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JOURNAL

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THE SENATE

OF THE

SEVENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA.

BEGUN AND HELD AT THE CITY OF DES MOINES, ON THE ELEVENTH DAY OF  
JANUARY A. D. 1858, BEING THE FIRST REGULAR SESSION UNDER THE  
EXISTING CONSTITUTION

DES MOINES.  
J. TEESDALE, STATE PRINTER.  
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JOURNAL  
OF  
THE SENATE  
OF THE

SEVENTH GENERAL ASSEMBLY OF THE STATE OF IOWA,  
BEGUN AND HELD AT THE CITY OF DES MOINES, ON THE 11TH DAY  
OF JANUARY, A. D. 1858, BEING THE 1ST REGULAR SESSION UNDER  
THE EXISTING CONSTITUTION.

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SENATE CHAMBER,  
CITY OF DES MOINES, January 11th, 1858.

In pursuance of the provisions of the Constitution of the State, the Senate convened and was called to order at 2 o'clock, P. M., by Alvin Saunders, of Henry County,

Upon whose motion,

Daniel Anderson, of Monroe county, was chosen President *pro tem.*

Upon motion of Mr. Saunders,

Charles C. Nourse, of Van Buren county, was chosen Secretary *pro tem.*

The Senatorial Districts of the State were called by the Secretary *pro tem.*, and the following Senators and Senators elect, answered to their names and presented their credentials:

*From the 1st District embracing the county of Lee*—John R. Allen and John W. Rankin.

*3d District, County of Van Buren*—Gideon S. Bailey.

*4th District, County of Des Moines*—Lyman Cook.

*5th District, County of Davis*—Henry H. Trimble.

6th District, County of Jefferson—William M. Reid.

7th District, County of Henry—Alvin Saunders.

8th District, County of Wapello—John A. Johnson.

9th District, Counties of Monroe, Lucas and Clark—Daniel Anderson.

10th District, Counties of Appanoose, Wayne and Decatur—J. W. Warner.

11th District, Counties of Fremont, Mills, Page, Taylor, Montgomery, Ringgold and Adams—Samuel Dale.

12th District, Counties of Pottawattamie, Harrison, Shelby, Woodbury, Monona, Audubon, Crawford, Carroll, Sac, &c.—W. H. M. Pusey.

13th District, County of Louisa—Samuel Reiner.

14th District, County of Washington—Charles Foster.

15th District, County of Keokuk—O. P. Sherraden.

16th District, County of Mahaska—William Loughridge.

17th District, County of Marion—Jarius E. Neal.

18th District, Counties of Warren, Madison, Adair and Cass—M. L. McPherson.

19th District, County of Muscatine—A. O. Patterson.

20th District, Counties of Johnson and Iowa—S. J. Kirkwood.

21st District, County of Scott—N. J. Rusch.

22d District, County of Cedar—J. W. Cattell.

23d District, County of Clinton—Geo. M. Davis.

24th District, County of Linn—William G. Thompson.

25th District, Counties of Linn, Benton, Black Hawk and Buchanan—Geo. McCoy.

26th District, Counties of Poweshiek, Jasper, Marshall and Tama—J. B. Grinnell.

27th District, Counties of Polk, Dallas and Guthrie—William P. Davis.

28th District, County of Jackson—J. W. Jenkins.

29th District, Counties of Jackson and Jones—Joseph Mann.

31st District, Counties of Dubuque and Delaware—David S. Wilson.

32d District, County of Clayton—Henry B. Carter.

33d District, Counties of Fayette, Bremer, Butler, Franklin, Hardin and others—Aaron Brown.

34th District, Counties of Alamakee, Winnesheik, Howard, Chickasaw, Mitchell, &c.—J. T. Atkins.

Upon motion of Mr. Thompson,  
J. S. Dimmitt, of Jones county, was elected Assistant Secretary  
*pro tem.*

Upon motion of Mr. Neal,  
Jonathan Jones, of Marion County, was elected Sergeant-at-Arms, *pro tem.*

Upon nomination by Mr. Cook,  
G. Caruthers, of Davis county, was elected Door Keeper *pro tem.*

Upon nomination by Mr. Foster,  
D. B. Greely was elected Fireman *pro tem.*

Upon nomination by Mr. Loughridge,  
Henry B. Curtis was elected Messenger *pro tem.*

Upon nomination by Mr. Trimble,  
E. M. Sells was elected Assistant Messenger *pro tem.*

Upon motion of Mr. Grinnell,  
The Senate proceeded to the election of a Committee on Credentials.

Upon motion of Mr. Thompson,  
The election was *vice voce.*

Upon nomination,  
Messrs. Grinnell, Saunders, Trimble, Neal and Foster were elected Committee on Credentials.

Upon motion of Mr. Foster, it was  
*Resolved*, That the rules of the last Senate be adopted for the temporary government of the Senate.

Upon motion of Mr. Kirkwood,  
The Sergeant-at-Arms was directed to cause a carpet to be furnished for the space outside the bar of the Senate Chamber.

Upon motion of Mr. Neal,  
The Senate adjourned to 10 o'clock, A. M., to morrow.

SENATE CHAMBER, )  
DES MOINES, Tuesday, Jan. 12, 1858, 10 o'clock A. M. )

The Senate was called to order by the President *pro tem.*

Prayer by the Rev. Mr. Nash.

Journal of yesterday read and approved.

Mr. Grinnell,

From the Committee on Credentials, submitted the following report, to-wit :

The Committee on Credentials beg leave to report that they have examined those presented to them, and find that the following Districts have elected the following gentlemen as members of the Senate :

First Senatorial District,	John R. Allen,
“ “ “	J. W. Rankin,
3d “ “	G. S. Bailey,
7th “ “	Alvin Saunders,
8th “ “	John A. Johnson,
12th “ “	W. H. M. Pusey,
13th “ “	Samuel Reiner,
15th “ “	O. P. Sherraden,
19th “ “	A. O. Patterson,
21st “ “	N. J. Rusch,
23d “ “	G. M. Davis,
27th “ “	Wm. P. Davis,
29th “ “	Joseph Mann,
31st “ “	David S. Wilson,

Your Committee beg leave to state that Daniel Anderson claims a seat in the Senate from the 9th Senatorial District, but appears without formal credentials. Hon. John Edwards, of the House of Representatives, furnishes a certificate of the return of Mr. Anderson, and having no doubt of his election, recommend that he be admitted to a seat in the Senate. All of which is respectfully submitted.

J. B. GRINNELL, Chairman.

On motion of Mr. Jenkins,

The report of the Committee was accepted and the Committee discharged.

On motion of Mr. Trimble,

The report was adopted.

The members elect of the Senate severally took the oath of office as prescribed by the Constitution, which oath was administered by Mr. Trimble.

On motion of Mr. McPherson,

The Senate proceeded to the election of permanent officers.

The Senate proceeded to the election of Secretary.

Mr. Grinnell nominated for Secretary Geo. E. Spencer, of Jasper county.

Mr. Mann nominated Will. Tomlinson, of Polk county.

The roll being called, the Senate proceeded to vote as follows :

Those voting for Geo. E. Spencer were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden and Thompson—22.

Those voting for Will. Tomlinson were,

Senators Allen, Bailey, Dale, Johnson, Mann, Neal, Pusey, Patterson, Trimble, Warren and Wilson—11.

Mr. Spencer having received a majority of all the votes cast, was declared duly elected Secretary of the Senate.

The Senate proceeded to the election of Assistant Secretary.

Mr. Jenkins nominated J. S. Dimmitt, of Jones county.

Mr. Warner nominated Geo. S. Young.

The Senate proceeded to vote for Assistant Secretary, which resulted as follows :

Those voting for J. S. Dimmitt were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden and Thompson—22.

Those voting for Geo. S. Young were,

Senators Allen, Bailey, Dale, Johnson, Mann, Neal, Pusey, Patterson, Trimble, Warner and Wilson—11.

Mr. Dimmitt having received a majority of all the votes cast, was declared duly elected Assistant Secretary of the Senate.

The Senate proceeded to the election of Sergeant-at-Arms.

Mr. Kirkwood nominated James R. Hartsock, of Johnson county.

Mr. Neal nominated Jonathan Jones.

The Senate proceeded to vote, which resulted as follows :

Those voting for James R. Hartsock were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden and Thompson—22.

Those voting for Jonathan Jones were,  
Senators Allen, Bailey, Dale, Johnson, Mann, Neal, Pusey, Patterson, Trimble, Warner and Wilson—11.

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

The Senate then proceeded to the election of an Enrolling Clerk.  
Mr. McPherson nominated E. H. Talbott.

Mr. Johnson nominated John L. Young, of Davis county.

The Senate proceeded to vote, which resulted as follows:

Those voting for E. H. Talbott were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden and Thompson—22.

Those voting for John L. Young were,

Senators Allen, Bailey, Dale, Johnson, Mann, Neal, Pusey, Patterson, Trimble, Warner and Wilson—11.

Mr. Talbott having received a majority of all the votes cast, was declared duly elected Enrolling Clerk of the Senate.

On motion

The Senate proceeded to the election of Engrossing Clerk.

Mr. Saunders nominated A. S. Bailey of Washington county.

Mr. Neal nominated J. M. Walker, of Polk county.

The Senate proceeded to vote, which resulted as follows:

Those voting for A. S. Bailey were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden and Thompson—22.

Those voting for J. M. Walker were,

Senators Allen, Bailey, Dale, Johnson, Mann, Neal, Pusey, Patterson, Trimble, Warner and Wilson—11.

Mr. Bailey having received a majority of all the votes cast, was declared duly elected Engrossing Clerk of the Senate.

The Senate proceeded to the election of a Door-keeper.

Mr. McCoy nominated Elijah Evans, of Benton county.

Mr. Pusey nominated G. Caruthers, of Davis county.

The Senate proceeded to a vote, which resulted as follows:

Those voting for Elijah Evans were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis

of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden and Thompson—22

Those voting for G. Caruthers were,

Senators Allen, Bailey, Dale, Johnson, Mann, Neal, Pusey, Patterson, Trimble, Warner and Wilson—11.

Mr. Evans having received a majority of all the votes cast, was declared duly elected Door Keeper of the Senate.

Mr. Cook

Offered the following resolution, to wit:

*Resolved*, That the Senate now proceed to the election of Assistant Door Keeper.

Mr. Neal

Moved to lay the resolution on the table, upon which motion, Mr. Bailey demanded the yeas and nays, which were ordered, and were as follows:

Those voting yea were,

Senators Allen, Bailey, Johnson, Mann, Neal, Pusey, Patterson, Trimble, Warner and Wilson—10

Those voting nay were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Dale Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden and Thompson—23.

Motion to lay on the table,

Lost.

Mr. Loughridge

Moved to amend by striking out Door Keeper and inserting Assistant Sergeant-at-Arms, which motion prevailed.

The Resolution as amended was adopted.

The Senate then proceeded to the election of Assistant Sergeant at Arms.

Mr. Cook

Nominated John Buel.

Mr. Pusey

Nominated G. Caruthers.

The Senate then proceeded to a vote, which resulted as follows:

Those voting for John Buel were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirk-

wood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Sanders, Sharraden and Thompson—22.

Those voting for Mr. Caruthers were,

Senators Allen, Bailey, Dale, Johnston, Mann, Neal, Pusey, Patterson, Trimble, Warner and Wilson—11.

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

On motion,

The Senate proceeded to the election of a Post Master.

Mr. Davis of Polk,

Nominated E. H. Brown.

The Senate proceeded to a vote, which resulted as follows :

Those voting for E. H. Brown, were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Dale, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden and Thompson—23.

Senator Neal voted for Henry H. Rich.

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

On motion of Mr. Brown,

The Senate proceeded to the election of 1st messenger.

Mr. Brown nominated J. P. Patrick.

The Senate proceeded to a vote which resulted as follows :

Those voting for J. P. Patrick were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Sharraden and Thompson—22.

Those voting for Henry Curtis, were,

Senators Neal, Patterson, and Wilson—3

Mr. Bailey voted for Mr. Johnson.

Mr Trimble voted for Capt. West.

Mr. Warner voted for Isaac Fregue.

Mr. Patrick having received a majority of all the votes cast was declared duly elected first messenger of the Senate.

On motion of Mr. Rankin,

The Senate proceeded to the election of 2d messenger.

Mr. Rankin nominated John B. Myres.

Mr. Neal nominated Charles Babbitt.



The Senate proceeded to a vote which resulted as follows :

John B. Myres received 22 votes.

Charles Babbitt received 11 votes.

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

The Senate proceeded to the election of Fireman.

J. W. Moore was nominated by Mr. Carter.

A. J. Hyde was nominated by Mr. Allen.

The vote being taken,

Mr. Moore received 22 votes.

Mr. Hyde received 11 votes.

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

The Senate proceeded to the election of Assistant Fireman.

Mr. Rusch

Nominated Henry H. Rich.

Mr. Neal

Nominated E. B. Hewley.

The Senate proceeded to a vote, upon which vote. Mr. Rich received 22 votes.

Mr. Hewley received 11 votes.

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

The Senate proceeded to the election of Paper Folders.

Mr. Reed

Nominated D. M. Sells and Willis D. Conard.

The vote being taken, Messrs. Sells and Conard received all the votes that were cast, and were declared duly elected.

Message from the House of Representatives,

By Messrs. Mahoney and McCreary, who announced that the House was organized and ready to proceed to business.

The officers elect took the oath of office prescribed by law, and entered upon the discharge of their several duties.

Mr. Neal

Offered the following resolution, which was adopted :

*Resolved*, That the Secretary of the Senate make a contract with the Post Master of this City for the payment of the postage of members and the Secretary of the Senate.

Mr. Allen

Offered the following resolution which was adopted :

*Resolved*, That the Clergymen of this city be requested to act as Chaplain to the Senate during its present Session, by such an arrangement among themselves as may suit their convenience.

Mr. Grinnell

Offered the following resolution, which was adopted :

*Resolved*, That the Secretary of State be requested to furnish each member of the Senate, a copy of the Code of Iowa, also a copy of the debates of the late Constitutional Convention, and also a copy of the several Acts since the adoption of the Code.

Message from the House of Representatives,

By Mr. Hepburn, their Chief Clerk, *pro tem*.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has appointed Messrs. Clark, of Dubuque, Seevers and Edwards, a Committee on their part, to act with a similar one on the part of the Senate, to wait upon the Governor, and inform him that the General Assembly is now organized and ready to receive any communication he may have to make.

W. P. HEPBURN,

Clerk *pro tem* H. R.

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

2 O'CLOCK P. M.

Mr. McPherson moved,

That the Senate proceed to the election of President *pro tem*.

Mr. Kirkwood moved,

To lay the motion upon the table, which motion prevailed.

Mr. Cattell offered the following resolution :

*Resolved*, That the Secretary be requested to furnish each Senator ten copies of such daily papers as he may select within the State, or their equivalent in other papers of less frequent issue.

Mr. Trimble moved,

To amend by striking out ten, and inserting twenty-five.

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

The Yeas were.

Senators Allen, Bailey, Carter, Dale, Grinnell, Johnston, Mann, Neal, Pusey, Patterson, Rankin, Rusch, Trimble, Thompson, Warner and Wilson—16.

The Nays were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Saunders and Sherraden—17.

Motion lost.

Mr. Trimble moved,

To amend by striking out ten, and inserting twenty.

Mr. Grinnell moved,

To lay the resolution and amendments upon the table.

Motion prevailed.

Mr. Allen moved.

To appoint a Committee of three to inform the House that the Senate is organized and ready to proceed to business.

Which motion prevailed.

The President *pro tem.* appointed,

Senators Allen, Grinnell and McPherson said Committee.

Mr. Saunders moved,

To appoint a Committee of two to act with the House Committee to wait upon the Governor.

Which motion prevailed.

The President appointed,

Senators Saunders, and Davis of Polk.

Mr. Saunders,

From the Committee appointed to wait upon the Governor, reported that the Committee had discharged the duty assigned them, and that the Governor would communicate his message in writing.

Mr. Thompson offered the following resolution:

*Resolved*, That Reporters of newspapers be allowed seats on the floor of the Senate, and that the Secretary furnish Stationary for their use.

Mr. Wilson moved to amend so as to read,

*Resolved*, That Reporters of newspapers, ex-Members of the Legislature, Members of the House of Representatives and all Ladies visiting the Capitol, be allowed seats within the Bar of the Senate, and that the Secretary furnish Stationary for the use of the Reporters.

Mr. Loughridge

Moved to amend by striking out all except Ladies.

Mr. Grinnell offered the following substitute for the resolution and amendments:

*Resolved*, That the presiding officer of the Senate on written application of an Editor or Reporter, furnish such accommodation as this chamber will afford, and necessary writing Stationary to such applicants.

On motion of Mr. Jenkins,  
The substitute was adopted.

Message from the House of Representatives,  
By Mr. Jones their Chief Clerk.

*Mr. President :*

I am requested to inform the Senate of the passage of a concurring resolution, that a Post Master be elected for the General Assembly to take charge of and distribute such mail matter as may be sent to their address, or sent to them by mail.

B. F. JONES, Clerk H. R.

Message from the Governor by his Private Secretary.  
*Gentlemen of the Senate and*

*House of Representatives :*

I congratulate you upon the continued prosperity of our State. Since you were last assembled, its population has continued to increase, and its resources of every character to be each day more and more developed. The earth has yielded liberally of its abundance; and peace, good order and happiness everywhere prevail. It becomes us to be devoutly thankful to that benign Providence, that has blessed our beloved State with another season of prosperity and happiness, and brought us to the commencement of another official year.

You are convened under the provisions of a new organic law. You are expected to provide the proper methods for carrying that law into full effect. Your labors will exercise a potent influence upon the future character and prosperity of the State. That influence will extend to a period long after the last of you shall cease to be interested in human affairs. It is not to be doubted, that you appreciate the just responsibilities of your position. It is expected that the spirit of moderation and prudence will preside over all your deliberations. It is hoped that all your legislation will be stamped with the utmost simplicity and singleness of purpose, and

that you will abstain from all measures, which, from their doubtful tendency, may needlessly distract the public mind and throw it into agitation and controversy.

All the general laws of the State require some modifications to adapt them to the provisions of the New Constitution. Several new acts of a general character will also be necessary. Special legislation is opposed to the true theory of a Republican government, and is the source of great corruption. The New Constitution inculcates most strongly the duty of general legislation, and declares that "in all cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State." It is in express terms declared, "that the General Assembly shall not pass local or special laws in the following cases:"

"For the assessment and collection of taxes for State, county or road purposes ;

"For laying out, opening and working roads and highways ;

"For changing the names of persons ;

"For the incorporation of cities and towns ;

"For vacating roads, town-plats, streets, alleys, or public squares; and

"For locating county-seats."

It will be very important that the legislation on these subjects should be very full and specific.

The general election law will require very material changes, and I again submit to the General Assembly, the propriety, when revising this law, of incorporating into it provision for making a complete registration of all the legal voters in the State. In no other way can the ballot boxes be protected against fraud, and the elective franchise preserved in its purity. The argument that a registry law from its complexity would be too burdensome to be complied with, is entitled to no consideration. It is predicated upon the idea, either that the General Assembly is incapable of maturing a simple and judicious law on this subject ; or that the people of the State are incapable of comprehending and enforcing one ; neither of which suppositions can be admitted to be correct. Such laws have been in operation in several of the States ever since the foundation of the Government, and have met the approval of all classes of citizens. With such a law, and with the strict and honest enforcement of the naturalization laws, we shall cease to see parties arrayed against each other on account of the birthplace of those

who compose them, and every *bona fide* citizen will be secure in his just weight in the affairs of the State. Without such a law, judging from recent events, it is feared that popular elections will become a reproach.

