

JOURNAL

OF THE

House of Representatives,

AT THE

ADJOURNED SESSION

OF THE

FOURTEENTH GENERAL ASSEMBLY

OF THE

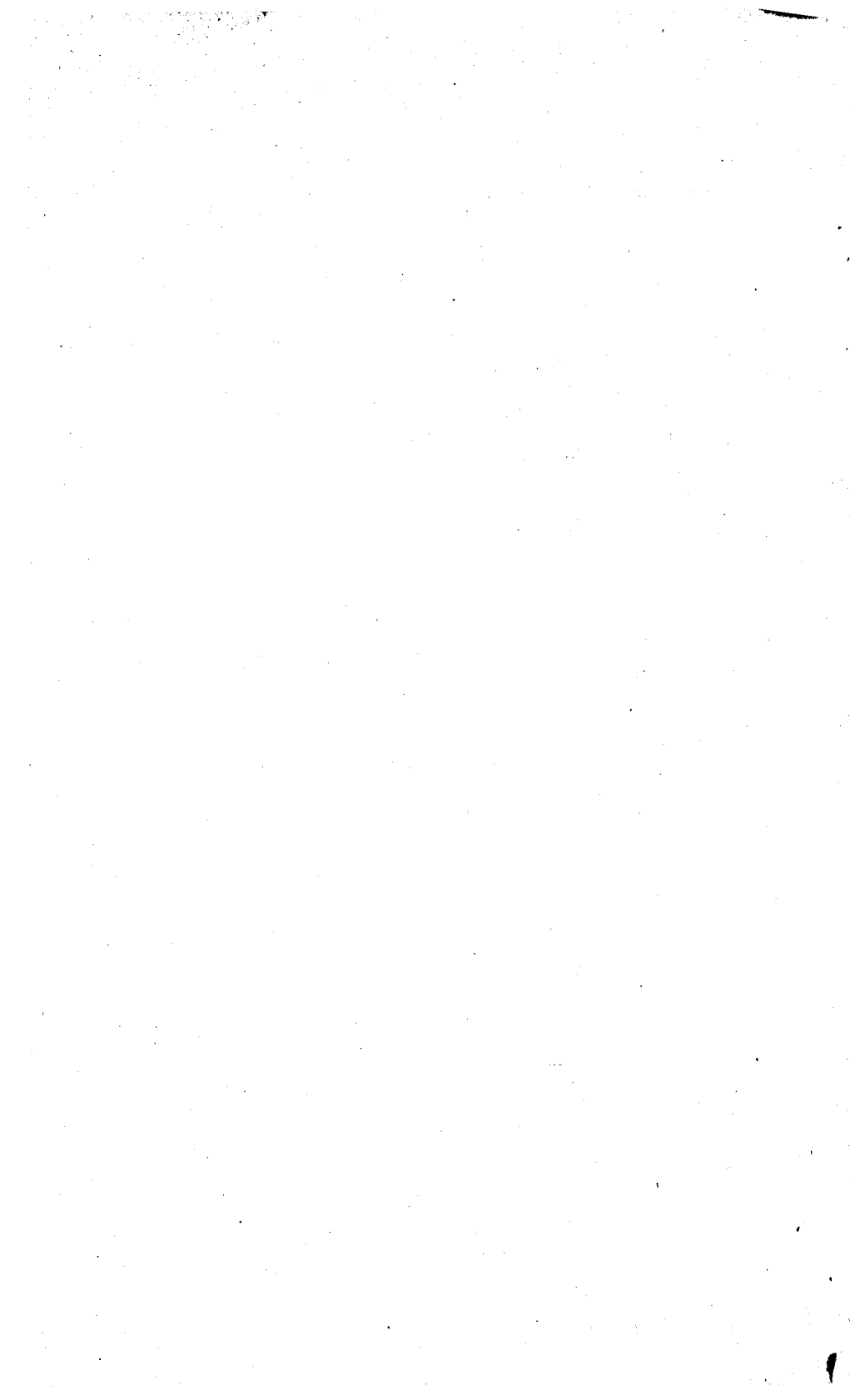
STATE OF IOWA,

WHICH CONVENED AT THE CAPITOL, IN DES MOINES, IOWA, JAN. 15, 1873.

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1873.



JOURNAL
OF THE
HOUSE OF REPRESENTATIVES.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, JANUARY 15, 1873. }

House met pursuant to adjournment, in accordance with concurrent resolution adopted April 13th, 1872.

Speaker in the chair.

Prayer by Rev. D. H. Kooker.

On motion of Mr. Kasson, C. C. Wilson, of Keokuk county, came forward to the clerk's desk, presented his credentials, and took the oath of office.

Mr. Yergler being present without credentials, Mr. Duncombe moved that he be admitted to a seat in the House.

Mr. Green moved to amend the motion by referring the matter to the committee on credentials. The motion prevailed.

The Speaker submitted a communication from S. E. Rankin, ex-State Treasurer, which was read and passed on file.

By unanimous consent, Mr. Close offered the following joint resolution :

WHEREAS, In a recent settlement authorized by the Trustees of the Iowa Agricultural College and Farm with S. E. Rankin, its late treasurer, it is shown that he is defaulter to that institution; and

WHEREAS, It appears that there was but a small amount of funds belonging to the Agricultural College in the hands of said Rankin at the time of his settlement as State Treasurer with the Auditor of State, on the third day of June, 1872; and

It further appears that he had purchased but little if any real estate since that date; and

It further appears that he held nearly all of his real estate free from incumbrance at that date, and it further appears that he counted to the Auditor of State drafts on Chicago and New York for \$62,005 and 29-100 at that date in his settlement as State Treasurer, and it does not appear that said Rankin had invested in any property to any extent in any direction since that date; and

It further appears that said Rankin in his capacity as College

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Treasurer drew from State Treasury \$38,500 on the 6th day of July, 1872, and it further appears from settlement with said Rankin by the Trustees of the Agricultural College that he is in default to that institution for the sum of \$38,301 and 46-100; and from the foregoing it would seem to appear that said defalcation existed prior to July 6th, 1872,

Therefore, I ask your hands on the part of the Trustees of said College, an investigation of all matters pertaining to his acts as Treasurer of the College and of the State. Therefore, be it

Resolved, By the House, the Senate concurring, that a committee be appointed of three from the House and two on the part of the Senate, to inquire into all matters of S. E. Rankin, its late Treasurer, in connection with that institution, and also to inquire into his acts as State Treasurer, and said committee are hereby required to report to this General Assembly at as early a date as possible upon all matters set forth in said preamble, and such other matters as seem to them best, and make such recommendations as they may deem proper, and they are hereby empowered to appoint a clerk and to send for persons and papers.

On motion of Mr. Close the consideration of the joint resolution was postponed until to-morrow morning at 10 o'clock.

By unanimous consent Mr. Kasson offered the following resolution:

Resolved, That the following rules be established for the consideration of the code:

1st, The House will hold two sessions each day except Sunday, and omitting the afternoon of Saturday, assembling at 10 o'clock A. M. and 2 o'clock P. M.

2d, As soon as the preliminary business, if any, is disposed of, the House will immediately go into committee of the whole on the code, and will take up the same for consideration in the order in which it is arranged by the commissioners:

3d, Any section or chapter to which any member wishes to offer any amendment shall be made if desired; otherwise the same shall be passed and considered as adopted by the committee.

4th, When the committee rises, its action shall be reported to the House, and the House shall act upon and dispose of the same, any member having the right to demand a separate vote upon any amendment of the committee to which he objects.

5th, The committee of the whole may report for reference, or the House may at any time refer to a regular committee any chapter which in its opinion requires such reference.

6th, The Clerk of the House shall act as clerk of the committee of the whole, and shall keep a record of the reports of its action as made to the House.

Mr. Merrill moved the adoption of the resolution.

Mr. Green moved that the further consideration of the resolution be postponed until to-morrow morning at 10 o'clock.

Mr. Lee moved to amend the motion by ordering that the same be printed.

The motion did not prevail.

By unanimous consent Mr. Green withdrew his motion.

On motion of Mr. Stow the resolution was referred to a select committee consisting of the chairmen of the different standing committees of the House.

Mr. Duncombe from the committee on credentials, submitted the following report :

MR. SPEAKER : Your committee on credentials to whom was referred the credentials of Augustus Yerger, member elect from the 39th Representative District, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that the said A. Yerger be admitted as a member of the House.

JNO. F. DUNCOMBE, *Chairman.*

On motion of Mr. Merrill the report was adopted.

Mr. Yerger came forward to the clerk's desk and took the oath of office.

Leave of absence was granted to Messrs. Ainsworth, Campbell, Clark of Benton, Freeman, Flenniken, Hall, Keables, Mills, Reuther, Litzenberg, Rule, and Van Deventer.

Mr. Rohlfs moved that when the House adjourn it adjourn to meet to-morrow at 10 o'clock.

The motion prevailed.

On motion of Mr. Newbold the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, IOWA, Jan. 16th 1873. }

House convened pursuant to adjournment. The Speaker in the chair.

Prayer by Rev. J. H. Swope.

Journal of yesterday's proceedings read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER :—I am directed to inform your honorable body that the Senate has passed the following resolutions, in which the concurrence of the House is asked:

Concurrent resolution asking an investigation into the Rankin defalcation and to inquire into the official acts of the Board of Trustees of the Agricultural College.

Also, concurrent resolution for the appointment of a committee to investigate the financial management of the various State institutions.

The resolutions are herewith submitted.

J. A. T. HULL, *Secretary.*

On motion of Mr. Kasson the message from the Senate was taken up.

Mr. Stedman moved that the Senate resolution in regard to the Rankin defalcation be amended by making the committee consist of four members from the House and three members from the Senate.

The amendment was not adopted.

The resolution was then adopted.

Mr. Evans moved to amend the Senate resolution in regard to the disbursements of the State Institutions, by making it read two members from the Senate and three from the House.

The amendment was adopted.

Mr. Kasson offered the following amendment, which was adopted:

Report what further legislation, if any, is needed to secure the funds of the various State institutions from misuse and loss.

The resolution was then adopted as amended.

Mr. Kasson, from the select committee, submitted the following report:

MR. SPEAKER:—Your select committee, composed of the chairmen of all the regular committees of the House, to whom was referred the resolution providing an order for the consideration of the code, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the House with the recommendation that it be amended by inserting in the first clause after the words "10 o'clock A. M.," the words *until otherwise ordered by the House;*

Also by inserting at the end of the first line of the third clause the words—*the commission have proposed, or,*

And that being so amended the resolution be adopted.

JOHN A. KASSON, *Chairman.*

By unanimous consent, Mr. Whitten offered the following resolution, which was referred to special committee consisting of Messrs. Whitten, Leahy, and Caldwell:

Resolved, That the Secretary of State be instructed to close the registers in the hall of the House of Representatives and provide and set up the *requisite number* of stoves for the purpose of warming said hall.

INTRODUCTION OF BILLS.

Mr. Kasson, from the select committee, introduced H. F. No. 1, A bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the State and the legislative department.

Read a first and second time and referred to committee of the whole.

Also, H. F. No. 2, A bill for an act to revise, amend and codify the statutes in relation to the executive department.

Read a first and second time and referred to committee of the whole.

Also, H. F. No. 3, A bill for an act to revise, amend and codify the statutes in relation to the judicial department.

Read a first and second time and referred to the committee of the whole.

Also, H. F. No. 4, A bill for an act relating to county, township, town and city government.

Read a first and second time and referred to the committee of the whole.

Also, H. F. No. 5, A bill for an act to revise, amend and codify the statutes respecting elections and officers.

Read a first and second time and referred to the committee of the whole.

Also, H. F. No. 6, A bill for an act to revise, amend and codify the statutes in relation to revenue.

Read a first and second time and referred to the committee of the whole.

Also, H. F. No. 7, A bill for an act to revise, amend, and codify the statutes in relation to highways, bridges and ferries.

Read a first and second time and referred to the committee of the whole.

Also, H. F. No. 8, A bill for an act to revise, amend and codify the statutes in relation to the militia.

Read a first and second time and referred to the committee of the whole.

Also, H. F. No. 9, A bill for an act to revise, amend and codify the statutes in relation to corporations.

Read a first and second time and referred to the committee of the whole.

Also, H. F. No. 10, A bill for an act to revise, amend and codify the statutes in relation to internal improvements.

Read a first and second time and referred to the committee of the whole.

Also, H. F. No. 11, A bill for an act to revise, amend and codify the statutes in relation to the police of the State.

Read a first and second time and referred to the committee of the whole.

Leave of absence was granted to Mr. Tuttle.

Mr. Green moved that the House resolve itself into a committee of the whole on the consideration of the code.

The motion prevailed, and the House went into committee of the whole, Mr. Kasson in the chair.

After due deliberation the committee arose and reported that they had had H. F. No. 1 under consideration, and reported the same back to the House with amendments.

Mr. Duncombe moved that the amendments recommended by the committee be concurred in.

The motion prevailed.

Mr. Duncombe moved that the rule be suspended, that the bill be considered engrossed, and read a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Jasper, Blakely, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Duncombe, Durham, Ellsworth, Ericson, Evans, Gear, Goodspeed, Green, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Reed, Reuther, Rice, Rohlf, Sandry, Schweer, Stedman, Stewart, Stow, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Van Sann, Whitten, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker.—74.

Nays were none.

Absent or not voting—

Messrs. Beatty of Cedar, Beresheim, Bergh, Blackman, Booth, Butler, Campbell, Carver, Christoph, Danforth, Flenniken, Freeman, Hall, Hanan, Irish, Keables, Litzenberg, McAllister, Paul, Pratt, Rule, Secor, Skillin, Tuttle, and Wood of Story.—25.

So the bill passed and the title was agreed to.

Mr. Kasson moved that the House resolve itself into a committee of the whole on the consideration of the code bills.

The motion prevailed and the House went into committee of the whole, Mr. Kasson in the chair.

The committee arose and reported that they had the special order under consideration and asked leave to sit again.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

Mr. SPEAKER:—I am directed to inform your honorable body

that the Senate has passed the following resolution in which the concurrence of the House is asked.

Concurrent resolution relative to order of considering code by the two houses.

J. A. T. HULL, *Secretary.*

The Chair announced as the committee of investigation on the defalcation of S. E. Rankin, Messrs. Williams, Evans and O'Donnell.

On motion of Mr. Ellsworth, the House adjourned.

2 O'CLOCK P. M.

The House called to order by the Speaker.

By unanimous consent Mr. Duncombe offered the following preamble and resolution:

WHEREAS, Samuel E. Rankin, late State Treasurer and Treasurer of the Agricultural College and Farm, by his own communication addressed to this House admits that as a public officer within this state charged with safe keeping of public money, he has converted to his own use certain public funds entrusted to him as such public officer which public funds are unaccounted for; therefore

Resolved, That the Attorney-General of the State be and he is hereby instructed to give his opinion to this House as to whether said Rankin has under his own admission committed any criminal offense against the laws of the State of Iowa, and if so what, and what is the proper remedy.

Mr. Kasson moved to amend by striking out the preamble.

Mr. Davis moved to amend by offering the following as a substitute for the whole.

Resolved, That a copy of the communication of Samuel E. Rankin to this House be forwarded to the Attorney-General and that he be and is hereby requested to communicate to this House his opinion whether a crime has been committed punishable by law, and if so what is the proper course to secure his conviction.

On the adoption of the substitute, Mr. Duncombe demanded the yeas and nays which were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Jasper, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Clark of Benton, Clarke of Iowa, Crawford, Davis, Davison, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Gear, Goodspeed, Green, Hanson, Heberling, Hewett, Hopkirk, Johnston, Kasson, Leahy, Lee, McClure, McCoy, Miller, Newbold, Peet, Perkins, Stedman, Struthers, Tasker, Teale, Tufts, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wright of Mills and Mr. Speaker.—49

The nays were—

Messrs. Ainsworth, Appleton, Blakely, Close, Day, Dayton, Duncombe, Hilton, Hovey, Merrill, Mills, O'Donnell, Reed, Reuther, Rice, Rohlf, Sandry, Schweer, Stewart, Stow, Van Deventer, Whitten, Wood of Clay, Wright of Van Buren, and Yerger—25.

Absent or not voting—

Messrs. Beatty of Cedar, Beresheim, Bergh, Blackman, Booth, Butler, Campbell, Carver, Christoph, Danforth, Flenniken, Freeman, Hall, Hanan, Irish, Keables, Litzenberg, McAllister, Paul, Pratt, Rule, Secor, Miller, Tuttle, and Wood of Story—25.

The resolution as amended was then adopted.

On motion of Mr. O'Donnell the Senate message relating to the manner of considering the code was taken up.

Mr. Kasson moved to amend the Senate resolution by apportioning to the House the consideration of the odd numbered titles and to the Senate those of even numbers.

The amendment was adopted.

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

Resolved, That the Secretary of state be instructed to furnish to the clerk of the House one copy of the printed code as reported by the commissioners. Also one copy to the reporter's desk for the use of the reporters of the House.

Mr. O'Donnell moved that the House resolve itself into a committee of the whole on the consideration of the code bills.

The motion prevailed and the House went into a committee of the whole with Mr. Kasson in the chair.

After due deliberation the committee arose and reported back to the House as follows:

That they had under consideration that part of the code known as Title No. 3, and that they had adopted the bill with amendments, and asked leave to sit again.

On motion of Mr. Kasson the amendments recommended by the committee except the amendment to section 2, chapter 5, was concurred in.

Mr. Davis moved to concur in the recommendation of the committee to amend section 2, chapter 5.

The motion prevailed.

Mr. Davisson moved to strike out sections 8, 9 and 10, chapter 9.

The motion did not prevail.

Mr. O'Donnell moved that the rule be suspended, that the bill be considered engrossed and read a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Appleton, Ballinger, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Clark of Benton, Clarke

of Iowa, Close, Crawford, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Duncombe, Durham, Ellsworth, Ericson, Evans, Gear, Goodspeed, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Perkins, Reed, Reuther, Rice, Rohlf, Sandry, Schweer, Skillin, Stewart, Stow, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, Wright of Van Buren, Yerger and Mr. Speaker.--71.

The nays were— Mr Ainsworth.

Absent or not voting—

Messrs. Beatty of Cedar, Beresheim, Bergh, Booth, Butler, Campbell, Carver, Christoph, Danforth, Flenniken, Freeman, Green, Hall, Hanan, Irish, Keables, Litzenberg, McAllister, Paul, Peet, Pratt, Rule, Secor, Skillen, Tuttle, Whitten and Wood of Story.—27.

So the bill passed and the title was agreed to.

On motion of Mr. Duncombe the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, January 17, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. D. H. Kooker.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has concurred in House amendments to Senate resolution appointing a committee to inquire into the financial management of the various State institutions.

J. A. T. HULL, *Secretary*.

Mr. Leahy, from the special committee on heating the hall, submitted the following report:

Your committee to whom was referred the resolution directing the Secretary of State to close the registers and provide stoves to warm the hall of the House, have had the same under consideration, and beg leave to report that they have examined the matter

carefully and from the best information they have been able to obtain are led to the belief that room cannot be made for the number of stoves necessary to render the hall comfortable.

And your committee recommend that the Secretary of State be directed to examine the matter, and if any plan of warming the hall with stoves can be determined upon to report the same to the House.

The chair announced as the committee on the part of the House on the financial management of the various State institutions, Messrs. Kasson, Caldwell and Ainsworth.

Mr. Green moved that the House resolve itself into a committee of the whole on the consideration of the special order.

The motion prevailed and the House went into committee of the whole, Mr. Kasson in the chair.

After due deliberation the committee arose and reported progress and asked leave to sit again.

On motion of Mr. Leahy the House adjourned.

2 O'CLOCK P. M.

House called to order by the Speaker.

Mr. Newbold moved that the House resolve itself into a committee of the whole on the special order.

The motion prevailed and the House went into committee of the whole, Mr. Kasson in the chair.

After due deliberation the committee arose and reported back to the House that they had had under consideration H. F. No. 5, which was reported back with amendments.

Mr. Leahy demanded a separate vote on the adoption of section 9, chapter 2, as recommended by the committee, and demanded the yeas and nays thereon, which were as follows:

The yeas were—

Messrs. Ainsworth, Ballinger, Beatty of Jasper, Blakely, Caldwell, Cardell, Christoph, Clarke of Iowa, Davisson, Day, Dayton, Draper, Duncan, Ellsworth, Ericson, Flenniken, Goodspeed, Hanson, Heberling, Hilton, Hopkirk, Johnston, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Reed, Rice, Sandry, Schweer, Stewart, Stow, Struthers, Tasker, Teale, Van Deventer, Van Meter, Williams, Wood of Clay, Wright of Mills, Wright of Van Buren, and Yerger.—46.

The nays were—

Messrs. Appleton, Beresheim, Bliss, Bonewitz, Cadwell, Clark of Benton, Close, Crawford, Davis, Dumont, Durham, Evans, Gear, Green, Hewett, Hovey, Kasson, Leahy, Lee, Litzenberg, Perkins, Reuther, Tufts, Van Saun, Wilson C. C. of K., Wilson J. F. of K., Wilson of Washington, and Mr. Speaker.—28.

Absent or not voting—

Messrs. Beatty of Cedar, Bergh, Blackman, Booth, Butler, Campbell, Carver, Danforth, Duncombe, Freeman, Hall, Hanan, Irish, Keables, McAllister, Paul, Pratt, Rohlf, Rule, Secor, Skillin, Stedman, Tuttle, Whitten, and Wood of Story.—25.

So the amendment was adopted.

The amendments recommended by the committee were adopted.

Mr. Newbold moved that the rule be suspended, that the bill be considered engrossed and read a third time now.

The motion prevailed and the bill was read the third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Caldwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Crawford, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Goodspeed, Hanson, Heberling, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Reed, Reuther, Rice, Rohlf, Sandry, Schweer, Stewart, Stow, Struthers, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Mills, Wright of Van Buren, Yerger and Mr. Speaker.—66.

The nays were—

Messrs. Cadwell, Close, Gear, Green, Hewett, Lee, Perkins, Stedman, and Wilson of Washington.—9.

Absent or not voting—

Messrs. Beatty of Cedar, Bergh, Blackman, Booth, Butler, Campbell, Carver, Danforth, Duncombe, Freeman, Hall, Hanan, Irish, Keables, McAllister, Paul, Pratt, Rule, Secor, Skillin, Teale, Tuttle, Whitten and Wood of Story.—24.

So the bill passed and the title was agreed to.

Mr. Goodspeed moved that the House resolve itself into a committee of the whole House on the regular order.

The motion prevailed and the House went into a committee of the whole with Mr. Kasson in the chair.

After due deliberation the committee arose and reported back to the House that they had considered House File No. 7, and reported the same back with amendments.

Mr. Kasson moved that the amendments recommended by the committee be adopted.

The motion prevailed.

Mr. Ruther moved to amend by adding additional sections to chapter 2, as follows:

SEC. 34. In case a majority of the legal voters of a township should in a petition to the board of trustees of such township ask said board to declare that all the road and poll taxes levied in the

township should be paid in money, then such board shall order the above named taxes so paid, which shall be collected in the same manner by the county treasurer, as other taxes.

SEC. 35. The trustees shall then have authority to let the road work, as was heretofore done by the road supervisor, into contract to one or more persons, who shall give sufficient bond, such bond running to the county for the faithful fulfillment of the contract.

SEC. 36. It shall be optional with the board, to divide the township into two or more road districts, or leave it in one, as they deem practicable.

SEC. 37. The trustees shall be the viewers and competent judges of the faithful performance of the work stipulated in contract, and in case the work has not been performed according to such contract, the trustees shall determine the amount to be deducted out of amount stipulated in the contract.

SEC. 38. The board of trustees shall have authority to let the road work into contract for one, two or three successive years, and they can also nullify the contract before the time the same has run out, if the contractor does not attend to his duty as stipulated in such contract.

SEC. 39. In the townships where the road work is done in the manner above described, no road supervisor is to be elected or appointed.

SEC. 40. The township trustees shall have power to sue and be sued, but only in matters with the working of roads and highways.

On the adoption of the amendment Mr. Reuther demanded the yeas and nays, which were as follows :

The yeas were—

Messrs. Ainsworth, Ballinger, Beresheim, Bonewitz, Christoph, Clark of Benton, Dayton, Dumont, Flenniken, Gear, McClure, O'Donnell, Peet, Perkins, Reuther, Rohlts, Sandry, Stewart, Stow, Struthers, Teale, Wright of Mills, and Mr. Speaker.—23.

The nays were—

Messrs. Appleton, Beatty of Jasper, Blakely, Bliss, Cadwell, Caldwell, Cardell, Clarke of Iowa, Close, Crawford, Davis, Davisson, Day, Draper, Duncan, Durham, Ellsworth, Ericson, Evans, Goodspeed, Green, Hanson, Hilton, Hopkirk, Johnston, Kasson, Leahy, Lee, Litzenburg, McCoy, Merrill, Miller, Mills, Newbold, Reed, Rice, Schweer, Stedman, Taker, Tufts, Van Deventer, Van Meter, Van Saun, Whitten, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Van Buren, and Yerger.—50.

Absent or excused—

Messrs. Beatty of Cedar, Bergh, Blackmann, Booth, Butler, Campbell, Carver, Danforth, Duncombe, Freeman, Hall, Hanan, Heberling, Hewett, Hovey, Irish, Keables, McAllister, Paul, Pratt, Rle, Secor, Skillen, Tuttle, Williams and Wood of Story.—26.

So the motion to amend did not prevail.

Mr. Green moved to amend section 37, second line by striking out "or" and inserting "and may."

The motion prevailed.

Mr. Close moved to amend by striking out all after "plat book" in fifth line.

The motion did not prevail.

Mr. Ainsworth moved to strike out section 48, and demanded the yeas and nays, which were as follows :

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Jasper, Blakely, Cadwell, Christoph, Clarke of Iowa, Close, Davisson, Dayton, Draper, Duncan, Ericson, Flenniken, Hilton, Johnston, Reed, Reuther, Rice, Sandry, Schweer, Stewart, Stow, Struthers, Tasker, Tufts, Van Sann, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Mills, Yerger and Mr. Speaker.—34.

The nays were—

Messrs. Beresheim, Bliss, Bonewitz, Caldwell, Cardell, Clark of Benton, Crawford, Davis, Day, Dumont, Durham, Ellsworth, Evans, Gear, Goodspeed, Green, Hanson, Heberling, Hewett, Hopkirk, Hovey, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Rohlf, Stedman, Teale, Van Deventer, Van Meter, Whitten, Wilson of Washington and Wright of Van Buren.—43.

Absent or excused—

Messrs. Beatty of Cedar, Bergh, Blackman, Booth, Butler, Campbell, Carver, Danforth, Duncombe, Freeman, Hall, Hanan, Irish, Keables, McAllister, Paul, Pratt, Rule, Secor, Skillin, Tuttle and Wood of Story.—22.

So the motion to amend did not prevail.

Mr. Green moved that the rule be suspended, that the bill be considered engrossed and read a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Gear, Goodspeed, Green, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Reed, Rice, Rohlf, Sandry, Schweer, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Van Sann, Whitten, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, Wright of Van Buren, Yerger and Mr. Speaker.—75.

The nays were—

Messrs. Reuther and Stow.—2.

Absent or excused—

Messrs. Beatty of Cedar, Bergh, Blackman, Booth, Butler, Campbell, Carver, Danforth, Duncombe, Freeman, Hall, Hanan, Irish, Keables, McAllister, Paul, Pratt, Rule, Secor, Skillin, Tuttle, and Wood of Story.—22.

So the bill passed and the title was agreed to.

On motion of Mr. Peet the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, January 18th, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. W. H. Swope.

Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Senate File No. 15, Title 2, A bill for an act to revise, amend and codify the statutes in relation to the executive department.

Also, that the Senate has passed House File No. 1, A bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the state and legislative department, with the following amendments:

Strike out of section 8, chapter 2, in the second line, the words "and adjourned."

Strike out of sixth line, same chapter and section, the words "or adjourned."

Strike out of seventh line, same section, the word "eight" and insert the word "seven."

Strike out of the eighth line the word "seven" and insert the word "six."

Strike the words "and their assistants" from the eleventh line.

Insert in the fourteenth line the words "stationery (except as above provided)" after the word "for."

Strike out the words "except for stationery" at the end of the eighth section.

Strike out the word "as" in third line of thirteenth section, same chapter.

In all of which amendments the concurrence of the House is respectfully asked.

J. A. T. HULL, *Secretary*.

Also, the accompanying concurrent resolution giving the Rankin investigating committee the use of the telegraph.

J. A. T. HULL, *Secretary*.

Mr. Hanan from the 57th representative district came forward to the clerk's desk and took the oath of office.

By unanimous consent, Mr. Green offered the following resolution, which was adopted:

After action by the House on amendments made by committee of the whole, and such other amendments as may then be offered, the bill shall be laid aside till next morning, when it shall be the special order, and only amendments necessary to harmonize the provisions of the bill or to correct clerical errors shall then be admissible.

Leave of absence was granted Chief Clerk and Mr. Paul.

By unanimous consent, Mr. Green offered the following resolution, which was adopted:

Be it resolved by the General Assembly of the State of Iowa, That the Attorney-General be requested to conduct the examination of witnesses who may testify before the committee appointed to investigate the alleged defalcation of Samuel E. Rankin.

MESSAGE ON THE SPEAKER'S TABLE.

House File No. 1, A bill for an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the state and legislative departments, was taken up with Senate amendments.

Upon concurring, the yeas and nays were as follows:

The yeas were—

Messrs. Appleton, Ballinger, Beatty of Jasper, Beresheim, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Cloese, Davis, Davisson, Day, Draper, Dumont, Dancan, Durham, Ellsworth, Ericson, Evane, Flennikin, Gear, Goodspeed, Green, Hanson, Hewett, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, Peet, Perkins, Pratt, Reed, Rice, Rohlts, Sandry, Schweer, Stedman, Stewart, Struthers, Tasker, Teale, Tuffe, Van Deventer, Van Meter, Van Saun, Whitten, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood

of Clay, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker.—67.

The nays were—

Messrs. Ainsworth, Blakely, Hanan, Heberling, Hilton, Irish, McCoy, O'Donnell, Stow, Williams.—10.

Absent or excused—

Messrs. Beatty of Cedar, Bergh, Blackman, Booth, Butler, Campbell, Carver, Crawford, Danforth, Dayton, Duncombe, Freeman, Hall, Keables, McAllister, Paul, Reuther, Rule, Secor, Skillen, Tuttle, and Wood of Story.—22.

So the Senate amendments were concurred in.

Senate File No. 15, Title 2, A bill for an act to revise, amend and codify the statutes in relation to the executive department, was taken up and read a first and second time and referred to the committee of the whole.

Concurrent resolution giving the investigating committee on the defalcation of S. E. Rankin the use of the telegraph, was taken up.

Mr. Kasson moved to amend by inserting "and committee on State institutions."

The motion prevailed.

The resolution as amended was adopted.

After due deliberation the committee arose and reported progress on work assigned, and asked leave to sit again.

On motion of Mr. Perkins the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES IOWA, January 20, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. W. M. Sparr.

Journal of Saturday read and approved.

On motion of Mr. Newbold the House resolved itself into committee of the whole for the consideration of the code.

MESSAGE FROM THE SENATE.

The Speaker took the chair to receive the following message from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill:

House File No. 3, A bill for an act to revise, amend and codify

the statutes in relation to the judicial department, with the following amendments:

In section 4 of chapter 1, strike out all after the word "shall" in the second line and insert the following: "be heard at the next term of each court unless transferred by agreement of parties to some other place named in section one hereof."

Insert in first line of section 2, chapter 4, after the word "prepare" the words "for publication."

Insert in the fifth line of section 6, chapter 4, after the word "thereof" the words "and one copy to each county in the State."

In sixth line of same section strike out the word "eighty" and insert the word "twenty."

In fourth section, chapter 5, strike out the words "together with the district attorney," in second line.

Strike out of fourteenth section all after the word "judges."

Insert in section 19, seventh line, after the word "state" the words "to each of the judges of the supreme court."

Add to section 5, chapter 7, the following: "Eight—A book in which an index of all liens in district or circuit court shall be kept."

Insert in section 8, chapter 7, after the word "make" in the first line the words "in the appearance docket."

Also strike out the word "pleas" in second line and insert the word "petition."

Amend section 1, chapter 8, by striking out the word "venue" in the eighth line, and inserting the words, "place of trial."

Add at the end of section 10 of chapter 9, the words, "or written contract with the party for whom the services were rendered."

Add to section 7 the words, "or empanel a jury from the bystanders."

Strike out the words, "have the right to" in section 5 of chapter 11, and insert after the word "officer" in third line of same section the words, "or other officer authorized to administer oaths."

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

Also that the Senate has concurred in House amendments to Senate resolution giving the Rankin investigating committee authority to use the telegraph in summoning witnesses.

J. A. T. HULL, *Secretary*.

The chairman called the committee to order.

The committee arose and through their chairman reported that they had Senate File No. 15, Title 2, A bill for an act to revise, amend and codify the statutes in relation to the executive department.

House File No. 9, A bill for an act to revise, amend and codify the statutes in relation to corporations, under consideration and reported the same back to the House with amendments.

Mr. Tutts moved to amend Senate File No. 15, title 2, section 10, chapter 8, insert after "Attorney-General," fourth line the words "State Librarian."

The motion prevailed.

The report of the committee was adopted.

Mr. Green moved to amend chapter, 9 of the board of immigration.

SECTION 1. The board of immigration shall be composed of five members including the governor, *who shall by virtue of his office* be president of the board, and *he* shall appoint four members who shall hold their office for two years and until their successors are *appointed* and qualified.

SEC. 2. The board shall meet at the *seat of government* on the first day of April in each year, and it shall be the duty of the board to encourage immigration into the state.

SEC. 3. The board shall elect at their first meeting a secretary from their own number, or outside of the same. The secretary shall act as commissioner of immigration. He shall be a person who is familiar with the agricultural, mineral, and other resources of the state, and it shall be his duty to prepare, publish, and distribute pamphlets and documents, setting forth facts and statistics, illustrating the advantages and material resources of the state, and containing correct information for immigrants in relation to its climate, soil, productions, schools, railroads, and all other matters of interest to said immigrants. It shall further be the duty of said commissioner to maintain correspondence with associations and parties generally interested in immigration, and he may publish, or cause to be published, essays and articles, treating on, and describing truly, the agricultural, mineral, commercial, social, and other characteristics of the state. The said secretary shall act under the control of the board of immigration, and he shall make a report of his doings to the same, at their regular meeting.

SEC. 4. The Secretary shall receive a just compensation for his services to be determined by the board, and paid out of the funds provided for the use of the board by the general assembly.

SEC. 5. The board *may* appoint an agent or agents for the purpose of aiding and advising immigration, but such agents shall receive no salary for their services.

SEC. 6. It shall be the duty of said board to co-operate with the board of immigration at Washington City, and to make regular reports of their labor and proceedings to the general assembly, accompanied by such references, suggestions, and statistics, as may furnish a proper basis for further legislation on the subject of immigration.

SEC. 7. The members of the board shall receive no compensation for their services but shall be allowed the same amount of mileage that is allowed the members of the general assembly, to be paid

out of the state treasury, but shall in no case be allowed for more than two meetings in one year.

Upon the adoption of the amendment Mr. Green demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beresheim, Blackman, Cadwell, Christoph, Day, Dayton, Ericson, Gear, Green, Hanan, Heberling, Hewett, McCoy, Merrill, Perkins, Pratt, Reed, Reuther, Rohlf, Sandry, Stewart, Stow, Van Deventer, and Williams—26.

The nays were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blakely, Bliss, Bonewitz, Cardell, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Dumont, Duncan, Durham, Ellsworth, Evans, Goodspeed, Hanson, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, Miller, Mills, Newbold, Peet, Rice, Schweer, Stedman, Struthers, Tasker, Teale Tufts, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—47.

Absent or excused—

Messes. Ballinger, Bergh, Booth, Butler, Caldwell, Campbell, Carver, Danforth, Davisson, Draper, Duncombe, Flenniken, Freeman, Hall, Irish, Keables, McAllister, O'Donnell, Paul, Rule, Secor, Skillin, Tuttle, Van Meter, Whitten, and Wilson of Washington—26.

So the motion did not prevail.

H. F. No. 9, a bill for an act to revise, amend and codify the statutes relative to corporations.

Committee amendments, except section 34, chapter 1, were adopted.

Mr. Stow moved to amend by offering a substitute:

Sec. 34. All corporations organized under this act, shall at all times conform to, and be governed by the laws of the State of Iowa, now in force or hereafter enacted.

The motion to amend did not prevail.

Upon the adoption of section 34, chapter 1, Mr. Ainsworth demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Appleton, Beatty of Cedar, Beatty of Jasper, Blakely, Bliss, Bonewitz, Cadwell, Cardell, Clarke of Iowa, Close, Crawford, Davis, Day, Dumont, Duncan, Durham, Ellsworth, Ericson, Gear, Goodspeed, Hanson, Hopkirk, Hovey, Johnston, Leahy, Lee, McCoy, Miller, Mills, Newbold, Peet, Reed, Rice, Stedman, Stewart, Tasker, Tufts, Van Saun, Wright, of Mills, and Mr. Speaker.—40.

The nays were—

Messrs. Ainsworth, Ballinger, Beresheim, Blackman, Christoph, Clark of Benton, Dayton, Evans, Flenniken, Green, Hanan,

Heberling, Hewett, Hilton, Kasson, Litzenberg, McClure, Merrill, O'Donnell, Perkins, Pratt, Reuther, Rohlf's, Sandry, Schweer, Stow, Struthers, Van Deventer, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Van Buren, and Yerger.—35.

Absent or excused—

Messrs. Ballinger, Bergh, Booth, Butler, Caldwell, Campbell, Carver, Danforth, Draper, Duncombe, Freeman, Hall, Irish, Keables, McAllister, Paul, Rule, Secor, Skillin, Teal, Tuttle, Van Meter, Whitten, and Wilson, of Washington.—24.

So the motion to amend did not prevail.

Mr. Evans moved to amend section 3, chapter 3, first line, by striking out "two" and inserting "one."

Upon the motion to amend Mr. Goodspeed and Evans demanded the yeas and nays, which were as follows:

The nays were—

Messrs. Appleton, Beatty of Cedar, Beatty of Jasper, Blakely, Bliss, Bonewitz, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Day, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Gear, Green, Hanson, Heberling, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Newbold, O'Donnell, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rohlf's, Sandry, Schweer, Stedman, Stewart, Struthers, Tasker, Teal, Tufts, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker.—62.

The yeas were—

Messrs. Ainsworth, Beresheim, Blackman, Cadwell, Dayton, Goodspeed, Hanan, Hewett, Hilton, Mills, and Stow.—11.

Absent or excused—

Messrs. Ballinger, Bergh, Booth, Butler, Caldwell, Campbell, Cardell, Carver, Danforth, Davis, Davisson, Draper, Duncombe, Freeman, Hall, Irish, Keables, McAllister, Paul, Rule, Secor, Skillin, Tuttle, Van Meter, Whitten, and Wilson of Washington.—26.

So the amendment was adopted.

Mr. Teal moved to strike out section 34.

The motion did not prevail.

Mr. Hewett moved to amend section 2, chapter 3, after the word office, in the third line, "and the president of the Iowa State Agricultural College shall, be *ex-officio* member of the board of directors."

The motion did not prevail.

By unanimous consent S. F. No. 15, Title 2, a bill for an act to revise, amend, and codify the statutes in relation to the executive department, was taken up and read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Cadwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Gear, Goodspeed, Hanan, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Pratt, Reed, Reuther, Rice, Sandry, Schweer, Stedman, Stewart, Stow, Struthers, Tasker, Teal, Tufts, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker.—73.

The nays were—

Messrs. Green and Rohlf.—2.

Absent or excused—

Messrs. Ballinger, Bergh, Booth, Butler, Caldwell, Campbell, Carver, Danforth, Davisson, Draper, Duncombe, Freeman, Hall, Irish, Keables, McAllister, Paul, Rule, Secor, Skillin, Tuttle, Van Meter, Whitten, and Wilson of Washington.—24.

So the bill passed and the title was agreed to.

By unanimous consent, Mr. Van Deventer offered the following resolution which was adopted:

Resolved, by the House of Representatives, the Senate concurring: That for the purpose of facilitating the adjustment of the conflicting claims upon the State, arising under the several railroad grants of land, the swamp land grant, and the actual settlers of the State holding homestead and pre-emption claims upon such lands, the Governor and the Register of the State Land Office are hereby authorized and required to procure as soon as practicable from the Commissioner of the General Land Office at Washington, and also, when they shall deem it necessary, from the several local land offices, certified lists of the lands on which there are conflicting claims under such several grants, and lists of all cancelled pre-emption entries, and homestead claims or settlements, and cause the same to be filed and recorded in the office of the Register of the State Land Office, and that the necessary expenses thereof be paid out of the general contingent fund of the State.

On motion of Mr. Ainsworth the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

MESSAGE ON THE SPEAKER'S TABLE.

House File No. 3, A bill for an act to revise, amend and codify

the statutes in relation to the judicial department, was taken up with Senate amendments.

The Senate amendment to section 4, chapter 1, to strike out "each court," and insert "held at the same place," on motion of Mr. Ainsworth were adopted.

Mr. Ainsworth moved to reconsider the vote by which the House adopted the amendment. The motion prevailed.

The Senate amendment was concurred in.

The Senate amendment to section 6, chapter 4, was concurred in.

The Senate amendment to chapter 8, section 1, was concurred in.

The Senate amendment to chapter 10, section 7, was concurred in.

Upon the adoption of the Senate amendments the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Cadwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Davisson, Day, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Gear, Goodspeed, Green, Hanan, Hanson, Herberling, Hewett, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rohlf, Sandry, Schweer, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Meter, Van Saun, Williams, Wilson C. C., of Keokuk, Wilson J. F., of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker.—72.

The nays were—Mr. Stow—1.

Absent or excused—

Messrs. Bellingher, Bergh, Blackman, Booth, Butler, Caldwell, Campbell, Carver, Danforth, Dayton, Dumont, Duncombe, Freeman, Hall, Irish, Keables, Litzenberg, McAllister, Paul, Rule, Secor, Skillin, Tuttle, Van Deventer, Whitten, and Wilson of Washington.—26.

So the House concurred in Senate amendments.

House File No. 9, A bill for an act to revise, amend and codify the statutes in relation to corporations, was taken up.

Mr. Blakely moved to amend chapter 3, section 12, first line insert after the word "liquor," "beer or wine."

The motion prevailed.

Mr. Kasson moved that the rule be suspended and the bill be considered engrossed, and read a third time now.

The motion prevailed. The bill was read a third time.

Upon the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Appleton, Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Cadwell, Cardell, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Davisson, Day, Draper,

Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Gear, Goodspeed, Hanson, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, Peet, Perkins, Pratt, Reed, Rice, Stedman, Struthers, Tasker, Teale, Tufts, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Story, Wright of Mills, Wright of Van Buren, and Mr. Speaker.—56.

The nays were—

Messrs. Ainsworth, Beresheim, Christoph, Duncombe, Flenniken, Green, Hanan, Hewett, Hilton, Merrill, O'Donnell, Reuther, Rohlf, Sandry, Schweer, Stewart, Stow, Williams, Wood of Clay, and Yerger.—21.

Absent or excused—

Messrs. Ballinger, Bergh, Booth, Butler, Caldwell, Campbell, Carver, Danforth, Dayton, Freeman, Hall, Irish, Keables, McAllister, Paul, Rule, Secor, Skillin, Tuttle, Van Deventer, Whitten, and Wilson of Washington.—22.

So the bill passed and the title was agreed to.

On motion of Mr. Lee the House resolved itself into the committee of the whole.

The Speaker took the chair for the purpose of receiving a message from the Senate.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER.—I am directed to inform your honorable body that the Senate has concurred in House amendments to Senate File No. 15, A bill for an act to revise, amend and codify the statutes in relation to the executive department with the following amendment: Strike out House amendment to fourth line, section 12, chapter 10, and insert, "and it shall be the duty of the Governor to see that such inspection of the office of State treasurer is made at least four times in every twelve months," in which amendment the concurrence of the Senate is asked.

J. A. T. HULL, *Secretary*.

After due consideration the committee arose and reported progress and asked leave to sit again.

By leave Mr. Ericson offered the following resolution, which was not adopted:

Resolved, That from and after this day this House will convene at 9 o'clock A. M.

MESSAGES ON SPEAKER'S TABLE.

Senate File No. 1, Title 2, A bill for an act to revise, amend and

codify the statutes in relation to the executive department, was taken up, and on the motion to concur in the Senate amendment to the House amendment, the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Bliss, Bonewitz, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Davisson, Day, Draper, Dumont, Duncan, Durham, Elsworth, Ericson, Evans, Flenniken, Gear, Goodspeed, Hanan, Hanson, Heberling, Hewett, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Mills, Newbold, O'Donnell, Peet, Perkins, Pratt, Reed, Reuther, Rice, Sandry, Schweer, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—70.

The nays were—

Messrs. Blakely, Cadwell, Green, Hilton and Rohlf—5.

Absent or excused—

Messrs. Ballinger, Bergh, Booth, Butler, Caldwell, Campbell, Carver, Danforth, Dayton, Duncombe, Freeman, Hall, Irish, Keables, McAllister, Miller, Paul, Reuther, Secor, Skillin, Stow, Tuttle, Whitten, and Wilson of Washington—24.

So the House concurred.

Mr. Leahy gave notice that he would ask for a change in rule three for the consideration of the code.

On motion of Mr. Lee the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, Jan. 21, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by the Rev. W. M. Sparr.

Mr. Wright moved that the reading of the journal be dispensed with.

The motion was lost.

Journal of yesterday read and approved.

By unanimous consent, Mr. Ellsworth presented a memorial from the Society of Friends, which was referred to the committee on judiciary.

Mr. Van Deventer from the committee on enrolled bills submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

H. F. No. 1, A bill for an act to revise, amend, and codify the statutes in relation to the sovereignty and jurisdiction of the state and the legislative department.

J. VAN DEVENTER, *Chairman.*

By unanimous consent Mr. Van Deventer offered the following resolution, which was adopted:

Resolved by the House, the Senate concurring, That the committees of the Senate and House upon enrolled bills be and are hereby authorized and empowered to employ such additional force as they may deem necessary to secure the prompt enrollment of the bills passed at this session.

By consent of the House, Mr. Duncombe recorded his vote "nay" on H. F. No. 9; also, "nay" on the amendment to chapter 1, title 9, section 34.

In pursuance to notice given by Mr. Leahy to the House, the following substitute to rule three for the consideration of the code was offered, and referred to the committee on rules:

That any member desiring to amend a section may on request have the same read, and any member desiring to amend a chapter may have the same read, if so ordered by a majority of the members present.

Mr. Cadwell moved that the leave of absence of chief clerk be revoked, to take effect at 2 o'clock p. m., to-day.

Mr. Lee moved to amend by notifying the clerk by telegraph.

Mr. Duncombe moved as a substitute that the chief clerk be notified to appear at once.

The motion to the substitute was adopted.

The motion as amended was adopted.

On motion of Mr. Ellsworth the House resolved itself into the committee of the whole for the consideration of the code, with Mr. Kasson in the chair.

The committee arose and reported through their chairman that chapter 3, title 11, be referred to the committee on agriculture.

On motion of Mr. Cadwell the House adjourned.

2 O'CLOCK, P. M.

House called to order by the speaker.

On motion of Mr. Kasson, the report of the committee was adopted.

On motion of Mr. Close, Mr. Evans was excused from serving on the committee on agriculture.

The speaker appointed Mr. Freeman on the committee.

On motion of Mr. Leahy, the House resolved itself into committee of the whole, for the consideration of the code.

The speaker took the chair to receive the following message from the Senate, after which the House went into the committee of the whole.

MR. SPEAKER:—I am directed to inform your honorable body, that the Senate has passed the accompanying resolution, in which the concurrence of the House is asked:

Resolved, by the Senate, the House concurring, That the committee to investigate the financial affairs of the State Institutions, be authorized to employ a clerk.

W. L. VESTAL, *First Ass't Secretary.*

The speaker took the chair to receive the following message from the Senate, after which the House resolved itself into committee of the whole.

MR. SPEAKER:—I am directed to inform your honorable body, that the Senate has passed the following bill:

H. F. No. 5, a bill for an act to revise, amend and codify the statutes in relation to elections and officers with the following amendments:

1st. Insert in the first line of section 18, chapter 1, after the word "peace," the words "and two constables."

Strike out of section 19 after the word "assessor," the words "and one road supervisor for each road district in each civil township in the State."

Strike out of section 20, the words "but in such case if the township includes an incorporated town, then two at least of said officers shall reside in said town."

Strike out the words "They shall be in" before the word "session" in the sixth line of section 4, chapter 2, and insert the word "their," insert the letter "s" to the word "session," strike out the words "For this purpose" after the word "session," and insert the words "shall be."

Insert the words "The lists and" after the word deem in seventh line.

Strike out the words "and two clerks" in the first line of section 4, chapter 3, and add at the end of the section the following:

"And there shall be two clerks of the election, one of whom shall be the township clerk, and the other some elector named by him, and if the township clerk does not attend then the two clerks shall be chosen by the judges of election.

Strike out all after the word "election" in the second line of section 20, chapter 3.

Strike the word "sixth" in the first line of 32d section, and insert the word "third," and strike the word "seventh" from the second

line, and insert the word "fourth," and strike out the words "on allowance" in the third line.

Insert the words "day of" in third line of 53d section.

Strike out the words "the presiding officer of such convention, or by any judge of a court of record" in the second and third lines of section 2, chapter 5, and inserting in lieu thereof the words "by a judge of the supreme court."

Add to section 4, chapter 5, the following "and unless elected by the people shall be commissioned by the Governor."

Insert the words "not less than" in lines 1, 2, 3, 4, 5, 6, 7, 7½, 8, 9, 10, and 11, of section 9, chapter 5.

Strike out the word "one" in fourth line same section, and insert the word "three."

Strike out the 13th, 14th, 15th, 16th, and 17th, lines of same section.

Insert in the eighteenth line of same section after the word "treasurers" the words "clerks of the district and circuit courts," county recorders, coroners, county surveyors, and township assessors."

Insert after the word "treasurers" in the twentieth line the words "clerks of the district and circuit court. auditor."

Add to section 11 the following: "But in case the board of supervisors should decide that a bond which is to be approved by them is insufficient or such bond is not approved the first day of the session, then a reasonable time, not exceeding five days, is to be allowed the officer elect to supply a sufficient bond or to approve the same."

Add to section 15 the following: "And it shall be considered a misdemeanor for any officer who is required to give bond to act in such official capacity without giving such bond as is provided by law and he shall be liable to a fine for an amount not exceeding the amount of the bond required of him."

Strike out all of section 16 after the word "election" in the fourth line.

Insert after the word "election" in second line of section 9, chapter 6, the words "who shall be sworn in manner and form as petit jurors are in trial of civil actions."

Strike out the written part of section 20.

Insert in the first line of section 21, before the word "circuit" the words "clerk of the."

Strike out of section 35, first line, the word "ten" and insert the word "six"

Insert after the word "aforesaid" in first line of section 15, the words "or under the provisions of section 12, chapter 10, of title 2, of this code.

In all of which amendments the concurrence of the House is respectfully asked.

J. A. T. HULL, *Secretary.*

The committee arose and reported through their chairman House File No. 11, A bill for an act to revise, amend and codify the statutes respecting elections and officers, with sundry amendments.

On motion of Mr. Kasson, chapter 4 was referred to committee on agriculture.

Mr. Van Deventer, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval House File No. 1, being an act to revise, amend and codify the statutes in relation to the sovereignty and jurisdiction of the State and the legislative department.

J. VAN DEVENTER, *Chairman.*

On motion of Mr. Duncombe the House took up Senate messages.

Senate resolution authorizing the committee appointed to investigate the financial affairs of state institutions to employ a clerk, was adopted.

H. F. No. 5, A bill for an act to revise, amend and codify statutes respecting elections and officers, was taken up with Senate amendments.

On motion of Mr. Duncombe the House resolved itself into the committee of the whole.

The committee arose and reported through their chairman that they had H. F. No. 5, with Senate amendments, under consideration and had concurred in all the amendments, except the second amendment to section 19, chapter 1.

Mr. Teal moved that the House concur in the Senate amendment to section 19, chapter 1, which motion was not agreed to.

Upon concurring in the Senate amendments, except to section 19, chapter 1, the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Duncombe, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Goodspeed, Hall, Hanan, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Pratt, Reed, Reuther, Rice, Rohlf, Sandry, Schweer, Stedman, Stewart, Stow, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker.—81.

The nays were Mr. Gear.

Absent or excused—

Messrs. Bergh, Blackman, Booth, Butler, Campbell, Carver, Danforth, Green, Irish, McAllister, Paul, Perkins, Rule, Secor, Skillin, Tuttle, and Whitten.—17.

So the House concurred in the Senate amendments.

Mr. Close moved a committee of conference be appointed on part of the House on Senate amendment to section 19, chapter 1, title 5.

The motion prevailed and the speaker appointed Messrs. Close, Draper, and Leahy said committee.

Mr. Leahy moved to file a motion to reconsider the vote by which the House adopted the Senate amendment to the House amendment to S. F. No. 15, title 2.

Mr. Green moved to lay the motion to reconsider on the table.

The motion did not prevail.

The question recurring on the motion to reconsider the motion was lost.

On motion of Mr. Goodspeed the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, Jan. 22, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Mr. Sparr.

Journal of yesterday read and approved.

MESSAGES ON THE SPEAKER'S TABLE.

A communication was received from the Attorney-General in relation to the defalcation of Samuel E. Rankin, which passed on file.

Mr. Kasson, from the select committee, introduced H. F. No. 13, a bill for an act to revise, amend and codify the statutes in relation to rights of property.

Read a first and second time, and referred to committee of the whole House.

Also H. F. No. 14, A bill for an act to revise, amend and codify the statutes in relation to trade and commerce.

Read a first and second time, and referred to committee of the whole House.

Also H. F. No. 15, A bill for an act to amend, revise and codify the statutes in relation to the domestic relations.

Read a first and second time, and referred to committee of the whole House.

Also H. F. No. 17, A bill for an act to revise, amend and codify the statutes in relation to the estates of decedents.

Read a first and second time, and referred to committee of the whole House.

Mr. Cadwell and Mr. Mills were excused for the purpose of attending the State industrial convention.

Mr. Freeman was granted leave of absence.

At his own request, Mr. Kasson was excused from serving on the special committee appointed to investigate the financial expenditures of the State institutions, and Mr. Pratt was appointed on said committee.

On motion of Mr. Lee the House resolved itself into a committee of the whole House, on the consideration of the code. Mr. Kasson in the chair.

After due deliberation the committee arose, reported progress, and asked leave to sit again.

On motion of Mr. Tufts the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

Mr. Merrill produced the credentials of E. P. Duffee, who came forward to the Clerk's desk and took the oath of office.

On motion of Mr. Clark, of Benton, the House went into committee of the whole on the special order. Mr. Kasson in the chair.

After due deliberation the committee arose and reported back to the House that they had considered House File No. 13, and reported the same back to the House with amendments.

Mr. Duncombe moved that the House adopt the amendments recommended by the committee, except the first amendment to section 1, chapter 12, and the last amendment to chapter 12.

Mr. Kasson moved to amend the report of the committee as follows: Chapter 5, section 8, insert in first line after "estate," the words "or interest therein." Strike out "or in which she has any interest or control," and insert: "and may control the same."

The amendment was adopted.

Upon the adoption of the first amendment recommended by the committee to section 1, chapter 12, Mr. Duncombe demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Appleton, Beatty of Cedar, Blakely, Bliss, Cardell, Christoph, Crawford, Davis, Duncan, Durham, Ellsworth, Goodspeed, Hall, Hanson, Heberling, Hilton, Johnston, Newbold, Peet,

Schweer, Stewart, Teale, Tufts, Van Meter, Van Saun, Wilson of Washington, Wood of Story, and Wright of Mills.—28.

The nays were—

Messrs. Ainsworth, Ballinger, Beresheim, Blakely, Bonewitz, Booth, Caldwell, Clark of Benton, Clarke of Iowa, Close, Davis, Day, Dayton, Draper, Dumont, Duncombe, Ericson, Flenniken, Green, Hanan, Hewett, Hopkirk, Hovey, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Paul, Perkins, Pratt, Reed, Reuther, Rice, Sandry, Stedman, Stow, Struthers, Taster, Van Deventer, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Van Buren, Yerger, and Mr Speaker.—49.

Absent or excused—

Messrs. Beatty of Jasper, Bergh, Butler, Cadwell, Campbell, Carver, Danforth, Davisson, Duffie, Evans, Freeman, Gear, Irish, McAllister, Mills, O'Donnell, Rohlfs, Rule, Secor, Skillen, Tuttle, Whitten, and Williams.—22.

So the motion to amend did not prevail.

The question recurring on the adoption of the last amendment to same chapter, the amendment was not adopted.

Leave of absence was granted to Messrs. Gear, Davisson, and Beatty of Jasper.

Mr. Ainsworth moved to amend chapter 6, by striking out section 28.

The motion prevailed.

Mr. Hall moved to amend section 14, chapter 5, by inserting after the word "enforced," the words: "Against any other person than the vendor, or a purchaser without notice."

The amendment was adopted.

Mr. Duncombe moved to strike out section 14.

Mr. Goodspeed moved to refer to a select committee.

The motion did not prevail.

The motion to strike out the section prevailed.

Mr. Teale moved to reconsider the vote by which the House struck out section 14.

The motion did not prevail.

Mr. Leahy moved to amend section 20, chapter 8, by striking out all after the word "until," and insert: "during his or her natural life."

The motion did not prevail.

Mr. Wilson, C. C., moved to amend section 7, chapter 8, by striking out the "proviso."

The motion did not prevail.

Mr. Leahy moved to amend section 20, chapter 8, by striking out all after the word "homestead."

The motion did not prevail.

Mr. Duncombe moved that the rule be suspended, that the bill be considered engrossed and read a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beresheim, Blackman, Blakely, Bonewitz, Booth, Caldwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Draper, Duffie, Dumont, Duncan, Duncombe, Durham, Ellsworth, Ericson, Flenniken, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hewitt, Hilton, Hopkirk, Hovey, Johnston, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Newbold, Paul, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rohlf, Sandry, Schweer, Stedman, Stewart, Stow, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, Mr. Speaker—77.

Absent or excused—

Messrs. Beatty of Jasper, Bergh, Bliss, Butler, Cadwell, Campbell, Carver, Danforth, Davisson, Evans, Freeman, Gear, Irish, Kasson, McAllister, Mills, O'Donnell, Rule, Secor, Skillen, Tuttle, Whitten, and Williams—23.

So the bill passed and the title was agreed to.

By unanimous consent Mr. Duncombe offered the following resolution, which was adopted:

WHEREAS, By the opinion of the Attorney-General to this House it appears that Samuel E. Rankin, late treasurer of State, and treasurer of the agricultural college and farm, did commit a public offense against the laws of the State of Iowa, in taking and converting to his own use public money, as shown by his communication to this House, on which communication such opinion was given; therefore,

Resolved, by the House, the Senate concurring, That the Attorney-General of the State, be and he is hereby instructed to cause such offense to be prosecuted against said Samuel E. Rankin, in the manner provided by law.

On motion of Mr. Beresheim, the House resolved itself into a committee of the whole, on the special order, Mr. Pratt in the chair.

After due deliberation the committee arose and reported progress, and asked leave to sit again.

On motion of Mr. Newbold, the House adjourned

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, IOWA, JANUARY 23d, 1873. }

House convened pursuant to adjournment.
 The Speaker in the chair.
 Prayer by Rev. A. L. Frisbee.
 Journal of yesterday was read and approved.

Mr. Rohlfs was granted leave to record his vote aye, on the passage of H. F. No. 13.

By leave Mr. Close offered the following resolution :

Resolved, That it is the sense of this House that chapter 144, of the acts of the 12th General Assembly, known as the "night stock act," be amended by making it a general law, and without a vote thereon to make it operative.

Mr. Reed moved that the consideration of the resolution be postponed until to-morrow morning.

By leave Mr. Close withdrew the resolution.

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

Resolved by the House, the Senate concurring, That the Secretary of State be directed to furnish to the newly elected members of the Senate and House the same copies of laws, journals and documents which were delivered to the members of this General Assembly at its regular session.

Mr. Leahy moved that the House now resolve itself into a committee of the whole on special order.

The motion prevailed, and the House went into committee of the whole, Mr. Kasson in the chair.

The Speaker took the chair for the purpose of receiving a message from the Senate.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the accompanying joint resolution, in which the concurrence of the House is asked:

Joint resolution relative to commerce by railroads.

Also, that the Senate has receded from its amendment to section 19, chapter 1, title 5.

W. L. VESTAL, *First Ass't Secretary*.

The committee resumed the consideration of the special order.

The committee arose and reported that they had considered title 15, and reported the same back with amendments.

On motion of Mr. Kasson, the House adopted the amendments recommended by the committee, except the amendment to section 18, chapter 1.

Mr. Davis moved that the House do not adopt the amendment recommended by the committee, to section 18, chapter 1.

The motion prevailed.

Mr. Van Deventer from committee on enrolled bills submitted the following report.

MR. SPEAKER:—The committee on enrolled bills ask leave to report that they have examined the following bills, and find the same correctly enrolled:

S. F. No. 15, title 2, A bill for an act to revise, amend and codify the statutes in relation to the executive department.

Also, H. F. No. 3, A bill for an act to revise, amend and codify the statutes in relation to the judicial department.

J. VAN DEVENTER, *Chairman.*

Mr. Ellsworth moved to amend chapter 1, section 10, line 4, and strike out "ordained or licensed" and insert *authorized*.

The amendment did not prevail.

Mr. Stow moved to strike out section 18, chapter 1, and demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ainsworth, Bonewitz, Booth, Cadwell, Caldwell, Christoph, Crawford, Day, Dayton, Duffie, Duncombe, Ellsworth, Evans, Green, Hanan, Hanson, Hilton, Hovey, Johnston, McCoy, Merrill, Mills, Pratt, Reuther, Rohlfis, Sandry, Schweer, Stedman, Stow, Struthers, Tasker, Tufts, Van Meter, Van Saun, Wilson of Washington, Wood of Clay, Wright of Van Buren—37.

The nays were—

Messrs. Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Cardell, Clark of Benton, Clarke of Iowa, Davis, Davisson, Dumont, Duncan, Durham, Ericson, Flenniken, Freeman, Gear, Goodspeed, Hall, Heberling, Hewett, Hopkirk, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, Miller, Newbold, O'Donnell, Paul, Peet, Perkins, Reed, Rice, Secor, Stewart, Teale, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Story, Wright of Mills, Yenger, Mr. Speaker—50.

Absent or excused—

Messrs. Bergh, Butler, Campbell, Carver, Close, Danforth, Irish, McAllister, Rule, Skillen, Tuttle, Whitten, and Van Deventer.—13.

So the motion to strike out did not prevail.

Mr. Duncombe moved to amend section 18, chapter 1, as follows: add to the section: *So far as relates to the children, but no further.*

The motion prevailed.

