by some person or persons to the authorities unknown;

Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, by virtue of authority in me vested by law, do hereby offer a reward of

FIVE HUNDRED DOLLARS

for the apprehension, and delivery to the proper authorities, of the person or persons guilty of such crime, to be paid upon conviction of such person or person.

In testimony whereof, I have hereunto set my hand, & caused to be affixed the great
(SEAL) seal of the State of Iowa, at Des Moines, its capital, this twenty-third day of March, A. D. 1874.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State of Iowa.

OFFERING A REWARD

JUNE 20, 1874

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, John Johnson, a resident of the city of Des Moines, in the county of Polk, was murdered in said city, on the evening of the 13th or the morning of the 14th day of June instant, by some person or persons to the authorities unknown;

Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, by virtue of authority in me vested by law, do hereby offer a reward of

FIVE HUNDRED DOLLARS

for the apprehension, and delivery to the proper authorities, of the person or persons guilty of such crime, to be paid upon conviction of such person or persons.

In testimony whereof, I have hereunto set my hand and cause to be affixed the great seal of
(SEAL) the State of Iowa, at Des Moines, the seat of government thereof, this 20th day of June, A. D. 1874. C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

OFFERING A REWARD

AUGUST 31, 1874

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, Information has reached me of such a character as to satisfy me that one Ella Barrett was murdered in the city of Des Moines, Polk county, Iowa, between sunset of the 27th day of August, instant, and sunrise of the day following;

Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, do hereby offer a reward of

FIVE HUNDRED DOLLARS

for the arrest and delivery to the proper authorities, of the person guilty of such murder; or, if there were two or more persons so guilty, then for such arrest & delivery of each of said persons; in either case to be paid upon conviction.

In testimony whereof, I have hereunto set my hand,
and caused to be affixed the great seal of Iowa,
(Seal) at Des Moines, the seat of government thereof,
this thirty-first day of August, A. D. 1874.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

ON THE GENERAL ELECTION

SEPTEMBER 12, 1874

From Copy in the Office of the Secretary of State, Des Moines

THE STATE OF IOWA.

PURSUANT TO LAW, I, CYRUS C. CARPENTER, GOVERNOR of the State of Iowa, do hereby proclaim that at the General Election, to be held on the

SECOND TUESDAY IN OCTOBER, A. D. 1874,
the offices hereinafter named are to be filled, to-wit:

By vote of all the Electors of the State:

The office of Secretary of State.

The office of Auditor of State.

The office of Treasurer of State.

The office of Attorney-General.

The office of Register of the State Land Office.

The office of Clerk of the Supreme Court.

The office of Reporter of the Supreme Court.

By vote of the Electors of the several Congressional Districts:

The office of Representative in Congress from each of said Districts.

By vote of the Electors of the Several Judicial Districts, except the Twelfth and Thirteenth:

The office of District Judge in and for each of said districts, except as aforesaid.

The office of District-Attorney in and for each of said districts, except as aforesaid.

Whereof all electors throughout the State and the districts mentioned will take due notice, and the sheriffs of the

several counties will take official notice, and be governed accordingly.

And I do further proclaim, and give notice, that on the day of said General Election the offices named below, having become vacant, are to be filled:

By vote of the Electors of the Senatorial Districts named:

The office of Senator in the General Assembly from the Sixth district, in the place of Robert A. Dague, resigned.

The office of Senator in the General Assembly from the Eighteenth district, comprising the county of Mahaska, in the place of James A. Young, removed from the State.

By vote of the Electors of the Judicial Districts named:

The office of District Judge in and for the First Judicial District, in place of Joshua Tracy, resigned.

The office of District-Attorney in and for the Third Judicial District, in place of Will T. Laughlin, resigned.

The office of Circuit Judge in the Fourth Judicial District, in place of Addison Oliver, resigned.

Whereof all electors throughout said districts will take due notice, and the Sheriffs of the several counties therein will take official notice, and be governed accordingly.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused to be affixed the GREAT SEAL
(Seal) of the State of Iowa.

Done at Des Moines this twelfth day of September, in the year of our Lord, one thousand eight hundred and seventy-four, and of the independence of the United States the ninety-ninth.

By the Governor:

C. C. CARPENTER.

JOSIAH T. YOUNG, Sec State

OFFERING A REWARD

NOVEMBER 11, 1874

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, Authentic information has been received by me to the effect that on or about the twenty-eighth day of September, last past, Henry Miland, a citizen of Polk county, was murdered in Camp township in said county, by some person or persons to the authorities unknown.

Now therefore, By virtue of authority in me vested by law, I, Cyrus C. Carpenter, Governor of the State of Iowa, do hereby offer a reward of

FIVE HUNDRED DOLLARS

for the apprehension, and delivery to the proper authorities, of the person or persons, or each of them, guilty of such crime, to be paid upon the conviction of such person or persons.

(Seal) In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa, at Des Moines the seat of government thereof, this eleventh day of November, A. D. 1874.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

OFFERING A REWARD

DECEMBER 19, 1874

From Copy in the Office of the Secretary of State, Des Moines

Whereas, Satisfactory information has come to me that on the morning of Tuesday the fifteenth day of December instant, the crime of murder was committed in the city of Des Moines, Polk County, Iowa, upon the person of one Charles Hervey Howard Nelson, otherwise known as Charles Howard, by a mob.

Now, therefore, By virtue of authority in me vested, and in the interest of public justice, I, Cyrus C. Carpenter, Governor of the State of Iowa, do hereby offer a reward of

FIVE HUNDRED DOLLARS

for the apprehension of each of the ringleaders of said mob, and a reward of

THREE HUNDRED DOLLARS

for the apprehension of each of the other persons concerned in said murder, such rewards or either of them to be paid upon the person or persons apprehended being convicted of said crime.

(Seal) In Testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Iowa at Des Moines, the seat of government thereof, this nineteenth day of December, A. D. 1874.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

OFFERING A REWARD

MAY 26, 1875

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, George N. Kirkman, a citizen of Story county, came to his death by murder in said county between sunset on the seventh day of May, and sunrise on the eighth day of May, instant; and,

Whereas, Investigation has thus far failed to disclose the person or persons who perpetrated the crime;

Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, by virtue of authority in me vested by law, do hereby offer a reward of

FIVE HUNDRED DOLLARS

for the arrest, and delivery to the proper authorities, of each of the persons guilty of the murder of said Kirkman, to be paid upon conviction.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the State, this twenty-sixth day of May, in the year (Seal) of our Lord one thousand eight hundred and seventy-five, of the independence of the United States the ninety-ninth, & of this State the twenty-ninth.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Sec. State.

OFFERING A REWARD

JULY 10, 1875

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, Information received by me satisfies me that one J. L. Brister was murdered in the town of Creston, county of Union, State of Iowa, in the month of August, A. D. 1874;

And, whereas, I am advised that one J. T. Burnett, who has been indicted for such murder by the grand jury of said county, has recently made his escape from the Mills county jail, where he was held under said indictment;

Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, do hereby offer a reward of

THREE HUNDRED DOLLARS

for the arrest, and delivery to the authorities of Mills county, of the said J. T. Burnett, to be paid upon proper proofs being presented that said Burnett has been so arrested and delivered to the authorities aforesaid.

In testimony whereof, I have hereunto set my hand
and caused to be affixed the great seal of the
(Seal) State of Iowa, at Des Moines, the seat of gov-
ernment thereof, this tenth day of July, A.
D. 1875.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

OFFERING A REWARD

JULY 13, 1875

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, I am satisfied, from reliable information, that on the 23d day of June, A. D. 1875, Francis Lassaux, a merchant of the town of Creston, in the county of Union, in this State, was murdered in said town by some person or persons unknown to the authorities;

Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, hereby offer a reward of

FIVE HUNDRED DOLLARS

for the arrest and delivery to the proper authorities of each of the persons engaged in the commission of such crime, the same to be paid upon the conviction of such person or persons.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the
(Seal) State, at Des Moines, the seat of government thereof, this 13th day of July, A. D. 1875.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State

OFFERING A REWARD

SEPTEMBER 7, 1875

From Copy in the Office of the Secretary of State, Des Moines

STATE OF IOWA, EXECUTIVE DEPARTMENT.

Whereas, I am satisfied, from reliable information, that on the 26th day of July, 1875, one L. A. Billings, a farmer, living in Floyd county in this State, was murdered;

Now, therefore, I, Cyrus C. Carpenter, Governor of the State of Iowa, hereby offer a reward of

FIVE HUNDRED DOLLARS

for the arrest and delivery to the proper authorities of each of the persons engaged in the commission of said crime; the same to be paid upon the conviction of such person or persons.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the
(Seal) State, at Des Moines, the seat of government thereof, this 7th day of September, A. D. 1875.

C. C. CARPENTER.

By the Governor:

- JOSIAH T. YOUNG, Secretary of State.

ON THE GENERAL ELECTION

SEPTEMBER 10, 1875

*From MS. Copy of Executive Register, Vol. III, p. 255—in the
Office of the Secretary of State, Des Moines*

Pursuant to law I Cyrus C. Carpenter, Governor of the State of Iowa, do hereby proclaim that at the General Election to be held on the Second Tuesday in October A D 1875, the offices hereinafter named are to be filled, towit:

By vote of all the electors of the State:

The office of Governor.

The office of Lieutenant Governor.

The office of Judge of the Supreme Court, in place of William E. Miller whose term of office will expire December 31, 1875.

The office of Superintendent of Public Instruction.

By vote of the electors of the several Senatorial Districts designated below:

The office of Senator in the General Assembly from each of said districts, towit:

From the third district, being Davis county.

From the fourth district, being Appanoose county.

From the fifth district, being Monroe and Wayne counties.

From the sixth district, being Clark & Lucas counties.

From the seventh district, being Taylor, Ringgold and Decatur counties.

From the eighth district, being Fremont, Page and Montgomery counties.

From the ninth district, being Pottawattamie and Mills counties.

From the twelfth district, being Jefferson county.

From the fifteenth district, being Washington & Louisa counties.

From the eighteenth district, being Mahaska county.

From the nineteenth district, being Marion county.

From the twentieth district, being Warren county.

From the twenty-fourth district, being Cedar county.

From the twenty-fifth district, being Johnson county.

From the twenty-sixth district, being Iowa county.

From the thirtieth district, being Jackson county.

From the thirty-second district, being Linn county.

From the thirty-third district, being Benton county.

From the thirty-fourth district, being Marshall & Grundy counties.

From the thirty-sixth district, being Delaware county.

From the thirty-seventh district, being Buchanan county.

From the thirty-ninth district, being Clayton county.

From the fortieth district, being Fayette county.

From the forty-first district, being Allamakee county.

From the forty-third district, being Mitchell, Floyd & Butler counties.

From the forty-fifth district, being Boone & Story counties.

From the forty-sixth district, being Worth, Winnebago, Kossuth, Hancock, Cerro Gordo, Humboldt, Wright and Franklin counties.

From the forty-seventh district, being Dickinson, Emmet, Clay, Palo Alto, Buena Vista, Pocahontas, Ida, Calhoun and Webster counties.

From the forty-ninth district, being Greene, Carroll, Crawford, Shelby, Audubon & Guthrie counties.

In and for each of which districts one Senator is to be chosen.

By vote of the electors of the several counties and Representative Districts.

The office of Representative in the General Assembly, from each of such counties and representative districts as follows:

From Clinton, Dubuque, Lee, and Scott counties each three representatives.

From Benton, Black Hawk, Cedar, Clayton, Des Moines, Henry, Jackson, Jasper, Johnson, Jones, Keokuk, Linn, Mahaska, Marion, Muscatine, Polk, Wapello, Washington and Winneshiek counties each two representatives.

From Allamakee, Appanoose, Boone, Bremer, Buchanan, Butler, Chickasaw, Clarke, Dallas, Davis, Decatur, Delaware, Fayette, Floyd, Fremont, Grundy, Guthrie, Hardin, Harrison, Howard, Iowa, Jefferson, Louisa, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Page, Pottawattamie, Poweshiek, Story, Tama, Taylor, Van Buren, Warren, Wayne and Webster counties each one representative.

From the fourteenth district, being the counties of Ringgold and Union one representative.

From the twentieth district, being Montgomery and Adams counties, one representative.

From the twenty-first district, being Audubon, Shelby, Adair and Cass counties, one representative.

From the forty-first district, being Monona, Crawford, Ida and Cherokee counties, one representative.

From the forty-second district, being Greene, Carroll, Calhoun and Sac counties, one representative.

From the sixty-eighth district, being Franklin and Cerro Gordo counties, one representative.

From the sixty-ninth district, being Worth, Winnebago, Kossuth and Hancock counties, one representative.

From the seventieth district, being Humboldt, Hamilton and Wright counties, one representative.

From the seventy-first district, being Pocahontas, Buena Vista, Palo Alto and Emmett counties, one representative.

From the seventy-second district, being Clay, Dickinson, Osceola and O'Brien counties, one representative.

From the seventy-third district being Woodbury, Plymouth, Sioux and Lyon counties, one representative.

Whereof all electors throughout the State will take due notice and the Sheriffs of the several counties will take official notice and be governed accordingly:

And I do further proclaim and give notice that on the day of said General Election the offices named below having become vacant are to be filled.

By vote of the electors of the seventh Judicial District: The office of District Judge in and for said district to fill a vacancy occasioned by the resignation of Wm. F. Brannan.

By vote of the electors of the Eleventh Senatorial District being the county of Henry.

The office of Senator in the General Assembly from said District, to fill a vacancy caused by the resignation of John P. West.

Whereof all electors throughout said district will take due notice, and the sheriffs of the several counties therein will take official notice and be governed accordingly.

In testimony whereof I have hereunto set my hand

and caused to be affixed the Great Seal of the
(L. S.) State of Iowa.

Done at Des Moines this tenth day of September in the year of our Lord one thousand eight hundred and seventy-five, of the State of Iowa the twenty-ninth and of the Independence of the United States the one hundreth.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

ON THANKSGIVING

NOVEMBER 3, 1875

*From MS. Copy of Executive Journal, 1875, (Miscellaneous) p. 620
—in the Office of the Governor, Des Moines*

The receding days of Autumn are bringing us near the close of another year of toil, of harvest, and of fruits. It accordingly becomes us again to bow reverently in the presence of the Author of Life and its blessings, and return thanksgiving and praise for the abundance with which the year has been crowned in our State, and throughout the Nation. Referring therefore to the accompanying Proclamation of the President of the United States, designating Thursday, the 25th day of November, as the day of National Thanksgiving, I commend its recommendations to the people of Iowa. We of this State should especially lift our hearts to God in thankfulness that in the past year we have been exempted from the scourge which threatened our harvest,

and wasted the fields of some sister States and Territories during the previous two years. By the blessing of Providence the cause of this desolation, compelling the people in portions of the West to seek aid elsewhere, to which the citizens of Iowa made generous contribution, has been removed. We should still remember, however, that we have the poor with us always. Let us, therefore, in the observance of our Thanksgiving ceremonies, give to our prayers and praises a practical application by contributing something from our abundance to those of our neighbors whom misfortune, or, perhaps, improvidence, has reduced to want.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa. Done at the City of Des Moines, the Seat of government of the State, (Seal) this third day of November, in the year of our Lord one thousand eight hundred and seventy-five, of the independence of the United States the one hundredth, and of the State of Iowa the twenty-ninth.

C. C. CARPENTER.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

GOVERNOR SAMUEL JORDAN KIRKWOOD



PREFATORY NOTE

Samuel Jordan Kirkwood, who is popularly known as Iowa's "War Governor," was elected Governor of the State a third time in 1875. He entered upon his third term in January, 1876, and continued in office until February 1, 1877. He resigned his office as Governor to take the seat in the Senate of the United States to which, on January 19, 1876, the General Assembly of Iowa declared him to be elected "for the term of six years from the fourth of March, A. D. 1877."