The revenue law will also require revision, and so far as it relates to the State taxes, should be wholly changed. At present the county collectors and treasurers, although elected by the people of the several counties, are regarded in some degree as State officers. Should they fail to make return of the State revenue as required by law, suit is brought by the State on their official bonds. Should a defalcation occur, the State sustains the loss. This ought not to be. The county treasurers ought to be in no sense, State officers. Each county should be responsible for its proportionate amount of State revenue, and under no contingency should the State be compelled to institute suit against these officers, and in default of recovery to suffer from their delinquency. The transactions of the State should be solely with the counties.

The result of the present system, is that the county treasurers are almost independent of the State control, and the prompt receipt of money due to the treasury cannot be relied on. Besides it operates to the injury of those counties that pay their *quota* of the revenue promptly. A few counties make prompt payments, while others fail to do so. Auditor's warrants are issued to discharge the State indebtedness, which should be discharged with the money due from delinquent counties. These warrants draw eight per cent. interest, which is paid from the State treasury, and is contributed by the counties that are *not*, as well as those that *are* remiss in the discharge of their obligations.

The amount now in arrear from the several county treasurers, a very small part of which will ever be received by the State;—probably not two per cent.—is \$62,401,94.

I recommend that each county be required to pay its proportion of the State revenue by a fixed day, under suitable penalties for non-payment. If the county treasurers neglect their duties or default, let the burden fall upon the counties that elect them, where it belongs.

It is much doubted whether the law of last session, substituting county for township assessor, was any improvement upon the former method of assessment. Judging from my own observation, I do not hesitate to conclude, that many millions of dollars worth of

property was overlooked at the last assessment, and is this year un-taxed. I recommend the old law, in this particular, to be restored. Sound policy requires that administration as well as legislation should be brought as directly home to the people as possible. There must ultimately be a thorough township organization throughout the State, and the sooner the people become accustomed to it, the less difficult and burdensome it will become, and the more perfect and satisfactory will be the transaction of public affairs.

It is believed, that an assessment of real estate is not required more than once in two or three years. If this be so, a large aggregate county expense might be saved. Biennial or triennial assessments might have a tendency to stimulate improvements and cause money, credits and personal property to pay their proportion of taxation, which at present is not the case.

The Constitution requires the General Assembly to provide for taking an enumeration of the inhabitants of the State in 1859, and every two years thereafter. As the law stands at present, this enumeration must be taken by the county assessors. No one need be told that it is utterly impossible for these officers to perform this duty, and discharge the other duties imposed upon them. Besides, many of them are incompetent to perform it. If it is important that the census of the State be taken, it is important that it be accurately taken and thoroughly compiled. I know no way in which this can be done, but by authorizing the census board to appoint officers for the purpose.

The people of this State have indicated their opinion, that so long as banks of issue are tolerated in other States, our interests require that similar institutions be established here. If we must have a paper currency, it is infinitely better that it should be issued and secured and redeemed at home, under our own laws, than that it should be issued under laws of which we are ignorant, and controlled by men with whom we have no community of interest.

The Constitution authorizes the General Assembly to establish, with the subsequent approval of the people ;

1. A State Bank with branches, to be founded upon an actual specie basis, and the branches to be mutually liable for each other's issues.

2. A general free banking law with the restrictions and limitations imposed by Art. 8, Sec. 8 of the Constitution.

In acting upon this subject, it will doubtless be ever borne in

mind by the General Assembly, that banks are to be established to secure the *public welfare*, and not to promote the purposes of stockholders and capitalists; and that it is far better that banks should realize small profits, than that the public should be liable to injury by their suspension or failure.

The system of common school organization contemplated by the New Constitution, will, no doubt, result to the advantage of the State, if fully and properly carried into execution. Under this system, the members of the board of education are to be elected in the several judicial districts in the State. It is presumed that they will be selected on account of their peculiar fitness for the positions they are to occupy. They will bring to the board their experience as educationists, and they will be able to represent the true condition and wants of every part of the State. They will stimulate the zeal of the people in their several districts in behalf of education;—they will instruct the subordinate school officers in the discharge of their duties, and thus secure the uniform execution of the school laws throughout the commonwealth.

It would be very desirable that the members of the board of education should have a general supervision of the acts of the county school fund commissioners, with authority to require additional or new official bonds when deemed necessary, and with power of substitution in cases of malfeasance or incompetency on the part of the incumbents. The fact is notorious, that many of the School fund commissioners lack the clerical ability to properly discharge the duties of their office. The affairs of some of these officers are in almost inextricable confusion, and a reform must be effected in their management, or considerable loss will be sustained by the State.

In compliance with the provisions of an act entitled “an act concerning school monies,” approved January 28th, 1857, I appointed agents to examine “the books, vouchers, securities and other documents” of several of the county school fund commissioners, selecting for the most part, those offices to be examined where it had been reported that the business had been loosely done, or where the officer had charge of the proceeds of a part of the “five hundred thousand acre grant,” as well as of the “sixteenth section grant.” The reports show that in a majority of cases the books are tolerably well kept, and that there is no immediate danger of loss, though there is a suspended debt in nearly every county. In



some counties, however, the fund commissioners have accepted as security for money lent, mortgages upon land not within the county, and in some instances upon ideal tracts of land. In many instances, mortgages are improperly drawn and acknowledged, and in some cases they stand as the second or third encumbrances. Some of the commissioners accepted the records and papers belonging to their office from their predecessors, without inquiring into their character or correctness, and such is the confusion of the records, and so limited is the knowledge of these officers of accounts and titles, that it is impossible for them to render an intelligible report of the condition of the school lands and moneys under their control. The agents were in some counties compelled to make complete abstracts of title to all the lands in the county that had originally been school lands, in order to ascertain what tracts had been sold and what remained unsold. If the members of the board of education are required by law to make annually a thorough personal examination of each school fund commissioner's transactions, a uniform system of doing business will, in a little time, be established, and the school fund will be preserved.

An agent was also appointed to examine into the pretended loans of school moneys made by the late Superintendent of Public Instruction, James D. Eads, with power to secure as far as possible, the future payment thereof. The agent, J. M. Beck, Esqr., of Fort Madison, has been indefatigable in his efforts in this behalf, and has succeeded in securing a large amount of doubtful indebtedness. The exact condition of these transactions of the late Superintendent, will be learned from the report of the agent, which I herewith transmit for your consideration. It will be observed that the deficit will probably amount to forty-six thousand four hundred and three eighty one hundredth dollars, for the payment of which recourse must be had to the official bonds of Mr. Eads.

I again call your attention to the revision of the school laws of the State, as prepared and submitted to the last General Assembly, by Messrs. Horace Mann and Amos Dean. It can safely be said, that the general provisions of that report met the approval of the friends of education in the State. Indeed, the report was acceptable to a large majority of the members of the last General Assembly; but failed to be enacted into a law for reasons not connected with the merits of the report itself. The obstacles then in the way of its adoption have since been removed by the adoption of the

New Constitution, and I know no reason why it should not now be considered and enacted into a law.

I cannot forbear repeating the opinion expressed to the General Assembly three years ago, "that the public schools should be supported by taxation of property, and that the present *rate* system, or *per capita* tax upon scholars, should be abolished." I have seen no reason to change my opinion on this subject, but, on the contrary, I have been every day more and more strengthened in the conviction that it is the only wise and politic method of educating the people. The *per capita* system is based upon the idea that education is a personal benefit for which those who receive it should pay, whilst the true theory of popular education is that it is a public benefit for which the public should pay.

The capitol building at Iowa City has been surrendered to the trustees of the State University. The building is out of repair, and requires considerable change in its internal arrangements to adapt it to the purposes for which it is to be used. I recommend the General Assembly to appropriate a sum sufficient to put it in complete order for the uses for which it is now designed.

The report of the trustees of the University will be laid before you. The time has come when this institution should be put in vigorous operation and be made a benefit and honor to the State. The Constitution requires the General Assembly to "encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement." I know no more practicable method of compliance with this constitutional injunction, than by the organization of the University upon the basis of the report submitted by the commissioners to the General Assembly at its last session.

The report of the trustees of the Blind and Deaf and Dumb Asylums will be laid before you. The Deaf and Dumb Asylum is in a prosperous condition, and only lacks the proper accommodations to answer all the reasonable desires of the friends of the institution and of the children in charge. I recommend that this institution be permanently established at some point in the State, and that steps be taken to erect a proper Asylum building.

The pupils at the Blind Asylum are so few that it does not seem necessary to maintain an institution for their instruction. They can be educated by the State in similar institutions elsewhere, at less expense than is now annually appropriated for this purpose.

I am pleased to be able to say that the Hospital for the Insane at Mount Pleasant has advanced rapidly towards completion, and can be made ready for occupancy during the present year. The main rear projection, embracing the kitchen, bakery, washrooms, laundry, chapel, dining room, servants' room, &c., is under roof, and can be plastered in the early spring. The whole east half of the building can be raised to the roof in thirty days, the material being now all upon the ground. The west half is raised to the bottom of the second story windows, and a considerable portion of the stone required for the completion of this wing is also prepared and upon the ground.

The whole work is of the most substantial character; the plan of the structure meets the approbation of all who are familiar with the treatment of insane persons, and I think I hazard nothing in saying that when completed the Hospital will be creditable to the State.

The amount already expended, including labor, materials of various descriptions on hand, glass, sash and window frames for the entire building, stock, &c., is \$138,548.01. The estimates of amounts that may be necessary to complete the building, out-buildings, furnish steam, gas and water, and to prepare the Hospital grounds, will be found in the report of the commissioners, herewith communicated.

It may be thought by some that the size of this building is greater than the necessities of the State require, and more expensive than the finances of the State will justify.

In response to such suggestions, I beg leave to say that there are now insane people enough in the State to fill it to its utmost capacity, and that, while it has thus far been most substantially built, no money has been spent, nor does the plan contemplate the expenditure of any, for useless finish or adornment. When it is remembered that each patient requires a separate dormitory, enclosed by brick walls, thus requiring three hundred rooms for the inmates alone; that there are day rooms and associated dormitories; dining-rooms, wash-rooms, bathing-rooms and water-closets, in each of the sixteen wards; and that there must necessarily be large accommodations for baking, cooking, washing, ironing, &c., &c., for a household of nearly four hundred persons, the magnitude of the building and its cost will not be surprising.

No one who examines the census returns of this State for 1856,

and informs himself of the proportion of insane cases that become chronic and incurable when treated as they now are in this State, to the proportion that are cured when sent immediately to an asylum, will hesitate to believe that humanity, economy and safety, require that this institution should be immediately completed, and hereafter liberally supported.

It will be necessary for the General Assembly to determine upon what system the Hospital, when completed, shall be conducted. At present there is no provision for the admission of patients, and it will be necessary to declare upon what condition they can be received, and who shall have the general supervision of the interests of the institution.

In compliance with the instructions of the General Assembly, I have caused the report of the Geological Survey of the State to be printed at Albany, New York, under the immediate supervision of Prof. Hall. The work has been issued from the press, and is now in transit to this place. I am pleased to be able to say that it is regarded by men of science who have had access to the proof-sheets, as one of the noblest contributions that has ever been made to the scientific history of the country, and is spoken of by all as an honor to our State.

My successor will submit to you, during the session, the estimates of Messrs. Hall & Whitney for carrying forward the work to completion.

There are now several independent military companies in the State, to whom State arms have been distributed. Many of the companies are uniformed, fully equipped, and well disciplined. Yet, there is no law of the State under which they are organized, or that would strictly authorize the Executive authority to call them into the field, in cases requiring their services.

The experience of the past year has demonstrated the necessity for some military organization in the State, and I therefore commend the subject to your consideration.

Accompanying this communication you will receive the report of the Treasurer of State.

The amount in the Treasury on the 31st October, 1856, was.....	\$11,254.91
There was paid into the Treasury during the fiscal year,.....	231,234.42
Making a total of.....	\$242,489.33

There was paid out during the year,.....	228,806.23
Leaving a balance in the Treasury at the end of the year of.....	\$13,683.10
There is in arrears from the several county Treasurers.....	62,401.94
There is due from the several counties upon the assessment of 1857,.....	418,709.59
The Auditor of State estimates the taxes for the year 1858 at.....	500,000.00
The estimate for 1859 is.....	575,000.00

Total resources of the State to January, 1860, when the next General Assembly convenes,..	\$1,569,794.63
The Auditor estimates the expenses of the State during the same peri- od at.....	\$523,412.90
There are of outstanding Auditor's warrants.....	155,003.56 — 678,416.46

Leaving an excess of resources over present and  
probable liabilities of..... \$891,378.17

The expenses of the State during the past two years have been greatly increased by the extra session of the General Assembly in July, 1855, rendered necessary by the grant of land to the State for railroad purposes, by the recent Constitutional Convention, and by the erection of a Hospital for the Insane at Mount Pleasant. The amount expended for these three purposes exceeds the sum of two hundred thousand dollars.

It will be observed that the estimate of resources for the years 1858 and 1859, is based upon the supposition that the present rate of State taxation shall be continued. It will be for the General Assembly to determine whether or not this rate of taxation shall be adhered to. It is believed that owing to the present scarcity of money and the stagnation in business, a small amount only of the State revenue now due will be promptly paid. I therefore submit to the General Assembly the propriety of borrowing upon the bonds of the State, the amount allowed by the Constitution. I have reason to believe that six per cent. bonds can be negotiated at par. Should this course be adopted, the present liabilities of the

State can be immediately discharged, the charitable institutions can be carried forward to completion, and the rate of taxation for the years 1858 and 1859 can be reduced at least one-third.

The act of January 29, 1857, in relation to the Des Moines River Improvement, authorized the making of a new contract for the prosecution of that work. This action of the General Assembly was founded upon the conclusion that the contract of June 9, 1854, with the Des Moines Navigation and Railroad Company, was invalid and nugatory, from never having been approved by the Governor. The Supreme Court has, however, since decided that as this contract was subsequently recognized and acted upon by the State authorities, the original defect has been cured, and cannot now be made a ground of objection.

But from the report of the joint committee of the two Houses at the last session of the General Assembly, it would seem that the terms of this contract had never been complied with by the Company, but that it has been disregarded in its most essential particulars, whereby the purposes for which it was entered into have not been and will not be attained. If this be true, you may feel it to be your duty to rescind that contract, for the reasons stated in the report, and make other arrangements in relation to that munificent grant, now in danger of being frittered away without any useful result.

The report above referred to also indicates that the Des Moines Navigation and Railroad Company have not only forfeited their charter by a failure to comply with the requirements of the statute; but that they have engaged in practices calculated to deceive and defraud, upon a large scale, innocent and unsuspecting persons, both at home and abroad. If this be true, it may be thought a matter of sufficient public importance to justify you in directing the Attorney General to institute proceedings to vacate the charter of the Company, and thus prevent it from perpetrating any further wrongs under the authority of the laws of this State.

The report of the Commissioners will furnish you the specific information that may be necessary as the basis for any action on the subject that may be deemed desirable.

By the act of Congress admitting Iowa into the Union, approved March 3d, 1845, it is declared "that five per cent. of the net proceeds of sales of all public lands lying within the said State, which have been or shall be sold by Congress from and after the

admission of said State, after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the Legislature may direct." This act of admission was accepted by the State on the 15th of January, 1847, with the provision that "the General Assembly shall have the right, in accordance with the provisions of the second section of the 10th article of the Constitution of Iowa, to appropriate the five per cent. of the net proceeds of sales of all public lands lying within the State which have been or shall be sold by Congress, from and after the admission of said State, after deducting all expenses incident to the same, to the support of common schools."

At the time this contract was made between the State and the United States—for it can be regarded in no other light than a contract—the United States disposed of the public lands in no other way than by *bona fide* sales for money. This obligation on the part of the Federal Government was based upon the obligation on the part of the State that lands belonging to the United States should not be taxed, and that the lands of non-residents should not be taxed higher than the lands of residents.

The State had reason to believe that the same policy would be continued. Since that time, however, the policy has been changed, and immense quantities of land have been entered by military land warrants, issued to former soldiers in the United States army. The law authorizing them to be issued, provides that these warrants shall be received in payment for lands. The Government, therefore, receives a consideration for the land thus entered, in the discharge of its obligations upon the warrants. It is exceedingly unjust for the government to destroy the fund which it holds in trust from the State, for the purpose of rewarding those who have rendered it service. Between private persons, the same state of facts would justify a recovery in a court of law. It seems to me that the same principle should prevail between the two governments. The military land warrants located in this State up to the 30th June, 1856, covered 10,929,692.30 acres. The per centage due to the State thereon is \$682,980.20. I have no means of knowing the number of acres located in the fiscal year ending 30th June, 1857, but I judge that the aggregate per centage now due to the State approaches very near \$1,000,000.

I recommend that Congress be again memorialized on this subject, and that suit be authorized to be instituted against the United

States for the recovery of the amount due, in the Court of Claims.

During the past three years, my attention has been frequently called to the probability of a collision between the Indians and the settlers in the west and north-western counties of the State. I have repeatedly addressed the President of the United States, the Secretary of War, and the Commissioner of Indian affairs, warning them of the apprehended danger, and urging that immediate steps be taken to remove the Indians beyond our limits. Copies of my letters to the members in Congress from the State of Iowa, under date of 30th January, 1855, and to the President of the United States, under date of 3d December, 1855, I herewith transmit.

Without any military organization in the State, and without any power to act, except in the event of an actual hostile invasion; residing remote from the scene of anticipated difficulty, and fearful that some exigency might arise that would require prompt and energetic action; in January, 1855, I requested Maj. Wm. Williams, of Fort Dodge, to assume a general charge of this subject, and authorized him as far as I had power to do so, to act in my behalf in any contingency that might arise in connection with the Indians.

In February last, Ink-pa-du-tah's band of Sioux Indians made a hostile incursion into the State, and perpetrated most horrible atrocities in Dickinson county. When intelligence of this event reached Fort Dodge, Maj. Williams at once enrolled three companies of men under Capt.'s Richards and Duncombe, of Webster county, and Captain Johnson, of Hamilton county, and proceeded to the scene of difficulty. These heroic men left their homes in the most inclement season of the year, and endured almost unheard of sufferings and privations; crossing swollen streams flooded with ice, and traversing uninhabited prairies in the most tempestuous weather, that they might save their fellow-creatures from a savage butchery, or rescue them from a captivity worse than death.

Two of their number, Capt. J. C. Johnson, of Hamilton county, and William Berkholder, of Webster county, perished on the march. Others returned frozen and maimed. The expedition did not overtake the Indians; but they reached the scene of their barbarities, gave to the dead a christian burial, and brought back with them two children, the sole survivors of the slaughtered settlement.

The men who thus gallantly and humanely perilled their lives, have received no compensation for the time employed in the expedition, or for their outfit. The Federal Government is in equity



bound for their compensation. The Indian tribes are under its protection and control. It has allotted to each tribe a scope of country for its exclusive occupation. It has sold lands to settlers in this State with the understanding that these tribes shall be confined to their respective limits, and that the possession of the land purchased shall never be disturbed by the Government, or those under its management. If the savages break over their bounds and inflict injury upon others, the Government should respond to the parties injured, for the damages sustained, and for the expenses incurred in protecting themselves against a repetition of the injury. To this end, I recommend that a memorial be addressed to the Congress of the United States.

But many of the members of Major Williams' command are unable to await the tardy action of Congress, and I therefore advise that the State assume the payment, and reserve the same from any appropriation that may be made.

Accompanying this, will be found the report of Commissary General C. B. Richards, showing the amount expended on account of this expedition, &c.