Mr. Duncombe moved to amend chapter 3, section 12, as follows; strike out the latter clause and insert: *Except as provided in section 18, chapter 1, of this title.*

On the adoption of the amendment, Mr. Duncombe asked for a division of the question, and the motion to strike out was adopted.

The special committee appointed to investigate the defalcation of S. E. Rankin, submitted a communication in regard to the refusal of Mr. Rankin to answer questions, which was passed on file.

On motion of Mr. Stow the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

By leave Mr. Kasson introduced H. F. No. 28, A bill for an act to appropriate money for the purposes of the adjourned session of the 14th General Assembly.

Read a first and second time.

On motion of Mr. Stedman, the rule was suspended, the bill considered engrossed and read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Aineworth, Beatty of Cedar, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Cadwell, Caldwell, Cardell, Clark of Benton, Clarke of Iowa, Crawford, Dayton, Duffie, Durham, Ellsworth, Ericson, Evans, Flenniken, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hilton, Hovey, Kasson, Keables, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, Perkins, Pratt, Rice, Rohlf, Sandry, Schweer, Stedman, Stewart, Stow, Struthers, Tufts, Van Deventer, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger—58.

The nays were—

Messrs. Close, Davisson, Day, Draper, Dumont, Duncan, Freeman, Hopkirk, Lee, McCoy, Peet, Reed, Tasker, Mr. Speaker—14.

Absent or excused—

Messrs. Appleton, Ballinger, Beatty of Jasper, Bergh, Butler, Campbell, Carver, Christoph, Danforth, Davis, Dumont, Duncombe, Evans, Hewett, Irish, Johnston, Leahy, McAllister, O'Donnell, Paul, Reuther, Rule, Secor, Skillen, Teale, Whitten, and Williams—28.

So the bill passed and the title was agreed to.

The House resumed the consideration of H. F. No. 15.

Mr. Hall offered the following substitute for section 18, chap. 1: "Marriage between persons whose marriage is prohibited by law, or who have a husband or wife living, are void; but if the parties live and cohabit together as man and wife after the death of the former husband or wife, with full knowledge that such former husband or wife was living at the date of such second marriage, the latter shall be deemed valid from the date of such death; and for the purpose of legitimatizing the children, such validity shall relate back to the date of the marriage."

The amendment was adopted.

Mr. Hall moved to strike out paragraph 3, section 12, and insert: "Where either party had a husband or wife living at the time of the marriage, provided they have not knowingly cohabited and lived together as provided in section 18, chapter 1, of this title."

The amendment was adopted.

Mr. Clark of Benton moved to amend section 21, chapter 5, as follows:

Add to section 21: "And failure to comply with such order for three months thereafter, shall subject such guardian to a penalty of one hundred dollars, to be recovered on an action on the bond, for the benefit of such minors' estate."

The amendment was adopted.

Mr. Hall moved that the rule be suspended, that the bill be considered engrossed, and read a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Caldwell, Caldwell, Cardell, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Draper, Duffie, Dumont, Duncan, Duncombe, Durham, Ellsworth, Ericson, Flenniken, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Heberling, Hewett, Hopkirk, Hovey, Johnston, Kasson, Keables, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rohlf, Sandry, Schweer, Secor, Stedman, Stewart, Stow, Struthers, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker.

—77.

The nays were—

Messrs. Davisson, Hilton, and Lee.—3.

Absent or excused—

Messrs. Appleton, Bergh, Butler, Campbell, Carver, Christoph, Danforth, Evans, Green, Irish, Leahy, McAllister, O'Donnell, Paul, Rule, Skillen, Teale, Tuttle, Whitten, and Williams.—20.

So the bill passed and the title was agreed to.

Mr. Kasson, from select committee, introduced H. F. No. 17, A bill for an act to amend, revise, and codify the statutes in relation to procedure in courts of original jurisdiction.

Read a first and second time and referred to committee of the whole house.

MESSAGES ON SPEAKER'S TABLE.

The joint resolution in relation to regulating commerce by railroads was taken up and passed.

Mr. Read moved to reconsider the vote by which the House referred H. F. No. 17 to the committee of the whole house.

The motion did not prevail.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has concurred in House resolution giving the Governor and Register of the State Land Office certain authority.

W. L. VESTAL, *First Ass't Sec'y.*

Mr. Leahy moved that the House resolve itself into a committee of the whole house on H. F. No. 17.

Mr. Ainsworth moved to amend by referring the bill to a committee of the whole on to-morrow morning.

Mr. Gear moved that when the House adjourn, it adjourn until to-morrow morning.

The motion prevailed.

On motion of Mr. Clark of Benton, the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, January 24, 1878. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Mr. Frisbee.

Journal of yesterday read and approved.

By unanimous consent Mr. Hall offered the following resolution :

Resolved, That while considering part 3 of the code, the House will hold no afternoon session until further notice.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

S. F. No. 4, A bill for an act relating to county, town and city government.

Also, that the Senate has passed "joint resolution relative to the publication of laws and code."

Also, that the Senate has concurred in the resolution in relation to furnishing the newly elected members of this General Assembly with certain documents.

W. L. VESTAL, *First Ass't Secretary.*

Mr. Ainsworth offered the following substitute for the resolution:

Resolved, That until further notice the House will hold but one session a day, commencing at 9 o'clock, A. M., and closing at 12:30, P. M.

The substitute was not adopted.

The resolution was not adopted.

Mr. Kasson, from select committee, introduced H. F. No. 18, A bill for an act to revise, amend and codify the statutes in relation to attachments, executions and supplementary proceedings.

Read a first and second time, and referred to committee of the whole house.

Also, H. F. No. 19, A bill for an act to revise, amend and codify the statutes in relation to proceedings to revise, vacate and modify judgments or the proceedings of boards, or individuals acting judicially.

Read a first and second time, and referred to committee of the whole.

Also, H. F. No. 20, A bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases.

Read a first and second time, and referred to committee of the whole house.

Also, H. F. No. 21, A bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts.

Read a first and second time, and referred to committee of the whole house.

Also, H. F. No. 22, A bill for an act to revise, amend and codify the statutes in relation to evidence.

Read a first and second time, and referred to committee of the whole house.

Also, H. F. No. 23, A bill for an act to revise, amend and codify the statutes in relation to compensation of officers.

Read a first and second time, and referred to committee of the whole house.

Also, H. F. No. 24, A bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

Read a first and second time, and referred to committee of the whole house.

Also, H. F. No. 25, A bill for an act to revise, amend and codify the statutes in relation to criminal procedure.

Read a first and second time, and referred to committee of the whole house.

Also, H. F. No. 26, A bill for an act to revise, amend and codify the statutes in relation to the discipline and government of prisons, and of the penitentiary, its government and discipline.

Read a first and second time, and referred to committee of the whole house.

By leave, Mr. Wright of Mills, presented a petition from citizens of Mills county, in regard to taxes on life insurance.

Passed on file.

By leave, Mr. Close presented a petition from the citizens of Blackhawk county, on same subject.

Passed on file.

Mr. Beresheim from committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bills, to-wit:

H. F. No. 13, Title 3, A bill for an act to revise, amend, and codify the statutes in relation to the judicial department.

S. F. No. 15, Title 2, A bill for an act to revise, amend, and codify the statutes in relation to the executive department.

JOHN BERESHEIM, *Chairman.*

Messrs. Heberling, McAllister, and Van Deventer were granted leave of absence.

MESSAGES ON SPEAKER'S TABLE.

The joint resolution in relation to the publication of the code was taken up and adopted.

S. F. No. 4, Title 4, of the code, was read a first and second time and referred to committee of the whole.

On motion of Mr. Newbold the House resolved itself into a committee of the whole house on the consideration of the code.

The motion prevailed and the House went into committee of the whole, Mr. Kasson in the chair.

The committee arose, and through their chairman reported that

they had had under consideration S. F. No. 4, Title 4, and not having completed to same ask leave to sit again.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the accompanying resolution, in which the concurrence of the House is asked:

Resolution in relation to publication of the code.

W. L. VESTAL, *First Ass't Sec'y.*

On motion of Mr. Peet the House adjourned.

2 O'CLOCK, P. M.

House called to order by the Speaker.

By leave Mr. Kasson offered the following resolution :

Resolved by the General Assembly of the State of Iowa, That the Governor be directed to telegraph to the President of the United States the earnest desire of this General Assembly that he would interpose his veto of the bill recently passed the House of Representatives of the United States, making or confirming an additional grant of land to railroads in this State.

Mr. Green moved to refer the resolution to committee on judiciary.

The motion did not prevail.

Mr. Leahy moved to refer to a select committee of five to be appointed by the chair, to report to-morrow morning at ten o'clock.

The motion did not prevail.

Mr. Duncombe moved to amend as follows:

Unless the President should be satisfied that said act is for the benefit of the settlers upon the lands, and for the benefit of the people of the State.

And on its adoption Mr. Green demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ainsworth, Beresheim, Blackman, Booth, Caldwell, Davisson, Dayton, Duffie, Duncombe, Ericson, Green, Hanan, Hilton, Hovey, Merrill, Reuther, Rohlf, Secor, Stow, Teale, and Yerger—21.

The nays were—

Messrs. Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Blakely, Bliss, Bonewitz, Cadwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Day,

Draper, Dumont, Duncan, Durham, Ellsworth, Flenniken, Gear, Goodspeed, Hanson, Hewett, Hopkirk, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Newbold, Paul, Peet, Perkins, Pratt, Reed, Rice, Sandry, Schweer, Stewart, Struthers, Tasker, Tufts, Van Meter, Van Sun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, and Mr. Speaker—78.

Absent or excused—

Messrs. Bergh, Butler, Campbell, Carver, Danforth, Evans, Freeman, Hall, Heberling, Irish, Keables, McAllister, Mills, O'Donnell, Rule, Skillin, Stedman, Tuttle, Van Deventer, Whitten and Williams—21.

So the motion to amend did not prevail.

REPORT OF COMMITTEE.

Mr. Beresheim, from the committee on enrolled bills, submitted the following report :

MR. SPEAKER:—The committee on enrolled bills ask leave to report that they have examined the following joint resolutions and find the same correctly enrolled:

Joint resolution relative to commerce by railroads.

Also, joint resolution relative to the publication of the laws and the code.

JOHN BERESHEIM, *Chairman.*

Mr. Tufts moved to refer the resolution to committee on railroads, with instructions to report to-morrow morning.

The motion did not prevail.

Mr. Duncombe moved to amend by adding a proviso as follows:

Provided, Any act has been passed, making or confirming any land grant to a railroad company, and

Provided further, That public rumor in relation to this act is not in error.

On the adoption of the amendment Mr. Duncombe demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beresheim, Booth, Caldwell, Duffie, Duncombe, Green, Hanan, Merrill, Paul, Perkins, Rohlf's—11.

The nays were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bouewitz, Cadwell, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Davison, Day, Draper, Duncan, Durham, Ellsworth, Ericson, Flenniken, Gear, Goodspeed, Hanson, Hewett, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Newbold, Peet, Pratt, Reuther,

Rice, Sandry, Schweer, Secor, Stewart, Stow, Struthers, Tasker, Teale, Tufts, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright, of Van Buren, Yerger, Mr. Speaker—64.

Absent or excused—

Messrs. Bergh, Butler, Campbell, Carver, Danforth, Davis, Dayton, Dumont, Evans, Freeman, Hall, Heberling, Irish, Keables, McAllister, Mills, O'Donnell, Reed, Rule, Skillen, Stedman, Tuttle, Van Deventer, Whitten and Williams—25.

So the amendment was not adopted.

Mr. Wright of Mills moved the previous question, which was seconded by the House.

The House ordered the main question to be put.

The question recurring on the adoption of the resolution, the yeas and nays were demanded, which were as follows :

The yeas were—

Messrs. Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Blakely, Bliss, Bonewitz, Cadwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Davison, Day, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Flenniken, Gear, Goodspeed, Hanson, Hewett, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Newbold, Peet, Pratt, Rice, Sandry, Schweer, Stewart, Tasker, Teale, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, and Mr. Speaker.—55.

The nays were—

Messrs. Ainsworth, Bereshiem, Blackman, Booth, Caldwell, Davis, Dayton, Duffie, Duncombe, Green, Hanan, Hilton, Merrill, Paul, Perkins, Reed, Reuther, Rohlf, Secor, Stow, Struthers, Tufts, Wilson of Washington, and Yerger.—24.

Absent or excused—

Messrs. Bergh, Butler, Campbell, Carver, Danforth, Evans, Freeman, Hall, Heberling, Irish, Keables, McAllister, Mills, O'Donnell, Rule, Skillin, Stedman, Tuttle, Van Deventer, Whitten, and Williams.—21.

So the resolution was adopted.

Mr. Goodspeed moved that the House resolve itself into a committee of the whole on the consideration of the code.

The motion prevailed and the House went into committee of the whole, Mr. Kasson in the chair.

After due deliberation the committee arose and reported through their chairman that they had under consideration S. F. No. 4, Title 4, of the code, and not having completed the same ask leave to sit again.

On motion of Mr. Caldwell the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, January 25, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. J. A. Nash.

Journal of yesterday read and approved.

Mr. Beresheim, from committee on enrolled bills, submitted the following report :

MR. SPEAKER :—The committee on enrolled bills ask leave to report that they have examined the following resolution, and find the same correctly enrolled :

Concurrent resolution providing for facilitating the settlement of conflicting claims upon the State, arising under the several land grants, &c.

JOHN BERESHEIM, *Chairman*.

MESSAGE ON SPEAKER'S TABLE.

The Senate resolution providing for the publication of the code, by the joint action of both houses, was taken up and adopted.

Mr. Ellsworth moved that the House now resolve itself into a committee of the whole on the consideration of the code.

The motion prevailed, and the House went into committee of the whole, Mr. Kasson in the chair.

The committee arose and reported back to the House through their chairman that they had under consideration S. R. No. 4, being title 4 of the code, and that they had instructed him to report the same back to the House with sundry amendments ; and that chapter 12 be referred to committee on judiciary, limiting sections 16, 17 and 18.

COMMITTEE REPORT.

Mr. Bersheim from the committee on enrolled bills, submitted the following report :

MR. SPEAKER :—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following resolutions, viz :

Joint resolution relative to commerce by railroads.

Also, joint resolution relative to publication of laws and code.

Also, concurrent resolution providing for facilitating the settlement of conflicting claims upon the State, arising under the several land grants, &c.

JOHN BERESHEIM, *Chairman*.

On motion of Mr. Gear, the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, IOWA, JAN. 27, 1873. }

House met pursuant to adjournment.

Speaker in the chair.

Prayer by Rev. Philip Hehner.

Journal of Saturday read and approved.

On motion of Mr. Kasson Title 4, Senate File No. 4, A bill for an act to revise, amend and codify the statutes in relation to the police of the State, was taken up.

On motion of Mr. Kasson, the House adopted the amendments recommended by the committee except chapters 3, 4 and 6.

Mr Teale moved that the House non-concur in the amendment recommended by the committee to chapter 6. On the motion to non-concur Mr. Stow demanded the yeas and nays which were as follows:

The yeas were—

Messrs. Beatty of Cedar, Blakely, Bliss, Bonewitz, Cardell, Clarke of Iowa, Close, Crawford, Davis, Day, Dumont, Duncan, Durham, Ellsworth, Freeman, Gear, Goodspeed, Green, Hanson, Hewett, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, Miller, Newbold, Peet, Perkins, Pratt, Rice, Struthers, Tasker, Teale, Van Meter, Van Saun, Wright of Mills, Wright of Van Buren and Mr. Speaker.—41.

The nays were—

Messrs. Ainsworth, Appleton, Blackman, Cadwell, Dayton, Duffie, Hanan, Hilton, McCoy, Paul, Reed, Reuther, Sandry, Schweer, Stewart, Stow, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, and Wood of Story.—19.

Absent or excused—

Messrs. Ballinger, Beatty of Jasper, Beresheim, Bergh, Booth Butler, Caldwell, Campbell, Carver, Christoph, Clark of Benton, Danforth, Davisson, Draper, Duncombe, Ericson, Evans, Flenniken, Hall, Heberling, Irish, Keables, McAllister, McClure, Merrill, Mills, O'Donnell, Rohlf, Rule, Secor, Skillin, Stedman, Tufts, Tuttle, Van Deventer, Whitten, Williams, Wilson of Washington, Wood of Clay and Yerger.—40.

So the House refused to concur.

Leave of absence was granted to Messrs. Merrill, Mills and McClure; also leave of absence to Mr. Tuttle for the balance of the week.

Mr. Hall moved to amend section 5, chapter 6. Strike out "legal" and insert "fifty or a majority."

The motion did not prevail.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Senate File No. 6, A bill for an act to revise, amend and codify the statutes in relation to the militia.

W. L. VESTAL, *First Ass't Secretary.*

Mr. Ainsworth moved to strick out section 31, chapter 6, and demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Blackman, Blakely, Bliss, Bonewitz, Close, Danforth, Day, Dayton, Duffie, Freeman, Hall, Hanan, Hilton, Paul, Pratt, Reed, Reuther, Sandry, Schweer, Secor, Stewart, Stow, Struthers, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk—26.

The nays were—

Messrs. Beatty of Cedar, Cadwell, Cardell, Clarke of Iowa, Crawford, Davis, Dumont, Duncan, Durham, Ellsworth, Flenniken, Gear, Goodspeed, Hanson, Hewett, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McCoy, Miller, Newbold, Peet, Perkins, Rice, Tasker, Teale, Van Meter, Van Saun, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, and Mr. Speaker—38.

Absent or excused—

Messrs. Ballinger, Beatty of Jasper, Beresheim, Bergh, Booth, Butler, Caldwell, Campbell, Carver, Christoph, Clark of Benton, Davison, Draper, Duncombe, Ericson, Evans, Green, Heberling, Irish, Keables, McAllister, McClure, Merrill, Mills, O'Donnell, Rohlf, Rule, Skillin, Stedman, Tufts, Tuttle, Van Deventer, Whitten, Williams, Wilson of Washington, and Yerger—36.

So the motion to strike out did not prevail.

The chapter was then adopted.

Mr. Close, from committee on agriculture, submitted the following report:

MR. SPEAKER:—Your committee on agriculture, to whom was referred chapter 3, of the report of the codifying commissioners, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House with the following amendments.

Amend section 9, chapter 4, title 11, by inserting after the word "open" in the second line, "or any part thereof adjoining that of the other;" and that section 20 be stricken out and report a substitute therefor.

C. CLOSE, *Chairman.*

Substitute therefor was ordered printed.

On motion of Mr. Close, chapter 3 was taken up.

Mr. Teale moved to strike out sections 11 and 12.

Mr. Duncan moved to amend section 12 by striking out "one third" and inserting "two thirds."

Mr. Reed moved to amend the amendment by inserting "a majority of the votes of the township."

The amendment to the amendment was adopted.

The amendment as amended was not adopted.

The motion to strike out sections 11 and 12 was not adopted.

The House then proceeded to consider the report of the committee by sections.

Mr. Blakely moved to strike out section 1.

The motion did not prevail.

Mr. Freeman moved to amend chapter 3, section 1, third line, strike out the words, "and collected as provided in the next section."

Mr. Hall moved to amend the amendment by striking out the words, "assessed by the fence viewers."

Mr. Peet moved to postpone consideration until to-morrow morning.

The motion was lost.

Mr. Stow moved that consideration of the chapter be postponed until to-morrow, and have the same printed with amendments incorporated as suggested by the committee.

The motion prevailed.

Chapter 4, with committee amendments, was taken up.

Mr. Hall moved to amend the committee amendment to section 9, by adding "*or to throw open a lane* not less than 16 feet wide upon his own land adjoining the land of another.

The amendment was adopted.

The committee amendment as amended was adopted.

The committee amendment to section 20, was adopted.

On motion of Mr. Close the further consideration of the chapter was postponed until to-morrow morning.

Leave was granted Mr. Pratt to present a memorial from the Iowa Industrial Association, which was read and referred to committee of the whole house.

The further consideration of Title XI, was postponed until to-morrow morning.

Mr. Hall from committee on judiciary, submitted the following report:

MR. SPEAKER:—Your committee on judiciary, to whom was referred S. F. No. 4, A bill for an act relating to county, township and city government, chapter 12, beg leave to report that they have had the same under consideration and have instructed me to report

the same back to the Senate with the recommendation that chapter 12 be amended by adopting the substitute herewith submitted.

HALL, *for Committee.*

Mr. Beresheim, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

H. F. No. 5, Title 5, A bill for an act to revise, amend and codify the statutes respecting elections and officers.

JOHN BERESHEIM, *Chairman.*

S. F. No. 4, being title four of the code, was taken up.

The substitute recommended by the committee was adopted.

Mr. Hall moved to amend section 10—insert after the word “lands” in second line, *as contemplated in section 1, of this chapter.*

The amendment was adopted.

Mr. Stow moved to amend section 12, strike out all after the word “force,” in the fourth line.

On motion of Mr. Perkins the House adjourned.

TWO O’CLOCK P. M.

House called to order by the Speaker.

Leave of absence was granted to Messrs. Green and Gear.

The Speaker announced as committee on the part of the House, in regard to the publication of the code, Messrs. Green, Paul and Kasson.

The amendment offered by Mr. Stow was not adopted.

Mr. Hall moved to amend section 12, chapter 4, by adding to the end of the section, “but the provisions of this section shall not effect any certain action or proceeding now pending.”

The amendment was adopted.

Mr. Hall moved to amend section 11. Insert after the word “therefore” in the twelfth line, “Any person aggrieved by the opinion of the auditor, may, within said 30 days, appeal therefrom to the board of supervisors, by claiming said appeal in writing, and thereupon no further proceeding shall be taken by the auditor, and at their next session the board of supervisors shall determine said

question, and direct whether or not said plat shall be executed and filed, and within what time."

The amendment was adopted.

Also, after the word "acknowledged," in the sixteenth line, insert, "as required by the auditor, or in case of appeal as directed by the board of supervisors then."

The amendment was adopted.

The report of the committee was then adopted.

Mr. Kasson moved that the rule be suspended, that the bill be considered engrossed, and read a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Cardell, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Flenniken, Freeman, Goodspeed, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Litzenberg, McClure, McCoy, Miller, Newbold, Peet, Perkins, Pratt, Reed, Rice, Sandry, Schweer, Secor, Stewart, Struthers, Tasker, Teale, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, and Mr. Speaker.—60.

The nays were—

Mr. Lee.—1.

Absent or excused—

Messrs. Ballinger, Beatty of Cedar, Bergh, Butler, Cadwell, Caldwell, Campbell, Carver, Christoph, Clark of Benton, Danforth, Davisson, Draper, Duncombe, Evans, Gear, Green, Heberling, Hewett, Irish, Keables, McAllister, Merrill, Mills, O'Donnell, Paul, Reuther, Rohlf's, Rule, Skillen, Stedman, Stow, Tufts, Tuttle, Van Deventer, Whitten, Williams, Wilson of Washington, and Yerger.—39.

So the bill passed and the title was agreed to.

S. F. No. 6, being Title 8, of the code, was read a first and second time, and on motion of Mr. Newbold was referred to committee of the whole house.

Mr. Hall moved that the House now resolve itself into a committee of the whole on the work assigned.

The motion prevailed and the House went into committee of the whole, Mr. Kasson in the chair.

The Speaker took the chair for the purpose of receiving a message from the Senate.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed H. F. No. 28, A bill for an act to appropriate money for the postage of the 14th General Assembly, adjourned session, with the following amendment:

Strike out from section 1 the words "not otherwise appropriated."
In which amendment the concurrence of the House is asked.

W. L. VESTAL, *First Ass't Sec'y.*

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following joint resolution, in which the concurrence of the House is asked:

Joint resolution to provide for printing the report of and evidence taken by the Rankin investigating committee.

W. L. VESTAL, *First Ass't Secretary.*

The committee resumed the consideration of title 17.

The committee arose and reported through their chairman that they had considered H. F. No. 6, title 8 of the code, and reported the same back to the House without amendment.

Also, H. F. No. 17, and not having completed the same ask leave to sit again.

The House concurred in the report of the committee on S. F. No. 6.

Mr. Kasson moved that the rule be suspended, that the bill be considered engrossed and read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Booth, Oadwell, Cardell, Crawford, Danforth, Davis, Day, Dayton, Duffie, Duncan, Durham, Ellsworth, Ericson, Flenniken, Freeman, Goodspeed, Hall, Hanan, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McCoy, Miller, Mills, Newbold, Paul, Peet, Perkins, Pratt, Reed, Reuther, Rice, Sandry, Schweer, Secor, Stewart, Struthers, Tasker, Teale, Van Meter, Van Sann, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Story, Wright of Mills, Wright of Van Buren, and Mr. Speaker.—60.

The nays were—None.

Absent or excused—

Messrs. Ballinger, Beresheim, Bergh, Butler, Caldwell, Campbell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Close, Davisson, Draper, Dumont, Duncombe, Evans, Gear, Green, Hanson, Heberling, Hewett, Irish, Keables, McAllister, McClure, Merrill, O'Donnell, Rohlfs, Rule, Skillen, Stedman, Stow, Tufts, Tuttle,

Van Deventer, Whitten, Williams, Wilson of Washington, Wood of Clay, and Yerger.—40.

So the bill passed and title was agreed to.

Mr. Newbold moved to take up Senate Message, H. F. No. 28, with Senate amendment thereto.

The motion prevailed.

On concurring in the Senate amendment the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Booth, Cardell, Clarke of Iowa, Crawford, Davis, Day, Dayton, Duffie, Dumont, Duncan, Ellsworth, Ericson, Flenniken, Freeman, Hanan, Hewett, Hilton, Mills, Newbold, Paul, Perkins, Pratt, Reed, Reuther, Rice, Sandry, Schweer, Secor, Stewart, Struthers, Wilson C. C. of Keokuk, Mr. Speaker—40.

The nays were—

Messrs. Cadwell, Danforth, Durham, Goodspeed, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Lizenberg, McCoy, Miller, Peet, Tasker, Teale, Van Meter, Van Saun, Wilson J. F. of Keokuk, Wood of Story, Wright of Mills, Wright of Van Buren—22.

Absent or excused—

Messrs. Ballinger, Beresheim, Bergh, Butler, Caldwell, Campbell, Carver, Christoph, Clark of Benton, Close, Davisson, Draper, Duncombe, Evans, Gear, Green, Hall, Hanson, Heberling, Irish, Keables, McAllister, Merrill, McClure, O'Donnell, Rohlf, Rule, Skillen, Stedman, Stow, Tufts, Tuttle, Van Deventer, Whitten, Williams, Wilson of Washington, Wood of Clay, and Yerger—38.

So the House refused to concur in Senate amendments.

Mr. Kasson moved to reconsider the vote by which the House refused to concur in the Senate amendment.

The motion prevailed.

On motion of Mr. Peet the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES IOWA, January 28, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Philip Hehner.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Durham and the post-master.

Mr. Beresheim from the committee on enrolled bills submitted the following report :

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bill, to-wit:

H. F. No. 5, Title 5, A bill for an act to revise, amend, and codify the statutes respecting elections and officers.

JOHN BERESHEIM, *Chairman.*

MESSAGES ON THE SPEAKER'S TABLE.

The joint resolution authorizing the printing of the proceedings of the Rankin investigation was taken up.

Mr. Kasson moved to amend the resolution by striking out the words "late State Treasurer."

The motion did not prevail.

Mr. Irish moved to strike out "State Printer," and insert "Secretary of State."

The motion prevailed.

The resolution as amended was adopted.

Mr. E'lsworth moved that the House resolve itself into committee of the whole on the consideration of the code.

The motion prevailed.

The House went into committee of the whole, Mr. Kasson in the chair.

After due deliberation the committee arose and reported back to the House, through their chairman, that they have had under consideration, Title 17 of the code, and not having completed the same beg leave to sit again.

On motion of Mr. Beatty of Cedar the House adjourned.

2 O'CLOCK, P. M.

House called to order by the Speaker.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked :

S. F. No. 13, Title 14, A bill for an act to revise, amend, and codify the statutes in relation to trade and commerce.

Also, that the Senate has passed H. F. No. 7, A bill for an act to

revise, amend, and codify the statutes in relation to highways, ferries, and bridges, with the following amendments:

1st. Strike out of 2d line of the 2d section, of chapter 1, the words "thirty-three" and insert the word "forty."

2d. Strike out of 1st line of the 3d section the word "elector" and insert the word "person."

3d. Strike out the words "of more than two years establishment" from the 4th and 5th lines of section 6.

4th. Insert after the word "distant" in the third line of section 15 the words "when the matter will be acted upon."

5th. Insert after the word "highway" in the first line of section 37 the words "as to amount of damages;" also,

Strike out of the fifth line of same section the words "applicant for damages" and insert the word "appellant;" also,

Strike out of the sixth line of same section the words "greater amount" and insert the words "more favorable judgment;" also,

Strike out of 12th line of section 1, chapter 2, the words "both of."

6th. Strike out section 3, of chapter 2; also,

Strike out of section 4, first line, same chapter, the words "so appointed."

7th. Strike out of the first line of section 5 all down to the word "shall" and insert "It shall be the duty of the township clerk to notify any supervisor within five days after his election or appointment, and if he."

Also, strike out the words "the specified time" in 2d line of the same section and insert the words "ten days."

8th. Insert after the word "itself" in 6th line of section 9 the words "which list shall contain the names of all persons required to perform two days labor upon the highway as a poll-tax."

9th. Strike out of the 2d line of section 16 the word "fifty" and insert "forty-five."

10th. Strike out of section 29, second line, the words "April and."

11th. Insert after the word "can" in third line of section four, chapter 3, the word "not."

12th. Strike out of section 32 in second and third lines the word "or" and insert after the word "Nebraska," in second line, the words "or Dakota," and after the word "Missouri" in the third line the words "or Big Sioux."

In all of which amendments the concurrence of the House is respectfully asked.

I am also directed to inform your honorable body that the Senate adheres to its amendment to H. F. No. 28, and has appointed as a committee of conference on the part of the Senate on such disagreement Senators McNutt, Smith and Young, and ask the appointment of a like committee on the part of the House.

J. A. T. HULL, *Secretary.*

By consent, Mr. Kasson introduced H. F. No. 27, A bill for an act to add chapter 13 to title 4 of the code, relating to county, township and city government.

Read a first and second time and referred to committee of the whole.

MESSAGES FROM THE SENATE.

Senate message, H. F. No. 7, with amendments, was taken up and referred to a committee of the whole.

S. F. No. 13, title 14, was read a first and second time, and referred to the committee of the whole.

Senate message, H. F. No. 28, was taken up.

On motion of Mr. Kasson, the House insists on its disagreement to Senate amendment, and asks for a committee of conference.

Mr. Kasson moved that the House resolve itself into a committee of the whole on the work assigned them.

The motion prevailed.

The House went into committee of the whole, Mr. Kasson in the chair.

After due deliberation the committee arose and reported through their chairman that they had considered H. F. No. 27, and reported the same back to the House without amendment.

Also, H. F. No. 7, with Senate amendments, and reported the same back with a recommendation that the Senate amendments be concurred in.

Also, S. F. No. 13, title 14, with sundry amendments.

Also, H. F. No. 17, with sundry amendments.

The House took up H. F. No. 27.

Mr. Leahy moved that the rule be suspended, that the bill be considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Blakely, Bliss, Bonewitz, Booth, Cadwell, Cardell, Carver, Christoph, Clark of Benton, Close, D. nforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Dumont, Duncan, Ellsworth, Ericson, Flenniken, Freeman, Goodspeed, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Kasson, Keables, Leahy, Lee, Litzenberg, McCoy, Merrill, Miller, Mills, Newbold, Peet, Perkins, Pratt, Reed, Rice, Rohlf, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger and Mr. Speaker—71.

The nays were none.

Absent or not voting—

Messrs. Ballinger, Beresheim, Bergh, Butler, Caldwell, Campbell, Clark of Iowa, Crawford, Duncombe, Durham, Evans, Gear, Green, Heberling, Hewett, Irish, Johnston, McAllister, McClure, O'Donnell, Paul, Reuther, Rule, Stow, Tuttle, Van Deventer, Whitten, and Williams.—29.

So the bill passed and the title was agreed to.

H. F. N. 7, was taken up with Senate amendments thereto.

Mr. Close moved to concur in all the amendments, except the third amendment to section 6, chapter 2.

The motion prevailed.

Mr. Close moved to non-concur in the amendment to section 6, chapter 2.

The motion did not prevail

The amendment was adopted.

On concurring in the Senate amendments, the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Booth, Cadwell, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Dumont, Duncan, Ellsworth, Ericson, Flenniken, Freeman, Goodspeed, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rohlf's, Sandry, Schweer, Secor, Stedman, Stewart, Struthers, Tasker, Teale, Tufis, Van Meter, Van Sann, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, Mr. Speaker—74.

The nays were—

Messrs. Close—1.

Absent or excused—

Messrs. Ballinger, Bergh, Blackman, Butler, Caldwell, Campbell, Duncombe, Durham, Evans, Gear, Green, Heberling, Hewett, Irish, Johnston, McAllister, O'Donnell, Paul, Rule, Skillen, Stow, Tuttle, Van Deventer, Whitten and Williams—25.

So the House concurred.

S. F. No. 13, Title 14, of the code was taken up, and the amendments recommended by the committee were adopted.

Mr. Davisson moved to amend section 3, chapter 3, after the word "negotiability," insert "*or notes made or signed by any person promising to pay to another person, or his order or bearer.*"

The motion did not prevail.

Mr. Yerger moved to restore section 13, chapter 8.

The motion did not prevail.

Mr. Ainsworth moved to strike out section 5, chapter 2, and demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ainsworth, Bliss, Booth, Christoph, Clark of Benton, Crawford, Dayton, Draper, Ericson, Flenniken, Hanan, Hilton, Keables, Leahy, Merrill, Perkins, Reed, Secor, Struthers, Van Saun, Wood of Clay—21.

The nays were—

Messrs. Appleton, Beatty of Cedar, Beatty of Jasper, Blakely, Bonewitz, Cadwell, Cardell, Carver, Clarke, of Iowa, Close, Danforth, Davis, Davisson, Day, Duffie, Dumont, Duncan, Ellsworth, Freeman, Goodspeed, Hall, Hanson, Hopkirk, Hovey, Kasson, Lee, Litzenberg, McClure McCoy, Miller, Mills, Newbold, Peet, Pratt, Rice, Sandry, Schweer, Stedman, Stewart, Tasker, Teale, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, Mr. Speaker—51.

Absent or excused—

Messrs. Ballinger, Beresheim, Bergh, Blackman, Butler, Caldwell, Campbell, Duncombe, Durham, Evans, Gear, Green, Heberling, Hewitt, Irish, Johnston, McAllister, O'Donnell, Paul, Reuther, Rule, Rohlf's, Skillen, Stow, Tuttle, Van Deventer, Whitten, and Williams—28.

So the amendment was lost.

Mr. Newbold moved that the rule be suspended, that the bill be considered engrossed and read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Cadwell, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Duffie, Dumont, Duncan, Ellsworth, Ericson, Flenniken, Goodspeed, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rohlf's, Sandry, Schweer, Secor, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker.—74.

The nays were—

Mr. Draper.—1.

Absent or excused—

Messrs. Ballinger, Bergh, Butler, Caldwell, Campbell, Duncombe,

Durham, Evans, Freeman, Gear, Green, Heberling, Hewett, Irish, Johnston, McAllister, O'Donnell, Paul, Rule, Skillen, Stow, Tuttle, Van Deventer, Whitten, and Williams.—25.

So the bill passed and title was agreed to.

H. F. No. 17 was taken up.

Mr. Davis moved that the amendments recommended by the committee, except to section 14, chapter 3, be adopted.

The motion prevailed.

The question recurring on the adoption of the committee amendment to section 4, chapter 3, Mr. Peet demanded the yeas and nays, which were as follows :

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Blackman, Bliss, Bonewitz, Booth, Cadwell, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Day, Dayton, Duffie, Dumont, Duncan, Ellsworth, Flenniken, Froeman, Goodspeed, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Kasson, Keables, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Perkins, Pratt, Reed, Rice, Sandry, Schweer, Secor, Stedman, Struthers, Tasker, Tufts, Van Meter, Van Saun, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Yerger, and Mr. Speaker.—59.

The nays were—

Messrs. Blakely, Davis, Davisson, Draper, Ericson, Goodspeed, Leahy, Lee, Newbold, Peet, Rohlf, Stewart, Teal, Wilson C. C. of Keokuk, and Wright of Van Buren.—15.

Absent or excused—

Messrs. Ballinger, Beresheim, Bergh, Butler, Caldwell, Campbell, Duncombe, Durham, Evans, Gear, Green, Heberling, Hewett, Irish, Johnston, McAllister, O'Donnell, Paul, Renther, Rule, Skillin, Stow, Tuttle, Van Deventer, Whitten, and Williams.—26.

So the amendment was adopted.

Mr. Davis moved to amend section 14, chapter 3. Add to section : A wife may sue her husband, and a husband his wife, for an injury of the one committed upon the person or property of the other.

The amendment was adopted.

Mr. Duffie moved to amend chapter 9, by offering a substitute for section 56, as follows :

Sec. 56. If, after the empanneling of the jury and before verdict, a juror become sick, so as to be unable to perform his duty, he may be discharged. In such case, unless otherwise arranged by the consent of the parties, the vacancy thus made must be filled and the trial commence anew, or the court may in its discretion order the jury to be discharged.

On the adoption of the amendment, Mr. Merrill demanded the yeas and nays, which were as follows :

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Blackman, Blakely, Bliss, Booth, Christoph, Crawford, Davisson, Dayton, Duffie, Flenniken, Hanan, Hilton, Hopkirk, McCoy, Merrill, Mills, Pratt, Rohlf's, Sandry, Secor, Stewart, Struthers, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Yerger, and Mr. Speaker.—30.

The nays were—

Messrs. Beatty of Jasper, Bonewitz, Cadwell, Carver, Clark of Benton, Clarke of Iowa, Close, Danforth, Davie, Day, Draper, Dumont, Duncan, Ellsworth, Ericson, Freeman, Goodspeed, Hall, Hanson, Hovey, Keables, Leahy, Lee, Litzenberg, McClure, Miller, Newbold, Perkins, Reed, Rice, Schweer, Stedman, Tasker, Teale, Tufts, Van Meter, Van Saun, Wilson of Washington, Wood of Story, Wright of Mills, and Wright of Van Buren.—41.

Absent or excused—

Messrs. Ballinger, Beresheim, Bergh, Butler, Caldwell, Campbell, Cardell, Duncombe, Durham, Evans, Gear, Green, Heberling, Hewett, Irish, Johnston, Kasson, McAllister, O'Donnell, Paul, Peet, Reuther, Rule, Skillin, Stow, Tuttle, Van Deventer, Whitten, and Williams.—29.

So the amendment was lost.

Mr. Hall moved to amend section 1, chapter 6, as follows:

In all cases where the time for the commencement of the term has been changed after the notice has been served, the defendant shall be held to appear at the time to which such term has been changed.

The amendment was adopted.

Mr. Pratt moved that the rule be suspended, the bill be considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Appleton, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Booth, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Crawford, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Ellsworth, Flenniken, Freeman, Goodspeed, Hall, Hanan, Hanson, Hovey, Kasson, Leahy, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, Peet, Pratt, Reuther, Rice, Rohlf's, Sandry, Schweer, Secor, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Meter, Van Saun, Wilson J. F. of Keokuk, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker.—58.

The nays were—

Messrs. Ainsworth, Beatty of Cedar, Blackman, Cadwell, Close,

Duffie, Ericson, Hilton, Hopkirk, Keables, Lee, McCoy, Perkins, Reed, Wilson C. C. of Keokuk, Wilson of Washington, and Wood of Clay.—17.

Absent or excused—

Messrs. Ballinger, Bergh, Butler, Caldwell, Campbell, Danforth, Duncombe, Durham, Evans, Gear, Green, Heberling, Hewett, Irish, Johnston, McAllister, O'Donnell, Paul, Rule, Skillen, Stow, Tuttle, Van Deventer, Whitten and Williams.—25.

So the bill passed and the title was agreed to.

On motion of Mr. Ellsworth, the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, Jan. 29, 1873. }

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Philip Hühner.

Journal of yesterday read and approved.

Leave of absence was granted to Messrs Duncan and Whitten.

Mr. Beresheim and Mr. Reuther each asked leave, and had their votes recorded "yea" on the final passage of H. Fs. No. 7, 14, and 17, passed on yesterday.

Mr. Van Deventer from the committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

S. F. No. 6, Title 8, A bill for an act to revise, amend, and codify the statutes in relation to the militia.

J. VAN DEVENTER, *Chairman.*

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has concurred in the House amendment to the joint resolution providing for the printing of the report of the Rankin investigating committee.

W. L. VESTAL, *First Ass't Sec'y.*

Mr. Peet moved that the House resolve itself into a committee of the whole, on the consideration of the code.

The motion prevailed.

The House went into committee of the whole, Mr. Kasson in the chair.

The committee arose and reported through their chairman, that they had had under consideration, H. F. No. 19, and H. F. No. 21, and having completed the same, reported the bills back to the House with sundry amendments.

Mr. Close moved the House adjourn.

Motion did not prevail.

Mr. Ainsworth moved that when this House adjourn, it adjourn until to-morrow morning at 10 o'clock.

The motion did not prevail.

H. F. No. 19, was taken up.

On motion of Mr. Kasson the amendments recommended by the committee were adopted.

Mr. Leahy moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Dayton, Draper, Duffie, Ellsworth, Ericson, Flenniken, Freeman, Goodspeed, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Newbold, Paul, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rohlf, Sandry, Schweer, Secor, Stedman, Stewart, Tasker, Teale, Tufts, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Yerger, and Mr. Speaker.—67.

The nays were—

Mr. Davisson.—1.

Absent or excused—

Messrs. Ballinger, Bergh, Blackman, Bliss, Booth, Butler, Campbell, Christoph, Day, Dumont, Duncan, Durham, Duncombe, Evans, Gear, Green, Heberling, Hewett, McAllister, Mills, O'Donnell, Rule, Skillen, Stow, Struthers, Tuttle, Van Deventer, Whitten, Williams, Wood of Clay, Wright of Mills, and Wright of Van Buren.—32.

So the bill passed and the title was agreed to.

H. F. No. 21, was taken up and the amendments recommended by the committee were adopted.

Mr. Goodspeed moved that the consideration of the bill be postponed for two days.

The motion prevailed.

Mr. Hall moved to reconsider the vote by which the bill was postponed.

Motion did not prevail.

Mr. Van Deventer from committee on enrolled bills, submitted the following report :

Mr. SPEAKER:—The committee on enrolled bills ask leave to report that they have examined the following joint resolution and find the same correctly enrolled :

Joint resolution to provide for printing the report and evidence taken by the Rankin investigating committee.

Also, S. F. No. 6, title 8, A bill for an act to revise, amend and codify the statutes in relation to the militia.

J. VAN DEVENTER, *Chairman.*

Mr. Irish moved that when the House adjourn it adjourn until to-morrow morning at 10 o'clock.

The motion did not prevail.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

Mr. SPEAKER:—I am directed to inform your honorable body that the Senate has concurred in House amendments to S. F. No. 13, title 14, A bill for an act to revise, amend and codify the statutes in relation to trade and commerce.

W. L. VESTAL, *Ass't Secretary.*

Mr. C. C. Wilson moved that the House adjourn until to-morrow morning.

The motion did not prevail.

Mr. Davis moved the House adjourn.

The motion prevailed.

The House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

Mr. Goodspeed moved that the House now resolve itself into a committee of the whole on the consideration of the code.

The motion prevailed, and the House went into a committee of the whole, Mr. Kaason in the chair.

The committee arose and reported through their chairman that they had under consideration H. F. No. 23, and not having completed the same, asked leave to sit again.

On motion of Mr. Clark of Benton the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, IOWA, January 30th, 1873. }

House met pursuant to adjournment.
 The Speaker in the chair.
 Prayer by Rev. C. C. Maybe.
 Journal of yesterday read and approved.

Mr. Pratt offered the following resolution:
Resolved, That during the remainder of the present week the House will hold no afternoon session.
 The resolution was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform your honorable body that the Senate has passed the following bill:

House File No. 9, A bill for an act to revise, amend and codify the statutes in relation to corporations, with the following amendments:

1st. Strike out of section 34, chapter 1, the word "chapter," and insert the word "title."

2d. Insert in section 14, chapter 3, after the word "liquors" in the 4th line the words "wine or beer."

J. A. T. HULL, *Secretary*.

Leave of absence was granted to Mr. Perkins.

The Speaker announced as committee on the part of the House on the disagreeing vote of the House and Senate, on H. F. No. 27 Messrs. Freeman, Wilson C. C., and Cardell.

Mr. Van Deventer from committee on enrolled bills, submitted the following report:

MR. SPEAKER.—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled.

H. F. No. 7, Title 7, A bill for an act to revise, amend and codify the statutes in relation to highways, ferries and bridges.

J. VAN DEVENTER, *Chairman*.

Mr. Close moved to take up chapter 3, title II.
 The motion prevailed.

The question recurring on the amendment offered by Mr. Hall, Mr. Keables moved to insert after the word "released" in the 2d line the words "*at once.*"

The amendment was adopted.

Mr. Hall moved to amend by inserting after the word "execution" in the 2d line the words "and filing."

The motion prevailed.

The amendment as amended was adopted.

Mr. Close moved to strike out of the 2d and 3d line of section 10, "and they shall receive the sum of one dollar per day each for each assessment."

The motion prevailed.

Mr. Close moved to strike out of section 10, all after the word appeal in the 8th line.

The amendment was adopted.

On motion of Mr. Reed the chapter was considered by sections.

Mr. Goodspeed moved to amend section 1, by inserting after "large," in the 1st line, "*and all other kinds of stock.*"

The motion did not prevail.

Mr. Hilton moved to amend section 1, by striking out of the first line the words "or sheep."

The amendment was not adopted.

Mr. Lee moved that the House resolve itself into a committee of the whole, on the consideration of the work before the House.

The motion did not prevail.

Mr. Blakely moved to amend the first section, by striking out "swine or sheep."

The motion did not prevail.

Mr. Merrill moved to amend section 2 by striking out of lines six and seven, the words "under the preceding section."

The amendment was adopted.

Mr. Keables moved to amend section 4, by inserting in 4th line after the word "animals," the words *swine or sheep.*

The amendment was not adopted.

Mr. Freeman moved to amend section 5, by inserting after "mules," the words *jacks and jennies.*

The motion prevailed.

Mr. Ericson moved to amend section 7, by inserting after the word owner at the end of the line the words *or person.*

Mr. Duffie moved to amend the amendment by inserting *in actual possession.*

The motion prevailed.

The amendment as amended was adopted.

Mr. Dayton moved to amend section 7, after the word owner insert *or person.*

The amendment was not adopted.

Mr. Hall moved to amend section 6, by inserting after "line," in second line *from time of distraint*.

The amendment was adopted.

Mr. Clark of Benton, moved to amend section 8, by adding to the section *as provided in sections 9, 10 and 11, of this chapter*.

The amendment was adopted.

Mr. Hanan moved to amend section 9, wherever the word trustees occur in the section, insert thereafter *person or persons*.

The motion was finally withdrawn with the view of offering a substitute for the section.

Mr. Close moved to amend section 10, strike out at the end of section, *for which he shall receive the sum of one dollar and fifty cents*.

The amendment was adopted.

Mr. Ainsworth moved to amend section 10, by inserting after the word *supersedeas*, in the 7th line, *in case the owner of such stock be appellant, the same shall be delivered to him*.

The amendment was adopted.

Mr. Clark of Benton, moved to amend section 9, insert before "the township trustees," in second line the words *within twenty-four hours thereafter*.

The amendment was adopted.

Mr. Hall moved to amend section 10, insert after *distrainted* in the sixth line, "or if the value of the property exceed the amount of the damages claimed, then double the amount of the damages."

The amendment was adopted.

Mr. Hall offered the following as a substitute for section 9:

Within twenty-four hours after the stock has been distrainted (Sunday not being included,) the party so injured, or his agent, shall notify the owner of said stock when known, and if said owner shall fail to satisfy the owner of said land, he shall within twenty-four hours thereafter, notify the township trustees to be and appear upon the premises to view and assess the damages, said notice to be either verbal or in writing; when two or more trustees have assembled, they shall proceed to view and assess the damages and the amount to be paid for keeping said stock; and if the person or persons owning such distrainted stock refuse to pay said damages so assessed, then it shall be the duty of the trustees to post up notices in three conspicuous places, in the township where such damages were done, that the said stock, or so much thereof as is necessary to pay said damages with cost of sale, will be sold to the highest bidder; any money or stock left after satisfying such claims shall be returned to the owner of the stock so disposed of; said sale shall take place at the inclosure where such stock was distrainted between the hours of one and three P. M. on the tenth day after the posting of said notice; *provided*, that if any one or more of said trustees are interested in said damages,

the trustee or trustees not so interested shall appoint some one or more, as the case may require, to act in the place of the person or persons so interested; the owner of the stock, or the person entitled to the possession thereof, when known, shall also be notified of the time and place of the meeting of said trustees to assess said damages. When either trustee is absent so that notice cannot be served on him, then any justice of the peace shall appoint a suitable person having the qualifications of a juror to supply the place of the absent trustee, and the person so appointed shall serve as such."

The substitute was adopted.

Mr. Merrill moved to amend section 10. Insert a period after county in the 4th line, and strike out the balance of the line; and insert the word "an" before the 5th line.

The amendment was adopted.

Mr. Freeman moved to amend section 10, 7th line, by striking out the word "supersedeas," and insert "stay of proceedings."

The motion did not prevail.

Mr. Merrill moved to amend section 11. Strike out the word "it" and insert the word "the stock."

The motion was lost.

On motion of Mr. Kasson the word "twelve" was stricken out of the 7th line of section 12.

Mr. Clark of Benton moved to amend section 12, 8th line, by striking out "ninety days" and insert "six months."

The motion prevailed.

Mr. Ainsworth moved to reconsider the vote by which the amendment was adopted.

The motion did not prevail.

Mr. Davis moved to amend section 12, 2d line. Insert after the word "large," "or at what time they or any of them shall be prohibited from running at large."

The motion did not prevail.

Mr. Davis moved to amend the 12th section, by inserting after the word "county" in the 3d line, "and upon petition of one-fourth of the voters of the county as shown by the last preceding election, shall submit."

The motion did not prevail.

Mr. Van Meter moved to strike out sections 13, 14, and 15, and demanded the yeas and nays, which were as follows:

The yeas were—

Mesrs. Appleton, Ballinger, Blakely, Bliss, Butler, Cadwell, Crawford, Davisson, Ericson, Gear, Hall, Hanan, Hilton, Hopkirk, Irish, Johnston, Keables, Lee, McClure, McCoy, Miller, Mills, Newbold, Paul, Reed, Rice, Sandry, Schweer, Stewart, Teale, Van Meter, Williams, Wilson C. C. of Keokuk, Wilson of Washington, Wood of Story, Wright of Mills, Wright of Van Buren, and Yerger—38.

The nays were—

Messrs. Ainsworth, Beatty of Cedar, Beatty of Jasper, Bore-sheim, Blackman, Bonewitz, Booth, Caldwell, Campbell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Close, Danforth, Davis, Day, Dayton, Draper, Duffie, Dumont, Ellsworth, Evans, Flenniken, Freeman, Goodspeed, Hanson, Hewett, Hovey, Kasson, Leahy, Litzenberg, Merrill, Pratt, Reuther, Rohlfs, Secor, Stedman, Struthers, Tasker, Tufts, Van Deventer, Van Saun, Wilson J. F. of Keokuk, and Mr. Speaker—44.

Absent or excused—

Messrs. Bergh, Campbell, Duncan, Duncombe, Durham, Evans, Green, Heberling, McAllister, O'Donnell, Peet, Perkins, Rule, Skillin, Stow, Tuttle, Whitten, and Wood of Clay—18.

So the House refused to strike out the sections.

Mr. Kasson moved to reconsider the vote by which the House adopted the resolution to hold no afternoon sessions for balance of this week.

The motion prevailed.

Mr. Kasson moved to amend the resolution by making it read no afternoon sessions after to-day.

The amendment was adopted.

The resolution as amended was adopted.

Mr. Van Deventer, from committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bills, to-wit:

H. F. No. 7, Title 7, A bill for an act to revise, amend and codify the statutes in relation to highways, ferries and bridges.

Also, joint resolution, providing for the publication of the evidence taken by the Rankin investigating committee.

J. VAN DEVENTER, *Chairman.*

On motion of Mr. Rohlfs, the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

Mr. Danforth moved to amend section 14 by inserting in first line after the word "township," "at one of their regular meetings."

The amendment was adopted.

Mr. Hilton moved to amend section 15. Strike out all after "cast," in the second line, and the word "large" in the third line.

The amendment was adopted.

Mr. Hilton moved to amend section 16. Insert after the word "petition" in first line, "one-fourth of the citizens in the county."

The motion did not prevail.

Mr. Leahy, offered a substitute for sections 16 and 17, as follows:

"The owners of stock, shall be liable for all damages done by such stock, upon the cultivated lands of another, between the hours of sunrise and sunset, and the person sustaining such damage shall have a lien upon such stock, said lien to be enforced in the manner provided in sections 8, 9, and 10, of this chapter."

On the adoption of the substitute, the yeas and nays were demanded, which were as follows:

The yeas were—

Messrs. Beatty of Jasper, Blackman, Bliss, Bonewitz, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Crawford, Danforth, Davis, Day, Dumont, Ericson, Freeman, Goodspeed, Hanan, Hanson, Leahy, Litzenberg, McClure, Merrill, Mills, Newbold, Peet, Sandry, Secor, Tasker, Tufts, Van Deventer, Van Saun, Wilson of Washington and Mr. Speaker—34.

The nays were—

Messrs. Appleton, Ballinger, Beatty of Cedar, Beresheim, Blakey, Cadwell, Close, Davisson, Dayton, Draper, Ellsworth, Flenniken, Gear, Hall, Hilton, Hopkirk, Hovey, Johnston, Keables, Lee, McCoy, Miller, Paul, Reed, Reuther, Rice, Schweer, Stewart, Struthers, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren—36.

Absent or excused—

Messrs. Ainsworth, Bergh, Booth, Butler, Caldwell, Campbell, Duffie, Duncan, Duncombe, Durham, Evans, Green, Heberling, Hewett, Irish, Kasson, McAllister, O'Donnell, Perkins, Pratt, Rohlf, Rule, Skillen, Stedman, Stow, Teale, Tuttle, Whitten, Williams, and Yerger—30.

So the substitute was not adopted.

Mr. Reed moved to strike out sections 16 and 17.

The motion did not prevail.

Mr. Reed moved to amend section 23, strike out "10" in the third line, and insert 15.

The amendment was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked :

S. F. No. 16, title 16, A bill for an act to revise, amend and codify the statutes in relation to the estates of decedents.

S. F. No. 18, title 24, A bill for an act to revise, amend and codify the statutes in relation to the discipline and government of prisons, and of the penitentiary, its government and discipline.

I am also directed to inform your honorable body that the Senate has failed to pass title six of the code, entitled a bill for an act to revise, amend and codify the statute in relation to revenue, and respectfully asks your honorable body to take up said title in the House as an original House bill.

J. A. T. HULL, *Secretary*.

Mr. Close moved to amend section 24, strike out of the fourth line "published at the capitol if there be one," and insert, within the State having the largest circulation in the same.

The amendment was not adopted.

Mr. Davisson moved to amend section 26, strike out 5 and insert 10 in the first line.

The amendment was adopted.

Mr. Reed moved to amend section 16, strike out "6" in second line and insert 12.

The amendment was adopted.

Mr. Cardell moved to amend section 28, strike out "10" in the first line and insert 15.

The amendment was adopted.

Mr. Wright of Mills moved to amend same section, strike out "5" and insert 10.

The amendment was adopted.

Mr. Hanan moved to amend section 27, strike out "9" and insert 12 in third line.

The amendment was adopted.

Mr. Davisson moved to strike out sections 37 and 38.

The motion did not prevail.

Mr. Merrill moved to strike out the word "is," in the first line of section 27, and insert the words shall be.

The amendment was adopted.

Mr. Davisson moved to strike out the word "lawful" in the first line of section 41, and insert the words, the duty.

The amendment was adopted.

Mr. Close moved to amend section 42, by adding to the section, "and the right of property shall not exist in any dog unless the person claiming or harboring such dogs shall have listed the same for taxation, and all dogs not listed and taxed shall be deemed a nuisance, and any person finding such dog on his premises shall have the right to kill or abate the nuisance."

Which was adopted.

Mr. Hall moved to reconsider the vote by which the amendment was adopted.

The motion prevailed.

The question recurring on the adoption of the resolution, the yeas and nays were demanded, which were as follows:

The yeas were—

Meers. Ballinger, Blakely, Bliss, Cadwell, Carver, Close, Crawford, Davisson, Day, Dumont, Goodspeed, Hopkirk, Keables, Leahy, Mills, Renther, Rohlfis, Sandry, Tufts, Van Saun, Wright of Van Buren, Mr. Speaker—24.

The nays were—

Messrs. Appleton, Beatty of Jasper, Beresheim, Blackman, Bonewitz, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Danforth, Davis, Dayton, Draper, Ellsworth, Ericson, Flenniken, Freeman, Gear, Hall, Hanan, Hilton, Hovey, Johnston, Kasson, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Newbold, Paul, Peet, Reed, Rice, Schweer, Secor, Stewart, Struthers, Tasker, Van Deventer, Van Meter, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright, of Mills—50.

Absent or excused—

Messrs. Ainsworth, Bergh, Booth, Butler, Caldwell, Campbell, Duffie, Duncan, Duncombe, Durham, Evans, Green, Heberling, Hewett, Irish, McAllister, O'Donnell, Perkins, Pratt, Rule, Skillen, Stedman, Stow, Teale, Tuttle, Whitten—26.

So the amendment was not adopted.

Mr. Leahy moved to strike out sections 12 to 18, inclusive.

The motion did not prevail.

Mr. Leahy moved to add an additional section as follows:

That the owner of domestic animals shall have the same right to take away and destroy the property of another as is conferred by this chapter upon the animals themselves.

The amendment was not adopted.

Mr. Merrill moved to strike out of first line of section 43, the words "mesne process."

The amendment was adopted.

Mr. Peet moved to amend section 3, by adding to end of section, *Provided*, that if the party injured elect to recover by action against the owner of the stock, no appraisement need be made by the trustees, as provided in cases of distraint.

The amendment was adopted.

On motion of Mr. Kasson, chapter 3 was adopted.

On motion of Mr. Kasson, chapter 4 was taken up.

Mr. Clark of Benton, moved to amend section 19, by adding to the end of the section: "*Provided further* that all partition fences may be made tight at the expense of the party desiring it, and such party may take from such fence the same material by him added thereto, whenever he may elect."

The amendment was adopted.

Mr. Danforth moved to amend section 19, by inserting in the 4th line after the word "used" the words "or of wire, either wholly or in part, substantially built and kept in good repair."

The amendment was adopted.

Mr. Peet moved to amend section 19, by adding to the same:

"Provided further, That whether the owners or occupants of adjoining lands use the same for the purpose of pasturing swine or sheep, each of said owners or occupants shall keep their respective share of the partition fence sufficiently tight to restrain such swine or sheep."

The amendment was adopted.

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

Sec. 20. The preceding section shall not apply to railroad or partition fences, but they shall be constructed of strong materials, put up in a good and substantial manner, with sufficiently small space between the materials composing said fence, and raised to the height of four feet six inches, or such other construction or fence as may in the opinion of the fence viewers be of equal strength and security to inclosure, shall be considered a lawful fence, unless otherwise agreed to by parties interested.

Mr. Reuther offered the following as a substitute for the additional section:

"This law shall not be applied to any fences along railroad tracks, or interfere with provisions that are enacted in the laws governing railroads."

The substitute was not adopted.

The amendment was not adopted.

Mr. Wilson, C. C., moved to add to section 19 as follows:

And provided further, All partition fences as contemplated in this chapter shall be sufficient to restrain swine and sheep, unless otherwise agreed in writing by the owners thereof.

The amendment was adopted.

On motion of Mr. Close chapter 4 was adopted.

Mr. Hall moved to amend chapter 5, by striking out section 15.

The motion prevailed.

Mr. Gear moved to amend by adding an additional section to chapter 9:

Sec. 7. No association shall be organized under the provisions of this chapter with a less amount of paid up capital than \$50,000, except in cities and towns having a population not exceeding three thousand, when such association may be organized with a paid up capital of not less than \$25,000. But no such association shall have the right to commence business until its officers-elect, or its stockholders, shall have furnished to the Auditor of State a sworn statement of paid up capital; and when the Auditor of State is satisfied as to the fact, he shall issue to such association a certificate author-

izing such association to commence business; a copy of which shall be published as provided in section 2 of this act.

Mr. Hanson moved to amend section 52, of chapter 2, by inserting in the second line after the word "discretion" the words "and without giving any previous notice, and shall go through the building unattended."

The amendment was adopted.

Mr. Ballinger moved to amend section 6, chapter 9, by striking out of eleventh line "quarterly" and inserting "a." Strike out in 14th line "has been" and insert "is now."

The motion prevailed.

Mr. Leahy moved to reconsider the vote by which the House adopted the last amendment to section 19, chapter 4.

The motion prevailed.

The question recurring on the adoption of the amendment offered by Mr. Wilson, the amendment was not adopted.

Mr. Kasson moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Bliss, Bonewitz, Cadwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Danforth, Day, Draper, Duffie, Dumont, Ellsworth, Ericson, Flenniken, Freeman, Goodspeed, Hall, Hanson, Hopkirk, Hovey, Johnston, Leahy, Litzenberg, McClure, Merrill, Miller, Newbold, Paul, Reuther, Rohlf, Sandry, Secor, Struthers, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Wilson J. F. of Keokuk, Wilson of Washington, Wright of Van Buren—45.

The nays were—

Messrs. Appleton, Ballinger, Beatty of Cedar, Blakely, Crawford, Davis, Davisson, Dayton, Gear, Hanan, Hilton, Kasson, Keables, Peet, Reed, Rice, Schweer, Stewart, Teale, Wilson C. C. of Keokuk, Wood of Clay, Wood of Story, Wright of Van Buren, Yerger, Mr. Speaker—26.

Absent or excused—

Messrs. Ainsworth, Bergh, Blackman, Booth, Butler, Caldwell, Campbell, Christoph, Duncan, Duncombe, Durham, Evans, Green, Heberling, Hewitt, Irish, Lee, McAllister, Mills, O'Donnell, Perkins, Pratt, Rule, Skillin, Stedman, Stow, Tuttle, Whitten, and Williams—29.

So the House refused to pass the bill.

Mr. Kasson moved to take up Senate message, H. F. No. 9, in relation to corporations.

The motion prevailed, and the bill was taken up.

On concurring in the Senate amendments the yeas and nays were as follows :

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Cadwell, Cardell, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Draper, Dumont, Ellsworth, Ericson, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Johnston, Kasson, Keables, Leahy, Litzenberg, McClure, Merrill, Miller, Newbold, Paul, Peet, Reuther, Rice, Rohlf, Secor, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—62.

The nays were—

Messrs. Appleton, Ballinger, Christoph, Schweer—4.