A brief biographical sketch of Mr. Kirkwood will be found in volume II of this series in connection with the messages and proclamations of his first and second terms as Governor of the State.



THIRD INAUGURAL

JANUARY 13, 1876

From the Iowa Legislative Documents for 1876, Vol. I

*Gentlemen of the Senate and House of Representatives and
Fellow-Citizens:*

Nearly one hundred years have passed since the Declaration of American Independence, and soon our people will be busy with preparation for a proper celebration of the hundredth anniversary of the nation's birth. The period of our national existence has been one of vast advancement in science, in the arts, in invention, and in appliances for human comfort and convenience. It has been remarkable for improvements in the speed and convenience of locomotion, and in the celerity of communication; for a development of the wonderful powers of steam, so little known a century ago that the countless uses of that motor to-day make it practically a new agent brought into subjection to man; for the discovery that the mightiest and subtlest force known to exist in the physical universe can be made, as in the electric telegraph, to do man's bidding. The sun, too, has been made his servant, and its rays are grasped and trained to preserve for him the semblance of his loved ones. Improvements in machinery have characterized the century, which have at once lessened the severity of labor, increased its returns, and multiplied

the comforts of the great mass of the people in all civilized nations. Education has been more generally diffused than ever before; and the printing-press, that great educator, has made more rapid strides than in all the previous centuries of its history, and to-day there are publishing-houses, any one of which could, in a given time, almost duplicate all the work of all the presses of the world, in the same period of time, one hundred years ago. In short, the century now closing may be safely said to have witnessed a larger advance in human knowledge, greater improvement in man's condition socially, and mightier progress in every department of human activity and inquiry, reaching all classes of society, and affecting all the nations of the earth, than any similar period in the world's history. Among the many causes that have tended to bring about this great advancement, one of the most powerful, in my judgment, has been the existence of this republic, and the growth and prosperity of this people. To a review of this growth and prosperity, and the development and progress of the nation and our own state, I have thought it not inappropriate, in this the centennial year of the republic's life, to devote a portion of the formal address required by custom on this occasion.

Nearly a century ago, our forefathers laid the foundations of our national political edifice; and they laid them broad and deep. Yet, when, after a hard and weary struggle they had achieved the independence for which they had risked so much and fought so well, this handful of people—some three millions in all, scattered in a narrow belt along the Atlantic coast—found that the bond of union that had held them together during the conflict with the mother country

was exceedingly weak when the common danger had passed; while local jealousies and conflicting interests menaced total disruption. They were poor, and were burdened with the debts which the states, both separately and unitedly, had incurred during the war for independence. Although admitted to the family of nations, they were tolerated rather than welcomed; and their expressed devotion to the principles of civil liberty was regarded by the advocates of monarchy as evidence of either sickly sentimentality or political heresy. The statesmen of the old world, trained in the school of monarchy, admitted, although with hesitation and reluctance, that a republican form of government might be maintained in, and suffice for, a poor and sparsely inhabited country like Switzerland, but they utterly denied that it could be maintained in, or would suffice for, a great and powerful nation. The territory of which our forefathers were the acknowledged owners, and upon which this experiment was to be tried, reached on the north, as now, to Canada, on the west the Mississippi river defined its limit, and on the south the thirty-first parallel of latitude cut it off entirely from the Gulf of Mexico, and left the mouth of the Mississippi wholly in the hands of another power. Thus supplied with nothing but territory and prospects—the former perhaps abundant, but the latter, in the opinion of the world's wise men, discouraging enough, and not at all dazzling even to the most sanguine of its founders—our republic commenced its career.

To-day that territory has expanded southward until we hold the northern line of the Gulf coast to the Rio Grande, and westward until it includes the Pacific coast from near

the thirty-second parallel to Cape Flattery, not counting our recently acquired possession of Alaska. The Mississippi, formerly our western boundry, is now east of the center of our domain. Our thirteen states have increased to thirty-seven, with territory enough left for nine or ten more, each as large as some of the more powerful European kingdoms; and our three millions of people, a large proportion of whom were slaves, have grown to forty millions—all, thank God! freemen. We have had the fortune common to all nations—harmony and contention, prosperity and adversity, peace and war; yet I think it true that no other nation, during the last hundred years, has prospered as has ours, and in no other land have the people as a whole enjoyed nearly so great a degree at once of liberty, of order, of safety, and of comfort; while our system of government, supposed to be lacking in unity and force, has been found to be able not only to endure the strain of foreign war, but to suppress utterly and unconditionally a rebellion the most extensive, the most powerful, and in all respects the most formidable the world has known.

I have said, and I repeat it, that in my judgment our existence and prosperity, as a government and people, have had much, more perhaps than any other one cause, to do with the improved condition of the masses of the people in all civilized nations. The monarchists of the old world, while, as before remarked, doubting, or affecting to doubt, man's capacity for self-government, except in isolated cases, yet looked with suspicion and distrust upon the attempt to establish here what has since been so happily called by one of the purest and wisest men the world has produced, "a

government of the people, by the people, and for the people," and they feared, not unreasonably, that, if such attempt should perchance be successful, the example would cause disquiet amongst their own people, who had no share in administering the governments under which they lived. This anticipation has been realized. Our example has had its influence for good upon the people of other lands. Seeing that here liberty is compatible with order, that here men may govern themselves, that here bayonets are not necessary to the stability of the government, although when danger menaces millions of brave and willing hearts are found to rally to its defense, our oppressed brethren of the old world have striven, and are striving, to relieve themselves of the burdens they have so long borne, and to assert the inherent and inalienable rights of man. The truth of the doctrine, that "all governments derive their just powers from the consent of the governed," is steadily taking stronger hold on the minds of the common people of Europe, and is slowly but surely removing their burdens, enlarging their liberties, and increasing the scope of their comforts. This consideration should add to the zeal and earnestness with which we guard, protect, and cherish the system of government to which, under God, we owe the blessings we enjoy.

Our own state has a history of remarkable growth and development. When our national government was formed Iowa was a part of the immense domain held in America by Spain—a possession which, for extent of territory, variety of climate, fertility of soil, and measureless though then unsuspected wealth of mineral resources, was undoubtedly

the most magnificent the nation has ever held. What is now Iowa was then as little known to the people of the thirteen colonies as Alaska is to-day to us. It was transferred with other territory by Spain to France, and by France to the United States in 1803. It formed at one time part of the Louisiana territory, then of the Missouri territory, then was attached to the territory of Michigan, more recently was a part of the territory of Wisconsin, was (with most of the present state of Minnesota and of the territory of Dakota) constituted the territory of Iowa in 1838, and was admitted as a state in 1846. In 1838 our population was 22,859; in 1846 it was 97,538; and in 1875 it was 1,350,544. By the census of 1850 we were entitled to two representatives in Congress; by that of 1870, we have nine. The debt of our state is but nominal in amount. We have provided suitable homes for our afflicted unfortunates—the insane, the deaf and dumb, the blind—and are properly caring for them. We are paying a small part of our debt of gratitude by supporting and educating the children of our dead soldiers who need such care. We have established a home and school for the reformation of juvenile offenders, hoping thereby to win them back to the pleasant path of virtue; as well as institutions for the punishment and reclamation of older wrong-doers. We support schools open to all for the education of all, with colleges and a university for those seeking the higher branches of learning; seeking in these and other ways to show our gratitude to God for his goodness to us by caring for his children and our brethren.

I cannot permit this occasion to pass without a brief

reference to the part taken by Iowa in our civil war. She was ever true as steel to the good cause. Although yet in her nonage, having existed as a state less than fifteen years when the war commenced, she did her duty faithfully and thoroughly. We, occupying this wilderness of thirty years before, sent to the field forty-five regiments and two battalions of infantry, nine regiments of cavalry, and four batteries of artillery; besides companies, detachments, and individuals in the regiments of other states and in the regular army. We gave in all to the service over 75,000 men; and I but give utterance to what you all know when I say that among the hosts of brave and good men who rallied to the defense of the flag, none were found braver or better than the men of Iowa. There is not, I think, a single one of the states which so insanely sought our ruin and their own, in whose soil Iowa has not deposited, as the best of evidence of her devotion to the Union, the ashes of some of her heroic dead. May they rest in peace, and may their example lead us and those who will come after us to guard with devotion and reverence that for which they so patiently suffered and so nobly died.

Iowa has had a large measure of growth and prosperity; yet she has but fairly entered upon her career, and our eyes have been permitted to behold only the beginnings, dazzling though they are, of her glory. We have hitherto been mainly an agricultural people, and doubtless will ever remain so; but capital is accumulating amongst us. This must shortly seek investment in manufactures, and as these are established and prosper, our population and wealth will increase still more rapidly.

Yet, as I have said, agriculture will, for many years to come, and I think for all time, be the leading pursuit of our people and our greatest source of wealth. We have in our state substantially no waste or untillable land. Our soil is fertile and easy of cultivation beyond even the conception of those who have not seen and tried it; and, what seems incredible to the people of the Eastern States, our uplands are as fertile and easy of cultivation as the bottom lands of our streams. Our winters are at times severe, but our climate is eminently healthful. The wealth of a state is at last measured by its population, and I feel entirely safe in saying that no state in our Union of equal area can support from its own resources a population as large as can draw a bountiful living from our soil.

Senators and Representatives: To you for the time being has been committed the grateful task of guarding and fostering the well-being of our State so far as the same may be affected by the law making power. Yours is a post of great honor and great responsibility. My predecessor has laid before you, in detail, such information as his position has enabled him to acquire and such recommendations as his judgment and experience have suggested to him. They will doubtless receive your careful consideration. Coming as I do, like yourselves, fresh from private life, and having no means of procuring information not open to all of you as to the condition and wants of the state, it can not reasonably be expected that I shall bring to your notice questions other than those of the most general interest, or that I shall discuss them except in the most general way.

The subject of general education has been, and must con-

tinue to be, one of great interest. The intelligence of our people measures, to a large extent, the wisdom of the laws under which we live, and also of the administration of those laws. It likewise, to a great degree, measures the rapidity of our growth in wealth, for the reason that all pursuits which yield wealth are productive in proportion to the degree of intelligence with which they are managed. Aside from these obvious and powerful reasons for providing the means of education for all the youth of the state, there is another reason, less obvious perhaps, but certainly important. Our population comes from all parts of our own country and from almost all the nations of Europe, and all are alike welcome. Many of those of foreign birth come to us in mature years, with their manners and customs, their habits and sentiments, formed and fixed by the surroundings of their childhood and youth. It cannot be expected, that they will, to any great degree, change their own for our manners and customs, our habits and sentiments; but it may be expected, and it is certainly desirable, that their children and our children shall so far as possible be combined into one mass with manners, customs, habits, and sentiments, partaking perhaps to some extent, of the characteristics of the different nationalities, but alike, and in the main American.

The common school, bringing together the children of the native-born and foreign-born in the same school-room, engaging them together in the same studies, mingling them together in the same sports and pastimes, will be a potent means to bring about this desired result, and to make of all our nationalities one people.

Fears have of late been freely expressed in certain states,

and to some extent in our own, that it is a settled purpose with some to divert the school-fund from its legitimate object, and use it, at least partially, for the maintenance of private and sectarian schools, and thus eventually to destroy the school system. I hope this is a groundless fear, or, that if such purpose has been entertained, it will be abandoned. Persistence in it will certainly place those engaged in it in direct hostility to the settled and cherished policy of the state, and it is worthy their grave consideration whether they shall assume that attitude. It belongs to you to inquire whether any ground exists for the fears I have indicated as subsisting; and if so to do what may be needed to guard against any probable or possible danger.

It is found to be a part of the criminal law of the state that a person convicted of crime, after a fair and impartial trial in the proper court, may have his conviction set aside because of some informality or irregularity in the formation of the grand jury by which the indictment against him was presented. I consider this a serious defect in our criminal law, and recommend that the statute be so changed that upon the impaneling of grand juries the proper officers shall certify of record to the regularity of all the proceedings, and that such certificate should be conclusive.

I also recommend to your careful consideration the question whether it would not be wise to repeal the provisions of the criminal law which require that the evidence given before the grand jury on which an indictment has been found, with the names of the witnesses giving it, and also the names of any other witnesses the attorney for the state may intend to produce on the trial, with the substance of

the evidence expected from each, shall be furnished to the party accused before trial. I do not think such provisions necessary for the protection of an innocent person accused of crime, and I am confident that they are often the means by which guilty parties escape conviction and punishment.

The question of cheap transportation is one of great importance to our people. Our surplus products are generally bulky and heavy in proportion to their value, and the cost of transportation makes a large percentage of the price we receive for them. Before the advent of railroads all the internal transportation and travel of the country was done on common highways, turnpikes, navigable rivers, and canals. All these were open to all. Any person could place on the land-lines his wagon, or on the water-lines his boat, and engage in the business of carrying persons and property. Since the building of railroads all this is changed. Now a large part of the internal transportation, and substantially all the travel, of the country are done by rail, and undoubtedly better done and more speedily than by the old method. But with the new system another important change has been brought about. Combination has taken the place of competition. No one is allowed to engage in carrying persons and property over the railroads except those who own or lease the lines; while those who own or lease what should be, and what were intended to be, competing lines, by combining among themselves, destroy competition. The result is, that, unless the people can in some way prevent it, the companies controlling the main through lines of railroad have it in their power to fix the price of carrying persons and property at just such sum as, in their

own judgment of what is to their own interest, seems to them proper. To-day, four gentlemen in Chicago, representing the four through lines of railroad from that city to the Missouri river, can, at their own will and pleasure, add to or take from the value of every bushel of grain and of every head of live stock in the state of Iowa. The same condition of affairs obtains in Chicago with the four main lines leading to Baltimore, Philadelphia, and New York.

This state of things, the knowledge that this power was claimed and exercised by the railroad companies, has for a few years past challenged the close attention of the country and legislation has been invoked to protect the people from the abuses and extortions practiced by these corporations. At the last session of the General Assembly of this state, a law was passed intended to limit and control, to some extent, the privileges and powers of railroad companies.

The purpose of this law is to fix rates, beyond which they shall not charge for carrying passengers and freight; but, as I understand, the law was only designed to operate within the limits of our own state, because it has been supposed the state has not the power to limit or control the charges for carrying outside the state limits.

The states of Illinois, Wisconsin, and Minnesota have passed similar laws. In this state some of the railroad companies have promptly complied with the requirements of the law. Others have resisted it and carried the matter into the United States courts, claiming that the state has not the power to limit, even within its own boundary, their charges as carriers, and similar suits have been brought in the other states named.

These suits have been in all cases, I believe, decided in favor of the validity of the state law—certainly so in this state,—and are now pending for final decision and soon to be decided in the supreme court of the United States.

The law of this State must of necessity have been to a great extent experimental. The subject was a new one; it involved many difficult questions and much of detail. I recommend to you a careful examination of the law in the light of the experience of its effects since its adoption. If you shall find that in any of its provisions it works unjustly and unfairly to the railroad companies, or that it fails to afford to the people that degree of protection to which they are fairly and justly entitled, such defects should be remedied. I do not recommend the repeal of the law. On the contrary, I advocate its retention on our statute-books with such amendments as your wisdom may suggest as calculated to do justice, both to the people and to the railroad companies. I also recommend to you a careful examination of the question whether you cannot by law prevent the combination among what should be competing lines, to which I have already alluded.