I submit to the General Assembly, whether some public recognition of the noble gallantry and untimely death of Messrs. Johnson and Burkholder, is not alike due to their memory, and to the gratitude of the State.

I do not anticipate any further trouble from the Indians. The rumors put afloat in regard to future difficulty can generally be traced to interested persons who seek by their circulation to accomplish some ulterior purpose. To be prepared for any such emergency, however, I have established a depot for arms and ammunition at Fort Dodge, and have procured a cannon, muskets and ammunition for another depot in Dickinson county.

I transmit herewith, the Report of the Inspectors of the State Penitentiary, to which I solicit your particular attention.

It will be observed that there has been expended for the general support of the Penitentiary during the last fiscal year:

For salaries of officers,.....	\$1,525.96
“ “ “ day and night guards.....	2,674.79
“ clothing, bedding, provisions, fuel, lights, incidentals, &c., &c., &c.,.....	5,247.85
<b>Making,.....</b>	<b>\$9,448.95</b>

The value of the convict labor during the year has been \$2,397,25, besides the construction of ten additional cells estimated at \$1,545.

By an oversight, doubtless, no appropriation was made by the last General Assembly for the support of this institution. To meet the current expenses, the Inspectors were compelled, with my approval, to divert towards this purpose, \$4,000,00 of the appropriation for the construction of wall, hospital, &c. This diversion became necessary to the very existence of the institution, and it is hoped it will meet your approval.

There has been a great increase in the number of convicts, and more cells and work-shops are required for their accommodation. The amount of appropriation that will be required for their construction, will be learned from the accompanying report.

I am happy to be able to say that the health of the convicts has been good during the year. There have been no deaths, and no escapes or attempts at escape. The discipline has been excellent, and the moral condition of the institution quite as good as could be expected.

I also transmit for your consideration, a presentment of a Grand Jury of Lee county upon this subject.

The necessity for a hospital for the sick, and apartments for female convicts, is urged with great force by the Grand Jury as well as by the Inspectors, and must, I think, be apparent to all.

I would call your attention to the fact that the edition of the "Code of Iowa" is exhausted, and that there are no copies of some of the session laws.

It will be necessary to make provision in some way for their republication. Many officers, in the new counties especially, who are entitled to copies of the laws, are unsupplied, and must remain so, until some further provision is made.

I cannot close this communication, without briefly calling your attention to the extraordinary doctrine announced by some of the Judges of the Supreme Court of the United States in the recent case of Scott vs. Sandford, and which the people of this country are now called on to endorse as the true construction of our national Constitution.

The founders of this republic entertained no doubt that Congress had power to make all needful rules and regulations for the government of the territories of the United States, and that a prohibition of the introduction of African slavery within these terri-

teries was legitimately within the scope of this authority. Such was the universal sentiment of the country, and the principle was recognized in numerous instances by Congress prior to 1854; when the Missouri Compromise line was obliterated and the territories of Kansas and Nebraska created. The new and spacious theory of "popular sovereignty" was then promulgated. The people of Iowa were besought to acquiesce in the repeal of the Missouri Compromise, on the ground that by the principle established by the Kansas Nebraska Act, the people of the territories would have the power to determine for themselves, whether freedom or slavery should prevail within their several jurisdictions. It was contended that the inevitable effect of giving the people the power to settle this question for themselves would be to establish freedom in every territory—that such was the vitality, and vigor, and advantages of free institutions over slave institutions; that so apparent were the withering influences of slavery upon all the best interests of society, that no intelligent people would encourage or allow it to be established within any of the new territories. There was such a degree of plausibility and fairness about this argument that it received the support of a considerable portion of the American people.

But the theory of popular sovereignty, and the theory of the power of Congress over the subject of slavery in the territories, have alike been overthrown by the decision of the Supreme Court. After overturning the law as it had been settled more than seventy years, by deciding that Scott was not a citizen because of his African descent; that he had no right to bring suit; that the court had no jurisdiction of the case, for the reason that there was no case legitimately before it, for the want of a proper party: a majority of the Judges proceeded to pass upon what they were pleased to consider the merits of the case.

I am aware, that except upon the single question of the citizenship of Dred Scott, their opinions are entirely extra-judicial, and entitled to no more weight than the opinions of any other citizens. But they are worthy of your consideration, because they foreshadow the opinion that will be authoritatively announced whenever the proper state of facts shall be presented that may seem to justify it.

It is first declared, by a majority of the Judges, that Congress has no power over slavery in the territories, and as a natural corol-

lary cannot delegate to the people of the territories a power it cannot itself exercise. It is declared that the Constitution plants slavery upon all the public domain, and there nurtures and protects it.

It is no longer held, under this decision, that freedom is national and slavery local, confined to the limits of the States that see fit to uphold it. Slavery is in effect declared to be a national institution, belonging not to the States, but to the United States. It is fastened upon every foot of soil belonging to the Government, and there is no power in Congress, or in the Territorial Governments to expel it. Whatever Territory may be hereafter acquired by the United States, will instantly become slave soil. Wherever the flag of the country goes, there goes slavery with its chains and manacles.

The logical result of this decision goes still further. It carries slavery into every State in the Union.

One of the Justices of the Supreme Court even declares, "that the only *private property* which the Constitution has *specifically recognized* and has imposed it as a direct obligation both on the States, and the federal government to protect and *enforce*, is the *property* of the master in the slave; no other right of *property* is placed by the Constitution upon the same high ground or shielded by a similar guarantee." If this be true, the whole union is slave territory, and there is no power on earth to abolish it. If both the States and the federal government are bound to protect this right of property, there is nothing to prevent slavery from taking possession of Iowa to-day.

But it is not true. There is no such obligation imposed upon the States. The Constitution nowhere regards slaves as property. They are uniformly spoken of as "*persons*." As "*persons*" they are enumerated and entitled to representation. As "*persons*" they are subject to rendition as fugitives from "service or labor," as are apprentices and minors. As "*persons*" their "immigration or importation" could not be prohibited prior to 1808.

It needs no argument to show that this decision is unwarranted by the facts presented to the courts; that it is revolutionary in its character; subversive of the policy of the founders of the republic and violates the rights of the states. Being wholly extra-judicial so far as relates to the power of Congress and the States over slave

ry, it cannot bind the conscience, or command the obedience of any man.

I trust that as the representatives of the freedom loving citizens of Iowa, you will explicitly declare that you will never consent that this State shall become an integral part of a great slave republic, by assenting to the abhorrent doctrines contained in the Dred Scott decision, let the consequences of dissent be what they may.

The condition of affairs in Kansas, certainly demands your consideration.

Notwithstanding the grossest frauds and the most unequal legislative apportionment, the people of that unfortunate Territory have declared by an emphatic majority in favor of freedom. No candid mind can now doubt that at least four fifths of the *bona fide* citizens of the territory desire to erect it into a free State.

But the more evident it is that the people do not desire slavery fastened upon them, the more desperate are the efforts of the slavery propagandists to thwart the popular will. We have seen within a few weeks, a small number of persons pretending to be the representatives of only a small minority of the people, proclaiming what they call the Constitution of Kansas. That Constitution recognizes slavery as already established, makes provision for its protection and undertakes to bind posterity against its abolition. The attempt is made to subvert every principle of popular government, by fastening this Constitution upon the people without their consent. Conscious that it would be overwhelmingly defeated if fairly submitted for their approval or disapproval, they are denied the privilege of determining for themselves the character of the institutions under which they are to live. They are not permitted to settle for themselves any of the important questions connected with their judiciary, representation, taxation, internal improvements, education, finance, State indebtedness, or personal rights. For the purpose of riveting slavery upon them, a blow is thus struck at the very foundation principle of popular government. Had a similar attempt been made by the recent Constitutional Convention in this State to force a Constitution upon the people regardless of the popular will, it would justly have resulted in a revolution.

This pretended Constitutional Convention, it is true, proposed a separate article which was submitted to the people, and which if adopted, establishes slavery in Kansas upon a more barbarous sys-

tem than is known to any of the slave States of this Union. But no one was permitted to vote either for or against this separate article until he first voted *for* the Constitution. He was not allowed to vote against it. Thus, whether the separate article was adopted or rejected, if the Constitution *which could not be voted against*, is permitted to stand as the organic law of the State, Kansas must become a slave State.

We cannot be indifferent to the efforts of the people of Kansas to perpetuate freedom in that territory. We ought not to be indifferent. No people are deserving of freedom who do not sympathize with those who are struggling to attain it. The people of Kansas are the champions of popular government everywhere.— They are bringing to the test the great principle enunciated by our revolutionary fathers that government derives its power from the consent of the governed.

If the recent Constitutional Convention of Kansas, defended as it was by federal bayonets against the just indignation of the people, can succeed by trick and fraud in fastening an obnoxious constitution upon them, and take away from them the power to amend it until slavery shall become further strengthened, there is an end to free government and American liberty.

The people of Iowa look with alarm upon the constant aggressions of the slavery propagandists, but I confess that I look with equal alarm upon the manifest tendency of our government to consolidation.

The events of the few past years would seem to indicate that the predictions of some of the men who achieved our liberties for us, are being fulfilled. Our government is fast becoming an elective monarchy. The States are gradually losing their consequence and will soon be reduced to the condition of mere municipal appendages to the central power. The influence of the federal government is prostituted to interference in State affairs, even to that of municipal elections. The doctrine inherited from our ancestors that standing armies are dangerous to the liberties of the people, is repudiated by constant and strenuous efforts to increase the national army. The federal government now asks to control all the banking institutions in the States by virtue of some law of Congress. Sincere offices are created for the purpose of influencing public opinion. The army of office holders scattered through the States, uttering the sentiments, disbursing the money, and obey-

ing the commands of the Central Authority, govern in a great degree the sentiment of the country. Thus, the federal government, instead of being as it was designed to be, the mere creature and under the control of the States, is fast becoming their master.

This centralizing influence of the government—the immense increase of our national expenses—the history of slavery propagan-  
dism in Kansas, and the complicity of the federal government therewith; the attempt to overthrow the clearest right of self-government for the purpose of extending the institutions of slavery, and the efforts to destroy the rights of the States by political decisions of the Supreme Court, should remind the freemen of Iowa that their political rights are in danger.

The liberties of the people can only be preserved by maintaining the integrity of the State governments against the corrupting influences of federal patronage and power.

Closing with this communication my official connection with the government, I may be permitted to avail myself of the occasion to return to my fellow citizens my heartfelt thanks for the honor and confidence they have bestowed on me, and to assure them of my continued aspirations for the advancement of our beloved State in virtue, prosperity and happiness.

JAMES W. GRIMES.

EXECUTIVE OFFICE, DES MOINES, ( )  
January 12, 1858. )

On motion of Mr. Saunders,

The Message was laid upon the table.

Mr. Rusch offered the following resolution:

*Resolved*, That the Hon. James Thorington be invited to, and allowed a seat upon the floor of the Senate, within the bar, during his stay in this city.

Mr. Neal

Moved to amend by inserting after James Thorington, "and all other candidates for the office of United States Senator."

Mr. Saunders offered the following substitute for the resolution and amendment, to-wit:

*Resolved*, That all Ex-members of Congress be invited to seats within the bar of the Senate.

On motion of Mr. Neal,

The substitute was adopted.

Mr. Trimble

Offered the following resolution, which was adopted:

*Resolved*, That a Committee of three be appointed to report rules for the government of the Senate.

The President appointed upon said Committee, Senators Trimble, Saunders and Foster.

On motion of Mr. Bailey

The Senate adjourned until 10 o'clock, A. M., to-morrow.

WEDNESDAY, JANUARY 13, 1858, 10 A. M.

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jocelyn.

Journal of yesterday read and approved.

On motion of Mr. Kirkwood,

The Message of the Governor was taken from the table.

Mr. Saunders

Moved to print four thousand copies of the Governor's Message in the English, and one thousand in the German language.

Mr. Rusch

Moved to amend by striking out "one" before thousand, and inserting two. Which motion was adopted.

Mr. Kirkwood

Moved to strike out the word "four" before thousand and insert five. Which motion was adopted.

The motion as amended was then adopted.

Mr. Trimble,

From the Special Committee on Rules for the government of the Senate, reported the rules of the last session, with sundry amendments.

On motion of Mr. Thompson,

The Report was received and the Committee discharged.

Mr. Carter

Moved to amend the Report by adding a new Committee on Township and County organizations.

Which amendment was adopted.

On motion of Mr. Thompson



The Report as amended was adopted.

Mr. Trimble

Moved to take the resolution on newspapers from the table.

Which motion was adopted.

Mr. Mann

Moved to trike out "ten" and insert twenty-four.

Mr. Reed

Moved to strike out "ten" and insert fifteen.

Mr. Cook

Moved to strike out "ten" and insert seventeen.

The question being on striking out "ten" and inserting "twenty-four," the yeas and nays were demanded.

The yeas were.

Senators Bailey, Brown, Carter, Dale, Johnston, Mann, Pusey, Patterson, Rankin, Reiner, Rusch, Trimble, Thompson and Wilson—15.

The nays were.

Senators Atkins, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Reed, Saunders, Sharralden and Mr. President *pro tem.*—16.

Motion lost.

Mr. Trimble

Moved a call of the Senate.

Which motion was adopted.

The Secretary proceeded to call the roll, when

Upon motion of Mr. Jenkins,

The further proceedings under the call were dispensed with.

Message from the House,

By Mr. Jones, Chief Clerk:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following concurrent resolution, in which the concurrence of the Senate is requested:

*Resolved*, That the House (the Senate concurring) will meet the Senate in Joint Convention in the Hall of the House at 2 o'clock, P. M., on Wednesday the 13th inst., for the purpose of canvassing the returns of the vote for Governor and Lieutenant Governor.

B. F. JONES, Chief Clerk.

The question being on striking out "ten" and inserting "twenty"

Was carried.

On motion of Mr. Kirkwood

The Message from the House relative to the Joint Convention was taken up and considered.

Message read by the Secretary.

On motion of Mr. Kirkwood

The Senate concurred in House resolution relative to the Joint Convention.

Mr. Cattell

Offered the following resolution :

*Resolved*, That the Secretary be requested to furnish each Senator with a copy of Jefferson, or Cushing's Manual; also a sectional map of the State of Iowa.

Which Resolution, on motion of Mr. Thompson,

Was adopted.

Message from the House,

By Mr. Jones, Chief Clerk :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has appointed Messrs. Foster, Cooley and Belknap, a Committee on the part of the House to act in concert with a similar Committee on the part of the Senate, to make arrangements for the Inauguration of the Governor elect.

B. F. JONES, Chief Clerk.

On motion of Mr. Kirkwood

The Senate took up the Message from the House relative to the Inauguration of the Governor.

Mr. Kirkwood

Moved that a Committee be appointed to confer with the Committee from the House in making arrangements for the Inauguration of the Governor elect.

Which motion was adopted.

The President appointed

Senators Kirkwood, Grinnell and Bailey said Committee.

Mr. Cattell

Moved that a Committee be appointed to act with a similar committee on the part of the House, on Joint Rules, which motion was Adopted.

The President appointed

Senators Cattell and Pusey said Committee.

Mr. Kirkwood

Moved to take up House Message, in relation to Post Master, which motion was adopted.

Mr. Loughridge

To concur in the resolution from the House in relation to Post Master.

On motion of Mr. Loughridge,  
The Resolution was laid on the table.

Mr. Davis, of Polk,

Offered the following resolution :

*Resolved*, (The House concurring) that E. H. Brown be and hereby is appointed Post Master for both branches of the General Assembly.

Mr. Allen

Moved that the Resolution be laid on the table.

Which motion was lost.

Mr. Loughridge

Offered the following substitute :

*Resolved*, That a Committee of three be appointed to confer with a similar Committee from the House, with regard to the appointment of the Postmaster for the General Assembly.

Which Resolution was adopted.

The President appointed  
Senators Loughridge, Thompson and Johnson.

On motion of Mr. Cook,  
Senate adjourned.

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TWO O'CLOCK P. M.

On motion of Mr. Grinnell,  
The Senate adjourned until  $\frac{1}{4}$  past 2 P. M.

QUARTER PAST TWO, P. M.

Mr. Davis, of Polk,

Presented a communication from the Secretary of Des Moines Reading Room, tendering to the members of the Senate the use of their files, &c.

The communication was read, and  
 On motion of Mr. Davis, of Polk,  
 Was laid on the table.

Message from the House,

By Messrs. Wright and Clune, who informed the Senate that the House was ready to receive the Senate in Joint Convention, to count the votes cast at the last election, for Governor and Lieutenant Governor.

The Senate, preceded by their President, Secretaries and Sergeant at Arms, then repaired to the Hall of the House of Representatives, for the purpose, in conjunction with the House of Representatives, of opening and publishing the votes given for Governor and Lieutenant Governor at the last General Election.

The two branches of the General Assembly having met in the Hall of the House, a call of the members of both Houses was had, when it appeared that all the members of both Houses were present, except Messrs. Brigham, Johnston, Neal, Rankin, Stewart and Trimble, of the Senate; and Messrs. Alger, Bradley, Collins and Rankin, of the House of Representatives.

The President announced the purpose of the Convention.

The Speaker of the House of Representatives proceeded to open and publish the official abstracts of the votes given for Governor and Lieutenant Governor, in the presence of the two Houses, when the same were duly canvassed.

Mr. Allen was appointed teller on the part of the Senate, and Mr. Carpenter as teller on the part of the House.

On motion of Mr. Foster, of the House,

A call of the Convention was ordered. The Secretary proceeded to call the roll, when

On motion of Mr. Jenkins,

Further proceedings under the call were dispensed with.

Mr. Drummond

Moved a call of the Convention, which motion prevailed. The Secretary proceeded to call the roll, when

On the motion of Mr. Jenkins,

The further proceedings under the call were dispensed with.

Mr. Cook, of the House,

Moved that the Convention adjourn until 9 o'clock, to-morrow morning, which motion the President decided to be in order, and from which decision an appeal was asked, the question being, shall

the decision of the Chair remain the decision of of the Convention? The yeas and nays were demanded and ordered, and were as follows:

Those voting yea were,

Messrs. Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, of Washington, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Neal, Reed, Reiner, Rusch Saunders, Sharraden, Warner, Bates, Bauder, Bennett, Beale, Casey, Chune, Collins, Cooley, Drummond, Dews, Davis, Dewey, Foster of Poweshiek, Gue, Guiberson, Johnston, Lambert, Lundy, Laney, Milliser, Moorman, McGrew, McCrary, Prentiss, Reitzel, Randolph, Streeter, Stewart, Scott, Sharp, Trumbull, Thompson, Waln, Wright, Wilson, Mr. President pro tem, Mr. Speaker—59.

The nays were,

Messrs. Bailey, Dale, Mann, Pusey, Patterson, Wilson, Anthony, Belknap, Cassady of Van Buren, Cassiday of Mahaska, Curtis, Clark of Des Moines, Clarke of Johnson, Cavanaugh, Dana, Gray, Grimes, Mahoney, Mitchell, Millsap, Stearns, SeEVERS, Sprague, Woodward, Watts—25.

The decision of the Chair was sustained.

Mr. Clark of Des Moines,

Moved that the Convention take a recess until to-morrow morning, at 9 o'clock.