Absent or excused—

Messrs. Ainsworth, Bergh, Blackman, Booth, Butler, Caldwell, Campbell, Carver, Dayton, Duffie, Duncan, Duncombe, Durham, Evans, Flenniken, Green, Heberling, Hewett, Irish, Lee, McAllister, McCoy, Mills, O'Donnell, Perkins, Pratt, Reed, Rule, Sandry, Skillin, Stedman, Stewart, Stow, Tuttle, Whitten, and Williams—34.

So the House concurred in Senate amendments:

S. F. No. 16, in relation to the estates of decedents, was read a first and second time, and referred to committee of the whole.

By leave, Mr. Hall offered the following resolution :

Resolved, That the Senate be respectfully informed that the House will undertake to comply with their request concerning title 6, entitled revenue, and as soon as possible advise them of progress made in accordance with the joint rules now in force.

The resolution was adopted.

On motion of Mr. Peet the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, JANUARY 31, 1873. }

House called to order by the Speaker.

Prayer by Rev. T. E. Corkhill.

Pending the reading of the Journal of yesterday, Mr. Hall moved that the further reading of the Journal be dispensed with.

The motion did not prevail.

Pending the further reading of the Journal, Mr. Irish moved that the further reading be dispensed with.

The motion did not prevail.

Pending the further reading of the Journal, Mr. Goodspeed moved that the further reading be dispensed with.

The motion prevailed.

Mr. Kasson moved to reconsider the vote by which H. F. No. 11 was lost on its final passage.

The motion prevailed.

Mr. Davis moved to reconsider the vote by which the rule was suspended and the bill ordered to a third reading.

The motion did not prevail.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Danforth, Day, Draper, Daffie, Ellsworth, Ericson, Evans, Flenuiken, Freeman, Goodspeed, Hall, Hanson, Hewett, Hopkirk, Hovey, Johnston, Kasson, Leahy, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, Pratt, Rohlfs, Secor, Stedman, Struthers, Tasker, Teale, Van Deventer, Van Meter, Van Saun, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wright of Mills, and Mr. Speaker—52.

The nays were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Blakely, Christoph, Crawford, Davis, Davisson, Dayton, Gear, Hanan, Hilton, Irish, Leahy, Lee, McCoy, O'Donnell, Paul, Peet, Reed, Reuther, Rice, Sandry, Schweer, Skillen, Stewart, Tufts, Wilson C. C. of Keokuk, Wood of Clay, Wood of Story, Wright of Van Buren, and Yerger—33.

Absent or excused—

Messrs. Bergh, Blackman, Campbell, Dumont, Duncan, Duncombe, Durham, Green, Heberling, McAllister, Perkins, Rule, Stow, Tuttle, and Whitten—15.

So the bill passed and the title was agreed to.

MESSAGE ON SPEAKER'S TABLE.

Mr. Kasson moved that S. F. 18, title 26, be referred to committee of the whole.

The motion prevailed.

Leave of absence was granted to Mr. Blackman.

Mr. Goodspeed moved to postpone H. F. No. 21, title 21, until next Monday morning.

The motion did not prevail.

Mr. Clark of Benton moved to amend section 31, "and unless one of the parties demand a jury on or before the day of trial, and

advance the fees therefor if demanded, the trial shall be by the justice."

By leave, Mr. Clark withdrew his amendment.

Mr. Hall moved to amend section 42, strike out the amendment at the end of the section, and insert after the word "challenges" in second line, and insert, and no more.

Mr. Kasson moved that the rule be suspended, that the bill be considered engrossed, and read a third time now.

The motion prevailed. The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Booth, Butler, Caldwell, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Dayton, Draper, Duffie, Dumont, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Hall, Hanan, Hanson, Hewett, Hilton, Hovey, Irish, Johnson, Kaseon, Keables, Leahy, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Paul, Peet, Pratt, Reed, Renther, Rice, Rohlf, Sandry, Schweer, Secor, Skilin, Stedman, Stewart, Tasker, Teale, Tufts, Van Deventer, Van Meter, Van Sann, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—79.

The nays were—

Messrs. Davisson, Goodspeed, Hopkirk, and Lee—4.

Absent or excused—

Messrs. Bergh, Blackman, Cadwell, Campbell, Day, Duncan, Duncombe, Durham, Green, Heberling, McAllister, Perkins, Rule, Stow, Struthers, Tuttle, and Whitten—17.

So the bill passed and the title was agreed to.

On motion of Mr. Kasson the House resolved itself into a committee of the whole on the work assigned.

The speaker called Mr. Kasson to the chair.

The committee arose and reported through its chairman that they had had under consideration S. F. 18, Title 26 of the code, which they reported with sundry amendments, and recommended its adoption.

Also, that they had considered H. F. No. 23, Title 23 of the code, and not having completed the same, asked leave to sit again.

On motion of Mr. Kasson S. F. No. 18, Title 26, was taken up, and the amendments recommended by the committee were adopted.

Mr. Ballinger moved to strike out section 63, and demanded the yeas and nays which were as follows:

The yeas were—

Messrs. Appleton, Ballinger, Blakely, Bliss, Close, Crawford, Davisson, Draper, Ericson, Goodspeed, Hall, Hanson, Hilton, Leahy, Lee, McCoy, Miller, Newbold, Reuther, Rice, Rohlf, Schweer, Secor, Stewart, Teale, Van Meter, Van Saun, Williams, and Wright of Van Buren—30.

The nays were—

Messrs. Ainsworth, Beatty of Cedar, Beatty of Jasper, Beresheim, Bonewitz, Booth, Caldwell, Christoph, Clark of Benton, Day, Dayton, Duffie, Ellsworth, Flenniken, Freeman, Gear, Hanan, Hopkirk, Hovey, Irish, Johnston, Kasson, Litzenberg, McClure, Merrill, Mills, O'Donnell, Paul, Peet, Pratt, Reed, Sandry, Skillin, Stedman, Struthers, Tasker, Tufts, Van Deventer, Wilson J. F. of Keokuk, Wood of Story, Yerger, and Mr. Speaker—42.

Absent or excused—

Messrs. Bergh, Blackman, Butler, Cadwell, Campbell, Cardell, Carver, Clarke of Iowa, Davis, Danforth, Dumont, Duncan, Duncombe, Durham, Evans, Green, Heberling, Hewett, Keables, McAllister, Perkins, Rule, Stow, Tuttle, Whitten, Wilson of Washington, Wood of Clay, and Wright of Mills.—28.

So the House refused to strike out the section.

Mr. Kasson moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed. The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Booth, Butler, Caldwell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Danforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Dumont, Ellsworth, Ericson, Flenniken, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Paul, Peet, Pratt, Reed, Reuther, Rice, Rohlf, Sandry, Secor, Skillin, Stedman, Struthers, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—74.

The nays were—

Messrs. Close, Crawford, Schweer, Stewart, Teale—5.

Absent or excused—

Messrs. Bergh, Blackman, Campbell, Cardell, Cadwell, Duncan, Duncombe, Durham, Evans, Green, Heberling, Hewett, Keables, McAllister, Perkins, Rule, Stow, Tuttle, Whitten, Wilson of Washington, Wood of Clay—21.

So the bill passed and the title was agreed to.

On motion of Mr. Irish the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, IOWA, February 1, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. P. P. Ingalls.

Journal of yesterday read and approved.

Mr. Clark, of Benton, moved that the House now resolve itself into a committee of whole house on the work assigned.

The motion prevailed, and the House went into committee of the whole—Mr. Kasson in the chair.

The committee rose and reported through their chairman that they had had under consideration H. F. No. 23, Title 23, of the code, and reported the same back to the House with sundry amendments and recommended its passage.

Also, that they had had under consideration H. F. No. 25, and not having completed the same, ask leave to sit again.

Mr. Davis moved that the amendments recommended by the committee to H. F. No. 23 be adopted.

The motion prevailed.

Mr. Kasson moved that the rule be suspended and the bill considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Bliss, Bonewitz, Booth, Caldwell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Davisson, Day, Dumont, Ellsworth, Freeman, Gear, Goodspeed, Hanan, Hanson, Heberling, Hewett, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, Peet, Pratt, Reed, Rice, Rule, Sandry, Schweer, Skillin, Stewart, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wright of Van Buren, Yerger and Mr. Speaker—59.

The nays were—

Messrs. Blackman, Hilton, O'Donnell, Reuther, Rohlf, Seacor, Stedman, and Wright of Mills—8.

Absent or excused—

Messrs. Beresheim, Bergh, Blakely, Butler, Cadwell, Campbell, Cardell, Christoph, Danforth, Dayton, Draper, Duffie, Duncan, Duncombe, Durham, Ericson, Evans, Flenniken,

Green, Hall, Irish, Keables, McAllister, Paul, Perkins, Stow, Tuttle, Van Meter, Whitten, Williams, Wilson of Washington, Wood of Clay, and Wood of Story—33.

So the bill passed and the title was agreed to.

Leave of absence was granted to Messrs. Ericson, Beresheim, Wood of Story, Cardell, Cadwell, and Wilson of Washington.

Mr. Freeman, from conference committee on the disagreeing vote of the House and Senate on H. F. No. 28, submitted the following report:

MR. SPEAKER—The committee of conference on H. F. No. 28, A bill for an act to appropriate moneys for the postage of the Fourteenth General Assembly, adjourned session, beg leave to report that they have had the matter of disagreement as to the same under consideration, and a majority of the committee recommend that the House agree to the Senate amendment, to-wit: To strike out of the first section the words "not otherwise appropriated" and that thus amended the bill pass.

J. M. FREEMAN,

C. C. WILSON,

On the part of the House.

SAMUEL McNUTT,

E. T. SMITH,

JAMES A. YOUNG,

On the part of the Senate.

On concurring in the report of the committee, the yeas and nays, were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Bliss, Bonewitz, Booth, Cadwell, Carver, Clark of Benton, Clarke of Iowa, Crawford, Davis, Davisson, Dayton, Dumont, Hanan, Hanson, Heberling, Hewett, Hilton, Hovey, Johnston, Litzenberg, Merrill, Miller, Mills, Newbold, O'Donnell, Reuther, Rice, Rohlfis, Sandry, Schweer, Skillen, Stedman, Stewart, Struthers, Teale, Van Deventer, Yerger, Mr. Speaker—24.

The nays were—

Messrs. Beatty of Jasper, Close, Danforth, Day, Freeman, Gear, Goodspeed, Hopkirk, Kasson, Leahy, Lee, McClure, McCoy, Peet, Reed, Secor, Tasker, Tufts, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wright of Mills, Wright, of Van Buren—25.

Absent or excused—

Messrs. Beresheim, Bergh, Blackman, Butler, Cadwell, Christoph, Draper, Duffie, Duncan, Duncombe, Durham, Ericson, Evans, Flenniken, Green, Hall, Irish, Keables, McAllister, Paul, Perkins, Pratt, Rule, Stow, Tuttle, Van Meter, Whitten, Williams, Wilson

of Washington, Wood of Clay, Wood of Story, Campbell, and Cardell—33.

So the bill not receiving a constitutional majority was declared lost.

On motion of Mr. Clark of Benton, the House adjourned.

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HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 3d, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. J. R. Murphy.

Journal of Saturday was read and approved.

Leave of absence was granted to Wright of Mills.

Mr. Van Deventer, from committee on enrolled bills, submitted the following report :

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill, and find the same correctly enrolled :

H. F. No. 9, Title 9, A bill for an Act to revise, amend and codify the statutes in relation to corporations.

J. VAN DEVENTER, *Chairman.*

Mr. Goodspeed moved that the House resolve itself into a committee of the whole on the work assigned.

The motion prevailed, and the House went into committee of the whole, Mr. Kasson in the chair.

The committee arose and reported through their chairman that they had completed the consideration of H. F. No. 25, Title 25, of the Code, and reported the same back to the House with sundry amendments, with the recommendation that it do pass.

Mr. Davis moved that the amendments recommended by the committee be adopted, except the amendments to chapter 12, sections 13 and 14, and to section 1 of chapter 37.

The motion prevailed.

Mr. Van Deventer, from committee on enrolled bills, submitted the following report :

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bill, to-wit :

H. F. No. 9, Title 9, A bill for an act to revise, amend and codify the statutes in relation to corporations.

J. VAN DEVENTER, *Chairman.*

MR. SPEAKER:—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

S. F. No. 13, Title 14, a bill for an Act to revise, amend and codify the statutes in relation to trade and commerce.

J. VAN DEVENTER, *Chairman.*

On motion of Mr. Clark of Benton the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

The House resumed the consideration of H. F. No. 25.

Mr. Davis offered the following amendment to section 1, chapter 37: Add to the section, "But nothing herein contained shall render any person who, in any criminal proceeding, is charged with the commission of any public offense, competent or compellable to give evidence therein against himself."

Upon the adoption of the amendment Mr. Davis demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ainsworth, Beatty of Cedar, Beatty of Jasper, Blakely, Bliss, Bonewitz, Booth, Butler, Caldwell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Day, Dayton, Draper, Duffie, Dumont, Freeman, Gear, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, Peet, Pratt, Reed, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Struthers, Tasker, Tufts, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Yerger and Mr. Speaker—60.

The nays were—

Messrs. Ballinger, Davisson, Goodspeed, Rice, Teale, Van Meter—6.

Absent or excused—

Messrs. Appleton, Beresheim, Bergh, Blackman, Cadwell, Campbell, Cardell, Christoph, Duncan, Duncombe, Durham, Ellsworth, Ericson, Evans, Flenniken, Green, Hall, Hanan, Keables, McAllister, O'Donnell, Paul, Perkins, Reuther, Rohlf, Stow,

Tuttle, Van Deventer, Whitten, Williams, Wilson of Washington, Wood of Story, Wright of Mills, Wright of Van Buren—34.

So the amendment was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

S. F. No. 20, A bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases.

Also, that the Senate has concurred in House amendments to S. F. No. 18, Title 26.

W. L. VESTAL, *First Ass't Secretary.*

Mr. Pratt moved to amend section 5, chapter 9, by adding to the end of the section, "for all cases where the defendant pleads insanity, the jury shall find specially on said plea, and if they find for the defendant by reason of his insanity, they shall so state in their verdict."

The amendment was adopted.

Mr. Pratt moved to amend by adding clause 3 to section 9, chapter 29, as follows: "When it appears from the verdict of the jury that the defendant is acquitted by reason of his insanity, the court shall order the defendant to be confined in one of the Insane Asylums in this State, and the defendant shall be so confined until, upon an investigation by the court in which the trial was had, it shall appear to the court that the sanity of said defendant is fully restored. When so restored the court shall issue an order for the release of said defendant."

The amendment was adopted.

Mr. Davis moved to strike out sections 12 and 13, chapter 12.

The motion did not prevail.

Mr. Ainsworth moved to amend the amended section 1, chapter 37, by striking out the word "herein" and inserting the words "this title."

The amendment was adopted.

Mr. Davis moved to amend section 12, chapter 12, by inserting after the word "witness," in the first line, the words "preliminary examination."

The motion prevailed.

Mr. Newbold moved that the rule be suspended and the bill read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Ballinger, Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Booth, Butler, Caldwell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Ellsworth, Flenniken, Freeman, Gear, Goodspeed, Hanan, Hanson, Heberling, Hewett, Hopkirk, Hovey, Irish, Johnston; Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, Peet, Pratt, Reed, Rice, Rule, Sandry, Schwear, Secor, Skillen, Stedman, Stewart, Struthers, Tasker, Tufts, Tuttle, Van Meter, Van Sauu, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Van Buren, Yerger and Mr. Speaker—69.

The nays were—

Messrs. Hilton and Teale—2.

Absent or excused—

Messrs. Appleton, Beresheim, Bergh, Cadwell, Campbell, Cardell, Christoph, Dumont, Duncan, Duncombe, Durham, Ericson, Evans, Green, Hall, Keables, McAllister, O'Donnell, Paul, Perkins, Reuther, Rohlf, Stow, Van Deventer, Whitten, Williams, Wilson of Washington, Wood of Story, and Wright of Mills—29.

So the bill passed and the title was agreed to.

MESSAGES ON SPEAKER'S TABLE.

S. F. No. 20, Title 20, of the code was read a first and second time and referred to the committee of the whole.

Mr. Lee moved that the House resolve into a committee of the whole on the work assigned.

The motion prevailed.

The House went into committee of the whole, Mr. Kasson in the chair.

The committee arose and reported to the House, through their chairman, that they had had under consideration S. F. No. 16, and reported the same back to the House with sundry amendments.

Also, that they had had under consideration S. F. No. 20, and not having completed the same ask leave to sit again.

Mr. O'Donnell moved that the report of the committee on S. F. No. 16 be adopted, except section 11, chapter 3.

The motion prevailed.

The question recurring on the amendment recommended by the committee to section 11, chapter 3,

The amendment was not adopted.

Mr. Davisson moved to amend section 1, chapter 5, by adding at

the end of the 4th line, "and such final settlement shall be made within three years, unless otherwise ordered by the court."

The amendment was adopted.

Mr. Van Deventer, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bill, to-wit:

S. F. No. 13, Title 14, A bill for an act to revise, amend and codify the statutes in relation to trade and commerce.

J. VAN DEVENTER, *Chairman.*

Mr. Goodspeed moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays as follows:

The yeas were—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Booth, Butler, Caldwell, Carver, Clarke of Iowa, Close, Crawford, Danforth, Davisson, Day, Draper, Duffie, Dumont, Ellsworth, Flenniken, Freeman, Gear, Goodspeed, Hanan, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, Peet, Pratt, Reed, Rice, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Struthers, Tasker, Teale, Tuttle, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Van Buren, Yerger, and Mr. Speaker—65.

The nays were—

Messrs. Ainsworth, Clark of Benton, Lee, Van Deventer and Williams—5.

Absent or excused—

Messrs. Appleton, Beresheim, Bergh, Cadwell, Campbell, Cardell, Christoph, Davis, Dayton, Duncan, Duncombe, Durham, Ericson, Evans, Green, Hall, Keables, McAllister, O'Donnell, Paul, Perkins, Reuther, Rohlf, Stow, Tufts, Van Saun, Whitten, Wilson of Washington, Wood of Story, and Wright of Mills—30.

So the bill passed and the title was agreed to.

On motion of Mr. Irish the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, IOWA, February 4, 1873. }

House met pursuant to adjournment.
 The Speaker in the chair.
 Prayer by Rev. S. N. Matheny.
 Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bills:

House File No. 13, Title 13.

A bill for an act to revise, amend and codify the statutes in relation to the rights of property, with the following amendments:

1st. Amend section 3 of chapter 2, by striking out all after the word "value," in the 5th line.

2d. Strike out section 1 of chapter 4, and insert the following: "No sale, contract, or lease, wherein the transfer of title or ownership of personal property is made to depend upon any condition, shall be valid against any creditor or purchaser of the vendee or lessee in actual possession obtained in pursuance thereof without notice, unless the same be in writing, executed by the vendor or lessor, acknowledged and recorded the same as chattel mortgages."

3d. Strike out section 14 of chapter 5, and insert: "No vendor's lien for unpaid purchase money shall be recognized or enforced, in law or equity, after a conveyance by the vendor, unless such lien be reserved in such conveyance, or created by a mortgage or other instrument in writing, executed, acknowledged and recorded by the vendee."

4th. Strike the words "or county auditor" from the 3d line of section 15, chapter 6.

5th. Strike out section 29 of chapter 6, as written in by the House.

6th. Strike out section 21½, and insert the following:

"Sec. 21. The setting off of the distributive share of the husband or wife in the real estate of the decedent shall be such a disposal of the homestead as is contemplated in the preceding section. But the survivor may elect to retain the homestead for life in lieu of such share in the real estate of the deceased. But if there be no survivor, the homestead descends to the issue of either husband or wife according to the rules of descent, unless otherwise directed by will, and is to be held by such issue exempt from any antecedent debts of their parents or their own."

7th. Strike out all of section 30, chapter 6, after the 12th line.

8th. Insert after the word "harvested," in sixth line of section 7, chapter 9, the words, "*Provided*, That in case of a crop of corn it shall not be later than the first day of December thereafter."

9th. Strike out the word "summons," in the 6th line of section 4, chapter 11, and insert the word "notice."

10th. Add the following to chapter 11:

"Sec. 6. The provisions of this chapter shall not apply to easements already acquired."

In all of which amendments the concurrence of the House is respectfully asked.

J. A. T. HULL, *Secretary*.

Mr. Hanan moved to reconsider the vote by which the House passed S. F. No. 16.

The motion prevailed.

Mr. Hanan moved to reconsider the vote by which the bill was ordered to a third reading.

The motion prevailed.

Mr. Ainsworth moved to reconsider the vote by which lines three and four of section 11, chapter 3 were adopted.

The motion prevailed.

Mr. O'Donnell moved to reconsider the vote by which the House struck out the words in lines three and four in section 11, chapter 3.

The motion prevailed.

On the motion to strike out, Mr. O'Donnell demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ainsworth, Beatty of Cedar, Beatty of Jasper, Blakely, Bliss, Booth, Butler, Cadwell, Caldwell, Clarke of Iowa, Crawford, Danforth, Day, Dayton, Durham, Ellsworth, Flenniken, Freeman, Hanan, Hilton, Hopkirk, Johnston, McCoy, Merrill, Mills, Peet, Pratt, Reed, Reuther, Rohlf, Rule, Sandry, Schweer, Secor, Skillin, Stewart, Struthers, Van Deventer, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Van Buren, Yerger, and Mr. Speaker.—45.

The nays were—

Messrs. Ballinger, Bonewitz, Clark of Benton, Close, Davis, Davisson, Draper, Duffie, Dumont, Duncan, Evans, Gear, Goodspeed, Hall, Hanson, Heberling, Hovey, Irish, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, Miller, Newbold, O'Donnell, Rice, Stedman, Tasker, Tufts, Van Meter, Van Saun, Wilson of Washington.—33.

Absent or excused—

Messrs. Appleton, Bergh, Beresheim, Blackman, Campbell, Cardell, Carver, Christoph, Duncombe, Ericson, Green, Hewett, Mc-

Allister, Paul, Perkins, Stow, Teale, Tuttle, Whitten, Wood of Story, and Wright of Mills—22.

So the motion to strike out prevailed.

Mr. Kasson moved that the rule be suspended, the bill be considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Carver, Clarke of Iowa, Crawford, Danforth, Davis, Day, Dayton, Draper, Duffie, Dumont, Duncan, Ellsworth, Flenniken, Freeman, Gear, Goodspeed, Hanan, Hanson, Heberling, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Pratt, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillen, Stewart, Struthers, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Van Buren, Yerger, and Mr. Speaker—73.

The nays were—

Messrs. Clark of Benton, Evans, Lee, and Stedman—4.

Absent or excused—

Messrs. Appleton, Bergh, Blackman, Campbell, Cardell, Christoph, Close, Davisson, Duncombe, Durham, Ericson, Green, Hall, Hewett, McAllister, Paul, Perkins, Stow, Teale, Tuttle, Whitten, Wood of Story, and Wright of Mills—23.

So the bill passed and the title was agreed to.

Mr. Irish introduced a joint resolution in regard to extending the time for the payment of taxes, which was referred to committee of the whole.

By leave, Mr. Newbold presented a memorial from the Iowa State Grange, in reference to railroad tariffs, which was referred to committee of the whole.

Mr. VanDeventer, from the committee on enrolled, bills submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

S. F. No. 18, Title 26, A bill for an act to revise, amend and codify the statutes in relation to the discipline and government of prisons, and of the penitentiary, its government and discipline.

J. VAN DEVENTER, *Chairman.*

MESSAGES ON THE SPEAKER'S TABLE.

Senate message H. F. No. 17, was taken up and referred to committee of the whole.

On motion of Mr. Ellsworth the House resolved itself into a committee of the whole.

Mr. Kasson in the chair.

The committee arose and reported that they had had under consideration S. F. No. 20, and reported the same back to the House with sundry amendments.

Also, that they had considered H. F. No. 13, with Senate amendments and reported the same back to the House with a recommendation that the House concur in a part of the amendments, and that it non-concur in a part of the amendments.

The report of the committee on S. F. No. 20, and on H. F. No. 13, was adopted.

On motion of Mr. Ellsworth, the House adjourned.

2 O'CLOCK, P. M.

House called to order by the Speaker.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bills:

H. F. No. 15, Title 15, A bill for an act to revise, amend and codify the statutes in relation to the domestic relation, with the following amendments:

1st. Insert after the word "to" in 1st line of section 15, chapter 1, the words "procuring of licenses and to."

2d. Amend section 18, same chapter, by striking out all the written part and restoring the section as reported by the code commissioners.

3d. Amend section 1 of chapter 2 by inserting the words "in the same" before the word "manner" in the 2d line thereof; and strike out all of the section after the word "him" in the 3d line.

4th. Amend section 9, same chapter, by inserting the words "filing a" before the word "petition" in the 3d line.

5th. Amend the 12th section by inserting the words "or liabilities," after the word "debts," in the 3d line.

6th. Amend section 14 by inserting after the word "family," in the first line, the word "and." Also strike out all after the word "children," in the first line, down to and including the word "chapter" in the second line.

7th. Amend section 2 of chapter 3 by striking out the word "not" at the end of the fifth line; also strike out all after the word "made," in sixth line, down to and including the word "truth," and insert the words "in good faith and."

8th. Amend section 3 by striking out of second and third lines the words "other than such oath."

9th. Amend section 4 by adding thereto the following: "6. When either party after marriage becomes incurably insane, and has been so for a period not less than five years."

10th. Amend section 13, chapter 3, by striking therefrom the words "except the allegations as to residence and."

11th. Strike out section 1 of chapter 5 and insert the following: "The parents are the natural guardians of their minor children and are equally entitled to the care and custody of them."

12th. Strike out section 2, same chapter, and insert the following: "Either parent dying before the other the survivor becomes the guardian. If there be no parent qualified and competent to discharge the duty, the circuit court shall appoint a guardian."

13th. Amend section four of same chapter by striking the word "persons" from the first line; also by striking out all after the word "jurisdiction" in the fourth line.

14th. Amend section 18, same chapter, by striking out the word "five" in the first line and inserting the word "ten."

15th. Amend section 32, same chapter, by inserting after the word "property" in fifth line, the words "and the allegations of the petition have been satisfactorily proved upon the trial provided for in the following section."

16th. Section 39 was amended by numbering claims to priority as reported by the commissioners.

In all of which amendments the concurrence of the House is respectfully asked.

I am also directed to inform your honorable body that the Senate has passed the following bill in which the concurrence of the House is asked.

S. F. No. 19, Title 18, A bill for an act to revise, amend and codify the statutes in relation to attachments, executions and supplementary proceedings.

J. A. T. HULL, *Secretary.*

MESSAGE ON SPEAKER'S TABLE.

S. F. 18 was read a first and second time and referred to committee of the whole.

H.F.No. 15 was taken up with Senate amendments and referred to committee of the whole.

The question recurring on the adoption of the report of the committee on H. F. No. 13, Mr. Goodspeed asked for a separate vote on the amendment recommended to section 7, chapter 9.

A vote being taken the house concurred in the amendment.

On the adoption of the report of the committee the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Beatty of Jasper, Beresheim, Blackman, Blakely, Bonewitz, Booth, Butler, Cadwell, Caldwell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Day, Draper, Dumont, Duncan, Durham, Ellsworth, Flenniken, Freeman, Gear, Hanson, Heberling, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, McClure, McCoy, Merrill, Miller, Newbold, O'Donnell, Peet, Perkins, Pratt, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Struthers, Tasker, Teale, Tufts, Tuttle, Van Deventer, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Van Buren Yergler, and Mr. Speaker.—68.

The nays were—

Messrs. Goodspeed, Hanan, Hopkirk, Reed, and Stewart—5.

Absent or excused—

Messrs. Appleton, Bliss, Ballinger, Beatty of Cedar, Bergh, Campbell, Cardell, Christoph, Davisson, Dayton, Duffie, Duncombe, Ericson, Evans, Green, Hall, Hewett, Litzenberg, McAllister, Mills, Paul, Rohlf, Stow, Whitten, Williams, Wood of Story, and Wright of Mills.—27.

So the report of the committee was adopted.

S. F. No. 20 was taken up.

Mr. Leahy offered the following amendment to section 1, chapter 1: at the end of tenth line insert, "and a statement of facts sufficient to avoid the right of detention for said cause."

The amendment was not adopted.

Mr. Pratt moved that the rule be suspended, that the bill be considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Day, Draper, Dumont, Duncan, Durham, Ellsworth, Flenniken, Freeman, Gear, Goodspeed, Hanan, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Tuttle, Van Deventer, Van Meter,

Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Van Buren, Yerger, and Mr. Speaker—79.

The nays were none.

Absent or excused—

Messrs. Appleton, Bergh, Campbell, Cardell, Christoph, Davisson, Dayton, Duffie, Duncombe, Ericson, Evans, Green, Hall, Litzenberg, McAllister, Paul, Rohlfis, Stow, Whitten, Wood of Story, Wright of Mills—21.

So the bill passed and the title was agreed to.

On motion of Mr. Pratt, the House went into committee of the whole on the work assigned, Mr. Kasson in the chair.

The committee arose and reported through their chairman that they had had under consideration H. F. No. 15, with the Senate amendments thereto, and reported the same back with the recommendation that a portion of the amendments be concurred in, and a portion non-concurred in.

Also, that they had had under consideration S. F. No. 18, and not having completed the same ask leave to sit again.

The House adopted the report of the committee on H. F. No. 15.

On motion of Mr. Newbold the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, Feb. 5, 1873. }

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. J. R. Murphy.

Journal of yesterday read and approved.

By leave, Mr. Carver presented a petition from citizens of Wapello county praying for legislation regulating railroad tariffs.

Referred to committee of the whole.

Leave of absence was granted to Mr. Duffie.

Mr. Ellsworth moved that the House resolve itself into a committee of the whole on the work assigned.

The motion prevailed.

The House went into committee of the whole, Mr. Kasson in the chair.

The committee rose and reported that they had had under consideration S. F. No. 18, Title 18, of the code, and reported the same back to the House with sundry amendments and recommended its passage.

Mr. Reed demanded a separate vote on the amendments recommended by the committee to section 47, chapter 2, and Mr. Beresheim demanded a separate vote on section 37, same chapter.

The report of the committee, except as to the above named sections, was adopted.

The question recurring on the amendments recommended by the committee to section 37, chapter 2,

The first and second amendments were not adopted.

The third amendment was adopted.

Mr. Rohlf's moved to reconsider the vote by which the second amendment was lost.

The motion did not prevail.

The question recurring on the adoption of the amendments recommended by the committee to section 47, chapter 2,

The first, second, third, fourth, and fifth amendments were adopted.

On the adoption of the sixth amendment Mr. Ainsworth demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ainsworth, Beresheim, Bonewitz, Booth, Butler, Caldwell, Danforth, Draper, Ellsworth, Hall, Hanson, Hilton, Irish, McCoy, Perkins, Tasker, Teale, Van Meter, Van Sann, Wilson of Washington, and Wright of Mills—21.

The nays were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blackman, Blakeley, Bliss, Cadwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Davisson, Day, Dayton, Dumont, Duncan, Durham, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Hanan, Heberling, Hewett, Hopkirk, Hovey, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Pratt, Reed, Reuther, Rice, Rohlf's, Rule, Sandry, Schweer, Secor, Skillin, Stewart, Struthers, Tufts, Williams, Wilson J. F. of Keokuk, Wood of Clay, Wright of Van Buren, Yerger, and Mr. Speaker—62.

Absent or excused—

Messrs. Appleton, Ballinger, Bergh, Campbell, Christoph, Duffie, Duncombe, Green, McAllister, Paul, Stedman, Stow, Tuttle, Van Deventer, Whitten, Wilson C. C. of Keokuk, Wood of Story—17.

So the amendment was not adopted.

The seventh amendment was not concurred in.

Mr. Teal offered the following amendment to section 47:

Provided, That the exemptions provided in this section shall not apply to judgments rendered for personal services of any laborer or servant; or against the principal or sureties on any official bond; or in favor of the permanent school fund of the State.

The amendment was not adopted.

Mr. Davis moved to amend section 37, chapter 2, by offering as a substitute for sub-divisions 1 and 2, the following:

1. If the sum for which judgment was rendered, including cost, does not exceed five dollars, one month.
2. If such sum and costs exceed five, but not thirty dollars, two months.
3. If such sum and costs exceed twenty, but not forty dollars, three months.
4. If such sum and costs exceed forty, but not sixty dollars, four months.
5. If such sum and costs exceed sixty, but not one hundred dollars, six months.
6. If such sum and costs exceed one hundred, but not one hundred and fifty dollars, nine months.
7. If such sum exceed one hundred and fifty dollars, twelve months.

Mr. Hall offered the following as a substitute for the amendment:

On all judgments for the recovery of money on contracts hereafter made, except those rendered in any court on an appeal or writ of error thereto, there may be a stay of execution for sixty days from the rendition thereof if the defendant shall within ten days from the last day of the term at which such judgment was entered procure one or more sufficient freehold sureties to enter into a bond acknowledging themselves surety for the defendant for the payment of the judgment, with ten per cent interest and costs from the time of rendering judgment till paid.

On motion of Mr. Leahy the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

The amendment to the amendment was not adopted.

On his own motion Mr. Ainsworth was excused from serving on the committee appointed to investigate the financial condition of the various State institutions, and Mr. Hall was appointed to serve on said committee.

Leave of absence was granted to Mr. Ainsworth and Wilson C. C.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has amended House amendments to S. F. No. 20, Title 20, A bill for an act to revise, amend and codify the statutes

in relation to procedure in particular cases, by inserting in the bill those parts of the section which were stricken out by the Senate, and leaving chapter 12 as reported by the code commissioners.

Also that the Senate refuses to concur in the House amendment to insert section 23½ in chapter 4 of the bill, which is as follows:

Section 23½, chapter 4, Title 20.

“The vendors of real estate, when part or all the purchase-money remains unpaid after the day fixed for payment, whether time is or is not the essence of the contract, may file his petition asking the court to require the purchaser to perform his contract, or to foreclose and sell his interest in the property.” For the reason that the same principles are incorporated in section 23 of the bill.

I am also directed to inform your honorable body that the Senate adheres to its amendments to H. F. No. 13, A bill for an act to revise, amend and codify the statutes in relation to the rights of property, and has appointed Senators Willett, Richards and McNutt a committee of conference on the disagreeing votes of the two houses, and respectfully asks the appointment of a like committee on the part of the House.

Also that the Senate has concurred in the House amendments to S. F. No. 16, Title 16.

J. A. T. HULL, *Secretary*.

The question recurring on the adoption of the amendment offered by Mr. Davis, Mr. Beresheim demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ainsworth, Beatty of Cedar, Blackman, Blakely, Bonewitz, Clarke of Iowa, Close, Crawford, Danforth, Davis, Day, Dayton, Dumont, Duncan, Durham, Ellsworth, Goodspeed, Hanan, Hopkirk, Hovey, Lee, Litzenberg, McClure, McCoy, Miller, Newbold, Peet, Rice, Sandry, Stewart, Tasker, Teale, Tufts, Williams, Wilson J. F. of Keokuk, Wright of Van Buren, Mr. Speaker—38.

The nays were—

Messrs. Ballinger, Beatty of Jasper, Beresheim, Bliss, Butler, Cadwell, Caldwell, Clark of Benton, Davisson, Draper, Ericson, Evans, Flenniken, Freeman, Gear, Hall, Hanson, Hilton, Irish, Johnston, Keables, Leahy, Mills, O'Donnell, Perkins, Pratt, Reed, Renther, Rohlfis, Rule, Schweer, Secor, Skilton, Stedman, Struthers, Tuttle, Van Meter, Van Saun, Wilson of Washington, Wood of Clay, Yenger—41.

Absent or excused—

Messrs. Appleton, Bergh, Booth, Campbell, Cardell, Christoph, Duffie, Duncombe, Green, Heberling, Hewett, Kasson, McAllister, Merrill, Paul, Stow, Van Deventer, Whitten Wilson C. C. of Keokuk, Wood of Story, and Wright of Mills—21.

So the amendment was lost.

Mr. Van Meter moved to restore sections 16, 17, 18, 19 and 20 of the printed bill, which had been struck out by the committee.

The motion did not prevail.

Mr. Leahy moved to amend section 46, chapter 2. Strike out the word "pigs," in 7th line, and insert, "all domestic animals."

The motion did not prevail.

Mr. Davis moved to amend section 37, by striking out "ten per cent," in the second proviso, and allowing the court to render judgment as the law directs.

The motion did not prevail.

Mr. Hall moved to strike out the first proviso to section 37.

The amendment did not prevail.

Mr. Evans moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ba'linger, Beatty of Jasper, Beresheim, Bliss, Butler, Cadwell, Caldwell, Cardell, Clark of Benton, Close, Ericson, Evans, Flenniken, Freeman, Gear, Hanson, Heberling, Hovey, Johnston, Keables, Leahy, Merrill, Miller, Mills, Newbold, O'Donnell, Perkins, Pratt, Reed, Reuther, Rice, Röhlf's, Rule, Secor, Skillin, Stedman, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Yerger and Mr. Speaker—45.

The nays were—

Messrs. Ainsworth, Beatty of Cedar, Blackman, Blakely, Bone-witiz, Booth, Carver, Clarke of Iowa, Crawford, Danforth, Davis, Davisson, Day, Draper, Dumont, Duncan, Durham, Ellsworth, Goodspeed, Hall, Hanan, Hewett, Hilton, Hopkirk, Irish, Lee, McClure, McCoy, Peet, Sandry, Schweer, Stewart, Struthers, Tasker, Teale, Wood of Clay, Wright of Van Buren—37.

Absent or not voting—

Messrs. Appleton, Bergh, Campbell, Christoph, Dayton, Duffie, Duncombe, Green, Kasson, Litzenberg, McAllister, Paul, Stow, Tuttle, Whitten, Wilson C. C. of Keokuk, Wood of Story, and Wright of Mills—18.

So the bill did not pass.

MESSAGES ON SPEAKER'S TABLE.

H. F. No. 15 was taken up.

Mr. Pratt moved that the House concur in the Senate amendment to section 1 chapter 5.

The yeas and nays being called, were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Jasper, Bereshcim, Blakely, Bliss, Bonewitz, Butler, Cadwell, Caldwell, Cardell, Carver, Clarke of Iowa, Close, Crawford, Davis, Davisson, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Freema, Goodspeed, Hanson, Hewett, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Miller, Mills, Newbold, O'Donnell, Peet, Reed, Rice, Rohlfs, Schweer, Secor, Stewart, Tasker, Teale, Tuttle, Van Meter, Van Saun, Whitten, Wilson J. F. of Keokuk, Wright of Van Buren, Yerger, and Mr. Speaker—53.

The nays were—

Messrs. Ainsworth, Beatty of Cedar, Blackman, Booth, Clark of Benton, Danforth, Day, Dayton, Evans, Flenniken, Gear, Hall, Heberling, Hilton, Keables, Litzenberg, McClure, McCoy, Merrill, Perkins, Pratt, Reuther, Rule, Sandry, Skillen, Stedman, Struthers, Tufts, Van Deventer, Wilson of Washington, and Wood of Clay.—31.

Absent or excused—

Messrs. Appleton, Bergh, Campbell, Christoph, Duffie, Duncombe, Green, Irish, McAllister, Paul, Stow, Wilson C. C. of Keokuk, Wood of Story, and Wright of Mills—15

So the House concurred in Senate amendment.

On the adoption of the report of the committee the yeas and were as follows:

The yeas were—

Messrs. Ainsworth, Ballinger, Beatty of Cedar, Beatty of Jasper, Bereshcim, Blackman, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Danforth, Davis, Davisson, Day, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Flenniken, Freeman, Goodspeed, Hanan, Hanson, Hewett, Hilton, Johnston, Kasson, Keables, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Pratt, Reed, Reuther, Rice, Rohlfs, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Van Saun, Wilson J. F. of Keokuk, Wood of Clay, Yerger, and Mr. Speaker—66.

The nays were—

Messrs. Blakely, Close, Crawford, Evans, Gear, Hall, Heberling, Hopkirk, Hovey, Leahy, Lee, McCoy, Paul, Perkins, Tufts, Wilson of Washington, Wright of Van Buren—16.

Absent or excused—

Messrs. Appleton, Bliss, Bergh, Campbell, Christoph, Dayton, Duffie, Duncombe, Green, Irish, McAllister, Paul, Stow, Whitten, Williams, Wilson C. C. of Keokuk, Wood of Story, Wright of Mills—18.

So the House adopted the report of the committee.

Mr. Van Deventer, from committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to re-

port that they have this day presented the following bill to the Governor for his approval.

S. F. No. 18, title 26, A bill for an act to revise, amend and codify the statutes in relation to the discipline and government of prisons, and of the penitentiary, its government and discipline.

J. VAN DEVENTER, *Chairman.*

Mr. Kasson asked leave and had his vote recorded "nay" on the final passage of S. F. 18.

MESSAGES ON SPEAKER'S TABLE.

H. F. No. 13, was taken up with the Senate message.

Mr. Pratt moved that a committee of conference be appointed on the disagreeing vote of the two Houses on H. F. No. 13.

The motion prevailed.

The Speaker appointed as such committee Messrs. Pratt, Hall, and Merrill.

S. F. No. 20, title 20, of the code was taken up.

Mr. O'Donnell moved that the House recede from its amendment adding section 23½ to chapter 4.

On the motion to recede the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Ballinger, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flennikeu, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Pratt, Reed, Reuther, Rice, Rohlf's, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Struthers, Tasker, Tufts, Tuttle, Van Saun, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Van Buren, Yerger and Mr. Speaker—78.

The nays were—

Messrs Beatty of Cedar, McCoy, Perkins, and Teale—4.

Absent or excused—

Messrs. Appleton, Bergh, Campbell, Christoph, Close, Duffie, Duncombe, Green, Irish, McAllister, Paul, Stow, Van Deventer, Van Meter, Whitten, Wilson C. C. of Keokuk, Wood of Story, and Wright of Mills—18.

So the motion to recede prevailed.

Mr. Davis moved to reconsider the vote by which title 18 was lost.

The motion prevailed.

Mr. Davis moved to reconsider the vote by which the bill was ordered to a second reading.

The motion prevailed.

By leave, Mr. Williams presented a petition from citizens of Marshall county, asking for a law regulating railroad tariffs.

Referred to committee of the whole.

On motion of Mr. Ellsworth the House resolved itself into a committee of the whole on the work assigned.

Mr. Kasson in the chair.

The committee arose and reported through their chairman that they had had under consideration H. F. No. 6, title 6 of the code, and not having completed the same ask leave to sit again.

On motion of Mr. Irish, the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, IOWA, February 6, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. T. O. Rice.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has concurred in House amendments to Senate File No. 4, Title 4, a bill for an act relating to county, township and city government, except the House amendment to section 44 of chapter 10, and the substitute adopted by the House to chapter 12 of the bill.

The Senate refuses to concur in these two amendments.

I am also directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the Senate is asked :

Senate file No. 9, Title 10; a bill for an act to revise, amend and codify the statutes in relation to internal improvements.

J. A. T. HULL, *Secretary.*

MESSAGES ON THE SPEAKER'S TABLE.

S. F. No. 4 Title 4 of the Code was taken up.

The Senate having refused to concur in House amendment to

section 44, chapter 10, and to House substitute for chapter 12, Mr. Kasson moved that the House insist on its amendment and ask for a committee of conference.

The motion prevailed, and the speaker announced as such committee Messrs. Hall, Green and Beresheim.

S. F. No. 9, Title 10 of the Code was read a first and second time, and referred to committee of the whole.

Mr. Ellsworth moved that the House resolve itself into a committee of the whole on the work assigned.

The motion prevailed, and the House went into committee of the whole.

Mr. Kasson in the chair.

The committee rose and reported through their chairman that they had had under consideration H. F. No. 6, title 11, of the code, and not having completed the consideration of the same, ask leave to sit again.

By leave, Mr. Pratt introduced H. F. No. 29, a bill for an act to appropriate money to pay for postage advanced to the members of the 14th General Assembly, adjourned session.

Read a first and second time and referred to committee of ways and means.

On motion of Mr. Rholf the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

By leave, Mr. Kasson from committee on ways and means submitted the following report:

MR. SPEAKER—Your committee on ways and means, to whom was referred H. F. No. 29, a bill for an act to appropriate money to pay for postage, etc., beg leave to report that they have had the same under consideration and have instructed me to report the same back to the House with the recommendation that the substitute herewith returned do pass.

JOHN A. KASSON, *Chairman.*

The substitute recommended by the committee was adopted.

Mr. Goodspeed moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blackman, Blakely,

Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Day, Dayton, Draper, Dumont, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Green, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Paul, Peet, Perkins, Pratt, Reed, Rice, Rohlf's, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Struthers, Tasker, Tufts, Van Deventer, Van Meter, Van Sann, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Van Buren, Yerger, and Mr. Speaker—72.

The nays were—

Messrs. Davis, Duncan, Flenniken, Reed—4.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beresheim, Bergh, Campbell, Christoph, Danforth, Davisson, Duffie, Duncombe, Hall, Hanan, McAllister, Paul, Peet, Pratt, Stow, Teale, Tuttle, Whitten, Wilson C. C. of Keokuk, Wood of Story, Wright of Mills—24.

So the bill passed and the title was agreed to.

Mr. Clark of Benton moved that the House resolve itself into a committee of the whole on the work assigned.

The motion prevailed.

The House went into committee of the whole, Mr. Kasson in the chair.

The Speaker took the chair for the purpose of receiving a message from the Senate.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the accompanying resolution, in which the concurrence of the House is asked.

Also that the Senate has receded from its amendments to H. F. No. 15.

Also, that the Senate has appointed Senators Beardsley, Richards and Taylor as conference committee on the part of the Senate on the disagreeing votes of the two Houses on the House amendments to S. F. No. 4.

W. L. VESTAL, *First Ass't Secretary.*

The committee arose and reported through their chairman that they had had under consideration H. F. No. 6, Title 6, of the code, and not having completed the consideration of the same ask leave to sit again.

On motion of Mr. Davisson the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, IOWA, February 7th, 1873. }

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. T. O. Rice.

Journal of yesterday read and approved.

By leave, Mr. Kasson presented a petition from citizens of Cass county, asking for legislation regulating tariffs on railroads.

Referred to committee of the whole.

By leave, Mr. Ballinger offered the following resolution, which was adopted.

Be it resolved by the General Assembly of the State of Iowa, that the Governor be authorized to appoint a committee of not less than three nor more than five persons, whose duty it shall be to examine the work done at Anamosa in constructing a new penitentiary, the doings of the Anamosa penitentiary commission therewith, to ascertain the amount expended, whether the same has been judiciously done, and the amount of money required to complete said structure, to examine also fully as to the present condition of the penitentiary at Fort Madison, its capacity and wants, and make such report of their investigation to the next General Assembly as will enable said body to act intelligently as to the prison wants of the State.

On motion of Mr. Van Deventer, the committee on enrolled bills was increased to six members, and the Speaker appointed on such committee Messrs. Wilson of Washington, Van Saun and Ericson.

Mr. Leahy moved that the House resolve itself into a committee of the whole on the work assigned.

The motion prevailed and the House went into committee of the whole.

Mr. Kasson in the chair.

The Speaker took the chair for the purpose of receiving a message from the Senate.

The following message was received from the Senate :

MESSAGE FROM THE SENATE.

MR. SPEAKER—I am directed to inform your honorable body that the Senate agreed to the report of the conference committee on S. F. No. 4.

W. L. VESTAL, *First Ass't Secretary.*

The committee arose and reported through their chairman that they had had H. F. No. 6 under consideration and reported the same back with sundry amendments, with the recommendation that it do pass.

Also that they had had under consideration H. F. No. 10, and not having completed the same, ask leave to sit again.

Mr. Hall from committee of conference on the disagreeing vote of the two Houses on Title 4 of the code, submitted the following report:

To the Speaker of the House:

The committee of conference on the disagreeing votes of the two Houses upon title 4 of the code having met, have agreed after full and free conference to recommend, and do recommend to their respective Houses as follows:

1. That the House amendment to chapter 12 be amended by inserting after the word "plat" in line ten of section 10, the following: "for thirty days after the issuance of such notice."

2. Also by inserting as section 11 the following new section in said chapter.

SEC. 11. Whenever any congressional subdivision of land of forty acres or less, or any lot or subdivision is owned by two or more persons in severalty, and the description of one or more of the different parts or parcels thereof cannot, in the judgment of the county auditor, be made sufficiently certain and accurate for the purposes of assessment and taxation, without noting the metes and bounds of the same, it shall be the duty of the auditor to require and cause to be made and recorded a plat of such tract or lot of land with its several subdivisions in accordance with the provisions of this chapter, and he shall proceed in such cases according to the provisions of section 10, and all the provisions of said section in relation to plats of towns and cities, etc., shall govern as to the tracts and parcels of land in this section referred to.

3. That the Senate recede from its non-concurrence in the House amend ment to section 44, chapter 10, and concur therein.

B. J. HALL,
J. W. GREEN,
JOHN BERESHEIM,

Conferees on the part of the House.

CHAS. BEARDSLEY,
R. HOWE TAYLOR,
B. B. RICHARDS,

Conferees on the part of the Senate.

On the adoption of the report the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim,

Blackman, Blakely, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Day, Dayton, Draper, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Hall, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, O'Donnell, Paul, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—79.

The nays were—

Messrs. Davisson, Hanan, McCoy—3.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Campbell, Christoph, Duffie, Dumont, Duncombe, Green, Lee, McAllister, Stow, Tuttle, Van Saun, Whitten, Wood of Story, Wilson C. C. of Keokuk, and Yerger—18.

On the adoption of the report of the committee on title 6, Mr. Irish demanded a separate vote on the amendment to section 7, chapter 3, and Mr. Dayton demanded a separate vote on the amendment to section 21, chapter 2.

Mr. Stedman moved that the further consideration of title 6 be postponed till next Tuesday, and that the title with amendments thereto be printed.

Mr. Clark of Benton moved that the House adjourn.

The motion did not prevail.

The motion to postpone did not prevail.

The House adopted the report of the committee except the sections reserved as above.

The amendment to section 7, chapter 3, was adopted.

On the adoption of the report of the committee to section 21, chapter 2, Mr. Irish demanded the yeas and nays.

On motion of Mr. Wright of Mills, the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

The question recurring on the adoption of section 21, chapter 2, the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Jasper, Blakely, Bonewitz, Cadwell, Carver, Clark of Benton, Clarke of Iowa, Crawford, Davis, Day, Draper, Dumont, Duncan, Durham, Flenniken, Goodspeed,

Kasson, Leahy, McC'ure, McCoy, Merrill, Mills, Peet, Rice, Rule, Skillin, Tasker, VanDeventer, Van Meter, Van Saun, Wood of Story, and Wright of Van Buren—33.

The nays were—

Messrs. Beresheim, Blackman, Bliss, Booth, Butler, Caldwell, Close, Danforth, Dayton, Ellsworth, Ericson, Evans, Freeman, Gear, Green, Hall, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Litzenberg, Miller, Newbold, O'Donnell, Paul, Perkins, Pratt, Reed, Rohlf's, Sandry, Scwheer, Secor, Stedman, Struthers, Tufts, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, and Mr. Speaker—44.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Bergh, Campbell, Cardell, Christoph, Davisson, Duffie, Duncombe, Hanan, Keables, Lee, McAllister, Reuther, Stewart, Stow, Teale, Tuttle, Whitten, Wilson C. C. of Keokuk, and Yeger—23.

So the report of the committee was not adopted.

Mr. Van Deventer, from committee on enrolled bills, submitted the following report :

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled :

H. F. No. 15, A bill for an act to revise, amend and codify the statutes in relation to the domestic relation.

J. VAN DEVENTER, *Chairman.*

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bills, and find the same correctly enrolled :

S. F. No. 16, Title 16, A bill for an act to revise, amend and the statutes in relation to the estates of decedents.

S. F. No. 20, Title 20, A bill for an act to revise, amend and codify the statutes in relation to procedure in particular cases.

J. VAN DEVENTER, *Chairman.*

Mr. Green moved to amend section 36, chapter 1. Appeals may be taken from all boards of equalization to the circuit court of the county in which the assessment is made.

The amendment was adopted.

Mr. Peet moved to amend section 2, chapter 1. Insert in 19th line after the words "literary library" the word "private."

The amendment was adopted.

Mr. Peet moved to amend section 6, chapter 1, after the word "private" in 7th line insert "literary library."

The amendment was adopted.

Mr. Close moved to amend by additional section to chapter 1, between sections 32 and 33, as follows:

The Auditor of State is hereby authorized and required to cause to be published in pamphlet form the revenue laws of this State for the benefit of township assessors, and shall cause the same to be distributed to the county auditors, who shall distribute the same to the township assessors of the respective counties.

The amendment was adopted.

Mr. Close moved to amend section 19, chapter 1, insert in 2d line after the word "deduct" the words "not to exceed five hundred dollars."

The motion did not prevail.

Mr. Tasker moved to amend section 20, chapter 2, by adding to the end of said section: "And in counties where there is no newspaper published, the treasurer shall cause the notice required by section 19 of this chapter, to be printed in slips."

The amendment was not adopted.

Mr. Peet moved to amend section 2, chapter 1, by adding two subdivisions, and by striking out section 3, as follows:

8. All lands heretofore or hereafter planted with timber or fruit trees, within this State, the trees thereon not being more than eight feet apart, and kept in a healthy condition for a period of fifteen years from the time of planting such lands.

9. All lands planted and suitably cultivated in fruit trees, the trees thereon not being more than 33 feet apart, for a period of seven years from the time of planting such fruit trees, *Provided*, that the exemptions in the last two subdivisions of this section shall not be so construed as to exempt any buildings on such lands.

The amendment was not adopted.

Mr. Irish offered the following amendment to section 15, chapter 1, as follows:

All railroads and all property owned or used by railroads and situate within the limits of this State shall be assessed for the purpose of taxation by the local assessors, and taxes shall be levied and collected on such property in the manner provided by law for the taxation of the property of individuals.

On the adoption of the amendment Mr. Irish demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ballinger, Blakely, Carver, Gear, Goodspeed, Green, Hall, Hopkirk, Irish, McCoy, Newbold, O'Donnell, Paul, Peet, Schweer, Stedman, Stewart, Wright of Van Buren, and Mr. Speaker—19.

The nays were—

Messrs. Beatty of Jasper, Beresheim, Blackman, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Clark of Benton, Clarke of Iowa, Close, Crawford, Dantorth, Davis, Davissou, Day, Day-

ton, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Hanan, Hanson, Hewett, Hilton, Hovey, Johnston, Kasson, Leahy, Litzenberg, McClure, Merrill, Miller, Mills, Perkins, Pratt, Reed, Rice, Rule, Sandry, Secor, Skillin, Struthers, Tufts, Van Deventer, Van Meter, Van Saun, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills—59.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Beatty of Cedar, Campbell, Christoph, Duffie, Duncombe, Heberling, Keables, Lee, McAllister, Reuther, Rohlf, Stow, Tasker, Teale, Tuttle, Whitten, Williams, Wilson C. C. of Keokuk, and Yerger—22.

So the amendment was not adopted.

Mr. Leahy moved to strike out section 19, chapter 1, and demanded the yeas and nays, which were as follows :

Yeas—Messrs. Beatty of Jasper, Blakely, Clark of Benton, Close, Crawford, Danforth, Davis, Davisson, Day, Draper, Dumont, Duncan, Evans, Freeman, Hanan, Hanson, Hewett, Johnston, Leahy, Newbold, Peet, Skillin, Tasker, Teale, Van Meter, Wilson of Washington, Wood of Story—25.

The nays were Messrs. Ballinger, Beresheim, Blackman, Bliss, Bonewitz, Booth, Butler, Cadwell, Cardell, Carver, Clarke of Iowa, Dayton, Durham, Ellsworth, Ericson, Flenniken, Gear, Goodspeed, Green, Hall, Heberling, Hilton, Hopkirk, Hovey, Irish, Kasson, Litzenberg, McClure, McCoy, Merrill, Miller, O'Donnell, Paul, Perkins, Pratt, Reed, Rice, Rule, Sandry, Schweer, Secor, Stedman, Stewart, Struthers, Van Deventer, Van Saun, Williams, Wilson J. F. of Keokuk, Wood of Clay, Wright of Mills, Wright of Van Buren, and Mr. Speaker—56.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Bergh, Campbell, Christoph, Duncombe, Keables, Lee, McAllister, Mills, Reuther, Rohlf, Stow, Tuttle, Whitten, Wilson C. C. of Keokuk, and Yerger—19.

So the motion to strike out did not prevail.

Mr. Kasson moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed. The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows :

The yeas were—

Messrs. Ballinger, Beresheim, Blackman, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Carver, Clarke of Iowa, Close, Danforth, Davis, Dayton, Duncan, Durham, Ellsworth, Ericson, Flenniken, Freeman, Goodspeed, Hall, Hanson, Hewett, Hilton, Hovey, Johnston, Kasson, Leahy, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, O'Donnell, Paul, Perkins, Pratt, Reed,

Rice, Rohlfs, Rule, Sandry, Schweer, Secor, Struthers, Tasker, Teale, Van Deventer, Van Meter, Van Sann, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Van Buren, and Mr. Speaker—61.

The nays were—

Messrs. Beatty of Jasper, Blakely, Clark of Benton, Crawford, Davisson, Day, Draper, Dumont, Evans, Gear, Green, Hanan, Heberling, Hopkirk, Irish, McCoy, Peet, Skillen, Stedman, Stewart, Tufts, and Wright of Mills—22.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Bergh, Campbell, Christoph, Duffie, Duncombe, Keables, Lee, McAllister, Reuther, Stow, Tuttle, Whitten, Wilson C. C. of Keokuk, and Yerger—17.

So the bill passed and the title was agreed to.

Leave of absence was granted to the sergeant-at-arms.

On motion of Mr. Kasson, S. F. 18, Title 18, of the code was taken up.

Mr. Hall moved to amend by embodying section 3293 of the Revision in the text of the bill.

The motion prevailed.

Mr. Kasson moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Davisson, Dumont, Duncan, Durham, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Litzenberg, McClure, Merrill, Miller, Mills, Newbold, O'Donnell, Paul, Peet, Perkins, Pratt, Reed, Rice, Rohlfs, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Van Sann, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, and Mr. Speaker—73.

The nays were—

Messrs. Carver, Danforth, Day, Draper, Ellsworth, Heberling, and McCoy—7.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Bergh, Blackman, Campbell, Christoph, Dayton, Duffie, Duncombe, Green,

Keables, Lee, McAllister, Reuther, Stow, Tuttle, Whitten, Wilson C. C. of Keokuk, and Yerger—20.

So the bill passed and the title was agreed to.

Leave of absence was granted to Mr. Van Deventer.

On motion of Mr. Goodspeed the House resolved itself into committee of the whole on the work assigned, Mr. Kasson in the chair.

The committee rose and reported through their chairman that they had had under consideration H. F. No. 10, title 10, of the code, and reported the same back to the House with sundry amendments.

On motion of Mr. Kasson the report of the committee was adopted, except the amendment to section 3, chapter 5.

On the adoption of the amendment to section 3, chapter 5, Mr. Hall demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Jasper, Blakely, Carver, Clark of Benton, Close, Crawford, Danforth, Day, Draper, Duncan, Ellsworth, Evans, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Irish, Johnston, McCoy, O'Donnell, Paul, Sandry, Schweer, Skillin, Stewart, Van Meter, Wright of Van Buren, and Mr. Speaker—33.

The nays were—

Messrs. Ballinger, Blackman, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Clarke of Iowa, Davis, Davisson, Dayton, Durham, Ericson, Flenniken, Freeman, Heberling, Hewett, Kasson, Leahy, Litzenberg, McClure, Merrill, Miller, Newbold, Perkins, Pratt, Rice, Rule, Secor, Stedman, Struthers, Tasker, Teale, Tufts, Van Saun, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, and Wright of Mills—43.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beresheim, Bergh, Campbell, Cardell, Christoph, Duffie, Dumont, Duncombe, Keables, Lee, McAllister, Mills, Peet, Reed, Reuther, Rohlf's, Stow, Tuttle, Van Deventer, Whitten, Wilson C. C. of Keokuk, and Yerger—25.

So the amendment was not adopted.

Mr. Wright of Mills moved to amend section 17, chapter 5, by adding to the end of the section "and *provided further*, that any corporation operating a railroad shall be liable for all damages by fire that is set out or caused by operating any such railway, and such damage may be recovered by the damage in the same manner as set forth in this section in regard to stock."

On the adoption of the amendment, Mr. Wright of Mills demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Jasper, Blakely, Butler, Cadwell, Cardell,

Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Draper, Duncan, Durham, Ellsworth, Evans, Goodspeed, Hanan, Hanson, Hopkirk, Hovey, Kasson, McCoy, Miller, O'Donnell, Peet, Rice, Schweer, Skillin, Stedman, Stewart, Struthers, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Mr. Speaker—41.

The nays were—

Messrs. Ballinger, Blackman, Bliss, Bonewitz, Booth, Caldwell, Day, Dayton, Flenniken, Freeman, Green, Hall, Herberling, Hewett, Hilton, Johnston, Litzenberg, McClure, Merrill, Newbold, Paul, Perkins, Rule, Sandrp, Secor, Tasker, Teale, Van Saun, Williams, Wilson of Washington, Wright of Van Buren—31.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beresheim, Bergh, Campbell, Christoph, Davisson, Duffie, Dumont, Duncombe, Ericson, Gear, Irish, Keables, Leahy, Lee, McAllister, Mills, Pratt, Reed, Reuther, Rohlf, Stow, Tuttle, Van Deventer, Whitten, and Yerger.

So the motion to amend prevailed.

Mr. Danforth moved to amend section 43, chapter 5, by striking out "4000" and inserting "3000," and demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Cadwell, Close, Crawford, Danforth, Draper, Durham, Green, Hewett, Leahy, Wilson C. C. of Keokuk, Wilson of Washington, Wood of Story—12.

The nays were—

Messrs. Ballinger, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Booth, Caldwell, Cardell, Carver, Clarke of Iowa, Davisson, Day, Duncan, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Heberling, Hilton, Hopkirk, Hovey, Irish, Johnston, Litzenberg, McClure, McCoy, Merrill, Miller, Newbold, O'Donnell, Paul, Peet, Perkins, Pratt, Rice, Rule, Sandry, Schweer, Skillen, Stedman, Stewart, Struthers, Tasker, Tufts, Van Meter, Van Saun, Wilson J. F. of Keokuk, Wood of Clay, Wright of Mills, Wright of Van Buren, Mr. Speaker—59.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Bergh, Beresheim, Campbell, Christoph, Clark of Benton, Davis, Dayton, Duffie, Dumont, Duncombe, Kasson, Keables, Lee, McAllister, Mills, Reed, Reuther, Rohlf, Secor, Stow, Teale, Tuttle, Van Deventer, Williams, Whitten, Yerger—29.

So the amendment was not adopted.

Mr. Irish moved that the rule be suspended, that the bill be considered engrossed, and read a third time now.