I also recommend the appointment of a board of railroad commissioners, whose duty, among other things, it shall be to collect and lay before the General Assembly at each regular session such information in regard to the railroads of the state as will enable future General Assemblies to act with reference to them with a knowledge of many particulars that cannot be otherwise obtained. I think it important that the question of the power of the states to limit the charges of railroad companies within their respective bound-

aries, and the power of congress to limit such charges on inter-state trade, shall be settled by the Supreme Court of the United States, so that, in case this power shall be held to reside in the state and national authorities respectively, we may go on and perfect such legislation as may be found necessary and proper for ourselves, and the federal congress be urged to exercise its authority in the prevention of abuses in the great carrying trade of the country.

Various modes have been suggested by which the public interest can be protected in this regard, if it shall be found we cannot do so by statutory enactment. Among these, the opening up, by the general government, of lines of water communication through the country, and the building of one or more trunk lines of freight railroads the use of which shall be open to all, have been advocated. Either of these plans would involve the expenditure of more money than our government is now well prepared to spend. But, if in no other way the end can be gained, this difficulty will be overcome.

Let us examine this question in all its parts, calmly and carefully, without passion and without prejudice. Our people are not hostile to railroads or railroad companies. On the contrary, we appreciate fully and concede freely the great benefits our state has gained from these works, and we have always contributed freely of our means to their prosecution. We know, too, that our future prosperity depends largely upon their maintenance and success. But to the claim of their managers that they, like other business men, must be allowed to manage their business affairs in their own way, without interference or dictation by the state, we answer:

First, that their business so directly and vitally affects the interest of every citizen, that it is the duty of the state to see to it that the privileges granted to them for the public good, and the power they claim to have, are not abused to the public injury; and, second, that they do not manage their business affairs in the same way as other business men do. I think I am safe in saying that if the managers of these roads will, in fact and in good faith, abandon the system of combination, if the companies will depend for success, as other business enterprises do, upon the skill and courtesy of their agents, upon the facilities they offer for the transaction of their business, and upon the cheapness with which they can do it, they will find active and earnest friendship instead of jealousy and hostility, and that in their case, as in all others, the right way to do anything is the best way to do it.

When, twelve years ago, I retired from the office the duties of which I am again about to assume, our country was convulsed by civil war, brought on by the most causeless rebellion the world has ever known. That struggle has happily ended, and the difficult and delicate task of restoring to their proper places the states and the people who sought the overthrow of our government has been accomplished. The bitterness and angry feeling caused by that conflict have in a great measure subsided, and it is the part of wisdom not to revive them. But we must not forget that in that terrible contest there was a right side and a wrong side; that either we who fought for the preservation of the Union were right and they who fought for its destruction were wrong; or that they were right and we were wrong; and we

should see to it that when we have passed away those who will follow us in the care and control of the government which at so great cost we have saved and bequeathed to them, shall have from us at least correct teaching on that point. We should so shape our course and conduct as to show them unmistakably that we knew and recognized the distinction between loyalty and treason, that we loved the one and hated the other, that one brought honor, the other disgrace. We should make sure, so far as we can make sure, that their reverence and love shall be given to Lincoln and Grant and Sherman and Thomas and Sheridan, and not to Davis and Lee and Johnson and Beauregard and Forrest. To do this we must show them that our love and honor are given to the men who, in council and in action, labored for the preservation of the Union, and not for those who plotted and fought for its destruction. I have sometimes feared that in our extreme desire for peace and conciliation we have failed to keep this consideration properly in view.

The political situation at the seat of our national government is at this time interesting and peculiar. The political party which administered the government during the rebellion and succeeded in suppressing that rebellion still controls one branch of the national legislature. The other, the popular branch, the House of Representatives, is controlled by a party of which men who were actual and active rebels compose a powerful minority, if not a controlling majority.

The centennial year of our national existence will be made remarkable by a determined struggle for the control of our government in all its political branches by a party composed of those who a few years since used every effort to destroy

it and of those who during the struggle for its preservation opposed all effort to preserve it. This condition of things furnishes food for grave reflection.

The financial condition of the country is not so favorable as we could desire, but perhaps as much as we can reasonably expect. We borrowed during the civil war, and in consequence of it, nearly or quite three thousand millions of dollars, and spent the money, as all nations must in war times, lavishly. A million or more of men in both armies were withdrawn from productive pursuits and were engaged in consuming and destroying the products of the labor of those not in the field. The government bought our products with bonds and paper money at high prices, and we had during the war, and for a short time after its close, what many of us called good times, but our then good times, were good only in the sense that an individual would have good times who should mortgage his property heavily and spend the money in extravagant living. The money raised by us on our national mortgage was spent rapidly and lavishly. We received for it, it is true, that boon of priceless value, a restored Union; but did not secure anything of marketable money value. In the latter sense the money spent was lost. The so-called good times caused extravagance in expenditure by the national government, by the state and municipal governments, and by ourselves individually. When at last the time came that the money was spent, that our soldiers returned to their homes and became producers instead of consumers, that the government was no longer the purchaser of our surplus products and we were obliged to commence the process of paying instead of contin-

uing the more easy one of spending,—the times began to grow hard. The first interest to feel the pressure was that of agriculture, the leading one of our state. Our surplus products, increased by the labor of our returned soldiers, and no longer needed for the support of our armies, had to seek a market abroad, and their value there was measured by the standard of the world's currency—coin.

The consequence was a great and rapid decline in the prices of all we had to sell. The prices of all we had to buy did not decrease in proportion. The manufacturers and others undertook the hopeless task of keeping the prices of their products and their labor above a proper relation to the prices of products, and for a time succeeded. The result to us was at first disastrous; but the evil worked out its own cure. Our ability to buy was limited by the amount we received for our surplus products, and by the prices we had to pay for the goods we wished to purchase. We necessarily bought less, and the manufacturers found themselves compelled to carry large stocks of unsold goods. Slowly but surely the laws of trade asserted their power. The prices of what we wished to buy, in most cases, fell to a proper proportion to the prices of what we had to sell, in some cases below that proportion, and the pressure upon us was lightened and transferred to those not engaged in agricultural pursuits. As we were the first to suffer so we have been the first to get relief. We are doing reasonably well,—our state is fairly prosperous; God has blessed our labors with fair returns; we buy at fair prices what we need, and get fair prices for what we sell. The process of adjusting the business of the country to the changed order of things

is going on gradually and steadily, and if that process shall not be disturbed we may soon confidently expect renewed activity and prosperity throughout the land. Some of our people, remembering the era of apparent prosperity caused by the war prices, are disposed to establish another such era by placing a second mortgage on the national farm in a new and abundant issue of paper-money. This would, in my judgment, be a great misfortune. It might, for a short time, produce a feverish activity and a temporary advance in prices, but this activity would be unhealthy and disastrous, and as surely as day and night follow each other, so surely the inevitable result must ensue, and we would soon be called upon to endure again the troubles from which we are now so happily emerging. It seems to me the course we should pursue is plain and clear. We owe a heavy national debt. That debt was incurred for a most worthy object which has been happily effected. As honest men we must pay it. To that end we must practice industry, thrift, and economy, for the reason that by these means, and these means only, can we prosper. We must insist upon strict and rigid economy in administering the affairs of the national government, and of our state government, and we must practice the same economy in our private affairs. This is the way, a sure way, and the only way to certain and permanent prosperity.

Senators and Representatives: Much of your legislative work will, under the constitution, begin to have force and effect with the republic's new century. Let us be inspired by this consideration to make our actions worthy of the illustrious following in which we find ourselves. The America and the Iowa of to-day tell how well those who have gone

before us have done their part in the council, in the field, on the farm, in the mine, on the bench of the mechanic, and in the mart of trade. But to do as well as they have done, we must do better. With the benefit of their experience as well as that of all the ages before them, in the fruition of their labors which they themselves were not permitted to enjoy, in a day of superior intellectual light, we must do our work. While our opportunity is enlarged, our responsibility is vastly increased. How we use that opportunity, and how we meet that responsibility, will be best judged by those who will stand in our places in the years to come; and if we may look so far forward as to the end of another century of American history let us hope that he who will then stand in my stead in the palace now rising on the fair hill that overlooks the beautiful capital of Iowa, shall say of us that we honestly tried to do all our duty, and the people's acclaim shall be, "They did it well."

SAMUEL J. KIRKWOOD.

SPECIAL MESSAGES

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 24, 1876

From the Journal of the Senate, p. 58

DES MOINES, JANUARY 24, 1876.

Gentlemen of the Senate and House of Representatives:

I desire to call your attention to a question which arises at each recurring election by the General Assembly of managers of the various State Institutions, namely: as to when the terms of office of those managers respectively commence. At present the dates when the Trustees of the Agricultural College and those of the Hospitals for the Insane, respectively take office, only are defined: the former being the first day of May, and the latter on the fourth day of July. A joint resolution, adopted in 1872, fixed the first day of April as the date when the term of the Warden of the Penitentiary should commence; but, as the Code of the following year re-enacts the former law without the modification contemplated by that resolution, it is very doubtful whether the latter is now of force.

It seems to me desirable that, with reference to these agents of the State, there should be the same definiteness in this respect as obtains with regard to other state officers.

SAMUEL J. KIRKWOOD.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 24, 1876

From the Journal of the Senate, p. 54

Gentlemen of the Senate and House of Representatives:

I transmit herewith the report of Hon. Robert Lowry of the United States Centennial Commission, to which, and to the printed report of the Iowa Board of Centennial Managers, already before you, I ask your attention. The growth of our State in population and wealth, must for many years to come, depend largely upon immigration. We seek and welcome immigrants from all the States of our nation, and from all the nations of the civilized world. We offer perhaps more surely than any other portion of our country, certain and bountiful facilities for comfortable living to all coming among us who are willing to work.

A creditable showing at the Centennial Exhibition of the capabilities of our State may do much to bring immigrants among us, and our failure in that regard may work us injury. Aside from this consideration, a proper degree of State pride should lead us to make sure that such of our citizens as may visit the exhibition shall not have cause to feel ashamed of the position our State will occupy there.

I therefore recommend that you make such appropriation as will enable those who may be charged with procuring and exhibiting the products of Iowa, to do so in a plain, economical, but proper manner. I also recommend that you cause to be printed for free distribution at the exhibition a large edition,—say five thousand copies, of our census

report for 1875; or a full summary thereof, for the reason that much information as to the wealth, productiveness, resources, and growth of the State (in convenient form for examination and preservation) would thereby be imparted.

SAMUEL J. KIRKWOOD.

EXECUTIVE OFFICE, January 24, 1876.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

FEBRUARY 8, 1876

*From MS. Copy of Executive Journal, 1876, (Miscellaneous) p. 404
—in the Office of the Governor, Des Moines*

Transmitted to the General Assembly the following, with accompanying papers.

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, February 8, 1876.

Gentlemen of the Senate and House of Representatives:

I transmit herewith for the consideration of the General Assembly the annual report of the Secretary of the State Agricultural Society.

This document contains the mass of information usual with the reports of this officer, and is an interesting presentation of facts concerning the agricultural products and resources of the State. Of the value of these reports I need not speak; the series have been before the people too long to require any laudation. This report, it will be remembered, comprises the introductory part of the annual publication of the Society proceedings, and is there accompanied

with essays upon various topics of interest to the farmer. For the publication of this compilation, provision is made by law; but it has been the custom also to publish the Secretary's report proper at the same time as those of the institutions more directly under the control of the State, in order that its facts may be presented to the people at an earlier day, and in more convenient form than the full volume would offer. I suggest, therefore, that the General Assembly provide for the printing of an earlier edition of this document—say the same number as of the other documents.

I also invite your attention to the suggestions of the Secretary in relation to the needs of the Society, and ask that the General Assembly consider the same in conjunction with the work which the Agricultural Society has done, and is calculated to do in the future, for the development of the material interests of the State.

SAMUEL J. KIRKWOOD.

TO THE GENERAL ASSEMBLY

FEBRUARY 23, 1876

*From MS. Copy of Executive Journal, 1876, (Miscellaneous) p. 405
— in the Office of the Governor, Des Moines*

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, February 23, 1876.

I herewith transmit for your consideration, a communication from the Prison-Labor Commission touching the contracts for prison-labor, and the prices for such labor.

It is evident that if this labor cannot be let at the prices

now fixed by law, authority should be given to let it at such prices as can be had, or it must remain unemployed unless some provision be made under which it can be used by the State.

I suggest the inquiry whether a greater amount of labor may not be profitably employed at the prison at Anamosa.

S. J. KIRKWOOD.

TO THE SENATE AND HOUSE OF REPRESENTATIVES

MARCH 10, 1876

*From MS. Copy of Executive Journal, 1876, (Miscellaneous) p. 411
—in the Office of the Governor, Des Moines*

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, March 10th. 1876.

To the Senate and House of Representatives:

I transmit herewith copies of a petition for, and a remonstrance against, the pardon of Lewis Weirich, convicted at the March term, 1873, of the District Court in and for the county of Harrison, of the crime of murder in the first degree, and sentenced upon such conviction, to the Penitentiary of the State for life, which sentence he is now undergoing in the Penitentiary at Fort Madison.

Under the provisions of Section 4712 of the Code, I cannot grant a pardon in this case, until after I "have presented the matter to, and obtained the advice thereon of the General Assembly." I therefore transmit these papers to you, that you may make such recommendations or take such action in the matter, as in your judgment may seem proper.

SAMUEL J. KIRKWOOD.

PROCLAMATIONS

ON THE CENTENNIAL ANNIVERSARY

MAY 11, 1876

*From MS. Copy of Executive Journal, 1876, (Miscellaneous) p. 622
—in the Office of the Governor, Des Moines*

To the People of the State of Iowa:

The Congress of the United States having in view a commemoration of the approaching Anniversary of National Independence that shall fitly and worthily close the first century of American history, has adopted a resolution, which has been brought to my notice by the Secretary of State of the United States in the following communication:

DEPARTMENT OF STATE,
WASHINGTON, April 15th, 1876.

To His Excellency, the Governor of the State of Iowa:

SIR: I have the honor to inclose herewith, for your information, a copy of a Joint Resolution of the Senate and House of Representatives, approved by the President on the 13th of March last, recommending to the people of the United States the adoption of measures to obtain records of the progress of our institutions during the first century of their existence.

It has been deemed proper to bring the joint resolution in question to the notice of the Governors of the several States.

I have the honor to be,

Your Excellency's obedient servant,

JOHN L. CADWALADER, Acting Secretary.

JOINT RESOLUTION ON THE CELEBRATION OF THE CENTENNIAL IN
THE SEVERAL COUNTIES OR TOWNS

Be it resolved by the Senate and House of Representatives of the United States in Congress assembled, That it be, and is hereby, recommended by the Senate and House of Representatives to the people of the several States that they assemble in their several counties or towns on the approaching Centennial Anniversary of our National Independence, and that they cause to have delivered on such day a historical sketch of said county or town from its formation, and that a copy of said sketch may be filed, in print or manuscript, in the Clerk's office of said county, and an additional copy, in print or manuscript, be filed in the office of the Librarian of Congress, to the intent that a complete record may thus be obtained of the progress of our institutions during the First Centennial of their existence.

Approved March 13, 1876.

I take pleasure in calling the attention of the people to this Congressional recommendation, and in bespeaking for it responsive action. We are very happily situated to carry out its object. Our history, eventful as it has been, can be told by men who have witnessed it all, and indeed helped make it. The desired sketches of many of our counties, towns, and townships can be made by such persons, while they can furnish material for all of them.