Mr. Davis of Polk,

Moved to lay the motion on the table, upon which motion the yeas and nays were demanded and ordered, and were as follows:

Those voting yea were,

Messrs. Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster of Washington, Grinnell, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reed, Reiner, Rusch, Saunders, Sharraden, Anthony, Bates, Bauder, Beale, Belknap, Casey, Cassady of Van Buren, Cassiday of Mahaska, Curtis, Clark of Des Moines, Cavanaugh, Collins, Cooley, Drummond, Dana, Dews, Davis of Union, Dewey, Edwards, Foster of Poweshiek, Gray, Grimes, Gue, Guiberson, Johnston of Jones, Lambert, Lundy, Laney, Mahoney, Mitchell, Morgan, Moorman, McGrew, McCrary, Millsap, Prentiss, Randolph, Stearns, Streeter, SeEVERS, Stewart, Scott, Sharp, Trumbull, Woodward, Waln, Watts, Wright, Wilson of Jefferson, Mr. President, Mr. Speaker—75.

The nays were,

Messrs. Wilson of Dubuque, Warner, Clane, Sprague, Thompson of Scott—5.

Motion prevailed.

On motion of Mr. Saunders,

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

The Senate retired to the Senate Chamber, when

On motion of Mr. Wilson,

The Senate adjourned until half past eight to-morrow morning.

SENATE CHAMBER, }  
THURSDAY, JANUARY 14th, 1858, 8½ o'clock, A. M. }

Senate met pursuant to adjournment.

Journal of yesterday read and approved.

Mr. Davis, of Polk,

Presented the following communication from the clergymen of this city.

DES MOINES, IOWA, January 13th 1858.

*To the President of the Senate :*

At a meeting of the Clergymen of  
this city to-day, the following resolutions were unanimously adopted :

1. *Resolved*, That we comply with the request of the Senate and House of Representatives relative to the Chaplaincy.
2. *Resolved*, That the Chairman of this meeting communicate the above to the Senate and House of Representatives.

THOMPSON BIRD, Chm.

On motion of Mr. McPherson,

The vote by which the resolution which was adopted yesterday in relation to the newspapers was reconsidered and on his motion was amended by striking out the words "within the State." The resolution as amended was adopted.

Message from the House of Representatives,

By Messrs. Seevers and Dana,

Who informed the Senate that the House of Representatives was in readiness to meet the Senate in Joint Convention.

The Senate, preceded by their President pro. tem. Secretaries and Sergeant-at-arms, proceeded to the Hall of the House of Representatives.

The roll of both branches of the General Assembly being called by the Secretary, the following gentlemen were found to be absent :

Messrs. Brigham, Trimble and Stewart, of the Senate, and Alger, Bradley, Davis of Union, and Seevers, of the House of Representatives.

The Tellers appointed yesterday made the following report of the result of the last General Election :

The whole number of votes given for the office of Governor was 75,592, of which Ralph P. Lowe received 38,498 votes.

Ben. M. Samuels received 36,088 votes.

T. F. Henry, " 1006 "

Whereupon Ralph P. Lowe was declared duly elected Governor of the State of Iowa.

The whole number of votes cast for the office of Lieutenant Governor was 74,953, of which number

Oran Faville received.....37,633 votes.

George Gillaspv " .....35,310 "

Easton Morris, " ..... 1010 "

Whereupon Oran Faville was declared duly elected Lieutenant Governor of the State of Iowa.

On motion,

A Committee was appointed to wait upon the Governor and Lieutenant Governor, and inform them of their election.

The Committee consisted of—

Senators Mann and Pusey on the part of the Senate, and Messrs Jackson, Belknap and Wilson on the part of the House.

On motion,

A Committee of three was appointed to invite the members of the Supreme Court and the State officers to be present and take part in the Inauguration of the Governor and Lieutenant Governor.

Mr. Allen of the Senate and Messrs Carpenter and Trumbull of the House were appointed said Committee.

On motion,

Of Mr. Grinnell the Convention adjourned.

The Senate retired to their chamber in the same order in which they left it.

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

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution in which the concurrence of the Senate is asked.

*Resolved*, That the House (the Senate concurring) will meet the Senate in Joint Convention in the Hall of the House of Representatives at 10 o'clock A. M., of this day, for the purpose of Inaugurating the Governor and Lieutenant Governor elect.

B. F. JONES,  
Chief Clerk H. R.

On motion of Mr. Davis, of Polk,

The Senate concurred in the resolution of the House in relation to a Joint Convention for the purpose of inaugurating the Governor and Lieutenant Governor elect.

Mr. Patterson

Offered the following resolution which was on his motion adopted.

*Resolved*, That the use of the Senate Chamber be tendered to the citizens of this city, from and after 2 o'clock P. M., this day for the purpose of holding an Inauguration Festival.

Mr. Pusey

Presented a memorial from the citizens of Council Bluffs, relating to the troubles with the Mormons in Utah, and asking of the Secretary of War the establishment of Military Posts on the line of travel to California and also one at Council Bluffs.

The memorial was read and on the motion of Mr. McPherson, was laid on the table.

On motion of Mr. Mann,

The Senate adjourned for half an hour.

11 O'CLOCK, A. M.

Message from the House

By Messrs Clune and Carpenter,



Who informed the Senate that the House was ready to meet the Senate in Joint Convention for the purpose of inaugurating the Governor and Lieutenant Governor elect.

The Senate, preceded by the President, pro tem, Secretaries and Sergeant-at-arms, proceeded to the Hall of the House of Representatives.

The roll of the Convention being called, the following gentlemen were found to be absent :

Senators Brigham and Stewart, and Messrs Alger, Bradley, Davis and SeEVERS of the House.

The President appointed

Messrs Trimble and Bates,

A Committee to inform the Governor and Lieutenant Governor elect, that the two Houses were ready to receive them in Joint Session, in order that they might take the oath as prescribed by the Constitution ; which duty having been performed by the Committee, the Governor and Lieutenant Governor elect, accompanied by the Governor, the Judges of the Supreme Court and officers of State, entered the Hall of the House, and having been duly announced, and taken the places assigned them, the oath of office was then administered in due form to the Governor and Lieutenant Governor elect, by the Hon. Geo. G. Wright, Chief Justice of the State, after which the Governor delivered the following Inaugural Address.

*Gentlemen of the Senate*

*and House of Representatives:*

On assuming the office of Chief Executive of the State, it becomes my duty to point out to you, as a co-ordinate branch of the Government, some of the principles, which in my opinion, should guide us in the administration of its affairs.

Legislation is a high sovereign power, to be exercised with great wisdom. Its sanctions are found in the proper discharge of our responsibilities to the people from whom the power is derived.

We have reached an important juncture in the history of this State, and are charged with the initiative of laws and measures bearing upon its administrative policy which gives peculiar emphasis to our public duties.

Aside from this, there are other circumstances connected with our Federal relations, and the financial posture of affairs, by which

all business transactions have suddenly been deranged; the commercial sky over-clouded, the whole country smitten as with a palsy; and this period marked as one of uncommon solemnity.

But every age must teach its own lesson. The lesson of this age of great movements and great peril is, first, that of limiting the credit system to its rightful sphere. Secondly, that of giving back to agriculture her just and full proportion of the industrial forces of society; for it is plain that when the commercial classes become numerically larger than is necessary for the exchange and distribution of the products of the earth, and the fabrics of its work-shops, (as unquestionably was the case at the commencement of the late financial and commercial crisis,) the effect must be to disturb that equilibrium in the division of labor, so essential to a healthy condition of the world's business.

This undue enlargement of buyers and sellers in which is included the whole circle of traders and speculators, whether in merchandise or land, at the expense of field culture, has contributed in my judgment its full share in bringing upon the country that embarrassment which is its just retribution.

Its effect is to engender a spirit of cupidity and reckless speculation; it multiplies the employment of unnatural expedients to live *easy*, and without much toil. This is subversive of the law of our being. Toil is the Providentially appointed allotment of man at birth. Husbandry in its enlarged sense is the basis of society, furnishing not only the pabulum of life, but the material for clothing the world.

All other branches of business are but its incidents. Thin the ranks of its votaries, and crowd the channels of trade and commerce, and you bring into being a train of disturbing evils that must result in disaster.

No maxims of political economy, however well observed—no system of currency, however nicely adjusted or guarded, can compensate for this departure from the law of labor.

Let agriculture, the vanguard of all other occupations, have its full and appropriate share of the industrial forces of the country, with a commerce just equal to a fair distribution of its products, always following, and never in anticipation of its annual crops, and the world's affairs and business will in the main flow on with comparatively a smooth and full stream.

Happily for the people of Iowa, the sun in its brilliancy looks

not down upon a fairer land, for the exemplification of this great regulating element in the economy and business of life. Here the ignorant and humble, as well as the more intelligent and elevated peasant—the amateur husbandman—the professional and literary man—the statesman and politician, and the representative men of the highest style in the country, may pay their homage to this primeval employment of man, and secure to the general husbandry its highest conception and development as a system and as a science. There is not perhaps another 50,914 square miles in one body upon the globe, that can offer so many broad acres of unrivalled fertility, and of such high adaptations for the staples of life, as the State of Iowa. Two of the largest navigable rivers in the world, lave her eastern and western borders; her plains abound in coal-beds and other mineral. There are no natural causes of insalubrity within her realm. The course of her prairies and the physical configuration of the surface, invite the atmosphere of the snowy mountains in copious currents over her extended plains, bearing upon their wings the invigorating vitality that gives quickness and elasticity to the step, and endurance to the toiling energies of its people.

This goodly land, thus blessed in its natural conditions, has undergone an almost magical transition from Nature's wilderness to the cultivated fields; the flourishing villages and populous cities of civilized and enlightened man; and in this attitude presents a subject of reflection unsurpassed in interest in the annals of the world.

The condition of State sovereignty which it rapidly attained, has recently been amplified, and is now about to manifest itself through a more perfect organization, legislative, judicial and executive. Over this combination of supreme powers you are called to extend a legislation that shall give effect and operation to its recently modified and improved fundamental law; to revise, correct and harmonize existing enactments; to establish a policy suited to the rapidly unfolding resources of a State, and to lay the foundations of an empire that can under beneficent laws and a wise system of culture, support five to eight millions of inhabitants.

It should be our aim to emulate, if not surpass, the best model of a State Government in the Union. We are *one* of a great confederacy of States; each existing under its highest form of organization as a body politic; each in its constitutional sphere independent of the others, and all possessing their own peculiar system of

policy, adapted to their geographical positions, the habits and pursuits of their people, and the capabilities of their soil. None are perfect, yet all are commissioned to promote the public weal. It is a noble contest between a galaxy of sovereign States, as to which shall present to the world *the* model government.

The first great element of all prosperity is to conduct the affairs of the State upon Christian principles. In this way the Divine will is honored, and the spirit of God breathes through the combined intelligence of the people. This principle in our own political system raises itself in majestic serenity above the strifes of parties, and the conflicts of sections, and being based upon the dictates of pure reason, promotes a degree of perfection in systems of State policy not otherwise attainable.

One important method of displaying a just regard for the principles of christianity, is to give due attention to the benevolent institutions of the day. The hand of charity should be extended to all the varieties of human want; multiplying its forms of action in proportion to the forms of suffering; in the erection of hospitals, lunatic and deaf and dumb asylums; in establishing dispensaries and poor houses; in opening receptacles for the reformation and punishment of the vicious and wicked; founding institutions of learning of a high order, with charity scholarships, and perfecting our common school system. It is known that throughout our State there are many unfortunate human beings bereft of reason, for whom no adequate provision has yet been completed. There are others to whom the light of Heaven comes not, whose eyes are closed to the happy smiles of friends, and the beauties of the world; and some who hear not the voice of love and the whispers of living nature. The poor maniac needs prompt and efficient sympathy and kindness and restoration to society, and whilst humanity rejoices over the result of institutions reared for his benefit, experience cheers us with the knowledge that we can almost open the eyes of the blind, and unstop the ears of the deaf.

These public enterprises demand no specification at my hands on this occasion. Their establishment is among the duties which every State owes to its citizens, and we should endow and foster them in all their best forms and appointments.

I only mention them, to say, that as God has given unto us the fairest heritage in all the earth to inhabit, let us not dishonor the *gift*, by erecting upon it institutions, or passing over it a code of

laws less wise and beneficent than those of other countries, or which shall fail in their conception and design to reflect back the beauty, richness and excellency of the land they are intended to bless.

Upon this idea has the lunatic asylum at Mount Pleasant, been wisely commenced. Let it go forward and be completed upon the principle and design of making it a model institution of the kind, as every other kindred institution should be. It is only upon this line of policy that we can hope to lay claim to anything like State superiority in this department of the public service.

Economy in the administration of the public business should never be overlooked. But true economy consists in a faithful and wise application of the means of the State, in commanding the services of the best men, ordaining the best system of laws, and establishing the highest order of institutions. In the just acceptation of the principle of public economy we cannot accept any other terms.

In the main each State is to perform her own works of charity. But there is one description of these humane and provident institutions to which I desire to make special reference, as they are national rather than local in their character. I allude to marine hospitals. We have distinguished precedents for calling the two great rivers that wash our shores, *inland seas*. They bear upon their bosom a heavy and a growing commerce, next in importance to that which floats upon the more expanded realms of the open seas. The vessels of many States ply upon their waters, and they throw upon our borders annually no inconsiderable number of afflicted and disabled watermen. These are not our citizens alone; they belong to the carrying trade of the whole country, and they should be kindly cared for at the public expense. Our associated relation to the General Government makes it your duty, early and persistently to press upon the consideration of Congress the importance not only of erecting marine hospitals at the proper points, but that also of custom-house and portal buildings, at those places made ports of delivery, and where distributing post offices have been established if the amount of business connected with these branches of the public service will justify the same.

Cordially approving and adopting the views and suggestions contained in the message delivered by my worthy predecessor upon all the ordinary topics of legislation, it is only necessary for me to

recur in general terms to some of those things which impress my own mind with their importance.

The unexampled increase of our population the last two or three years, has had the effect to exhaust all the copies of the Code, as well as the pamphlet laws subsequently enacted, leaving a large body of our citizens destitute of the means of knowing the laws under which they are living.

This evil should be remedied at as early a period as practicable. Six years practice under the Code has brought to light many defects, especially in the chapters regulating our civil procedure, which ought now to be reformed. This done, the publication of a new edition of the Code and pamphlet laws, including the new practice act, might perhaps be left to individual enterprise, as it is known there are persons now preparing and taking the initiatory steps for such a publication.

I rejoice to know that the people of Iowa have been singularly fortunate in the selection of so competent and intelligent a body of men for the transaction of their business. No occasion has arisen in the State, in my judgment, demanding the exercise of more wisdom, sound discretion, and statesmanship, than the one on which you are now convened.

But in view of the great amount of other business which will occupy your attention during the session, I beg to recommend the appointment of two or three competent legal gentlemen to act at once in conjunction with special committees constituted for that purpose, in revising, amending and getting up a more efficient and perfect practice act, to the end that the same may go out with the publication of the other laws in the spring—and the people of this State be blessed with a system of civil and criminal procedure, under which the great principles of justice and right can be administered—all wrong suppressed—goodness and virtue protected—and evil doers punished.

In this connection I cannot forbear making allusion to the great inadequacy of the State Penitentiary to effectuate the objects proposed. It is under the management of highly competent inspectors, who can, with the generous aid of your body, make it what it should be, a first class, self-sustaining institution. The absolute demands of criminal justice in this direction, admit of no denial or delay. The report of the Inspectors will tell its own story, and command, I doubt not, your very considerate and prompt attention.

The practical experience of the whole country attests the indispensable utility of railroads. Although diffusive in the benefits they bestow, extending themselves to every class in community, yet the country is indebted for the most part, to individual capital and enterprise for their construction. This fact should bear down with great urgency upon the mind both of the State and National Government, to hold up the hands and encourage the hearts of the noble and self-sacrificing few, who manifest a willingness to peril much of their fortunes, to push forward a description of improvement that marks one of the great features of the age.

The new Constitution contemplates important legislation upon our judiciary and militia system, upon the school lands and funds, and a radical change in our educational department, as well as other subjects, upon all which it will afford me pleasure to communicate freely with you during your deliberations.

The questions of currency and agriculture are new subjects of legislation in this State, authorized and enjoined by the Constitution, and possess no ordinary significance.

In the absence of a national paper currency, and with an established policy of seventy years' standing in the use of a mixed currency of paper and metal by the States, each for itself providing and regulating its own circulating medium, it would seem to be the very climax of human folly for a single State, possessing equal powers, to *lean* wholly upon other States and foreign corporations for its currency. Yet Iowa, from the beginning, has been guilty of this great folly, the effect of which has been to keep out that amount of fair proportion of gold and silver, which a wise and well regulated banking system would have necessarily supplied; and subjected us to the necessity, as well as all the hazard of employing the paper of a thousand banking institutions in other States, at an immense annual cost, in the shape of interest, failures and counterfeits; and now, when the whole country is overtaken by a money crisis, in which many of these banks have gone into liquidation, and others withdrawn their issues, we find ourselves entirely destitute of a circulating medium.

It is needless to disguise the fact, that like the balance of the civilized world, we are greatly in debt—with no disposition, however, to break faith with our creditors. Possessing millions of produce and other good property, still we have no money or available credit to meet our liabilities.

A sudden enforcement of these liabilities under the circumstances, would be as disastrous as it would be cruel towards the people of this State; and the question may be seriously propounded, whether any principle in ethics would be violated in affording reasonable time and that relief which shall be fair to all parties, for the liquidation of these liabilities.

As the State in its sovereign capacity has clearly been at fault in not providing the way for supplying a safe, sound and reliable currency of her own, that our people might be placed on an equal footing, and with like advantages and privileges enjoyed by the people of other States, she is bound by every consideration of fairness, to repair and uphold the falling fortunes of the people, so far as they are affected by the want of a home circulating medium.

According to the statistics of the Federal treasury, there is now in the country \$260,000,000 of dollars of specie; \$60,000,000 of this form the basis of bank issues in other States. Had we ten years ago established a wise State Banking System, endowing it with the attributes and powers of similar institutions, the probability is, that to-day we would have had our fair proportion of this specie, both in the circulation of the State and the vaults of our banks, justifying the issue of an amount of paper which by its pliability to sudden emergencies, would greatly relieve our people in these days of evil portent, or at least keep them from falling into a worse condition than our fellow countrymen in other States.

Forgetting however the errors of the past, let us make haste to retrace our steps; do now what should have been done years ago—make provision for a sound and an adequate currency of our own.

It is competent for you to frame a general law, under which either or both of the banking systems contemplated by the Constitution may be established. It is perhaps unnecessary for me to indicate my opinion in regard to the relative merits of the one or the other, or to venture any suggestions as to the provisions which should enter into the frame work of either. The very large amount of gold and silver in the country justifies the conclusion that an actual specie basis would be obtained under a banking law wisely conceived as to the privileges it conferred and the limitations it imposed. There is often power in words. Confidence is an important element in all banking operations. The word *State*, in a government well ordered and conducted, is with many the synonym of confidence. These facts, with others, would determine



my own mind in favor of a wisely adjusted State Banking system: Let it be established under the best lights you can obtain, protecting the bill-holder, inviting the capitalist, issuing no bills under the denomination of five dollars.

The constitutional requirement upon the General Assembly to encourage and foster agricultural improvement, must have had its origin in a knowledge of the fact that the legislation of the country everywhere has been disposed heretofore to ignore "this first born of civilization."

It is true that a high state of prosperity requires the promotion of every branch of industry, and the cultivation of all the arts and sciences; but agriculture is the precursor of all these, and from the character of our soil and the nature of our geographical position, must be the great leading avocation of our people, and therefore the first interest to be considered and improved.

But the question recurs, how can this injunction of the Constitution be carried out, and the highest capabilities in the economy of field labor and general husbandry be attained, by anything which the State in its sovereign capacity can do?

It is believed that the first step in this direction, after affording due encouragement to county and State Agricultural Societies, is to establish an Agricultural Bureau as a distinct department of State, similar in its functions and appointments to the one proposed and enacted by one branch of your body three years ago, but lost in the other.