On the motion to suspend the rule Mr. Butler demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Booth, Cardell, Carver, Clarke of Iowa, Close, Crawford, Day, Draper, Duncan, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Hopkirk, Irish, Johnston, Kasson, Leahy, Mills, O'Donnell, Paul, Pratt, Rice, Schweer, Skillen, Van Meter, Van Suan, Wood of Story, Mr. Speaker—38.

The nays were—

Messrs. Butler, Cadwell, Caldwell, Clarke of Benton, Danforth, Davis, Davisson, Dayton, Durham, Ellsworth, Ericson, Evans, Hannan, Herberling, Hewett, Hilton, Litzenberg, McClure, McCoy, Merrill, Miller, Newbold, Peet, Perkins, Rule, Sandry, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, Wright of Van Buren—39.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beresheim, Bergh, Campbell, Christoph, Duffie, Dumont, Duncombe, Hovey, Keables, Lee, McAllister, Reed, Reuther, Rholfs, Secor, Stow, Tuttle, Van Deventer, Whitten, Yerger—23.

So the motion to suspend the rule did not prevail.

Mr. Davis moved to amend section 43, chapter 5, by inserting after the word "transporting" the words "passengers or."

The amendment was adopted.

On motion of Mr. Hovey, the House adjourned.

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HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 8, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. J. A. Nash.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the accompanying memorial and joint resolution, in which the concurrence of the House is asked:

"Memorial and joint resolution of the Legislature of Iowa, ask-

ing Congress to pass a law granting 160 acres of land to honorably discharged soldiers and sailors of the war of the rebellion."

W. L. VESTAL, *First Ass't Secretary.*

Mr. Pratt, from committee of conference on the disagreeing vote of the two Houses, on H. F. No. 13, submitted the following report:

Your committee of conference appointed to arrange the disagreement between the two Houses on H. F. No. 13, title No. 13, beg leave to report that after a full conference they have unanimously agreed upon the following substitute for section 29, chapter 6: All instruments containing a power to convey or in any manner to affect real estate, shall be held to be instruments affecting real estate, and no such instrument, when certified and recorded as above prescribed, can be revoked as to the parties by any act of the parties by whom it was executed, until the instrument containing such revocation is acknowledged and filed for record in the same office in which the instrument containing such power is recorded.

Also the following substitute for section 14, chapter 5: No vendor's lien for unpaid purchase-money shall be recognized or enforced in any court of law or equity after a conveyance by the vendee, unless said lien is reserved by conveyance, mortgage or other instrument duly acknowledged and recorded, or unless such conveyance by the vendee is made after suit brought by the vendor, his executor, or assign to enforce such lien, but nothing herein shall be construed to deprive a vendor of any remedy now existing against conveyances procured through the fraud or collusion of the vendees herein, or persons purchasing of such vendees, with notice of such frauds. All of which is respectfully submitted.

G. R. WILLETT,
B. B. RICHARDS,
SAMUEL MONUTT,

Conferees on the part of the Senate.

B. J. HALL,
H. O. PRATT,
N. A. MERRILL,

Conferees on behalf of the House.

On the adoption of the report of the committee the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Day, Dayton, Draper, Duncan, Durham, Ellsworth,

Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hewitt, Hopkirk, Hovey, Irish, Kasson, Leahy, Litzenberg, McClure, McCoy, Merrill, Miller, O'Donnell, Paul, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rohlf's Rule, Sandry, Schweer, Secor, Stedman, Stewart, Struthers, Tasker Tufts, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Van Buren, and Mr. Speaker—74.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Bergh, Campbell, Christoph, Davisson, Duffie, Dumont, Duncombe, Hilton, Johnston, Keables, Lee, McAllister, Mills, Newbold, Skillin, Stow, Teale, Tuttle, Van Deventer, Whitten, Williams, Wright of Mills, and Yerger—26.

So the report of the committee was adopted.

By leave, Mr. Rule presented a petition from citizens of Clinton and Scott counties, asking for legislation regulating railroad tariffs.

Referred to committee on railroads.

Leave of absence was granted to Messrs. Mills and Williams.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the report of the conference committee on H. F. No. 13.

W. L. VESTAL, *Ass't Secretary.*

MESSAGES ON SPEAKER'S TABLE.

The Senate resolution authorizing the printing of 600 copies of the report of the committee appointed to investigate the financial condition of the State institutions, was taken up and passed.

The Senate resolution in regard to granting bounties to soldiers etc., was taken up and referred to committee on military affairs.

By leave, Mr. Green presented the report of the Rankin investigation committee, which was passed on file.

Mr. Green presented a petition from citizens of Scott county, which was referred to committee on domestic manufactures.

Mr. Beresheim, from committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bills, to-wit:

S. F. No. 16, title 16, A bill for an act to revise, amend, and codify the statutes in relation to the estates of decedents.

S. F. No. 20, title 20, A bill for an act to revise, amend, and codify the statutes in relation to procedure in particular cases.

H. F. No. 15, title 15, A bill for an act to revise, amend, and codify the statutes in relation to the domestic relation.

JOHN BERESHEIM, *Chairman.*

The House took up S. F. No. 10, Title 10, of the code.

Mr. O'Donnell moved to amend section 4~~4~~, chapter 5, by striking out "ten" and inserting "one."

Mr. Clark of Benton offered the following amendment to section 29, chapter 5:

Sec. 29~~4~~. No railroad corporation operating any railroad, or which shall hereafter operate any railroad in the State of Iowa, shall in any manner discriminate either in favor of or against any point or points on the line of it, said road, in the charges made and collected for the carriage of any goods, merchandise, or other property transferred over its said line of road; but such rate shall be uniform, proportioned as near as may be to the distance for which transportation is furnished. Nor shall any such corporation make any distinction or discrimination as to the person engaged in forwarding freight from the same point on its line of road in the rates charged and collected for similar quantities of freight of the same class, for the same distance.

Sec. 29~~4~~. No railroad corporation shall charge or collect for the transportation of goods, merchandise, or property on railroad for any distance, any greater amount, as toll or compensation, than is at the same time charged or collected for the transportation of similar quantities of the same class of goods, merchandise or property over a greater distance upon the same road. Nor shall said railroad corporation charge different rates for receiving, handling and delivering freights at different points on its line of road. Nor shall any railroad or corporation charge or collect for the transportation of goods, merchandise or property over any portion of its road, a greater amount as toll or compensation than shall be charged or collected by it for the transportation of similar quantities of the same class of goods, merchandise or property over any other portion of its road of equal distance, and all such rates, regulations or by-laws of any such railroad corporation as fix, prescribe or establish any greater toll or compensation than is hereinbefore prescribed, are hereby declared to be void.

Sec. 29~~4~~. Any railroad corporation violating any of the provisions of the two preceding sections, or which shall fix, demand, take, or receive from any person or persons any greater toll or compensation for the transportation, receipt, handling or delivery of goods, merchandise or property in violation of the provisions of the two preceding sections, shall forfeit and pay the party aggrieved for any

such offense any sum not less than one hundred nor more than one thousand dollars, and costs of suit, including a reasonable attorney's fee to be taxed by the court where the same is heard, to be recovered by the party aggrieved, in an action in any court having jurisdiction thereof, and any officer, agent or employe of any such railroad corporation who shall knowingly or willfully violate the provisions of the two preceding sections, shall be liable to the penalties prescribed in this section.

On the adoption of the amendment, Mr. Clark of Benton demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Blackman, Blakely, Booth, Butler, Cadwell, Cardell, Carver, Clark of Benton, Danforth, Davis, Davisson, Durham, Ellsworth, Ericson, Flenniken, Green, Hanan, Heberling, Hewett, Hovey, Irish, Johnston, Litzenberg, McClure, McCoy, Merrill, Miller, Perkins, Pratt, Reuther, Rohlfis, Secor, Skillen, Stedman, Struthers, Teale, Tufts, Van Meter, Wilson of Washington, Wood of Story, and Wright of Mills—44.

The nays were—

Messrs. Ballinger, Bliss, Bonewitz, Caldwell, Clarke of Iowa, Close, Crawford, Day, Duncan, Evans, Freeman, Gear, Goodspeed, Hanson, Hilton, Hopkirk, Kasson, Leahy, Newbold, O'Donnell, Paul, Peet, Reed, Rice, Rule, Sandry, Schweer, Stewart, Tasker, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Van Buren, and Mr. Speaker—36.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Bergh, Campbell, Christoph, Dayton, Duffie, Dumont, Duncombe, Keables, Lee, McAllister, Mills, Stow, Tuttle, Van Deventer, Whitten, Williams and Yerger—20.

So the amendment was adopted.

Mr. Irish moved to reconsider the vote by which the amendment was adopted.

The yeas and nays being demanded, were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Bliss, Bonewitz, Caldwell, Cardell, Carver, Clarke of Iowa, Close, Crawford, Day, Dayton, Draper, Duncan, Ellsworth, Evans, Freeman, Gear, Goodspeed, Hall, Hanson, Hilton, Hopkirk, Irish, Kasson, Leahy, Newbold, O'Donnell, Paul, Peet, Reed, Reuther, Rice, Rule, Sandry, Schweer, Stewart, Tasker, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Van Buren, Mr. Speaker—45.

The nays were—

Messrs. Beresheim, Blackman, Blakely, Booth, Butler, Cadwell, Clarke of Benton, Danforth, Davis, Davisson, Durham, Ericson, Flenniken, Green, Hanan, Herberling, Hewett, Hovey, Johnston,

Litzenberg, McClure, McCoy, Merrill, Miller, Perkins, Pratt, Rholf, Secor, Skillen, Stedman, Struthers, Tufts, Van Meter, Wilson of Washington, Wright of Mills.—35.

Absent or excused—

Mr. Ainsworth, Appleton, Ballinger, Bergh, Campbell, Christoph, Duffie, Dumont, Duncombe, Keables, Lee, McAllister, Mills, Stow, Teale, Tuttle, Van Deventer, Whitten, Williams, Yerger—20.

So the motion to reconsider prevailed.

Mr. Kasson offered the following as a substitute for the amendment:

No railroad corporation, or company, or person operating any railroad in this State, shall hereafter discriminate in any manner for or against any person, corporation or company, shipping or offering for transportation over such road any freight, but the same rates shall be offered for and carried from all shippers from the same point for the same class of freight per car load; and if any person, company or corporation shall be required to pay any larger sum than has been received by such railroad company, or its agent, whether by special rates, or rebate, or otherwise, from any other person, corporation or company, for the same class or quantity of freight offered at the same point, the corporation or company so receiving the same shall be liable to the party paying the greater rate for double the whole amount he has paid in excess of the rates taken from any other shipper under the conditions aforesaid, to be recovered in an ordinary action at law.

Mr. Wright of Mills moved that the House adjourn.

On the motion to adjourn, Mr. Irish demanded the yeas and nays which were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Booth, Butler, Cadwell, Davis, Davisson, Dayton, Draper, Durham, Ericson, Flenniken, Green, Hanan, Heberling, Hewett, Hilton, Hopkirk, Johnston, McClure, McCoy, Merrill, Miller, Perkins, Reuther, Rohlf, Rule, Secor, Skillen, Stedman, Stewart, Struthers, Teale, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills—46.

The nays were—

Messrs. Bonewitz, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Day, Duncan, Ellsworth, Evans, Freeman, Gear, Goodspeed, Hall, Hanson, Hovey, Irish, Kasson, Leahy, Litzenberg, Newbold, O'Donnell, Paul, Peet, Pratt, Reed, Rice, Sandry, Schweer, Tasker, Van Saun, Wright of Van Buren, Mr. Speaker—36.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Campbell, Christoph, Duffie, Dumont, Duncombe, Keables, Lee, McAllister, Mills, Stow, Tuttle, Van Deventer, Whitten, Williams, and Yerger—18.

So the motion to adjourn prevailed, and the House adjourned till Monday morning at ten o'clock.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 10, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. J. J. Telleen.

Pending the reading of the journal of Saturday, Mr. Hall moved that the reading of the journal be dispensed with.

The motion prevailed.

The House resumed the consideration of S. F. No. 10, title 10 of the code.

The question recurring on the substitute offered by Mr. Kasson, Mr. Green demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Jasper, Bliss, Cardell, Clarke of Iowa, Close, Day, Dayton, Duncan, Ellsworth, Evans, Gear, Goodspeed, Hall, Hanson, Hopkirk, Irish, Kasson, Leahy, Miller, Newbold, O'Donnell, Paul, Peet, Reed, Reuther, Rice, Sandy, Schweer, Stewart, Tasker, Van Meter, Van Saun, Wright of Van Buren, and Mr. Speaker—33.

The nays were—

Messrs. Beatty of Cedar, Beresheim, Blackman, Blakely, Bonewitz, Booth, Butler, Cadwell, Clark of Benton, Crawford, Danforth, Davis, Davisson, Dumont, Durham, Ericson, Flenniken, Freeman, Green, Hanan, Heberling, Hewett, Hilton, Hovey, Litzenberg, McClure, McCoy, Miller, Perkins, Rule, Secor, Skillin, Stedman, Struthers, Teale, Tufts, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, and Yerger—41.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Bergh, Caldwell, Campbell, Carver, Christoph, Draper, Duffie, Duncombe, Johnston, Keables, Lee, McAllister, Merrill, Mills, Pratt, Rohlf, Stow, Tuttle, Van Deventer, Whitten, Williams, Wilson of Washington, and Yerger—26.

So the amendment was lost.

The question recurring on the adoption of the amendment offered by Mr. Clark of Benton, Mr. Goodspeed demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beresheim, Blackman, Blakely, Bonewitz, Booth, Butler, Cadwell, Cardell, Clark of Benton, Crawford, Danforth, Davis, Davisson, Dumont, Durham, Ellsworth, Ericson, Flenniken, Green, Hanan, Heberling, Hewett, Hovey, Litzenberg, McClure, McCoy, Miller, Perkins, Reuther, Rice, Secor, Skillen, Stedman, Struthers, Teale, Tufts, Van Meter, Wood of Clay, Wood of Story, and Wright of Mills—41.

The nays were—

Messrs. Beatty of Jasper, Bliss, Carver, Clarke of Iowa, Close, Day, Dayton, Duncan, Evans, Freeman, Gear, Goodspeed, Hall, Hanson, Hilton, Hopkirk, Irish, Kasson, Leahy, Newbold, O'Donnell, Paul, Peet, Reed, Rule, Sandry, Schweer, Stewart, Tasker, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wright of Van Buren, and Mr. Speaker—34.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Bergh, Caldwell, Campbell, Christoph, Draper, Duffie, Duncombe, Johnston, Keables, McAllister, Lee, Merrill, Mills, Pratt, Rohlfs, Stow, Tuttle, Van Deventer, Wilson of Washington, Whitten, Williams and Yerger—25.

So the amendment was adopted.

Leave of absence was granted to Messrs. Rohlfs and Merrill.

Mr. Ericson moved to amend section 37, chapter 5, as follows:

And *Provided further*, That in no case shall the charges for transportation on any railroad in this state exceed the rates charged on such railroad on the first day of October, 1872.

The amendment was not adopted.

Mr. Hall moved to amend section 3, chapter 5, by striking out the last clause of the section.

On the adoption of the amendment Mr. Goodspeed demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beresheim, Butler, Danforth, Davisson, Day, Duncan, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Irish, Newbold, Paul, Schweer, Stewart, Tasker, Van Meter, Wright of Van Buren, and Mr. Speaker—25.

The nays were—

Messrs. Ballinger, Beatty of Cedar, Blackman, Blakely, Bliss, Bonewitz, Booth, Cadwell, Cardell, Carver, Clarke of Iowa, Davis, Dayton, Dumont, Durham, Ellsworth, Evans, Freeman, Heberling, Hewett, Kasson, Leahy, Litzenberg, McClure, McCoy, Miller, Peet, Perkins, Reuther, Rice, Rule, Sandry, Secor, Skillin, Stedman, Struthers, Teale, Tufts, Van Saun,

Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story and Wright of Mills—44.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Jasper, Bergh, Campbell, Caldwell, Christoph, Clark of Benton, Crawford, Draper, Duffie, Duncombe, Ericson, Flenniken, Johnston, Keables, Lee, McAllister, Merrill, Mills, O'Donnell, Pratt, Reed, Rohlf, Stow, Tuttle, Van Deventer, Whitten, Williams, Wilson of Washington, Yerger—31.

So the motion to strike out did not prevail.

Mr. Wilson C. C. moved to amend by adding an additional section.

SEC. 29½. For the transportation of wheat in quantities not less than a car load of ten tons according to custom, the same to be loaded and unloaded at the expense of the shipper, nine (9) dollars per car for any distance under twenty (20) miles, and for 20 miles four cents per ton per mile and the proportionate rate per ton per mile is to be so graduated according to this basis that at the distance of thirty miles the rate charged will be three and one-half cents per ton per mile, and upon the same basis that at the distance of seventy-five miles the rate charged will be two and three-fourths cents per ton per mile, and upon the same basis that at the distance of one hundred miles the rate will be two and one-half cents per ton per mile, and at the distance of two hundred miles the rate charged will be one and three-quarter cents per mile, and at the distance of two hundred and seventy-five miles the rate will be one and one-half cents per ton per mile, and for any distance over two hundred and seventy-five miles one and one-half cents per ton per mile.

The amendment was not adopted.

Mr. Leahy moved to amend chapter 3, section 5, add to the end of section, "*and provided further*, that the rights, powers and privileges conferred by this chapter shall be at all times subject to legislative control.

The amendment was adopted.

Mr. Gear moved to amend chapter 5 by adding an additional section:

SEC. 23½. It shall be unlawful for any railroad company to make any contract or enter into any stipulation with any other railroad company running in the same general direction by which either company shall directly or indirectly agree to divide in any manner or in any proportion the joint earnings upon the whole, or any part of the freight transported over such roads, and any violation of this provision shall render the railroad company violating the same liable to a penalty of five thousand dollars for each month for which such earnings are divided, to be recovered for the use of the permanent school fund in the name of the State.

The amendment was adopted.

Mr. Kasson moved that the House adjourn.

The motion prevailed and the House adjourned

TWO O'CLOCK, P. M.

House called to order by the Speaker.

Mr. Leahy moved to amend chapter 5 by striking out section 31½ and all the following sections to section 32 of the Senate bill and inserting the following:

SEC. 31½. No corporation, company or person operating a railway in this State shall, from and after the taking effect of this code, demand, take or receive any greater amount or rate of charges for the transportation of any kind or class of freight than is herein-after provided: *Provided*, however, that no such corporation, company or person shall, under the provisions of this chapter, be permitted during one year from the taking effect of this code to demand, take or receive any higher rate for any class of freight than the rate set forth for the same season in the published rate for such railway for the corresponding season of the year 1872.

Pending the discussion of the amendment, Mr. Leahy moved the previous question, which was seconded by the House.

The House ordered the main question put.

On the adoption of the substitute the yeas and nays were demanded which were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Blakely, Bonewitz, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Draper, Duncan, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Hall, Hanson, Hewett, Hopkirk, Hovey, Irish, Kasson, Keables, Leahy, Lee, Newbold, O'Donnell, Paul, Peet, Reed, Reuther, Rice, Rule, Sandry, Schweer, Stedman, Stewart, Tasker, Teale, Wood of Story, Wright of Van Buren, and Mr. Speaker—48.

The nays were—

Messrs. Beresheim, Blackman, Bliss, Booth, Butler, Cadwell, Danforth, Davisson, Dumont, Durham, Flenniken, Green, Hanan, Heberling, Hilton, Johnston, Litzenberg, McClure, McCoy, Miller, Perkins, Secor, Skillen, Struthers, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, and Wright of Mills—31.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Caldwell, Campbell, Christoph, Duffie, Duncombe, McAllister, Merrill, Mills, Pratt,

Rohlf's, Stow, Tuttle, Van Deventer, Van Saun, Whitten, Williams, Wilson of Washington, and Yerger—21.

So the substitute was adopted.

On ordering the bill engrossed and read a third time, Mr. Green demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Draper, Dumont, Duncan, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Newbold, O'Donnell, Paul, Peet, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, and Mr. Speaker—70.

The nays were—

Messrs. Ballinger, Booth, Butler, Cadwell, Danforth, Davisson, Durham, Perkins—8.

Absent or excused—

Messrs. Ainsworth, Appleton, Beresheim, Bergh, Caldwell, Campbell, Christoph, Duffie, Duncombe, McAllister, Merrill, Mills, Pratt, Rohlf's, Stow, Tuttle, Van Deventer, Van Saun, Whitten, Williams, Wilson of Washington, and Yerger—22.

So the bill was ordered to a third reading.

Mr. O'Donnell moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Cadwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hewett, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Newbold, O'Donnell, Paul, Peet, Perkins, Reed, Rice, Rule, Sandry, Schweer, Skillin, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Van Buren, and Mr. Speaker—71.

The nays were—
Messrs. Beresheim, Booth, Butler, Flenniken, Hilton, Reuther,
and Wright of Mills—7.

Absent or excused—
Messrs. Ainsworth, Appleton, Bergh, Caldwell, Campbell, Christoph, Duffie, Duncombe, McAllister, Merrill, Mills, Pratt, Rohlf, Secor, Stow, Tuttle, Van Deventer, Van Sann, Whitten, Williams, Wilson of Washington, and Yerger—22.

So the bill passed and the title was agreed to.

By leave, Mr. Stedman offered the following resolutions:

WHEREAS, This House has now completed the consideration of that part of the code reserved for their first consideration under the concurrent actions of the two Houses, and has also completed the consideration of all the titles which the Senate has transmitted to them,

Resolved, That the Senate be notified of these facts, and be respectfully requested to advise the House what portion of the remaining titles, reserved for its first consideration, may be advantageously taken up by this House and first considered therein for the further despatch of business.

The resolution was adopted.

By leave, Mr. Freeman, from committee on military affairs, submitted the following report:

MR. SPEAKER—Your committee on military affairs to whom was referred memorial and joint resolution asking Congress to pass a law granting 160 acres of land to soldiers and sailors of the war of the rebellion, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the House with the recommendation that it do pass.

J. H. FREEMAN, *Chairman*.

Leave of absence was granted Mr. Van Sann.

Mr. Irish moved that the House resolve itself into committee of the whole on the joint resolution extending the time for paying taxes.

The motion did not prevail.

The joint resolution asking Congress to pass a law granting bounties to honorably discharged soldiers, was taken up and passed.

On motion of Mr. Greene the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, IOWA, February 11th, 1873. }

House met pursuant to adjournment.
 The Speaker in the chair.
 Prayer by Rev. Mr. Swope.
 Journal of yesterday was read and approved.

Messrs. Wilson of Washington, Caldwell, Yerger, and Pratt, asked leave, and by unanimous consent had their votes recorded "yea," on the final passage of title 10 on yesterday.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

S. F. No. 25, title 24, A bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

J. A. T. HULL, *Secretary.*

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

S. F. No. 22, title 12, A bill for an act to revise, amend and codify the statutes in relation to education.

Also that the Senate has passed H. F. No. 19, title 19, with the following amendments:

1st. Amend section 7 of chapter 2 by striking out the words "the title to," and inserting "any interest in."

2d. Strike out section 18 of chapter 2 and insert as written in the bill.

3d. Strike out of section 9, chapter 3, the word "six," and insert "12."

In all of which amendments the concurrence of the House is asked.

Also that the Senate has passed without amendments H. F. No. 21, title 21.

Also that the Senate has concurred in House amendments to S. F. No. 19, title 18.

Also, that the Senate has passed the accompanying resolution

requesting the members of the House to assist the clerks in the enrolling office for the purpose of expediting business.

J. A. T. HULL, *Secretary.*

Mr. Hall moved to reconsider the vote by which the minutes were approved.

Mr. Beresheim moved to lay the motion on the table.

On the motion to lay on the table Mr. Irish demanded the yeas and nays, which were as follows :

The yeas were—

Messrs. Ballinger, Beresheim, Blackman, Blakely, Bliss, Booth, Butler, Cadwell, Danforth, Davis, Davisson, Draper, Duffie, Dumont, Durham, Flenniken, Freeman, Green, Heberling, Hewett, Hilton, Hovey, Johnston, Keables, Lee, Litzenberg, McClure, McCoy, Miller, Perkins, Pratt, Reuther, Secor, Skillen, Stedman, Struthers, Teale, Tufts, Van Deventer, Van Meter, Whitten, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills and Yerger—47.

The nays were—

Messrs. Beatty of Cedar, Beatty of Jasper, Bonewitz, Caldwell, Cardell, Carver, Clarke of Iowa, Close, Crawford, Day, Dayton, Duncan, Ellsworth, Ericson, Evans, Gear, Goodspeed, Hall, Hanan, Hanson, Hopkirk, Irish, Kasson, Leahy, Newbold, Paul, Peet, Reed, Rice, Rule, Sandry, Schweer, Stewart, Tasker, Wood of Story, Wright of Van Buren, and Mr. Speaker—37.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Campbell, Christoph, Clark of Benton, Duncombe, McAllister, Merrill, Mills, O'Donnell, Rohlf, Stow, Tuttle, Van Saun, and Williams—16.

So the motion to lay on the table prevailed.

Leave of absence was granted to Mr. Tuttle.

Mr. Beresheim, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER:—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

House File No. 13, title 13, a bill for an act to revise, amend and codify the statutes in relation to the rights of property.

Also, joint resolution asking Congress to pass a law granting 160 acres of land to honorably discharged soldiers and sailors of the war of the rebellion.

JOHN BERESHEIM, *For Committee.*

MESSAGES ON THE SPEAKER'S TABLE.

The Senate resolution in reference to enrollment was taken up,

and on motion of Mr. Irish was referred to committee on insane asylum.

H. F. No. 19, in relation to proceedings to reverse, vacate or modify judgments, or the proceedings of boards or individuals acting judicially, was taken up and considered with Senate amendments thereto.

On concurring in the Senate amendment to section 7, chapter 2, and to section 18, chapter 2, the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Jasper, Beatty of Cedar, Beresheim, Blackman, Blakely, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Newhold, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger and Mr. Speaker—80.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Bliss, Campbell, Christoph, Close, Duncombe, Hewett, McAllister, Merrill, Mills, O'Donnell, Paul, Rohlf, Stow, Tuttle, Van Saun, Whitten and Williams—20.

So the House concurred in Senate amendments.

S. F. No. 25, title 24, of the code, was read a first and second time and referred to committee of the whole.

S. F. No. 22, title 12 of the code was read a first and second time and referred to committee of the whole.

Mr. Evans moved to reconsider the vote by which the House passed S. F. No. 9, title 10 of the code on yesterday.

On motion of Mr. Greene the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

The question recurring on the motion to reconsider the vote by which title 10 was passed,

The motion prevailed.

Mr. Evans moved to reconsider the vote by which the rule was suspended and the bill ordered to a third reading.

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

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Bonewitz, Caldwell, Carver, Clark of Benton, Clarke of Iowa, Crawford, Day, Dayton, Draper, Duncan, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Hopkirk, Hovey, Irish, Kasson, Leahy, Newbold, Paul, Peet, Reed, Rice, Rule, Sandry, Schweer, Stewart, Tasker, Tufts, Wood of Story, Wright of Van Buren, and Mr. Speaker—40.

The nays were—

Messrs. Ballinger, Beresheim, Blackman, Bliss, Booth, Butler, Cadwell, Danforth, Davis, Davisson, Duffie, Dumont, Durham, Flenniken, Green, Heberling, Hewett, Hilton, Johnston, Keables, Lee, Litzenberg, McClure, McCoy, Miller, Perkins, Reuther, Secor, Struthers, Teale, Van Deventer, Van Meter, Whitten, Wilson C. C. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills and Yerger—38.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Blakely, Campbell, Cardell, Christoph, Close, Duncombe, McAllister, Merrill, Mills, O'Donnell, Pratt, Rohlf, Skillen, Stedman, Stow, Tuttle, Van Saun, Williams, and Wilson J. F. of Keokuk—22.

So the motion to reconsider prevailed.

The question recurring on the mover's permission to withdraw the previous question, Mr. Green demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Bonewitz, Caldwell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Day, Dayton, Draper, Duncan, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Hopkirk, Hovey, Irish, Kasson, Leahy, Newbold, Paul, Peet, Reed, Rice, Rule, Sandry, Schweer, Stewart, Tasker, Tufts, Wood of Story, Wright of Van Buren, and Mr. Speaker—41.

The nays were—

Messrs. Ballinger, Beresheim, Blackman, Blakely, Bliss, Booth, Butler, Cadwell, Danforth, Davis, Davisson, Duffie, Dumont, Durham, Flenniken, Green, Heberling, Hewett, Hilton, Johnston, Keables, Lee, Litzenberg, McClure, McCoy, Miller, Perkins, Reuther, Secor, Stedman, Struthers, Teale, Van Deventer, Van Meter, Whitten, Wilson C. C. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, Yerger—40.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Campbell, Cardell, Christoph, Duncombe, McAllister, Merrill, Mills, O'Donnell, Pratt, Rohlf, Skillin, Stow, Tuttle, Van Saun, Williams, Wilson J. F. of Keokuk—19.

So permission to withdraw the motion for the previous question was granted.

The motion for the previous question was withdrawn.

Mr. Leahy moved that the vote by which the substitute was adopted be reconsidered.

Mr. Green demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bonewitz, Caldwell, Cardell, Carver, Clarke of Benton, Clarke of Iowa, Close, Crawford, Day, Dayton, Draper, Duncan, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Hall, Hanson, Hopkirk, Hovey, Irish, Kasson, Leahy, Newbold, Paul, Peet, Reed, Rice, Rule, Sandry, Schweer, Stewart, Tasker, Tufts, Wood of Story, Wright of Van Buren, and Mr. Speaker—43.

The nays were—

Messrs. Ballinger, Beresheim, Bliss, Booth, Butler, Cadwell, Danforth, Davis, Davison, Duffie, Dumont, Durham, Flenniken, Green, Heberling, Hewett, Hilton, Johnston, Keables, Lee, Litzenberg, McClure, McCoy, Miller, Perkins, Reuther, Secor, Sredman, Struthers, Teale, Van Deventer, Van Meter, Whitten, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, and Yerger—39.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Campbell, Christoph, Duncombe, Hanan, McAllister, Merrill, Mills, O'Donnell, Pratt, Rholf, Skillen, Stow, Tuttle, Van Suan, Williams—18.

So the motion to reconsider prevailed.

By leave of the House, Mr. Leahy amended his substitute offered on yesterday, so as to make it include in striking out section 31½ of the bill, and sections 29¼, 29½ and 29¾.

On the adoption of the substitute as amended, the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Blakely, Bonewitz, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Day, Dayton, Duncan, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Hall, Hanson, Hopkirk, Irish, Kasson, Leahy, Newbold, Paul, Peet, Reed, Rice, Rule, Sandry, Schweer, Stedman, Stewart, Tasker, Wright of Van Buren, and Mr. Speaker—38.

The nays were—

Messrs. Ballinger, Beatty of Cedar, Beresheim, Blackman, Bliss, Booth, Butler, Cadwell, Danforth, Davis, Davison, Draper, Duffie, Dumont, Durham, Flenniken, Green, Hanan, Heberling, Hewett, Hilton, Hovey, Johnston, Keables, Lee, Litzenberg, McClure, McCoy, Miller, Perkins, Pratt, Reuther, Secor, Skillin, Struthers, Teale, Tufts, Van Deventer, Van Meter, Whitten, Wilson C. C.

of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills and Yerger—47.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Campbell, Christoph, Duncombe, McAllister, Merrill, Mills, O'Donnell, Rohlf, Stow, Tuttle, Van Saun, and Williams—15.

So the motion to strike out sections 29 $\frac{1}{4}$, 29 $\frac{1}{2}$, 29 $\frac{3}{4}$ and 31 $\frac{1}{2}$ and insert a substitute did not prevail.

Mr. Hall moved that the rule be suspended, the bill considered engrossed; and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Green, Hanan, Hanson, Heberling, Hewett, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Newbold, Paul, Peet, Pratt, Rice, Sandry, Secor, Skillen, Stedman, Struthers, Tasker, Teale, Tufts, Van Meter, Whitten, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Van Buren, Yerger and Mr. Speaker—71.

The nays were—

Messrs. Beresheim, Booth, Butler, Flenniken, Hilton, Perkins, Reed, Reuther, Rule, Schweer, Stewart, Van Deventer, Wright of Mills—13.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Campbell, Christoph, Duncombe, Hall, McAllister, Merrill, Mills, O'Donnell, Rohlf, Stow, Tuttle, Van Saun, and Williams—16.

So the bill passed and the title was agreed to.

Mr. Ellsworth moved that the House resolve itself into a committee of the whole on the consideration of the code.

The motion prevailed.

The House went into committee of the whole, Mr. Gear in the chair.

The committee rose and reported through their chairman that they had had under consideration S. F. No. 24, title 24 of the code, and reported the same back to the House with sundry amendments and recommended that it do pass.

Mr. Heberling offered the following resolution which was referred to committee on ways and means:

JOINT RESOLUTION.

WHEREAS, Differences have arisen between W. R. Craig, contractor for building the deaf and dumb asylum at Council Bluffs, and Caleb Baldwin, G. M. Dodge and Thomas Officer, commissioners on the part of the State; and, whereas, said Craig and said commissioners did, on the 4th day of February, 1873, agree in writing to submit all matters in difference between them to a commission to be appointed by the Governor, to try and determine the matter aforesaid, and to submit their finding and award to the Executive as a final settlement between said Craig and said commissioners; and,

WHEREAS, The Governor did, on the 6th day of February, 1873, in writing, declare his assent to act in conformity with said agreement, provided the General Assembly approve the same, which said agreement and the Governor's assent thereto are hereto attached as part of this preamble;

Now therefore, Be it resolved by the House of Representatives, the Senate concurring, that the Governor be and is hereby empowered and requested to appoint the commission in the manner and form provided for in the agreement of the said W. R. Craig, contractor, and said Caleb Baldwin, G. M. Dodge and Thomas Officer, commissioners on the part of the State, which said agreement is referred to in the preamble, and thereto attached.

That the finding and award of said commissioners shall be filed with the Governor, to be by him submitted to the next General Assembly for final action and settlement.

Mr. VanDeventer, from the committee on enrolled, bills submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bill, to-wit:

H. F. No. 13, Title 13, A bill for an act to revise, amend and codify the statutes in relation to the rights of property.

Also, joint resolution asking Congress to pass a law granting 160 acres of land to honorably discharged soldiers and sailors of the rebellion.

J. VAN DEVENTER, *Chairman.*

Leave of absence was granted to Mr. Davisson.

On motion of Mr. Wilson the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
 DES MOINES, IOWA, February 12, 1873. }

House convened pursuant to adjournment.
 The Speaker in the chair.
 Prayer by Rev. L. M. Walters.
 Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

S. F. No. 21, title 22, A bill for an act to revise, amend and codify the statutes in relation to evidence.

Also, that the Senate has passed H. F. No. 25, title 25, A bill for an act to amend, revise and codify the statutes in relation to criminal procedure, with the following amendments:

½. Amend chapter 1 by inserting as follows: Section 5. All defendants are bailable both before and after conviction by sufficient surety, except for offenses heretofore punishable with death under the laws of this State, where the proof is evident or the presumption great.

1st. Insert after the word "boat," the word "raft," in first line of section 7, chapter 7. Also, in same section, after the word "boat," in the third line, insert the word "raft."

2d. Strike out section 1 of chapter 10 and insert, "when complaint is made before a magistrate of the commission of some designated public offense, triable on indictment in the county in which such magistrate has local jurisdiction, and charging some person with the commission thereof, he shall issue a warrant for the arrest of such person."

3d. Strike out all of section 6 of chapter 10 after the word "State" in the second line.

4th. Strike out of section 12, chapter 12, the words, "in a preliminary examination."

5th. Insert the word "not," after the word "have," in the fourth line of section 28.

6th. Strike out section 4 of chapter 13, and insert the following: "A defendant held to answer to a public offense may challenge the panel of the grand jury, and the State and defendant may challenge any individual juror."

7th. Insert the following as section 5 thereof: "A challenge to

the panel can be interposed only for the reason that they were not appointed, drawn or summoned as prescribed by law."

8th. Strike out subdivision 3 of section 5 as in the bill, and insert, "having formed or expressed such an opinion as to the guilt or innocence of the prisoner as would prevent him from rendering a true verdict upon the evidence submitted on the trial."

9th. Strike out section 7 thereof and insert the following: "Challenges to the panel or to an individual juror must be decided by the court."

10th. Insert the following as section 7½:

"If a challenge to the panel be allowed, the grand jury is prohibited from inquiring into the charge against the defendant by whom it was interposed. If the jury does so, and finds an indictment, the court must set it aside."

11th. Strike out section 10 thereof and insert the following:

"When several persons are held to answer for one and the same offense, no challenge to the panel can be made unless they all join in such challenge, nor can any objection be interposed by a defendant to the grand jury or to any individual juror for any cause of challenge after they are sworn."

12th. Strike out section 5 of chapter 15.

13th. Amend section 9 of chapter 17, by striking out the word "employe," and inserting the words "officer or agent."

14th. Amend chapter 19 by adding a 5th subdivision to section 1, "That the grand jury were not selected, drawn, summoned, impanelled or sworn as prescribed by law."

15th. Strike out section 2 thereof and insert the following as section 2:

"A motion to set aside the indictment on the ground that the names of all the witnesses examined before the grand jury are not indorsed thereon, or that the name of any other witness than those so examined is indorsed thereon, as prescribed in the second subdivision of section 1 thereof, shall not be sustained if the indorsement is corrected by the insertion or striking out of such names or name by the district attorney or the clerk of the court under the direction of the court, so as to correspond with the minutes required to be kept by the clerk of the grand jury and returned and presented with the indictment to the court."

16th. Insert the following as section 3 thereof:

"The ground of the motion to set aside the indictment mentioned in the 5th subdivision of section 1 hereof, is not allowed to a defendant who has been held to answer before indictment."

17th. Amend section 1 of chapter 2, by striking out the 4th plea to an indictment; also that part of section 22 which prescribes the form of a plea in insanity.

18th. Amend section 5 thereof, by striking out the words, "or insanity."

19th. Amend section 3 of chapter 24, by inserting after the word "persons," in the 3d line, the words, "residents of the county from which the change is sought."

20th. Amend chapter 26, by striking out of the 11th subdivision of section 8 the word "unqualified;" and strike out of section 8, 13th subdivision, the words, "or complaint or private prosecutor against the defendant or any other person for a similar offense."

21st. Add to subdivision 14, same section, the words, "and when the defendant is indicted for a like offense."

22d. Amend section 26 of chapter 27, by inserting after the word "which," in the 9th line, the words, "shall be paid by the proper county, and."

23d. Amend chapter 28 by reinstating section 2.

24th. Amend chapter 29, by striking out all the written part of section 3; also all the written part of section 9.

25th. Strike out section 15 of chapter 33 and insert section 4881 of the Revision of 1860.

Also, amend section 17 thereof by inserting after the word "cases" in the first line the words, "except murder in the first degree."

26th. Strike out the written part of section 1 of chapter 38.

27th. Strike out all the written part of section 12 of chapter 52.

28th. Amend chapter 55 by inserting the following as section 1.

SEC. 1. After conviction for murder in the first degree no pardon shall be granted by the governor until he shall have presented the matter to and obtained the advice of the General Assembly thereon. Before presenting the matter to the General Assembly for their action, he shall cause a notice, containing the reasons assigned for granting the pardon, to be published in two newspapers of general circulation, one of which shall be published at the capital, and the other in the county where the conviction was had, and if there be no such paper in such county, then in some adjoining county, for four successive weeks, the last publication to be at least twenty days prior to the commencement of the session of the General Assembly to which the matter shall be presented.

In all of which amendments the concurrence of the House is respectfully asked.

Also, the following joint resolution in which the concurrence of the House is asked.

Joint resolution appointing a trustee for the Iowa hospital for the insane, at Independence.

J. A. T. HULL, *Secretary.*

The following communication was received from the Governor which was passed on file:

STATE OF IOWA, EXECUTIVE DEPARTMENT, }
 Des Moines, 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 permanent successor, I take this method of apprising the House of the vacancy.

C. C. CARPENTER.

Mr. Merrill presented a petition from citizens of Clinton asking for legislation regulating railroad tariffs.

Referred to committee on railroads.

Mr. Merrill asked leave, which was granted, and had his vote recorded "nay," on the adoption of the substitute offered by Mr. Leahy, and "yea" on the final passage of the bill, title 10 of the code, passed on yesterday.

By leave, Mr. Ellsworth offered the following resolution, which was passed on file:

Be it resolved by the General Assembly of the State of Iowa, That the time allowed for the consideration of the code by joint resolution, approved April 13, 1872, be extended until the work is completed.

Mr. Draper presented a petition from citizens of Jasper county, asking that the rate of interest on school orders be increased to 10 per cent. Referred to committee on schools.

Mr. Ballinger offered the following resolution:

Sec. 1st. *Be it resolved by the General Assembly of the State of Iowa,* That the Governor and Executive council be, and they are hereby authorized and empowered to enter into a written contract with such person or persons, and upon such terms as they may deem for the best interests of the State, leasing or hiring the penitentiary convict labor for a term not less than five nor more than ten years, and commencing on the first day of January, 1875.

2d. The Governor may in his discretion advertise for bids for such labor in two daily newspapers, one of which shall be published at the city of Des Moines, for four weeks next preceding the first day of January, 1874, or as soon thereafter as may be.

The Governor and Executive council may in their discretion reject any or all of such bids as may be made, or award the contract to the highest and best bidder; but in no case shall the labor of such convicts be leased or hired for a less price than 55c per day for each convict so hired or leased.

Mr. Beatty of Jasper moved to amend the resolution by inserting five years.

Mr. Gear moved to refer to committee of the whole.

Mr. Hopkirk moved to lay on the table.

The motion did not prevail.

The motion to refer to committee of the whole prevailed.

Mr. C. C. Wilson presented a petition from citizens of Keokuk county asking for the repeal of the law for the protection of fish.

Referred to committee of the whole.

Mr. Van Meter presented a petition from citizens of Dallas county asking for legislation regulating tariffs on railroads.

Referred to committee of the whole.

MESSAGES ON SPEAKER'S TABLE.

The resolution relating to the appointment of a trustee for the hospital for the insane at Independence was taken up and passed.

S. F. No. 21, title 22, of the code, in relation to evidence, was read a first and second time and referred to committee of the whole.

H. F. No. 25, title 25 of the code, in relation to criminal procedure, with Senate amendments thereto, was taken up and referred to committee of the whole.

The House took up S. F. No. 25, in relation to crimes and punishments.

Mr. Gear demanded a separate vote on the Senate amendment to section 6, chapter 11.

Mr. Van Meter demanded a separate vote on section 9 1-2, chapter 11.

Mr. Duncan demanded a separate vote on section 1, chapter 9.

Mr. Goodspeed moved that the amendments be taken up and passed upon consecutively.

The motion prevailed.

The committee amendment to section 21, chapter 3, inserting in first line after the word "within" the words, "and inclosed and occupied premises of another," was not adopted.

The committee amendment to section 7, chapter 4, was adopted, as follows: insert after "municipal" in the first line, "or officer or officers of any State institutions."

The committee amendment to section 6, chapter, was adopted, as follows: Strike out from the word "thereof" in the 7th line to

the word "premises" inclusive in the 10th line, and insert, "or if any person elsewhere than on his own premises, net, ensnare or entrap any quail, at any time of the year, or shoot or otherwise kill any quail not on his own premises at any other time of the year than between the 12th day of September and the 15th of December, or so shoot or otherwise kill any quail not on his own premises, without the consent of the owner or occupant or agent thereof."

Mr. Tufts moved to amend section 9 1-2, chapter 11, as reported by the committee, so as to provide that proprietors of dams shall keep fish ladders or shutes in during the spring and summer months, and providing that they may be taken out during the fall and winter months.

The amendment was adopted.

Mr. Irish moved to amend by inserting "that hereafter when any dam be erected, the owner thereof shall be compelled to put in dam shutes."

The amendment was adopted.

The committee amendments as amended were not adopted.

The committee amendment to section 10, chapter 11, was adopted as follows: Strike out of the 2d line the words "of this State" and insert "over which this State has exclusive jurisdiction," and in the third line of same section after the word "snare" insert the word "gun."

Mr. Merrill moved to amend section 10, chapter 11: strike out "except what is usually known as bayous."

The motion did not prevail.

Mr. C. C. Wilson moved to amend section 10, chapter 11. Strike out of 1st line "first day of July and May," and insert "fifteenth day of July and May."

The motion did not prevail.

Mr. Gear moved to amend the same section by striking out all of the 7th line after the word "thereof," to and including the word "premises," in the 10th line.

The amendment was adopted.

Mr. Gear offered an additional section to chapter 4, title 24, as follows:

It shall be unlawful, and is hereby made a felony, for any custodian of public funds, in any manner, directly or indirectly, to use such public funds for any but their strictly legitimate purposes. And the inability of any such custodian of public funds, at any time when properly called upon, to produce and fully account for all funds with which he is officially and properly chargeable, shall be deemed presumptive evidence of such unlawful use.

The amendment was not adopted.

Mr. Blackman moved to amend section 22, chapter 3. Insert in 2d line, after the word "purposes," the words, "or any other product of petroleum."

The amendment was adopted.

Mr. Leahy moved to amend section 21, chapter 3, by inserting in the 1st line, after the word "within," the words, "the enclosure and occupied premises of another."

The amendment was not adopted.

Mr. Close moved to amend section 12, chapter 11, by adding to the end of the section, "and all the constables and city marshals of the state are hereby made supervisory officers to see to the enforcement of sections 11 and 12 of this chapter.

The amendment was not adopted.

Mr. Duncan moved to strike out the last clause of section 1, chapter 9, and demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Bonewitz, Booth, Carver, Clarke of Iowa, Close, Crawford, Danforth, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Goodspeed, Hovey, Johnston, Keables, Miller, Rice, Struthers, Tasker, Van Meter, Wilson C. C. of Keokuk, and Wright of Mills—25.

The nays were—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Blakely, Bliss, Butler, Cadwell, Caldwell, Cardell, Christoph, Clark of Benton, Davis, Day, Draper, Flenniken, Freeman, Gear, Green, Hall, Hanan, Hanson, Heberling, Hewett, Hilton, Hopkirk, Irish, Kason, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Newbold, Paul, Peet, Perkins, Pratt, Reed, Reuther, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Tufts, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Van Buren, Yerger, and Mr. Speaker—54.

Absent or excused—

Messrs. Ainsworth, Appleton, Beresheim, Bergh, Blackman, Campbell, Davisson, Dayton, Duncombe, McAllister, Mills, O'Donnell, Rohlfs, Stow, Teale, Tuttle, Van Deventer, Van Saun, Whitten, Williams, and Wilson of Washington—21.

So the motion to amend was lost.

Mr. Yerger moved to amend section 2, chapter 2, strike out last clause of section and insert, "with death by hanging, but by recommendation of the jury convicting him, the governor may commute his punishment to imprisonment for life at hard labor in the State penitentiary."

On the adoption of the amendment Mr. Duncan demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Jasper, Blakely, Bliss, Cadwell, Caldwell, Cardell, Christoph, Clark of Benton, Close, Dayton, Duffie, Duncan, Ericson, Flenniken, Hanan, Hopkirk, Johnston, Merrill, Peet, Reuther, Sandry, Schweer, Stewart, Van Deventer, Van Meter,

Wilson C. C. of Keokuk, Wilson of Washington, Wood of Story, Wright of Van Buren, and Yerger—30.

The nays were—

Messrs. Ballinger, Beatty of Cedar, Beresheim, Blackman, Bonewitz, Booth, Butler, Carver, Clarke of Iowa, Crawford, Danforth, Davis, Day, Draper, Dumont, Durham, Ellsworth, Evans, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Heberling, Hewett, Hilton, Hovey, Irish, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Newbold, Paul, Perkins, Pratt, Reed, Rice, Rule, Secor, Skillin, Stedman, Struthers, Tasker, Teale, Tufts, Whitten, Wilson J. F. of Keokuk, Wood of Clay, Wright of Mills, and Mr. Speaker—55.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Campbell, Davisson, Duncombe, McAllister, Miller, Mills, O'Donnell, Rohlf's, Stow, Tuttle, Van Saun, and Williams—15.

So the amendment was lost.

Mr. Hall moved to amend section 2, chapter 2 by striking out the words, "murder in the first degree is not a bailable offense."

The motion did not prevail.

On motion of Mr. Goodspeed the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

Mr. Danforth moved to amend chapter 12 by adding an addition section:

SEC. 6½. "Any person who shall be guilty of racing horses or driving upon the public highway, in a manner likely to endanger the persons or lives of others, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days."

The amendment was adopted.

Mr. Wilson C. C. moved to amend section 31, chapter 2. Strike out in third and fourth lines the words "county jail," and insert "State prison."

The amendment was adopted.

The House ordered the bill engrossed and read a third time.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Caldwell, Carver, Christoph, Clark of Benton, Clarke of Iowa,

Close, Crawford, Danforth, Davis, Davisson, Draper, Dumont, Durham, Ellsworth, Evans, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hilton, Hovey, Johnston, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Newbold, Paul, Peet, Perkins, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillen, Stewart, Tasker, Teale, Tufts, Van Deventer, Van Meter, Whitten, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—66.

The nays were—

Messrs. Cadwell, Duncan, Ericson, Hopkirk, Wilson of Washington—5.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Bergh, Bonewitz, Booth, Butler, Campbell, Cardell, Day, Dayton, Duffie, Duncombe, Flenniken, Hewett, Irish, Kasson, McAllister, Mills, O'Donnell, Pratt, Rohlf, Stow, Stedman, Struthers, Tuttle, Van Saun, and Williams—29.

So the bill passed and the title was agreed to.

Mr. Green moved that the House resolve itself into committee of the whole on the consideration of the code.

The motion prevailed.

The House went into committee of the whole.

Mr. Green in the chair.

The Speaker took the chair for the purpose of receiving a message from the Senate.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following joint resolution in which the concurrence of the House is asked:

Joint resolution in relation to final adjournment of the 14th General Assembly.

Also, that the Senate has passed the joint resolution authorizing the Governor to appoint a commission to investigate and report upon the condition of the penitentiaries of the State.

W. L. VESTAL, *First Ass't Sec'y.*

Committee rose and reported through their chairman that they had had under consideration H. F. No. 25, title 25 of the code, with Senate amendments thereto, and reported the same back with the recommendation that the House concur in a portion of the amendments, and that they now concur in a portion of the same.

Mr. Merrill demanded a separate vote on the amendment to section 6, chapter 10.

Mr. Clark of Benton asked for a separate vote on the amendment to section 5, chapter 15, and in section 1, chapter 55.

The report of the committee, except as to the above, was adopted.

The report of the committee concurring in the amendment to section 6, chapter 10, was adopted.

Also the report of the committee concurring in the amendment to section 15, chapter 15, was adopted.

The report of the committee concurring in the amendment to section 1, chapter 55, was not adopted.

On the final adoption of the report of the committee the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Butler, Cadwell, Caldwell, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Day, Dayton, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hilton, Hopkirk, Hovey, Johnston, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, Paul, Peet, Perkins, Pratt, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillin, Stewart, Struthers, Tasker, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger and Mr. Speaker—76.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Bergh, Campbell, Davis, Davisson, Duffie, Duncombe, Flenniken, Hewett, Irish, Kasson, McAllister, O'Donnell, Rohlf, Stedman, Stow, Teale, Tuttle, Van Deventer, Van Saun, Whitten, and Williams—24.

So the report of the committee was adopted.

Mr. Peet moved that the House resolve itself into committee of the whole on the work assigned.

The motion prevailed and the House went into committee of the whole, Mr. Peet in the chair.

The committee rose and reported through their chairman that they had had under consideration S. F. No. 21, title 22, of the code, and reported the same back to the House with sundry amendments, with the recommendation that it do pass.

The report of the committee was adopted.

Mr. Newbold moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Blakely, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Day, Dayton, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, Paul, Peet, Perkins, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillin, Stewart, Struthers, Tasker, Teale, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—71.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beresheim, Bergh, Blackman, Booth, Butler, Campbell, Davisson, Draper, Duffie, Duncombe, Flenniken, Green, Irish, Keables, McAllister, O'Donnell, Pratt, Rohlf, Stedman, Stow, Tuttle, Van Deventer, Van Saun, Whitten, and Williams—29.

So the bill passed and the title was agreed to.

MESSAGES ON SPEAKER'S TABLE.

The joint resolution in relation to adjournment was taken up.

Mr. Merrill offered the following amendment:

Provided, however, that no per diem or other allowance shall be allowed to the members of this General Assembly for any services rendered after the expiration of 30 days from the convening of this adjourned session.

On the adoption of the amendment Mr. Merrill demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Blakely, Carver, Davis, Day, Draper, Duncan, Gear, Hovey, Merrill, Peet, Secor, Skillin, Tasker—13.

The nays were—

Messrs. Ballinger, Beatty of Jasper, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Dayton, Duffie, Dumont, Durham, Ellsworth, Evans, Freeman, Goodspeed, Hall, Hanan, Hanson, Heberling, Hewitt, Hilton, Hopkirk, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, Paul, Perkins, Reed, Reuther, Rice, Rule, Sandry, Schweer, Stewart, Struthers, Teale, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—60.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beresheim, Bergh, Blackman, Booth, Butler, Campbell, Davisson, Duncombe, Ericson, Flenniken, Green, Irish, Keables, McAllister, O'Donnell, Pratt, Rohlf, Stedman, Stow, Tuttle, Van Deventer, Van Saun, Whitten, and Williams—27.

So the motion to amend did not prevail.

Mr. Kasson moved to amend by adding, "provided the said adjournment shall not be later than Wednesday the 19th."

The amendment was not adopted.

The resolution was adopted.

Mr. Duncan moved that when the House adjourn it adjourn till 9 o'clock to-morrow morning.

The motion did not prevail.

On motion of Mr. Duffie, the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 13, 1873. }

House convened pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. J. C. Hay.

Journal of yesterday read and approved.

By leave, Mr. Keables offered the following resolution, which was adopted:

JOINT RESOLUTION.

Be it Resolved by the General Assembly of the State of Iowa:

That the Governor is hereby authorized and requested to ascertain, if possible, before the next meeting of the General Assembly, what legislation is necessary, and what amount of money, if any, it will cost the State to secure the modification or removal, in whole or in part, of the dams in the Des Moines river, sufficient to permit the passage of flat boats.

By leave, Mr. Van Meter introduced H. F. No. 30, a bill for an act to repeal chapter 41, laws of the Fourteenth General Assembly.

Read a first and second time.

Mr. Van Meter moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed. The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Butler, Cadwell, Caldwell, Cardell, Carver, Christoph, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hanan, Hanson, Hewett, Hilton, Hovey, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Paul, Peet, Perkins, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Meter, Van Saun, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger and Mr. Speaker—80.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Booth, Campbell, Duffie, Duncombe, Hall, Hebeling, Hopkirk, Irish, McAllister, Pratt, Rohlf, Stow, Tuttle, Van Deventer, Whitten, Wilson C. C. of Keokuk and Wood of Clay—20.

So the bill passed and the title was agreed to.

Mr. Ericson, from committee on enrolled bills, submitted the following report :

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled :

Senate File No. 4, title 4, A bill for an act relating to county, township, town and city government.

House File No. 19, title 19, A bill for an act to revise, amend and codify the statutes in relation to proceedings to reverse, vacate, or modify judgments, or the proceedings of boards or individuals acting judicially.

House File No. 21, title 21, A bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts.

Senate File No. 19, title 18, A bill for an act to revise, amend and copy the statutes in relation to attachments, executions and supplementary proceedings.

Also, a joint resolution appointing a trustee for the Iowa Hospital for the Insane at Independence, and joint resolution directing the Governor to appoint a committee to examine the penitentiaries of the State.

C. J. A. ERICSON, *for the Chairman.*

Mr. Kasson, from the committee of ways and means, submitted the following report :

MR. SPEAKER—Your committee on ways and means to whom was referred joint resolution relating to the suit between the contractor and the commissioners in charge of the erection of the deaf and dumb building at Council Bluffs, and directing the Governor in respect thereto, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House, with recommendation against its adoption.

By the 6th section of chapter 107 of the laws of 1868, the sum of \$125,000 was appropriated "for the purpose of erecting the buildings of said deaf and dumb asylum."

By the 10th section of said law it "*Provided*, that no contract, agreement, or plan shall be adopted by the said commissioners different from the plans hereby adopted; nor shall any contract be entered into by said commissioners which shall in any event involve any greater expenditure than the law by this act appropriated, and all contracts involving expenditures greater than is hereby authorized shall be void."

Under these provisions the committee do not discover any possibility that the State should have become liable in any contingency, upon a contract between the commissioners and the contractor beyond the amount appropriated, and all of which has been drawn from the treasury.

But it appears that the contractor has brought suit against the commissioner for some alleged liability to him to an amount in excess of the appropriation. It cannot be upon the contract which the State authorized, for the law provided any contract involving such excessive expenditure should be void. If it was a liability incurred outside of the law, the State is an entire stranger to it, as to any other suit between individuals.

But this resolution proposes to require the Governor to intervene, and by his action to take the suit from court, refer it to arbitration, and make their award final, and then submit it to the General Assembly. There can be but one object in this, and that is to make the State liable to pay whatever sum may be awarded in excess of the appropriation, and in direct violation of the law, which declared a contract creating any such liability to be void.

The agreement of reference is also made a part of the resolution. This agreement declares in its fourth clause that upon the carrying out of this reference the contractor shall "release said commissioners and said defendant from all personal liability in said matters." It therefore appears conclusively that the effect of the adoption of this resolution would be to substitute the State as defendant in the entire transaction, assume all the responsibility, and submit the questions which do not in any way legally concern the State to the decision of three "practical builders;" with the apparent further effect of releasing the commissioners in this from

any liability on their bonds given to the State, under the fourth section of said law.

The committee recommend that the resolution do not pass, but be laid upon the table.

JOHN A. KASSON, *Chairman.*

Mr. Beresheim moved that the consideration of the report of the committee be postponed until Tuesday next at 10 o'clock.

Mr. Wright of Mills moved that the report of the committee be laid on the table.

The motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the House amendments to S. F. No. 25, A bill for an act to revise, amend, and codify the statutes in relation to crimes and punishments, except the following:

Strike out the words "fifteenth day of August," in the third line of section 6, chapter 11, and insert "September first."

Strike out from the word "thereof," in the seventh line, to the word "premises" inclusive, in the tenth line same section, and insert, "or if any person elsewhere than on his own premises net, ensnare or entrap any quail at any time of the year, or shoot or otherwise kill any quail not on his own premises at any other time of the year than between the 12th day of September and the 15th day of December, or so shoot or otherwise kill any quail not on his own premises without the consent of the owner or occupant or agent thereof."

Also, that the Senate insists on its amendments to H. F. No. 25, title 25, and has appointed as a committee of conference on the part of the Senate Senators Burke, Claussen, and Fairall, and requests the appointment of a like committee on the part of the House.

W. L. VESTAL, *First Ass't Secretary.*

Mr. Tufts moved that the report of the committee of ways and means be spread upon the claim book heretofore provided for the committee on claims.

The motion prevailed.

MESSAGES ON THE SPEAKER'S TABLE.

Mr. Hall moved that the House appoint a committee of conference on the disagreeing vote of the two Houses on H. F. No. 25, title 25, of the code.

The motion prevailed.

The Speaker announced as such committee on the part of the House, Messrs. Hall, Irish, and Clark of Benton.

S. F. No. 25, title 24 of the code was taken up.

Mr. Gear moved that the House insist upon its amendment, and appoint a committee of conference.

The motion prevailed, and the Speaker appointed as such committee Messrs. Gear, Paul and Leahy.

By leave, Mr. Perkins presented a petition from citizens of Monona county asking for legislation on regulating railroad tariffs.

Referred to committee of the whole.

Mr. Keables moved that the House resolve itself into committee of the whole on the work assigned.

The motion prevailed.

The House went into committee of the whole—Mr. Keables in the chair.

The committee rose and reported through their chairman that they had had under consideration title 12 of the code, and not having completed the consideration of the same, ask leave to sit again.

Mr. Van Deventer, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bills and joint resolutions, to-wit:

Senate File No. 4, title 4, A bill for an act relating to county, township, town and city government.

House File No. 19, title 19, A bill for an act to revise, amend and codify the statutes in relation to proceedings to reverse, vacate or modify judgments, or the proceedings of boards or individuals acting judicially.

Senate File No. 19, title 18, A bill for an act to revise, amend and codify the statutes in relation to attachments, executions and supplementary proceedings.

House File No. 21, title 21, A bill for an act to revise, amend and codify the statutes in relation to justices of the peace and their courts.

Also, joint resolution appointing a trustee for the Iowa Hospital for the Insane at Independence, and joint resolution directing the Governor to appoint a committee to examine the penitentiaries of the State.

J. VAN DEVENTER, *Chairman.*

On motion of Mr. Caldwell, the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

Mr. Duncan moved that the House resolve itself into a committee of the whole on the unfinished work before the committee.

The motion prevailed.

The House went into committee of the whole—Mr. Kasson in the chair.

The Speaker took the chair for the purpose of receiving a message from the Senate.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the House amendments to Senate File No. 21, title 22, A bill for an act to revise, amend and codify the statutes in relation to evidence.

W. L. VESTAL, *First Ass't Sec'y.*

The committee resumed the consideration of title 12.

The committee rose and reported through their chairman that they had had under consideration title 12, and reported the same back with sundry amendments, and with the recommendation that chapter 3 be referred to a select committee of five, and that chapter 9, in reference to schools, be referred to committee on schools.

On motion of Mr. Kasson, chapter 9 was referred to committee on schools.

On motion of Mr. Kasson, chapter 3 was referred to a select committee of five, and the Speaker announced as such committee Messrs. Davis, Close, Hewett, Merrill and Caldwell.

By leave, Mr. Ballinger introduced the following bill:

H. F. No. 31, A bill for an act authorizing incorporated cities and towns to lay out and establish market grounds, etc.

Read a first and second time and referred to judiciary committee.

Mr. Gear, from committee of conference on the disagreeing vote of the two Houses on title 24, submitted the following report:

MR. SPEAKER—The committee of conference on the disagreement of the two houses on section 6 of chapter 11 of S. F. No. 24, having considered the same, have agreed to report to their respective houses as follows:

Strike out in third line September 1st and insert "22d day of August."

Strike out all after "thereof" in the 7th line to and including premises in the 10th line in the printed report, including the written amendment made by the Senate, and insert, "or if any person, any where, shoot, kill, net, ensnare or trap any quail at any time of the year, except that it shall be lawful for any one to shoot quail upon

any premises with the consent of the owner or occupant thereof, between the first day of October and the first day of January of each year."

Add to the end of the section, "one-half of such fine to be paid to the person upon whose information the same is recovered."

JAMES S. HURLEY,
G. R. WILLETT,
JOHN SHANE,

Conferees on the part of the Senate.

JOHN H. GEAR,
GEORGE PAUL,
M. A. LEAHY,

Conferees on the part of the House.

On the adoption of the report of the conference committee, the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Caldwell, Carver, Clark of Benton, Clarke of Iowa, Close, Crawford, Danforth, Day, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Hilton, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Litzenberg, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Paul, Perkins, Pratt, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Struthers, Tasker, Teale, Tufts, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills and Mr. Speaker—71.