It is suggested that narratives be prepared and read on the day designated:

1. Of the several counties;
2. Of the several townships;
3. Of the several cities and towns;

And that one copy of each be transmitted to the Congressional Library, one to the State Library at Des Moines,

and one to the State Historical Society at Iowa City, and one filed with the Auditor of the County.

The value of the information thus amassed would be materially augmented could it be supplemented with other sketches; such for instance, as:

4. Of school-districts under both present and former organizations;

5. Of colleges, academies, and other private institutions of learning;

6. Of the various church organizations of the State;

7. Of the missionary, benevolent, literary, scientific, and fraternal associations;

8. Of agricultural progress, including histories of State and County Societies;

9. Of the manufacturing interests, including notices of organizations for furthering the same;

10. Of the mining interests;

11. Of the mercantile interests;

12. Of the several professions.

And, in short, of all enterprises or occupations whose history may in any manner illustrate the development of the resources of the State, its past progress, and its present condition.

It is suggested that the last named sketches be presented to the associations of bodies interested for their information at such times as may suit their convenience, and copies sent to the State Library and the State Historical Society, and also to the central authority of the association, denomination, or order in cases where individual societies are thus connected.

It is recommended that appointments be made at an early day of proper persons to prepare the sketches, so as to afford all the time practicable for such preparation.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa. Done at Des Moines this eleventh day of May, in the year of our Lord one thousand eight hundred and seventy-six, of the republic the one hundredth, and of the State the thirtieth.

SAMUEL J. KIRKWOOD.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

OFFERING A REWARD

AUGUST 10, 1876

From Copy in the Office of the Secretary of State, Des Moines

Whereas, On the fourteenth day of July ultimo the dead body of Theodor Stonaker was found in the county of Cass, under circumstances indicating that he had come to his death by murder; and

Whereas, The person or persons who committed such murder are to the authorities unknown:

Now, therefore, I, Samuel J. Kirkwood, Governor of the State of Iowa, do hereby offer a reward of

FIVE HUNDRED DOLLARS

For the arrest and delivery to the proper authorities of

the person or persons guilty of such crime, to be paid upon conviction.

In testimony whereof, I have hereunto set my hand and caused to be affixed the great seal of the
(Seal) State of Iowa, at Des Moines the Seat of the government thereof, this tenth day of August, A. D. 1876.

SAMUEL J. KIRKWOOD.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

ON THE GENERAL ELECTION

OCTOBER 2, 1876

From MS. Copy of Executive Register, Vol. III, p. 308—in the Office of the Secretary of State, Des Moines

PURSUANT TO LAW, I, SAMUEL J. KIRKWOOD, Governor of the State of Iowa, do hereby proclaim that at the General Election, to be held on the

“TUESDAY NEXT AFTER THE FIRST MONDAY IN NOVEMBER”

A. D. 1876,

the offices hereinafter named are to be filled by vote of all the electors in the State and of those of the several districts designated, to-wit:

By vote of all the Electors of the State:

The office of Elector of President and Vice-President of the United States, to be filled by the choice of eleven electors, at least one of whom shall be an “inhabitant of

each Congressional District into which the State is divided;" and "each ballot" to designate "against the name of each person" voted for, "the number of the congressional district to which he belongs."

The office of Judge of the Supreme Court for the full term commencing January 1, 1877.

The office of Judge of the Supreme Court, "to fill the unexpired portion of the vacancy" created by chapter Seven of the Acts of the Sixteenth General Assembly.

The office of Judge of the Supreme Court, made vacant by the resignation of Chester C. Cole.

The office of Secretary of State.

The office of Auditor of State.

The office of Treasurer of State.

The office of Register of the State Land Office.

The office of Attorney-General.

The office of Superintendent of Public Instruction, made vacant by the resignation of Alonzo Abernethy.

By vote of the Electors of the several Judicial Districts and also of those especially named below:

The office of Circuit Judge in each of said Judicial Districts.

The offices of Judge of the District Court and District-Attorney in the Twelfth and Thirteenth Judicial Districts.

The offices of Judge of the District Court and District-Attorney in the Fourteenth Judicial District, in accordance with Chapter Fifty-Six of the Acts of the Sixteenth General Assembly.

By vote of the Electors of the several Congressional Districts:

The office of Representative in Congress from each of said districts.

Whereof all electors throughout the State and the districts especially designated, will take due notice, and the Sheriffs of the several counties will take official notice, and be governed accordingly.

And I do further proclaim, and give notice, that on the day of said General Election the offices named below, having become vacant, are to be filled by vote of the electors of the several districts and counties mentioned respectively:

The office of Judge of the District Court in the Eighth Judicial District, to fill a vacancy occasioned by the resignation of James H. Rothrock.

The office of Senator in the General Assembly from the Twenty-Eighth District, (formerly the Thirty-Third District,) to-wit: the county of Benton, to fill a vacancy occasioned by the resignation of John Shane.

The office of Senator in the General Assembly from the Forty-Sixth District, (formerly the Forty-Third District,) to-wit: the counties of Butler, Floyd, and Mitchell,—to fill a vacancy occasioned by the death of Arad Hitchcock.

The office of Representative in the General Assembly from the county of Mahaska, to fill a vacancy occasioned by the resignation of William H. SeEVERS.

Whereof all electors throughout the districts and counties designated will take due notice, and whereof the Sheriffs of the several counties therein will take official notice and be governed accordingly.

Polls open at NINE o'clock A. M. and close not earlier than SIX o'clock P. M., nor later than NINE o'clock P. M.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and caused to be affixed the GREAT SEAL
(L. S.) of the State of Iowa.

Done at Des Moines this second day of October, in the year of our Lord one thousand eight hundred and seventy-six; of the State of Iowa the thirtieth, and of the independence of the United States the one hundred and first.

SAMUEL J. KIRKWOOD.

By the Governor:

JOSIAH T. YOUNG, Secretary State.

ON THANKSGIVING

NOVEMBER 3, 1876

*From MS. Copy of Executive Journal, 1876, (Miscellaneous) p. 438
—in the Office of the Governor, Des Moines*

In compliance with the custom established by our Fathers and so often repeated by their grateful children, I request the people of this State to observe

THURSDAY, THE THIRTIETH DAY OF NOVEMBER,

As a day of thanksgiving and praise. And I do earnestly recommend that, we as a people, cease from our accustomed pursuits and rest from the turmoil of our daily lives in reverential acknowledgment of our dependence upon the mercy and goodness of Divine Providence.

It is befitting that in this particular year we should renew our covenant with Almighty God and render all praise for

the blessings of a free government; for the continued prosperity of our State and Nation; for the blessings of peace and our exemption from pestilence, famine, or other national calamity; for our progress in knowledge and liberal Christian sentiments; for the generous manner in which the earth has responded to the labor of the husbandman; for the substantial increase of industrial enterprises; and for the increasing evidence of our advancement in all that pertains to State and National greatness.

Let us, therefore, on that day assemble at our customary places of public worship, or gather around the family circle, and banish from our hearts all malice and uncharitableness, dedicate ourselves anew to charity and good works; that we may through the influence of such sentiments be better prepared to perform every duty to God and our fellow-men; resist all evil, overcome all temptations and become more devoted to every christian and patriotic duty.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

(Seal) Done at the city of Des Moines this third day of November, in the year of our Lord one thousand eight hundred and seventy six, and the independence of the United States the one hundred and first, and of the State of Iowa the thirtieth.

(Signed) SAMUEL J. KIRKWOOD.

By the Governor:

(Signed) JOSIAH T. YOUNG, Secretary of State.

GOVERNOR JOSHUA GIDDINGS NEWBOLD



BIOGRAPHICAL SKETCH

Joshua Giddings Newbold was elected Lieutenant Governor of Iowa at the same time that Mr. Kirkwood was chosen Governor of the State for a third term. The following extract from the *Executive Journal* (Miscellaneous, 1876,) appears under the date of February 1, 1877.

“Upon this day, Samuel J. Kirkwood, having been elected [January 19, 1876] a Senator of the United States for six years from the fourth day of March, [1877] vacated the office of Governor of the State of Iowa, whereupon, in accordance with the constitution, Joshua G. Newbold, the Lieutenant Governor, assumed the discharge of the duties of the office of Governor. Although not believing it necessary, yet, to remove all possibility of doubt, Lieut. Governor Newbold took the oath of Governor, the same being administered by Edward J. Holmes, Clerk of the Supreme Court.”

Mr. Newbold was born in Fayette County, Pennsylvania, on May 12, 1830. He was of English descent, and his ancestors were Quakers. In March, 1854, Mr. Newbold came to Iowa and settled on a farm which has since become a part of Mt. Pleasant in Henry County. At the time of his election as Lieutenant Governor he resided at Hilsboro, Henry County.

Prior to his election to the office of Lieutenant Governor, Mr. Newbold had represented his county in the 13th, 14th, and 15th General Assemblies. After serving as Governor

in 1877, he was elected to a seat in the 18th General Assembly. During the Civil War he was Captain of Company C, 25th Iowa Infantry. Late in life he served as Mayor of Mt. Pleasant. He died on June 10, 1903, and was buried at Mt. Pleasant.

BIENNIAL MESSAGE

JANUARY 15, 1878

From the Iowa Legislative Documents for 1878, Vol. I

Gentlemen of the Senate and House of Representatives:

The general assembly having at its last session elected the distinguished citizen who then occupied the office of governor to the senate of the United States, that gentleman resigned the office to take effect February 1st, 1877, whereupon its powers and duties devolved upon myself as the Lieutenant Governor. It therefore becomes my duty on this occasion to communicate "to the General Assembly the condition of the state, and to recommend such matters as I may deem expedient."

You assemble under circumstances rather more auspicious than those which greeted your predecessors, although the biennial term has had its deep shadows as well as its bright side. The state has been freer during the term from the insect scourge which had wrought so much devastation formerly than for several previous years, and during the year just closed it has almost entirely disappeared, let us hope permanently. Except in some parts of southeastern Iowa, the past year has been one of bountiful crops and wealth-bringing harvests.

FINANCES.

The reports of the auditor and treasurer of state make, I regret to say, a very unsatisfactory showing of the financial

condition of the State. The fiscal term began with a balance in the general revenue of \$3,114.66. The receipts into the treasury during the term were \$1,983,470.65, and the expenditures \$1,986,559.75. Deducting the excess from the balance of two years previous, we have \$25.56 cash in the general revenue. In the last biennial message of the governor, he stated, on the auditor's authority, that there might reasonably be expected, during the term, \$1,962,000 of receipts, to meet \$1,553,927 of expenditures already provided for by law, leaving \$408,073 to be used for special purposes. The appropriations made by the Sixteenth General Assembly overstepped this margin to the extent of nearly \$300,000. The result was that at the close of the fiscal term there were \$267,776.31 of outstanding warrants. Deducting therefrom the cash on hand, we find the state with a floating debt of \$267,750.75, which has since been increased until it reached, on the 5th instant, the enormous amount of \$340,826.56, more than \$90,000 in excess of the constitutional limitation of indebtedness, to say nothing of the funded debt. This is a condition of affairs without a parallel in the history of the state. At the close of the previous term, the net floating debt was \$20,890.87. The commonwealth ought not to set an example of dilatoriness in meeting its obligations. Of all forms of indebtedness, that of a floating character is the most objectionable. The uncertainty as to its amount will invariably enter into any computation made by persons contracting with the state for supplies, material, or labor. To remove the present difficulty, and to avert its recurrence, I look upon as the most important work that will demand your attention.

The funded debt of the state is comprised of \$300,000 war and defense bonds, due July, 1881, and \$243,056.15 owing to the school fund, together drawing during the term, \$83,541.16 interest. The interest paid on the floating debt for the same time was \$10,524.71, and from the 1st of October last to the 7th inst., inclusive, \$2,253.85 more was paid. Several thousand dollars should also be added to the state's expenditures by reason of discount, paid by the various institutions, on state warrants.

The auditor estimates the receipts of the term now begun at \$2,092,000, and the expenditures for purposes contemplated by existing statutes at \$1,745,660, the excess of receipts being \$346,340—only a trifle more than the sum of the outstanding warrants. The legislature, at almost every session, finds it necessary to increase to a greater or less extent the ordinary expenditures of the state, and it is not improbable you also will find such action necessary. The amounts thus voted will doubtless absorb all the surplus to be derived from the present tax-levy. Of course, if the general assembly shall deem it wise that no new public buildings be commenced, nor greater acceleration be given to the completion of those now in process of erection, the anticipated revenues of the present term will perhaps be sufficient for all the ordinary and established purposes of the state government, as well as to meet its present unfunded liabilities, although interest on warrants must continue to be paid for several months to come. But I am of the opinion the general assembly will not be satisfied that the state's interests are to be subserved by a failure to make suitable appropriations for the erection and completion of needed pub-

lic buildings, and for the maintenance of our charitable and educational institutions. If such be the case, means must be provided to meet the enhanced expenditure that may be authorized, and this can only be done by an increased levy, or by borrowing money. The latter would seem to be out of the question until at least the debt shall have been brought within the constitutional limitation. In my judgment experience has shown that the reduction of the maximum amount of the state levy to two mills, made by the code, was an error. The receipts from the tax-levy at this rate, with interest on taxes, will fall at least fifty thousand dollars short of meeting the ordinary expenses of the state, including the annual appropriation for the new capitol, leaving the other sources of revenue—the insurance, the taxes, the insane dues, the fees, &c.,—to make up the balance, and meet additional expenditures the State may undertake. The receipts from these items, during the past two years, aggregated \$323,421.73. The general assembly has for several years appropriated from \$100,000 to \$500,000 in excess of this sum. Prior to the adoption of the code, the two and a half mills did not much more than meet all demands after the expenses of the war had been reimbursed to the state. I am clearly of the opinion that the maximum rate should be increased; and that it ought also to be sufficiently high to permit of at least half a mill more for the levy immediately preceding the legislative session, than for the other of the biennial period. I observe that our sister state of Illinois adjusts its levies so as to raise one-third more revenue for the legislative year than for the other year of the term. In our own state, the expenses of our legislative session, in-

cluding additional printing and binding, and the special appropriations made to be paid immediately, would absorb almost if not quite all of such additional rate.

Another suggestion has been made towards closing the financial chasm before us, which is to increase the gross valuation by legislative act. That the present is far below the real valuation is manifest. Were it doubled it would represent not more than the truth, taking the state throughout. But, on the other hand, there are parts of the state where the assessed and true valuations are alike or nearly so. Of course these could not be raised without injustice, and it would seem difficult to make the increase by law except uniformly. Again, it has been suggested that, immediately after the adjournment of the general assembly, the executive council be required to apportion among the counties, according to their respective valuations, the sum necessary to support the state government during the two years, based upon the amounts authorized by the general assembly, and that each county shall make proportionate payments at set times. This plan has undoubted merit. The amount to be raised would be known with reasonable certainty, and there would be no unusually large accumulation of funds in the state treasury at one time. Whatever the general assembly may determine to do, to my mind it is indispensable to the State's credit that the entire surplus of the present year be devoted to paying off the floating debt. In no other way can that incumbrance be removed. For such extraordinary appropriations as shall be deemed necessary, an additional levy may be authorized to be collected in 1879.

The suggestions made by the auditor, in relation to the

assessment of property, both real and personal, to the taxation of telegraph and transportation companies, to charging the counties the full amount of tax-levies, and to insurance and banking organizations, I fully concur in. That the counties should be charged the whole amount of the state levy has been repeatedly recommended in the messages of my predecessors, and I renew the same, firmly persuaded as I am that every year's experience continuously demonstrates the unbusiness-like character of the present mode of keeping the revenue accounts with the counties.