It should hold the same relation to the people of this State, that a similar department in the Patent Office at Washington City does to the whole country. Putting itself in connection with that office, and all the Agricultural Societies in the land, its great office would be to introduce new and valuable seeds, both of the cereals and vegetables; direct their culture; gather up agricultural statistics and information from the best farmers everywhere, and disseminate the same largely among the generation of free laborers who now or may hereafter occupy our plains.

But, secondly, agriculture, in her higher aims and purposes, is a science, and demands the application of scientific knowledge to the labors of the field. This involves the necessity, at a proper time, of establishing Agricultural Schools, in connection with experimental farms, where the natural sciences bearing upon her domain, may be taught and applied; such as geology—organic chemistry—

botany—physiology—zoology—atmospheric properties and influences, &c. To elaborate the connection between these sciences and the objects of Agriculture, which has its out-goings in the infinite, is neither expected nor demanded in this communication.

I only speak of one other method of maintaining an elevated system of Agriculture, and that is to keep all her manipulations and processes under the dominion of *free labor*.

To work is a privilege, as well as one of the conditions of life.—Labor intelligently directed by the masses is the source of untold blessings, affecting no less the moral destiny of the race, than the physical improvement of the State. It is strange in this age of the world, and in a land of Constitutional liberty, we are compelled to insist upon the freedom of labor; yet the necessity of doing so, is no less strange than painful.

This birth-right of the American citizen has been seriously menaced, by a growing sentiment in favor of slave labor in one section of the Union. The two cannot exist upon the same soil. The introduction of the one is the disparagement of the other. They are natural and irreconcilable foes.

Free labor is diffusive in its benefits,—equalizes the condition of men—strengthens the moral principle of a country—is progressive in its movements, availing itself of the aids of science in its several departments of industry; whilst slave labor dispenses its benefactions to the few—presses hardly against the interest of the many—brings premature decrepitude upon the country, by its wasteful and exhausting tillage, and to *live* must not only enlarge but often change the field of its operations. This naturally induces a spirit for territorial aggrandizement in order to perpetuate slavery, and to extend the political power of one section of the Union, in derogation of the rights of the other, and has brought on a contest between freedom and slavery that has absorbed all the other political questions of the day.

The meeting of these two systems of labor face to face in Kansas, has imparted no little interest to this conflict. Passing by, however, the monstrous frauds, usurpations, violence, and utter disregard of the democratic principle of allowing the people to choose their own rulers and make their own laws, which thus far have marked the progress of this contest in that Territory, I beg leave to go back of all these, and refer to an assumption of power or constitutional right, which has justly alarmed and excited the

jealousy of the North, and, it is apprehended, will give long continuance and bitterness to this unfortunate contest. I allude to the recent interpretation of the Constitution of the United States which nationalizes slavery, and opens the door for its universality in all the Territories of the government. This extraordinary construction of the charter of our liberties, was first enunciated by the southern section of the Supreme Court in the Dred Scott case, afterwards adopted by one of the political parties of this country, and followed up by a distinct recognition on the part of the present Chief Magistrate of the Union.

This distinguished functionary has been pleased to inform the people of this country, that slavery, under the Constitution as now *expounded*, may not only be extended beyond the bounds where it now is, but that it already exists practically or theoretically in all the national domain.

If this be so, the investiture of this privilege in 350,000 slave-owners, is a virtual abnegation of the rights of 25,000,000 of non-slaveholders in the occupancy of all these lands. For, it will be confessed that free and voluntary labor will not unite with involuntary and compulsory labor in reclaiming all these territories and transforming them into the culture, the arts and the adornments of civilization.

But, it is said from high authority, as a palliative for the exercise of this right under the Constitution to take and hold slaves upon the free territories of this country, that "*when the residents of such Territories proceed to form a State Constitution, then it is their right to decide the important question for themselves, whether they will continue, modify or abolish slavery.*"

But, how a right recognized and guaranteed by the Constitution of the United States, can be thus summarily disposed of, is not readily perceived. It must be founded upon the idea either that the Constitution is not the paramount law of the land, or that it contains a limitation upon this right. It is believed that neither of these postulates can be maintained; and it follows that if this right exists at all, it is an absolute, continuing right, as the other franchises of that venerable instrument are, which no State power can divest, either after it has been exercised, as in Kansas, or in anticipation of its exercise, as Iowa has attempted to do, in prohibiting it in her Constitution. If this construction be the true one, then, as a logical consequence, and as has already been claimed

in some quarters, slavery exists theoretically in all the free States of this Union, and the right need only be asserted to make it so practically.

By thus interpreting the Constitution of the United States, so as to make it sanction the legal right to own and hold slaves wherever the flag of the Union goes, the people of the free North are made an involuntary party to all the evils, political and moral, which attach themselves to this institution, and must share with the South whatever responsibility there may be connected with it as a subsisting national establishment. They protest against being implicated in so great a wrong. To their moral sense, slavery is odious and forbidding. They had been accustomed to view it as a State institution, over which neither they nor the General Government had any control.

But if this new political faith on a subject so exciting is now to obtain, it must be regarded as the foreshadowing of evil days to the commonwealth. Under it, the enfranchisement of free labor is everywhere in peril. Iowa, the offspring of those liberal sentiments that prevailed in the better days of the Republic, when it was deemed no infringement either on the Constitution or the rights of the South, to consecrate *her soil to freedom*, has been no idle spectator of these aggressive movements against the rights of the North. In the late election, she recorded her protest against that perversion of the Constitution, which is breaking down one of the fortresses of liberty in this country. She has been taught to believe that that sacred instrument was intended as the "*bond of deliverance from all wrongs and freedom to all ranks.*" And whilst it is no part of her purpose to cherish animosities towards any one section of our common country, but would rather counsel peaceful relations and good neighborhood, she intends to resist all inroads upon the faith and doctrines of the framers of the Constitution, as well as all encroachments upon the principles of political equality, And if it is permitted her to have limbs, free to toil, hearts, free to beat, and minds to think, she will continue to give evidence of her loyalty to the national Union, the perpetuity of which is the herald and pledge of "the hope that comes to all."

RALPH P. LOWE.

DES MOINES, January 13, 1858.

Therenpon,

Messrs. Trimble and Bates, the Committee of the Convention,

attended the Governor, Ex-Governor and Lieutenant Governor from the Hall of the House.

The purposes for which the Convention assembled having been accomplished, the Convention adjourned. The Senate retired from the Hall of the House to the Senate Chamber, in the same order that they had left it.

On motion of Mr. Trimble,

The Senate adjourned until 2 o'clock P. M., to-morrow.

### SENATE CHAMBER,

FRIDAY, JANUARY, 15th, 1858, 2 o'clock, P. M. {

Senate met pursuant to adjournment.

Prayer by the Rev. Thompson Bird.

Journal of yesterday read and approved.

Senators Allen and Grinnell were appointed a committee to conduct the Lieutenant Governor to the Chair.

The Committee having performed their duty, the Lieutenant Governor addressed the Senate as follows :

SENATORS :—

The new Constitution makes it my duty to occupy the Chair during your deliberations. I enter upon the discharge of the duties assigned me, conscious of my deficiencies, but confident of your generous sympathy, and looking far aid from your legislative experience. I trust that, animated by a common spirit of devotion to the public good, we may meet the reasonable expectations of our constituents.

The present inaugurates a new era in the legislation of our State. You are called to the arduous task of adapting laws and measures to the changes contemplated by the new Constitution. That you may be guided by wisdom in forming these laws, is the earnest wish of every lover of the Commonwealth.

Mr. Loughridge

Presented the following resolution.

*Resolved*, That the President be requested to appoint the *standing Committees* of the Senate, and that Mr. Coolbaugh who

has not as yet presented his credentials, be regarded as a Senator in the formation of the Committees.

**Mr. Anderson**

Moved to amend by striking out all after "President" and insert "Nominate the Standing Committees for the confirmation of the Senate."

**Mr. Trimble**

Offered the following substitute for the resolution and amendment.

*Resolved*, That the President be requested and empowered to appoint all Standing Committees contemplated by the rules adopted by the Senate—such appointments to be subject to the approval of the Senate.

**Mr. Kirkwood**

Moved to amend the substitute by striking out the words "such appointments to be subject to the approval of the Senate," and to insert after the word "appoint," the words "for the present session."

The question being on Mr. Kirkwood's amendment, the yeas and nays were demanded, and ordered, and were as follows :

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, Kirkwood, Loughridge, Mann, McPherson, Pusey, Patterson, Reed, Rusch, Sanders—20

The nays were,

Senators Bailey, Dale, Foster, McCoy, Rankin, Reiner, Sherraden, Trimble, Thompson, Warner, Wilson—12

The motion to amend prevailed, and the substitute as amended was adopted.

**Mr. Trimble**

Offered the following resolution :

*Resolved*, That Chas. C. Nourse be allowed five dollars per day for two days services as Secretary pro tem of the Senate, and the mileage of a member for one hundred and thirty miles travel and return.

**Mr. Neal**

Moved to amend by adding—

"And Jonathan Jones be allowed three dollars per day, for two days services as Sergeant-at-Arms, pro tem. Also that George

Caruthers be allowed three dollars per day, as Door Keeper pro tem, for two days; and D. P. Greeley three dollars per day as Fireman pro tem, for two days; and Henry B. Curtis three dollars per day, as Messenger pro tem, for two days.

Mr. Reed

Moved to amend the last item of the amendment, by striking out three before the word "dollars," and insert two.

On motion of Mr. Trimble,

The resolution and amendments were referred to a special committee of three, with instructions to report to-morrow morning.

The President appointed on said Committee

Senators Trimble, Cattell and Thompson.

Mr. Cattell

From the Special Committee on Joint Rules, reported the following rules, which were adopted.

## J O I N T   R U L E S .

1. In every case of disagreement between two Houses, if either House requests a Conference and appoints a Committee for the purpose, the other House shall appoint a Committee to confer therewith upon the subject of their disagreement.

They shall meet at a convenient time to be agreed upon by their chairman, and having conferred freely, each shall report to their respective House the result of their conference.

2. When a message shall be sent from either House to the other, it shall be announced at the door of the house to which it is sent, by the door keeper thereof, and shall be respectfully communicated to the Chair by the person with whom it is sent.

3. All messages between the two Houses shall be communicated by the Secretary Chief Clerk or their respective Assistants.

4. When a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the House in which it originated, and the fact of its origin, shall be certified by the endorsement of the Secretary or Clerk thereof.

5. When bills are enrolled they shall be examined by a Joint Committee of — from the Senate, and — from the House of Representatives; who shall be a Standing Committee for that purpose, and who shall carefully compare the enrollment with the en-

grossed bills as passed in the two Houses, correct any errors therein, and make report thereof forthwith to their respective houses.

6. After said report, each bill shall be signed, first by the Speaker of the House of Representatives, and then by the President of the Senate, in the presence of their respective Houses.

7. After the bill shall have been thus signed in each House, it shall be presented by said Committee to the Governor, for his approval, and they shall forthwith report the day of presentation, which shall be entered upon the Journal of the House in which the bill originated.

8. All orders, resolutions, memorials, or other votes which are to be presented to the Governor for his approval, shall be enrolled, examined, signed and presented in the same manner as bills.

9. When any bill, joint resolution, or memorial which shall have passed in one House, is rejected in the other, notice of said rejection shall be given to the house which passed the same.

10. When a bill, resolution or memorial which shall have passed one house, is rejected in the other, it shall not be again introduced during the session without five days notice, and leave of two thirds of the members voting thereon.

11. Each house shall transmit to the other, with any bill, resolution or memorial, all papers upon which the same shall be founded.

12. When each house shall have adhered to their disagreement, a bill or resolution is lost.

13. When any bill or resolution which may have passed one House, is ordered to be printed by the other, a greater number of copies shall not be printed than is necessary for the use of the house making the order. When any other bill or resolution shall be ordered to be printed by either house, a sufficient number of copies shall be printed for the use of both houses.

14. It shall be the duty of the Chief Clerk of the House of Representatives, and the Secretary of the Senate, when any document, except bills and resolutions, are ordered to be printed in their respective houses, forthwith to communicate such order to the other House.

15. In all elections in Joint Convention of the two Houses, the names of the members shall all be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.



On motion of Mr. Pusey,

The Memorial of the citizens of Council Bluffs, to the Secretary of War, was taken from the table and read and ordered to be transmitted to the House.

Mr. Pusey had leave to introduce

Senate No. 1, A Joint Resolution and Memorial to the Secretary of War, asking the establishment of military posts along the line of travel to California, and also one at Council Bluffs.

Which was read the first and second times, and

On motion of Mr. McPherson,

The 11th Rule was suspended, and the Memorial was read the third time.

The question now being on its final passage, the yeas and nays were ordered, and were as follows :

Those voting yea were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner, Wilson—32.

Senator Davis, of Clinton, voted in the negative.

The Resolution and Memorial were passed and title thereof agreed to.

Message from the House of Representatives,

By their Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed House File No. 2, A bill for an act regulating the terms of the District Court in the first Judicial District, and the concurrence of the Senate is asked to the above bill.

B. F. JONES, Chief Clerk, H. of R.

On motion of Mr. Anderson,

H. F. No. 2, A bill for an act regulating the terms of the Court in the first Judicial District,

Was taken up and read the first and second times.

And Mr. Rankin offered a substitute ; A bill for an act regulating the terms of holding Court in the first Judicial District, which was,

On Mr. Rankin's motion, adopted.

On motion of Mr. Cook,

The 11th Rule was suspended, and the substitute was read the time. The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner, Wilson—33.

The substitute was passed.

On motion of Mr. Cattell,

The title was amended so as to read, "A bill for an act to amend an act regulating the terms of the District Court in the first Judicial District.

The title as amended was agreed to.

Mr. Grinnell

Presented the following resolution, which was adopted :

*Resolved*, That Wm. F. Coolbaugh, Senator elect from Des Moines county, who has not yet appeared with his credentials, be placed upon the Standing Committees of the Senate.

Mr. Reed

Offered the following resolution which was adopted :

*Resolved*, That the Senate have printed for their use the following number of copies of the Governor's Inaugural Address, to wit :

5000 copies in English.

2000 " " German, and

1000 " " Holland Languages.

On motion of Mr. Thompson,

The following resolution was taken from the table and was read and adopted, to wit :

*Resolved*, That the Secretary be authorized to have 100 copies of the Senate rules and joint rules printed for the use of the Senate, together with the names and members of the Standing Committees and the names and Post Office address of the members of the Senate.

On motion of Mr. Anderson,

The Senate adjourned to 10 o'clock, A. M., to-morrow.

SENATE CHAMBER,  
SATURDAY, JANUARY 16th, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Thompson Bird.

Journal of yesterday read and approved.

The President announced the following as Standing Committees of the Senate for the present session:

### STANDING COMMITTEES.

**Ways and Means**—Senators Saunders, Coolbaugh, Cattell, Neal and McPherson.

**Judiciary**—Anderson, Jenkins, Trimble, Loughridge, Wilson.

**Federal Relations**—Kirkwood, Brown, Stewart, Davis of Clinton, and Mann.

**Schools and State University**—Grinnell, Coolbaugh, Kirkwood, Foster and Allen.

**Agriculture**—Foster, Anderson, Patterson, Reed and Warner.

**Rail Roads**—Rankin, Wilson, Atkins, McCoy and Pusey.

**Banks**—Cook, Saunders, Grinnell, Pusey and Patterson.

**Internal Improvements**—Thompson, Brigham, Atkins, Rankin, Johnson.

**Claims**—Cattell, Carter, Allen, Davis of Polk, and Dale.

**Charitable Institutions**—Davis of Clinton, Allen, McPherson, Stewart, Rusch.

**Public Lands**—Jenkins, Saunders, Trimble, Reiner and Wilson.

**Public Buildings**—Davis of Polk, Cook, Stewart, Kirkwood and Johnston.

**Township and County Organizations**—Loughridge, Brown, Warner, Carter and Mann.

**Roads**—Carter, Pusey, Sharraden, Dale and Cattell.

**Military Affairs**—Reed, Bailey, Thompson, Neal and Anderson.

**Elections**—McPherson, Patterson, Reiner, Bailey and Jenkins.

**New Counties**—Brown, Brigham, McCoy, Reed and Neal.

**State Library**—Rusch, Coolbaugh, Thompson, Mann and Rankin.

**Counties Boundaries**—Atkins, Warner, Rusch, Davis of Clinton, and Bailey.

Mr. Foster

Presented a petition from S. H. Downing and twenty-six others,

citizens of Washington and Johnson counties, asking for an alteration in the State road running on the county line between Washington and Johnson counties. The petition was, on motion of Mr. Foster, referred to the Committee on roads.

**Mr. Pusey**

Presented a petition from P. J. McMahon and one hundred and twenty-seven others, residents of Pottawattamie county, asking for the modification of an act in relation to the assessment of property, approved January 28th, 1857.

Which was, on his motion, referred to the Committee on Ways and Means.

**Mr. Cattell**

Presented the petition of W. Hammond and seventy others, asking for the passage of a Militia law.

Which was, on his motion, referred to the Committee on Military Affairs.

**Mr. Patterson**

Presented the petition of O'Conner and Patterson, and twenty-seven others, Attorneys, asking for the passage of an act to amend Chapter 136 of the Code of Iowa.

Which was on his motion, referred to the Committee on Judiciary.

**Mr. Grinnell**

Presented the petition of Jonathan Reed and others, asking an extension of time to be given to certain road Commissioners.

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

## NOTICES OF BILLS.

By **Mr. Loughridge** :

Notice of a bill for an act to amend Chapter 118 of the Code, in relation to the foreclosure of mortgages.

By **Mr. McPherson** :

Notice of a bill for an act legalizing the assessment of property in Madison county.

By **Mr. McPherson** :

Notice of a bill for an act providing for the appraisement of property before the same can be sold on execution.

By **Mr. McPherson** :

Notice of a bill for an act providing for the location of the Asylum for the Deaf and Dumb in the city of Winterset, Madison Co.

By Mr. Grinnell :

Notice of a bill for an act legalizing the acts of certain School officers under the act of the last session.

By Mr. Grinnell :

Notice of a Joint Resolution and Memorial to Congress asking for the repeal of the duties on Sugar.

By Mr. Johnston :

Notice of a bill for an act regulating the times of holding Courts in the Third Judicial District.

By Mr. Bailey :

Notice of a bill for an act to charter a company to build a bridge across the Des Moines river at the towns of Bentonsport and Vernon.

By M. Neal :

Notice of a bill for an act to amend Section 4 of Article 1 of the Constitution of the State of Iowa.

By Mr. Brown :

Notice of a bill for an act to provide for the election of Probate Judges and Township Supervisors.

By Mr. Jenkins :

Notice of a bill for an act to amend an act in relation to the assessment of property, approved January 28th, 1857.

By Mr. Rusch :

Notice of a bill for an act to establish a Superior Court in the county of Scott.

By Mr. Foster :

Notice of a bill for an act to amend an act entitled an act to define the times of holding Court in the Fourth Judicial District.

By Mr. Davis, of Polk :

Notice of a bill for an act for the creation of the State Bank of Iowa.

By Mr. Cook :

Notice of a Joint Resolution asking Congress for an appropriation to build a Custom House, Post Office and United States District Court House in the city of Burlington.

By Mr. Davis, of Polk :

Notice of a bill for an act fixing the times of holding Courts in the Fifth Judicial District.

By Mr. Mann :

Notice of a Joint Resolution asking Congress for additional mail facilities in Dubuque, Jones, Cedar and Johnson counties.