The nays were—

Messrs. Davison, Hopkirk, Lee, and Yerger—4.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Bergh, Butler, Cadwell, Campbell, Cardell, Christoph, Davis, Dayton, Duffie, Duncombe, Flenniken, Heberling, Hewett, McAllister, McClure, Peet, Rohlf, Stow, Tuttle, Van Meter, Whitten, and Wright of Van Buren—25.

So the report of the committee was adopted.

Mr. Hall submitted the following report of the conference committee on the disagreeing vote of the two Houses on H. F. No. 25, title 25, of the code:

MR. SPEAKER—The committee appointed upon the disagreement of the two Houses on H. F. No. 25, after full and free conference have agreed to recommend and do recommend the adoption of the following:

1st. Restore section 1, chapter 10, as reported by the commissioners, adding thereto as follows: "The complaint may be informed substantially the same as provided in section 4 of chapter 52."

2d. Concur in Senate amendments to sections 1 and 2, chapter 23.

3d. Concur in Senate amendment to section 5, chapter 23.

4th. That the Senate recede from disagreement to House amendment to 13th subdivision to section 8 of chapter 26.

5th. That House recede from disagreement to Senate amendment to section 5 of chapter 26.

6th. That House recede from disagreement to Senate amendment to section 9, chapter 29.

7th. That House concur in Senate amendment to section 15 of chapter 33.

8th. That Senate recede from amendment to section 12, chapter 52.

9th. That the following Senate amendment to chapter 55 be added to section 1 of chapter 55, as reported by the commissioners: "After conviction of murder in the first degree no pardon shall be granted by the Governor until he shall have presented the matter to and obtained the advice of the General Assembly thereon. Before presenting the matter to the General Assembly for their action he shall cause a notice, containing the reasons assigned for granting the pardon, to be published in two newspapers of general circulation, one of which shall be published at the capital, and the other in the county where the conviction was had; and if there be no such paper in such county, then in some adjoining county, for four successive weeks, the last publication to be at least twenty days prior to the commencement of the session of the General Assembly to which the matter should be presented."

B. J. HALL,
FRANK G. CLARK,
JNO. P. IRISH,

Conferees on the part of the House.

JOHN E. BURKE,
H. R. CLAUSSEN,
SAMUEL H. FAIRALL,

Conferees on the part of the Senate.

On the adoption of the report the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Booth, Caldwell, Clark of Benton, Clarke of Iowa, Olose, Crawford, Danforth, Davisson, Day, Dayton, Draper, Dumont, Duncan,

Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Hewett, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Paul, Perkins, Reed, Rice, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Struthers, Tasker, Tufts, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Van Buren, Yerger and Mr. Speaker—68.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beresheim, Bergh, Butler, Campbell, Cardell, Cadwell, Carver, Christoph, Davis, Duffie, Duncombe, Flenniken, Hanan, Heberling, Hilton, McAllister, McClure, Peet, Pratt, Reuther, Stewart, Stow, Teale, Tuttle, Van Meter, Whitten, Wright of Mills and Rohlf's—32.

So the House concurred.

On motion of Mr. Hopkirk the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 14th, 1873. }

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. Mr. Miles.

Journal of yesterday read and approved.

By leave, Mr. Wilson of Washington presented a petition from citizens of Washington county asking for the re-enactment of the death penalty.

Referred to committee of the whole.

By leave, Mr. Duncan presented a petition from citizens of Louisa county, on the suppression of intemperance.

Referred to committee on suppression of intemperance.

Leave of absence was granted to Messrs. Clark of Benton and Teale.

Mr. Wright of Mills moved that the House resolve itself into a committee of the whole on the consideration of the code.

The motion prevailed.

The House went into committee of the whole.

Mr. Kasson in the chair.

The committee rose and reported through their chairman the

recommendation that the special committee to whom was referred chapter 3 of title 12, in relation to the Agricultural College and Farm, be relieved from the further consideration of the same, and that the chapter be again referred to committee of the whole.

Mr. Hall moved that the special committee be discharged, and that chapter 3, title 12, be referred to committee of the whole.

The motion prevailed.

Mr. Gear moved that the House resolve itself into committee of the whole on the consideration of title 12.

The motion prevailed.

The House went into committee of the whole.

Mr. Kasson in the chair.

The Speaker took the chair for the purpose of receiving a message from the Senate.

The following message was received from the Senate :

MESSAGE FROM THE SENATE.

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill:

H. F. Fo. 30, A bill for an act to repeal chapter 41 of the general laws of the 14th General Assembly.

Also, that the Senate has passed the accompanying joint resolution in relation to certain claims of Iowa soldiers, in which the concurrence of the House is asked.

Also, that the Senate has passed the joint resolution in relation to the dams in the Des Moines River.

Also, that the Senate has agreed to report of the conference committee on H. F. No. 25.

W. L. VESTAL, *First Ass't Sec'y.*

The committee having completed the consideration of chapter 3, title 12, arose for the purpose of allowing the committee on schools to report on chapter 9, same title.

Mr. Newbold, from the committee on schools, submitted the following report, which was referred to committee of the whole.

REPORT OF COMMITTEE.

MR. SPEAKER—Your committee on schools, to whom was referred chapter 9, Senate File 22, title 12, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that it do pass, with the following amendments:

Strike out section 6, and insert sections 8, 9 and 10 of chapter 172, acts of the Ninth General Assembly. Strike out section 7, and insert section 18 of chapter 172, acts of the Ninth General As-

sembly as amended. Amend section 10 by inserting in the second line, before "district," the word "sub." Also, in third line, insert "each sub" before "district." Strike out section 11 of the code. After section 21 insert section 32 of chapter 172, acts of the Ninth G. A. After section 30 of the code, insert sections 48 and 51 inclusive, of chapter 172, acts of the 9th G. A. as amended. Strike out section 52, and insert section 30 of chapter 172, Ninth G. A. as amended. In place of section 11 of the code, insert section 12 of chapter 172, acts of the Ninth G. A. as amended. After section 71 of the code, insert sections 15 and 29 of chapter 172, acts of the Ninth G. A. Strike out section 84 of the code, and insert section 90 of chapter 172, acts of the Ninth G. A. as amended. After section 90 insert chapter 73, acts of the Fourteenth G. A.

J. G. NEWBOLD, *Chairman.*

On motion of Mr. Leahy, the House resolved itself into a committee of the whole on the work assigned.

Mr. Kasson in the chair.

The committee arose and reported through their chairman that they had had under consideration title 12 of the code, and not having completed the consideration of the same, ask leave to sit again.

Leave of absence was granted to the Speaker until next Tuesday.

Mr. Williams, from judiciary, submitted the following report:

REPORT OF COMMITTEE.

MR. SPEAKER—Your committee on judiciary, to whom was referred House File No. —, A bill for an act authorizing incorporated cities and towns to lay out and establish market grounds and to take private property for such purpose, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the House with the recommendation that it do pass.

H. O. PRATT,
 FRED O'DONNELL,
 FRANK G. CLARK,
 M. A. LEAHY,
 W. A. STOW,
 JAMES RICE,
 N. A. MERRILL,
 D. B. WOOD,
 JAS. L. WILLIAMS,
 B. J. HALL,
 J. W. GREEN.

On motion of Mr. Goodspeed the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker *pro tem.*, Mr. Close.

On motion of Mr. Day the House resolved itself into committee of the whole on the unfinished business of the code, Mr. Kasson in the chair.

The committee arose and reported that they had had under consideration title 12 of the code, and reported the same back with sundry amendments and recommended its passage.

Mr. Van Deventer, from committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

H. F. No. 30, A bill for an act to repeal chapter forty-one of general laws of the Fourteenth General Assembly.

Also, joint resolution directing the Governor to ascertain in regard to the dams of the Des Moines river.

J. VAN DEVENTER, *Chairman.*

Joint resolution in relation to the adjournment of the 14th General Assembly.

J. VAN DEVENTER, *Chairman.*

Mr. Goodspeed moved a call of the House, which was ordered. The clerk proceeded to call the roll, when a majority was found to be absent.

Mr. Cadwell moved that further proceedings under the call be dispensed with.

The motion prevailed.

On motion of Mr. C. C. Wilson the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 15th, 1873. }

House met pursuant to adjournment.

The Speaker *pro tem.* in the chair.

Prayer by Rev. John C. Hay.

Pending the reading of the journal, Mr. Beatty moved that the further reading of the journal be dispensed with.

The motion prevailed.

The question recurring on the adoption of the report of the committee of the whole on title 12 of the code, the report was adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill:

H. F. No. 11, title 11, A bill for an act to revise, amend and codify the statutes in relation to the "police of the State," with the following amendments, in which the concurrence of the House is asked:

Strike out the written part of section 34, chapter 1; and to end of section 35, chapter 1, "until provided for by the board of supervisors."

Strike out of 2d line, section 35, the words, "so long as they remain a county charge."

In the 4th line of section 1, chapter 2, strike out "seven" and insert "five," "four" and insert "three."

Section 1, chapter 2: Strike out of 5th and 6th lines the words, "The Governor of the State shall be a member of each board by virtue of his office."

In 7th line of same section, "six" and insert "four," after the word "trustees" 4th line same section insert, "two of whom may be women." Add to end of same section "no trustee shall receive pay for more than thirty days in any one year."

After the word "years" in 7th line of section 1, insert, "but no vacancy shall be filled till the number of trustees is reduced to the number provided in this section."

In the 1st line of section 2, strike out the words, "their actual and necessary expenses," and insert, "five cents per mile for each mile traveled," in same line strike out "three" and insert "five."

In 2d line of section 8, chapter 2, strike out the words "such a sum" and insert, "double the highest amount of money likely to be in his hands at any one time." In same line strike out "as the board of trustees shall approve," and insert, "as the executive council shall require." After the word "hand" in 4th line same section, insert, "and shall be filed with the Secretary of State." In 7th line strike out the words "from time to time," and insert, "each month." After the word "hospital" in the 8th line, insert, "but the amount of such requisition shall in no case exceed the sum of twenty dollars per month for each public patient in the hospital, taking the number of such patients on the 15th day of each month as the average number on which the estimate shall be made, the number then in the hospital to be certified to the Auditor of State by the superintendent and steward, which certificate shall accompany the requisition."

Add to end of same section, "not exceeding the amount for each patient heretofore specified."

Strike out at end of section 9, "with the consent of the trustees.

Strike out written addition of section 45, chapter 2.

In 5th line, section 46, strike out "add such amount to the next State," and insert, "levy a," in 6th line strike out "to be levied," insert after the word "county" in same line "for said amount," in same line strike out "so levied" and insert, "due the State."

After the word "three" in section 52, insert, "one of whom at least shall be a woman." In 3d line of written part of same section strike out "shall" and insert "may."

In 12th line, section 2, chapter 3, strike out "awarded by the fence viewers."

Add to end of section 2, chapter 3, "*Provided*, that nothing in the provisions of this section shall prevent any person injured from recovering from the owner of such animal the full amount of damage he may sustain in an action for damage against such owner."

After the word "owner" in 4th line of written part of section 9, insert, "or occupant cultivating."

In 5th line of section 10, strike out "any" and insert "the," after the word "damage" in the first written line of same section insert, "notice of such appeal shall be given in the same time and manner as in appeals from judgment of a justice of the peace."

In 8th line, section 12, chapter 3, strike out "six months" and insert "ninety days."

In section 22, chapter 3, strike out the word "summons" and insert "notice." "Summoned," and insert "notified."

In first and second lines strike out "clerk of the district court," and insert "county auditor;" in third line strike out "fifteen" and insert "ten," also, the word "clerk" and insert "auditor;" in fourth line strike out "once" and insert "three times."

In sections 24 and 25 strike out the word "clerk" wherever it appears and insert "auditor."

In first line of section 26, strike out "ten" and insert "five;" in third line strike out "twelve" and insert "six."

In first line of section 27, strike out "ten" and insert "five," also, the word "fifteen" and insert "ten;" in third line "twelve" and insert "nine."

In third line section 29, strike out "eighteen" and insert "twenty-six," and "nineteen" and insert "twenty-seven."

In first line of section 33, chapter 3, strike out the word "clerk" and insert "auditor."

In third line of section 42 strike out "outside of the inclosure of the owner;" add to the end of same section "except where the party is doing an unlawful act."

In fifth line of section 43 insert after the word "filed" the word "with."

Strike out the written part of section 9, chapter 4.

In fourth line of section 19, insert after the word "other," "kind of," and strike out the written line inserted after the word "used" in fourth line.

Strike out the written section 20 and restore the original, amended by inserting after the word "counties" in second line, the words "or townships."

In tenth line of section 1, chapter 5, strike out "clerk of the district court," and insert "auditor;" in same line strike out "clerk" and insert "auditor;" in twelfth line strike out "clerk" and insert "auditor."

In chapter 5, in lines fourteen and fifteen of section 4, line six of section 5, lines seven and fourteen of section 7, and line six of section 12, strike out the words "clerk of the district court" and insert "county auditor."

In second line of section 15, chapter 36, strike out "thirty-three" and insert "ten."

In first line of section 17, chapter 6, strike out "holding such a permit to knowingly," and insert "to;" in same line after the word "sell" insert "or give away;" after the word "liquors" in second line insert, "including wine or beer." Strike out in same section all after the word "intoxicated" and insert "any person violating the provisions of this section shall forfeit and pay to the school fund the sum of one hundred dollars for each offense, to be collected by action against him or by action against him and the sureties on his bond, if one has been given, by any citizen in the county."

In first line of section 34, chapter 6, strike out "manufacture or;" insert after "sale" the words "or gift," and insert after "liquors" the words "wine or beer;" in lines one and two strike out the words "contrary to the provisions of this chapter."

In fourth line, section 35, chapter 6, after the word "liquors," insert "wine or beer," after the word "intoxication" in same line insert the words "in whole or in part."

In fifth line of section 36, chapter 6, strike out the words "contrary to the provisions of this chapter," and insert "wine or beer."

Add section 38, as written in the bill.

In seventeenth line of section 1, chapter 9, strike out "specie paying."

In first line of section 4, same chapter 9 insert after the word "any" the word "willful."

In line two, section 5, of same chapter, insert before the word "neglect" the word "willfully."

In fourteenth line, strike out "is now" and insert, "at the time of making statement was," add to end of same section, "in no case shall more than four statements in one year be required."

W. L. VESTAL, *First Ass't Secretary.*

Mr. Kasson moved to amend by striking out sections 72, 73, 74, and 75 chapter 9, in reference to compulsory education.

On the adoption of the amendment Mr. Merrill demanded the yeas and nays, which were as follows :

The yeas were—

Messrs. Ballinger, Beatty of Jasper, Blackman, Blakely, Bonewitz, Campbell, Christoph, Clarke of Iowa, Crawford, Danforth, Davisson, Day, Dayton, Dumont, Duncan, Durham, Evans, Flenniken, Freeman, Gear, Green, Hall, Hanan, Hanson, Hilton, Hopkirk, Irish, Johnston, Lee, Litzenberg, McClure, Merrill, Newbold, Paul, Reed, Rice, Rule, Sandry, Schweer, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Deventer, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, and Yerger—54.

The nays were—

Messrs. Beresheim, Bliss, Booth, Caldwell, Carver, Close, Duffie, Ellsworth, Ericson, Goodspeed, Hovey, Kasson, Leahy, McCoy, Miller, Peet, Perkins, Reuther, Secor, Van Meter, Wilson of Washington—21.

Absent or excused—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Bergh, Butler, Cadwell, Cardell, Clark of Benton, Davis, Draper, Duncombe, Heberling, Hewett, Keables, McAllister, Mills, O'Donnell, Pratt, Rholf, Struthers, Teale, Tuttle, Whitten, Williams, and Mr. Speaker—25.

So the motion to amend prevailed.

Mr. Kasson moved to amend section 3, chapter 3, by inserting at the end of third line the words, "in the average."

The motion prevailed.

Mr. Irish moved to amend section 3, chapter 2, by striking out of the second line the words, "and superintendent of public instruction."

The motion prevailed.

Mr. Leahy moved to amend section 3, chapter 9, by striking out of the sixth line the words "assets" and insert the words, "real and personal property."

The motion prevailed.

By leave, Mr. Tasker transferred the amendment to section 70, chapter 9, to section 9 of chapter 9.

Mr. Carver moved to amend section 89, chapter 10, as follows :

Amend section 89 printed bill by adding before the word "Independent" in first line the words *District Township, or.*

Again in second line strike out the word "*Independent.*"

Again in fifth line strike out the word "*Independent.*"

Again in section 90, first line, strike out the word "*Independent.*"

Again in 8th line, strike out the word "*Independent.*"

Again in section 91, first line, strike out the words "*an Independent*" and insert the word "*any.*"

The amendment was not adopted.

Mr. Wood, of Clay, moved to amend the proviso to section 9, chapter 9, by striking out "4000" and inserting "2000."

The amendment was not adopted.

Mr. Stow moved to amend by striking out all after the word "Provided" to the word "no" in the first line.

The motion prevailed.

Mr. Leahy moved to amend section 54, chapter 9, by substituting the following section :

Sec. 54. They shall also levy at the same time the district school taxes certified to them from time to time by the respective district secretaries; *Provided*, that the amount levied for school-houses shall not exceed ten mills on the dollar on the property of any district, and the amount levied for contingent fund shall not exceed five dollars per pupil, and the amount raised for teachers' fund, including the amount received from the semi-annual apportionment, shall not exceed fifteen dollars per pupil, for each pupil residing in the district, as shown by the last report of the county superintendent. And if the amount certified to the board of supervisors exceeds this limit they shall levy only to the amount limited. *Provided*, that they may levy seventy-five dollars for contingent fund and two hundred and seventy dollars, including the amount received from the semi-annual apportionment, for teachers' fund for each subdistrict.

The amendment was adopted.

Mr. Stow moved to reconsider the vote by which the House adopted the amendment to section 3, chapter 9, offered by Mr. Leahy.

The motion prevailed.

The question recurring on the adoption of the amendment offered by Mr. Leahy, the amendment was lost.

Mr. C. C. Wilson moved to amend section 73, chapter 9, by inserting after the word "township," in the 3d, 4th and 5th lines of said section, the words, "or county."

The amendment did not prevail.

Mr. Beresheim moved to amend section 9, chapter 7. Strike out of second line "\$10,000" and insert "\$12,000.

The amendment was adopted.

Mr. Gear offered an additional section to chapter 4, as follows:

Sec. 4 $\frac{1}{2}$. The board of trustees of the Soldiers' Orphans' Home shall require the respective superintendents of the Soldiers' Orphans' Homes to give a good and sufficient bond, with sureties thereto, for the faithful performance of their respective duties.

The amendment was adopted.

Mr. Irish moved to restore section 36, chapter 9, with the following inserted after the word "close," in second line thereof: "but the teachers thereof shall receive no pay as teachers for the time spent in attending said institute."

Mr. Stow moved to amend by striking out that portion which compels teachers to attend the institutes.

The motion did not prevail.

The amendment was not adopted.

Mr. Stedman moved to amend section 8, chapter 1, by striking out all of the section after the word "superintendent," in 4th and 5th lines.

The motion prevailed.

Mr. Leahy moved to amend section 3, chapter 9, by inserting after the word "existing," in the 6th line, the words, "or value thereof."

The motion did not prevail.

Mr. Stedman moved to amend section 9, chapter 1, by striking out the word "five," in the 2d line, and inserting "six."

The motion did not prevail.

Mr. Kasson offered the following order, which was adopted by the House:

Ordered, That title 12 be referred to a select committee of three to examine, harmonize and number the sections with amendments in their proper order, and that they report to the House as soon as possible, and have leave to sit during the sessions of the House; and after action upon their report, the vote shall be immediately taken on engrossment.

Mr. Kasson moved that chapter 9 with amendments be printed.

The motion prevailed.

Mr. Greene moved to take up H. F. No. 31, A bill for an act to authorize cities and towns to lay out and establish market grounds, etc.

The bill was taken up and considered.

Mr. Greene moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bonewitz, Booth, Caldwell, Cardell, Carver, Christoph, Close, Crawford, Danforth, Davisson, Day, Dayton, Duffie, Durham, Ellsworth, Ericson, Evans, Flenniken, Gear, Green, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Irish, Kasson, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Newbold, Paul, Peet, Perkins, Reed, Reuther, Rice, Rohlf's, Rule, Sandry, Schweer, Skillen, Stedman, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger—67.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Bliss, Butler, Cadwell, Campbell, Clark of Benton, Clarke of Iowa, Davis, Draper, Dumont, Duncan, Duncombe, Freeman, Goodspeed, Heberling, Hewett, Johnston, Keables, Leahy, McAllister, Mills, Pratt, Secor, Stewart, Stow, Struthers, Teale, Tuttle, Whitten, Williams and Mr. Speaker—33.

So the bill passed and the title was agreed to.

Mr. Beresheim moved that when the House adjourn it adjourn until two o'clock.

The motion prevailed.

The Speaker appointed as select committee to arrange title 12, Messrs. Newbold, Tasker and Van Deventer.

The following communication was received from the Governor which was passed:

DES MOINES, IOWA, }
Feb. 13th, 1873. }

To Hon. James Wilson, Speaker of the House of Representatives:

I hereby tender my resignation as Representative in the 14th General Assembly of the State of Iowa from the 58th District, to take effect on Saturday, the 15th day of February, A. D. 1873.

I am, very respectfully,

Your obedient servant,

H. O. PRATT.

MESSAGES ON THE SPEAKER'S TABLE.

H. F. No. 11, title 11 of the code, with Senate amendments thereto, was taken up and referred to committee of the whole.

Senate resolution in relation to certain claims of Iowa officers and soldiers, was taken up and passed.

On motion of Mr. Beresheim the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker *pro tem.*

On motion of Mr. Gear the House resolved itself into committee of the whole, Mr. Kasson in the chair.

The committee arose and reported through their chairman that they had had under consideration Senate amendments to H. F. No.

11, title 11, an act relating to the police of the State, and had instructed him to report the same back to the House and recommend the concurrence in certain amendments thereto, and the non-concurrence in certain amendments to the same.

Mr. Tufts asked a separate vote on section 20, chapter 4.

Mr. Hall asked a separate vote on section 9, chapter 4.

Mr. Merrill asked a separate vote on section 38, chapter 6.

Mr. Hall asked a separate vote on all the amendments to chapter 6.

On motion of Mr. Kasson the House adopted the report of the committee, except those amendments reserved.

On concurring in the Senate amendments to section 38, chapter 6, Mr. Green demanded the yeas and nays, which were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blakely, Cardell, Carver, Clarke of Iowa, Crawford, Draper, Duffie, Dumont, Durham, Ellsworth, Evans, Goodspeed, Hanson, Hopkirk, Hovey, Johnston, Leahy, Miller, Rice, Secor, Tasker, Tufts, Wilson C. C. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren—29.

The nays were—

Messrs. Ballinger, Beresheim, Bonewitz, Booth, Caldwell, Campbell, Christie, Close, Danforth, Dayton, Ericson, Flenniken, Freeman, Gear, Green, Hall, Hanan, Hilton, Kasson, Litzenberg, McCoy, Merrill, Mills, Perkins, Reed, Reuther, Rohlf, Rule, Sandry, Schweer, Skillen, Stewart, Stow, Van Deventer, Van Sann, Wilson J. F. of Keokuk, and Yerger—37.

Absent or excused—

Messrs. Ainsworth, Appleton, Bergh, Blackman, Bliss, Butler, Cadwell, Clark of Benton, Davis, Davison, Day, Duncan, Duncombe, Heberling, Hewett, Irish, Keables, Lee, McAllister, McClure, Newbold, O'Donnell, Paul, Peet, Pratt, Stedman, Struthers, Teale, Tuttle, Van Meter, Whitten, Williams, Wilson of Washington, and Mr. Speaker—34.

So the House refused to concur in the Senate amendments.

On motion of Mr. Kasson the House concurred in balance of amendments to chapter 6.

Mr. Hall moved that the House do not concur in Senate amendments to section 9, chapter 4.

The motion prevailed.

The House refused to concur in the Senate amendments to section 20, chapter 4.

Upon the concurring in the Senate amendments the yeas and nays were as follows:

The yeas were—

Messrs. Blakely, Bonewitz, Booth, Caldwell, Cardell, Carver, Clarke of Iowa, Close, Crawford, Danforth, Day, Draper, Dumont, Durham, Ellsworth, Ericson, Evans, Freeman, Goodspeed, Han-

son, Hopkirk, Hovey, Johnston, Kasson, Leahy, Miller, Newbold, Peet, Perkins, Rice, Secor, Stedman, Tasker, Tufts, Van Deventer, Van Saun, Wilson C. C. of Keokuk, Wood of Story, Wright of Mills, Wright of Van Buren—40.

The nays were—

Messrs. Beresheim, Campbell, Christoph, Gear, Green, Hanan, Hilton, Litzenberg, McCoy, Merrill, Mills, Reuther, Rohlf, Rule, Sandry, Schweer, Skillin, Stewart, Stow, Wilson J. F. of Keokuk, and Yerger—21.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Bergh, Blackman, Bliss, Butler, Cadwell, Clark of Benton, Davis, Davisson, Dayton, Duffie, Duncan, Duncombe, Flenniken, Hall, Heberling, Hewett, Irish, Keables, Lee, McAllister, McClure, O'Donnell, Paul, Pratt, Reed, Struthers, Teale, Tuttle, Van Meter, Whitten, Williams, Wilson of Washington, Wood of Clay, and Mr. Speaker—39.

So the House refused to concur in Senate amendments.

Mr. Campbell moved that the vote be reconsidered by which the House refused to concur in the Senate amendments to H. F. No. 11, the consideration of which was postponed.

Mr. Newbold, from select committee, to whom was referred title 12, reported the same back properly arranged.

Mr. Kasson moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beresheim, Blakely, Bonewitz, Booth, Caldwell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Danforth, Day, Draper, Dumont, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Litzenberg, Merrill, Miller, Mills, Newbold, Peet, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Story, Wright of Mills, Wright of Van Buren, and Yerger—60.

The nays were—

Messrs. Hanan, McCoy, Perkins—3.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beatty of Jasper, Bergh, Blackman, Bliss, Butler, Cadwell, Campbell, Clark of Benton, Davis, Davisson, Dayton, Duffie, Duncan, Duncombe, Flenniken, Heberling, Hewett, Irish, Keables, Lee, Mc-

Allister, McClure, O'Donnell, Paul, Pratt, Struthers, Teale, Tuttle, Van Meter, Whitten, Wilson of Washington, Wood of Clay, and Mr. Speaker—37.

So the bill passed and the title was agreed to.

On motion of Mr. Goodspeed the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 17, 1873. }

House met pursuant to adjournment.

The Speaker *pro tem.* in the chair.

Prayer by Rev. Mr. Miles.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill:

H. F. No. 17, title 17, A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction, with the following amendments:

1st. Insert after the word "at," in the first line of section 13, chapter 1, the words "or before."

2d. Strike out of section 1, chapter 3, third line, after the word "tort" the words "or for negligence."

3d. Strike out all of subdivision 5 after the word "years" in the 14th line.

4th. Insert after the word "fraud" in the first line of section 2, chapter 2, the words "or mistake;" and in the second line after the word "fraud" the word "mistake."

5th. Amend section 12 by adding after the word "barred," in third line, the words, "and the same was not barred at the time the claim sued on originated, but no judgment thereon except for cost can be rendered in favor of the party so pleading the same."

6th. Amend section 14 of chapter 3 by inserting after the word "her," in first line, the words, "to the same extent as if she were unmarried," and strike out all after the word "woman" in the third line."

7th. Amend section 27 thereof by striking out all after the word "thereof" in the fourth line.

8th. Amend section 33 by striking out all after the word "pendency," at the end of the first line.

9th. Strike out the words "in any form," in third and fourth lines of section 1, chapter 4.

10th. Amend section 3 thereof, by striking out the word "when-ever," in the 1st line, and inserting the word "wherever."

11th. Amend section 4 thereof, by inserting after the word "terms," in 1st line, the words, "a written."

12th. Amend section 5, by striking out of the 2d line the words "Pullman or other."

13th. Strike out all of section 13, same chapter, after the word county, in 4th line, and restore the printed text.

14th. Amend section 1, chapter 5, by inserting the words "place of" before the word "trial," in the 15th line.

Also, amend section 2, by inserting the words "place of" before the word "trial," in the 1st line. Also, in the same line, strike out the words "to appear."

15th. Amend section 5 of chapter 5, by striking out the word "and," in 1st line, and inserting after the word "same," in 1st line, the words, "must be."

Also, amend same section, by striking out of the 10th line the word "venue," and inserting the words, "place of trial."

16th. Amend section 11 of chapter 6, by striking out the word "him," in third line, and inserting the words, "the person."

17th. Amend section 16 of same chapter, by striking out the words, "but no copy of the notice need be delivered to such miner."

18th. Amend section 77, chapter 8, by striking out the words, "by reason of unnecessary allegations in the pleading."

19th. Amend section 78, by inserting after the word "instrument," the words, "be not negotiable and."

20th. Amend section 89, by striking out of the 3d and 4th lines the words, "made to become."

21st. Strike out section 4 of chapter 9 and insert the following: "Issues of fact in an action in an ordinary proceeding must be tried by a jury unless the same is waived. All other issues shall be tried by the court unless reference thereof is made."

22d. Amend section 8 same chapter by inserting before the word "copies," in the fifth line the word "printed."

23d. Strike out of section 64, chapter 9, all after the word "party" in second line.

24th. Add the following to chapter 9 as section 158: "In all cases under this code where by law it is permitted or required that judicial or other sales and conveyances of land may or shall be confirmed and approved by court, it shall be lawful for the judge of the court, in vacation to confirm or approve the same, and to cause the proper entry or entries thereof to be made required by law and the rules of such court."

In all of which amendments the concurrence of the House is respectfully asked.

I am also directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked :

Senate File No. 26, A bill for an act to repeal sections 4 and 5, chapter 4 of title 2 of the code of 1873, and to provide a substitute therefor, and to repeal sections 86 and 87 of the Revision of 1860 and chapter 9 of the 10th General Assembly and to enact in lieu thereof.

J. A. T. HULL, *Secretary.*

Pending the reading of the journal, Mr. Ericson moved that the further reading of the journal be dispensed with.

By leave, Mr. Kasson called up the motion to reconsider the vote by which the House refused to concur in the Senate amendments to H. F. No. 11, title 11 of the code.

The motion to reconsider prevailed.

Mr. Green moved that the House concur in all the Senate amendments as amended by the House to H. F. No. 11, except to sections 9 and 20, chapter 4, and chapter 6, and chapter 9, in relation to banking.

Mr. Tufts moved to postpone until to-morrow morning.

The motion did not prevail.

The question recurring on the motion to concur, the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Blackman, Blakely, Bonewitz, Booth, Caldwell, Campbell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Danforth, Davis, Day, Dayton, Dumont, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Hopkirk, Hovey, Johnston, Kasson, Leahy, Litzenberg, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Secor, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills and Yerger—65.

The nays were—

Messrs. Beatty of Cedar, Hanan, Irish, McCoy, Wright of Van Buren—6.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Bergh, Bliss, Butler, Cadwell, Clark of Benton, Davisson, Draper, Duffie, Duncan, Duncombe, Durham, Heberling, Hewett, Keables, Lee, McAllister, McClure, Paul, Schweer, Struthers, Teale, Tuttle, Whitten, Wilson of Washington, and Mr. Speaker—28.

So the motion to concur prevailed.

REPORT OF COMMITTEE.

The committee on enrolled bills submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report they have this day presented to the Governor for his approval the following bill and joint resolution:

H. F. No. 30, A bill for an act to repeal chapter 41 of general laws of 14th General Assembly.

Also, joint resolution directing the Governor to ascertain in regard to the dams in the Des Moines River.

Joint resolution in relation to the adjournment of the 14th General Assembly.

J. VAN DEVENTER, *Chairman.*

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bills, to-wit:

S. F. No. 25, title 24, A bill for an act to revise, amend and codify the statutes in relation to crimes and punishments.

S. F. No. 21, title 21, A bill for an act to revise, amend and codify the statutes in relation to evidence.

J. VAN DEVENTER, *Chairman.*

MESSAGES ON SPEAKER'S TABLE.

H. F. No. 17, title 17, with Senate amendments thereto, was taken up and referred to committee of the whole.

S. F. No. 26, a bill for an act to repeal sections 4 and 5, chapter 5, title 2 of the code of 1873, and to provide a substitute therefor, and to repeal sections 86 and 87, Revision of 1860, etc., was taken up and read a first and second time and referred to committee of ways and means.

On motion of Mr. Hall the select committee on the printing of the code was instructed to report as soon as possible.

On motion of Mr. Van Deventer the House resolved itself into a committee of the whole on title 17 of the code. Mr. Stedman in the chair.

The committee arose and reported through their chairman that they had had under consideration the Senate amendments to H. F. No. 17, and reported the same back to the House with the recommendation that the House concur in all the Senate amendments.

Mr. Stow asked for a separate vote on the Senate amendment to section 77, chapter 8.

The report of the committee was adopted, except as to the above.

The report of the committee recommending the concurrence of

the House in the Senate amendment to section 77, chapter 8, was adopted.

On concurring in the Senate amendments the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bonewitz, Booth, Caldwell, Campbell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Danforth, Davis, Day, Dayton, Duffie, Dumont, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Litzenberg, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Secor, Skillen, Stewart, Stow, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, and Yerger—70.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Bergh, Bliss, Butler, Cadwell, Clark of Benton, Davisson, Draper, Duncan, Duncombe, Hanan, Heberling, Hewett, Keables, Lee, McAllister, McClure, Paul, Stedman, Schweer, Struthers, Tasker, Teale, Tuttle, Whitten, Wilson of Washington, and Mr. Speaker—29.

So the House concurred in the Senate amendments.

On motion of Mr. Gear, the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker *pro tem*.

Mr. Kasson, from the committee of ways and means, submitted the following report:

MR. SPEAKER—Your committee on ways and means to whom was referred Senate File No. 26, A bill for an act to repeal sections 4 and five, chapter 4, title 2 of the code, etc., etc., beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House, with the recommendation that the title be amended so as to read, A bill for an act to provide against the depreciation of State warrants.

And that the accompanying substitute be adopted in place of the sections 1, 2, 3 and 4 of the Senate bill.

JOHN A. KASSON, *Chairman*.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

Mr. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following joint resolution, in which the concurrence of the House is asked :

Joint resolution in relation to the corner stone of the foundation of the new capitol building.

Also that the Senate has passed H. F. No. 6, title 6, A bill for an act to revise, amend and codify the statutes in relation to revenue, with the following amendments :

1st. Amend section 1, chapter 1, by striking out the word "two" in the seventh line, and inserting the word "three."

2d. Strike out the word "literary" in the nineteenth line of section 2, and strike out the words "one thousand" in nineteenth and twentieth lines of same section, and insert the words "three hundred."

3d. Strike out the word "eight" in the second line of section 3, and insert the word "twelve."

4th. Amend section 4, by striking out the word "half" in the third line and inserting "one-fourth."

Also by inserting the words "one-fourth" after the word "each," where it occurs the second time in said line.

Also by inserting in eighth line before the word "trees," the word "nursery."

5th. Amend section 6, by striking out the word literary in seventh line; also strike out the words "one thousand," in eighth line and insert the words "three hundred;" also strike out the word "portable," in same line.

6th. Amend section 16 by inserting after the word "personal" in the first line the words "including their franchises."

7th. Strike out all after the word property in the fifth line of section 15.

8th. Amend section 19, by inserting in first line before the word "money," the words "personal property."

9th. Amend section 21 by inserting in the second line after the word "manufacturing" the words "packing of meats."

10th. Strike out section 31.

11th. Add to section 33 the words "provided, that such boards shall keep a record of their proceedings."

12th. Amend section 34 by inserting after the word "year," in second line the words "and continue from day to day until completed."

13th. Strike out all of section 35 after the word "direct" in fifth line.

14th. Amend section 37 by striking out of the first line the words "first day of July" and inserting the words "third Monday in June."

15th. Amend section 38 by striking out the word "first," in the second line and insert the word "second ;" also strike out "August" and insert "July."

Also strike out House addition to paragraph one.

16th. Amend section 40 by striking out of the second line the word "third" and inserting the word "first."

17th. Amend section 50 by striking out all after the word "lists" in the second line and inserting the words "and he is also authorized and required to collect as far as practicable the taxes remaining unpaid on the tax books of previous years."

18th. Insert after the word "tax-purchaser," in first line of section 55 the words "or tax-payer."

19th. Strike out the written part of section 1, chapter 2, and restore the original text.

20th. Insert after the word "goods" in first line of section 5 of chapter 1 the words "and the owner shall refuse to give a good and sufficient bond for the delivery of said goods on the day of sale."

21st. Amend section 6 by striking out the word "thirty," in the third line and inserting the word "sixty."

22d. Amend section 14 by inserting after the word "land," in second line, the words, "and the assessed value of personal property."

23d. Amend section 20 by striking out of the seventh line the words, "rosidents in the county where the sale is made."

24th. Amend section 21 by striking out the word "ten," at the end of first line, and inserting the word "twenty."

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

J. A. T. HULL, *Secretary.*

The substitute recommended by the committee was adopted.

Mr. Kasson moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Blakely, Bonewitz, Booth, Butler, Caldwell, Campbell, Cardell, Carver, Clarke of Iowa, Crawford, Day, Draper, Dumont, Durham, Ellsworth, Evans, Flenniken, Freeman, Johnston, Litzenberg, McClure, Mills, O'Donnell, Perkins, Reed, Reuther, Rice, Schweer, Stedman, Stewart, Tasker, Van Deventer, Van Meter, Wilson J. F. of Keokuk, Wood of Story, Wright of Mills and Yerger—38.

The nays were—

Messrs. Beresheim, Bliss, Christoph, Close, Danforth, Davis, Da-

visson, Dayton, Duffie, Gear, Hall, Goodspeed, Green, Hanson, Hilton, Hopkirk, Hovey, Kasson, Keables, Leahy, Lee, McCoy, Merrill, Miller, Newbold, Peet, Rule, Sandry, Secor, Skillin, Stow, Tufts, Van Saun, Wilson C. C. of Keokuk, Wood of Clay, Wright of Van Buren—35.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Bergh, Blackman, Cadwell, Clark of Benton, Duncan, Duncombe, Ericson, Hall, Hanan, Heberling, Hewett, Irish, McAllister, Paul, Rohlfs, Struthers, Teale, Tuttle, Whitten, Williams, Wilson of Washington, and Mr. Speaker—26.

So the bill not having received a constitutional majority was declared lost.

Mr. Gear offered the following resolution:

Be it Resolved by the House of Representatives of the State of Iowa, the Senate concurring, that the present session of the General Assembly of the State of Iowa will adjourn *sine die* on Wednesday, the 19th day of February, A. D. 1873.

Mr. Stow moved to strike out Wednesday and insert Thursday.

The motion did not prevail.

The resolution was adopted.

Mr. Kasson moved to reconsider the vote by which S. F. No. 26 was lost.

The motion prevailed.

Mr. Kasson moved to reconsider the vote by which the substitute was adopted.

The motion prevailed.

Mr. Gear moved to postpone until to-morrow morning.

The motion did not prevail.

Mr. Campbell moved to amend the substitute by striking out of section 2 the words "the" and "not," and inserting "a" and "not exceeding."

The motion prevailed.

The substitute was adopted.

Mr. Campbell moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Booth, Butler, Caldwell, Campbell, Carver, Clarke of Iowa, Crawford, Day, Duffie, Dumont, Durham, Ellsworth, Evans, Flenniken, Freeman, Gear, Hall, Hilton, Hovey, Johnston, Kasson, Litzenberg, McClure, Merrill, Mills, Newbold, O'Donnell, Perkins, Reed, Reuther, Rice, Rohlfs, Sandry, Schweer, Skillin, Stedman, Stewart, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Williams,

Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wood of Story, Wright of Mills, and Yerger—54.

The nays were—

Messrs. Blackman, Christoph, Close, Danforth, Davis, Davisson, Dayton, Draper, Goodspeed, Hanan, Hanson, Hopkirk, Keables, Leahy, Lee, McCoy, Miller, Peet, Rule, Secor, Stow, and Wright of Van Buren—22.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Bergh, Cadwell, Cardell, Clark of Benton, Duncan, Duncombe, Ericson, Green, Heberling, Hewett, Irish, McAllister, Paul, Struthers, Teale, Tuttle, Whitten, Wilson of Washington, and Mr. Speaker—23.

So the bill passed and the title was agreed to.

By leave, Mr. Gear, from select committee, introduced H. F. No. 32, A bill for an act to provide for the publication, indexing and distributing the code, etc.

Read a first and second time, and referred to committee of the whole house.

By leave, Mr. Stedman offered the following resolution which was adopted :

WHEREAS, Prof. Welch wishes to address the General Assembly with reference to the management of the Agricultural College, at the adjournment this evening.

Therefore, be it resolved, That the use of this Hall be tendered for that purpose.

Leave of absence was granted to Mr. Irish.

MESSAGES ON SPEAKER'S TABLE.

The Senate resolution in relation to the Capitol corner stone was taken up and adopted.

H. F. No. 6, in relation to revenue with Senate amendments thereto was taken up and referred to committee of the whole.

On motion of Mr. Leahy, the House went into committee of the whole on the work assigned, Mr. Kasson in the chair.

The committee rose and reported through their chairman that they had had under consideration the Senate amendments to H. F. No. 6, and reported the same back with the recommendation that the House concur in a portion of the amendments and that the House do non-concur in a portion of the amendments.

Mr. Stow asked for a separate vote on the Senate amendment to section 21, chapter 1.

Mr. O'Donnell asked for a separate vote on section 21, chapter 2.

The report of the committee was adopted except as to the above named sections.

The question recurring on adoption of the report of the committee recommending concurrence in Senate amendment to section 21,

chapter 2, Mr. O'Donnell moved to amend by striking out "20" and inserting "15."

The motion prevailed.

The question recurring on the adoption of the report of the committee recommending the concurrence of the House in Senate amendment to section 21, chapter 11, the report was adopted.

On concurring in the Senate amendments, the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Blackman, Bliss, Bonewitz, Booth, Butler, Caldwell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Fleniken, Freeman, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Scwheer, Secor, Stedman, Stewart, Stow, Tasker, Tufts, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wright of Mills, and Yerger—68.

The nays were—

Messrs. Blakely, Campbell, Draper, Gear, Goodspeed, and Skillin—6.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Bergh, Cadwell, Clark of Benton, Duffie, Duncombe, Green, Heberling, Hewett, Irish, McAllister, Paul, Struthers, Teale, Tuttle, Van Deventer, Whitten, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Van Buren and Mr. Speaker—25.

So the Senate amendments were concurred in.

Mr. Van Deventer submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave report that they have this day presented the following bills to Governor for his approval:

S. F. No. 25, title 24, A bill for an act to revise, amend and ify the statutes in relation to crimes and punishments.

S. F. No. 21, title 22, A bill for an act to revise, amend and codify the statutes in relation to evidence.

J. VAN DEVENTER, *Chairman.*

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following joint resolution and find the same correctly enrolled:

Joint resolution in relation to certain claims of Iowa officers and soldiers.

J. VAN DEVENTER, *Chairman.*

Mr. Clarke of Iowa moved that when the House adjourn it adjourn until to-morrow morning at 9 o'clock.

The motion did not prevail.

On motion of Mr. Davisson, the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 18, 1873. }

The Speaker in the chair.

Prayer by Rev. Mr. Miles.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill:

S. F. No. 21, title 22, A bill for an act to revise, amend and codify the statutes in relation to compensation of officers, with the following amendments:

1st. Strike out of first line of section 7, chapter 1, the words "one," and insert the word "two."

2nd. Amend section 13 by striking out of first line the word "three," and insert "four."

3d. Strike out the first and second lines of section 15, and insert the following: "The salary of the clerk of the supreme court shall be two thousand dollars per year, and he shall collect the following fees and pay the same into the State treasury."

4th. Strike out the 12th line and insert the following: "In addition to the salary, the clerk shall receive five cents per mile for traveling to and from the terms of the supreme court at Davenport, Dubuque, or Council Bluffs."

5th. Strike out section 16.

6th. Amend section 17, by striking out of the first line the words, "of the clerk."

7th. Amend section 23, by striking out the word "and" before the word "register," in the first line, and inserting after the word "office" in same line the words, "and clerk of the supreme court."

8th. Amend section 8, chapter 2, by inserting the word "or" before the word "notice" in the 4th line. Strike out the words "or warrant," and add to the 5th line the words, "and for each warrant \$2.00 mileage and all necessary expenses as sworn to by the sheriff." Strike out of the 11th line the words, "not in regular term

in his county." Strike out of 13th line the words, "when made by him." Strike out of 16th line the words, "including mileage." Strike out of 17th line the words "eight dollars," and insert the words, "seventy-five cents for each juror served and mileage allowed by law." Add to 38th line the words, "and for dieting a prisoner in conveying him to state prison or jail outside of his county, one dollar per day." Strike out the word "a" in 39th line, and insert the word "each." Strike out the 42d and 43d lines. Strike out the words "last two items," in 44th line, and insert the word "same."

9th. Strike out all after the word "salary," in 2d line of 9th section, and insert the following: "In each county with a population of ten thousand inhabitants, not less than fifty dollars."

In each county with a population of 15,000 inhabitants not less than one hundred and fifty dollars.

In each county with a population of 20,000, or over, not less than two hundred dollars.

10th. Amend section 10 by striking out the written part and restoring the original text.

11th. Strike out the figures "\$1.50," in second line of section 11, and insert the figures, "\$2.50;" also strike out the word "including," in same line, and insert the words, "exclusive of."

12th. Insert the following as subdivision 5 of section 13:

"For mileage by the nearest traveled route when paying money into the State treasury, when required by law, ten cents for each mile, counting one way."

13th. Amend section 20, third line, strike out "three" and insert "four."

14th. Amend section 24 by adding to line 22½ the following: "For all money collected and paid over without suit five per cent., and for all money collected and paid over after suit brought without judgment, two per cent., which shall be added to the costs."

15th. Amend section 26 by striking out the word "may," in first line, and inserting "shall."

16th. Strike out of section 1, chapter 3, the word "calendar."

17th. Strike out line six of section 4.

18th. Strike out the written part of line 2, section 14.

19th. Strike out after the word "mileage," in second line of section 15, down to and including the word "assembly."

Also strike out the word "asylum" after the word "insane" in the 2d and 3d lines same section, and insert in same lines before the word "insane" the words "hospital for the."

20th. Strike out the word "three" in 3d line of section 13, chapter 3, and insert the word "four."

21st. Strike "\$25.00" from the 3d line of section 18 and insert, "such fee as the court may fix."

Strike "\$10.00" from the 4th line and insert, "such fee as the court may fix."

22d. Strike out of line 1 of section 23, all the written amendments and restore the original text.

23d. Amend section 24 by striking out of 1st line the words "of eight hours."

In all of which amendments the concurrence of the House is respectfully asked.

I am also directed to inform your honorable body that the Senate adheres to its amendments to chapter 6, of title 11, H. F. 11, and also to its amendments to other chapters, and has appointed a committee of conference consisting of Senators Campbell, Claassen and Willett, and asks the appointment of a like committee on the part of the House.

Also, that the Senate refuses to agree to the House amendments to section 4, of chapter 1, and to section 3, of chapter 3, and to chapter 9, all of title 12, and has appointed a conference committee consisting of Senators Beardsley, Miles and Stewart, and asks the appointment of a like committee on the part of the House.

W. L. VESTAL, *Ass't Secretary.*

I am also directed to inform your honorable body that the Senate has passed the following bill without amendments:

H. F. N. 31, A bill for an act authorizing cities and incorporated towns to lay out and establish market grounds and to take private property for such purposes.

W. L. VESTAL, *First Ass't Sec'y.*

On motion of Mr. Green the message was referred to the committee of the whole.

Mr. Hall moved that the House resolve itself into committee of the whole on the work assigned.

The motion prevailed.

The House went into committee of the whole, Mr. Kasson in the chair.

The Speaker took the chair for the purpose of receiving a message from the Senate.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bills, in which the concurrence of the House is asked:

Senate File No. 28, A bill for an act to legalize the acts of the

board of directors of the independent school district of Maquoketa, in the county of Jackson, State of Iowa.

Senate File No. 29, A bill for an act to enable the directors of the independent district of Muscatine to use certain moneys for school purposes.

Senate File No. 30, A bill for an act to legalize the formation of the independent school district of Storm Lake, Buena Vista county, Iowa.

Senate File No. 32, A bill for an act to legalize the organization of the independent sub-district of New Hampton, Iowa, and the election of officers therein.

Senate File No. 33, A bill for an act to amend chapter 175 of the acts of the Fourteenth General Assembly, approved April 22, 1872.

W. L. VESTAL, *First Ass't Secretary.*

Mr. Van Deventer, submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill, and find the same correctly enrolled :

House File No. 25, A bill for an act to revise, amend and codify the statutes in relation to criminal procedure.

J. VAN DEVENTER, *Chairman.*

The committee arose and reported through their chairman that they had had under consideration the Senate amendments to title 23, and reported the same back with recommendation that the House concur in a portion of the amendments and nonconcur in a portion of the same.

Mr. Merrill asked for a separate vote on section 8, chapter 2, lines 39 and 40, and on section 4, chapter 3.

Mr. Goodspeed asked for a separate vote on section 23, chapter 3.

Mr. Danforth asked for a separate vote on section 9, chapter 2.

Mr. Stow asked for a separate vote on section 8, chapter 2, in lines 4 and 5.

Mr. Ellsworth demanded a separate vote on section 1, chapter 1.

Mr. Hanan asked a separate vote on section 19, chapter 3.

The report was adopted, except as to the foregoing sections.

The question recurring on the adoption of the recommendation of the committee recommending concurrence in Senate amendment to section 1, chapter 1, Mr. Ellsworth moved to amend by making it read \$15.00, including clerk hire.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has adopted the following concurrent resolution, in which the concurrence of the House is asked :

Concurrent resolution in relation to striking out certain portions of the Rankin investigating committee.

Also, that the Senate has amended the House concurrent resolution in relation to final adjournment, by striking out "Wednesday, the 19th, at 12 o'clock noon," and inserting "Thursday, February 20th, at 10 o'clock A. M.," in which amendment the concurrence of the House is asked.

Also, that the Senate has refused to concur in the House substitute for S. F. No. 26.

Also, that the Senate has adopted a "concurrent resolution giving certain instructions to the Attorney General in relation to the defalcation of Samuel E. Rankin, late treasurer of the agricultural college and farm," in which the concurrence of the House is asked.

W. L. VESTAL, *First Assistant Secretary.*

The amendment was not adopted.

On the adoption of the report of the committee Mr. Ellsworth demanded the yeas and nays, which were as follows :

The yeas were—

Messrs. Beatty of Cedar, Blackman, Bonewitz, Caldwell, Cardell, Carver, Clarke of Iowa, Crawford, Danforth, Davis, Davisson, Duffie, Dumont, Durham, Ericson, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hovey, Irish, Kasson, Lee, Litzenberg, McClure, McCoy, Merrill, Miller, Mills, Newbold, O'Donnell, Peet, Perkins, Reed, Reuther, Rohlfis, Rule, Secor, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Deventer, Van Sann, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Yerger and Mr. Speaker—53.

The nays were—

Messrs. Blakely, Campbell, Christoph, Close, Day, Draper, Duncan, Ellsworth, Evans, Hanan, Hanson, Hilton, Hopkirk, Paul, Rice, Sandry, Schweer, Van Meter, Wilson O. C. of Keokuk, Wood of Story, Wright of Mills and Wright of Van Buren—22.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Jasper, Beresheim, Bergh, Bliss, Booth, Butler, Cadwell, Clark of Benton, Dayton, Duncombe, Heberling, Hewett, Johnston, Keables, Leahy, McAllister, Struthers, Teale, Tuttle, Whitten, and Wood of Clay—24.

So the report of the committee was adopted.

The question recurring on the adoption of the report on the amendment to lines four and five of section 8, chapter 2, the report of the committee recommending non-concurrence was not adopted.

The question recurring on the report of the committee on the amendment to lines 39, 40 and 41 of section 8, chapter 2, the report of the committee recommending concurrence in the Senate amendment was adopted.

The question recurring on the report of the committee on the Senate amendment to section 9, chapter 2, the report of the committee was adopted.

The question recurring on the adoption of the report of the committee recommending concurrence in the Senate amendment to section 4, chapter 3, the report of the committee was not adopted.

The question recurring on the report of the committee on the amendment to section 18, chapter 3, the report of the committee was not adopted.

The question recurring on the report of the committee on section 24, chapter 3, the report of the committee was adopted.

On formally adopting the report of the committee, the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bonewitz, Butler, Caldwell, Campbell, Cardell, Carver, Clarke of Iowa, Crawford, Danforth, Davis, Davisson, Day, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Flenniken, Freeman, Gear, Green, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, O'Donnell, Paul, Reed, Reuther, Rice, Rule, Sandry, Schweer, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Deventer, Van Meter, Van Sann, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Yerger and Mr. Speaker—68.

The nays were Messrs. Close, and Goodspeed—2.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beresheim, Bergh, Bliss, Booth, Cadwell, Christoph, Clark of Benton, Dayton, Duncombe, Evans, Heberling, Hewett, Lee, McAllister, Merrill, Peet, Perkins, Rohlfis, Secor, Struthers, Tealé, Tuttle, Whitten, Wood of Clay, Wright of Mills, and Wright of Van Buren—29.

So the report of the committee was adopted.

On motion of Mr. Hanson the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

Mr. Newbold moved that a committee of conference be appointed on the disagreeing vote of the two Houses on title 12.

The motion prevailed.

The Speaker announced as such committee Messrs. Newbold, Kasson and Close.

Mr. Greene moved that a committee of conference be appointed on the disagreeing vote of the two Houses on H. F. No. 11, of the code.

The motion prevailed.

The Speaker announced as such committee Messrs. Tufts, Greene and O'Donnell.

MESSAGES ON SPEAKER'S TABLE.

The House resolution setting the time for adjournment was taken up, the Senate amendments agreed to and the resolution passed the House.

S. F. No. 33, A bill for an act to amend chapter 175, acts of 14th General Assembly, etc., was read a first and second time.

Mr. Irish moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Booth, Caldwell, Cardell, Carver, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Irish, Kasson, Keables, Litzenberg, McClure, McCoy, Miller, Mills, O'Donnell, Paul, Peet, Perkins, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Wright of Van Buren, Yerger and Mr. Speaker—69.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Bergh, Blackman, Butler, Cadwell, Campbell, Christoph, Clark of Benton, Danforth, Davisson, Duncombe, Heberling, Hewett, Johnston, Leahy, Lee, McAllister, Merrill, Newbold, Rholf, s,

Struthers, Teale, Tuttle, Van Meter, Whitten, Wood of Clay, and Wright of Mills—30.

So the bill passed and the title was agreed to.

S. F. No. 29, A bill for an act to enable the directors of the independent school district of Muscatine to use certain money for school house purposes, was read a first and second time.

Mr. Day moved that the rule be suspended, the bill be considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Caldwell, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, O'Donnell, Paul, Peet, Perkins, Reed, Reuther, Rice, Rule, Sandy, Schweer, Secor, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Wright of Van Buren, and Mr. Speaker—65.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Bergh, Blackman, Booth, Cadwell, Campbell, Cardell, Carver, Christoph, Clarke of Benton, Danforth, Davissen, Draper, Duncombe, Flenniken, Green, Heberling, Keables, Leahy, McAllister, Merrill, Rohlf, Struthers, Teale, Tuttle, Van Deventer, Van Meter, Whitten, Wood of Clay, Wright of Mills, and Yerger—34.

So the bill passed and the title was agreed to.

S. F. No. 30, A bill for an act to legalize the formation of the independent school district of Storm Lake, etc., was read a first and second time.

Mr. Duffie moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Bliss, Bonewitz, Booth, Caldwell, Carver, Close, Crawford, Danforth, Davis, Day, Dayton, Duffie, Dumont, Duncan, Durham, Ericson, Flenniken, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Hilton, Hopkirk, Hovey, Irish,

Johnston, Kasson, Keables, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, O'Donnell, Paul, Peet, Perkins, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Wright of VanBuren, Yerger, and Mr. Speaker—63.

The nays were—Mr. Green—1.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Beresheim, Bergh, Blackman, Blakely, Butler, Cadwell, Campbell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Davisson, Draper, Duncombe, Ellsworth, Evans, Heberling, Hewett, Leahy, Lee, McAllister, Merrill, Rohlfs, Struthers, Teale, Tuttle, Van Deventer, Van Meter, Whitten, Wood of Clay, and Wright of Mills—35.

So the bill passed and the title was agreed to.

S. F. No. 32, A bill for an act to legalize the formation of the independent school district of New Hampton, etc., was read a first and second time.

Mr. Hanan moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Caldwell, Campbell, Carver, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Mills, Paul, Peet, Perkins, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Stow, Tasker, Tufts, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Wright of Van Buren, Yerger and Mr. Speaker—69.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Bergh, Booth, Butler, Cadwell, Cardell, Christoph, Clark of Benton, Clarke of Iowa, Duffie, Duncombe, Flenniken, Heberling, McAllister, Merrill, Miller, Newbold, O'Donnell, Rohlfs, Struthers, Tuttle, Van Deventer, Van Meter, Whitten, Wood of Clay, and Wright of Mills—30.

So the bill passed and the title was agreed to.

S. F. No. 28, A bill for an act to legalize the independent school district of Maquoketa, etc. was read a first and second time.

Mr. Reed moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Caldwell, Carver, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Lee, Litzenberg, McClure, McCoy, Mills, Paul, Peet, Perkins, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Stow, Tasker, Tufts, Van Sann, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Wright of Van Buren, Yerger and Mr. Speaker—68.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beatty of Cedar, Bergh, Blackman, Booth, Butler, Cadwell, Campbell, Cardell, Christoph, Clark of Benton, Duncombe, Green, Heberling, Leahy, McAllister, Merrill, Miller, Newbold, O'Donnell, Rohlf, Struthers, Teale, Tuttle, Van Deventer, Van Meter, Whitten, Wood of Clay, and Wright of Mills—31.

So the bill passed and the title was agreed to.

S. F. No. 26, A bill for an act to prevent the depreciation of state warrants, was taken up with Senate amendments thereto.

Mr. Campbell moved that the House insist upon its disagreement, and that a committee of conference be appointed.

The motion prevailed.

The Speaker announced as such committee Messrs. Campbell, Caldwell and Williams.

The joint resolution in relation to the Rankin defalcation was taken up and passed the House.

The Senate resolution in relation to the report of the Rankin investigation committee was taken up and passed.

Mr. Irish offered the following resolution, which was referred to the committee on agriculture:

WHEREAS, a national agricultural congress convenes in May next at Indianapolis, in the State of Indiana; and,

WHEREAS, it is important that the State of Iowa be creditably represented therein; therefore,

Be it resolved by the General Assembly of the State of Iowa,
That the Governor be and he is hereby authorized to appoint two delegates for the State at large and one for each congressional

district, to represent the State in said congress. Provided such services shall be performed without expense to State.

Mr. Irish offered the following resolution which was referred to committee on ways and means:

Resolved by the House, the Senate concurring, That the Governor and Attorney General, with the advice and consent of the Executive council, be hereby authorized to make a just and equitable settlement with R. G. Orwig.

By leave, Mr. Stow introduced H. F. No. 33, A bill for an act to legalize certain taxes levied in the town of Hamburg, Iowa.

Read a first and second time.

Mr. Van Meter moved that the rule be suspended, the bill considered engrossed, and read a third time now.

The motion prevailed. The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Beresheim, Blakely, Bliss, Bonewitz, Caldwell, Campbell, Cardell, Carver, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davissan, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Hanan, Hanson, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Keables, Leahy, Lee, Litzenberg, McClure, McCoy, Mills, Paul, Peet, Perkins, Reed, Reuther, Rice, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Sann, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wright of Van Buren, Yerger, and Mr. Speaker—70.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Bergh, Blackman, Booth, Butler, Cadwell, Christoph, Clark of Benton, Duncombe, Green, Hall, Heberling, McAllister, Merrill, Miller, Newbold, O'Donnell, Rohlf, Struthers, Teale, Tuttle, Van Deventer, Van Meter, Whitten, Wood of Clay, Wood of Story, and Wright of Mills—29.

So the bill passed and the title was agreed to.

Mr. Reuther introduced H. F. No. 34, A bill for an act to legalize certain sales of school land, etc. Read a first and second time and referred to committee on schools.

Mr. Irish moved that the House resolve itself into committee of the whole on the work assigned.

The motion prevailed.

The House went into committee of the whole, Mr. Kasson in the chair.

The committee arose and reported through their chairman that they had had under consideration the joint resolution in relation to

the penitentiary convict labor, and also H. F. No. 32, in relation to the code, and reported the same back with the recommendation that the same do pass.

On motion of Mr. Irish the report of the committee on the joint resolution was postponed until to-morrow morning.

Mr. O'Donnell moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Beresheim, Bliss, Bonewitz, Booth, Caldwell, Campbell, Cardell, Carver, Clarke of Iowa, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Mills, O'Donnell, Paul, Peet, Perkins, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillen, Stedman, Stewart, Stow, Tasker, Tufts, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wright of Van Buren, Yerger and Mr. Speaker—73.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Bergh, Blackman, Blakely, Butler, Cadwell, Christoph, Clark of Benton, Close, Duncombe, Heberling, Keables, McAllister, Merrill, Newbold, Struthers, Teale, Tuttle, Van Deventer, Van Meter, Whitten, Wood of Clay, Wood of Story, and Wright of Mills—26.

So the bill passed and the title was agreed to.

Mr. Williams presented a petition from citizens of Marshall county asking for a railroad tariff law.

Referred to committee on railroads.

Mr. Hall offered the following resolution:

JOINT RESOLUTION.

Be it Resolved by the General Assembly of the State of Iowa:

That the capitol commissioners appointed by chapter 87 of the laws of the 14th General Assembly are hereby authorized to select and employ one of their own number as superintendent of work upon the Capitol building, and to allow the commissioner so selected such additional compensation so to them may seem just and proper.

Mr. Irish moved to amend by striking out "superintendent" and inserting "overseer."

The motion prevailed.

The resolution was adopted.

Mr. Van Deventer, from committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

H. F. No. 31, A bill for an act authorizing incorporated cities and towns to lay out and establish market grounds, and to take private property for such purpose.

J. VAN DEVENTER, *Chairman.*

Also, joint resolution in relation to the corner stone of the foundation of the new capitol building.

J. VAN DEVENTER, *Chairman.*

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bills, to-wit:

H. F. No. 25, A bill for an act to revise, amend and codify the statutes in relation to criminal procedure.

Also, joint resolution in relation to certain claims of Iowa officers and soldiers.

J. VAN DEVENTER, *Chairman.*

Mr. Reed moved that when the House adjourn it adjourn to meet at 9 o'clock to-morrow morning.

The motion prevailed.

On motion of Mr. Irish the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 19, 1873. }

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Representative Blakely.

Journal of yesterday read and approved.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body

that the Senate has passed the following bills, in which the concurrence of the House is asked:

Senate File No. 27, A bill for an act to preserve the funds of state institutions.

Senate File No. 31, A bill for an act to legalize the ordinances of the town of Newton.