The inequalities of the personal property valuations of the several counties suggest to my mind the propriety of so adjusting the state's levy as to require the counties to pay into the state treasury only the tax on realty, leaving the corresponding tax on personalty in the county treasury. This would rest with each county the adjustment of its personal property valuations, without fear that they might be so high as to work injustice to itself in comparison with other counties.

The recommendation of the auditor for semi-annual payments of taxes meets my hearty approval. Annual payments accumulate large sums of money in the county or other local treasuries, to the detriment of business generally where the law which forbids its use by treasurers is observed, and to the general disregard of law and the debauching of official morality where it is not.

The transmission of funds to the state treasury is a source of constant perplexity to the financial officers of the state. In my judgment matters would be very much simplified if the state had a depository at some financial center, to which

all drafts might be sent for collection, and drafts upon which would always be at par. The state should be at no expense on account of transmitting funds to the treasury; each county can make the transfer on better terms than the state can.

I commend to your consideration the suggestion of the treasurer of state, that the small amount of the swamp-land indemnity-fund, which has been retained from some of the counties towards reimbursing the state on account of its outlay in securing the adjustment of these claims, be turned over to the counties severally. Many of the counties have received their full amount of this money; and of those which have not, it is difficult to say how much the state agents furthered the adjustment of their claims.

PUBLIC LANDS.

The report of the register of the state land-office gives a concise and valuable history of the various land-grants to the state for all purposes, to which I invite your attention, as well as to that officer's recommendations, in which I unite, that provision be made for confirmation of title where lands are conveyed to persons who are subsequently ascertained to be deceased at the time of conveyance; and that tracts held as swamp-lands, but ascertained to be not such, may be certified to railroad companies entitled to them. Such lands have, in many cases, been sold by the companies to settlers who have improvements thereon, and are anxious to have their titles completed.

Chapter 96, of the acts of 1876, which contemplated the completion of the McGregor & Missouri railway to a junc-

tion with the Sioux City & St. Paul R. R., has proved entirely ineffectual towards accomplishing its object. The lands thereby granted are, therefore, again subject to the disposal of the general assembly. The Sioux City & St. Paul railroad remains uncompleted. The company has earned five hundred sections of land, which amount has been recently certified to it. The time for the completion of this road has expired. I suggest that steps be taken by this general assembly to secure its construction for the full length contemplated by act of congress.

PUBLIC SCHOOLS.

The school system of the state, as ever, demands your attention and fostering care. The report of the superintendent of public instruction exhibits its steady advancement equally with the growth of the state. I heartily agree with that officer in his able advocacy of a state board of examination, so as to give the occupation of teaching what would practically be a legal recognition as a profession; and in his recommendations in regard to text-books. Boards of directors only should be permitted to adopt or change text-books, and it should not be left to individual directors or teachers; and I am well satisfied it would be wise to authorize boards of directors to make purchase of school-books for sale to pupils, or for loan to those unable to purchase. I invite particular attention to the superintendent's comments upon the looseness, not to use any stronger term, with which the financial business of many of the districts is managed. In one year, the large sum of \$142,259.22 seems to have disappeared in the hands of district-treasurers. This I believe

to be largely attributable to the incompetency of persons chosen to that office, rather than any other cause. The superintendent's recommendation that there be only one treasurer for each township is one I deem calculated to some extent to remedy the evil. The several treasurers should be also required to adjust their accounts every year. It would be well, too, I think, if the bonds of these officers were security bonds, as the superintendent suggests, rather than penal bonds. One needless source of expenditure of school-funds is to be found in the increase of school-districts, the consequent multiplication of school-officers, and the enhanced amounts paid for compensation of secretaries and treasurers. I know of one township, which, now divided into independent districts, pays for the services of these officers more than five times as much as it did when it comprised only one district. I am inclined to think this to be very frequently the case.

MILITARY.

The present militia law, originally enacted during the war, contemplates the organization of the entire militia of the state. This was found impracticable, even under the pressure of war, and is of no utility whatever now. I recommend its repeal, and the enactment in its stead of a law that will encourage those so disposed to organize themselves into companies, regiments, and, if thought best, brigades and divisions. We have some very good military companies at present, but they have a constant struggle for existence, because of the small encouragement they receive from the state. They are even required to pay transportation on arms and ammunition received from the quartermaster-gen-

eral, because of the inadequacy of the amount allowed that officer for expenses of his department. In many states, a term of service in the active militia forever relieves one from jury and road duty. At least this much should, I think, be done here, and such other inducements held out as would facilitate the formation of military companies. I invite your attention to the suggestions of the adjutant-general upon this and other topics, and would respectfully recommend a large increase of the appropriation for the quarter-master department.

During the past summer, the country was greatly excited because of formidable attempts, originating with persons in the employ of a railroad company in West Virginia, to arrest railroad traffic until certain demands had been complied with. These attempts spread until they assumed almost the character of a general uprising. In many of the states, it was found necessary to call out the military to suppress outbreaks, and in some even to invoke the assistance of the federal government. In our own state, on some of the roads, trains were prevented from moving, and traffic impeded. I deemed it my duty to issue a proclamation warning the disaffected of the consequences of unlawful action, and advising peaceable adjustment of all difficulties. I was repeatedly called upon, unofficially, to call out military to suppress lawlessness, but in no case did the local authorities admit their inability to maintain quiet in their own jurisdiction. To the end, however, that there might be as little delay as possible in mobilizing our small military force, I directed an order to issue to commandants throughout the state to notify the members of their commands to

be prepared to receive orders for active service. Fortunately, as I have indicated, nothing further was necessary.

On the 14th day of September, 1876, Brigadier-General Nathaniel Bradley Baker, for fifteen years Adjutant and Inspector General of the State, departed this life. This event, closing as it did a career of exceeding usefulness, both as a public officer and private citizen, excited profound regret throughout the state. Possessed of great executive ability, of immense industry, of peculiar aptitude for public affairs, he had rendered notable service to the state in the war of the rebellion, and at a later period the same characteristics enabled him to do a great work for the relief of the destitution caused by the grasshopper invasions in the northwestern part of the state. Should the commonwealth again need the services of one of its citizens in similar capacities, it will be fortunate indeed if it shall be able to secure those of a man at once so able, so devoted, and so self-sacrificing.

I am reminded here of the suggestion made by the present adjutant-general that some of the invaluable records which Gen. Baker caused to be made of the history of Iowa soldiers will need recopying, in order that they may be preserved for future use. I earnestly commend action hereon.

STATE LIBRARY.

The state library has received additions, during the term, of 1736 volumes, making an aggregate of 15,836, exclusive of pamphlets and duplicates. The additions are valuable; and the law library is now considered one of the most complete in the United States. It gives me great pleasure to

bear tribute to the fidelity and ability with which the librarian discharges her responsible duties.

PUBLIC INSTITUTIONS.

The fiscal term closing one month earlier than heretofore enabled the state printer to get a much larger number of the institution reports in type, than heretofore; and some of them have been transmitted to the members elect of the general assembly at their homes. To these reports you are respectfully referred for a statement of the condition and needs of the various institutions. I deem it proper, however, to call attention to some matters of special interest connected therewith.

THE UNIVERSITY.

The time has fully come, in my judgment, when this, our first educational institution, should have a permanent annual allowance to supplement its revenue from investments and other sources. This, it is estimated, will amount to \$28,095.62 for the year ending June 20, 1878. The appropriations made by the board of regents for the same period amount to \$50,800, the deficiency being met by moneys heretofore appropriated, but yet to come from the state treasury. The report of the board of regents states for what objects the appropriations are made, and an inspection of the amounts allowed will not, I think, show more than is necessary for the proper maintenance of such an institution as a state university should be. It would, in my opinion, be an act of sound policy to appropriate a proportionate amount of the State revenue, or of the tax-levy, to the uses of this institution. This might be made applicable to future

levies, so as not to increase the immediate burdens of our depleted treasury. The presidency of the university having become vacant, it is temporarily filled to great satisfaction by Hon. C. W. Slagle, for several years one of the regents. As he will not accept of the position permanently, the board has the matter of the successorship under consideration. An enlargement of the income of the institution would be of service to the board in the selection of such successor, because of the uncertainty at present attending the amount of compensation which can be allowed those engaged in the work of the institution. The needs of the university, the work it is accomplishing, and the manner of doing that work, are set forth with such clearness in the able report of the acting president, that I cannot do better than to invite your attention directly to that document, and ask its careful perusal.

The valuable series of weather observations, conducted by one of the professors of the university, with as yet no official recognition, commends itself to public favor. The devoted originator continues his labor of love with no little expense to himself, and with the most painstaking assiduity. An appropriation, sufficient at least to reimburse him for his outlay, might, in my opinion, be judiciously made in aid of Prof. Hinrichs' work.

NORMAL SCHOOL.

The last general assembly having failed to elect directors for the "school for the instruction and training of teachers of common schools," my predecessor appointed a full board. An organization was promptly effected, a corps of instructors chosen, and regulations adopted for the government of the

institution. The school opened in September, 1876, with twenty-seven students; the second year began with 167, from forty-seven counties. This indicates that the magnitude of the demand for an institution of this character has not been overestimated. It would therefore seem a matter of importance that suitable steps be taken toward enlarging the facilities, and as soon as may be the capacity, of this school.

AGRICULTURAL COLLEGE.

Though the state has dealt liberally with the agricultural college, it still has a few pressing necessities which are worthy the attention of the general assembly, and can only be supplied by an appropriation out of the state treasury. The graded road which runs through the bottom land of the college farm, consists of low wet land, and is often in such a condition as to render access to the college from the railroad station difficult. The estimated cost of thoroughly grading and graveling is \$2,000. The trustees strongly urge the erection of a horticultural laboratory and propagating house. The estimated cost of both structures is \$6,000. I think they are much needed, and if the horticultural department is ever made useful in the way of valuable instruction, the necessary buildings must be provided.

To preserve the health of the students, the officers of the college were under the necessity of borrowing money and constructing new sewers to drain the college-building, for which they ask an appropriation of \$1,472.25 for reimbursement. All the amounts asked for appear to be limited and necessary, and I think ought to be made in the interest of the institution, and also of agriculture and horticulture generally.

THE ORPHANS' HOME.

Pursuant to the action of the last General Assembly, the home for the soldiers' orphans, at Cedar Falls, was closed in June, 1876. Most of the property was turned over to the new normal school, and the children were removed to Davenport.

The number enrolled at the institution, of those for whom it was originally intended, in the two years fell from 298 to 139, and this falling off will continue until, had not the institution been opened for others than soldiers' orphans, it must soon have been finally closed. This extension of the advantages of the home having been ordained by the legislature, it began to receive the state's new wards in July, 1876, and at the close of the term there were forty-one of them in attendance. A fire last July destroyed the building used as a laundry, and one house occupied for school purposes. A new and better building took the place of the laundry.

The board asks for additional land and more buildings, both of which are desirable, and ought to be secured so soon as the condition of the treasury will permit.

COLLEGE FOR THE BLIND.

A complete change of instructors has taken place at the college for the blind, and, the trustees think, with good effect. The good done by this institution is so great, in almost furnishing eyes to the blind, and making them self-dependent, that I do not think I can too strongly commend it to your care. The trustees ask for an additional annual allowance of \$8,000 to pay salaries, and to meet other

ordinary expenses of the institution, including maps, printing, and books for pupils. The present appropriation of \$8,000 is one-third less than that granted for the institution for the deaf and dumb. If the allowance for the latter is not too large, that for the former is too small.

INSTITUTION OF THE DEAF AND DUMB.

The building occupied by the institution for the support and education of the deaf and dumb was destroyed by fire on the twenty-fifth day of February last. This calamity was fortunately, almost miraculously, unattended with injury to life or person; but otherwise it was one of the most serious character. Temporary shelter had to be obtained for the pupils, and half of them were sent to their homes; and, the school being incapacitated for doing its work, this deserving class of unfortunates is to a great extent deprived of the opportunity for education the state has heretofore so liberally afforded them. The erection of the west wing, authorized by the last general assembly, enables the institution to care for a limited number of those for whom it was intended. But this is insufficient for the use of the school, and I respectfully recommend that steps be taken for the erection of a commodious building at an early day. The fire was not the only disaster to visit the institution during the year. A tornado, on the sixth of August last, unroofed the new west wing, and partially demolished its walls. The work was still in the hands of the contractors; consequently the state suffered no pecuniary loss thereby; but the trustees ask the general assembly, in behalf of the state, to assume the loss, and assign therefor what I deem weighty reasons.

Steps have been taken to provide for instruction in articulation. This has been practiced, with apparently great success, both in Europe and America, for some years, and it is well it should be given a trial in Iowa.

The appropriation made for the west wing was not sufficient to put therein heating apparatus. As this wing, owing to the fire, had to be occupied sooner than was contemplated, the Haxtum Steam Heater Co., of Kewanee, Ill., volunteered to put in the necessary apparatus, the company agreeing to wait for pay until the general assembly could make an appropriation. The work was done, and to all appearances satisfactorily, at a cost of \$2,100. I recommend that an appropriation be made to meet this expenditure.

FEEBLE-MINDED CHILDREN.

The last general assembly made long-needed provisions for the "care, support, training, and instruction" of feeble-minded children. A board was selected by the general assembly, one of whose members, however, Dr. James M. Robertson, declined the position, and my predecessor appointed Dr. William S. Robertson to the vacancy. The board found the preparation of the building for the use of the institution a very formidable undertaking, because of the dilapidation it had fallen into after the removal of the orphans. But the difficulties do not seem to have prevented the school from being promptly opened for the reception of pupils. With the liberal aid of the press, this fact was widely announced; but there were only five pupils at the organization. This number, however, was increased to eighty-seven. The year's experiment has been, I am per-

suaded, eminently satisfactory, and has demonstrated that this institution was not opened a day too soon. I have heard, from other sources than the authorities of the school, of surprising results in individual cases; and I am more than pleased at the prospects opening before this hitherto neglected class of our state's unfortunates, by reason of this asylum. I feel that I cannot too strongly commend it to your care. I especially would urge that the *per capita* allowed for support be increased from ten to sixteen dollars a month. The present appropriation is less than that provided for the blind and the deaf and dumb, and only the same as that for the inmates of the orphans' homes and the reform school; and assuredly none need more care than the pupils at Glenwood, ranging, as they do, from children of a low order of mentality to those of utter helplessness.

THE REFORM SCHOOL.

The protracted investigation into the affairs of the reform school, had in 1875, with its attendant excitement and irritation, left an effect on the school, from which it can hardly yet be said to have fully recovered. A second change has recently been made in the superintendency. The \$40,000 for the new building authorized by the last general assembly fell \$15,000 short of putting up the house, and an additional appropriation is asked of that amount. A debt of \$8,000 is also to be removed. The lease of the buildings occupied by the girls' department of the school will expire the present year, and cannot be renewed for a longer term than one year. A building for the use of this department can therefore be no longer delayed. I recommend that

steps be taken for its erection, and, believing it not advisable to locate it near the school for boys, suggest that a new site be selected at or near the seat of government.

One hundred and forty-one boys and fifty-three girls were at the school October 31st, five more boys and twenty-three more girls than at the close of the previous term.

The last general assembly fixed sixteen years as the age over which no one could be sent to the reform school. The prior law made eighteen the maximum. Nevertheless, during the two years, eleven persons, seventeen years of age and upwards, were sent to the boys' department of the reform school, one of them being twenty-one, and one even twenty-two years old. To send criminals of this age to the reform school is not calculated to be of any benefit to those for whom the institution is intended. I do not know whether anything further can be done by legislation to put a stop to this practice, but it is so pernicious in its tendency that I think it proper to advert to it thus formally.

THE PENITENTIARIES.