By Mr. Jenkins,

Notice of a bill for an act to amend an act "Entitled an act allowing and regulating the stay of executions on judgments of the District and Justices Courts, approved January 24th, 1853.

By Mr. Rankin :

Notice of a Joint Resolution and Memorial to Congress praying for an appropriation to build a Marine Asylum and Custom House in the City of Keokuk.

By Mr. Foster :

Notice of a bill for an act to amend Section 2705 of Chapter 145 of the Code of Iowa.

By Mr. Foster :

Notice of a bill for an act to establish an Agricultural Bureau.

By Mr. Trimble :

Notice of a bill for an act to fix the times of holding courts in the 3d Judicial District.

By Mr. Cattell :

Notice of a bill for an act to provide for additional protection to property by the encouragement of the detection of thieves, robbers and other violators of the rights of property.

By Mr. Foster :

Notice of Joint Resolution memorializing Congress to pass an act to make an appropriation to build a Marine Hospital in the city of Muscatine.

By Mr. Thompson :

Notice of a bill for an act to legalize certain acts of School Officers in School District No. 1, in Marion Township, Linn County.

Mr. Anderson

Offered the following Resolution :

*Resolved*, That the Committee on Banks be requested to report a bill at an early day for the establishment of Banks of issue in the State of Iowa.

Mr. Mann

Moved to lay the above resolution on the table.

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

The yeas were,

Senators Allen, Bailey, Dale, Johnston, Mann, Neil, Pusey Patterson, Waner, Wilson.—10.

The nays were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis, of Clinton, Davis, of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sherradden, Trimble, Thompson.—23.

The motion to lay on the table was lost.

Mr. Neal

Moved to amend the resolution by striking out all after the word "Day," which motion was lost.

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

The yeas were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis, of Clinton, Davis, of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sherradden, Trimble, Thompson.—24.

The nays were,

Senators Allen, Bailey, Dale, Johnston, Mann, Neal, Pusey, Warner, Wilson.—9

The resolution was adopted.

Mr. Trimble

Offered the following resolution to-wit :

*Resolved*, That the Committee on ways and means be instructed to report a bill authorizing the assessment of real and personal property for the year 1858.

Mr. Foster

Moved to amend by inserting the after word "instructed," the words "to enquire into the expediency of."

Mr. Mann

Offered the following substitute for the resolution and amendment.

*Resolved*, That the Committee on ways and means be instructed to report a bill requiring the assessors to assess real estate in the year 1858 and annually thereafter.

The substitute was not adopted.

The question being on Mr. Foster's motion to amend, the motion prevailed, and the resolution as amended was adopted.

Mr. Loughridge

Offered the following resolution which was adopted.

*Resolved*, That the Governor's Message with the accompanying

documents be referred to a special Committee of three; and that such Committee, advise the reference of such message and documents to the appropriate standing Committees.

The President appointed on said Committee—

Senators Loughridge, Wilson and Cattell.

Mr. Thompson

Offered the following which was adopted.

*Resolved*, That the Judiciary Committee be instructed to report at an early day of this session the propriety and expediency of a law appointing a Committee to revise, draft, and prepare a Code of laws for the State of Iowa.

Mr. Trimble

Offered the following resolution which was adopted.

*Resolved*, That a Committee of three be appointed to call upon the State Printer and ascertain when we may expect the Message of the Governor and Reports of the State Officers to be laid upon the tables of the members of the Senate.

Mr. Mann

Offered the following resolution which was adopted.

*Resolved*, That the President appoint a Committee, to consist of one from each Judicial District to act in concert with a similar Committee of the House, to report a bill for Districting the State in Judicial Districts as required by the Constitution.

Mr. Jenkins

Offered the following resolution which was adopted.

*Resolved*, That the Secretary be instructed to procure an additional desk for the Senate Chamber.

Mr. Neal

Presented the following resolution :

*Resolved*, That the Sergeant-at-arms, Assistant Sergeant-at-arms, Door Keeper, Messengers, and Paper Folders, be very respectfully requested to attend to their respective duties at all reasonable hours.

The resolution was on motion of

Mr. Grinnell laid on the table.

Mr. Davis of Clinton,

Offered the following resolution, which was adopted.

*Resolved*, That the Committee on Judiciary be instructed to enquire into the necessity for further legislation on the subject of swamp lands, granted to this State by the General Government



also what additional enactments are necessary to protect pre-emptors, and perfect their claims upon the same. With instructions to report by bill or otherwise at an early day.

Mr. Trimble

From the special Committee appointed yesterday, to whom was referred sundry resolutions and amendments relating to the pay of the officers pro tem. of the Senate,

Reported by the following resolution which was received and the Committee discharged, and the resolution was referred to the Committee on Ways and Means.

*Resolved*, That Charles C. Nourse, as Secretary pro tem. of the Senate be allowed the sum of ten dollars for two days services, and the further sum of thirty-six dollars, for mileage; and that J. S. Dimmitt be allowed ten dollars for two days services as Assistant Secretary, pro tem.; and that

J. Jones be allowed the sum of six dollars as Sergeant-at-arms, pro tem.; and that

G. Caruthers be allowed the sum of six dollars as Door Keeper, pro tem.; and that

D. P. Greeley, be allowed six dollars as Fireman, pro tem.; and that

H. B. Curtis and E. M. Sells, each be allowed four dollars as Messengers, pro tem. of the Senate.

On motion of Mr. Wilson,

The Senate adjourned until 10 o'clock a. m., of Monday.

SENATE CHAMBER, }  
MONDAY, JANUARY 18th, 1858, 10 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Jocelyn.

Journal of Saturday read and approved.

The President, in accordance with the resolution passed on Saturday, announced the Joint Committee on the part of the Senate for the purpose of reporting a bill for Districting the State into Judicial Districts, to consist of the following Senators, viz:

Senators Loughridge, Wilson, Rankin, Anderson, Bailey, Jenkins, Patterson, Foster, Pusey, Brown, Dale and Carter.

The President, agreeable to the resolution of Saturday authorizing him to appoint a Special Committee to enquire of the State Printer when the Reports, &c., would be ready for delivery, appointed

Senators Trimble, Kirkwood and Davis of Polk, said Committee.

**Mr. Saunders**

Presented a petition from Jas. Crawford and two hundred and twenty-seven citizens of Iowa, asking for a State road from Keokuk, running North to the Minnesota line between ranges four and five West.

The petition was, upon motion of **Mr. Saunders**,

Referred to the Committee on Roads.

On motion of **Mr. Cattell**,

A Committee on Incorporations was added to the list of Standing Committees.

**Mr. Pusey**

Presented a memorial from J. A. Johnson and others, citizens of Crescent City, accompanied with a Charter, praying that said city might be incorporated under the provisions of said Charter.

Upon motion of **Mr. Pusey**

The memorial and accompanying document were referred to the Committee on Incorporations.

**Mr. Patterson**

Presented a petition from S. G. Steetz, and others, citizens of Muscatine, asking for an alteration in their City Charter, which was, on his motion, referred to a Special Committee of three.

The President appointed on said Committee

Senators Patterson, Brown and Reiner.

The President announced the Committee on Incorporations as follows:

Senators Cattell, Stewart, Sharraden, Mann and Carter.

**Mr. Allen**

Presented a memorial which was adopted at a meeting of the citizens of Keokuk, on the subject of Banking.

The memorial was, on **Mr. Allen's** motion, referred to the Committee on Banks.

**Mr. Bailey**

Presented a memorial from C. W. Cowles and thirteen others,

asking for the passage of an act to amend the charter of Bentonsport.

Which was, on his motion, referred to a select Committee of three. The President appointed on said Committee Senators Bailey, Reed and Allen.

Mr. Sharraden

Presented a petition from Abraham Wagner and others, praying for the passage of a law locating a State road from Libertyville, in Jefferson county, to Waterloo, in Black Hawk county.

The petition was, on his motion, referred to the Committee on Roads.

### NOTICES OF BILLS.

By Mr. Bailey :

Notice of a bill to change the name of the town of Philadelphia, in Van Buren county.

By Mr. Patterson :

Notice of a bill to amend Chapter 136 of the Code of Iowa.

By Mr. Patterson :

Notice of a bill to amend a portion of the Charter of the City of Muscatine.

By Mr. McPherson :

Notice of a bill to repeal Chapter 61 of the Session Laws of 1853, and revising that portion of the law repealed by said Chapter.

By Mr. Grinnell :

Notice of a bill for the creation of the office of County Recorder.

By Mr. Rankin :

Notice of a bill to establish a Superior Court in the counties of Johnson and Muscatine.

By Mr Rankin :

Notice of a bill defining the time and place of holding the Supreme Court of the State.

By Mr. Rankin :

Notice of a bill for the appointment of Commissioners to codify the laws of Iowa.

Mr. Kirkwood

Presented the following resolution, which was,

On his motion,

Referred to the Committee on Ways and Means :

*Resolved*, That the Committee on Ways and Means be instructed to enquire if there be in the hands of the Treasurer of State any, and if any, what amount of the five per cent. fund received by him during the last session of the General Assembly, and if there be any such moneys in his hands, that said committee enquire into the expediency of using said moneys for State purposes, the State paying interest therefor, and that they report by bill or otherwise.

Mr. Foster

Offered the following resolution:

*Resolved*, That the Senate hereafter meet at nine o'clock A. M. and adjourn at two P. M., until otherwise ordered.

Mr. Loughridge

Moved to amend by striking out "two" and inserting "one."

Mr. Anderson

Offered the following as a substitute for the resolution and amendment, which was adopted:

*Resolved*, That the Senate hereafter meet at nine o'clock, A. M.

Message from the House of Representatives,

By their Chief Clerk:

MR. PRESIDENT,

I am directed by the House to inform the Senate, that the House has ordered the following printing to be done for the use of the House, i. e.,

360 copies of the rules of the House and Joint rules of the General Assembly. Also,

8000 copies of the Governor's Inaugural Address, in the English language.

2000 copies in the German language, and

500 copies in the Holland language. Also,

1000 copies of the Report of J. M. Beck, in relation to the affairs of the late Superintendent of Public Instruction. Also,

1000 copies of the Report of the Commissioner of the Des Moines Improvement. Also,

5000 copies of the Report of the Superintendent of Public Instruction. Also,

8000 copies of the Governor's Annual Message, in the English language.

1500 copies in the German language, and

500 copies in the Holland language.

I am also further directed to inform the Senate, that the House

has adopted Senate substitute for H. File No. 2, A bill for an act fixing the times of Courts in the first judicial district.

I herewith return Senate File No. 1, A Joint Resolution and Memorial to the Secretary of War, asking for the establishment of military posts along the line of travel to California, and also one at Council Bluffs, the same having passed the House without amendment.

W. P. HEPBURN, Chief Clerk H. R.

Mr. Grinnell

Offered the following Resolution, which was,

On motion of Mr. Neal,

Referred to the Committee on Judiciary.

*Resolved*, That a Joint Committee of five be appointed to report an apportionment bill of the State, into Senate and Representative Districts, of which the Senator from Washington shall be the Chairman.

Mr. Mann

Offered the following resolution, which was adopted :

*Resolved*, That the Auditor of State be requested to furnish the Senate with the items, making up the sum of \$8,945.61 for miscellaneous disbursements under the head of Salaries of Clerks and Deputies in his Report.

Mr. Trimble

Presented the following Preamble and Resolution, which was adopted :

*Whereas*, great inconvenience and loss have arisen from the loose manner in which the transfers of real estate have been kept, and *Whereas*, it is very desirable to so amend our Registry laws that the exact condition and ownership of each tract of land, town and city lot, can be seen at any time, therefore, be it

*Resolved*, That the Committee on Ways and Means be instructed to enquire into the expediency of so amending our Registry law, as to require all transfers of real property to be immediately registered, and also to require the keeping of appropriate maps, showing the boundaries and present ownership of each and every tract of land, town and city lot.

Mr. Foster

Offered the following Resolution, which was adopted.

*Resolved*, That that the Secretary instruct the Sergeant-at-arms,

Assistant Sergeant-at-arms, Post Master, Door-Keeper and Fireman in their respective duties.

Mr. Foster

Also offered the following resolution :

*Resolved*, That the Committee on Elections be instructed to enquire into the expediency of requiring a registration of the voters of Iowa and Report by bill or otherwise.

On Motion of Mr. Mann,

The above Resolution was laid on the table.

Mr. Davis of Clinton,

Offered the following resolution, which was adopted.

*Resolved*, That Senators Jenkins and McPherson be added to the Committee on Railroads.

Mr. Loughridge,

From the Special Committee to whom was referred the Governor's Message and accompanying documents made the following Report :

The Committee to whom was referred the Governor's Message and accompanying documents, make the following report :

That portion of the Message relating to a "Registry law," to the Committee on Elections.

That portion relating to the Reports of the Treasurer and Auditor of State, and to the condition of the Finances of the State, and to the Revenue law, to the Committee on "Ways and Means."

That portion relating to Banks, to the Committee on "Banks."

That portion relating to Schools and School laws, to the Committee on Schools.

That portion relating to the Report of J. M. Beck, Esq., and the said "Report" to the Committee on Claims.

That portion relating to the Capitol Building at Iowa City and the Penitentiary, to the Committee on Public Buildings.

That portion relating to the Asylums for the Insane, Deaf and Dumb and Blind, to the Committee on Charitable Institutions.

That portion relating to the Geological survey of the the State, to the Committee on Internal Improvements.

That portion in relation to the Defense of the North-Western settlements against the Indians; and that portion relating to the Military and Military Organizations to the Committee on Military Affairs.

That portion relating to the Des Moines River Improvement,

together with the Report of the Commissioner of the Des Moines River Improvement to a Special Committee of Five.

That portion in relation to the Compensation of the members of Major Williams' command, by the State to the Committee on Claims.

That portion in relation to the Compensation to the sufferers from Indian depredations in the North-west, from the United States, to the Committee on Federal Relations.

Those portions in relation to the decision of the Supreme Court of the United States in the Dred Scott case, and the effect of that decision upon the rights of the States, to the Committee on Federal Relations.

That portion in relation to the condition of affairs in Kansas, and that portion in relation to "State Rights," to the Committee on Federal Relations.

That portion in relation to the Census, to the Committee on Judiciary.

LOUGHRIDGE,	} Committee.
CATTELL,	
WILSON,	

On motion of Mr. McPherson,

The report was received and the Committee discharged.

Mr. Grinnell

Moved that the Senate resolve itself into a Committee of the Whole, to take into consideration the Report of the Committee and the Governor's Message.

Mr. Foster

Moved to make the Report and Governor's Message the Special Order for to-morrow at 10 o'clock A. M.

On motion of Mr. Wilson,

The motion and amendment were laid on the table.

Mr. Mann

Moved that the Report be adopted.

Mr. Jenkins

Moved to amend by striking out the words "Special Committee of Five," and inserting Committee on Internal Improvements, in that part of the report relating to the Improvement of the Des Moines River, and that Senators Loughridge and Davis of Polk, be added to the Committee on Internal Improvements for the

special purpose of considering the affairs of the Des Moines River Navigation and Railroad Company.

Mr. Davis of Clinton,

Moved that the Senate adjourn till 2 o'clock P. M., which motion was lost.

The President

Presented to the Senate a letter from Preston L. Lake, resigning his office as one of the trustees of the State University which was, on motion,

Laid on the table.

The President

Presented to the Senate the report of the trustees of the Institution for the instruction of the Blind, which was, on motion,

Laid on the table.

On motion of Mr. Wilson,

The Senate adjourned till 3 o'clock P. M.

### THREE O'CLOCK, P. M.

The question being on the motion of Mr. Jenkins to amend, the motion prevailed.

On motion of Mr. Loughbridge

That part of the report referring that part of the message relating to the Geological Survey to the committee on Internal Improvements, was amended by striking out the words, "Internal Improvements" and inserting the word "Agriculture."

The Report as amended, was adopted.

Mr. Sharraden,

From the Committee on Enrolled Bills, made the following Report:

The Committee on Enrolled Bills have examined Senate File No. 1, A Joint Resolution and Memorial to the Secretary of War asking the establishment of military posts along the line of travel to California, and also one at Council Bluffs,

And find the same correctly enrolled.

O. P. SHARRADEN, Chairman.



**Mr. Saunders,**

From the Committee on Ways and Means, to whom was referred the report of the Special Committee on allowance of *pro tem.* officers, reported the same back with one amendment, to-wit: Strike out the allowance made J. S. Dimmitt, of \$10;

Which report as amended was adopted.

**Mr. Thompson**

Had leave to introduce

Senate File No. 2, A bill for an act legalizing acts of certain school officers in Marion, Linn county, Iowa.

Which was read a first and second time, and

On his motion,

The 11th Rule was suspended and the bill was read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Jenkins, Kirkwood, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

Nays—none.

The bill was passed and the title agreed to.

**Mr. Davis, of Polk,**

Had leave to introduce

Senate File No. 3, A bill for an act to establish the State Bank of Iowa.

Which was read a first and second time, and

On motion of Mr. Loughridge,

Was referred to the Committee on Banks.

**Mr. Saunders**

Presented the report of the Commissioners appointed to superintend the location and erection of the Insane Asylum, which was read, and

On his motion,

Laid on the table.

**Mr. McPherson**

Had leave to introduce

Senate file No. 4, A bill for an act legalizing the assessment of property in Madison county, Iowa.

Which was read a first and second time, and

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being on its passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner, Wilson—30

Nays—none.

The bill was passed and the title agreed to.

Mr. Foster had leave to introduce

Senate file No. 5, A bill for an act to amend section 2705 of chapter 145 of the Code of Iowa,

Which was read a first and second time, and

On his motion,

Referred to the Committee on Judiciary.

Mr. Johnston had leave to introduce

Senate file No. 6, A bill for an act to legalize the acts of James D. Devon, as Notary Public.

Which was read a first and second time, when,

On motion of Mr. Trimble,

The 11th Rule was suspended and the bill read a third time.

The question being on its passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—34

Nays—none.

The bill was passed and the title agreed to.

Mr. Rankin

Offered the following resolution, which was adopted:

*Resolved.* That the members of the late Constitutional Convention be allowed a seat within the bar of the Senate.

Mr. Foster

Presented a memorial of the Board of Directors of the State Agricultural Society, which was,

On motion of Mr. Thompson,

Referred to the Committee on Agriculture.

On motion of Mr. Warner

The Senate adjourned.

SENATE CHAMBER,  
JANUARY 19TH, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by Rev. G. B. Jocelyn.

Journal of yesterday read and approved.

### PETITIONS AND MEMORIALS.

Mr. Saunders

Presented the petition of Joseph D. Hoag, asking certain per diem due him as Commissioner, for the location of the Capitol in accordance with an act dated 1847.

Which was on motion of

Mr. Saunders, referred to the Committee on Claims.

Mr. Reiner

Presented a petition asking for the location of a road—which was on his motion referred to the Committee on roads.

### NOTICE OF BILLS.

By Mr. Pusey,

Notice of a bill authorizing the County Judge of Pottawattamie county to Index and Transcribe certain records of the county.

By Mr. Rankin,

Notice of a bill concerning taxes levied and real estate sold by municipal corporations.

Also,

A bill concerning chancery practice in the courts of the State.

Also,

A bill concerning changes of venue in civil and criminal cases.

Also,

A bill repealing the law of assignments, amendatory of the 62d Chapter of the Code, approved January 29th, A. D., 1857, and providing a substitute.

By Mr. Pusey,

A bill to amend Section 10, of Chapter 177 of the acts of last session, in relation to certain State roads.

By Mr. Loughridge,

A bill for a General Law giving County Judges certain powers.

By Mr. Mann,

A bill to legalize the assessment for 1858, in Jones county.