Senate File No. 34, A bill for an act to legalize the incorporation of Osage, Iowa, etc.

Also, that the Senate has passed, without amendment, House File No. 33, A bill for an act to legalize the levy of taxes in the town of Hamburg, Fremont county, Iowa.

Also, that the Senate adheres to its amendments to H. F. No. 23, title 23, and has appointed a committee of conference consisting of Senators Vale, McNutt and McCormack, and requests the appointment of a like committee on the part of the House.

Also, that the Senate adheres to its amendments to H. F. No. 6, title 6, and has appointed as committee of conference Senators Larrabee, Young and McCulloch, and requests the appointment of a like committee on the part of the House.

Also, that the Senate has appointed Senators Dysart, Larrabee and Murray, as conference committee on the part of the Senate on Senate File No. 26.

W. L. VESTAL, *First Ass't Sec'y.*

The Speaker announced as conference committee on part of the House, on the disagreeing vote of the two houses on title 23, Messrs. Gear, Beresheim and Ainsworth; and on the disagreeing vote of the two houses on title 6, Messrs. Evans, Freeman and Hall.

Leave of absence was granted to Mr. Peet.

MESSAGES ON THE SPEAKER'S TABLE.

S. F. No. 27, A bill for an act to preserve the funds of the State institutions, was read a first and second time.

Mr. Goodspeed moved the bill be indefinitely postponed.

The motion did not prevail.

Mr. Wright of Mills moved to lay the bill on the table.

The motion did not prevail.

Mr. Ainsworth moved to refer the bill to a select committee of three.

The motion prevailed.

The Speaker announced as such committee Messrs. Ainsworth, Freeman and Cardell.

Mr. Tufts from committee of conference on title 2, submitted their report.

On the adoption of the report of the conference committee the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Jasper, Blackman, Bliss, Bonewitz, Booth, Cardell, Close, Danforth, Davis, Davisson, Day, Duffie, Dumont, Duncan, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Hopkirk, Hovey, Leahy, Litzenberg, McClure, Miller, O'Donnell, Reuther, Rice, Rohlf's, Stedman, Tasker, Tufts, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, and Mr. Speaker—42.

The nays were—

Messrs. Ainsworth, Beresheim, Blakely, Cadwell, Caldwell, Campbell, Carver, Christoph, Clarke of Iowa, Crawford, Dayton, Draper, Durham, Ellsworth, Heberling, Hilton, Irish, Johnston, Lee, McCoy, Mills, Paul, Perkins, Reed, Rule, Sandry, Schweer, Secor, Skillin, Stewart, Stow, Van Meter, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, and Yerger—38.

Absent or excused—

Messrs. Appleton, Ballinger, Beatty of Cedar, Bergh, Butler, Clark of Benton, Duncombe, Hanan, Hewett, Kasson, Keables, McAllister, Merrill, Newbold, Peet, Struthers, Teale, Tuttle, and Whitten—19.

So the report of the conference committee was not adopted.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed without amendment, joint resolution authorizing the appointment of one of the capitol commissioners as overseer of the work on the new capitol building.

Also, that the Senate has passed the accompanying resolution in relation to the disposition of rock at the Anamosa penitentiary, in which the concurrence of the House is asked.

W. L. VESTAL, *First Ass't Sec'y.*

Mr. Ericson submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following joint resolution and find the same correctly enrolled :

Joint resolution in relation to the corner stone of the foundation of the new capitol building.

Also, S. F. No. 28, An act to legalize the acts of the board of directors of the independent school district of the city of Maquoketa, in Jackson county, State of Iowa.

C. J. A. ERICSON, *for the Chairman.*

Mr. Ellsworth, from the committee on schools, submitted the following report:

MR. SPEAKER—Your committee on schools to whom was referred H. F. No. 34, A bill for an act to legalize the sale of land sold by school fund to Otis Bigelow, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the House with the recommendation that it do pass.

L. F. ELLSWORTH, *Chairman.*

Mr. Leahy moved that a second committee of conference on title 11 be appointed.

The motion prevailed.

The Speaker announced as such committee Messrs. Caldwell, Campbell and Close.

Mr. Beatty of Jasper called up S. F. No. 31, A bill for an act to legalize the ordinances of the town of Newton, etc.

Read a first and second time.

Mr. Beatty of Jasper moved that the rule be suspended, the bill considered engrossed and read a third time now.

The motion prevailed.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bliss, Bonewitz, Booth, Cadwell, Caldwell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Danforth, Day, Dayton, Draper, Duncan, Durham, Ellsworth, Ericson, Flenniken, Gear, Goodspeed, Green, Hanson, Hilton, Hopkirk, Hovey, Irish, Johnston, Lee, Litzenberg, McClure, McCoy, Miller, Mills, O'Donnell, Paul, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillin, Stewart, Stow, Tasker, Tufts, Van Meter, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Van Buren, Yerger and Mr. Speaker—63.

The nays were—Mr. Davis—1.

Absent or excused—

Messrs. Ainsworth, Appleton, Ballinger, Beresheim, Bergh, Butler, Cardell, Campbell, Clark of Benton, Davisson, Duffie, Dumont, Duncombe, Evans, Freeman, Hall, Hanan, Heberling, Hewett, Kasson, Keables, Leahy, McAllister, Merrill, Newbold, Peet, Perkins, Stedman, Struthers, Teale, Tuttle, Whitten, Williams, Wood of Story and Wright of Mills—35.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Setate has agreed to the report of the conference committee on title 11.

W. L. VESTAL, *First Assistant Secretary.*

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the report of the conference committee on the disagreeing votes of the two houses on title 12.

W. L. VESTAL, *First Assistant Secretary.*

On motion of Mr. Reuther, H. F. No. 34 was taken up.

Mr. Reuther moved that the rule be suspended, that the bill be considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Cadwell, Caldwell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Hall, Hanson, Hilton, Hopkirk, Hovey, Johnston, Lee, Litzenberg, McCoy, Miller, Mills, O'Donnell, Paul, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillin, Stow, Tasker, Tufts, Van Deventer, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Van Buren, Yerger, and Mr. Speaker—64.

The nays were none.

Absent or excused—

Messrs. Appleton, Ballinger, Bergh, Booth, Butler, Campbell, Clark of Benton, Duncombe, Green, Hanan, Heberling, Hewett, Irish, Kasson, Keables, Leahy, McAllister, McClure, Merrill, Newbold, Peet, Perkins, Reed, Stedman, Stewart, Struthers, Teale, Tuttle, Van Meter, Van Sann, Whitten, Williams, Wilson of Washington, Wood of Story, and Wright of Mills—35.

So the bill passed, and the title was agreed to.

Mr. Newbold, from the committee of conference on title 12, submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on Senate File 22, title 12, after full and free conference,

have agreed to report and do report to their respective houses as follows:

That the House recede from its amendment to section 4, chapter 1; also, from its amendment to section 3, chapter 3.

That the Senate concur in all the House amendments to chapter 9, with the following exceptions, and that the House recede from these amendments, namely:

The amendment to section 48 of the Senate bill, being a part of section 62 of House amendments.

Section 64 of House amendments and insert in lieu thereof section 75, chapter 1, of the school laws.

Section 96 of House amendments, strike out "a president."

And further, that section 36 of the code bill be inserted in lieu of the same section of the Senate bill.

J. G. NEWBOLD,
C. CLOSE,
JOHN A. KASSON,

Managers on part of the House.

CHARLES BEARDSLEY,
J. D. MILES,
L. W. STUART,

Managers on part of the Senate.

On the adoption of the report of the conference committee, the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Beatty of Jasper, Beresheim, Blackman, Blakeley, Bliss, Bonewitz, Booth, Cadwell, Caldwell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Hall, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Litzenberg, McClure, Miller, Mills, Newbold, Perkins, Reed, Reuther, Rice, Rule, Sandry, Secor, Skillin, Stedman, Stewart, Stow, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson J. F. of Keokuk, Wood of Story, and Mr. Speaker—64.

The nays were—

Messrs. Davison, Hanson, Lee, McCoy, Rohlf, Wilson O. C. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, and Wright of Van Buren—10.

Absent or excused—

Messrs. Appleton, Ballinger, Beatty of Cedar, Bergh, Butler, Campbell, Clark of Benton, Danforth, Duncombe, Green, Hanan, Hebelig, Hewett, Keables, McAllister, Merrill, O'Donnell, Paul, Peet, Schweer, Struthers, Teale, Tuttle, Whitten, and Yerger—25.

So the report of the conference committee was adopted.

MESSAGE FROM THE SENATE.

MR. SPEAKER—I am directed to inform your honorable body that the Senate has appointed Senators Chambers, Boomer and Claussen as the second conference committee on the part of the Senate on the disagreeing votes of the two houses on title 11.

W. L. VESTAL, *First Assistant Secretary.*

By leave, Mr. Cadwell introduced H. F. No. 35, A bill for an act to legalize the organization of the town of Mo. Valley, etc.

Read a first and second time.

On motion of Mr. Cadwell the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Beatty of Ceday, Beatty of Jasper, Blakely, Bliss, Bonewitz, Booth, Cadwell, Caldwell, Cardell, Carver, Clark of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, Mills, Newbold, O'Donnell, Paul, Perkins, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Stow, Tasker, Teale, Tufts, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Van Buren, Yerger, and Mr. Speaker—75.

The nays were none.

Absent or excused—

Messrs. Appleton, Ballinger, Beresheim, Bergh, Blackman, Butler, Campbell, Christoph, Clark of Benton, Dayton, Duncombe, Gear, Hewett, Keables, McAllister, McCoy, Merrill, Miller, Peet, Struthers, Tuttle, Van Meter, Whitten, and Wright of Mills—24.

So the bill passed and the title was agreed to.

Mr. Kasson offered the following resolution, which was adopted: *Be it resolved by the General Assembly of the State of Iowa:*

That the joint resolution relative to the appointment of an agent to collect from the United States certain moneys due to the State of Iowa, approved February 21st, 1872, and the action of the Governor thereunder in appointing Ralph P. Lowe, State agent, be so amended as to embrace the claims of the State of Iowa on account of other lands in this State, disposed of by the United States, under all other warrants issued for military purposes and for Indian reservations.

MESSAGES ON THE SPEAKER'S TABLE.

The joint resolution authorizing the trustees of the Anamosa penitentiary to sell stone quarried by convicts, was taken up and passed.

By leave, Mr. Hall introduced H. F. No. 36, A bill for an act to legalize certain judicial proceedings, Read a first and second time.

Mr. Hall moved that the rule be suspended, that the bill be considered engrossed and read a third time now.

The motion prevailed.

The bill was read a third time.

On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blackman, Blakely, Bonewitz, Booth, Cadwell, Caldwell, Campbell, Cardell, Clarke of Iowa, Close, Crawford, Davis, Day, Dayton, Draper, Duffie, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Hall, Hanson, Heberling, Hopkirk, Hovey, Irish, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, Paul, Perkins, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stow, Tasker, Tuttle, Van Deventer, Van Suan, Williams, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Yerger, Mr. Speaker—63.

The nays were—

Messrs. Ainsworth, Davisson, Goodspeed, Green, Johnston—5.

Absent or excused—

Messrs. Appleton, Ballinger, Beresheim, Bergh, Bliss, Butler, Carver, Christoph, Clark of Benton, Danforth, Dumont, Duncombe, Gear, Hanan, Hewett, Hilton, Keables, McAllister, Merrill, O'Donnell, Peet, Reed, Stewart, Struthers, Teale, Tufts, Van Meter, Whitten, Wilson C. C. of Keokuk, Wright of Mills, Wright of Van Buren—31.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the report of the committee of conference on the disagreeing vote of the two houses on title 6.

W. L. VESTAL, *First Ass't Secretary.*

Mr. Evans, from conference committee on the disagreeing vote of the two houses on title 6, submitted the following report:
To the Speaker of the House:

The committee of conference on the disagreeing votes of the

two houses on House File No. 6, A bill for an act regulating and providing revenue, have met and after full and free conference, have agreed to and do now report to their respective houses the following:

(1.) That the House recede from its non-concurrence in Senate amendment to strike out House addition to paragraph one in section 38, chapter 1.

(2.) That the House recede from its non-concurrence in Senate amendment, striking out the written part of section 1, in chapter 2, and restore the original text.

(3.) That as a compromise between the two houses, section 21, chapter 2, as reported by the commissioners be amended by inserting before the word "twenty" in line one, the words "not exceeding."

W. C. EVANS,
J. H. FREEMAN.
B. J. HALL,

Conferees on the part of the House.

WM. LARRIBEE,
JAMES A. YOUNG,

Conferees on the part of the Senate.

On the adoption of the report, the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Beatty of Cedar, Beatty of Jasper, Blackman, Bliss, Bonewitz, Cadwell, Campbell, Caldwell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Green, Hall, Hanson, Heberling, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, Perkins, Reed, Reuther, Rice, Rohlfis, Rule, Sandry, Sewheer, Secor, Skillin, Stedman, Stewart, Stow, Tasker, Tufis, Tuttle, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger and Mr. Speaker—78.

The nays were—

Messrs. Blakely, and Goodspeed—2.

Absent or excused—

Messrs. Appleton, Ballinger, Beresheim, Bergh, Booth, Butler, Clark of Benton, Duncombe, Hanan, Hewett, Keables, McAllister, Merrill, O'Donnell, Paul, Peet, Struthers, Teale, and Whitten—19.

So the report of the conference committee was adopted.

By leave, Mr. Williams presented a petition from citizens of Marshall county, the Speaker a petition from Tama county, and Mr. Draper a petition from citizens of Jasper county, all praying for legislation regulating tariffs on railroads. Referred to committee of the whole.

Mr. Close, from committee on agriculture, submitted the following report:

MR. SPEAKER--Your committee on agriculture, to whom was referred resolution in relation to the Governor appointing delegates to attend the meeting of the U. S. agricultural congress to meet at Indianapolis, beg leave to report that they have had the same under consideration and have instructed me to report the same back to House without recommendation.

C. CLOSE, *Chairman.*

On motion of Mr. Irish the resolution was taken up and adopted. Mr. Lee moved that the House take a recess of fifteen minutes. The motion prevailed.

11.20 O'CLOCK, P. M.

House called to order by the Speaker.

Mr. Ainsworth, from select committee on S. F. No. 27, submitted the following report:

MR. SPEAKER--Your committee on Senate bills, to whom was referred S. F. No. 27, A bill for an act to preserve the funds of the State institutions, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the House with a substitute and recommend the passage of the substitute.

AINSWORTH, *Chairman.*

The substitute reported by the committee was adopted.

Mr. Ainsworth moved that the rule be suspended, the bill considered engrossed and read a third time now.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were--

Messrs. Ainsworth, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Bliss, Bonewitz, Booth, Cadwell, Campbell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Danforth, Davisson, Day, Dayton, Dumont, Duncan, Durham, Ellsworth, Ericson, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Hilton, Hopkirk, Hovey, Irish, Johnston, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, Paul, Perkins, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillen,

Stedman, Stewart, Stow, Tasker, Tufts, Tuttle, Van Saun, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Van Buren, Yerger, and Mr. Speaker—70.

The nays were—none.

Absent or excused—

Messrs. Appleton, Ballinger, Bergh, Blakely, Butler, Caldwell, Clark of Benton, Davis, Draper, Duffie, Duncombe, Evans, Hanan, Heberling, Hewett, Kasson, Keables, McAllister, Merrill, O'Donnell, Peet, Reed, Struthers, Teale, Van Deventer, Van Meter, Whitten, Williams, and Wright of Mills—29.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has concurred in House amendments to S. F. No. 19, title 10, except the following:

Amend the 8th amendment by striking out of the 4th line all after the word "regulation," down to and including the word "section" in the 6th line.

Also, add to 9th House amendments the words "except as to double damages."

Strike out the 10th, 12½th, 13th and 14th House amendments.

J. A. T. HULL, *Secretary*.

Mr. Irish moved to take up the resolution in relation to convict labor.

On the adoption of the report of the committee recommending the indefinite postponement of the resolution, Mr. Beresheim demanded the yeas and nays which were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beresheim, Bliss, Bonewitz, Booth, Cadwell, Cardell, Carver, Clarke of Iowa, Close, Crawford, Dumont, Duncan Durham, Ellsworth, Ericson, Freeman, Green, Hanson, Heberling, Hopkirk, Hovey, Johnston, Kasson, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Reed, Rice, Rohlf's, Rule, Sandry, Secor, Skillin, Stow, Tasker, Tufts, Van Deventer, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Yerger and Mr. Speaker—47.

The nays were—

Messrs. Ainsworth, Beatty of Jasper, Blackman, Blakely, Caldwell, Campbell, Christoph, Danforth, Davisson, Day, Dayton, Flenniken, Gear, Goodspeed, Hall, Hilton, Irish, Newbold, O'Donnell, Perkins, Schweer, Stewart, Tuttle, Van Meter, Van Saun, Williams, Wood of Clay, and Wright of Van Buren—28.

Absent or excused—

Messrs. Appleton, Ballinger, Bergh, Butler, Clark of Benton, Davis, Draper, Duffie, Duncombe, Evans, Hanan, Hewett, Keables, Leahy, McAllister, Merrill, Paul, Peet, Reuther, Struthers, Stedman, Teale, Whitten, and Wright of Mills,—24.

So the report of the committee was adopted.

Mr. Kasson, from committee on ways and means, submitted the following report:

MR. SPEAKER—Your committee on ways and means, to whom was referred resolution authorizing settlement between the State and R. G. Orwig, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the House with the recommendation that it be adopted.

JOHN A. KASSON, *Chairman.*

Mr. Evans, from same committee, submitted the following minority report:

The minority of the committee of ways and means would respectfully submit the following report upon the resolution relating to the case of R. G. Orwig: That the same be indefinitely postponed.

W. C. EVANS,
H. G. VAN METER,
C. CLOSE.

Mr. Evans moved that the minority report be substituted for the majority report and that the same be adopted.

Mr. Van Deventer submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill, and find the same correctly enrolled:

H. F. No. 33, A bill for an act to legalize the levy of taxes in the town of Hamburg, Fremont county, Iowa.

S. F. No. 29, A bill for an act to enable the school directors of the independent school district of Muscatine to use a portion of the contingent fund for school-house purposes.

Senate File No. 33, A bill for an act to legalize the formation of the independent school district of Storm Lake, Buena Vista county, Iowa.

Also, joint resolution authorizing the capitol commissioners to employ one of their number as overseer of the work upon the capitol building.

J. VAN DEVENTER, *Chairman.*

On motion of Mr. Beresheim the House adjourned.

TWO O'CLOCK, P. M.

House called to order by the Speaker.

The question recurring on substituting the minority report for the majority report, the motion to substitute prevailed.

The report was adopted.

MESSAGES ON SPEAKER'S TABLE.

The House took up Senate amendments to title 10.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill without amendment:

House File No. 35, A bill for an act to legalize the organization of the town of Missouri Valley, Iowa, and the acts of the trustees, mayor and recorder of said town.

W. L. VESTAL, *First Ass't Secretary.*

On taking an informal vote on adopting the first Senate amendment, Mr. Davis moved that the House recede.

The motion prevailed.

The House concurred in the amendment to the 9th House amendment.

Mr. Green moved to recede from House amendments, except as to section 44.

The yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beresheim, Blackman, Bliss, Booth, Cadwell, Caldwell, Crawford, Danforth, Davis, Davisson, Day, Dayton, Duffie, Dumont, Ericson, Fleuniken, Freeman, Green, Hall, Hanan, Heberling, Hewett, Hilton, Leahy, Litzenberg, McClure, Mills, O'Donnell, Perkins, Reuther, Rohlf's, Rule, Sandry, Secor, Skillen, Stow, Struthers, Tuttle, Van Deventer, Van Saun, Williams, Wright of Mills, and Yerger—45.

The nays were—

Messrs. Beatty of Jasper, Blakely, Bonewitz, Campbell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Draper, Duncan, Durham, Ellsworth, Evans, Goodspeed, Hanson, Hopkirk, Hovey, Irish, Kasson, Lee, McCoy, Newbold, Paul, Reed, Rice, Schweer, Stedman, Stewart, Tasker, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Van Buren, and Mr. Speaker—38.

Absent or excused—

Messrs. Ballinger, Beatty of Cedar, Bergh, Butler, Clark of Benton, Duncombe, Gear, Johnston, Keables, McAllister, Merrill, Miller, Peet, Teale, Whitten, and Wood of Story—16.

So the House refused to recede.

Mr. Hall moved that the House recede from all its amendments.

On the motion to recede the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beresheim, Blackman, Bliss, Booth, Caldwell, Crawford, Danforth, Davis, Davisson, Dayton, Duffie, Dumont, Flenniken, Green, Hall, Hanan, Heberling, Hewett, Hilton, Leahy, Lee, Mills, O'Donnell, Perkins, Reed, Reuther, Rhofs, Rule, Sandry, Secor, Skillen, Struthers, Tuttle, Van Deventer, Van Saun, Williams, Wilson J. F. of Keokuk, Wood of Clay, Wright of Mills, and Yerger—42.

The nays were—

Messrs. Beatty of Jasper, Blakely, Bonewitz, Caldwell, Campbell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Day, Draper, Duncan, Durham, Ericson, Evans, Freeman, Gear, Goodspeed, Hanson, Hopkirk, Hovey, Irish, Johnston, Kasson, Litzenberg, McClure, McCoy, Newbold, Paul, Rice, Schweer, Stedman, Stewart, Stow, Tasker, Tufts, Van Meter, Wilson C. C. of Keokuk, Wilson of Washington, Wright of Van Buren, and Mr. Speaker—42.

Absent or excused—

Messrs. Ballinger, Beatty of Cedar, Bergh, Butler, Clark of Benton, Duncombe, Ellsworth, Keables, McAllister, Merrill, Miller, Peet, Teale, Whitten, and Wood of Story—15.

So the House refused to recede.

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MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Senate File No. 35, A bill for an act making appropriations for the *per diem* and expenses of the Fourteenth General Assembly, adjourned session.

W. L. VESTAL, *First Ass't Sec'y.*

On motion of Mr. Kasson, the message was taken up, and S. F. No. 35, a bill for an act making appropriations for the *per diem* and expenses of the Fourteenth General Assembly, adjourned session, was read a first and second time and referred to the committee of ways and means.

Mr. Stow moved to reconsider the vote by which the House refused to recede from its amendments to title 10.

The motion prevailed.

Mr. Campbell, from committee of conference on H. F. 26, submitted the following report:

MR. SPEAKER—The committee of conference appointed to consider the disagreement of the two houses on Senate File No. 26, met, and after a full and free conference on the points at issue, were unable to agree.

J. DYSART,
WM. LARRABEE,
B. F. MURRAY,
On part of the Senate.

EDW'D CAMPBELL, JR.,
S. T. CALDWELL,
J. L. WILLIAMS,
On part of the House.

Mr. Gear, from conference committee, on title 23, submitted the following report:

To the Speaker of the House:

The committee of conference on the disagreeing votes of the two houses, on H. F. 23, title 23, relative to compensation of public officers, have met and after full and free conference, have agreed to and do now report to their respective houses the following:

1. That the House recede from its non-concurrence in Senate amendments on section 13, chapter 1.
2. That the Senate recede from its amendment in section 15, chapter 1, and restore original text.
3. That the Senate recede from its amendment, striking out "section 16, chapter," and restore the section.
4. That the Senate recede from its amendment to section 17, chapter 1, and restores the original text.
5. That the Senate recede from its amendment in section 23.
6. That the Senate recede from its amendments in section 8, chapter 2.
7. That the House concur in the Senate amendment, in line 6, section 4, chapter 3.
8. That the House concur in the Senate amendment in line 3, section 18, chapter 3.

9. That the House concur in the Senate amendment, in line 4, section 18, chapter 3.

JNO. H. GEAR,
JOHN BERESHEIM,
L. L. AINSWORTH,
Conferees on the part of the House.

J. G. VALE,
SAMUEL McNUTT,
J. L. McCORMACK,
Conferees on the part of the Senate.

On the adoption of the report of the committee the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beresheim, Blackman, Bliss, Booth, Cadwell, Caldwell, Danforth, Davisson, Dayton, Duffie, Dumont, Durham, Flenniken, Green, Hall, Hanan, Heberling, Hewett, Leahy, Lee, Litzenberg, McClure, Mills, Perkins, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Secor, Skillin, Stow, Struthers, Tuttle, Van Deventer, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Mills, and Yerger—44.

The nays were—

Messrs. Beatty of Cedar, Beatty of Jasper, Blakely, Bonewitz, Campbell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Day, Draper, Duncan, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Hanson, Hilton, Hopkirk, Hovey, Irish, Johnston, Newbold, O'Donnell, Paul, Schweer, Stedman, Stewart, Tasker, Tufts, Van Meter, Van Saun, Wilson of Washington, Wood of Story, Wright of Van Buren and Mr. Speaker—40.

Absent or excused—

Messrs. Ballinger, Bergh, Butler, Clark of Benton, Davis, Duncombe, Kasson, Keables, McAllister, McCoy, Merrill, Miller, Peet, Teale, Whitten—15.

So the report of the committee was not adopted.

The question recurring on the motion to recede from House amendments to title 10, the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Jasper, Beresheim, Blackman, Bliss, Booth, Cadwell, Caldwell, Cardell, Christoph, Crawford, Davis, Davisson, Day, Dayton, Duffie, Dumont, Duncan, Durham, Ericson, Evans, Flenniken, Freeman, Gear, Green, Hall, Hanan, Heberling, Hewett, Hilton, Hovey, Irish, Johnston, Litzenberg, McClure, Mills, O'Donnell, Perkins, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillin, Stewart, Stow,

Struthers, Tasker, Tufts, Tuttle, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wood of Clay, Wright of Mills, Wright of Van Buren, Yenger, and Mr. Speaker—63.

The nays were—

Messrs. Beatty of Cedar, Blakely, Bonewitz, Campbell, Clarke of Iowa, Close, Draper, Ellsworth, Goodspeed, Hanson, Hopkirk, Leahy, Lee, McCoy, Newbold, Paul, Reed, and Wilson of Washington—18.

Absent or excused—

Messrs. Ballinger, Bergh, Butler, Carver, Clark of Benton, Danforth, Duncombe, Kasson, Keables, McAllister, Merrill, Miller, Peet, Stedman, Teale, Van Meter, Whit-ten, and Wood of Story—18.

So the bill passed and the title was agreed to.

Mr. Evans moved that the House insist on its amendments and ask a committee of conference.

The motion prevailed.

The Speaker announced as such committee Messrs. Evans, Freeman and Hewett.

Mr. Ellsworth moved to reconsider the vote by which the House adopted the resolution in relation to final adjournment.

Mr. Tufts moved to postpone the consideration of the same.

The motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed without amendment H. F. No. 35, A bill for an act to legalize the sale of land sold by school fund to Otis Bigelow, of Clayton county, Iowa.

Also, H. F. No. 36, A bill for an act to legalize certain legal proceedings.

Also, that the Senate has agreed to the report of the conference committee on title 23.

W. L. VESTAL, *First Assistant Secretary.*

I am also directed to inform your honorable body that the Senate has passed without amendment the joint resolution in relation to State Agent, his duties, powers, etc.

W. L. VESTAL, *First Assistant Secretary.*

Mr. Campbell moved that a second committee of conference be appointed on the disagreeing vote of the two houses on S. F. No. 26.

The motion prevailed.

The Speaker appointed as such committee Messrs. Beresheim, Van Saun and O'Donnell.

Senate message H. F. No. 36 was taken up with Senate amendments thereto.

On concurring in Senate amendments the yeas and nays were as follows:

The yeas were—

Messrs. Appleton, Beatty of Jasper, Beresheim, Blakely, Bliss, Cardell, Carver, Christoph, Crawford, Danforth, Davisson, Day, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Flenniken, Freeman, Gear, Goodspeed, Hall, Hanan, Hanson, Hewett, Hopkirk, Hovey, Johnston, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, O'Donnell, Paul, Perkins, Reuther, Rice, Rohlf, Rule, Sandry, Schwehr, Secor, Skillen, Stewart, Struthers, Tasker, Tufts, Tuttle, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Van Buren, Yerger, and Mr. Speaker—64.

The nays were none.

Absent or excused—

Messrs. Ainsworth, Ballinger, Beatty of Cedar, Bergh, Blackman, Bonewitz, Booth, Butler, Cadwell, Caldwell, Campbell, Clark of Benton, Clarke of Iowa, Close, Davis, Dayton, Duncombe, Evans, Green, Heberling, Hilton, Irish, Kasson, Keables, McAllister, Merrill, Peet, Reed, Stedman, Stow, Teale, Van Deventer, Van Meter, Whitten, and Wright of Mills—35.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill:

H. F. No. 32, A bill for an act to relative to printing code of 1873, etc., with the following amendments:

1st. Add to section 1 as noted in the bill.

2d. Insert a new section as section 2 thereof as noted in the bill

3d. Add to section 5 as noted in the bill.

4th. Add to section 7 as noted in the bill.

In all of which amendments the concurrence of the House is respectfully asked.

J. A. T. HULL, *Secretary*.

Mr. Van Deventer submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill, and find the same correctly enrolled:

H. F. No. 17, title 17, A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

J. VAN DEVENTER, *Chairman.*

Senate Message H. F. No. 32, with Senate amendments thereto, was taken up and considered.

On concurring in the Senate amendments the yeas and nays were as follows :

The yeas were—

Messrs. Ainsworth, Appleton, Beresheim, Blakely, Bliss, Bonewitz, Booth, Cadwell, Cardell, Carver, Clarke of Iowa, Davison, Day, Dayton, Draper, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Mills, Newbold, O'Donnell, Paul, Perkins, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Struthers, Tasker, Tufts, Tuttle, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Yerger, and Mr. Speaker—72.

The nays were none.

Absent or excused—

Messrs. Ballinger, Beatty of Cedar, Beatty of Jasper, Bergh, Blackman, Butler, Caldwell, Campbell, Christoph, Clark of Benton, Close, Crawford, Danforth, Davis, Duncombe, Freeman, Hewett, Keables, McAllister, Merrill, Miller, Peet, Reed, Stow, Teale, Whitten, and Wright of Van Buren—27.

On motion of Mr. Irish the House went into committee of the whole on the resolution fixing time for payment of taxes, Mr. O'Donnell in the chair.

The Speaker took the chair for the purpose of receiving the following message from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has appointed Senators McNutt, Crary, and Allen, as the second committee of conference on the part of the Senate on the disagreeing votes of the two houses on S. F. No. 26.

W. L. VESTAL, *First Assistant Secretary.*

The committee arose and reported through their chairman that the committee had no recommendation to report and asked to be discharged.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill :

Senate substitute for file No. 27, "A bill for act to preserve the funds of the State institutions," with the following amendments :

Insert the word "been" after the word "now," in the first line of section 1.

Strike out the written part of section 1 and insert the original text.

Also, that the Senate has appointed Senators Murray, Beardsley and Kephart as a second conference committee on the part of the Senate on title 10.

W. L. VESTAL, *First Assistant Secretary.*

On motion of Mr. Irish the House took up substitute for S. F. No. 27, with amendments thereto.

On motion of Mr. Ainsworth the House refused to concur in Senate amendments.

Mr. Ericson, from committee on enrolled bills, submitted the following report :

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bills, to-wit :

H. F. No. 17, A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

C. J. A. ERIKSON, *for the Chairman.*

MR. SPEAKER—The committee on enrolled bills respectfully report they have this day presented to the Governor for his approval the following bills and a joint resolution :

Joint resolution in relation to the corner-stone of the foundation of the new capitol building.

Also, S. F. No. 28, A bill for an act to legalize the acts of the board of directors of the independent school district of the city of Maquoketa, in the county of Jackson, State of Iowa.

H. F. No. 17, title 17, A bill for an act to revise, amend and codify the statutes in relation to procedure in courts of original jurisdiction.

J. VAN DEVENTER, *Chairman.*

On motion of Mr. Irish a second committee of conference was appointed on substitute for S. F. No. 27.

The Speaker announced as such committee Messrs. Hall, Ainsworth and Leahy.

MESSAGE FROM THE SENATE.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate insists on its amendment to House amendments to substitute for S. F. No. 27, and has appointed Senators Lowry, Shane and Lovell as a committee of conference on the part of the Senate, and asks the appointment of a like committee on the part of the House.

W. L. VESTAL, *First Ass't Secretary.*

Mr. Evans from conference committee on title 10, submitted the following report :

MR. SPEAKER—The committee of conference on title No. 10, report that they have met and have agreed upon the following report:

1st. That the House recede from all its amendments that have not been concurred in by the Senate, except section designated as section 44, included in the thirteenth amendment of the House.

2d. That the House concur in Senate amendment to the ninth amendment of the House.

3d. That the Senate concur in the amendment of the House designated as section 44, in thirteenth amendment.

B. L. MURRY,
CHARLES BEARDSLEY,
E. B. KEPHART,

Conferees on the part of the Senate.

W. C. EVANS,
J. H. FREEMAN.
L. B. HEWITT,

Conferees on the part of the House.

On the adoption of the report of the conference committee, the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Bèresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Cadwell, Caldwell, Crawford, Davisson, Day, Dayton, Duffie, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Green, Hall, Hanan, Hanson, Heberling, Hewett, Hilton, Johnston, Leahy, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, O'Donnell, Perkins, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Stow, Struthers, Tasker, Tuttle, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk,

Wood of Clay, Wood of Story, Wright of Mills, Yerger, and Mr. Speaker—69.

The nays were—

Messrs. Campbell, Cardell, Clarke of Iowa, Danforth, Draper, Goodspeed, Hopkirk, Hovey, Irish, Lee, Paul, Tufts, Wilson of Washington—14.

Absent or excused—

Messrs. Ballinger, Bergh, Butler, Carver, Christoph, Clark of Benton, Close, Davis, Duncombe, Kasson, Keables, McAllister, Merrill, Peet, Teale, Whitten, and Wright of Van Buren—18.

So the report of the conference committee was adopted.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the report of the committee of conference on the disagreeing resolution of the two houses on House amendments as amended to title 10.

W. L. VESTAL, *First Assistant Sec'y.*

Mr. Kasson, from committee on ways and means, submitted the following report:

MR. SPEAKER—Your committee on ways and means, to whom was referred S. F. No. 35, A bill for an act making appropriations, etc., beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the House with the recommodation that it be amended as follows:

Section 4. Insert after "fees" in second line the word "and other expenses," and add at the end of said section, "to be paid on certificate of the chairman or clerk of said committee."

Section 5. Add at end thereof the words "to be paid on certificate of chairman or clerk of said committee."

Section 9. Amend by striking out all after the word "company," and insert "the amount due for telegrams ordered in the Rankin investigation to be paid on certificate of the chairmen of said committees."

Sec. 10. Add at end of section 10, the following: "For ninety-seven subscriptions for *School Journal* supplied to county superintendents, under school law, one hundred and one dollars and five cents."

Strike out section 11 and insert the following substitute:

"Sec. 11. To the Postmaster at Des Moines for postage on transient matter delivered to members of the 14th General Assembly at the adjourned session, the amount necessary therefor, to be paid upon a voucher in due form sworn to by said postmaster."

Add the following sections:

Section 14 $\frac{1}{2}$. For mileage of C. C. Wilson, member of the House from Keokuk county, \$30.00; of E. R. Duffie, member of the House from Sac county, \$42.00; of A. Yerger, member of the

House from Greene county, \$18.00; of D. B. Hanan, member of the House from Chickasaw county, \$67.50.

Section 14½. For compensation of Ed Wright as Chief of Enrolling corps at the rate of ten dollars per day, and of extra enrolling clerks at the rate of five dollars per day, the amount necessary therefor, to be paid out of the amount appropriated in section two of this act, on certificate of Ed Wright aforesaid.

Section 14½. For expenses of short-hand reporter in the third Senate investigating committee for three days, the sum of twenty-four dollars.

And being so amended that it do pass.

JOHN A. KASSON, *Chairman.*

Mr. Ainsworth moved to amend by inserting mileage for Mr. Hanson.

The motion prevailed.

The report was adopted.

Mr. Kasson moved to fill the blank against the name of C. C. Wilson with \$30, and the blank opposite the name of Mr. Duffie with \$42.00; that opposite the name of Hanan \$67.50, and that of Yerger, \$18.00.

The motion prevailed.

Mr. Van Deventer submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval the following bills, to-wit:

H. F. No. 33, A bill for an act to legalize the levy of taxes in the town of Hamburg, Fremont county, Iowa.

S. F. No. 29, A bill for an act to enable the school directors of the independent district of Muscatine to use a portion of the contingent fund for school-house purposes.

S. F. No. 33, A bill for act to amend chapter 175 of the acts of the Fourteenth General Assembly, approved April 22, 1872.

S. F. No. 30, A bill for an act to legalize the formation of the independent school district of Storm Lake, Buena Vista county, Iowa.

Also, joint resolution authorizing the capitol commissioners to employ one of their number as overseer of the work upon the capitol building.

J. VAN DEVENTER, *Chairman.*

Mr. Hall, from committee of conference on substitute for S. F. No. 27, submitted the following report:

To the Speaker of the House:

The committee of conference on the disagreeing votes of the two houses on substitute for S. F. 27 having met, after full and free conference, have agreed to and do now report and recommend.

That the Senate recede from its amendment striking out the written part of section 1.

And that section 1 be amended by inserting after [the word "otherwise," in the 14th line, the following: "Provided that any institution by its properly authorized executive committee may on the 1st day of each month draw not to exceed \$1000, to meet contingent expenses for the ensuing month, but in no case shall they have on hand at any one time more than \$1,000, including balances of the preceding month unexpended.

B. J. HALL,
L. L. AINSWORTH,
M. A. LEAHY.

Conferees on the part of the House.

ROBERT LOWRY,
JNO. SHANE,
GEORGE W. LOVELL,

Conferees on the part of the Senate.

On the adoption of the report the yeas and nays were as follows:
The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Jasper, Blackman, Blakeley, Bliss, Bonewitz, Booth, Cadwell, Caldwell, Cardell, Carver, Christoph, Clarke of Iowa, Crawford, Danforth, Davisson, Day, Dayton, Draper, Dumont, Duncan, Durham, Ericson, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, McCoy, Miller, Mills, Newbold, Paul, Reed, Reuther, Rice, Rohlf's, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Stow, Struthers, Tasker, Tufts, Tuttle, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Van Buren, Yerger, and Mr. Speaker—76.

The nays were none

Absent or excused—

Messrs. Ballinger, Beatty of Cedar, Beresheim, Bergh, Butler, Campbell, Clark of Benton, Close, Davis, Duffie, Duncombe, Ellsworth, Evans, Hanan, Keables, McAllister, Merrill, O'Donnell, Peet, Perkins, Teale, Whitten, and Wright of Mills—23.

Mr. Kasson moved to amend S. F. 36, the appropriation bill, by adding section 11.

The amendment was adopted.

Mr. Kasson moved to restore section 7 of the original bill.

The motion prevailed.

Mr. Kasson moved that the rule be suspended, the bill considered, engrossed, and read a third time now.

The motion prevailed.

The bill was read a third time. On the question "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Cadwell, Caldwell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Danforth, Davison, Dayton, Duffie, Dumont, Duncan, Durham, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Hewett, Hilton, Hovey, Irish, Johnston, Kasson, Leahy, Litzenberg, McClure, Miller, Mills, Newbold, Paul, Perkins, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Sewheer, Secor, Skillin, Stedman, Stewart, Stow, Struthers, Tufts, Tuttle, Van Deventer, Van Meter, Van Sun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Yerger and Mr. Speaker—73.

The nays were—

Messrs. Draper, Ellsworth, Hopkirk, Lee, McCoy, Tasker, Wood of Clay—7.

Absent or excused—

Messrs. Ballinger, Beatty of Cedar, Bergh, Butler, Campbell, Clark of Benton, Davis, Day, Duncombe, Heberling, Keables, McAllister, Merrill, O'Donnell, Peet, Teale, Whitten, Wright of Mills, Wright of Van Buren—19.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the report of the second committee of conference on the disagreeing vote of the two houses on title 11.

W. L. VESTAL, *First Ass't Secretary.*

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the report of the conference committee on the House amendment as amended to substitute for S. F. No. 27.

W. L. VESTAL, *First Ass't Secretary.*

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following joint resolution to enable the Governor to procure statistics on the subject of railway and other transportation, in which the concurrence of the House is asked:

W. L. VESTAL, *First Ass't Secretary.*

The Speaker submitted the following communication, which was placed on file:

CITIZEN'S NATIONAL BANK, }
DES MOINES, IOWA, Feb. 20, 1873. }

To the Speaker of the House of Representatives:

SIR:—For the honor of the State, we would regret very much to find the members of the General Assembly subject to personal inconvenience, for want of money in the Treasury at this juncture. They have honorably refused to give precedence to the warrants for their own pay. We beg you therefore to advise the members of your honorable body, that the warrants for their compensation, will be cashed at par, at the counter of the Citizen's National Bank, if presented by the members, on either Thursday or Friday of this week.

Very respectfully for the Directors of the Bank,
SAMUEL MERRILL, *President.*

Mr. Campbell submitted the following report:

MR. SPEAKER—Your committee of conference on the disagreeing vote on the Senate and House amendments to title 11 of the code, submit the following recommendation:

2d. That the Senate recede from its amendment to section 20, chapter 4, (page 21.)

3d. That the House recede from its disagreement to the Senate amendment to section 17, chapter 6, (page 26.)

4th. That the Senate recede from its amendments to sections 34, 35, 36, and 38, of chapter 6, (pages 30 and 31.)

5th. The committee recommend to strike out of chapter 9, section 1, line 3, the words "hereafter, on the first Monday of January, April, July and October in each year;" and strike out of line 4, in same section, the words, "on that day," and insert "as hereinafter provided;" and strike out the word "may," in line 5, of section 2, chapter 9, and insert the word "shall."

J. C. CHAMBERS,
C. BOOMER,
H. R. CLAUSSEN,
Of the Senate.

ED. CAMPBELL, JR.
S. T. CALDWELL,
C. CLOSE,
Of the House.

Mr. Van Deventer submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bills and find the same correctly enrolled:

S. F. No. 31, A bill for act to legalize the ordinances of the town of Newton.

S. F. No. 34, A bill for act to legalize the incorporation of the town of Osage, Iowa, and the election of officers of said incorporation.

J. VAN DEVENTER, *Chairman.*

On the adoption of the report of the conference committee on title 11, the yeas and nays were as follows:

The yeas were—

Messrs. Beresheim, Blackman, Blakely, Bonewitz, Booth, Cadwell, Caldwell, Campbell, Christoph, Close, Danforth, Duffie, Dumont, Fleniken, Hall, Heberling, Hilton, Mills, Paul, Reuther, Rohlf, Sandry, Schweer, Secor, Stewart, Tuttle, Van Saun, Yerger, and Mr. Speaker—29.

The nays were—

Messrs. Ainsworth, Appleton, Beatty of Jasper, Bliss, Cardell, Carver, Clarke of Iowa, Crawford, Davisson, Day, Dayton, Duncan, Durham, Ellsworth, Ericson, Evans, Freeman, Gear, Goodspeed, Green, Hanan, Hanson, Hopkirk, Hovey, Irish, Johnston, Leahy, Lee, Litzenberg, McClure, McCoy, Newbold, Perkins, Rice, Rule, Skillen, Stedman, Stow, Struthers, Tasker, Tufts, Van Meter, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, and Wright of Mills—49.

Absent or excused—

Messrs. Ballinger, Beatty of Cedar, Bergh, Butler, Clark of Benton, Davis, Draper, Duncombe, Hewett, Kasson, Keables, McAllister, Merrill, Miller, O'Donnell, Peet, Reed, Teale, Van Deventer, Whitten, and Wright of Van Buren—21.

So the report was not adopted.

The Speaker re-appointed the same committee as a third committee of conference on title 11.

Mr. Beresheim, from the conference committee on S. F. No. 26, submitted the following report:

To the Speaker of the House:

The committee of conference on the disagreeing votes of the two Houses on S. F. No. 26, report that they have had the same under consideration, and after a full and free conference, report to their respective Houses the following:

1. That the House adopt the Senate bill with the following amendments:

2. Insert in section 2 after the word "indorsement" in the sixth

line the words "also keeping a record of the names of the party or parties presenting such warrants with their postoffice address."

3. Insert in the same section in the fifteenth line after the word "Government" the words "and by mailing notice to the holder or holders of such warrants.

JOHN BERESHEIM,
G. B. VAN SAUN,
Conferees on part of the House.

SAMUEL McNUTT,
B. F. ALLEN,
O. W. CRARY,
Conferees on part of the Senate.

The following message was received from the Senate :

MR. SPEAKER—I am directed to inform your honorable body that the Senate has appointed Senators Chambers, Claussen and Boomer as a third committee of conference on the disagreeing votes of the two Houses on title 11.

W. L. VESTAL, *First Assistant Sec'y.*

Mr. Campbell, from the third committee of conference on title 11, submitted the following report :

The same report last submitted with this addition, that the House recede from its disagreement to the Senate amendment to section 17, title 11, chapter 6.

On the adoption of the report of the committee the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beresheim, Blakely, Bonewitz, Booth, Cadwell, Caldwell, Cardell, Carver, Christoph, Crawford, Dumont, Flenniken, Gear, Hall, Heberling, Litzenberg, McClure, Mills, Newbold, Paul, Perkins, Reed, Reuther, Rohifs, Sandry, Schweer, Stewart, Tuttle, Van Deventer, Van Saun, Williams, Wilson C. O. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wright of Mills, Yerger, and Mr. Speaker—38.

The nays were—

Messrs. Ainsworth, Appleton, Beatty of Jasper, Blackman, Bliss, Campbell, Clarke of Iowa, Close, Danforth, Davisson, Day, Dayton, Draper, Duncan, Durham, Ellsworth, Ericson, Evans, Goodspeed, Hanan, Hanson, Hilton, Hopkirk, Hovey, Irish, Johnston, Kasson, Leahy, Lee, McCoy, Miller, Reed, Rice, Rule, Skillen, Stedman, Stow, Struthers, Tasker, Tufts, Van Meter, Wood of Story—42.

Absent or excused—

Messrs. Ballinger, Bergh, Butler, Clark of Benton, Davis, Duffie, Duncombe, Freeman, Green, Hewett, Keables, McAllister, Merrill,

O'Donnell, Peet, Pratt, Secor, Teale, Whitten, and Wright of Van Buren—20.

So the bill was lost.

On the adoption of the report of the conference committee on S. F. No. 26, the yeas and nays were as follows :

The yeas were—

Messrs. Appleton, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Bonewitz, Booth, Cadwell, Caldwell, Campbell, Cardell, Carver, Clarke of Iowa, Close, Crawford, Danforth, Davis, Davisson, Day, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Gear, Goodspeed, Green, Hall, Hanson, Heberling, Hilton, Hopkirk, Hovey, Johnston, Kasson, Leahy, Lee, Litzenberg, McClure, Miller, Mills, Newbold, Perkins, Reed, Reuther, Rice, Rohlf, Rule, Sandry, Schweer, Secor, Stedman, Stewart, Struthers, Tasker, Tufts, Van Deventer, Van Meter, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, and Mr. Speaker—72.

The nays were—

Messrs. Ainsworth, Christoph, Dayton, Hanan, Irish, McCoy, Paul, Skillin, Stow, Tuttle, and Yerger—11.

Absent or excused—

Messrs. Ballinger, Bergh, Butler, Clark of Benton, Duffie, Duncombe, Hewett, Keables, McAllister, Merrill, O'Donnell, Peet, Teale, Whitten, Wright of Van Buren—16.

So the bill passed and the title was agreed to.

MESSAGES ON SPEAKER'S TABLE.

Joint resolution authorizing the Governor to gather information in relation to transportation, etc., was taken up and adopted.

Mr. Beresheim moved that when the House adjourn, it adjourn until to-morrow morning at 8 o'clock.

The motion prevailed.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the report of the third committee of conference on the disagreeing votes of the two houses on title 11.

W. L. VESTAL, *First Ass't Sec'y.*

MR. SPEAKER—I am directed to inform your honorable body that the Senate has agreed to the House amendments to S. F. No. 35, with the following amendments:

Add to section 14 $\frac{1}{4}$, "to Senator Rumble, for mileage, \$30; to Senator Lovell, \$66." For payment of deficiency in *per diem* of the postmaster, first session, twelve days, \$72.

Add to section 14 $\frac{3}{4}$, "for copy of report furnished, \$10," in which the concurrence of the House is asked.

Also, that the Senate has appointed Senators Leavitt, Atkins and Richards as the third committee of conference on the disagreeing votes of the two houses, on S. F. No. 26.

W. L. VESTAL, *First Ass't Secretary.*

On concurring in the Senate amendments to S. F. No. 35, the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Beresheim, Blackman, Blakely, Bliss, Booth, Caldwell, Cardell, Carver, Christoph, Clarke of Iowa, Close, Crawford, Davisson, Dumont, Durham, Ellsworth, Ericson, Freeman, Gear, Goodspeed, Green, Hall, Hanan, Hanson, Heberling, Hilton, Hovey, Irish, Johnston, Kasson, Lee, Litzenberg, McClure, Miller, Mills, Newbold, Paul, Perkins, Reed, Rice, Rule, Sandry, Schweer, Secor, Skillin, Stedman, Stewart, Stow, Struthers, Tasker, Tufts, Tuttle, Van Deventer, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Yerger, and Mr. Speaker—64.

The nays were—

Messrs. Cadwell, Campbell, Day, Evans, Hopkirk, Leahy, Van Meter, and Wright of Mills—8.

Absent or excused—

Messrs. Ballinger, Bergh, Bonewitz, Butler, Clark of Benton, Danforth, Davis, Dayton, Draper, Duffie, Duncan, Duncombe, Flenniken, Hewett, Keables, McAllister, McCoy, Merrill, O'Donnell, Peet, Reuther, Rohlf, Teale, Whitten, Wood of Clay, Wood of Story, and Wright of Van Buren—27.

So the Senate amendments were concurred in.

On motion of Mr. Kasson a third conference committee was appointed on the substitute for S. F. No. 27.

The Speaker announced as such committee Messrs. Clarke of Iowa, Cadwell and Beatty of Jasper.

On motion of Mr. Newbold the House adjourned.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, IOWA, February 20th, 1873. }

House met pursuant to adjournment.

The Speaker in the chair.

Prayer by Rev. J. R. Murphy.

On motion of Mr. Newbold the reading of the journal was dispensed with.

Mr. Van Deventer, from committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

H. F. No. 35, A bill for an act to legalize the organization of the town of Missouri Valley, and the acts of the trustees, mayor, and recorder of said town.

S. F. No. 35, A bill for an act making appropriations for the per diem and expenses of the 14th General Assembly and for other purposes.

H. F. No. 34, A bill for act to legalize the sale of land sold by school fund to Otis Bigelow.

H. F. No. 36, A bill for an act legalizing certain proceedings.

H. F. No. 32, A bill for an act to provide for the publication, indexing, and distributing of the code.

And a joint resolution relative to the appointment of an agent to collect from the United States certain moneys, etc.

By leave, Mr. Hewett introduced H. F. No. 37, a bill for act to legalize the independent school district of Rutland, etc.

Read first and second times.

On motion of Mr. Hewett the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Beatty of Cedar, Beresheim, Bonewitz, Booth, Cadwell, Caldwell, Carver, Clarke of Iowa, Evans, Goodspeed, Heberling, Tuttle, Van Saun, Williams, Wilson C. C. of Keokuk, Wilson of Washington, Wright of Mills, Wright of Van Buren, and Mr. Speaker—19.

The nays were—

Messrs. Ainsworth, Appleton, Blakely, Bliss, Campbell, Close, Crawford, Davisson, Day, Durham, Ellsworth, Ericson, Freeman, Green, Hanan, Hilton, Hopkirk, Hovey, Irish, Lee, Litzenberg, McClure, McCoy, Newbold, Paul, Reed, Rohlf, Rule, Sandry, Skillin, Stedman, Stow, Struthers, Tasker, Tufts, Van Deventer, Van Meter, Wood of Story, and Yerger—39.

Absent or excused—

Messrs. Ballinger, Beatty of Jasper, Bergh, Blackman, Butler, Cardell, Christoph, Clark of Benton, Danforth, Davis, Dayton, Draper, Duffie, Dumont, Duncan, Duncombe, Flenniken, Gear, Hall, Hanson, Hewett, Johnston, Kasson, Keables, Leahy, McAllister, Merrill, Miller, Mills, O'Donnell, Peet, Perkins, Reuther, Rice, Schweer, Secor, Stewart, Teale, Whitten, Wilson J. F. of Keokuk, and Wood of Clay—41.

So the House refused to pass the bill.

By leave, Mr. Cadwell introduced H. F. No. 38, A bill to legalize the organization of the Logan Town Company.

Read a first and second time.

On motion of Mr. Cadwell the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Cedar, Beatty of Jasper, Blakely, Bonewitz, Booth, Cadwell, Campbell, Carver, Clarke of Iowa, Close, Draper, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Goodspeed, Green, Hanan, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Lee, Litzenberg, McCoy, Miller, O'Donnell, Perkins, Reed, Reuther, Rohlf, Rule, Sandry, Schweer, Secor, Skillen, Stow, Struthers, Tasker, Tufts, Tuttle, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Clay, Wood of Story, Wright of Mills, Wright of Van Buren, Yerger, and Mr. Speaker—57.

The nays were—Mr. Van Meter—1.

Absent or excused—

Messrs. Ballinger, Beresheim, Bergh, Blackman, Bliss, Butler, Caldwell, Cardell, Christoph, Clark of Benton, Crawford, Danforth, Davis, Davisson, Day, Dayton, Duffie, Dumont, Duncombe, Duncan, Gear, Hall, Hanson, Kasson, Keables, Leahy, McAllister, McClure, Merrill, Mills, Newbold, Paul, Peet, Rice, Stedman, Stewart, Teale, Van Deventer, Van Saun, Whitten, Williams—41.

So the bill passed and the title was agreed to.

Mr. Irish moved that a committee of three be appointed to wait upon the Governor and inform him that the House is now ready to adjourn.

The Speaker announced as such committee Messrs. Irish, Green, and Booth.

Mr. O'Donnell moved that a committee of three be appointed to wait on the Senate and inform that body that the House is now ready to adjourn.

The motion prevailed.

The Speaker announced as such committee Messrs. O'Donnell, Clark of Iowa, and Ellsworth.

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

Be it resolved by the General Assembly of the State of Iowa,
That all resolutions, legalizing acts, and all acts of a temporary or local character, passed at the adjourned session of the Fourteenth General Assembly shall be omitted from the code.

Mr. Ellsworth offered the following resolution, which was passed:

Resolved by the House of Representatives of Iowa, That we view with pleasure the promotion of the three members of this House recently elected to Congress; that in this promotion we recognize only a full expression of a just appreciation of the sterling integrity and legislative ability displayed by them in this body, and we further express our confidence that in their hands the interests of Iowa will be cared for and protected.

Mr. Irish, from committee appointed to wait upon the Governor, reported that the committee had performed that duty, and that the Governor had no further recommendation to make to the House.

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

Resolved, That the thanks of the House are due, and hereby tendered to the Speaker, James Wilson, for the able and impartial manner in which he has discharged the duties of presiding officer of this House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following bill, in which the concurrence of the House is asked:

Substitute for S. F. No. 26, A bill for an act to temporarily increase the rate of interest upon certain State warrants and to provide the order of their payment."

W. L. VESTAL, *First Ass't Secretary.*

Mr. Beresheim, from committee of conference on substitute for S. F. No. 26, submitted the following report:

MR. SPEAKER—Your committee on conference on disagreement of the two houses on S. F. No. 26, after a full conference, agreed to report and do report as follows:

That the accompanying substitute be adopted in lieu of the bill and House substitute and do pass.

JOHN H. LEAVITT,
B. B. RICHARDS,
CHARLES ATKINS,
Conferees on part of Senate

JOHN BERESHEIM,
J. C. CLARKE,
Conferees on part of House.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed without amendment the following bill:

H. F. No. 38, "A bill for an act to legalize the incorporation of the town of Logan, in Harrison county, Iowa."

W. L. VESTAL, *First Ass't Secretary.*

MESSAGES ON SPEAKER'S TABLE.

Substitute for S. F. No. 26, was taken up and read a first and second time.

On motion of Mr. Caldwell the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?" the yeas and nays were as follows:

The yeas were—

Messrs. Ainsworth, Appleton, Beatty of Jasper, Blackman, Blakely, Bonewitz, Booth, Cadwell, Campbell, Carver, Clarke of Iowa, Close, Draper, Dumont, Duncan, Durham, Ellsworth, Ericson, Evans, Flenniken, Freeman, Green, Hanan, Heberling, Hewett, Hilton, Hopkirk, Hovey, Irish, Johnston, Lee, Litzenberg, McClure, McCoy, Miller, Newbold, O'Donnell, Paul, Perkins, Reed, Reuther, Rohlf, Rule, Sandry, Schweer, Secor, Skillen, Stow, Struthers, Tasker, Tufts, Tuttle, Wilson C. C. of Keokuk, Wilson J. F. of Keokuk, Wilson of Washington, Wood of Story, Wright of Van Buren, Yerger, and Mr. Speaker—59.

The nays were—

Messrs. Goodspeed, and Van Meter—2.

Absent or excused—

Messrs. Ballinger, Beatty of Cedar, Beresheim, Bergh, Bliss, Booth, Caldwell, Cardell, Christoph, Clark of Benton, Crawford, Danforth, Davis, Davisson, Day, Dayton, Duffie, Duncombe, Gear, Hall, Hanson, Kasson, Keables, Leahy, McAllister, Merrill, Mills, Peet, Rice, Stedman, Stewart, Teale, Van Deventer, Van Saun, Whitten, Williams, Wood of Clay, Wright of Mills—38.

So the bill passed and the title was agreed to.

MESSAGE FROM THE SENATE.

The following message was received from the Senate:

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed without amendment, the following bill:

House File No. 37, "A bill for an act to legalize the formation

of independent school districts in Rutland township, Humboldt county, Iowa.

W. L. VESTAL, *First Ass't Secretary.*

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed without amendment the joint resolution excluding temporary and legalizing acts passed at the adjourned session, from the code of 1873.

W. L. VESTAL, *First Ass't Secretary.*

Mr. Van Deventer submitted the following report:

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bills and find the same correctly enrolled:

S. F. No. 6, title 2, A bill for an act to amend and codify the statutes in relation to revenue.

S. F. No. 10, title 10, A bill for an act to amend and codify the statutes in relation to internal improvements.

S. F. No. 12, title 12, A bill for act to amend and codify the statutes in relation to education.

H. F. No. 11, title 11, A bill for act to amend and codify the statutes in relation to the police of the State.

H. F. No. 23, title 23, A bill for an act to amend and codify the statutes in relation to compensation of officers.

J. VAN DEVENTER, *Chairman.*

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have this day presented the following bill to the Governor for his approval:

S. F. No. 31, A bill for act to legalize the ordinances of the town of Newton.

S. F. No. 34, A bill for an act to legalize the incorporation of the town of Osage, Iowa, and the election of officers of said incorporation.

J. VAN DEVENTER, *Chairman.*

Be it resolved by the House of Representatives, the Senate concurring, That the thanks of this General Assembly are due and are hereby tendered to the enrolling committees of the two houses and their employees for the promptness and efficiency with which they have discharged their duties.

MR. SPEAKER—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled:

H. F. No. 25, A bill for an act and joint resolution in relation to the duties of the Governor.

A bill for an act to legalize the incorporation of the town of Logan in Harrison county.

J. VAN DEVENTER, *Chairman.*

Mr. Van Deventer offered the following resolution, which was adopted :

Resolved by this House, That we tender to Hon. J. A. Kasson our thanks, for his kind and efficient labors as chairman of committee of the whole.

Mr. Wood of Clay offered the following resolution, which was adopted :

Resolved by the House of Representatives of the State of Iowa, the Senate concurring, That from and after the first day of January, 1874, it shall be deemed unlawful and contrary to public policy for any person to have more than two children, and that all over that number shall be deemed illegitimate and escheat to the State, and be placed immediately in the "foundlings' home."

MESSAGE FROM THE SENATE.

The following message was received from the Senate.

MR. SPEAKER—I am directed to inform your honorable body that the Senate has passed the following concurrent resolution in which the concurrence of the House is asked ;

Concurrent resolution in relation to the publication of the school laws in pamphlet form.

W. L. VESTAL, *First Ass't Secretary.*

The above resolution relating to the printing of the school laws was adopted.

Mr. Van Deventer, from the committee on enrolled bills, submitted the following report :

MR. PRESIDENT—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval, H. F. No. 37, An act legalizing the forma independent school district of Rutland, Humboldt county, Iowa, and a joint resolution relating to the publication of the laws.

JOHN BERESHEIM, *Chairman.*

MR. PRESIDENT—The committee on enrolled bills ask leave to report that they have examined the following bill and find the same correctly enrolled :

H. F. No. 25, A bill for an act and joint resolution giving the Governor certain powers.

Also H. F. No. 38, A bill for an act to legalize the corporati of the town of Logan in Harrison county.

J. VAN DEVENTER, *Chairman.*

MR. SPEAKER—The committee on engrossed bills ask leave to report that they have this day presented the following bills to the Governor for his approval :

Joint resolution, etc., for general instructions, etc.

H. F. No. 38, A bill for an act to legalize the incorporation of the town of Logan in Harrison county.

J. VAN DEVENTER, *Chairman.*

Resolved, That the thanks of the members of this House are due and are hereby tendered to the president and directors of the Citizen's National Bank of Des Moines for their generous proposal to pay the State warrants issued for the *per diem* of the members at the present session.

Mr. Van Deventer from the committee on enrolled bills, submitted the following report :

MR. SPEAKER:—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval :

House File No. 35, A bill for an act to legalize the organization of the town of Missouri Valley and the acts of the trustees, mayor, and recorder of said town.

Senate File No. 35, A bill for act making appropriations for the *per diem* and expenses of the 14th General Assembly and for other purposes.

House File No. 34, A bill for an act to legalize the sale of land by school fund to Otis Bigelow.

House File No. 36, A bill for an act legalizing certain proceedings.

Senate File No. 36, A bill for an act to provide for the publication, indexing and distribution of the code, and a joint resolution relative to the appointment of an agent to collect from the United States certain moneys, etc.

J. VAN DEVENTER, *Chairman.*

Mr. Van Deventer, from the committee on enrolled bills, submitted the following report :

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor, for his approval :

S. F. No. 6, title 2, A bill for an act to amend and codify the statutes in relation to revenue.

S. F. No. 10, title 9, A bill for an act to amend and codify the statutes in relation to internal improvements.

S. F. No. —, title 12, A bill for an act to amend and codify the statutes in relation to education.

H. F. No. 11, title 11, A bill for an act to amend and codify the statutes in relation to the police of the State.

H. F. No. 23, title 23, A bill for an act to amend and codify the statutes in relation to the compensation of officers.

J. VAN DEVENTER, *Chairman.*

Mr. Van Deventer, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER—The committee on enrolled bills respectfully report that they have this day presented to the Governor for his approval joint resolution in relation to the publication of the laws.

Also, A bill for an act legalizing the formation of an independent school district in Rutland township, Humboldt county, Iowa.