The condition of the penitentiary at Ft. Madison will demand your careful attention. The enlargement in the number of cells, provided for by the last general assembly, has been effected, but the increased accommodation thus obtained is already exhausted; indeed, the new cells were hardly completed before they were filled; so that there is again a demand for greater accommodations at this prison. To this end, the warden recommends that the roof of the cell-room be raised, and another tier of cells built. I know of no better way to make the needed enlargement. It is

less expensive than the extension of the grounds would be, involving as this would the erection of a new wall for such extension. The shop-room is also becoming meager for the number who ought to be employed therein. This penitentiary gives every evidence of having been planned originally for a state of comparatively small population; while the immediate site is not a fortunate one to permit of the enlargement of the prison. Consequently much has been done, and much will continue to be done, in the nature of make-shifts, than which nothing can be more undesirable in public edifices. If some comprehensive plan for the enlargement, either immediate or progressive, of this penitentiary were to be devised, it would, I believe, be a matter of ultimate economy to adopt it and carry it into effect.

The expenses of the prison were quite heavy during the term, \$40,447.01 having been drawn from the treasury to meet deficiencies in the support fund. The allowance for this fund, at Fort Madison, is eight and a third dollars per convict per month; that for the prison at Anamosa is ten dollars. The rate at Fort Madison was fixed at a period when high prices universally prevailed, and supplies of almost all kinds would cost much more than to-day. Nor can I think such price was inadequate when first fixed. But the prison has been subjected to some expenses within the last few years that are exceptional, and perhaps no longer necessary. The labor commission provided for by the 15th general assembly has accomplished its work, to the extent of leasing all the present available labor of the prison. I therefore recommend its discontinuance. Any further labor-letting that shall be found necessary can be done by the warden, with the approval of the executive council.

The appropriations made in 1876 for the additional penitentiary were used for the purposes contemplated so far as needed. The railroad track has been extended, a warden's house built, an apartment fixed up for hospital purposes, and the work of construction continued. The executive council, acting under authority conferred by chapter 40, of the acts of last general assembly, directed that prisoners sentenced to the penitentiary by the courts of the eighth, ninth, tenth, and twelfth judicial districts, and the seventh except the county of Muscatine, should be taken to the additional penitentiary. The number of convicts increased in the two years from 67 to 148. The increase will continue, and emphasizes the request made by the warden that the new cell-house, of which the foundation has been laid, and for which a large quantity of stone has been prepared, be hastened to completion; and the warden's suggestion that the roof be made of iron and slate instead of wood, as at present planned, should be adopted. Indeed, I believe it would be well that shingle roofs be not permitted on any structures belonging to the state. The prison wall is another object of prime importance, and can not be too soon completed. The quarry now owned by the state appears to be comparatively valueless, and the warden suggests the purchase of another one, at which the convicts have already done some work, and the construction of a railroad thereto. The latter I cannot recommend until more is known of the quarry. A wagon road will do for present purposes, and if the desired stone be found present in sufficient quantities the railroad can be constructed afterwards.

The statute allowing commutation to prisoners at this

penitentiary needs revision. At present diminution of time is earned by value of labor performed. In the condition the prison has necessarily been in since it opened, it has been difficult for any convict, however well disposed, to do \$400 worth of work within a year on any reasonable estimate of the value of a day's labor. For the present, at least, I think it would be well to permit prisoners at Anamosa to earn diminution by good conduct the same as at Fort Madison. The provision allowing them pay for a part of their labor might, however, be retained with advantage. The rule of the code was at one time thought applicable to this prison, and convicts were credited with the same diminution as at Fort Madison, and discharged at the end of their shortened terms. Doubting the legality of this practice, I obtained the opinion of the attorney-general thereon, which entirely coincided with my own views, that the commutation law of the older penitentiary was not applicable here. I therefore notified the warden, on the 5th of May last, that no further discharges should be made from the additional penitentiary except upon executive order; but I would grant such discharges to all prisoners for diminution earned prior to that date, and for full time to all transferred from Fort Madison. I have accordingly issued pardons to sixty-eight of the prisoners at Anamosa, to take effect at the end of their respective terms, as thus diminished.

During the two years, three investigations were had into the management of this prison, two of them having reference to the term of the former warden and one to that of the present head of the institution. None of these developed any dishonest or corrupt practices in either of the adminis-

trations. A further and very rigid examination was made by the grand jury of Jones county, as my predecessor was advised, of Mr. Warden Heisey's management, resulting in that gentleman's complete exoneration. The investigation into the present management demonstrated the necessity of a change in one of the subordinate offices of the prison, which change was accordingly made with salutary effect.

I deem it my duty to recommend a few amendments in the statutes governing the penitentiaries. I see no reason why the wardens should have a fixed term of office any more than the head of any other institution. The periodical scramble for the position should be avoided. No one would think of applying the rule of periodic service to the presidents of the university and the agricultural college, or the superintendents of the orphans' home and the reform school. It may be said these offices require of their incumbents a peculiar kind of experience for their special work, a thing not at all indispensable in a warden. If we look upon the latter only as a jailor, this reasoning is correct; but not otherwise. I can think of nothing that would aid so much in making our penitentiaries what they should be—reformatory as well as self-supporting institutions—than to keep them in charge of men who manifest an aptitude for their work, and to make changes in the incumbency only when the public interests require it. Another suggestion I feel compelled to make, is that the warden be appointed by the governor, with or without the approval of the senate, as may be deemed most advisable, to hold office until a change shall seem to be demanded. I am aware of the delicate ground on which I tread in making such a suggestion, but I do so

with the more freedom because on the one hand I have sat in the general assembly for several years, and in that capacity repeatedly participated in the election of warden; and on the other, being about to leave the office of governor, I can have no personal wish to gratify in making the recommendation. I am persuaded, from my observation and experience in both positions, that a proper selection of the person required for the responsible office of warden can better be made by the executive, enabled as he is by his position to realize what is required of such an officer, than by a large number of persons coming together for a short time, and knowing of what is needed only by the prison reports and by what they may incidentally learn otherwise. I would also recommend that the salary of the warden be increased, and that all allowances and perquisites other than a residence be cut off; and further, that nothing purchased for the use of the prisons shall at any time furnish perquisites or profits for any person connected therewith.

THE INSANE.

The appropriations made at the last session of the general assembly for improvements at the Mt. Pleasant hospital were partially used for the purposes directly contemplated in the act making the same. The \$5,000 voted for sub-basement was not used, the amount being insufficient to accomplish the object, and it was thought better to delay the commencement of the work rather than its completion after it had been once begun. A fire in April, 1876, destroyed one of the buildings, within which were the boilers, pumps, engine, fan, washing and ironing rooms, engineer's fitting

rooms, storage room for coal, and paint shop, and its immediate re-erection was determined on, which was accomplished at a cost of \$32,046.46. Such of the special appropriations of last session as could properly be so used were drawn and expended in such rebuilding. The providential contingent fund supplied a similar amount—\$5,000,—and the remainder was taken from the support fund. The daily average number of patients at this hospital during the term was 581.18. This is nearly twice the number the building is intended for, a fact that again presses upon the general assembly the necessity for increased provision for the care of the insane. The superintendent presents some very cogent arguments in favor of enlarging the capacity of the present hospitals in preference to establishing any new ones. The adoption of this course, to the full extent of the number that one superintendent should have under his charge, I feel justified in recommending.

The report of the board of trustees for the insane at Independence, shows that, since their last biennial report, two more wards in the fourth and fifth stories of the main center building have been completed, furnished, and occupied, and that another section of the south wing is now inclosed consisting of four wards, and will be ready for occupancy about the first of May next, which will increase the total capacity to nearly four hundred. The report of the board of building commissioners shows that the appropriation made by the Sixteenth General Assembly for furnishing and finishing the main center building has been expended for that purpose. The \$93,000 appropriated for building the south wing has not been all used, as will be shown by the treasurer's report.

The commissioners are of the opinion that the balance undrawn will complete that portion of the south wing commenced. The \$5,000 appropriated for the erection of gas-works and furnishing gas fixtures remains undrawn, as the commissioners did not decide, until late in the fall of 1877, what kind of works to erect.

The commissioners ask for \$16,900 for furnishing the four new wards, opening an avenue to the Burlington, Cedar Rapids and Northern railroad, constructing a reservoir for an additional supply of water, a main sewer, etc., all of which I heartily concur in. They also ask for \$140,000 with which to complete the south wing, as contemplated in the original plan of the hospital; considering the crowded condition of our hospitals, I think it would be wisdom on the part of the general assembly to make the appropriation as soon as the condition of the treasury will permit. I would here recommend that the general assembly fix the amount this addition will cost, and meet the same by annual appropriations until the work is done.

It has been repeatedly my duty to order the removal of insane convicts from the penitentiaries to the hospitals for treatment; yet I have felt that the latter were illy fitted to care for this class of cases. They are violent when actually insane, and nearly always vicious; while in not a few cases their insanity is simulated; and the provision for guarding the ordinary inmates of the hospital does not contemplate any serious effort at an escape, but this class of patients requires as much watching as if they were at the penitentiary. To place them in a separate ward at one of the hospitals, under the control of the authorities of the institution, I con-

sider the best disposition that can now be made of these persons.

The visiting committee continues its quiet but effective supervision, and during the past year has had occasion to do important service in clearing one of the hospitals from some very unjust but widely believed charges of the gravest character, involving if true the grossest turpitude on the part of those connected with the institution. The good effect of this committee's labors, in rectifying improprieties, allaying unfounded suspicion, and inspiring deserved confidence in the management of our hospitals, induces me to recommend that its jurisdiction be extended to all the benevolent and reformatory institutions, or that a board be created for that purpose.

STATE HISTORICAL SOCIETY.

The state historical society continues its efforts to perpetuate the history of Iowa; but the feeble assistance it receives from the state hardly keeps it alive; and it takes no little self-sacrifice on the part of one or two devoted persons to accomplish even that much. The valuable accumulations of the society deserve better protection from fire; while the constant care of them demands greater liberality. Some of the neighboring states are doing vastly more to perpetuate their history than is Iowa. The pioneers are rapidly passing away, and with them will perish much of incident, illustrative of our early history, that might now be gathered and put into shape for preservation. As soon as the condition of the finances will permit, a just state pride ought to induce a liberal appropriation in aid of the society's work.

THE FISH COMMISSION.

The marked success which has attended the efforts at fish-culture in other states, and the promise of similar success indicated by the work done in Iowa, encourages the hope that all feasible encouragement be given to the project of filling our streams with food fishes. The report of the commissioner shows much progress made during the biennial period in this direction. It must not be forgotten that the discontinuance of the commission at the present time will render nugatory nearly everything heretofore done.

THE NEW STATE-HOUSE.

The report of the board of capitol commissioners comprises a brief history of the work upon the state-house from the first, as also a detailed statement of the expenditures for the entire building to the present time. The last general assembly authorized the capitol commissioners to construct the capitals of columns and the cornice, of stone instead of iron, as modified by the present board of commissioners in order to bring the expense within the limit fixed by law. The former board had left off the original plan the great dome in the center, and four small ones on the pavilions, with the same object in view. The work on the edifice has now reached such a stage that if the building is to have a dome the legislative will should be so expressed. The estimated cost of the dome and turrets is \$461,190,24. If the erection of the dome be determined on, the work can all go on together; or if it be so determined, but temporarily deferred, the commissioners think the turrets should be put up as the work progresses. Some increased cost over the

estimates has been made in order to give greater strength and security to the building. Additional columns have been put in, granite substituted for limestone in some of the columns, and a thoroughly fire-proof roof determined on, and the south wing partially covered with it.

Your attention is respectfully directed to the reports of the board of commissioners, the architects, the overseers, and the superintendent of finance. I am persuaded that the path of true economy lies in the direction of the most vigorous prosecution of the work upon this edifice, and its completion at the earliest day the state's financial condition will permit.

Following the example of my predecessors, I present a summary of amounts asked by the boards, &c., of different State institutions for improvements and to meet other special expenses.

STATE UNIVERSITY—

Deficiencies in expenses	\$ 40,000.00
One new building	30,000.00
Libraries	7,000.00
Insurance	1,500.00
Repairs and repainting	5,000.00
Stone walks about buildings . .	1,500.00
Fencing observatory lots and west side of campus	2,000.00
Support of lady professorship for two years	3,400.00
Observatory, and equipment of the various chairs and de- partments	9,000.00—\$ 99,400.00

NORMAL SCHOOL—

Repairs and improvement of buildings	\$ 2,500.00
Library and apparatus	1,000.00
Contingent expenses	2,500.00
Teachers	14,000.00—\$ 20,000.00

AGRICULTURAL COLLEGE—

Repairing public road	\$ 2,000.00
Horticultural laboratory	3,500.00
Propagating house	2,500.00
New sewer	1,472.25—\$ 9,472.25

SOLDIERS' ORPHANS' HOME—

Industrial pursuits	\$ 1,500.00
Lumber, hardware, and general repairs	2,500.00
Furniture	1,500.00
Library	200.00
Purchase of land for farming ..	4,000.00
Seven new cottages and out- buildings	15,000.00
Amount due on laundry	2,225.00—\$ 26,925.00

COLLEGE FOR THE BLIND—

Ordinary running expenses, for two years, additional	\$ 16,000.00
Furniture, bedding, &c	3,000.00
Iron and other fences	4,000.00
Cattle-barn and piggery	1,000.00
General repairs to grounds ..	1,000.00
Contingent expenses	700.00—\$ 25,700.00

INSTITUTION FOR THE DEAF AND DUMB—

For heating apparatus.....	\$ 2,100.00
Restoring main building and east wing	66,500.00
Reimbursing contractors.....	2,344.50
Extra work on west wing....	617.00—\$ 71,561.50

ASYLUM FOR FEEBLE-MINDED CHILDREN—

Salaries.....	\$ 10,000.00
Furnishing fund.....	3,500.00
School apparatus	800.00
Outbuildings	1,700.00
Water-supply.....	500.00—\$ 16,500.00

REFORM SCHOOL—

Main building	\$ 15,000.00
Girls' department, new build- ing	30,000.00
Indebtedness	8,000.00
Water supply.....	2,500.00
Contingent fund.....	2,000.00—\$ 57,500.00

PENITENTIARY OF THE STATE—

Raising cell-room wall, and 36 grated windows	\$ 6,500.00
New fireproof-roof on cell- room.....	9,500.00
Fourth tier of cells.....	16,500.00
Unpaid liabilities.....	10,000.00—\$ 42,500.00

ADDITIONAL PENITENTIARY—

Cell-room and prison-wall, sewerage, office, store-room, and armory	\$139,000.00
New railroad and equipments.	20,050.57
Purchase of new quarry	1,000.00
Additional guards, say	7,200.00—\$167,250.57

HOSPITAL FOR THE INSANE—

At Mt. Pleasant.