Mr. Sharraden,

From the Committee on enrolled bills reported that they had presented to His Excellency the Governor, for his approval,

Senate File, No. 1 :

A Joint Resolution and Memorial to the Secretary of War asking the establishment of Military Posts along the line of travel to California, and also, one at Council Bluffs.

Mr. Patterson,

From the Special Committee to whom was referred a petition from the citizens of Muscatine in relation to their charter, made the following report :

The undersigned, a Special Committee, to whom was referred a petition of certain citizens of the city of Muscatine, praying for an amendment of the charter, in order to enable the qualified voters of said city to elect their Marshall, would respectfully submit the following report, to-wit :

That they have examined the prayer of the petitioners contained in said petition and are of the opinion that an act in accordance with the prayer of said petition could not be passed without contravening Article 3d, Section 30, of the Constitution of the State of Iowa, which declares, among other things that "the General Assembly shall not pass local or special laws for the incorporation of cities or towns."

PATTERSON, Chm.

Mr. Pusey

Had leave to introduce

Senate File No. 7 :

A Joint Resolution for additional mail facilities, which was read a first and second times, and

On motion of Mr. Trimble,

The 11th Rule was suspended and the Resolution read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Carter, Dale, Davis, of Clinton, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner—30.

The nays were—none.

The Resolution was passed and the title thereof agreed to.

Message from the House of Representatives by their Chief Clerk Mr. Hepburn.

MR. PRESIDENT :

I am directed by the House to inform the Senate, that Messrs. Wilson, Trumbull, McCrary, Clark of Dubuque, Cooley, Alger, Thompson, Dews, Cassady of Woodbury, Beal, Bates, Edwards, and Seevers, have been appointed a Committee on the part of the House to act in concert with the committee heretofore appointed by the Senate, to re-district the State into Judicial Districts.

I herewith present for your signature, Senate substitute for H. File, No. 2, an act to amend an act regulating the terms of the District Court, in the first Judicial District, the same having passed both branches of the General Assembly, been duly enrolled, and signed by the Speaker of the House of Representatives.

W. P. HEPBURN,  
Chief Clerk H. R.

Mr. Pusey

Had leave to introduce

Senate File No. 8, a bill for an act to amend Chapter 136 of the Code of Iowa, which was read a first and second times, and was, on his motion, referred to the Committee on Judiciary.

Mr. Bailey

Had leave to introduce

Senate File, No. 9, a bill for an act to change the name of the town of Philadelphia, in Van Buren county, which was read a first and second times, and on motion of Mr. Loughridge was referred to the Committee on Judiciary.

Mr. Thompson

Moved that the Senate do now adjourn,  
Which motion was lost.

### NOTICES OF BILLS.

By Mr. Foster

Notice of a bill to make an appropriation for the continuation of the Geological Survey of the State.

By Mr. Mann,

Notice of a Bill repealing an act in reference to attachments passed by the General Assembly, and approved January 24th, 1853.

By Mr. Cattell,

Notice of a bill to amend the law in reference to Divorce and Alimony.

On motion of Mr. Foster

The following resolution which was laid on the table yesterday, was taken up and adopted:

*Resolved*, That the Committee on Elections be instructed to enquire into the expediency of requiring a registration of the voters of Iowa, and report by bill or otherwise.

The following resolution was presented by Mr. Trimble.

*Resolved*, That the Committee on Banks be requested to report a bill providing for a general Banking Law, creating banks of issue.

Mr. Rankin

Offered the following substitute for the Resolution:

*Resolved*, That the Committee on Banks be instructed to introduce, at an early day, a bill providing for a State Bank and branches.

And, also,

A bill providing for a General Banking System as contemplated in Section 8, of Article 8, of the Constitution.

The question being on the adoption of the substitute,

Mr. Trimble

Asked for a division of the question, thereupon the question was taken, on the first part of the resolution, relating to the State Bank and branches, which was carried in the affirmative.

The question then being upon the remainder of the resolution,

relating to a General Banking Law, the yeas and nays were demanded, ordered, and were as follows :

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Carter, Dale, Davis of Clinton, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Trimble and Warner—26.

The nays were

Senators Brown, Johnston, Mann, Stewart, Sharraden Thompson and Wilson—7

The remainder of the resolution was adopted.

Mr. Mann

Moved that the Senate do now adjourn,

Which motion was lost.

Mr. Rankin

Had leave to introduce

Senate File No. 10, a Preamble and Joint Resolution of instructions, concerning the admission of Kansas into the Union under the Lecompton Constitution.

Which was read the first and second times

Mr. Pusey

Moved to refer the resolution to the Committee on Federal Relations.

Mr. Rankin

Moved to amend by laying it on the table, and making it the special order for to-morrow morning at 9 o'clock.

Mr. Patterson

Moved further to amend by making the Resolutions the special order for Monday morning.

Mr. Johnston

Moved to amend by striking out Monday, and inserting Thursday.

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

The yeas were

Senators Allen, Bailey, Dale, Johnston, Mann, Neal, Pusey, Patterson, Stewart, Trimble, Warner and Wilson—12.

The nays were

Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clin-

ton. Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden and Thompson—21.

Motion lost.

Mr. Patterson's motion was also lost.

The question now being on Mr. Rankin's motion to make the resolutions the special order for to-morrow morning.

The motion prevailed.

On motion of Mr. Saunders,

The Senate adjourned till 9 o'clock to-morrow morning.

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SENATE CHAMBER,  
WEDNESDAY, JANUARY 20th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. G. B. Jocelyn.

Journal of yesterday read and approved.

The special order for this morning was taken up, which was Senate File No. 10.

Preamble and Joint Resolutions of instruction concerning the admission of Kansas into the Union under the Lecompton Constitution.

*Whereas*, Application has been made, or is about to be made, to the Congress of the United States, for the admission of the present Territory of Kansas into the Union of the States under the instrument known as the Lecompton Constitution, and

*Whereas*, Among other grave questions arising from said application is that presented by the fact that the Convention which framed said instrument refused to submit it fairly to the people of said Territory for ratification or rejection; and

*Whereas*, The question thus presented involves one of the fundamental principles, upon which our governments, State and National, are all based; and

*Whereas*, It is eminently right and proper that the several States should, through their General Assemblies, clearly express to their



Senators and Representatives in Congress, their opinions upon such questions, therefore,

*Be it Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives be requested to oppose the admission of Kansas as one of the States of our Union under the so-called Lecompton Constitution, because, among other reasons, said Constitution was not submitted by the Convention which framed it, to a fair and honest vote of the people of the Territory for ratification or rejection.

*Resolved,* That we condemn the President of the United States, Senators in Congress, and all others in authority under the Constitution of the United States, who have advised or consented to the admission of Kansas into the Union under the Lecompton Constitution.

*Resolved,* That the terms of the pretended submission of the Lecompton Constitution to the people of Kansas Territory, employed in the schedule of said Constitution, viz: That the votes if cast must be for the Constitution, are an insult to common sense, and an outrage on common honesty, and had their origin in a bold determination to thrust slavery on Kansas in opposition to the consent of the people of said Territory, and in violation of the spirit of our National Constitution.

*Resolved.* That our Senators in Congress be requested to resign unless they can support the foregoing resolves, and vote as therein indicated.

*Resolved,* That the Secretary of State be instructed to forward a copy of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

On motion of Mr. Foster,

A call of the Senate was ordered; on the roll being called, the following Senators were found absent:

Senators Johnston, McPherson, Thompson, Warner and Wilson.

Mr. Reed

Moved that Mr. McPherson be excused, which motion was lost.

Mr. Trimble

Moved that Mr. Wilson be excused, which motion was lost.

All the Senators appearing in their seat, except Mr. Warner.

On motion of Mr. Grinnell,

Mr. Warner was excused.

Mr. Jenkins

Moved that the further consideration of Senate File No. 10, be postponed until to-morrow morning at 9 o'clock A. M.

Upon which motion, Mr. Wilson demanded the yeas and nays, which were ordered and were as follows:

The yeas were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Rusch, Saunders, Sharraden—20.

The nays were,

Senators Allen, Bailey, Dale, Johnston, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Stewart, Trimble, Thompson, Warner, Wilson—14.

Motion prevailed.

Message from the House,

By their Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has ordered printed 1000 copies of the Report of the Commissioners of the Insane Hospital for the use of the House.

I am also directed by the House of Representatives to inform the Senate, that the House has passed the following bills, to which the agreement of the Senate is asked.

H. File No. 1, A bill for an act fixing the times of holding courts in the Eleventh Judicial District.

Also,

House File No. 16, Joint Resolutions and Memorial in relation to swamp lands.

Also,

House File No. 17, Joint Memorial to establish military posts at Ft. Dodge, Sioux City, and Niobrarah.

Also,

H. File No. 24, A bill for an act to repeal an act entitled "An act for revising and consolidating the laws incorporating the city of Dubuque, and to establish a city court therein.

W. P. HEPBURN, Clerk H. of R.

On motion of Mr. Loughridge,

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

TWO O'CLOCK, P. M.

## BILLS ON THEIR FIRST AND SECOND READINGS.

House File No. 1, a bill for an act fixing the time of holding courts in the 11th Judicial District,

Was read a first and second times.

Mr. Neal

Moved to amend by adding to the last section the words, "and Democratic Standard," provided said publication is made in the month of January, A. D., 1858.

Motion lost.

Mr. Neal

Also moved to amend the first section by adding "provided that no term of court shall be held in Marion county at the May term of 1858.

The question being on Mr. Neal's motion to amend, the yeas and nays were demanded and ordered, and were as follows :

The yeas were,

Senators Allen, Carter, Foster, Jenkins, Kirkwood, Mann, Neal, Rankin, Rusch, Thompson, Warner—11.

The nays were,

Senators Anderson, Atkins, Bailey, Brown, Cook, Cattell, Dale, Davis, of Clinton, Grinnell, Johnston, Loughridge, McPherson, McCoy, Pusey, Patterson, Reed, Reiner, Saunders, Stewart, Sheraden—20.

The amendment was lost.

On motion of

Mr. Loughridge, the 11th rule was suspended and the bill read the third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis, of Clinton, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sheraden, Thompson, Warner, Wilson—32.

The nays were,

Senator Neal—1.

The bill was passed and title agreed to.

House File No. 16, a Joint Memorial in relation to Swamp Land,

Was read a first and second times.

Mr. Davis, of Clinton,

Moved to refer the memorial to a select Committee of three.

Motion lost.

On motion of Mr. Allen,

The memorial was referred to the Committee on Public Lands.

House File No. 17, a Joint Memorial to establish a military post at Fort Dodge, Sioux City and Niobrarah.

Was read a first and second times and on motion of

Mr. Thompson, was referred to the Committee on Federal Relations to report the propriety of striking out the with instructions word "Niobrarah."

House File No. 24, a bill for an act to repeal an act entitled an act for revising and consolidating the laws incorporating the city of Dubuque, and to establish a city court therein.

Was read a first and second times and on motion of

Mr. Stewart, was referred to the delegation from Dubuque and Delaware counties.

Mr. Thompson,

Had leave to introduce

Senate File No. 11, a bill for an act to amend section 12, of an act entitled an act to establish certain State Roads, approved January 28th, 1857, which was read a first and second time, and on his motion was referred to the Committee on Judiciary.

Mr. Loughridge

Had leave to introduce

Senate File No. 12, a bill for an act in relation to county records.

Which was read a first and second time and was on his motion referred to the Committee on Judiciary.

Mr. Grinnell

Had leave to introduce

Senate File No. 13, a bill for an act to legalize the acts of certain State officers.

Which was read a first and second times, and on his motion the 11th Rule was suspended and the bill read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis, of Clinton, Davis, of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—33.

The bill was passed and title agreed to.

Mr. Loughridge

Had leave to introduce

Senate File No. 14, a bill for an act to provide for the election of an Attorney General and to define his duties.

Which was read a first and second time and was on his motion referred to the Committee on Judiciary.

Mr. Rankin

Had leave to introduce

Senate File No. 15, a bill for act to repeal an act concerning assignments for the benefit of creditors, approved January 29th, 1857.

Which was read a first and second times and referred to the Committee on Judiciary.

Mr. Rankin,

Also had leave to introduce

Senate File No. 16, a bill for an act concerning the practice of the courts.

Which was read a first and second time, and was on his motion referred to the Committee on Judiciary.

Mr. Rankin,

Also had leave to introduce

Senate File No. 17, a bill for an act appointing Commissioners to revise and codify the laws of the State of Iowa.

Which was read a first and second time and on his motion referred to the Committee on Judiciary.

Mr. Rankin,

Also had leave to introduce

Senate File No. 18, a bill for an act concerning taxes levied by municipal authorities.

Which was read a first and second times and was on his motion referred to the Committee on Judiciary.

Mr. Mann

Had leave to introduce

Senate File No. 19, a bill for an act to repeal a portion of an act in relation to attachments, approved January 24th, 1853.

Which was read a first and second time and on motion of

Mr. Wilson, was referred to the Committee on Judiciary with the following instructions, to wit :

To enquire into the necessity for further alterations and amendments in the present law of attachments.

Mr. Bailey,

Had leave to introduce

Senate File No. 20, a bill for an act to repeal the Charter of Bentonsport, Van Buren county.

Which was read a first and second time and on his motion was referred to the Committee on Incorporations.

### NOTICES OF BILLS.

By M. Trimble,

Notice of a bill for an act amending our Registry Laws and providing for recording abstracts of all transfers of Real Estate, and requiring certain county officers to keep appropriate maps, showing the present ownership and boundaries of all, each and every tract of land, town and city lot.

By Mr. Trimble,

Notice of a bill for an act amending our present assessment law and providing for a re-assessment of all real property of the State in the year 1858.

By Mr. Mann,

Notice of a bill regulating the interest on money.

By Mr. Rankin,

Notice of a bill to authorize the purchase of———copies of the revised Statutes of Iowa now in the course of preparation by C. Ben. Darwin.

By Mr. Brown,

Notice of a bill for an act to legalize the sale of certain school lands sold by James Hull, as School Fund Commissioner of Boone county.

By Mr. Foster,

Notice of a bill for an act to amend an act for the encouragement of Agriculture.

## RESOLUTIONS.

Mr. Trimble,

Offered the following Resolution which was adopted:

*Resolved*, That the Committee on public lands be instructed to enquire into and report at an early day.

1. The extent of the grant of lands made by an act of Congress, donating Swamp and overflowed lands to certain States, commonly known as the Swamp Land act.

2. Whether said grant extends to and embraces all Swamp and Overflowed Lands in Iowa, vacant at the time said act became a law.

3. Whether the Federal Government is legally bound to remunerate the State of Iowa for the sale of said Swamp and Overflowed Lands as were unsold at the time said Swamp Land act went into force, and have since been sold by the government.

Also, to report what action is necessary to perfect the title to the Swamp Lands, and have a law of uniform operation thereon.

Mr. Foster,

Offered the following Resolution which was adopted.

*Resolved*, That a Committee of three be appointed to act with a similar Committee on the part of the House to provide for the care of the Committee Rooms for the two Houses.

The President appointed on the Committee ordered by the above Resolution,

Senators Foster, Warner and Brown.

On motion of Mr. Anderson,

The Senate adjourned.

SENATE CHAMBER, }

THURSDAY, JANUARY 21st, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by Rev. G. B. Jocelyn.

Journal of yesterday read and approved.

Special order for the morning being

Senate file No. 10, A Joint Resolution to Congress in relation to the admission of Kansas into the Union under the Lecompton Constitution, was read a third time.

The question being on its passage,

The yeas were:

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharaden and Thompson—22.

The nays were,

Senators Allen, Bailey, Dale, Johnston, Mann, Neal, Pusey, Patterson, Stewart, Trimble, Warner, Wilson—12.

The preamble and resolution were passed,

And the title thereof was agreed to.

## PETITIONS AND MEMORIALS.

Mr. McPherson

Presented the petition of D. F. Arnold and others for the location of the Deaf and Dumb Asylum at or near Winterset.

Which was, on his motion,

Referred to the Committee on Charitable Institutions.

Mr. Loughridge

Offered the following resolution, which was adopted:

*Resolved*, That the Committee on Roads be instructed to report at an early day, a bill for a general law regulating the establishing, changing and vacating of roads and highways.

Mr. Saunders

Offered the following resolution, which was adopted:

*Resolved*, That the Committee on Ways and Means be instructed to inquire into the expediency of issuing State Bonds for the purpose of raising funds with which to pay the outstanding indebtedness of the State, and that they report by bill or otherwise.

The report of the Trustees on the Blind Asylum was,

On motion of Mr. Kirkwood,

Taken from the table;

When Mr. Kirkwood

Offered the following resolution, which was adopted:

*Resolved*, That one thousand copies of the Report of the Trustees-



of the Blind Asylum be printed, of which six hundred be for the use of the Senate, and four hundred for the use of the Trustees.

## REPORTS OF COMMITTEES.

Mr. Anderson,

From the Committee on Judiciary, made the following report :

MR. PRESIDENT:

Your Committee on the Judiciary to whom was referred an act entitled "an act to change the name of the town of Philadelphia," report,

That in their opinion, the passage of said act would be in contravention of the spirit, if not the letter, of the Constitution of the State. It is provided in section 30, Article 3. of the Constitution, that "in all cases where a general law can be made applicable, that all laws shall be general and of uniform operation throughout the State."

This bill is for the purpose of changing the name of a *town*, which is an act of local legislation, and in reference to which a general law could be made applicable to this, as well as to all such cases throughout the State. Among the cases specified particularly in said section, in which local laws are forbidden, are "laws for changing the names of persons." And your Committee can see no difference in principle, in this respect, between changing the names of *persons* and changing the names of *towns*. A general law can be made without any difficulty, by which the citizens of any town can have the name of such town changed at their will, without taking the time of the Legislature in passing a local law in each instance, and encumbering the Statute Books with laws which do not concern the public.

There are several other bills which have been referred to us, which we consider liable to the same objections, and shall report accordingly.

When an act is proposed for a local law, the only question to be asked, to decide its Constitutionality, in this respect, is: "Can a general law be framed by which the purpose sought in this local law can be attained?" If the question is answered in the affirmative, then such local law, we believe, would violate the spirit of the Constitution, and subvert its intention. The object of the Constitution in thus suppressing unnecessary local legislation, is a good

one, and should be carried out. The State will save by such course, and individuals will not in the least be hindered or delayed in their rights.

We are unanimous in reporting this bill back and recommending its indefinite postponement.

D. ANDERSON, Chairman.

On motion of Mr. Foster

The consideration of Senate file No. — A bill for an act to change the name of the town of Philadelphia.

Was indefinitely postponed.

Mr. Anderson,

From the Committee on Judiciary, made the following report which was,

On motion of Mr. Kirkwood.

Laid on the table:

Your Committee to whom was referred a resolution providing for the appointment of a committee to apportion the State into "Senatorial and Representative Districts," have had the same under consideration, and have directed me to report the same back with the unanimous opinion of the committee that no apportionment for Senatorial purposes can be made until an enumeration, as contemplated in section 33, Article 3d of the Constitution, shall have been made.

D. ANDERSON, Chairman.

## NOTICE OF BILLS.

By Mr. Patterson,

A bill authorizing and regulating special partnerships.

Mr. Foster

Offered the following resolution, which was lost:

*Resolved.* That a committee of three be appointed to act with a committee of the House, to enquire into the expediency of procuring for the use of the members of this General Assembly, copies of the acts, memorials, &c., of the fourth and fifth General Assemblies.

Mr. Anderson,

From the Committee on Judiciary, made the following report:

Your committee, to whom was referred Senate File No. 11, a bill for an act to amend Section 12, of an act entitled an act to ee

establish certain State Roads, approved January 28th, 1857, have had the same under consideration, and have directed me to report the same back, with the opinion that the passage of said bill will be in contravention of the spirit and meaning of Section 30, Article 3 of the Constitution.