J. VAN DEVENTER, *Chairman.*

Mr. Tufts moved that the House adjourn.

The motion prevailed.

After prayer by Representative Blakely, the House adjourned without day.

AMENDMENTS

TO THE

*REPORT OF THE CODE COMMISSIONERS MADE
BY THE GENERAL ASSEMBLY.*

TITLE 1.

CHAPTER 2.

In section 8, line 2, strike out "and adjourned," and insert "session." In line 6, strike out the words "or adjourned." In line 7, strike out "eight," and insert "seven." In line 9, strike out "seven" and insert "six." In line 11, strike out "and their assistants."

CHAPTER 3.

Strike out sections 17, 18, and 19. Section 20, line 1 strike out "such"; also, "and those."

TITLE 2.

CHAPTER 1.

Sec. 4, line 1, insert after "murder" the words "or arson."

CHAPTER 5.

Sec. 7. Add to the end of the section the words "subject to prior rights accrued without notice."

CHAPTER 6.

Sec. 9. The laws, journals, and all other printing in book form shall be printed in long primer type, except the head-notes and

indexes, which shall be in brier type, the pages whereof shall contain not less than seventeen hundred and fifty ems of solid matter, and all rule and figure work shall be printed either in brier or nonpariel, as may be ordered by the officer ordering the work. Whenever a subject is commenced, whether it be the name of a member or otherwise, the subject matter shall follow in the same line, unless such line is filled by such word. The report of each motion or resolution shall be embraced in one paragraph, and where the yeas and nays are given, each division list shall be in one paragraph, with the names run in alphabetically, and the result given in the last line.

Sec. 11, line 1, insert after "certify" the words "under oath." Add to the end of the section the words "and no work shall be paid for until such certificate shall be furnished."

CHAPTER 8.

Sec. 10, line 4, insert after "instruction" the words "attorney general and State librarian."

In lines 7 and 8 strike out the words "shall be signed by the secretary of state."

Strike out all of the original chapter nine.

CHAPTER 9.

Sec. 10, line 4, strike out the words "out of the State."

Sec. 10, line 8, insert after "office," as it occurs the second time, the words "and one copy to each newspaper in the State."

Sec. 12, in line 3, insert after the word "appointed" the words "by him or."

Add to the end of the section the words "and it shall be the duty of the governor to see that such inspection of the office of state treasurer is made at least four times in every twelve months."

TITLE 3.

CHAPTER 1.

Sec. 3, line 2 strike out "and," and insert after "Washington" the words "and Keokuk."

Sec. 4, line 2, strike out all after the word "shall," and insert "be heard at the next term of each court, unless transferred by agreement of parties to some other place named in section one hereof."

Add to sec. 13, "and no case shall be reported except by order of the full bench."

CHAPTER 4.

Sec. 2, line 1, after the word "prepare" insert "for publication."

Sec. 6, line 5, insert after "thereof" "and one copy to each county in the State." In line 6, strike out "eighty" and insert twenty."

CHAPTER 5.

Sec. 4, line 2, strike out "together with the district attorney."

Sec. 19, in line 7, after the word "state" insert "to each of the judges of the supreme court." In line 13, add "but shall not take effect until ninety days after their entry of record."

Strike out all of section 20.

Add an additional "Section 24:—The circuit judge having jurisdiction in counties having two county seats shall hold terms for probate business at each of said county seats."

CHAPTER 6.

Strike out all of sections 7, 8, 9, 10.

CHAPTER 7.

Sec. 5, add subdivision "and a book in which an index of all liens in district or circuit courts shall be kept."

Sec. 8, line 1, after the word "make" insert "in the appearance docket."

In line 2, strike out "pleas" and insert "petitions."

CHAPTER 8.

Sec. 1, line 8, strike out "venue" and insert "place of trial."

CHAPTER 9.

Sec. 10, line 1, strike out "three" and insert "ten." In line 2, strike out "furnishes any party interested" and insert "files with the clerk." Add to end of same section "or written contract with the party for whom the services were rendered."

CHAPTER 11.

Sec. 5, line 1, strike out "have the right to." In line 3, insert after "officer," the words "or other officer authorized to administer oaths."

Sec. 10, line, 5, strike out "created by the laws of the United States, or in a savings bank," and insert "with the consent of the parties in interest."

TITLE 4.

CHAPTER 1.

Sec. 12. Whenever bonds, issued under this chapter, shall be duly executed, numbered consecutively and sealed, they shall be delivered to the county treasurer and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him and the proceeds thereof, and it shall be his duty to sell the same or exchange them on the best available terms for any legal indebtedness of the county, outstanding on the first day of January 1872; but in neither case for a less sum than the face value of the bonds and all interest accrued on them at the date of such sale or exchange. And if any portion of the said bonds are sold for money the proceeds thereof shall be applied exclusively to the payment of liabilities existing against the county at and before the date above named. When they are exchanged for warrants and other legal evidences of county indebtedness, the treasurer shall at once proceed to cancel such evidences of indebtedness by indorsing on the face thereof, the amount for which they were received, the word "cancelled" and the date of cancellation. He shall also keep a record of bonds sold or exchanged by him by number, date of sale, amount, date of maturity, the name and postoffice address of purchasers, and, if exchanged, what evidences of indebtedness were received therefor, which record shall be open at all times to the inspection of the public. Whenever the holder of any bond shall sell or transfer it, the purchaser shall notify the treasurer of such purchase, giving at the same time the number of the bond transferred and his postoffice address; and every such transfer shall be noted on the record.

The treasurer shall also report under oath to the board at each regular session, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange; and when exchanged, a list or description of the county indebtedness exchanged therefor and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as moneys received on bond fund, and so entered by him in his books; but such bonds shall not be exchanged for any indebtedness of the county except by the approval of the board of supervisors of said county.

Section 13, line 3, insert after "bonds" the words "issued in conformity with the provisions of this chapter."

CHAPTER 2.

Section 1, line 2, strike out "seven" and insert "six."

Section 2, line 1, insert after "be" the words, "at least."

Section 6, line 1, insert after "may" the words "and when petitioned to do so by one-fourth of the electors of said county shall."

Add to end of same section the words, "in any county where the number of supervisors has been increased to "five" or "seven," the board of supervisors, on the petition of one-fourth of the legal voters of the county, shall submit to the qualified voters of the county at any regular election the question, "shall the number of supervisors be reduced to "five" or "three." If a majority of the votes cast shall be for the decrease, then the board of supervisors shall be reduced to the number indicated by such vote, and thereafter there shall be annually elected the number requisite to keep the board full.

Section 10, line 1, strike out "lawful" and insert "regular."

In line 58, strike out "fifteen" and insert "twelve."

In line 61, insert after "between" the words "any two counties in this state and between."

In line 64, strike out "twenty-five," and insert "fifteen."

Section 14, strike out all of section fourteen and insert the following:

"SEC. 14. The board of supervisors shall, at the January session of each year, select two newspapers published within the county, or one, if but one be published therein, having the largest circulation in the county where published, in which the proceedings of said board shall be published at the expense of the county, and in counties having 18,000 inhabitants, a paper printed in a foreign language, if published in said county, shall also be selected in which such proceedings shall be published, and the auditor shall furnish such papers selected, a copy of such proceedings for that purpose: *Provided*, that the cost of such publication shall not exceed one-third the rate allowed by law for legal advertisements."

Section 16, line 3, insert after "buildings" the words "whether any species of stock not now prohibited by law shall be permitted to run at large, and at what time it shall be prohibited."

CHAPTER 3.

Section 7, add to the end of the section the words, "the auditor and his deputy are prohibited from acting as attorney either directly or indirectly in any matter pending before the board of supervisors."

CHAPTER 4.

Section 6, line 3, insert after "preserved" the word "for."

CHAPTER 5.

Sec. 2, add to the end of the section the words "provided the the number of inhabitants in such county does not exceed 10,000."

CHAPTER 7.

Sec. 15, line 2, insert after "justice," as it occurs the second time, the words "such justice shall cause an information to be filed against him and the same proceedings shall be had as in other cases under information, and."

Sec. 20, line 2, strike out "may," as it occurs the second time, and insert "shall."

CHAPTER 8.

Sec. 7, strike out the words "where it is now done."

CHAPTER 9.

Sec. 11, line 2, strike out "two," as it occurs the second time, and insert "one."

Sec. 15, add to the end of the section the words, "and shall have charge of all cemeteries within the limits of their township dedicated to public use, when the same is not controlled by other trustees or incorporated bodies."

Sec. 33, line 1, strike out "four" and insert "seven."

In line 9, strike out the words "has not been adopted, or has been repealed," and insert "is not in force."

Sec. 37, line 1, strike out "shall be a board of health and as such."

Sec. 39, strike out "board," wherever it occurs, and insert "trustees."

Sec. 40, strike out "board" and insert "trustees."

Sec. 41, strike out "board of health" and insert "trustees."

Sec. 42, line 1, insert after "expenses," the words "now or hereafter." In the same line insert after "powers," the words "heretofore or."

Strike out "board of health," wherever it occurs and in same section insert "trustees."

CHAPTER 10.

Sec. 7, line 1, insert after the word "nearly," the word "as."

Sec. 11. When any incorporated city shall desire to annex to such corporation any abutting and contiguous territory thereto

which is not embraced within the limits of any city, and which territory has been laid out in lots or parcels containing two acres or less, the council of such corporation may present to the circuit court of the county in which such city is situated, a petition setting forth the facts and describing the territory that is desired to be annexed, and that the same has been laid out as above mentioned together with the names of each owner of any portion of such territory without describing at length, if there is more than one owner the particular portion of such territory owned by each, which petition shall have attached thereto a map or plat of such territory. A notice of the filing of such petition shall be served by publication in one daily or weekly newspaper published in such city and by posting in five public places in the territory outside of said city for the period of four weeks, and the corporation shall be plaintiff and said owners defendants and issues joined and the cause tried in the ordinary manner, as far as applicable, except that no judgment for costs shall be rendered against any defendant who does not make any defense.

If the court find the allegations of the petition to be true and that justice and equity require that said territory or any part thereof should be annexed to such corporation, a decree shall be entered accordingly, and from the time of entering such decree the territory therein described shall be included in and become a part of such corporation. All the powers conferred under the provisions of this section shall also apply to cities acting under special charter.

Sec. 12. When any incorporated city or town shall desire to be annexed to another and contiguous incorporated city or town, the council or trustees of each of such cities or towns shall appoint three commissioners to arrange and report to such council or trustees respecting the terms and conditions on which the proposed annexation can be made, and if the council or trustees of each of such cities or towns approve of the terms and conditions proposed they shall by proper ordinance, so declare, and thereupon the council or trustees of each of such cities or towns by ordinance passed at least one month prior to the general annual election therein may submit the question of such annexation upon the said terms and conditions so proposed to the electors of their respective cities or towns, and if a majority of the electors of each vote in favor of such annexation, the council or trustees of each, shall, by proper ordinance so declare and a certified copy of the whole proceedings for annexation of the city or town to be annexed being filed with the clerk or recorder of the city or town to which the annexation is made; it shall be the duty of the latter to file with the secretary of State and in the recorder's office of the county, a certified copy of all proceedings had by both of such cities or towns in the matter of such annexation.

Sec. 30, add to the end of the section the words, "no more than one such election shall be held in the same year."

Sec. 36, line 4, insert after "streets" the words "to regulate the speed of trains and locomotives on railroads running over the streets or through the limits of the city or incorporated town by ordinance and enforce the same by a fine not exceeding one hundred dollars."

Sec. 41. Add to the end of the section the words "but no appropriation of money can be made under this section unless the proposition is submitted to a vote of the people; and at a municipal election of such city or town the question, "shall the city or town council," as the case may be, "accept the benefit of the provisions of this section."

Sec. 43, line 2, insert after "regulate" the words "license or tax."

In line 3, insert after "regulate" the words "and tax."

Sec. 44. Add to the end of the section the words "they shall also have the power to authorize or forbid the location and laying down of tracks for railroads and street railways on all streets, alleys and public places, but no railroad track can thus be located and laid down until after the injury to property abutting upon the street, alley, or public place upon which such railroad track is proposed to be located and laid down has been ascertained and compensated in the manner provided for compensation of injuries arising from regrade of streets in section forty-nine of this chapter."

Sec. 49, line 20, strike out the words "district or."

Sec. 50, line 1, insert after "condemn" the words "and pay for out of the general fund."

In line 2, insert after "squares" the word "streets."

Section 55, line 14, strike out "shall" and insert "said."

Sec. 59. Add to the end of the section the words "the provisions and powers conferred in this chapter from section 45 to section 59 inclusive, shall apply to cities acting under special charter."

Sec. 61, line 1, strike out "foregoing" and insert the words "three preceding."

Sec. 71, line 5, strike out "as" and insert "or."

Sec. 72, line 1, insert after "by-law," the word "or."

Sec. 79, line 2, strike out "five" and insert "three."

Sec. 85, line 1, strike out "all cities and," and insert "each city or."

Sec. 125. Add to the end of the section the words "on the trial whereof the appellate court shall take judicial notice of the ordinances of the city."

CHAPTER 11.

Sec. 2, line 7, insert after "construed" the word "as."

CHAPTER 12.

Substitute for section 1. It is hereby made the duty of every original owner or proprietor of any tract or parcel of land, who has heretofore subdivided or shall hereafter subdivide the same into three or more parts for the purpose of laying out any town or city, or any addition thereto; or any part thereof, or suburban lots, to cause a plat of such sub-division, with references to known or permanent monuments, to be made, which shall accurately describe all the sub-divisions of such tract or parcel of land, numbering the same by progressive numbers, and giving the dimensions in length and breadth thereof, and the breadth and courses of all the streets and alleys established therein. Descriptions of lots or parcels of land in such sub-divisions according to the number and designation thereof on said plat, contained in conveyances or for the purposes of taxation, shall be deemed good and valid for all intents and purposes.

The duty to file for record a plat as provided herein, shall attach as a covenant of warranty in all conveyances of any part or parcel of such sub-divisions by the original owner or proprietors against any and all assessments, costs and damages paid, lost or incurred by any grantee, or person claiming under him in consequence of the omission on the part of said owner or proprietor to file such plat.

Substitute for section 2. Every such plat shall contain a statement to the effect that the above or foregoing sub-division of—here insert a correct description of the land or parcel sub-divided—as appears on this plat, is with the free consent and in accordance with the desire of the undersigned owners and proprietors, which shall be signed by the owners and proprietors, and shall be duly acknowledged before some officer authorized to take the acknowledgments of deeds; and when thus executed and acknowledged, said plat shall be filed for record, and recorded in the office of the recorder of the proper county.

Substitute for section 10. Whenever the original owner or proprietors of any sub-divisions of land as contemplated in section one of this chapter have sold or conveyed any part thereof or invested the public with any rights therein, and have failed and neglected to execute and file for record a plat as provided in section one of this chapter, it shall be the duty of the county auditor to notify some or all of such owners and proprietors by mail or otherwise, and demand the execution of said plat as provided; and if such owners or proprietors, whether so notified or not, fail and neglect to execute and file for record said plat for thirty days after the issuance of such notice, the auditor shall be authorized and required to cause to be made the plat of such sub-division, and any surveying necessary therefor. Said plat shall be signed and acknowledged by the auditor, who shall certify that he executed it by reason of

the failure of the owners or proprietors named to do so and filed for record, and when so filed for record, shall have the same effect for all purposes, as if executed, acknowledged and recorded by the owners or proprietors themselves. A correct statement of the costs and expenses of such plat, surveying and recording, verified by oath, shall be by the auditor laid before the first session of the board of supervisors, who shall allow the same, and order the same to be paid out of the county treasury, and who shall, at the same time, assess the said amount, *pro rata*, upon all the several subdivisions of said lot or parcel so sub-divided; and said assessment shall be collected with, and in like manner as the general taxes, and shall go to the general county fund; or said board may direct suit to be brought in the name of the county before any court having jurisdiction, to recover of the said original owners or proprietors, or either of them, the said cost and expense of procuring and recording said plat.

Substitute for section 11. Whenever any congressional subdivision of land of forty acres or less, or any lot or sub-division is owned by two or more persons in severalty, and the description of one or more the different parts or parcels thereof cannot, in the judgment of the county auditor, be made sufficiently certain and accurate for the purposes of assesment and taxation, without noting the metes and bounds of the same; it shall be the duty of the auditor to require and cause to be made and recorded, a plat of such tract or lot of land, with its several sub-divisions, in accordance with the provisions of this chapter. And he shall proceed in such cases according to the provisions of section ten, and all the provisions of said section in relation to plats of towns and cities, etc., shall govern as to the tracts and parcels of land in this section referred to.

Substitute for section 12. Every conveyance of land in this State shall be deemed to be a warranty that the description therein contained is sufficiently definite and accurate to enable the auditor to enter the same on the plat book required by law to be kept. And when there is presented to be entered on the transfer book, any conveyance in which the description is not, in the opinion of the auditor, sufficiently definite and accurate, he shall note said fact on said deed, with that of the entry for transfer, and shall notify the person presenting the same that the land therein is not sufficiently described, must be plated within thirty days thereafter. Any person aggrieved by the opinion of the auditor, may, within said thirty days, appeal therefrom to the board of supervisors, by claiming said appeal in writing, and thereupon no further proceeding shall be taken by the auditor; and at their next session, the board of supervisors shall determine said question and direct whether or not said plat shall be executed and filed, and within what time, and if the grantor in such conveyance shall neglect for thirty days thereafter to file for record a plat of the said land, and

of the appropriate congressional sub-division in which the same is found duly executed and acknowledged as required by the auditor, or in case of appeal as directed by the board of supervisors, then the auditor shall proceed as is provided in section ten of this chapter, and cause such plat to be made and recorded; and thereupon the same proceedings shall be had, and rights shall accrue, and remedies had as are in said section provided. Such plat shall describe said tract of land, and any other sub-divisions of the smallest congressional sub-division of which the same is part; numbering them by progressive numbers, setting forth the courses and distances and number of acres, and such other memoranda as are usual and proper; and descriptions of such lots or sub-divisions according to the number and designation thereof on said plat, shall be deemed good and sufficient for all purposes of conveyancing and taxation.

Add to end of section 13 the following words: "and all plats heretofore filed for record and not subsequently vacated, are hereby declared valid, notwithstanding irregularities and omissions in the manner or form of acknowledgement, or judges certificate; but the provisions of this section shall not affect any action, or proceeding now pending."

TITLE 5.

CHAPTER 1.

Section 18, line 1, after word "peace" insert, "and two constables."

Section 19, line 1. Strike out "two constables," and insert after "assessor" the words, "and one road supervisor in each civil township in this State."

CHAPTER 2.

Section 4, line 6. Strike out "they shall be in," and insert "their." Also strike out "for this purpose" and insert "shall be."

In seventh line, after "deem" insert "the lists and."

Add the additional "Section 9. This chapter shall not apply to townships, incorporated towns, or cities having a population of less than six thousand inhabitants as shown by the last preceding census."

CHAPTER 3.

Section 4, line 1. Strike out "and two clerks." In line 2, after "September" insert "and there shall be two clerks of election, one

of whom shall be the township clerk and the other some elector named by him; and if the township clerk does not attend, then the two clerks shall be chosen by the judges of election.

Section 16, line 1. After "judges" insert "in election precincts where the registry law is in force." In line 4, after "of" insert "one."

Line 6, after "or" insert "in."

Add to end of section, "and all such affidavits may be administered by either of the judges or clerks of the election."

Section 20, line 2. Strike out all of section after the word "election."

Section 27, line 2. Insert before "shall" "in cases where such registry is required by law."

Section 32, line 1. Strike out "sixth" and insert "third." In line 2, strike out "seventh" and insert "fourth." Line 3, strike out "on allowance."

Section 53, line 3. After "the" insert "day of."

CHAPTER 5.

Section 2, line 2. Strike out "the presiding officer of such convention or by any judge of a court of record, and insert "a judge of the supreme court."

Sec. 4, add to end "and unless elected by the people shall be commissioned by the Governor."

Sec. 9, line 1, after words "sum of" insert "not less than." Line 3, after words "sum of" insert "not less than." Line 4, strike out "one" and insert "not less than three." Line 5, after words "sum of" insert "not less than." Line 6, after words "sum of" insert "not less than." Line 7, after words "sum of," insert "not less than." Between lines 7 and 8, insert "of the register of the state land office in the sum of not less than five thousand dollars." Line 8, after words "sum of" insert "not less than." Line 9, after words "sum of" insert "not less than." Line 10, after words "sum of" insert "not less than."

Line 11, after words "sum of," insert "not less than."

Strike out lines 13, 14, 15, 16, 17.

In line 18, after word "treasurers" insert "clerks of the district and circuit courts, county recorders, coroners, county surveyors and township assessors."

In line 20, after "treasurer," insert "clerks of the district and circuit courts, and auditor."

Sec. 11, line 2, strike out "and township" and after the word "officers" insert and "township clerk." In line 3, after "supervisors" insert "township officers by the township clerk."

Add to end of section 11, "but in case the board of supervisors should decide that a bond to be approved by them is insufficient, or

such bond is not approved the first day of the session, then a reasonable time, not to exceed five days, is to be allowed the officer elect to supply a sufficient bond or approve the same."

Sec. 12, add to end of section the words "at the time the same was presented to them for approval would have been."

Add to end of section 15, "and it shall be considered a misdemeanor for any officer who is required to give bond to act in such official capacity without giving such bond as is provided by law, and he shall be liable to a fine for an amount not exceeding the amount of the bond required of him."

Sec. 21, line 1, after word "directed" insert "but when the re-elected officer has had public funds or property in his control under color of his office, his bond shall not be approved until he has produced and fully accounted for such funds and property to the proper person to whom he should account therefor; and it shall be the duty of the officer or board approving the bond, to endorse upon the bond before its approval the fact that the said officer has fully accounted for and produced all funds and property before that time under his control as such officer."

CHAPTER 6.

Sec. 8, line 3, after "statement" strike out the words "and bond."

Sec. 9, line 2, after "election" insert "who shall be sworn in manner and form as petit jurors are in trials of civil action."

Sec. 21, line 1, insert "clerk of" after "the" where it occurs the second time in the line.

CHAPTER 7.

Add to section 1, subdivision 8, "for a failure to produce and fully account for all public funds and property in his hands at any inspection or settlement."

Sec. 15, line 1, after "aforesaid" insert "or under the provisions of section 12, of chapter 9, title 2, of this code."

TITLE 6.

CHAPTER 1.

Sec. 1, line 3, strike out "census board" and insert "executive council."

Line 4, strike out "and one-half."

In line 7, after the word "than," where it occurs the second time, strike out "two" and insert "three."

Sec. 2, line 8, after the word "all" insert "public libraries."

In line 11, after "agricultural" insert "charitable institutions and benevolent."

At the end of line 19 strike out "one" and insert "three."

Line 20, strike out "thousand" and insert "hundred."

Line 25, after the word "opinion" insert "and the facts on which it is based."

In line 26, after "equalization," insert "by the assessor or any other person."

In line 29 strike out "five" and insert "three."

Sec. 3, line 2, strike out "eight" and insert "twelve."

Sec. 4, line 1, after "taxation" insert "for any one year."

In line 3, strike out "half" and insert "one-fourth."

Also, after the word "each," as it occurs the second time, insert "one-fourth."

Line 5, strike out "half" and insert "fourth."

Also, after "highway," insert "such board before granting any of the exemptions contemplated in this section, shall establish rules as to the method of planting and cultivating such hedges and trees, and the numbers of the same to the mile or acre, and persons claiming such exemption shall bring satisfactory proof that such rules have been complied with."

Strike out all after "highway" in the same line up to "but" in the seventh line."

In line 7, after "have," insert the words "any personal property."

In line 8, after the word "his" insert "real." Also after "this" insert the words "and the foregoing"; also after "of" insert the word "nursery."

Sec. 5, line 3, after "said" insert the words "property shall not have been sold for taxes or if said."

Sec. 6, line 8, strike out "one thousand" and insert "three hundred"; also insert after "carriages" the words "threshing machines."

In line 9, strike out "and"; also after "tools" insert the words "and professional libraries"; also strike out "five" and insert the word "three."

Sec. 12, line 1, after "stock" insert "and mutual."

Add to end of section 14, "nor shall real estate occupied for and used as a public highway, be assessed and taxed as part of adjacent lands whence the same was taken for such public purpose."

Sec. 15, line 2, strike out "aforesaid," and insert the word "provided." Insert after "chapter," in same line, the word "five."

Sec. 16, line 1, after "personal," insert the words "including their franchises."

Sec. 19, line 1, strike out "personal property."

Sec. 21, line 2, after "manufacturing" insert the words "packing of meats."

Sec. 27, last line, after "highway," insert the words, "independ-

ent school districts, district townships or." In same line strike out "and."

Substitute for section 30. "Each assessor shall, on or before the first Monday in April of each year, deliver to the clerk of his township, one of the assessment books to be used by the trustees for the equalization of assessments, and for the levy of taxes for township and highway purposes. Said book shall have the several columns of numbers and values correctly footed up, and amount of personal property assessed to each person carried forward into a column under the head of Total Personal Property; the other book he shall return to the office of the county auditor, on or before the third Monday in May of each year, which book shall be a correct copy of the first, after the same has been corrected by the township board of equalization."

Sec. 32. "The Auditor of State is hereby authorized and required to cause to be published in pamphlet form the revenue laws of this State, for the benefit of township assessors; and shall cause the same to be distributed to the county auditors, who shall distribute the same to the township assessors of their respective counties."

Sec. 34, line 2, after the word "same" insert "except in such cities and incorporated towns as elect a township assessor, in which case the city council shall be the board of equalization, and shall perform such duties in substantially the same manner as is required of a township board of equalization."

Add to end of section the words, "provided that such boards shall keep a record of their proceedings."

Sec. 35, line 1, after "township" insert "or city." In line 2, strike out "May" and insert "April." Also, in same line, after "year," insert the words, "and continue from day to day until completed." In line 3, after "township," insert the words, "city or incorporated town."

Add to section 36, "Appeals may be taken from all boards of equalization to the circuit court of the county where the assessment is made."

Sec. 37, line 2, after "townships," insert "cities and incorporated towns."

Sec. 38, line 1, strike out "first day of July," and insert "third Monday in June."

In line 2, after "real," insert "and personal."

Sec. 39, line 2, strike out "first" and insert "second." Also, strike out "August" and insert "July."

Sec. 40, line 2, strike out "and one half."

Sec. 41, line 2, strike out "third" and insert "first."

Sec. 44, line 5, after "township," insert "incorporated town."

Sec. 45, line 2, after "indebtedness," insert the words, "except as provided in section thirteen, chapter one, title 4, of this code."

Sec. 51, strike out all from the word "list," in line 2, to the word "and," in line 4.

Sec. 56, line 1, insert at the end of the line the words "or taxpayer."

CHAPTER 2.

Section 5, line 1. After word "goods" insert "and the owner shall refuse to give a good and sufficient bond for the delivery of said goods on the day of sale."

Section 6, line 3. Strike out "thirty" and insert "sixty." In line 6, after word "collected" insert "and paid over."

Add to section 6, "and the owners or agents of land that has been sold for delinquent taxes shall have the same privilege and extension of time for paying taxes as other tax payers whose land has not been so sold."

Section 13, line 5. Strike out all after the word "month," and insert "thereafter."

Section 14, line 2. After word land insert "and the assessed value of personal property."

Section 20, line 6. Strike out all after word "it" up to word "has" in line 7, as it occurs the first time.

Section 21, line 1. After word "of" insert "not exceeding."

Substitute for section 23. "The person who offers to pay the amount of taxes due on any parcel of land or town lot for the smallest portion of the same is to be considered the purchaser, and when such purchaser shall designate the portion of any tract of land or town lot for which he will pay the whole amount of taxes assessed against any such tract or lot, the portion thus designated shall in all cases be considered an undivided portion. In all cases where the homestead is listed separately as a homestead, it shall be liable only for the taxes thereon."

Add to end of section 36, "in case said certificate is assigned them the assignment of said certificate shall be placed on record in the office of the county treasury in the register of tax sales."

Section 37, line 1. After "property" insert "hereafter." In line 4, strike out "thirty" and insert "twenty." In line 6, strike out "thirty" and insert "twenty."

Sec. 45. "The provisions of this code shall not affect sales heretofore made, or tax deeds given in pursuance of sales made before the taking effect of this act."

Section 52, line 4. After the word "insane" insert "or convict in the penitentiary."

CHAPTER 3.

Section 7. Strike out "tenth" wherever it occurs in the section and insert "fifteenth."

TITLE 7.

CHAPTER 1.

Sec. 2, line 2, strike out "thirty-three" and insert "forty."

Sec. 3, line 1, strike out "elector" and insert "person."

Sec. 6, line 4, strike out the words "of more than two year's establishment."

Sec. 15, line 2, insert after "distant" the words "when the matter will be acted upon."

Sec. 33, line 3, insert after "pay" the words "or secure the payment of."

Sec. 37, line 1, insert after "highway" the words "as to amount of damages."

In line 5 strike out the words "applicant for damages," and insert "appellant."

In line 6 strike out "greater amount" and insert the words "more favorable judgment."

Sec. 48, line 1, insert after "done" the words "in any other manner."

CHAPTER 2.

Sec. 1, line 12, strike out the words "both of."

Sec. 2, strike out all of that portion of the section printed in italic.

In line 3 of same section strike out "said" and insert "the."

In line 4, before "appointed" insert the words "elected or."

Sec. 3. Strike out all of the original section, and in the following section strike out the words "so appointed," in the first line.

Sec. 4, line 1, strike out to and including the word "who," and insert the following words: "Sec. 4. It shall be the duty of the township clerk to notify any supervisor within five days after his election or appointment and if he."

In line 2, of same section, strike out "specified time," and insert the words "ten days."

Sec. 8, line 6, insert after "itself" the words "which list shall contain the names of all persons required to perform two day's labor upon the highway as a poll tax."

Sec. 9, line 6, strike out "his receipt" and insert "receipts."

Sec. 15, line 2, strike out "fifty" and insert "forty-five"; also strike out "August" and insert "September."

Sec. 19, line 5, strike out "eighteen" and insert "seventeen."

Sec. 20. Strike out "eleven" wherever it occurs, and insert "ten."

Sec. 28, line 2, strike out "April and."

Sec. 32. Add to the end of the section the words "but no prosecution shall be instituted except on complaint of the person wronged."

CHAPTER 3.

Sec. 4, line 3, insert after "can" the word "not."

Sec. 31, line 2, strike out "or," as it occurs the second time, and insert after "Nebraska" the words "or Dakota."

In line 3, of same section, strike out "or," as it occurs the first time, and insert after "Missouri" the words "or Big Sioux."

Sec. 37, line 2, strike out "to" and insert "and may."

TITLE 9.

CHAPTER 1.

Strike out all of the original section 32.

Sec. 33. The articles of incorporation, by-laws, rules, and regulations, of corporations hereafter organized under the provisions of this title, or whose organization may be adopted or amended hereunder, shall at all times be subject to legislative control, and may be at any time altered, abridged or set aside by law; and every franchise obtained, used, or suggested by such corporation, may be regulated, withheld, or be subject to conditions imposed upon the enjoyment thereof whenever the General Assembly shall deem necessary for the public good."

CHAPTER 2.

Sec. 1, line 3, insert after "societies," the words, "subordinate granges of the patrons of husbandry."

CHAPTER 3.

Sec. 3, line 1, strike out two, and insert "one."

Sec. 12, line 1, insert after liquors, the words, "wine or beer."

Sec. 14, line 4, insert after liquors, the words, "wine or beer."

CHAPTER 4.

Sec. 25, add to the end of the section the words, "all notes taken for policies of insurance in any company doing business in this State, shall state upon their face that they have been taken for insurance and shall not be collectable unless the company and ts

agents have fully complied with the laws of this State relative to insurance."

Sec. 37, strike out all after the word "printing" in the third line, and insert the words, "which report shall be made on or before the first day of May of each year; and fifteen hundred copies shall be printed for the use of the auditor, who shall furnish a copy to each member of the General Assembly, and one to each newspaper in the State."

Sec. 39, line 2, strike out "seven hundred" and insert "two thousand."

TITLE 10.

CHAPTER 1.

Section 1, line 3, insert after "on" the words, "or near."

Sec. 7. Either party may appeal from such assessment of damages to the circuit court, within thirty days after the assessment is made in the manner, and the proceedings in such appeal shall be as provided in chapter four of this title.

Section 10, line 2, strike out "by the first method" and insert "on written testimony."

Section 17, line 8, strike out "banks" and insert "lands."

Sec. 19. Any person owning and using a water power for the purpose of propelling machinery, shall have the right to acquire, maintain, and utilize the fall below such power for the purpose of improving the same, in like manner and to the same extent as is provided in this chapter for the erection or heightening of mill dams. After such right has been acquired, the fall shall be considered part and parcel of said water power or privilege, and the deepening or excavating of the stream or tail race, as herein contemplated, shall in no way affect any right relating to such water power, acquired by the owner thereof prior thereto.

CHAPTER 2.

Section 3, line 5, insert after the word "section" the word, "shall."

Section 14, line 6, insert after "and" as it occurs the second time, the words "after such examination or hearing such evidence."

Section 15. Add to the end of the section the following: "Except in cases where the public health require such drainage, in which case it shall be done at the public expense."

Section 18, line 7, strike out the words "in similar cases."

In same line insert after the words "required in" the words "similar cases in."

Section 23, line 1, strike out "shall." In line 2, insert after "way" the word "shall."

Section 26, line 4, insert after "and" the word "shall."

Section 28, line 4, insert after "chapter" the word "four."

CHAPTER 3.

Section 5, add to the end of the section the following additional proviso: "And provided further, That the rights, powers, and privileges conferred by this chapter, shall be at all times subject to legislative control."

CHAPTER 4.

Section 3, add to the end of section the following: "Provided that such corporation shall be liable to the owner of any such lands for any damages occasioned by laying down, regulating, keeping open, or repairing such pipes, such damages to be recoverable from time to time, as they may accrue in an ordinary action, in any court of competent jurisdiction."

Section 5, line 4, insert after "writing" the words, "specifying therein the day and hour when such commissioners will view the premises."

Section 6, line 2, insert after "may" the words "under the direction of the circuit judge."

Section 20, line 7, insert "a" after the word "for."

Section 23, strike out all after "party," in the tenth line.

Section 28, strike out the entire section. Also strike out "required" in line 2, of the following section and insert "requested."

Insert after "repair" in same line, the words "cattle guard and." Add to the end of same section the following: "at such reasonable place as may be designated by the owner."

Sec. 31, line 2, strike out "over" and insert "or."

Sec. 32. Cities and incorporated towns may exercise the power herein conferred, for the purpose of taking private property for streets, alleys, and market-house sites.

CHAPTER 5.

Sec. 3, line 3, insert after the word "may" the words "by purchase or sale or otherwise." In line 4, insert after "stock" as it occurs the first time, the words "property franchises."

Sec. 6. All contracts, stipulations and conditions regarding the right of controlling and regulating the charges for freight and passengers upon railways heretofore made in granting lands or other property or franchise to railway corporations are expressly reserved, continued, and perpetuated in full force and effect to be exercised

by the general assembly whenever the public good or the public necessity requires such exercise thereof.

Sec. 10, insert after words "district court" wherever they occur in the section, the words "or circuit court."

Sec. 14, line 9, insert after the word "as" the word "to."

Sec. 17, line 3, insert after "crossings" the words "and cattle guards." Strike out all after "cars" in line 6, and all of line 7. Add to the end of same section, the following: "And any railway company neglecting or refusing to comply with the provisions of this section shall be liable for all damages sustained by reason of such neglect and refusal, and in order for the injured party to recover, it shall only be necessary for him to prove such neglect or refusal."

Sec. 18, line 2, insert after "right" the words "to fence."

Add to same section the following: "Provided, that no law of this State, nor any local or police regulations of any county, township, city or town, regulating the restraint of domestic animals, or in relation to the fences of farmers or land owners, shall be applicable to railroad tracks, unless so specifically stated in the law or regulation. The operating of trains upon depot grounds necessarily used by the company and public, where no such fence is built, at a greater rate of speed than eight miles per hour, shall be deemed negligence and render the company liable under this section.

"*And provided further,* That any corporation operating a railway shall be liable for all damages by fire that is set out, or caused by operating any such railway, and such damage may be recovered by the party damaged in the same manner as set forth in this section in regard to stock, except to double damages."

Sec. 20. In all cases where taxes have been voted under chapter 48, Twelfth General Assembly or chapter 102 of Thirteenth General Assembly to aid in the construction of any railroad, or when said tax has been transferred under chapter 81 of the Fourteenth General Assembly, and said tax has been voted or transferred under any condition or contract with the railroad company which the township may desire to have changed or modified, said township is hereby authorized upon agreement of its trustees with the railroad company constructing said proposed railroad, to submit to a vote of the electors of the township, the question whether the conditions or contract under which said tax was voted or transferred, shall be changed or modified, and said trustees, upon petition or one-third of the legal voters of the township, as shown by the vote cast at the last general election asking such change or modification, shall order an election, submitting the agreement to the electors, at a special election called therefor, said election to be conducted in all respects as to notice and manner of holding, as the election at which the tax was originally voted.

Sec. 21, line 1, strike out "such" and insert "railway."

Sec. 22, add to the end of the section the following: "Provided, That the rates so fixed by the said commission for freights offered

or transported in the cars of the company offering the same, shall in no case exceed the local rates per mile as set forth in the carrying company's freight tariff, prepared and made public in accordance with the laws of the State."

Sec. 24. It shall be unlawful for any railway company to make any contract or enter into any stipulation with any other railway company running in the same general direction, by which either company shall directly or indirectly agree to divide in any manner or proportion the joint earnings upon the whole or any part of the freight transported over such roads, and any violation of this provision shall render the railway company violating the same liable to a penalty of (\$5,000) five thousand dollars for each month for which such earnings are divided, to be reserved for the use of the permanent school fund in the name of the State.

Sec. 28, line 1, strike out "lease or," and insert, "sell or lease its railway property and franchises to or may."

In line 2 of same section, insert before "operating," "viewing or."

Add to the end of same section, "subject to the laws of this State."

Sec. 29, add to the end of the section the following: "Where any railway company shall be organized under a corporate name, and shall have made contracts for payments to it upon delivery of stock in such company, and shall, subsequent to such contracts have changed their corporate name, or when the real ownership in the property, rights, powers and franchises, have passed legally or equitably into any other company, no such contracts shall be enforced in law or equity until tender or delivery of stock in such last named corporation or company."

Sec. 32. For the transportation of passengers no railroad company shall charge to exceed three and one-half cents per mile per passenger.

Sec. 33. All contracts, stipulations, and conditions regarding the right of controlling and regulating the charges for freight and passengers upon railroads heretofore made in granting land or other property or voting taxes to aid in the construction of, or franchises to, railroad corporations, are expressly reserved, continued and perpetuated in full force and effect, to be exercised by the General Assembly, whenever the public good and the public necessity requires such exercise thereof.

Sec. 40, lines 4, and 5, strike out "provided for in chapter" and insert the words "by mandamus." In line 8 of same section, strike out "chapter" and insert the words "law pertaining to mandamus."

Sec. 45, line 6, insert after "return" the words "and the value thereof per mile." Also insert in same line after "kind" the words "and the value." In line 7, of same section, insert after "number" the words and the value thereof."

Sec. 50. The provisions of this chapter in relation to transporting passengers shall not apply to any railroad in this state unless the gross earnings the preceding year (reckoning from the first day of January each year) shall equal or exceed the sum of four thousand (\$4,000) dollars per mile, average for all the miles of road operated during the whole of that preceding year.

CHAPTER 6.

Sec. 1, add to the end of the section the following: "Provided, that when any highway along which said line has been constructed shall be changed, said person or company shall, upon ninety days notice in writing, remove said line to said highway as established. Said notice contemplated herein may be served on any agent or operator in the employ of said person or company."

T I T L E 11.

CHAPTER 1.

Sec. 8. Add to the end of section, "but no person shall be sent to the house of any relative who shall be willing to pay the amount necessary for his support."

Section 14, line 4, after the word "to," insert "the clerk of"; also after "judge" insert "thereof."

In line 6, after the word "facts," insert "the clerk of."

Sec. 19, line 2, strike out "circuit judge," and insert "clerk of the circuit court."

In line 3, strike out the words "of the court or judge," and insert "from such clerk."

Add to section 32, "when medical services are rendered by order of the trustees or overseer of the poor no more shall be charged or paid therefor than is usually charged for like services in the neighborhood where such services are rendered."

Sec. 35, add to end of section "until provided for by the board of supervisors."

Add to end of section 37, "in no case shall a trustee, or either of the trustees, nor overseer of the poor, draw an order upon himself, or upon either of the board, for supplies for the poor, except such trustees or overseer has a contract to furnish such supplies."

Add to the end of section 40, "And shall require such contractor to give bonds in such sum as they deem sufficient to secure the faithful performance of the same."

Sec. 41, line 4, strike out the words "a regular" and insert "any."

Sec. 47, line 2, after the word "which" insert "together with the receipts of the poor farm, (if there be one)."

Sec. 49, line 2, strike out "twenty-one" and insert "eighteen"; also in same line strike out the word "eighteen" and insert "sixteen."

CHAPTER 2.

Sec. 1, line 4, strike out the word "seven" and insert "five"; also in same line strike out "four" and insert "three." After the word "trustees" in same line insert "two of whom may be women."

Strike out all between the word "business," in the 5th line, and the word "when" in the 6th line, and insert, "and in the future no member of the General Assembly shall be eligible to that office."

In line 7, strike out six and insert "five."

Add to end of section, "no trustee shall receive pay for more than thirty days in any year." Also add, "but no vacancy shall be filled until the number of trustees is reduced to the number provided in this section."

Sec. 2, line 1, strike out the words "their actual and necessary expenses," and insert, "five cents per mile for each mile traveled." Also in same line strike out "three" and insert, "five."

Sec. 8, line 2, strike out the words "such a sum" and insert "double the highest amount of money likely to come into his hands." In same line strike out the words "the board of trustees shall approve" and insert, "the executive council shall require."

In line 4, after the word hands, insert "and shall be filed with the Secretary of State."

In the 7th line, strike out the words "from time to time" and insert, "each month."

In line 8, after the word hospital insert "but the amount of each requisition shall in no case exceed twenty dollars per month for each public patient in the hospital, taking the number of such patients on the 15th day of each month as the average number on which the estimate shall be made, the number then in the hospital to be certified to the Auditor of State by the superintendent and steward, which certificate shall accompany the requisition."

Add to end of section 8, the words, "not exceeding the amount for each patient hereinbefore specified."

Sec. 14, line 3, strike out all between the word place and the word "and."

Sec. 18, line 1, insert after commissioners the words "may examine the informant under oath and if satisfied there is a reasonable cause therefor."

Sec. 33, line 1, after the word person as it occurs in the 3d line, insert "whether in the hospital or elsewhere."

Sec. 42, line 5, strike out "board of trustees" and insert, "district court or judge."

Sec. 45, line 2, strike out "seventy-five" and insert "twenty."

Sec. 46, line 5, strike out all after the word shall and insert "levy a."

In line 6, strike out "to be levied," and insert after county the words "for said amount."

In same line, strike out "so levied," and insert, "due the state."

Sec. 52, line 1, after word three insert "one of whom at least shall be a woman."

Insert in line 2, after word discretion, "and without giving notice of their intended visit who may upon such visit go through the wards, unaccompanied by any officer of the institution."

CHAPTER 3.

Sec. 2, line 1, strike out "swine and sheep."

In line 6, strike out all after the word animals, up to the word "and" in the 7th line.

In line 12, strike out the words "awarded by the fence viewers."

Add to the end of section 3 the words, "provided, that if the party injured elects to recover by action against the owner of the stock no appraisalment need be made by the trustee as in cases of distraint."

Sec. 5, strike out the word "and." Insert after the word "mules," "and jennies."

Sec. 6, line 2, after the word "lien," insert "from the time of distraint."

Sec. 7, line 1, after word "owner," as it occurs the second time, insert "or person in actual possession."

Sec. 8, add to the end of section, "as provided in sections nine, ten, and eleven of this chapter."

Sec. 9, insert after word "injured," in line 2, "or his agent shall notify the owner of said stock when known, and if said owner shall fail to satisfy the owner of, or occupant cultivating said land, he shall within twenty-four hours thereafter." Also, strike out "shall," in same line.

In line 3, after word damages, insert the words, "such notices to be either verbal or in writing."

Add to end of section, "when either trustee is absent, so that notice cannot be served on him, then any justice of the peace shall appoint a suitable person, having the qualifications of a juror, to supply the place of the absent trustee, and the person so appointed shall serve as such trustee, for all the purposes of this and the following sections."

Sec. 10, line 2, strike out all after the word office.

In line 3, strike out assessment.

Also, strike out "all" and insert "any."

In line 4, strike out all after the word county.

In line 5, strike out appeal and insert "the."

In line 6, after the word distrained, insert, "or if the value of the property exceed the amount of the damage claimed, then double the amount of the damages."

In line 7, after the word supersedeas, insert, "in case the owner of such stock be appellant the same shall be delivered to him."

In lines 8 and 9, strike out all from the word appeal.

Add after damages, at the end of first written line of section 10, the words, "notice of such appeal shall be given in the same time and manner as in appeals from a judgment of a justice of the peace."

Sec. 12, line 7, after ten, insert the word "and." In same line strike out the words "and twelve."

Sec. 15, line 1, strike out ten and insert twelve.

Sec. 16, line 2, after word sunrise insert "to."

Sec. 17, line 7, after word ten, insert and.

Also strike out the words "and twelve."

Sec. 22, line 1, strike out the word summons and insert the word notice.

In line 3, strike out "summoned" and insert the word notified.

Sec. 23, lines 1 and 2, strike out "clerk of the the district court," and insert "county auditor."

In line 3, strike out "clerk" and insert "auditor."

In line 4, strike out "once," and insert "three times."

Sec. 24, line 2, strike out "clerk," and insert the word "auditor."

Sec. 25, strike out "clerk," wherever it appears, and insert the word "auditor."

Sec. 29, line 3, strike out "eighteen or nineteen," and insert "twenty-six or twenty-seven."

Sec. 33, strike out "clerk," and insert "auditor."

Sec. 37, line 1, strike out the word "is," and insert "shall be."

Sec. 41, line 1, strike out the words "lawful for" and insert "the duty of."

Sec. 42, line 3, strike out "outside of the of inclosure of the owner."

Same section, add to end the words, "except where the party is doing an unlawful act."

Sec. 43, line 1, after word "animal," insert the word "or." Same line strike out the words "on mere process."

In line 2, after "released," insert the words "at once."

Same line, after "execution" insert the words "and filing."

In line 5, after word "filed," insert the word "with."

CHAPTER 4.

Substitute for section 9. In the case mentioned in the preceding section when one of the owners desires to throw open any portion

of his field not less than 20 feet in width, and leave it unenclosed to be used in common by the public, he shall first give the other party six months notice thereof.

Sec. 19, line 4, after the word used, insert "wire either wholly or in part substantially built and kept in good repair."

Also, in same line, after word other, insert "kind of."

Add to end of section, "*Provided further*, That all partition fences may be made tight at the expense of the party desiring it, and such party may take from such fence the same material by him added thereto whenever he may elect; and, *Provided further*, That when the owner or occupants of adjoining land use the same for the purpose of pasturing swine or sheep, each of said owners or occupants shall keep their respective share of the partition fence sufficiently tight to restrain such swine or sheep.

Substitute for section 20, "that all the provisions of this chapter in relation to partition fences shall be alike applicable to counties or townships having restrained or which may restrain stock from running at large."

CHAPTER 6.

Sec. 17, line 1, strike out "holding such a permit to knowingly" and insert the word "to."

In same line, after word sell insert "or give away."

In line 2, after word liquors insert, "including wine or beer."

In line 4, strike out all after the word intoxicated, and insert, "and any person violating the provisions of this section shall forfeit and pay to the school fund the sum of one hundred dollars for each offense, to be collected by action against him, or by action against him and the sureties on his bond if one has been given by any citizen in the county."

CHAPTER 9.

Sec. 1, line 3, strike out all after the word "shall" to and including the word "year."

In line 4, strike out the words on that day, and insert, "as hereinafter provided."

Substitute for section 2, "The Auditor of State shall, at any time he may see proper, make or cause to be made an examination of any association as hereinafter provided, contemplated in this chapter, or he shall call upon any association for a report of the state and condition as hereinbefore provided, upon any given day which has passed as often as four times a year, and which reports the Auditor shall cause to be published for one day in some daily newspaper published in the county where such association shall be located, or if there be no such newspaper published in said county, then such report shall be published in some weekly newspaper printed in said county for one week, the expenses of said publication shall be paid by each institution."

Add an additional Sec. 3. If such auditor is satisfied from said examination or reports that any such institution is insolvent, he shall direct the Attorney General to commence the proper proceedings, to have a receiver appointed and said institutions wound up, and the assets thereof ratably distributed among the creditors thereof, giving preference in payment to depositors.

Sec. 4, line 1, after word any, insert "wilful."

Sec. 5, line 2, before the word neglect, insert the word "wilfully."

Sec. 6. The provisions of sections 4 and 5, of this chapter, shall not apply to or be enforced against any such banking institution or the officers thereof who heretofore have been incorporated and come under the provisions of this chapter. Provided, that on or before the first day of Sept. 1873, any such institution shall have shown by a statement of its condition to the satisfaction of the Auditor of State, that it is now in a sound condition. In no case shall more than four statements in one year be required."

Sec. 7. No association shall be organized under the provisions of this chapter with a less amount of paid up capital than fifty thousand dollars, except in cities or towns having a population not exceeding three thousand, when such association may be organized with a paid up capital of not less than twenty-five thousand dollars. But no such association shall have the right to commence business until its officers elect or its stockholders shall have furnished to the Auditor of State a sworn statement of the paid up capital, and when the Auditor of State is satisfied as to the fact, he shall issue to such association a certificate authorizing such association to commence business, a copy of which shall be published as provided in section 2 of this act."

T I T L E 12.

CHAPTER 1.

Sec. 1, line 2, strike out shall, and insert, "may."

Sec. 3, strike out the first part of the section, down to, and including "office" in line 6, and insert the following: "Sec. 3. He shall, if deemed necessary, have published after adjournment of each regular session of the General Assembly, a sufficient number of copies of all amendments to the school laws passed at such session, to furnish such school officers in this state with a copy thereof. Appropriate references shall be made to the previous law that has been amended or changed so as to clearly indicate the effect of such amendments or changes."

Strike out all of section 9.

CHAPTER 2.

Sec. 3, line 2, strike out the words "superintendent of public instruction."

In line 3, of same section, insert "a" after the word "be."

In same line strike out the words "their respective" and insert "his."

Sec. 9, line 4, insert after the words "penalty of" the words "not less than."

Sec. 19. No member of the General Assembly shall be eligible to the office of regent during the term for which he was so elected.

Substitute for chapter 3, as amended:

Sec. 1. The lands, rights, powers and privileges granted to and conferred upon the State of Iowa by the act of Congress entitled, "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," approved July 2d, 1862, are hereby accepted by the State of Iowa, upon the terms, conditions and restrictions contained in said act, and there is hereby established and agricultural college and model farm, to be connected with the entire agricultural and mechanical interests of the State; the said college and farm to be under the control and management of a board of five trustees, no two of whom shall be elected from the same congressional district.

Sec. 2. The present board of trustees shall continue in office until the first day of May, A. D. 1874, and the General Assembly, at their regular session in said year, shall elect three trustees to serve for four years, and two trustees to serve for two years from the first day of May, A. D. 1874; and the General Assembly at each regular session thereafter shall elect the number of trustees which may be necessary to keep the board full. Any vacancies in said board caused by death, removal from the district or State, resignation, or failure to qualify within sixty days after election, may be filled by appointment by the Governor, *Provided*, that neither the president nor any other officer or employee of the college and farm, nor any member of the General Assembly, shall be eligible as such trustee.

Sec. 3. The board of trustees shall have power:

1. To elect a chairman from their own number, a president of the college and farm, a secretary, a treasurer, professors and other teachers, superintendents of departments, a steward, a librarian, and such other officers as may be required for the transaction of the business of the board; also to fix the salaries of officers, and prescribe their duties; and to appoint substitutes who shall discharge the duties of such officers during their temporary absence.

2. To manage and control all the property of the college and farm, whether real or personal;

3. To make all rules and regulations for the government of the college and farm ;

3½. To establish rules regulating the number of hours, to be not less than two in winter and three in summer, which shall be devoted to manual labor, and to fix the compensation therefor; *Provided*, That no student shall be exempt from labor except in cases of sickness or other infirmity, or where students from the advanced classes may be employed as teachers ;

4. To arrange courses of study and practice, and to establish such professorships as they may deem best to carry into effect the provisions of this chapter ; also to prescribe conditions of admission to the college ;

5. To grant diplomas, on the recommendation of the faculty, to any student who has completed either of the industrial courses prescribed by said board, or an equivalent thereof ;

6. To remove any officer by a majority vote of all the members of the board of trustees ;

7. To direct the expenditure of all appropriations which the General Assembly shall from time to time make to said college and farm, and the income arising from the Congressional grant, and from all other sources ;

8. To keep a full and complete record of their proceedings, and to do such other acts as are found necessary to carry out the intent and meaning of this chapter ;

Sec. 4. A majority of the trustees shall be a quorum for the transaction of business.

Sec. 5. The trustees shall receive as their compensation five dollars a day for each and every day actually employed in the discharge of their duties, and five cents per mile for each and every mile actually traveled on such business. *Provided*, that no member shall receive compensation for more than thirty days each year.

Sec. 6. The annual meetings of the board of trustees shall be held at the Agricultural College on the second Wednesday of November.

Sec. 7. The college year shall begin on Thursday after the second Wednesday in November of each year, and end on the second Wednesday of November of the following year. The biennial report of the board of trustees shall be filed in the office of the Governor, not later than the first day of December preceding the regular meeting of the General Assembly. The Governor shall cause three thousand copies of the report to be printed and bound in paper, and distributed as follows: one thousand copies to the agricultural college, and the balance to be distributed as provided by chapter ten of title two of part first of this code.

Sec. 8. The president of the college and farm shall control, manage and direct the affairs of the college and farm herein established, subject to such rules as may be prescribed by the board of

trustees, and shall report to said board at their annual meeting in November, and at such other times as they shall direct, all his acts as such president, and the condition of the several departments of the college and farm, together with his recommendations for the future management thereof.

Sec. 9. The secretary shall keep the documents and a record of the proceedings of the board of trustees, and conduct their official correspondence. All acts of the board of trustees as to the management, disposition or use of the lands, funds or other property of the institution shall be entered in the record of its proceedings and said record shall show how each member voted on each proposition. He shall also make the biennial report of the board to the General Assembly. Upon the election of any person to an office under said board he shall give notice thereof to the Secretary of State. He shall also keep an account with the treasurer, charging him with all money paid to him from any source, and crediting him with the amounts paid out by him upon the order of the board of audit which account shall be balanced monthly.

Sec. 10. The president and secretary shall constitute a board of audit, whose duty it shall be to examine all bills presented for payment, and no bills shall be paid without their joint endorsement thereon; *Provided*, that no bill shall be so audited for whose payment the board of trustees has not made appropriation; also, the said board of audit shall examine the treasurer's books and vouchers monthly, and at such other times, and so often as they shall deem necessary. All the proceedings as contemplated in this section shall be reported by the secretary to the board of trustees at each meeting thereof.

SEC. 11. The treasurer shall receive and keep all notes and other evidence of indebtedness, contracts and all moneys arising from the income of the congressional grant, from the appropriations of the general assembly, from the sales of the products of the farm, from the payments of students, and from all other sources; and shall pay out the same upon bills duly audited as above prescribed, and he shall retain such bills with the receipt for their payment as his vouchers; but no bill shall be paid for which appropriation had not been made by the board of trustees. He shall keep an accurate account of the revenue and expenditures of said college and farm from all sources, and in such manner that the receipts and disbursements of each and every one of the several departments thereof shall be apparent at all times, and the gains or losses in such departments shall be carefully set forth; and he shall report to the board of trustees at their annual meeting in November, and at such other times as they shall direct. He shall also execute duplicate receipts for all money received by him, specifying the source from which received, and the fund to which it belongs, one of which must be filed with the secretary, and no receipt for money paid him shall be valid unless the duplicate is

so filed. The treasurer shall be elected annually, and give a bond every year double the highest amount of money likely to be in his hands at any one time, with such sureties as the executive council shall prescribe, and said bond shall be filed in the office of secretary of state, and the treasurer may appoint a deputy who shall reside at the college, and the board of trustees shall fix the compensation to be paid to such deputy, and the treasurer shall be responsible on his official bond for all acts done by such deputy.

SEC. 12. The president and secretary shall have their respective offices at the college, and they with the treasurer shall take and prescribe the oath provided in section 6, chapter 10, title 2 of this code.

SEC. 13. The board of trustees are authorized to lease all of the lands granted to the state of Iowa by the act of congress above named, in amounts not to exceed 160 acres, to any one man, for any term not exceeding ten years, the lessees to pay eight per cent. per annum in advance upon the price of said land, which is hereby declared to be not less than fifty per cent. additional to the price at which each piece of said lands respectively was appraised by the trustees, in the year 1865. The lessee failing to pay the interest upon said lease within sixty days from the time the same becomes due, shall forfeit his lease, together with the amount of the interest he has paid and the improvements thereon; *Provided*, That the board of trustees shall have the power to release any lands the lease of which shall have expired, but in such case the rate to be paid for the term of renewal shall be ten per cent. upon the valuation and such leasehold shall thereafter be taxable in the same manner as if a deed in fee of said land had been executed and delivered to the lessee.

SEC. 14. The money arising from the sale of said lands, shall be paid into the state treasury, which shall be invested by the state treasurer in bonds of the State of Iowa, or United States registered bonds, as directed by the act of congress granting said lands. And the moneys arising from the interest on said bonds, on the deferred payments, and on the leases of said lands, shall be paid over to the board of trustees, to be loaned by said board on good and sufficient security, until needed to defray the expenses of the college.

SEC. 15. The trustees are hereby endowed with all the necessary authority to appoint agents, or do any other acts necessary to carry out the provisions of the three preceding sections. But no such agent shall be appointed with authority to receive any money until he has executed a good and sufficient bond to be approved by the trustees in a sum double the amount he will be likely to receive. And every such agent shall make a monthly statement under oath to the college treasurer of the amount received by him, and transmit therewith all funds shown to be in his hands.

SEC. 16. Tuition in the college herein established shall be forever free to pupils from this state over sixteen years of age, who have been residents of the state six months previous to their admission; Each county in this state shall have a prior right to tuition for three scholars from such county, the remainder equal to the capacity of the college shall be by the trustees distributed among the counties in proportion to the population, subject to the above rule, transient scholars otherwise qualified may at all times receive tuition.

SEC. 17. No person shall open, maintain, or conduct any shop or other place for the sale of wine, beer, or spiritous liquors, or sell the same at any place within a distance of three miles from the agricultural college and farm; *Provided*, that the same may be sold for sacramental, mechanical, medical, or culinary purposes; and any person violating the provisions of this section shall be punished, on conviction by any court of competent jurisdiction, by a fine not exceeding fifty dollars for each offense, or by imprisonment in the county jail for a term not exceeding thirty days, or by both such fine and imprisonment.

SEC. 18. The course of instruction and practice in said college shall include the following branches, to-wit: Natural philosophy, chemistry, botany, horticulture, fruit growing, forestry, animal and vegetable anatomy, geology, minerology, meteorology, entomology, zoology, the veterinary art, plane mensuration, leveling, surveying, book keeping, and such mechanical arts as are directly connected with agriculture; also such other studies as the trustees may from time to time prescribe not inconsistent with the purposes of this chapter.

SEC. 19. No money shall be diverted from the fund to which it belongs, or used for any purpose other than is provided by law, and any trustee, officer, or employe of said institution who may by vote, direction or act, violate the provisions of this section shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the penitentiary or county jail not less than six months.

CHAPTER 4.

Sec. 2 $\frac{1}{2}$. No member of the General Assembly shall be eligible to the office of trustee during the term for which he was elected.

Sec. 4 $\frac{1}{2}$. The board of trustees of the soldiers' orphans' homes shall require the respective superintendents of the soldiers' orphans' homes to give a good and sufficient bond with sureties thereto for the faithful performance of their respective duties.

CHAPTER 5.

Sec. 2, add to the end of the section the following:

"No member of the General Assembly shall be hereafter chosen

a trustee of the reform school, and no appointment shall be made till the number of trustees is reduced to five."

CHAPTER 6.

Sec. 1, lines 2 and 3, strike out from and including "trustees," in line 2, to and including the word "other," at the end of line 3, and insert the word "six."

In line 4, of same section, strike out "legislature," and insert "General Assembly."

Substitute for Sec. 2. No member of the General Assembly shall hereafter be chosen a trustee of the college for the blind.

Sec. 5, line 1, insert after "allowed," the words "five dollars per day for actual services and."

Sec. 9, line 2, strike out "thirty-five" and insert "forty."

Add to the end of same section the words, "Provided, That no such person shall be received to the exclusion of any resident of this State."

Sec. 10, line 2, insert after "of" the words "not less than."

Sec. 12, add to the end of the section the words, "and then only as necessary to meet the wants of the institutions."

Section 13, insert after treasury in line 1, the words "so much as necessary not to exceed."

Section 14, line 2, strike out "December" and insert "November."

Section 21. Upon the death, resignation, or removal from the state of any member of the board of trustees, the General Assembly, if in session at the time, shall fill the vacancy, but if the General Assembly is not in session, then shall the Governor fill such vacancy by appointment, to continue until the next regular session of the General Assembly and until a successor shall be by that body elected.

The refusal or neglect of any duly elected or appointed member of said board to act, shall be deemed a resignation.

CHAPTER 7.

Substitute for Section 1. There shall be permanently maintained at Council Bluffs, in the county of Pottawattamie, an institution for the support and education of the deaf and dumb, under the supervision of a board of trustees, consisting of five persons, to be elected by the General Assembly, to hold their office four years after the date of their election. No member of the General Assembly shall be a trustee of this institution.

Section 4, line 2, strike out "thirty-five" and insert "forty."

Section 6, line 1, insert after "as" the words "president and another as."

In line 2, strike out "he" and insert "the treasurer."

At the end of line 3, insert the words "approved by the executive council, and."

Section 9. Add to the end of the section the words, "which amounts may be drawn quarterly in such sums as the necessities of the institution may require."

Sec. 10, line 1, strike out "tenth" and insert "fifteenth."

In line 2 of same section, strike out "December" and insert "November."

Sec. 12. Add to the end of the section the following: "and then only in such amounts as the wants of the institution may require."

CHAPTER 9.

Section 1, line 1, insert after organized the words "and each independent school district organized as such prior to the taking effect of this code."

Substitute for Section 6. The several sub-districts shall annually on or before the first Monday in March, hold a meeting for the election of a sub-director, five days notice of which meeting shall be given by the then resident sub-director; or if there is none, by the district secretary, posting a written notice in three public places therein, and such notice shall state the hour of meeting.

Substitute for Section 7. At the meeting of the sub-district, a chairman and secretary shall be appointed, who shall act as judges of the election, and give a certificate of election to the sub-director elect.