Completion of new building . .	\$ 5,500.00
Balance to complete sub-basement	11,237.50
Protection against fire by reconstruction of rear center	10,000.00
Replacing wooden partition with brick walls	8,500.00
Water-pipes	1,000.00
Additional boiler	2,000.00
Addition to heating apparatus for utilizing exhaust steam	1,200.00
Improvements of grounds and new fences	1,500.00
New kitchen furniture	1,200.00
Contingencies	2,000.00—\$ 44,137.50

At Independence

Furnishing four new wards . .	5,500.00
Opening an avenue to B., C. R. & N. R.	1,500.00

Main sewer under or beside road	6,000.00	
Plastering ceiling in basement and attic north wing	1,500.00	
Construction of reservoir	2,400.00	
Completion of south wing ...	140,000.00	— \$156,900.00
STATE HORTICULTURAL SOCIETY—		
Permanent additional appropriation.....		1,000.00
FISH COMMISSION—		
Say		10,000.00
NEW CAPITOL—		
.....		250,000.00
Total	\$	998,846.82

Among the items appearing above, for which appropriations are asked, there are, doubtless, many which should be carefully scrutinized, not to say disallowed. It is asked in one instance, that a sum be appropriated for insurance. It is now many years since the state ceased insuring its public edifices; in other words, became its own insurer. Whether this course is the more judicious I do not propose to discuss; but it is well that the step should be fully considered before any money is voted for this purpose. No other property the state has, anywhere, so much requires insurance as its library at the capital. Here a valuable collection of books has been gathered into a small space, and its destruction by fire would involve a loss as great as would be entailed by the destruction of many times the same extent of property in any other of the state's edifices. If money is to be ap-

propriated for insurance, the library should be first considered; and if anything further be determined on, it ought to be general, and applicable to all the state's buildings. The cheapest insurance, however, is to be found in the erection of fire-proof buildings. It is poor economy which sacrifices this consideration for any apparent cheapness.

Another item of expense for which appropriation is asked suggests a question as to the proper uses to which the support-fund of an institution may be put. For instance, there is a doubt in reference to the extent to which that fund may be used in making repairs. It is conceded that for such repairs as are necessitated by ordinary wear and tear, and even those extraordinary ones entailed by the destruction by fire, or otherwise, of part of an edifice, the fund may be used. But whether the rebuilding of a structure entirely destroyed by fire can be properly considered as coming within the designation of repairs, so as to warrant the use of this fund for that purpose, is open to very serious question, so much so, that I think it would be well that the legislative will be expressed in regard to it. Beyond this, there can be no doubt that the support-fund cannot be employed, and every use of it for permanent improvement is a diversion not only unauthorized by law, but a virtual violation of the constitution, which declares that "no money shall be drawn from the treasury but in consequence of appropriations made by law." To use the state's money for an object altogether different from that for which it was drawn from the treasury is as much a violation of this constitutional provision as if it were so drawn without any appropriation at all. I think it well for the general assembly to make inquiry as to the

extent this diversion of public funds is practiced, and at the same time to ascertain whether the amount of support-fund now allowed the various institutions is needed or sufficient in all cases. The present rates of allowance were mostly made during the period of high prices immediately following the war, and if enough then they must, in some cases at least, be too much now. It might be well to adopt both minimum and maximum rates, the former only to be transcended upon the approval of the executive council, upon proper showing of its necessity.

I have before stated that after the payment of outstanding warrants there will be nothing left for new public buildings, or for improvements in existing ones, without an increase in the rate of tax levy; and as such increase cannot be productive until 1879, there will be no funds whatever to pay for such improvements the present year. This is especially to be regretted for several reasons: first, the absolute necessity that exists for these improvements. For instance, the building for the deaf and dumb must be erected. The needs of this class of unfortunates make this imperative. The insane hospitals should be enlarged, and the new capitol hastened to completion. Second, the comparative cheapness of labor and materials at the present time. This I deem an important consideration. To my mind, the time when, as now, private enterprise is comparatively stagnant, is the state's opportunity for making needed improvements. It can then get for its outlay the maximum of material and labor, it can give employment to many who would otherwise be idle, and it will be under the necessity of competing with private enterprise to only the most lim-

ited extent, while such action on its part would be calculated to restore public confidence, and reawaken private enterprise. It is too commonly the case, when financial calamity overtakes the people, and panic ensues with general loss of confidence, that the authorities—national, state and local—help to precipitate business crises by stopping all or most of the public works in process of construction, and those engaged on them are thrown out of employment, and go to reinforce the already great army of idle people. Conversely, when confidence is restored, business revives, and enterprise is buoyant, the authorities engage largely in the erection of buildings, and entering into competition with private undertakings assist in running up prices to unhealthy figures, to be followed by collapse and the same rotation. In my judgment, when private enterprise is vigorous and employment is plentiful for all who wish it, the public should undertake as little new work as possible, reserving its great undertakings for seasons when it will least compete with individual enterprise. If it be objected that this would entail additional taxation at a time when people are least able to bear it, I answer, the results, in the amount of work done for the money invested, the enhanced value of property, the employment given to persons who might otherwise require public support, and the inspiration it would impart to individual effort, would amply compensate for the additional burdens. Again, it would be better to borrow money for the prosecution of needed improvements, at a time like the present, than to forego the advantages for doing the work afforded by the occasion. Never before, in the history of the state, has the state and municipi-

pal credit stood higher, nor could money be borrowed at lower rates. I cannot say that I favor borrowing money by the state, with our present rate of taxation. Less than half a dozen of our sister states have so low a rate as has Iowa, the average being not far from twice as great as ours. A moderate increase of the state levy is, therefore, in my opinion, preferable to issuing bonds; particularly as the latter would not bring in the needed funds much sooner than would the increased levy, because of the fact that the question of borrowing must be voted on by the people at the general election. But I deem the present, and probably the future for a few years; so opportune for the erection of needed public edifices, that I believe it well to consider every plan for accomplishing the object that may have any feasibility.

RAILWAYS.

The right of the lawmaking power to regulate railroad tariffs has been sustained by the highest judicial tribunal of the land, and sustained too not merely because of the ample reservations made in the land-grant and other acts of our legislatures, but on broader principles, such indeed, as are essential to well-ordered governments; and I cannot but think that corporate rights are more securely guarded to-day by reason of this decision than if the determination of the disputed question had been otherwise. In bringing about this result, the state of Iowa has had, as it were, the leadership, the masterly argument of its late attorney-general apparently pointing the way to the decision. The matter of authority having been divested of doubt, the consideration of the tariff question may now be had freed from much

of the acrimony attending previous discussions of the subject. I see no good reason for the entire repeal of the law. I am aware that it is argued that its retention has the effect to deter capital from investing in railroads in Iowa. This may be, but I do not find that the absence of such a statute has had the effect to hasten more rapidly the construction of railroads in neighboring states. I find that, during the years 1874, 1875, and 1876, the increase of railroad mileage in Iowa was greater, both absolutely and relatively, than in either of our sister states on the north and west, while those of our neighbors that showed most decided increase were Illinois and Wisconsin, both having laws regulating railroads. Nevertheless, I believe it wise that a thorough examination be had into the working of the details of the law, and such modifications made therein as may seem for the best interests of both the people and the railroads. The state of Iowa has been liberal in the extreme to this kind of enterprise. The first land-grants made by Congress were turned over to the companies absolutely, although the act of Congress contemplated the sale of the lands by the state as earned, and the devotion of the proceeds to the construction of railroads; the companies were permitted to select the lands regardless of their line of road; and they were allowed, virtually, their own time to complete their work, notwithstanding that one main object of the grants was to secure this completion at an early day. Townships, towns, and cities have been permitted to tax the property within their limits to help build the roads, and the revenue thus derived was turned over absolutely to the companies constructing them, while much of the property of these companies prac-

tically escapes municipal taxation. That state which has been thus munificent in her encouragement of this class of enterprise should have some control in the management of these roads, so largely the creatures of its bounty, is only a reasonable demand. That this control shall be judiciously exercised, so that, while preventing extortion on the one hand, it shall not discourage enterprise on the other, is the dictate of wisdom.

The creation of the office of railroad commissioner, with powers and duties similar to those exercised by like officials in other states, to be filled by some competent person, skilled in the knowledge needed in such a position, I believe advisable, and recommend that the governor be authorized with the consent of the senate, or executive council, to make such appointments.

The Chicago, Burlington & Quincy and Illinois Central Railroad Companies, and the Chicago, Milwaukee & St. Paul Railway Company, having each filed the bond required by chapter 133 of the acts of the last general assembly, my predecessor issued to them certificates, in May, 1876, that they had complied with the act. Since then, it is believed the tariff law has been very generally complied with by the railroad companies.

During the past two years, the Sigourney branch of the Chicago, Rock Island & Pacific Railroad has been extended to Knoxville, the county seat of Marion county, making an addition of forty-nine miles. The Pacific division of the Burlington, Cedar Rapids & Northern Railway has been built from Traer into Grundy county, a distance of twenty-five miles, while the main line was built from Plymouth,

Cerro Gordo county, to a junction with the Central Railroad of Iowa, and from Northwood, Worth county, northward to Albert Lea, in Minnesota; the addition in Iowa being about nine miles. The Iowa Pacific Railroad, operated by the Chicago, Dubuque & Minnesota Company, has been extended from Elkport, Clayton county, to Lima, Fayette county thirty-five miles. The Des Moines & Minnesota Railroad has been built ten miles further, to Story City, Story county. The Chicago, Newton & Southwestern has passed into the hands of the Iowa, Minnesota & North Pacific Company, and has been completed from Newton to Monroe, making an addition of thirteen miles. The Sioux City & Pembina road, operated by the Dakota Southern Company, has been built eleven miles in Plymouth county. A new narrow-gauge road has been constructed by the Burlington & Northwestern Railway Company, from Burlington to Winfield, Henry county, thirty-four miles, including a third rail for part of the distance on another road. The Maple River Railroad has been recently built from the Chicago & Northwestern Railway, through Sac and Ida counties, to Mapleton in Monona county. The Fort Dodge & Fort Ridgely Railroad was built northward eleven miles into Humboldt county. The Crooked Creek Narrow-Gauge Railroad was constructed from Fort Dodge, nine miles, to Tyson's Mill. And the Chicago, Clinton & Western Railroad is in operation from Iowa City to Elmira, on the B., C. R. & N. Railway, nine miles. The total amount built during the two years was two hundred and seventy-five miles, making the grand aggregate four thousand one hundred and twenty-five miles.

While upon this subject it is proper to invite your attention to the inequalities connected with the present mode of taxing this class of property. This mode is based upon the theory that a railroad is one piece of property, and is of equal value along its entire line. It does not take into consideration the burdens imposed upon municipalities in affording fire and police protection to this property, nor the other expenses of local government. All other property not entirely exempt is compelled to bear its just proportion of such burdens, and no good reason can be assigned for the release of railroad property therefrom. I am aware of the argument that the entire country through which a road runs contributes to its business, and that each locality has a right to share equally per mile in the revenues derived therefrom to the extent, at least, of its own levies. This argument proves too much. If all that contribute to the business of railroads are to participate equally in the taxes derived therefrom, those counties and townships which themselves have no railroads, but whose traffic is constantly poured into the neighboring counties for transshipment, have perhaps even better claim to participate in this character of revenue, because the business they bring to the road costs them more than it does their more fortunate neighbors directly on the iron way. To be logical the present law should be so amended as to direct the entire railroad tax into the state treasury. Then, as all the state contributes to the business of railroads, so all the state would participate in the revenue derived from the taxes on railroads. It is proper that the rolling stock should be considered as belonging to the entire line, and the valuation thereof apportioned

pro rata; and perhaps the right of way and track should be so estimated. But all other railroad property ought to be assessed, valued, and taxed in the same manner as that of the neighboring mechanic, merchant or farmer.

BANKING.

The auditor calls attention to the imperfections of our banking law and recommends a revision thereof. This recommendation derives additional force from the repeated failures of banks throughout the country, of which failures fraud has been too often the producing cause. The act of 1874, in regard to savings banks, seems to have had a very beneficial effect in securing better institutions for that purpose. Similar improvements in the statute governing all banks of deposit would be gladly hailed by the business community. The present statute makes no attempt to regulate unincorporated banks. It is believed to be necessary that these also be placed under some sort of supervision.

EXPENSES OF LOCAL GOVERNMENT.

The constantly increasing expense of county and municipal governments demands early and earnest attention. How to reduce such expense can best be determined after the causes of increase are ascertained. The augmentation of the cost of court proceedings is, perhaps, the largest item in the budget of increased expenditure. I believe it the duty of the legislature to prune these expenditures vigorously. The code of 1873 requires the county to pay all the witnesses for the defense in criminal cases. Since the code went into effect, court expenses have increased alarmingly, having

more than doubled in the last five years, the amount for the year ended October 31st last rising to the enormous figure of \$318,322.77, exclusive of the sums paid the district-attorneys. The law of 1868, superseded by the code, was sufficiently liberal in this respect. It provided for paying material witnesses in certain classes of cases. The criminal returns compiled by the secretary of state have enabled that officer to prepare a valuable table showing the number of convictions, amount of fines imposed, and cost of criminal proceedings for a series of years. It appears by this table that this cost, exclusive of the amount paid district-attorneys, made the expense of each conviction in selected years average as follows: In 1862, \$98.94; in 1867, \$92.76; in 1872, \$158.47; in 1877, \$190.37. I cannot but think the excessively liberal provision of the code referred to has much to do with such increased expense. This is rendered the more probable because of the well-known fact that this liberality is most grossly abused, witnesses being summoned, and even brought long distances, who know nothing of the controversy in which their testimony is required, and not unfrequently are never put upon the stand. The judges of one of the districts have adopted a rule calculated to put a stop to this abuse. But it would be well for the legislature to undo the work of 1873, and restore the law of 1868, or even the prior one.

Another saving may be made by requiring the courts to set apart as many of the earlier days of the term as may seem necessary for the dispatch of business not requiring a jury, and have the jurors summoned for only the time they will probably be needed. The practicability and desirable-

ness of such legislation are, I think, too apparent to need argument.

The abolition of the grand jury is advocated in many quarters. This would necessitate a constitutional amendment, which I would recommend to the extent of removing from the fundamental law the provision requiring a grand jury, leaving it with the legislature to prescribe the mode of commencing prosecutions, whether by grand jury or otherwise. But the general assembly may reduce the number of grand jurors, and I recommend that it be done. Nine men, or even less, are sufficient for this body. I would also suggest the submission of a constitutional amendment permitting a smaller number of petit jurors in some, if not all cases, and abolishing the requirement of unanimity. Second trials because of the disagreement of juries, necessitate a good deal of expense, which, particularly in civil cases, might as well be avoided.

In many, perhaps most, of the counties, a practice has grown up, not warranted by the law, of paying members of the boards of supervisors per diem for an unlimited number of days as committeemen, the maximum number of days for which pay may be allowed being conveniently construed to apply only to board meetings. If it is contemplated to allow supervisors pay for committee work beyond the limitation, the statute ought to be amended so as to permit it. The suggestion has been made, and I deem it worthy of consideration, that the board of supervisors be abolished, and in its place be established a board consisting of some of the county officers, with perhaps a single supervisor, the whole constituting a body similar to the state executive council.

The costliness of municipal governments is a grievance of which much and very just complaint is made. High taxes are levied and collected, but in not a few of the cities the expenditures invariably exceed the revenue. The matter of economical government of our cities and towns is at this time eliciting much thought and discussion all over the land; and many plans are suggested looking to the attainment of the desired object. One thing seems to be agreed upon by all who have given the subject of municipal reform any thought; which is, that responsibility should be concentrated as much as possible. In accordance therewith, the chief executive, in many cities, is clothed with power to appoint most of the municipal officers, and held accountable for their conduct in office. Wherever this has been done, superseding the one for many heads where all responsibility is dissipated, there is general satisfaction, and a marked improvement manifest in the conduct of affairs. Another idea gains favor, namely, the election of at least part of the municipal council by the electors of the entire city; and another is, to elect a special commission to have control of the finances, or at least a negative on all expenditures. I believe it advisable that the entire law governing municipal corporations be revised.

The last general assembly passed an act making members of boards of supervisors in counties having over four thousand people personally responsible for an issue of bonds beyond the constitutional limit. It is difficult to perceive why the distinction is made in a matter of this kind between counties. If there is any difference at all, the over-issue is the more reprehensible in a county where much of the tax-

able property is not represented in the county government. But the theory of this responsibility is a good one, and it would be well to make it applicable not only to the over-issue of bonds by all counties, and also by cities, towns, and districts, but also to all illegal and excessive expenditures by the various local authorities. A stringent provision of this kind would contribute very much to the reduction of local expenses.

REGISTRATION OF BONDS.

I renew the recommendation of my predecessors, that provision be made for the registration of county and other local bonds, as has been done by some of our sister states with the most marked beneficial effect. It contemplates the certification of such bonds by some state officer, after he shall have satisfied himself that they are issued in compliance with law. Such certificate largely facilitates the sale of the bonds to which it is attached, while by discouraging questionable issues it enhances both the local and general credit of the state having such a regulation. I would also recommend that bonds thus registered be placed on the same footing as United States and state bonds, for investment by insurance and other corporations.

The present statutes authorizing the issuance of bonds require that they shall be payable at any time prior to maturity, at the discretion of the authority issuing the same, and they may not be issued without such reservation. This provision at first thought appears to be a judicious one, as it permits the debtor corporation to free itself from debt whenever it finds itself able to do so. In practice, however, the reservation does more harm than good. Obligations

containing it are much more difficult to place, than those having a fixed time for payment, even though the term of the latter be shorter; and either a higher rate of interest must be paid or a less amount be realized from such obligations.

THE CENTENNIAL.

Chapter seventeen of the acts of last session appropriated \$20,000 for the purpose of aiding in exhibiting the resources, industries, and products of the state at the centennial exposition at Philadelphia, and made other provision for securing our proper representation at that great gathering. Accordingly a manager and some assistant managers were appointed, exhibits were prepared representing the agricultural, horticultural, mechanical, and mining interests of the state, and a house was erected on the grounds. The show of fruits, grains, and woods, and especially the sections of soil and the exhibit of rock strata, attracted marked attention, and advertised the state and its resources effectively. A small pamphlet was also prepared, giving the statistics showing the marvelous growth of the state, and two hundred thousand copies distributed broadcast throughout the country. Upon the invitation of my predecessor, Hon. Charles C. Nourse, of Polk county, delivered, at Philadelphia, on a day set apart to Iowa by the authorities of the exposition, an address devoted to a history and exemplification of the resources of the state. The paper was of such value that the executive council caused an edition of fifty thousand copies to be published and widely scattered. The total amount expended for all the purposes of the centennial exhibition was \$18,414.72, having undrawn \$1,585.28. The executive

council is now preparing a report for your inspection, which will be submitted during the session.

The subject of the regulation of the manufacture and sale of intoxicating liquors is one of paramount interest to every citizen of the state, and especially to those who are called upon to make its laws. When we consider the fact that it is the profound conviction of a large number of the best thinkers that intemperance is the direct or indirect cause of much of the crime that occupies the time and attention of our courts, and hence of the court expenses, and therefore increases the burdens of taxation, without any compensatory advantages, it is a question whether the legislature should not take decided and comprehensive action on the subject, and either prohibit the traffic altogether, or put upon it such restrictions as will tend to lessen the evils arising therefrom. It may be that it is advisable to apply the local option principle to the liquors not prohibited by law. I am aware that the constitutionality of local option is sometimes questioned, but I am of the opinion that a statute prohibiting the sale of any or all kinds of liquor except where the people should by vote permit it, would not be at all obnoxious to the constitution. At all events I am assured that any action on your part that will tend to mitigate some of the evils growing out of the traffic will meet with the cordial approval of the people.

The presence of the attorney-general at the seat of government becomes yearly more necessary. I recommend that he be allowed a salary sufficient to warrant his residence at the capital during his term of office. He might also to advantage be made a member of the executive council, where his services and advice would be of value.

The constitution requires that the general assembly shall apportion the state at each regular session for members of the house of representatives, but does not provide for the enumeration necessary to ascertain such population, except twice in ten years (the federal census being one such enumeration). Consequently, there having been no census last year, the present legislature is without the data necessary to make the required apportionment, except such as may be obtained from the votes cast at general elections. I suggest that a census be ordered to be taken by the assessors in 1879.

One of the persons chosen by the last general assembly trustee of the agricultural college being ineligible by reason of his residence in the same district with another member of the board, whose term of office had not expired, my predecessor appointed, to fill the vacancy, Mr. William B. Tredway, of Sioux City. Mr. Chas. E. Whiting, chosen at the same time a trustee of the hospital for the insane at Mt. Pleasant, having declined that office, Mr. Timothy Whiting of Henry county, was appointed to fill the vacancy.

I have thus endeavored to present my views of the condition and needs of the state and now submit them for your consideration, with a feeling of confidence that the measures you shall inaugurate will be dictated by the highest considerations of public policy, and calculated to insure to the greatest good of all the people. Thus with wholesome laws and a just administration of the same, we may hope for a continuance of the blessings of that Providence which has heretofore so peculiarly favored our commonwealth.

J. G. NEWBOLD.

SPECIAL MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES

JANUARY 17, 1878

From the Journal of the Senate, p. 17

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 17, 1878.

Gentlemen of the Senate and House of Representatives:

In accordance with the requirements of the constitution, I transmit herewith a report of each case of commutation or pardon granted, and the reasons therefor, during the past two years; and also of all persons in whose favor remission of fines and forfeitures have been made, and the several amounts remitted, during the same period.

J. G. NEWBOLD.

PROCLAMATIONS

OFFERING A REWARD

MAY 19, 1877

*From MS. Copy of Executive Register Vol. III, p. 339—in the
Office of the Secretary of State, Des Moines*

By virtue of authority in me vested by law, I hereby offer
a reward of

FIVE HUNDRED DOLLARS

for the discovery, apprehension, and delivery to the proper
authorities of the person or persons who, in the township
of Salt Creek, in the county of Davis, murdered Thompson
W. Tolbert, on the 16th or 17th day of March last past;
the same to be paid upon the conviction of the offender.

In testimony whereof, I have hereunto set my hand
and caused to be affixed the great seal of the
L. S. State of Iowa, this nineteenth day of May, A.
D. 1877.

J. G. NEWBOLD.

By the Governor of the State of Iowa:

JOSIAH T. YOUNG, Secretary of State.

ON LAWLESSNESS

JULY 28, 1877

*From MS. Copy of Executive Register, Vol. III, p. 349—in the
Office of the Secretary of State, Des Moines*

To the People of the State of Iowa:

Whereas I am advised that a formidable spirit of lawlessness, akin to that which has prevailed to a lamentable extent in other parts of the country, has manifested itself in some of the cities of this State, to the detriment of public order and to a serious interference with private rights,

Now, therefore, I, Joshua G. Newbold, Governor of the State of Iowa, do, by this my proclamation, order and require all persons who may be engaged in any such unlawful proceedings to desist therefrom at once, return to their homes, resume their usual avocations, and refrain from any and all interference with the property and rights of others, whether they be individuals or corporations. Whatever of merit there is in the cause in whose interest the prevailing troubles ostensibly began, there is and can be none in violent means to effect the objects had in view by the disaffected. On the contrary such means can only result in alienating whatever of sympathy the public may have entertained for them in their grievances. For their benefit, as well as that of the rest of the community, it is imperative that order be maintained. I congratulate the people of the State that so large a measure of public tranquility has obtained throughout our borders during the troublesome days of the past week and I urge them to aid in the maintenance of order and the suppression of lawlessness wherever it may

manifest itself. And I call upon all Sheriffs, Mayors of cities, and all other officers to be vigilant to the same end, assuring them that the whole power of the State will, if necessary, be invoked for the support of the authorities and the execution of the law.

In testimony whereof, I have hereunto set my hand
and caused to be affixed the Great Seal of the
(L. S.) State of Iowa.

Done at Des Moines this 28th day of July
1877. J. G. NEWBOLD.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

ON THE GENERAL ELECTION

SEPTEMBER 8, 1877

*From MS. Copy of Executive Register, Vol. III, p. 335—in the
Office of the Secretary of State, Des Moines*

Pursuant to Law, I, Joshua G. Newbold, Governor of the State of Iowa, do hereby proclaim that at the General Election to be held on the second Tuesday in October A. D. 1877, the offices hereinafter named are to be filled, to-wit:

By vote of all the electors of the State;

The office of Governor of the State of Iowa;

The office of Lieutenant-Governor;

The office of Judge of the Supreme Court in place of James G. Day, whose term of office will expire December 31, 1877;

The office of Superintendent of Public Instruction.

By vote of the Electors of the several Senatorial Districts designated below:

The office of Senator in the General Assembly from each of said districts to-wit:

From the first district, composed of the County of Lee.

From the seventh district, composed of the Counties of Fremont and Page;

From the ninth district, composed of the County of Des Moines;

From the tenth district, composed of the County of Henry;

From the twelfth district, composed of the County of Keokuk;

From the thirteenth district, composed of the County of Wapello;

From the eighteenth district, composed of the Counties of Madison, Adair, and Cass;

From the twentieth district, composed of the County of Muscatine;

From the twenty-first district, composed of the County of Scott;

From the twenty-second district, composed of the County of Clinton;

From the twenty-ninth district, composed of the County of Jasper;

From the thirtieth district, composed of the County of Polk;

From the thirty-fourth district, composed of the Counties of Harrison, Monona, Crawford, Sac, and Ida;

From the thirty-fifth district, composed of the County of Dubuque;

From the thirty-seventh district, composed of the Counties of Hardin and Hamilton;

From the thirty-eight district, composed of the County of Black Hawk;

From the forty-second district, composed of the County of Winneshiek;

From the forty-fourth district, composed of the Counties of Bremer, Chickasaw, and Howard;

From the forty-fifth district, composed of the Counties of Poweshiek and Tama;

From the forty-eighth district, composed of the Counties of Calhoun, Carroll, Green, and Webster;

From the fiftieth district, composed of the Counties of Buena Vista, Cherokee, Lyon, Plymouth, Sioux, and Woodbury;

In and for each of which districts one Senator is to be chosen.

By vote of the Electors of the several Counties and Representative districts:

The office of Representative in the General Assembly, from each of such counties and representative districts, as follows:

From Dubuque and Scott Counties, each, three representatives;

From Benton, Black Hawk, Clayton, Clinton, Des Moines, Henry, Jackson, Jasper, Johnson, Lee, Linn, Mahaska, Marion, Muscatine, Polk, Pottawattamie, Wapello, and Winneshiek Counties, each, two representatives;

From Adams, Allamakee, Appanoose, Boone, Bremer, Buchanan, Butler, Cass, Cedar, Chickasaw, Clarke, Dallas, Davis, Decatur, Delaware, Fayette, Floyd, Fremont, Grundy, Guthrie, Hamilton, Hardin, Harrison, Howard, Iowa, Jefferson, Jones, Keokuk, Louisa, Lucas, Madison, Marshall, Mills, Mitchell, Monroe, Montgomery, Page, Poweshiek, Ringgold, Story, Tama, Taylor, Union, Van Burren, Warren, Washington, Wayne, Webster, and Woodbury counties, each, one representative;

From the Seventieth district, composed of the Counties of Plymouth, Sioux, and Lyon, one representative;

From the Seventy-first district, composed of the Counties of Monona, Crawford, and Ida, one representative;

From the Seventy-second district, composed of the Counties of Cherokee, Buena Vista, Pocahontas, and Sac, one representative;

From the Seventy-third district, composed of the Counties of Greene, Carroll, and Calhoun, one representative;

From the Seventy-fourth district, composed of the Counties of Adair, Audubon, and Shelby, one representative;

From the Seventy-fifth district, composed of the Counties of Clay, Osceola, O'Brien, and Dickinson, one representative;

From the Seventy-sixth district, composed of the Counties of Emmet, Palo Alto, Kossuth, and Humboldt, one representative;

From the Seventy-seventh district, composed of the Counties of Wright, Winnebago, Hancock, and Worth, one representative;

From the Seventy-eighth district, composed of the Counties of Cerro Gordo, and Franklin, one representative;

Whereof all Electors throughout the State will take due notice, and the Sheriffs of the several counties will take official notice, and be governed accordingly.

And I do further proclaim and give notice, that on the day of said General Election the office named below, having become vacant, is to be filled:

By vote of the Electors of the thirty-sixth Senatorial District, composed of the County of Delaware: The office of Senator in the General Assembly from said district, in the place of Lewis G. Hersey, resigned.

Whereof all Electors throughout said district will take due notice, and the Sheriff of said County of Delaware will take official notice, and be governed accordingly.

In testimony whereof, I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Iowa. Done at Des Moines this eighth day of September in the year of our Lord one thousand eight hundred and seventy-seven, of the State of Iowa the thirty-first, and of the Independence of the United States the one hundred and second.

J. G. NEWBOLD.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

ON THANKSGIVING

NOVEMBER 10, 1877

From MS. Copy of Executive Register, Vol. III, p. 371—in the Office of the Secretary of State, Des Moines

Following a venerable and praiseworthy custom, I ask the people of Iowa to observe, Thursday, the 29th day of November, the day heretofore selected by the President of the United States for the purpose, as a day of public Thanksgiving and Praise to Almighty God. On that day, let a grateful people assemble in the public congregation, and gather around the family altar as well, to render praise for the gift and opportunity of existence, for the providence that has brought us to homes in this favored land, and for the almost unparalleled prosperity that has attended us as a people, and especially for the peculiar blessings of the year; its almost entire freedom from the winged scourge that has so much paralyzed industry in former years, its abundant harvests, and its cheering promise. Praises too, let us give for the privileges of free government, free schools, a free press, a free ballot, and the sacred right each enjoys of expressing his opinion without fear of prosecution or ostracism. And with our praises let us mingle our prayers for those less fortunate than we—those whom war has desolated, whom famine has stricken, whom persecution has crushed, whom poverty has distressed; nor let us forget to contribute to their necessities. So doing, and meeting equal and exact justice to all, we may continue to enjoy the smiles of Providence, and remain a favored people in a choice land.

In testimony whereof, I have hereunto set my hand

and caused to be affixed the great seal of the State of Iowa.

Done at Des Moines this tenth day of November, in the year of our Lord one thousand, eight (L. S.) hundred and seventy-seven, of the State of Iowa, the thirty-first, and of the Independence of the United States the one hundred and second.

J. G. NEWBOLD.

By the Governor:

JOSIAH T. YOUNG, Secretary of State.

OFFERING A REWARD

DECEMBER 8, 1877

From MS. Copy of Executive Register, Vol. III, p. 371—in the Office of the Secretary of State, Des Moines

Whereas, I am satisfied from official information by me received, that the crime of murder has been committed in the county of Warren, to-wit: on the thirty-first day of October last past on the person of Augusta Kading, "by some person or persons" to the coroner's "jury unknown", and on the 14th day of November ultimo, on the person of one Reuben Proctor, "at the hands of an unknown mob;"

Now, therefore, To the end that justice be done, criminals punished, and the law vindicated, I, Joshua G. Newbold, Governor of the State of Iowa, do hereby offer a reward of

Five hundred dollars for the arrest, and delivery to the proper authorities of each and every person guilty of the murder of the said Augusta Kading, and of

Three hundred dollars for the arrest, and delivery to the proper authorities, of each and every person guilty of the murder of said Reuben Proctor; such reward, in each case, to be paid upon conviction of the person or persons so arrested.

In testimony whereof, I have hereunto set my hand
and caused to be affixed the Great Seal of the
L. S. State of Iowa. Done at Des Moines this eighth
day of December, A. D. 1877.

J. G. NEWBOLD.

By the Governor,

JOSIAH T. YOUNG, Secretary of State.



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