Section 8. In all district townships comprising but one sub-district, the board of directors shall consist of three sub-directors; and in all district townships comprising but two sub-districts, it shall consist of one sub-director chosen from each sub-district, and one from the district township at large, who shall in both cases be elected in the manner provided by law for the election of one sub-director from each sub-district. The judges of the respective sub-district elections shall canvass the votes for sub-director chosen from the district township at large, and shall issue a certificate of election to the person elected.

Sec. 9. The sub-directors of the several sub-districts shall constitute a board of directors for the district township, and shall enter upon their duties upon the day fixed for the regular meeting of the board in March, at which time they shall organize by electing from their own number a president, who shall simply be entitled to a vote as a member of the board; and from the district township at large, a secretary and a treasurer, unless there are at least five sub-directors in the district township, in which case they may be selected from the board. If selected from the district township at large, they shall have no vote in the proceedings of the board.

Sec. 11. Add to the end of the section the following: "And all

school houses erected or repaired at a cost exceeding three hundred dollars, shall be so erected or repaired by contract, and no such contract for labor or materials shall be let until proposals for the same shall have been invited by advertisement for four weeks in some newspaper published in the county where the work is to be done, if there be one published therein, if not, in the nearest newspaper in an adjoining county; and such contract shall be let to the lowest responsible bidder, and bonds with sufficient sureties for the faithful performance of the contract shall be required."

Sec. 13. Strike out all of section 13 down to and including "years" in line 3; also add to same section the following: "Provided, That no such sub-district shall be created for the accommodation of less than fifteen pupils, but the board of directors shall have power to rent a room and employ a teacher for the accommodation of any five scholars."

Strike out all of original section 15.

Sec. 15. In each sub-district there shall be taught one or more schools for the instruction of youth between the ages of five and twenty-one years, for at least twenty-four weeks, of five school days each, in each year, unless the county superintendent shall be satisfied that there is good and sufficient cause for failure so to do. Any person who was in the military service of the United States during his minority shall be admitted into the schools in the sub-district in which he may reside on the same terms on which youths between the ages of five and twenty-one years are admitted.

Sec. 23. The majority of the board in independent districts shall have power, with the concurrence of the president of the board of directors, to dismiss or suspend any pupils from the school in their district for gross immorality or for a persistent violation of the regulations or rules of the school, and to re-admit them if they deem proper so to do.

Sec. 24, line 3, insert after president the word "treasurer."

Sec. 25. They shall make such rules and regulations as may be necessary for the direction and restriction of sub directors in the discharge of their official duties, and not inconsistent with law.

Sec. 26. Insert after May in said section, line 2, the words, "nor shall the boundaries of sub-districts be changed except by a vote of the majority of the board."

In same section, insert after secretary, in line 3, the words "and treasurer."

Sec. 29, line 6, strike out the word "county."

Sec. 33. Strike out clauses 6, 7, and 8, and insert the following:

6. The amount of teachers' fund held over, received, paid out, and on hand in his district.

7. The amount of contingent fund, held over, received, paid out, and on hand in his district.

8. The amount of school-house fund, held over, received, paid out, and on hand in his district.

Sec. 35. The treasurer shall hold all moneys belonging to the district, and pay out the same on the order of the president, countersigned by the secretary, and shall keep a correct account of all, expenses and receipts in a book provided for that purpose.

Sec. 36. The money collected by district tax for the erection of school-houses and for the payment of debts contracted for the same shall be called the "school house fund;" that designed for rent, fuel repairs and all other contingent expenses necessary for keeping the schools in operation, the "contingent fund;" and that received for the payment of teachers, the "teacher's fund;" and the district treasurer shall keep with each fund a separate account, and shall pay no order which does not specify the fund on which it is drawn, and the specific use to which it is applied. If he have not sufficient funds in his hands to pay in full the warrants drawn on the fund specified, he shall make a partial payment thereon, paying as near as may an equal proportion of each warrant.

Sec. 37. He shall receive all moneys apportioned to the district township by the county auditor, and also money collected by the county treasurer on the district school tax levied for his district.

Sec. 38. He shall register all orders on the district treasury reported to him by the secretary, showing the number of the order, date, name of the person in whose favor drawn, the fund on which it is drawn, for what purpose, and the amount.

Sec. 39. He shall render a statement of the finances of the district from time to time as may be required by the board of directors, and his books shall always be open for inspection.

Sec. 40. Each sub-director shall, on or before the third Monday in March following his election, appear before some officer qualified to administer oaths, and take an oath to support the constitution of the United States, and that of the state of Iowa, and that he will faithfully discharge the duties of his office; and in case of failure so to qualify, his office shall be deemed vacant. Any school director, or director elect, is hereby authorized to administer to any school director elect the official oath required by law.

Sec. 41. It shall be the duty of the sub-director, under such rules and restrictions as the board of directors may prescribe, to negotiate and make in his sub-district all necessary contracts for providing fuel for schools, employing teachers, repairing and furnishing school houses, and for making all other provisions necessary for the convenience and prosperity of the schools within his sub-district, and he shall have the control and management of the school house, unless otherwise ordered by a vote of the district township meeting. All contracts made in conformity with the provisions of this section shall be approved by the president and reported to the board of directors, and said board, in their corporate capacity, shall be

responsible for the performance of the same on the part of the district township.

Sec. 42. He shall, between the first and tenth days of September of each year, prepare a list of the names of the heads of families in his sub-district, together with the number of children between the ages of five and twenty-one years, distinguishing males from females, and shall record the same in a book kept for that purpose.

Sec. 43. He shall, between the tenth and fifteenth days of September of each year, report to the secretary of the district township the number of persons in his sub-district between the ages of five and twenty-one years, distinguishing males from females.

Sec. 44. He shall have power, with the concurrence of the president of the board of directors, to dismiss any pupils from the schools in his sub-district for gross immorality, or for persistent violation of the regulations of the school; and to re-admit them, if he deems proper so to do; and shall visit the schools in his sub-district at least twice during each term of said school.

Section 45, line 3, insert after "the" the words "sub-director or."

Section 47, line 2, strike out the words "of the school district," and insert "thereof;" also insert after "township" the word "and."

Sec. 54. The county superintendent shall not hold any office in, or be a member of the board of directors of a district township or independent district, or of the board of supervisors during the time of his incumbency.

Sec. 59. Add to the end of the section the words "except visiting schools and trying appeals."

Section 61, line 1, strike out "fifth day" and insert "first Tuesday."

Section 64, line 1, strike out "day of November," and insert "Tuesday of October."

Strike out all of original section 50.

Sec. 65. The county superintendent shall receive from the county treasury the sum of three dollars per day for every day necessarily engaged in the performance of official duties, and also the necessary stationery and postage for the use of his office, and he shall be entitled to such additional compensation as the board of supervisors may allow; Provided, That he shall first file a sworn statement of the time he has been employed in his official duties with the county auditor.

Strike out all of original section 52.

Sec. 67. They shall apportion any tax voted by the district township meeting for school house fund, among the several sub-districts in such a manner as justice and equity may require, taking as the basis of such apportionment the respective amounts previously levied upon said sub-districts, for the use of such fund,

provided that if the electors of one or more sub-districts at their last annual meeting shall have voted to raise a sum for school house purposes greater than that granted by the electors at the last annual meeting of the district township, they shall estimate the amount of such excess on such sub district, or sub-districts, and cause the secretary to certify the same within five days thereafter, to the board of supervisors, who shall, at the time of levying taxes for county purposes, levy the per centum of such excess on the taxable property of the sub-districts asking the same, provided that not more than fifteen mills on the dollar shall be levied on the taxable property of any sub-district for any one year for school house purposes.

Section 69, line 7, after "levy" insert "only." Also to end of same section add the following :

Provided, that they may levy seventy-five dollars for contingent fund, and two hundred and seventy dollars, including the amount received for the semi-annual apportionment for teachers fund for each sub-district.

Section 70, strike out all that portion of the section printed in italic.

SEC. 71. He shall immediately notify the president of each school district of the sum to which his district is entitled by said apportionment, and shall issue his warrant for the same to accompany said notice, which warrant shall be also signed by the president, and countersigned by the secretary of the district in whose favor the same is drawn; and shall authorize the district treasurer to draw the amount due said district from the county treasurer; and the secretary shall charge the treasurer of the district with all warrants drawn in his favor, and credit him with all warrants drawn on the funds in his hands, keeping separate accounts with each fund.

Strike out all of original sections, 57, 58, 59, 60, 61, 62 and 63.

Sec. 73. The county treasurer shall on the first Monday in April of each year pay over to the treasurer of the district the amount of all school district tax which shall have been collected, and shall pay over the amount in his hands quarterly thereafter. He shall also keep the amount of tax levied for school house purposes separate in each sub-district, where such levy has been made directly upon the property of the sub-district making the application, and shall pay over the same quarterly to the township for the benefit of such sub-district. He shall in all counties wherein independent districts are organized, keep a separate account with said independent districts, in which the receipts shall be daily entered, which books shall at all times be open to the inspection and examination of the district board of directors, and shall pay over to the said independent districts the amount of school taxes in his possession, on the order of the board, on the first day of each and every month.

Sec. 74. On the first day of each quarter the county treasurer shall give notice to the president of the school board of each township in his county of the amount collected for each fund; and it shall be the duty of the president of each board to draw his warrant, countersigned by the secretary, upon the county treasurer for such amount, who shall pay the amount of such taxes to the treasurers of the several school boards only on such warrants.

Section 78, line 1, insert after " township " the words " or sub-district."

In line 2, same section, insert after " district " the words " having a population of three hundred and upward."

Sec. 79. Any school director, or director elect, is authorized to administer to any school director elect the official oath required by law, and said official oath may be taken on or before the third Monday in March following the election of directors.

Section 82. Pupils may attend school in any sub-district of the district township in which they reside with the consent of the sub-director of such sub-district, and of the sub-director of the sub-district in which such pupils reside.

Section 85. The board of directors shall, at their regular meeting, called thereafter for that purpose, divide their townships into sub-districts, such as justice, equity and the interests of the people require; and shall make such alterations of the boundaries of sub-districts, heretofore formed, as may be deemed necessary; and shall designate such sub-districts and all subsequent alterations, in a distinct and legible manner, upon a plat of the district provided for that purpose; and shall cause a written description of the same to be recorded in the district records, a copy of which shall be delivered by the secretary to the county treasurer, and also to the county auditor who shall record the same in his office: *Provided*, That the boundaries of sub-districts shall conform to the lines of congressional divisions of land; and that the formation and alteration of sub-districts as contemplated in this section shall not take effect until the next sub-district election thereafter, at which election a sub director shall be elected for the new sub-district.

Section 89. Strike out the italicised portion of the section.

Section 90. Strike out the italicised words "or former sub-district."

Section 91, line 7, insert after secretary the words "and treasurer."

In line 8 of same section, insert after the word elected, the following: "who shall organize by electing a president and secretary from their own number, also a treasurer who may or may not be a member of the board.

Strike out all of original section 84.

Section 97. The annual meeting of all independent districts shall be held on the second Monday in March, for the transaction

of the business of the district, and for the election by ballot of two directors, as the successors of the two whose term expires, who shall continue in office for three years; and the president, secretary and one of the directors then in office shall act as judges of the election, and shall issue certificates of election to the persons elected for the ensuing term: *Provided*, That in all independent districts, having a population of less than five hundred, there shall be elected annually, one director who shall continue in office for three years.

Section 101. Where under the school laws of the state heretofore in force for the convenience and accommodation of the people, school districts were formed of portions of two counties of territory lying contiguous to each other, at the written request of five legal voters residing in portions of said territory in each county, the board of directors of the district township to which such territory belongs, having a majority of the legal voters, shall fix the boundaries of an independent school district composed of such sections of land, or portions thereof, as may be described in the petition therefor, and shall give at least ten days notice of the submission of the question of the formation of said independent district, at a special election for said purpose, specifying the boundaries of the district, the time and place of the meeting of the electors for such election, at which meeting the electors in the contemplated district shall vote by ballot for or against the separate organization. Should a majority of the votes be cast in favor of such separate organization, the said board of directors shall proceed by ballot to elect officers in the manner provided by law, and organize such independent district.

Section 102, add to the end of the section the words "and failure to comply with the provisions of this section shall make each director liable to a penalty of ten dollars."

Section 104, line 9, strike out the word "county."

Section 106, line 1, strike out "ten per cent" and insert "lawful."

Sec. 107. Township districts may be consolidated and organized as independent districts, in the following manner: Whenever the board of directors of any existing district township shall deem the same advisable, and also whenever requested to do so by a petition signed by one-third of the voters of the district township, the board shall submit to the voters of said township district, at a regular election, or one called for the purpose, the question of consolidation, at which election the voters of the township district shall vote for or against consolidation. If a majority of votes be in favor of such consolidated organization, such township district shall organize on the second Monday of March following as an independent district; *Provided*, That in townships which have been divided into independent districts, the duties in this section devolved on the board of directors shall be performed by the trustees of the township to whom the petition shall in such cases be addressed;

and provided further, That nothing in this section shall be construed to affect independent districts composed wholly or mainly of cities or incorporated towns. Independent districts may in like manner change their boundaries so as to form any number of districts less than the number of districts existing at the time such change is asked for and such change shall be specified in the notices for a vote thereon.

Section 108. The sub-districts of any district township may be constituted separate and independent districts, in the manner hereinafter provided.

Section 109. At the written request of one-third of the legal voters residing in any district township, the board of directors shall call a meeting of the qualified electors of the district township, at the usual place of holding the annual meeting of such district township, by giving at least ten days notice thereof, by posting three written notices in each sub-district in the township, and by publication in a newspaper, if one be published in the township, at which meeting the said electors shall vote by ballot for or against a separate organization.

Section 110. Should a majority of the votes be cast in favor of such separate organization, the board of directors shall call meetings in each sub-district in the township, of the qualified electors thereof, in the manner and for the purpose as provided in section 91 of this chapter. *Provided*, That if the number of inhabitants of any such sub-district does not exceed five hundred, then but three directors shall be chosen, who shall hold their offices one, two and three years, respectively, the length of their respective terms to be determined by lot, and but one director shall be chosen annually thereafter, who shall hold his office three years.

Section 111. At any meetings of the electors of each sub-district, as provided in the last section, they shall also determine by ballot the name to be given to their district, and each district when so organized shall be a body corporate, and the name so chosen shall be its corporate name. *Provided*, That the board of directors of any district organized under the provisions of this act may change its name if any other district in the township shall have chosen the same name.

Section 112. Districts organized under the provisions of this act, shall be governed and treated in every respect as provided by the law creating independent districts.

Section 113. When any district township is divided into independent districts under the provisions of this act, then the old board of directors of the district township shall make such a division of assets and liabilities of such district township as is provided by section three of this chapter.

CHAPTER 10.

Section 2, line 1, strike out "twenty" and insert "forty."

Section 4. Add to the end of the section the following: "*Provided*, That during the time said site is used for school purposes, the owners of the fee shall not injure or remove the timber standing thereon.

CHAPTER 12.

Sec. 3, line 2, strike out the words "whose duty" and insert "and." Also in same line insert after the word "be" the words "the duty of the state auditor."

In line 3, insert after possession of the words "and steadily loaned in."

Strike out the words "so that," in line 3 same section, and all of line 4.

CHAPTER 13.

Section 15, lines 5 and 6, strike out the words "and the reports of the decisions of the supreme court of this state."

CHAPTER 14.

Sec. 8, line 1, strike out "eighty" and insert the word "twenty."

T I T L E 13.

CHAPTER 3.

Add to end of Section 2, "but property so leased shall in all cases be subject to taxation the same as the property of individuals."

CHAPTER 4.

Substitute for Sec. 1. "No sale, contract or lien wherein the transfer of title or ownership of personal property is made to depend upon any condition shall be valid against any creditor or purchaser of the vendee or lessee in actual possession, obtained in pursuance thereof, without notice, unless the same be in writing, executed by the vendor or lessor, acknowledged and recorded the same as chattel mortgages.

CHAPTER 5.

Section 8, line 1, after the word "estate" insert "or interest therein."

Strike out from the word "her" in line 1, to, and including the word "control" in line 2, and insert the words "and may control the same."

Section 13. No vendor's lien for unpaid purchase money shall be recognized or enforced in any court of law or equity after a conveyance by the vendee, unless such lien is reserved by conveyance, mortgage or other instrument duly acknowledged and recorded, or unless such conveyance, by the vendee, is made after suit brought by the vendor, his executor or assigns, to enforce such lien. But nothing herein shall be construed to deprive a vendor of any remedy now existing against conveyances, procured through the fraud or collusion of the vendees therein or persons purchasing of such vendees with notice of such fraud."

CHAPTER 6.

Sec. 25, line 2, strike out "for" and insert "of."

"Sec. 29. All instruments containing a power to convey, or in any manner to effect real estate, shall be held to be instruments affecting real estate and no such instrument when certified and recorded as above prescribed can be revoked as to third parties by any act of the parties by whom it was executed, until the instrument containing such revocation is acknowledged and filed for record in the same office in which the instrument containing such power is recorded."

Sec. 30. Strike out lines 13, 14, 15, 16, 17, 18, and 19.

CHAPTER 8.

Add to section 21, "But if there be no such survivor the homestead descends to the issue of either husband or wife, according to the rules of descent, unless otherwise directed by will, and is to be held by such issue exempt from any antecedent debts of their parents or their own."

CHAPTER 9.

Section 7, line 6, after the word "harvested" insert "provided that in case of a crop of corn it shall not be later than the first day of December."

CHAPTER 11.

Section 4, line 6, strike out "summons" and insert the word "notice."

Section 5, line 3, strike out the words "of the case."

Add the additional: "Section 6. The provisions of this chapter shall not apply to easements already acquired."

TITLE 14.

CHAPTER 1.

Section 18, line 1, after the word "procure" insert "and keep."

Also in line 4, after word "procure," insert "and keep."

Add to end of section 29, "every scale shall be deemed a public one for which a charge is made."

CHAPTER 2.

Section 3, line 1, strike out "rule" and insert the word "rate."

CHAPTER 3.

Section 2, line 2, after the word "such" insert the word "note."

Section 3, line 5, strike out the word "set off" and insert "or."

Also in same line strike out the words, "or cross demand,"

Section 5, line 2, strike out "set off," and insert the word "or."

Also in same line strike out the words, "or cross demand."

Section 11, in the third and fourth lines strike out all after the word "law."

CHAPTER 4.

Section 4, line 2, from word "it" strike out balance of section.

CHAPTER 8.

Section 4, line 1, after "every" insert "railroad." In same line strike out "and" and insert the word "or."

Strike out all of section 13.

Section 18, line 1, strike out "act" and insert "chapter."

CHAPTER 9.

Section 16, line 3, from word "interest" strike out balance of section.

CHAPTER 10.

Section 13, line 5, strike out "three" and insert "four."

T I T L E 15.

CHAPTER 2.

Strike out all of section 3.

Section 5, line 1, strike out the words "or created." In line 2, after the word "other," strike out the balance of the section, and insert "shall be valid to the same extent as between other parties."

Section 6, line 1, after word "state" insert "and is absent therefrom one year without providing for the maintainance and support of his or her family."

In line 5, after the word "the" as it occurs the second time insert "husband or wife." In line 7, after the word "as" insert word "if."

Section 8, line 2, strike out "by making his or her application." In line 3, after the word "by" insert "filing a."

Section 11, line 2, after the word "debts" insert "or liabilities."

Section 13, line 1, after word "family" insert "and."

Section 15, line 2, after the word "other" strike out "he or she" and insert the words "the same person." In line 4, strike out the "husband or wife" and insert the word "applicant."

Section 16, line 2, after the word "clerk" insert "of the district or circuit court."

CHAPTER 3.

Section 1, line 1, after the word "circuit" insert the word "court."

Section 2, line 1, add before the word "the" "except where the defendant is a resident of this State served by personal service."

In line 2, strike out "he" and insert the words "the plaintiff."

In line 5, after the word "and" where it occurs the second time, insert "it must in all cases state." Also in same line strike out "not" at the end of the line.

In line 6, strike out all after the word "made" to and including the word "truth" and insert the words "in good faith."

Section 3, lines 2 and 3, strike out the words "other than such oath."

Add to the end of section 3 "or by a commissioner appointed by the court."

Section 5. Add to end of section "unless such husband has an

illegitimate child or children then living, which was unknown to the wife at the time of their marriage.”

Section 6, lines 1 and 2. From the word “cross-petition” strike out balance of section.

Section 12, line 4. Strike out the word “and” and insert “provided.”

In line 5 strike out “together since the death of such former husband or wife,” and insert “as provided in section seven, chapter one of this title.”

Section 15, line 2. Strike out the word “and” and insert “or.”

Section 16, line 4, strike out “commencement of the action” and insert “decree of the court.”

CHAPTER 5.

Section 2. In line 1 strike out all after the word “other.”

In line 2, strike out the words “in such guardianship” and insert “becomes the guardian.”

Section 15, line 3, strike out the word “may.”

Add to end of section 21, “and failure to comply with such order for three months thereafter shall subject such guardian to a penalty of one hundred dollars to be recovered in an action on his bond for the benefit of such minor’s estate.”

Section 32, line 5, after the word “property” insert “and the allegations of the petition have been satisfactorily proved upon the trial provided for in the following section.” In line 6, after the word “guardian” as it occurs the first time insert “of the property.”

Section 33. Add to end of section the words, “The petition may be presented to the judge, who may appoint a temporary guardian.”

CHAPTER 6.

Section 2. In line 1 strike out “by” and after the word “be” insert “by.”

TITLE 16.

CHAPTER 1.

Section 1, line 5, strike out the word “real,” and add to the end of the section the words “except as prescribed in the chapter relating to marriage and divorce.”

Section 4, line 1, insert after the word "clerk" the words "in vacation."

Section 5. Strike out from and including the word "may" in the first line, to and including the word "aside" in the second line, and insert the following: "shall be binding on all parties interested therein until the next term of the court after they are entered of record, when they shall be read in open court and approved, set aside or modified, but until so set aside or modified."

Section 6, line 1, insert after the word "judge" the following: "is a party, or connected by blood or affinity with any person so interested nearer than the fourth degree or."

Section 8, line 3, strike out the word "real."

CHAPTER 2.

Section 27, line 1, strike out the words "an administrator with the will annexed may be appointed," and insert the following: "letters of administration with the will annexed may be granted to some other person."

Section 37, line 1, strike out "five" and insert "twenty."

CHAPTER 3.

Section 5, line 2, strike out "to" as it occurs the first time, and insert "by."

Section 6, line 1, insert after "shall" the words "if necessary." Strike out the balance of the section from and including the word "and" in the third line.

Section 11. Strike out the words "or if he fail" in line three. Strike out of line 4, to and including the word "executor."

Section 40. Add to the end of the section the following: "unless the same have been approved by the administrator, in which case they may be allowed by the clerk."

Section 47, line 1, strike out "set offs" and insert "counter claims"

Section 53, line 1, strike out "nine" and insert "twelve."

Section 63, line 1, strike out "nine" and insert "twelve."

CHAPTER 4.

Substitute for section 6: "The distributive share of the widow shall be so set off as to include the ordinary dwelling house given by law to the homestead, or so much thereof as will be equal to the share allotted to her by the last section, unless she prefers a different arrangement. But no different arrangement shall be permitted where it would have the effect of prejudicing the rights of creditors."

Section 7. The widow of a non-resident alien shall be entitled to the same rights in the property of her husband as a resident, except as against a purchaser from the decedent.

Substitute for section 17. "The widows' share can not be affected, by any will of her husband unless she consents thereto within six months after notice to her of the provisions of the will, by the other parties interested in the estate, which consent shall be entered on the proper records of the circuit court."

Substitute for Sec. 30. They shall inherit from the father whenever the paternity is proven, during the life of the father, or they have been recognized by him as his children, but such recognition must have been general and notorious or else in writing.

Substitute for Sec. 31. Under such circumstances if the recognition of relationship has been mutual the father may inherit from his illegitimate children.

Sec. 32. But in thus inheriting from an illegitimate child the rule above established must be inverted so that the mother and her heirs take preference of the father having the same right of inheritance in regard to an illegitimate child that the mother has in regard to one that is legitimate.

CHAPTER 5.

Sec. 1, line 3, insert after the word "effects" the following: "and the amount of money received, and if any received, what disposition has been made of it by him."

In same section, at the end of line 4, insert the following: "and such final settlement shall be made within three years, unless otherwise ordered by the court."

Section 9, line 11, strike out "in this title" and insert "by law."

Section 10, line 1, strike out "application" and insert "petition."

In line 2 strike out "made" and insert "filed."

Sec. 11, line 1, strike out "application" and insert "petition." Also in same line strike out the words "in writing, and."

Section 12, line 1, strike out "application" and insert "petition."

Sec. 17, line 2, strike out the words "the provisions of this title" and insert "law."

Sec. 25, line 3, strike out "they" and insert "the court."

Sec. 33, line 7, strike out all of line seven, and insert the words "such fee therefor as may be fixed by the court."

TITLE 17.

CHAPTER 1.

Section 13, line 1, after the word "at" insert "or before."

Section 16. Add to end of section the following: "Except final judgments and interlocutory or final decrees entered of record."

Prefix to section 23 the following: "The right of civil remedy is not merged in a public offense, but may in all cases be enforced independently of, and in addition to, the punishment of the latter."

Strike out in line 1 of original section 23 all after the word "death."

Add the additional: Section 25. The rule of the common law that statutes in derogation thereof are to be strictly construed has no application to this code. Its provisions and all proceedings under it shall be liberally construed with a view to promote its objects and assist the parties in obtaining justice.

CHAPTER 2.

Section 2, line 1, after the word "fraud" insert "or mistake."

In line 2, after word "fraud," insert "mistake."

Substitute for section 7. "The times limited for actions herein, except those brought for penalties and forfeitures, shall, in favor of minors as defined by this code and persons insane, be extended so that they shall have one year from and after the termination of such disability within which to commence said actions."

Section 12, line 2, after the word "such" insert "counter."

In line 4 strike out "accrued" and insert the word "originated."

Strike out all of section 14.

CHAPTER 3.

Section 8, line 3, strike out the word "on" where it occurs the second time and insert "by."

Section 25. Strike out all of first line and insert the following: "Suits may be brought by or against a partnership as such, or against all or either of the individual members thereof."

Section 27, line 1, after the word "county" insert "or other municipal corporation."

Strike out balance of section from the word "thereof" in line 4.

CHAPTER 4.

Section 41. "Actions for injuries to real property may be

brought either in the county where the property is, or where the defendant resides."

Section 5, line 2, strike out "Pullman or other."

Section 11, line 4, strike out "no judgment shall be rendered against," and insert after the word, "non-residents" the following: "May, upon motion, have said cause dismissed with reasonable compensation for trouble and expense in attending at the wrong county."

Section 13, in line 2, strike out the word "venue" and insert "place of trial."

CHAPTER 5.

In sections 1, 2 and 5, strike out the word "venue," and insert "place of trial."

Also in section 5, line 1, strike out the word "and," and insert after the word "same" the words, "must be."

CHAPTER 6.

Section 1, in line 6, strike out the word "next," and insert after "term" the words, "at which defendant is required to appear, naming it." Add to end of section the following: "In all cases where the time for the commencement of the term has been changed after the notice has been served, the defendant shall be held to appear at the time to which such term has been so changed."

Section 20, line 20, strike out "United States, and insert "State of Iowa."

Strike out all of section 21.

CHAPTER 8.

Section 7, line 1, strike out the words, "a demurrer," and insert the word "an."

In line 2, after the word "assailed," insert the following: "Except as provided in section seventeen of this chapter."

In line 4, strike out the word "allowed," and insert "filed unless such pleading be amended after the filing of a motion or demurrer thereto."

Section 9, line 2, strike out "may" and insert, "shall."

Strike out in line 3, up to the word "the," and insert the word "unless." Also after the word "is," insert the word "sooner."

Section 13, in lines 4, 5 and 6, strike out the word "by" and insert the word "of."

Section 42, line 3, strike out the words "and its consequences." Also "counter claim," and insert the word "same."

Section 43, line 2, after the word "penitentiary" the following: "nor to any pleading controverting the answer of a garnishee."

Strike balance of section 44, from the word "prosecution," and insert the words, "no verification shall be required."

Strike out all of section 58."

Section 77, line 5, after the word "instrument" insert the words "be not negotiable." Also in same line strike out the word "of" and insert "to."

Section 78, line 2, after "happened" strike out the word "to" and insert "or."

CHAPTER 9.

Section 4, lines 1 and 2, strike out after the word "proceeding" to and including the word "property."

Section 5, line 2, strike out the word "where" and insert "that."

Section 6, after the word "created" in line 2, insert the words "not including trusts." In line 6, after the word "record" insert "according to the requirements of the motion."

Section 8, line 5, after the words "number of" insert the word "printed."

Section 30. Strike out all the words printed in italics.

Section 33, after the word "which" insert "no."

Add to end of section 38 the following: "and other evidence may also be heard."

Section 52, line 1, after the word "may" insert "take and." In line 2 strike out the word "or" and insert "and."

Section 100, line 6, after the word "record" insert the word "but." Also in same line, after the word "affidavits" insert "not exceeding five on each side."

Section 102, line 2, strike out "reference" and insert "referee." In line 4, after the word "aggrieved" strike out the word "of" and insert "for."

Add the additional: "Sec. 158. In all cases under this code, where by law it is permitted or required that judicial or other sales and conveyances of land may or shall be confirmed and approved by a court, it shall be lawful for the judge of the court, in vacation, to confirm or approve the same, and to cause the proper entry or entries thereof to be made required by law and the rules of such court."

TITLE 18.

CHAPTER 1.

Section 8. Strike out the eighth line and insert the following:

"3. That the defendant has disposed of his property in whole or in part with intent to defraud his creditors.

4. That the debt was incurred for property obtained under false pretence."

Section 13, line 3, strike out "but" and insert the words "and reasonable attorney's fee to be fixed by the court and."

In line 4 and 5, strike out all of line 4 after "maliciously," and strike out the words "or intent" in line 5.

Sec. 50. Add to the end of the section the words "and was exempt from seizure under such attachment."

CHAPTER 2.

Section 37. Insert after "month," in line 9, the following:

"*Provided*, That the provisions of this chapter in relation to stay of execution shall not apply to existing contracts, but such contracts shall be governed by the laws in force at the time they were made, which are as follows :

When judgment has been rendered against any one for recovery of money, he may, by procuring one or more sufficient freehold securities to enter into a recognizance acknowledging themselves security for the defendant for the payment of the judgment, together with the interest and costs accrued and to accrue, have a stay of the execution from the time of rendering judgment, as follows :

If the sum for which judgment was rendered, inclusive of costs, does not exceed five dollars, one month.

If such sum and costs exceed five, but not twenty dollars, two months.

If such sum and costs exceed twenty, but not forty dollars, three months.

If such sum and costs exceed forty, but not sixty dollars, four months.

If such sum and costs exceed sixty, but not one hundred dollars, six months.

If such sum exceeds one hundred, but not one hundred and fifty dollars, nine months.

If such sum and costs exceed one hundred and fifty dollars, twelve months. Rev. § 3293.

And provided further, That all judgments shall bear interest at the rate of ten per cent per annum, on which stay is taken."

CHAPTER 3.

Strike out all of sections 16, 17, 18, 19 and 20.

Section 47, line 4, insert after "rifle" the words "and shot

gun." In same line also, insert after "pictures" the words "musical instruments."

In line 6, strike out "one" as it occurs before the word "cow" and insert "two."

In line 7, insert after "thereon" the words "six stands of bees."

In line 8, strike out "sixty days" and insert "six months."

In line 11, strike out "one" and insert "two."

Section 50, line 1, strike out "man" and insert "person."

Sec. 74 $\frac{1}{2}$. Personal property upon and advertised for sale on execution must be appraised before sale by two disinterested householders of the neighborhood, one of whom shall be chosen by the execution debtor and the other by the plaintiff, or in case of the absence of either party or if either or both parties neglect or refuse to make choice, the officer making the levy shall choose one or both as the case may be, who shall forthwith proceed to return to said officer a just and true appraisement under oath of said property if they can agree, and in case they cannot agree they shall choose another disinterested householder, and with his assistance they shall complete such appraisement, and the property shall not be sold for less than two-thirds of such valuation; provided, the same shall be offered for three successive days at the same place and hour of day as advertised, and if no offer equal to two-third the value thereof be made, then it shall be lawful to sell said property for one-half of said valuation.

T I T L E 19.

CHAPTER 2.

Add to the end of section 7, the following:

"But no appeals shall be taken in any cause in which the amount in controversy between the parties as shown by the pleadings does not exceed one hundred dollars, unless the trial judge shall certify that such cause involves the determination of a question of law upon which it is desirable to have the opinion of the supreme court, but this limitation shall not affect the right of appeal in any cause in which is involved any interest in real property.

Substitute for "Section 18. If the transcript being filed, errors are not assigned and filed with the clerk of the supreme court, and a copy of the same served on the appellee or his attorney ten days before the first day of the trial term, the appellee may have the appeal dismissed or the judgment or order affirmed, unless good cause for the failure be shown by affidavit."

CHAPTER 3.

Section 4, line 2. After the word "judge" insert the words, "issuing the writ."

Section 7, line 5. Strike out "defendant" and insert the words "party, or either of them."

Section 9, line 1, strike out "six" and insert "twelve."

TITLE 20.

CHAPTER 1.

Section 1, line 1, strike out the word "in" and insert after "property" the following, "may be brought in any county in which the property or some part thereof is situate, and."

CHAPTER 2.

Section 7, line 6, after the word "no" insert "written."

Add to the end of section 24, "but only one such new trial shall be granted."

Section 32, after the word "action" insert "contemplated by the three preceding sections."

CHAPTER 3.

Section 5, line 6, after the word "no" insert the word "written."

Section 8, line 1, strike out "shall" and insert the word "may."

CHAPTER 4.

Sec. 14, line 1, after the words "brought" insert the words "in the same county."

Section 15, strike out balance of section from and including the word "absolute," in the 4th line, and insert "subject to redemption as in cases of sale under general execution."

Section 21, line 2, after the word "mortgage" insert the following, "or by execution of an instrument in writing referring to the mortgage, and duly acknowledged and recorded."

CHAPTER 9.

Strike out all of section 8, and insert the following, "The defendant may move to dissolve the injunction either before or after the filing of the same."

AMENDMENTS.

CHAPTER 11.

Section 7, line 1, after the word "notice" insert the words "except in cases of sickness."

TITLE 21.

CHAPTER 1.

Add to the end of section 1, "but does not embrace suits for the recovery of money against actual residents of any other county, except as provided in section 7 of this chapter.

Section 42, line 2, after "challenges" insert "and no more."

Section 48, line 2, strike out the word "plaintiff" and insert "said parties."

TITLE 22.

CHAPTER 1.

Substitute for section 5. Any person may have his own deposition or that of any other person read and used as evidence in all cases where his evidence would be incompetent by the provisions of the preceding section, by causing such deposition to be taken either before or after suit brought during the life time or sanity of the person against whom his executor, heir or other representative the same is to be used; *Provided*, Such deposition shall have been taken and filed ten days prior to the death or insanity of such person. If after suit brought, such deposition may be taken in the usual manner; if before, then the same may be taken *de bene esse*, as provided by law.

Strike out all of section 8.

Section 91, line 3, after the word "consul" insert the words "or consular agent." In line 7, insert after "consul" the words "or consular agent."

TITLE 23.

CHAPTER 1.

Section 2, line 3, strike out the words "charge and receive" and insert "collect."

Also in same line strike out the words "in addition to his salary."

Section 3, line 3, strike out the words "charge and receive" and insert the word "collect." Also in same line strike out the words "in addition to his salary."

Section 5, line 3, strike out the word "may" and insert "shall." Also strike out the words "take and receive" and insert "collect." Also strike out "additional compensation" and insert "fees."

Section 13, line 1, strike out "three" and insert "four."

Section 16, line 3, strike out the words "and to" and insert the words "shall be allowed."

Strike out all of section 19 from the word "dollars" in the first line, and insert after "district" in line 1 the words "and of the circuit."

Section 22, in line 6 strike out the word "paid" as it occurs the second time, and insert the word "allowed."

Section 23, line 2, after the word "them" insert "which."

CHAPTER 2.

Section 1, line 20, after the word "order" insert the words, "not including subpoenas."

Section 8, line 4, strike out "or warrant," and after the word "order" insert the word "or." Add to the end of line 5 the following: "and for each warrant two dollars, mileage, and all necessary expenses as sworn to by the sheriff."

In line 11, strike out the words "not in a regular term in his county."

In line 13, after the word "law" insert the words, "when made by him."

In line 21, after "detainer" insert the words, "including mileage."

In line 25, after the word "them" insert the words "including mileage."

In line 34, after the word "execution" insert "or when the money is collected without sale of property."

Add to end of line 38 "and for dieting a prisoner in conveying him to state prisons or jail outside of his county, one dollar per day."

In line 39 strike out the letter "a" and insert the word "each."

Strike out lines 42 and 43.

In line 44 strike out the words "last two items," and insert the words "the same."

Sec. 9. line 1, after the word "for" as it occurs the first time, insert "attending circuit and district courts, and."

Strike out all after the word "salary" in line 2, and insert, "in each county with a population of ten thousand inhabitants, not less than fifty dollars."

"In each county with a population of fifteen thousand inhabitants, not less than one hundred and fifty dollars."

"In each county with a population of twenty thousand inhabitants, or over, not less than two hundred dollars."

Sec. 11, line 2, after the word "session" as it occurs the first time insert the following: "and \$2:50 per day exclusive of mileage when not in session, but employed on committee service."

In line 3, after "population," insert the words "as shown by the last preceding census of."

Section 13. Add as subdivision 5, the following: "For mileage by the nearest traveled route when paying money into the state treasury or national bank when required by law, ten cents for each mile counting one way."

Section 20, line 3, strike out "four" and insert the word "three."

Section 24, line 12, insert after "for" the word "each."

Also in the same line after the word "in" strike out "each."

In line 18, of same section, strike out the word "of" and insert "or."

Strike out line 23, and insert the following: "For all money collected and paid over without suit, five per cent; and for all money collected and paid over after suit brought without judgment two per cent, which shall be added to the costs."

Section 25, line 7, after the word "trial" insert "each calendar day."

In line 15, after the word "case" insert "for each calendar day"

Section 28, line 2, after the word "day," insert "service of eight hours."

Add after line 3, "For each day engaged in assessing damages done by trespassing animals, one dollar per day, each to be paid as are other costs in such cases."

Section 29, in line 7, strike out at the beginning of the line the word "and."

In same line, strike out "trustees" and insert "board of supervisors."

Prefix to same line the following: "For making out and certifying the papers in any appeal taken from an assessment by the trustees of damages done by trespassing animals."

Section 30, line 1, after the word "day" insert the words "of eight hours."

CHAPTER 3.

Strike out section 1, and insert the following: "Jurors shall receive the following fees:

For each days service or attendance in courts of record, two dollars, and for each mile traveled from his residence to the place of trial, the sum of ten cents;

For each days service before a justice of the peace, one dollar.

No mileage shall be allowed jurors before justices nor talesmen.

Jurors fees in justice's courts shall be taxed as part of the costs.

Immediately after the adjournment of each term of a court of record, the clerk thereof shall certify to the county auditor a list of the jurors, with the number of days attendance and mileage to which each one is entitled."

Section 3, line 2, after the word "jurors" insert "in courts of record."

In line 3, strike out "fifty cents per day," and add to end of line the words, "twenty-five cents per hour."

Section 4, add to end of line 1, the words "and twenty-five cents."

Add to end of line 2, the words, "for each day."

Strike out line 6.

Also strike out lines 11, 12 and 13, and insert, "for attending before the grand or trial jury, or court in criminal cases where the defendant is adjudged "not guilty," the fees above provided for attending the district or justices courts, shall be paid by the county upon a certificate of the clerk or justice, showing the amount of the services to which they are entitled."

Section 6, strike out lines 2, 3 and 4, and insert the following: "is a misdemeanor and shall be prosecuted as provided by law."

Section 7, line 3, after the word "whether," insert the words, "it be."

Substitute for section 8. "In all criminal cases the fees of witnesses for the defense shall be paid by the county."

Section 10, line 3, strike out the word "commandment" and insert "commitment."

Section 11, line 1, strike out the word "or," and insert after the word "mule" the words, "jack or jenney."

Strike out lines 6, 7, 8 and 9, of same section.

Section 12, lines 1 and 2, strike out "under this chapter," and insert the words, "in respect to estrays or trespassing animals."

In line 8, strike out the words, "this act" and insert "chapter 3, of title 11."

In line 11, after the word "performed" strike out the words "provided that" and insert the following, "The printer of the county paper for publishing the notice shall receive the price of his published or ordinary advertising rates."

Section 13, line 3, strike out the word "ten" and insert "fifteen."

Section 14, line 3, strike out the word "three" and insert "four."

Section 15, line 8, strike out the word "ten" and insert "five."

In line 17, after the word "county" insert "shall issue an order on the county treasurer for the amount as estimated."

Section 16, prefix to line 2, the words "the hospital for," and strike out in same line the word "asylums," also the words "the same," also in same line strike out all after the word "mileage" to and including the word "assembly," and insert "at the rate of five cents per mile each way."

In line 3, same section, insert after "each" the words "hospital for the." Strike out "asylum" in same line.

Section 18, line 2, strike out the word "make" and insert the word "making."

Section 19, line 3, strike out "twenty-five dollars" and insert "such fee as the court may fix."

In line 4, strike out the words "ten dollars" and insert "such fees as the court may fix."

At the beginning of line 6, strike out the word "for" and insert "any attorney selected by a peace officer for."

Add to the end of section 22, the following:

"And in all cases of publication of notices in connection with commencement of actions in court, or sales upon execution, the plaintiff may designate the newspaper published within the county in which such notice shall be published."

Section 23, line 1, strike out the words "shall be at the rate of twenty" and insert "shall be at a rate not exceeding twenty."

Section 24, line 2, after the word "dollars" insert "or such other sum as may be agreed upon by the parties in interest."

Section 30, line 2, after the word "therefore" the word "not," and insert after the word "sum" the word "not."

Section 32, in line 3, after the word "county" insert "or when the orders, judgments or decrees of courts of justices of the peace are to be entered or performed or their writs executed." Add to the end of same section: "After the expiration of sixty days from the rendition of a final judgment not appealed, removed or reversed, the clerk of the court or a justice of the peace in whose office the judgment is entered, may, and on demand of any party entitled to any part thereof, shall issue a fee bill for all costs of such judgment, which shall have the same force and effect as an execution issued by such officer, and shall be served and executed in the same manner."

Section 34, after the word "offices" insert "at the county seat, together with."

Add to end of section, "but in no case shall any of such officers be permitted to occupy an office also occupied by a practicing attorney."

TITLE 24.

CHAPTER 1.

Add to the end of section 1, "Treason is not a bailable offence."

CHAPTER 2.

Section 16, line 3, after the word "resistance" insert "or have carnal knowledge of an idiot or female, naturally of such imbecility of mind or weakness of body as to prevent effectual resistance."

Insert as "Section 31. If any person carry upon his person any concealed weapon, he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars or imprisonment in the county jail not more than thirty days. *Provided*, That this section shall not apply to police officers and other persons whose duty it is to execute process or warrants or make arrests."

Sections 32, lines 3 and 4, strike out the words "county jail" and insert "state prison."

CHAPTER 3.

Section 22, prefix to line 3, "or any other product of petrolum."

CHAPTER 4.

Section 7, line 1, after the word "school" insert the word "or." Also, after the word "municipal" insert "officer, or officer of any state institution,"

CHAPTER 6.

Section 18, line 2, strike out the word "capital" and insert after "felony" the words "punishable by imprisonment for life."

Section 19, line 2, strike out "a" and insert the words "any-other."

CHAPTER 8.

Section 15, line 4, after imprisonment insert the words "in the state prison."

CHAPTER 11.

Section 6, in line 7, strike out all after the word "thereof," to, and including the word "premises" in the 10th line, and insert "or if any person anywhere shoot, kill, net, ensnare, or trap any quail at any time of the year, except it shall be lawful for any one to shoot quail upon any premises with the consent of the owner or occupant thereof, between the first day of October and the first day of January of each year."

Also, add to the end of section, "one-half of such fine to be paid to the person upon whose information the same is received."

Section 10, line 2, strike out the words "of this state" and insert "over which the state has exclusive jurisdiction."

In line 3, after the word "snare" insert "gun."

Substitute for section 16, "If any person bring into this state any Texas cattle, he shall be fined not exceeding one thousand dollars or imprisonment in the the county jail not exceeding thirty days, unless they have been wintered at least one winter north of north of the southern boundary of the state of Missouri or Kansas; *Provided*, that nothing herein contained shall be construed to prevent or make unlawful the transportation of such cattle through this state on railways, or to prohibit the driving through any part of this state, or having in possession any Texas cattle between the first day of November and the first day of April following."

CHAPTER 12.

"Section 7. Any person who shall be guilty of racing horses or driving upon the public highway in a manner likely to endanger the persons or lives of others shall be guilty of a misdemeanor and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days."

TITLE 25.

CHAPTER 1.

"Section 5. All defendants areailable both before and after conviction, by sufficient surety, except for offenses heretofore punishable with death under the laws of this state, where the proof is evident, or the presumption great."

CHAPTER 5.

Strike out all of section 10, from the word "contemplated" in the 4th line.

CHAPTER 7.

Section 7. After the word "boat" as often as it occurs in the section, insert "raft."

CHAPTER 10.

Add to the end of section 1 the words, "the complaint may be in form substantially the same as provided in section 4, of chapter 52."

Section 6, strike out all of section from the word "state" in the 2d line.

CHAPTER 11.

Section 5, line 2, strike out the word "premises" and insert "presence."

CHAPTER 12.

Add to section 3: "*Provided*, however, that before said examination is commenced, said defendant may have a change of venue, upon filing an affidavit that the magistrate is prejudiced against him, is a material witness for either party, or that the defendant cannot obtain justice before him, as affiant verily believes. On filing of such affidavit a change of venue must be allowed, and the magistrate must immediately transmit all original papers and a transcript of the record entire in the case, to the next nearest magistrate in the township against whom no objection exists, (if there be any); if not, to the next nearest magistrate in the county against whom no such objection in the opinion of the justice exists, who shall proceed with said examination as hereinafter provided. Only one such change of venue shall be allowed."

Section 9, line 2, after the word "taken" insert the words "on application of the defendant."

In line 5, strike out "opposite party" and insert the word "state."

Also in same line strike out the word "him" and insert "state."

In sections 10 and 11 strike out the words "opposite party" and insert "state."

Section 16, line 2, strike out the words "what was proved" and insert "the testimony given."

Section 28, line 4, insert after "have" the word "not."

Section 29. "When the defendant is discharged the justice shall, if he is satisfied that the prosecution is malicious, or without probable cause, tax the costs against the complainant, and render judgment therefor; but the person against whom such judgment is rendered may appeal in the same manner, and with the same effect,

as is provided for a prosecuting witness in section 32, chapter 52, of this title."

CHAPTER 13.

Strike out all of section 4 and insert the following: "A defendant held to answer to a public offense may challenge the panel of the grand jury, and the state or defendant may challenge any individual juror."

Insert the following as section 5: "A challenge to the panel can be interposed only for the reason that they were not appointed, drawn or summoned as prescribed by law."

Strike out sub-division 3 of section 6, as in the bill, and insert: "Having formed or expressed such an opinion as to the guilt or innocence of the prisoner as would prevent him from rendering a true verdict upon the evidence submitted on the trial."

Section 7, line 3, strike out "ninth" and insert the word "fifth."

Strike out section 8 and insert the following: "Challenges to the panel or to an individual juror must be decided by the court."

Insert the following as section 9: "If a challenge to the panel be allowed, the grand jury is prohibited from inquiring into the charge against the defendant by whom it was interposed. If the jury does so and finds an indictment the court must set it aside."

Strike out section 12 and insert: "When several persons are held to answer for one and the same offense, no challenge to the panel can be made unless they all join in such challenge, nor can any objection be interposed by a defendant to the grand jury or to any individual juror for any cause of challenge after they are sworn."

CHAPTER 14.

Strike out all of section 2 and insert: "The indictment must in all cases be found only upon evidence given by witnesses produced, sworn and examined before the grand jury, or furnished by legal documentary evidence."

Section 4. "It is the duty of the grand jury to appoint one of its number, who is not foreman, clerk thereof, who must take and preserve the minutes of the proceedings and of the evidence given before it, except the votes of the individual members on finding an indictment."

CHAPTER 15.

Strike out section 3 and insert the following: "When an indictment is found, the names of all the witnesses examined before the

grand jury in that case must be indorsed thereon before it is presented to the court, and the minutes of the evidence of each witness examined before the grand jury, taken by the clerk of the grand jury, must be presented with the indictment to the court, and filed by the clerk of the court, and remain in his office as a record; but the minutes of the evidence shall not be open to the inspection of any person except the judge of the court, the district attorney or his clerk, the defendant and his counsel, or the clerk of said counsel, and the clerk of the court must within two days after demand made, furnish the defendant or his counsel a copy thereof without charge, or permit the defendant's counsel, or the clerk of such counsel, to take a copy."

Strike out all of section 5 of same chapter.

CHAPTER 17.

Section 9, strike out the word "summons" wherever it occurs in the section, and insert "notice."

In line 6, strike out the word "employe" and insert "officer or agent."

In line 9, strike out the word "to" as it occurs the second time, and insert "at."

CHAPTER 18.

Section 10, add to end of section the words "and is entitled to one day after arraignment in which to answer thereto if he demand it."

CHAPTER 19.

Section 1, add to end of the 5th line: "when the minutes of the evidence of the witnesses examined before the grand jury are not returned therewith."

Add a 5th subdivision as follows: "5th. That the grand jury were not selected, drawn, summoned, impaneled, or sworn as prescribed by law"

Strike out section 2 and insert the following: "A motion to set aside the indictment on the ground that the names of all the witnesses examined before the grand jury are not indorsed thereon; or that the name of any other witness than those so examined is indorsed thereon as prescribed in the 2d subdivision of section 1 thereof, shall not be sustained if the indorsement is corrected by the insertion or striking out such names or name by the district attorney or the clerk of the court, under the direction of the court, so as to correspond with the minutes required to be kept by the clerk

of the grand jury and returned and preserved with the indictment to the court."

Insert the following as section 3: "The ground of the motion to set aside the indictment mentioned in the 5th subdivision of section 1 hereof, is not allowed to a defendant who has been held to answer before indictment."

CHAPTER 24.

Section 3, line 4, after the words "persons" insert "residents of the county from which the change is sought."

CHAPTER 26.

Section 8, strike out subdivision 11 and insert: "Having formed or expressed such an opinion as to the guilt or innocence of the prisoner as would prevent him from rendering a true verdict upon the evidence submitted on the trial."

Add to the end of subdivision 13 the words "or complainant or private prosecutor against the defendant, or any other person, for a similar offense."

Add to subdivision 14 the words "and when the defendant is indicted for a like offense."

Subdivision 15. "Because he has been a witness either for or against the defendant on the preliminary trial or before the grand jury."

CHAPTER 27.

Add to the end of section 1: "and except that the defendant shall, if he, upon entering his plea demand it, be entitled to three days in which to prepare for trial."

Section 19, line 2, after the word "separate" insert "except where of the parties objects thereto."

Section 26, add to the end of the section the words, "and shall be taxed as costs."

CHAPTER 33.

Strike out section 2 and insert the following: "Upon a plea of guilty, upon a verdict of guilty, or a special verdict, upon which a judgment of conviction must be rendered, the court must fix a time for pronouncing judgment. The time appointed for pronouncing judgment must be at least three clear days after the verdict is rendered, if the court remain in session so long, or if not, as remote a time as can reasonably be allowed, but in no case can the

judgment be pronounced in less than six hours after the verdict is rendered.”

Strike out section 15 and insert: “ A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied, specifying the extent of the imprisonment, which shall not exceed one day for every three and one-third dollars of the fine.”

Section 17, line 1, after the word “cases,” insert “except murder in the first degree.”

CHAPTER 37.

Add to the end of section 1, the following: “But nothing contained in this title shall render any person who in any criminal proceeding, is charged with the commission of any public offense, competent or compellable, to give evidence thereon for or against himself.”

CHAPTER 52.

Section 12, line 7, after the word “who,” insert “may require the defendant to plead as provided in section 8 of this chapter, if he has not already done so, and.”

CHAPTER 55.

Add to the end of section 1, the following:

“After conviction of murder in the first degree no pardon shall be granted by the governor until he shall have presented the matter to, and obtained the advice of the General Assembly thereon. Before presenting the matter to the General Assembly for their action, shall cause a notice containing the reasons assigned for granting the pardon to be published in two newspaper of general circulation, one of which shall be published at the capital and the other in the county where the conviction was had, and if there be no such paper in such county, then in some adjoining county, for four successive weeks, the last publication to be at least twenty days prior to the commencement of the session of the General Assembly to which the matter shall be presented.”

TITLE 26.

CHAPTER 1.

Section 12, in line 5, strike out the word “must” and insert “may.”

Section 13, in line 3, strike out the words "county court" and insert "board of supervisors."

Section 18, line 5, strike out the word "eleven" and insert "twelve."

CHAPTER 2.

Section 6, line 7, after the word "received," insert "together with a copy of all proposals received by him and."

Add to the end of section 25, the words, "or in any contract for the labor of any convict."

Section 26, in line 5, after the word "buildings," insert "or in any contract for the labor of convicts."

Section 36, line 4, after the word "convict" insert "a suit of common clothing and."

Section 37, line 1, strike out the words "has authority to," and insert the word "shall."

In same line after the word "law" insert "except relatives of a convict confined therein."

In line 2, strike out the letter "a" and insert the word "the." Also in same line strike out the words "not exceeding," and insert the word "of."

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No. 2, to revise, amend, and codify the statutes in relation to the executive department; introduced and referred, 7.

No. 3, to revise, amend, and codify the statutes in relation to the judicial department; introduced and referred, 7; Passed, 11; Senate, 18; Concurred in, 24; enrolled, 36; signed, 41.

No. 4, in relation to county, township, town and city government; introduced and referred, 7.

No. 5, to revise, amend, and codify the statutes respecting elections and officers; introduced and referred, 7; reported, 12; passed, 13; Senate, 28; concurred in, 30; enrolled, 49, signed, 53.

No. 6, to revise, amend, and codify the statutes in relation to revenue; introduced and referred, 7; reported, 101; passed, 105; Senate, 165; concurred in, 169, and 190; enrolled, 216; signed, 218.

No. 7, to revise, amend, and codify the statutes in relation to highways, bridges, and ferries; introduced and referred, 7; reported, 13; passed, 15; Senate, 53; concurred in, 56; enrolled, 63; signed, 67.

No. 8, to revise, amend, and codify the statutes in relation to the militia; introduced and referred, 7.

No. 9, to revise, amend, and codify the statutes in relation to corporations; introduced and referred, 7; reported, 19; passed, 25; Senate, 63; concurred in, 73; enrolled, 79; signed, 80.

No. 10, to revise, amend, and codify the statutes in relation to internal improvements; introduced and referred, 7.

No. 11, to revise, amend, and codify the statutes in relation to the police of the state; introduced and referred, 7; reported, 27, 30; lost, 72; reconsidered, 74; passed,

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- No. 13, to revise, amend, and codify the statutes in relation to the rights of property; introduced and referred, 31; reported, 32, passed, 34; Senate, 84; reported, 87; Senate, 93; agreed to, 111; enrolled, 122; signed, 127.
- No. 14, to revise, amend, and codify the statutes in relation to trade and commerce; introduced and referred, 31;
- No. 15, to revise, amend, and codify the statutes in relation to the domestic relation; introduced and referred, 32; reported, 35; passed, 38; Senate, 87; concurred in, 89; reported, 90; concurred in, 95, 99; enrolled, 103; signed, 112.
- No. 16, to revise, amend, and codify the statutes in relation to procedure in courts of original jurisdiction; introduced and referred, 39; reported, 55; passed, 59; Senate, 160; concurred in, 164; enrolled 200; signed, 201.
- No. 17, to revise, amend, and codify the statutes in relation to the estates of decedents; introduced and referred, 32.
- No. 18, to revise, amend, and codify the statutes in relation to attachments, executions and supplementary proceedings; introduced and referred, 40; reported, 90.
- No. 19, to revise, amend, and codify the statutes in relation to proceedings to reverse, vacate and modify judgments or the proceedings of boards or individuals acting judicially; introduced and referred, 40; reported, 61; passed, 61; Senate, 121; concurred in, 123; enrolled, 140; signed, 143.
- No. 20, to revise, amend, and codify the statutes in relation to procedure in particular cases; introduced and referred, 40.
- No. 21, to revise, amend, and codify the statutes in relation to justices of the peace and their courts; introduced and referred, 40; reported, 61; passed, 75; Senate, 122; enrolled, 140; signed, 143.
- No. 22, to revise, amend, and codify the statutes in relation to evidence; introduced and referred, 40.
- No. 23, to revise, amend, and codify the statutes in relation to compensation of public officers; introduced and referred, 40; reported and passed, 77; Senate, 170; concurred in, 175, enrolled, 216; signed, 219.
- No. 24, to revise, amend, and codify the statutes in relation to crimes and punishments; introduced and referred, 41.

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- No. 25, to revise, amend, and codify the statutes in relation to criminal procedure; introduced and referred, 41; reported, 79; passed, 82; Senate, 128; concurred in 137; Senate, 142; agreed to, 147; Senate, 148; enrolled, 173; signed, 182.
- No. 26, to revise, amend, and codify the statutes in relation to discipline and government of prisons and of the penitentiary, its government and discipline; introduced and referred, 41.
- No. 27, to add chapter 13, to title 4 of the code, relating to county, town, and city government; introduced and referred, 55; reported, and passed, 55.
- No. 28, to appropriate money for the purposes of the adjourned session; introduced and passed, 37; Senate, 51; non-concur, 52; lost, 78.
- No. 29, to appropriate money to pay for postage advanced members of the 14th General Assembly; introduced, referred and reported, 98; passed, 99.
- No. 30, to repeal chapter 41, laws of the 14th General Assembly; introduced, 139; passed, 140; Senate, 148; enrolled, 150; signed, 163.
- No. 31, to authorize cities and incorporated towns to lay out and establish market grounds; introduced, 144; taken up, 156; passed, 156; Senate, 172; enrolled, 182.
- No. 32, to provide for the publication, indexing and distribution of the code; introduced and referred, 168; passed, 181; Senate, 199; concurred in, 200; enrolled, 212; signed, 218.
- No. 33, to legalize certain taxes levied in Hamburg, Iowa; introduced, 180; passed, 180; enrolled, 193; signed, 204.
- No. 34, to legalize the sale of certain school lands; introduced, 180; passed, 186; Senate, 198; enrolled, 212; signed, 218.
- No. 35, to legalize the organization of Missouri Valley, etc.; introduced, 188; passed, 188; Senate, 194; enrolled, 212; signed, 218.
- No. 36, to legalize certain judicial proceedings; introduced, 189; passed, 189; Senate, 198; concurred in, 199; enrolled, 212; signed, 218.
- No. 37, to legalize the independent school district of Rutland; introduced, 212; lost, 213, Senate, 215; signed, 217.
- No. 38, to legalize the organization of the Logan town company; introduced, 213; passed, 213; Senate, 215; enrolled, 217; signed, 218.

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- No. 4, to revise, amend and codify the statutes in relation to county, town and city government; introduced, 40; referred, 41; reported 45; passed, 50; agreed to, 100; enrolled, 140; signed, 143.
- No. 6, to revise, amend and codify the statutes in relation to the militia; introduced, 47; referred, 50; reported and passed, 51; enrolled, 60.
- No. 9, to revise, amend, and codify the statutes in relation to internal improvements; introduced, 97; referred, 98; reported, 107; passed, 119; reconsidered, 124; passed, 126; concurred in, 197, 202; enrolled, 216; signed, 218.
- No. 15, to revise, amend, and codify the statutes in relation to the executive department; introduced, 16; referred, 18; reported, 19; passed, 23; Senate, 25; concurred in, 26; enrolled, 36; signed, 41.
- No. 13, to revise, amend, and codify the statutes in relation to trade and commerce; introduced, 53; referred, 55; reported, 55; passed, 57; concurred in, 62; enrolled, 80; signed, 82.
- No. 16, to revise, amend, and codify the statutes in relation to the estates of decedents; introduced, 79; reported, 82; passed, 83; reconsidered, 85; passed, 86; enrolled, 103; signed, 111.
- No. 18, to revise, amend, and codify the statutes in relation to the government of the penitentiary; introduced, 69; referred, 74; reported, 75; passed, 76; Senate, 81; enrolled, 86; signed, 96.
- No. 19, to revise amend, and codify the statutes in relation to attachments, executions, and supplementary proceedings; introduced, 88; reported, 90; lost, 94; reconsidered, 96, passed, 106; concurred in, 121; enrolled, 140; signed, 143.
- No. 20, to revise, amend, and codify the statutes in relation to procedure in particular cases; introduced, 81; referred, 82, reported, 87; passed, 89; Senate, 92; recorded, 96; enrolled, 103; signed, 112.
- No. 21, to revise, amend, and codify the statutes in relation to evidence; introduced, 128; referred, 132; reported, 137; passed, 138; agreed to, 144; enrolled 163; signed, 169.
- No. 22, to revise, amend, and codify the statutes in relation to education; introduced, 121; referred, 123; reported, 150; passed, 159; concurred in, 187; enrolled, 216; signed, 218.

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- No. 25, to revise, amend, and codify the statutes in relation to crimes and punishment: introduced, 121; referred, 123; reported, 126; passed, 136; Senate, 142; enrolled, 163; signed, 168.
- No. 26, to repeal sections 4 and 5, of chapter 4, of title 2, of the code of 1873, &c.; introduced, 162; referred, 163; reported, 164; lost, 166; passed, 167; concurred in, 210; Senate, 214; passed, 215.
- No. 27, to preserve the fund of State institutions; introduced, 183; referred, 183; passed 191; Senate, 201.
- No. 28, to legalize the acts of the board of directors of the independent school district of Maquoketa, Jackson county; introduced, 172; passed, 179; enrolled, 184; signed, 201.
- No. 29, to enable the directors of the independent school district of Muscatine to use certain moneys for school purposes; introduced, 173; passed, 177; enrolled, 193; signed, 204.
- No. 30, to legalize the formation of the independent school district of Storm Lake, Buena Vista county; introduced, 173; passed, 177; signed, 204.
- No. 31, to legalize the ordinances of the town of Newton, Iowa, introduced, 183, passed, 185; enrolled, 208; signed, 216;
- No. 32, to legalize the organization of the independent sub-district of New Hampton, &c.; introduced, 173; passed, 178.
- No. 33, to amend chapter 175, of the acts of the 14th General Assembly; introduced, 173; passed, 176; enrolled, 193; signed, 204.
- No. 34, to legalize the incorporation of the town of Osage, Iowa; introduced, 183; reported, 185; passed, 186; enrolled, 208; signed, 216.
- No. 35, making appropriation for the per diem and expenses of the 14th General Assembly; introduced, 195; reported 203; passed, 206; concurred in, 211; enrolled, 212; signed, 218;

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