Your committee are of the opinion that the committee on roads should be instructed to report a bill at an early day, providing for the location, laying out, vacating, and for other and further provisions in relation to highways, as contemplated by the Constitution.

Your committee would therefore recommend the indefinite postponement of said bill.

D. ANDERSON, Chairman.

On motion of Mr. Anderson,

The further consideration of Senate file No. 11, was indefinitely postponed.

Mr. Grinnell

Gave notice of a bill for an act for the establishment of a State School System.

Mr. Warner

Gave notice of a bill for the purpose of prescribing the manner of subdividing sections of land.

Mr. Rankin had leave to introduce

Senate File No. 21, A bill for an Act to provide for the purchase of the revised Statutes of Iowa, in the course of preparation by C. Ben. Darwin, which was read the first and second time, and

On his motion,

Referred to the Committee on Judiciary.

Mr. Jenkins

Asked, and obtained leave to have his vote recorded in the affirmative in the vote on Senate File No. 10, he having been absent when the vote was taken.

Mr. Bailey

Offered the following Resolution, which was adopted:

*Resolved*, That the committee on Judiciary be requested to enquire into the expediency of reporting a general law, authorizing the several townships in this State to establish the places of holding elections, by a vote of the people, or any other plan which they may deem just and proper.

Mr. Brown had leave to introduce

Senate File No. 22, A bill for an act to legalize the sale of school lands made by James Hull, School Fund Commissioner of Boone county, Iowa, which was read the first and second time, and

On his motion,

Referred to the Committee on Schools.

On motion of Mr. Patterson,

Mr. Kirkwood was added to the committee on Banks.

On motion of Mr. Jenkins,

Mr. Rankin was added to the Committee on Judiciary.

Mr. Bailey

Resigned his place on the special committee appointed for the purpose of Districting the State for judicial purposes, and

On his motion,

Mr. Johnston was placed on said Committee.

On motion of Mr. Mann,

The Senate adjourned until to-morrow morning, 9 o'clock.

SENATE CHAMBER,  
FRIDAY, JANUARY 22, 9 o'clock, A. M.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Jocelyn.

Journal of yesterday read and approved.

#### NOTICES OF BILLS.

By Mr. Carter:

Notice of a Joint Resolution for additional mail facilities.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred Senate file No. 12, a bill in relation to county records, reported the same back to the Senate with a substitute therefor, and recommended the adoption of the substitute.

On motion of Mr. Anderson

The substitute was adopted and the bill was ordered to be engrossed for a third reading.

**Mr. Grinnell**

Offered the following resolution, to-wit :

*Resolved*, That the Committee on Judiciary be requested to take under consideration the report of J. M. Beck, Esq., on the disposition of the School Fund, and report what steps are necessary, if any, to maintain the honor of the State, and bring to justice offenders under the laws.

**Mr. Thompson**

Offered the following substitute for the Resolution, which was adopted :

**WHEREAS**, It is stated in the report of J. M. Beck, agent for investigating the disposition of the School Fund during the administration of James D. Eads, that a certain official bond of said Eads was given up without authority of law, by the Secretary of State, to interested parties; and

**WHEREAS**, It is believed that the securities to such bond must be approved by the Governor; and whereas, it is alleged that another bond was accepted in lieu thereof by said Secretary, and it not appearing that said bond so accepted was ever approved, therefore, be it

*Resolved*, That a Committee of three be appointed to investigate said acts of said Secretary relative thereto, and ascertain and report whether there is on file any bond of said Eads upon which suit could be maintained, and if so, to recommend what course had best be pursued to recover any and all deficit of said Eads, and also recommend, upon a full investigation, what had best be done to secure the State against loss in this matter, and also to report whether the criminal laws of the State in relation to the keeping secure or disbursement of said School Fund, have been violated, and if so, to recommend what course the State should pursue to bring the offenders to justice.

On motion of Mr. Thompson

The substitute was referred to a special committee of three.

The President appointed on said committee Senators Thompson, Trimble and Grinnell.

**Mr. Trimble**

Offered the following resolution, which was adopted :

*Resolved*, That the Committee on Incorporations be instructed to report at an early day, a bill for a general law to incorporate towns and cities.

Message from the House of Representatives,  
By their Clerk, Mr. Hepburn:

MR. PRESIDENT:

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

H. File No. 8, A bill for an act entitled an act to repeal an act to amend Section 1848 of the Code of Iowa.

Also—H. File No. 14, A Joint Resolution to procure increased mail facilities.

Also—H. File No. 22, A bill for an act to legalize the county assessment of county assessors, in the several counties in the year 1857.

Also—H. File No. 34, A bill for an act to repeal an act entitled an act to regulate the service of original Notices in Courts of Record, in certain cases. Approved January 29th, 1857.

Also—H. File No. 38, Joint Resolution to procure mail services.

I also herewith return Senate File No 10, Preamble and Joint Resolutions of instructions, concerning the admission of Kansas into the Union under the Lecompton Constitution, the same having passed the House without amendment.

I also present for your signature, H. File No. 1, An Act fixing the time of holding Courts in the Eleventh Judicial District, the same having passed both branches of the General Assembly, been duly enrolled, and signed by the Speaker of the House of Representatives.

W. P. HEPBURN,  
Chief Clerk House of Representatives.

Mr. Cattell

Offered the following series of Resolutions, and moved that each resolution be voted on separately, which motion prevailed.

*Resolved*, That the Committee on Township and County organizations be instructed to report at an early day, a bill or bills containing the following provisions:

1. The abrogation of the office of County Judge, and the establishment of a board of County Commissioners or Township Supervisors.

2. The separation of the offices of county Recorder and Treasurer, and the election of separate persons to fill such offices.

3. The creation of the office of County Auditor.

4. The establishment of a Court of Probate to hold monthly sessions.

5. The establishment of the office of County Assessor, who shall assess real property once in four years.

6. The creation of the office of Township Assessor for the purpose of assessing personal property each year, with authority to assess any real property not included in the assessment of real property for the preceding year.

7. And making provision for the levy, collection and disbursement of taxes for road and township purposes by proper township officers.

**Mr. Mann**

Moved to amend by offering the following substitute for the first resolution or provision, to wit:

The Committee shall enquire into the expediency of changing the duties of County Judge.

**Mr. Trimble**

Moved to lay the resolution and amendment on the table.

Pending the above motion, the Senate

On motion of **Mr. Anderson**,

Adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

**The President**

Presented a communication from Maturin L. Fisher, Superintendent of Public Instruction, which was read. Accompanying the communication was a Report of the Trustees of the Medical Department of the Iowa State University, which was,

On motion of **Mr. Thompson**

Laid on the table, and 500 copies ordered printed.

**The President**

Presented a communication from John Pattee, Auditor of State, accompanied by a Report, in accordance with resolution by the Senate, which was,

On motion **Mr. Grinnell**,

Referred to **Mr. Mann**.

**Mr. Grinnell**

Had leave to introduce Senate File No. 23, A bill for an act for the Public Instruction of the State of Iowa, which was read the first and second times, and on his motion laid on the table, and 500 copies ordered printed.

**The President**

Presented a communication from Will Tomlinson, Esq., in relation to Reporters' seats, which was,

On motion of **Mr. Loughridge**

Referred to a special committee of three.

**The President**

Appointed Senators Loughridge, Warner, and Anderson said committee.

The question being on **Mr. Trimble's** motion to lay the resolutions of **Mr. Cattell**, and amendment by **Mr. Mann** upon the table,

The motion was lost.

**Mr. Loughridge**

Moved to postpone indefinitely the further consideration of the first provision of the Resolutions.

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

The yeas were,

Senators Allen, Cook, Kirkwood, Loughridge, Patterson, Rankin Stewart, and Sharraden—8.

The nays were,

Senators Anderson, Atkins, Bailey, Brown, Cattell, Carter, Dale Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jerkins, Mann, McCoy, Pusey, Reed, Reiner, Rusch, Saunders Thompson and Warner—22.

The motion to postpone was lost.

The question being on **Mr. Warner's** motion to amend,

The motion was lost.

The question being on the adoption of the first provision of the Resolutions,

**Mr. Davis**, of Clinton,

Called for a division of the question.

The President decided it divisible, when,

On motion of **Mr. Cook**,

A call of the Senate was ordered.



The Secretary proceeded to call the roll, when,

On motion of Mr. Warner,

Further proceedings under the call were dispensed with.

The question being on the first provision, to-wit :

The abrogation of the office of County Judge, the yeas and nays were demanded and ordered, and were as follows :

The yeas were,

Senators Anderson, Atkins, Bailey, Brown, Cattell, Carter, Dale, Davis of Polk, Grinnell, Jenkins, McCoy, Pusey, Reed, Thompson, Warner—15.

The nays were.

Senators Allen, Cook, Davis of Clinton, Foster, Jenkins, Kirkwood, Loughridge, Mann, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble—16.

The provision was not adopted.

The question being the adoption of the last clause,

Which was also lost.

The question being on the second provision,

Mr. Jenkins

Offered the following substitute, which was lost :

*Resolved*, That said Committee be instructed to report a bill establishing township assessors and collectors.

The second provision was then adopted.

The question being upon the third provision,

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

Mr. Grinnell voted in the affirmative.

The nays were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—31.

The provision was lost.

The fourth provision was then, on motion,

Laid upon the table.

The fifth provision was also

Laid on the table.

The question being on the adoption of the sixth provision,

Was lost.

The question being on the adoption of the seventh provision,  
Was carried.

Message from the House, by their Chief Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Foster, Bennett and Harmon a Committee on its part to act with a similar Committee heretofore appointed on the part of the Senate, to furnish and otherwise care for the Committee rooms.

W. P. HEPBURN, Clerk H. of R.

When, on motion,

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

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SENATE CHAMBER,  
SATURDAY, JANUARY 23d, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. G. B. Jocelyn.

Journal of yesterday read and approved.

Mr. Carter

Presented the petition of H. Bailey and 86 others, citizens of Clayton county, asking for the passage of a law making a perfect and complete township organization throughout the State.

On motion of Mr. Carter,

The petition was referred to the Committee on county and township organization.

Mr. McCoy

Presented the petition of Jno. Alexander and 950 others, citizens of Benton county, asking for the abolishment of the office of County Judge, and the establishment of Judge of Probate, and a complete township organization.

On motion of Mr. McCoy,

The petition was referred to the Committee on county and township organization.

Mr. Brown

Presented the petition of Lyman Cole and 31 others, residents of Grundy, upon the same subject, which was referred to the same Committee.

**Mr. Atkins**

Presented the petition of Myron M. Webster and 175 others, residents of Alamakee and Winnesheik counties, on the same subject, which was also referred to the same committee.

**Mr. Mann**

Presented the petition of E. Green and 67 others, residents of Jones county, upon the same subject, which was also referred to the same committee.

**Mr. Rankin**

Presented the Petition of the Mayor and Common Council of the town of Montrose, asking for the incorporation of the said town under the provisions of a bill accompanying the petition.

On Motion of Mr. Rankin,

The petition and bill were laid on the table.

**Mr. McPherson**

Presented the petition of Lorin A. Burnham and 30 others, asking for an alteration in the boundaries of Pottawattamie county.

On motion of Mr. McPherson,

The petition was referred to the committee on county boundaries.

**Mr. Trimble**

Presented a communication from S. D. Green in relation to the organization of Worth county, which was referred to the committee on county and township organizations.

**Mr. Davis of Polk,**

Presented a communication from J. C. Bennett, in relation to roads, which was referred to the committee on roads.

## NOTICES OF BILLS.

By Mr. Loughridge :

Notice of a bill to repeal Chapter 226 of the acts of the Sixth General Assembly of the State of Iowa.

By Mr. Sharraden :

Notice of a bill for a general law to change the names of cities, towns, villages and persons.

By Mr. McCoy :

Notice of a bill for an act to repeal Chapter 72 of the Session Laws of 1851.

## RESOLUTIONS.

**Mr. Foster**

Offered the following, viz :

*Resolved, That* the Attorney General be requested to give to the Senate his opinion upon the power and duty of the General Assembly, to District the State into Senatorial Districts during the present Session.

On motion of Mr. Thompson,

The resolution was laid on the table.

**Mr. Anderson**

Offered the following resolution, which was adopted :

*Resolved, That* the Committee on Public Lands be instructed to enquire into and report to the Senate the condition of the books and other matters, heretofore belonging to the office of the Register of the Des Moines River Land Office.

**Mr. Davis of Clinton,**

Offered the following resolution :

*Resolved, That* the Judiciary Committee be instructed to report a bill at as early a day as practicable, granting an equity of redemption, for one year or longer, on all real estate sold under mortgage, deed of trust, or other like instruments of writing executed for the purpose of securing the payment of dues or demands.

**Mr. Anderson,**

Moved by inserting after the word "bill," the words "it they deem it expedient and constitutional."

On motion of Mr. Davis of Clinton,

The resolution and amendment were laid on the table.

**Mr. Cattell**

Offered the following resolution which was adopted.

*Resolved, That* it is the sense of this body that there should be but one regular election in each year, and that the Committee on elections be instructed to report a bill providing for the election of county and township officers at the October election, provided for in the constitution and dividing the various officers elective, biannually, as equally as practicable, between the annual elections.

## REPORTS OF COMMITTEES.

**Mr. Loughridge,**

From the Special Committee appointed yesterday, to whom was

referred the communication of Will Tomlinson, in relation to reporter's seats, reported that all difficulty in relation thereto had been satisfactorily and amicably settled.

**Mr. Sharraden,**

From the Committee on enrolled bills made the following report:

The Committee on Enrolled Bills have examined the following bill, and find it correctly enrolled:

Senate File No. 10, Preamble and Joint Resolutions of instructions concerning the admission of Kansas into the Union, under the Lecompton Constitution.

O. P. SHARRADEN, Chairman.

**Mr. Davis of Clinton,**

From the Committee on Federal Relations, to whom was referred House File No. 17, A joint memorial to establish military posts at Fort Dodge, Sioux City and Niobrarah, report the same back to the Senate with a substitute therefor, and recommend its adoption.

On motion of Mr. Trimble,

The original House File and the substitute, was re-committed to the committee on Federal Relations, and Mr. Pusey was added to the committee for the special purpose of considering the above named House File and substitute.

**Mr. Cattell**

From the committee on Incorporations, to whom was referred Senate file No. 20, A bill for an act to repeal the Charter of the town of Bentonsport, in Van Buren county, made the following report, to wit:

That the said bill, being an act to amend the Charter of the town of Bentonsport, by a repeal of a former act amending said charter, is in contravention of section 30, of article 3d of the Constitution, which provides among other things, that "the General Assembly shall not pass local or special laws, for the incorporation of cities and towns."

The Committee therefore recommend that the further consideration of the bill be indefinitely postponed.

J. W. CATTELL, Chairman.

On motion of Mr. Anderson,

The further consideration of the bill was indefinitely postponed.

**Mr. Anderson,**

From the committee on Judiciary, to whom was referred a resolution in relation to the establishment of places for holding elections, reported the same back to the Senate, and recommended its reference to the committee on Elections.

On motion of **Mr. Anderson,**

The resolution was referred to the committee on Elections.

**Mr. McCoy,**

From the committee on Enrolled Bills, made the following report :

The committee on Engrossed Bills report that they have examined the following bill, and find the same correctly engrossed :

Senate File No. 12, A bill for an act in relation to County Records.

**GEO. McCOY, Chairman.**

**Mr. Trimble,**

From the special committee appointed to visit the State Printer and enquire of him when the reports of the State officers would be laid upon the tables of the members of the Senate, reported that they had discharged their duty, and presented a letter from the officer, which was read, and

On motion of **Mr. Anderson,**

Was laid on the table.

House file No. 8, a bill for an act to repeal an act "to amend Section 1848 of the Code of Iowa,"

Was read the first and second time.

**Mr. Jenkins**

Offered a substitute for the bill, when,

On motion of **Mr. Saunders,**

The bill and substitute were laid on the table, and 250 copies of the substitute were ordered to be printed.

House file No. 22, a bill for an act to legalize the assessment of county assessors for the year 1857, was read the first and second time, and

On motion of **Mr. Mann,**

Was referred to the Committee on Incorporations.

House file No. 34, a bill for an act to repeal an act entitled "an act to regulate the service of original notices in Courts of Record in certain cases," approved January 29th, 1857, was read the first and second time, and

On motion of **Mr. Wilson,**

Was referred to the Committee on Judiciary.

House file No. 38, A Joint Resolution for additional mail facilities, was read the first and second time, and

On motion of Mr. Thompson,

The 11th Rule was suspended, and the resolution was read the third time.

The question being on the final passage of the resolution,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—31.

The nays were—None.

The resolution was passed and its title agreed to.

Senate file No. 10, a Preamble and Joint Resolution in relation to the admission of Kansas into the Union under the Lecompton Constitution,

Was placed in the hands of the Enrolling Committee to be presented to his Excellency, the Governor.

Senate file No. 12, a bill for an act in relation to county records, was,

On motion of Mr. Thompson,

Amended by adding to the first section, after the word "Compensation" the words "Provided, that the compensation of said Clerk shall not exceed the sum of \$2.00 per day."

Mr. Grinnell

Moved that the bill be re-committed to the Committee on Judiciary.

Mr. Loughridge

Moved to amend by referring to a special committee of three, Which motion prevailed.

The President appointed on said committee Senators Neal, Thompson and Grinnell.

Mr. Cattell had leave to introduce

Senate file No. 24, a bill for an act in relation to divorce and alimony, which was read the first and second time, and

On motion of Mr. Wilson,

Was referred to the Committee on Judiciary.

Mr. Pusey had leave to introduce

Senate file No. 25, a bill for an act to legalize the official acts of Fred. M. Hubbell, as deputy Clerk of Woodbury county, which was read the first and second time, and

On motion of Mr. Trimble,

The 11th Rule was suspended and the bill read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Cook, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—30.

The nays were—None.

The bill was passed and the title thereof agreed to.

Mr. Trimble had leave to introduce

Senate file No. 26, a Joint Resolution for additional mail facilities, which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the Resolution read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

The nays were—None.

The resolution was passed and the title agreed to.

Mr. Pusey had leave to introduce

Senate file No. 27, a bill for an act fixing the times of holding Courts in the 12th Judicial District of the State of Iowa, which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Pat-



terson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

The nays were—None.

The bill was passed and its title agreed to.

Mr. Warner had leave to introduce

Senate file No. 28, a bill for an act prescribing the duties of Co. Surveyors in the divisions of sections of land, which was read the first and second time, and

On his motion,

Was referred to a Special Committee of three.

The President appointed on said Committee Senators Warner, Foster and Stewart.

Mr. Foster had leave to introduce

Senate file No. 29, a bill for an act to amend an act for the encouragement of Agriculture, approved January 28th, 1857, which was read the first and second time, and

On his motion,

Was referred to the Committee on Agriculture.

Mr. Foster,

From the Special Committee to whom was referred a resolution in relation to the care of the Committee rooms, reported the following resolution :

*Resolved*, (The House concurring,) That T. W. Gill be chosen to act as fireman for the Committee rooms of both branches of the General Assembly.

On motion of Mr. Grinnell

The resolution was adopted.

On motion of Mr. Patterson

The Senate adjourned till 9 o'clock, A. M., of Monday.

SENATE CHAMBER, }  
MONDAY, JANUARY 25th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. J. A. Nash.

Journal of Saturday read and approved.

## PETITIONS AND MEMORIALS.

Mr. Saunders,

Presented a petition from J. B. Jobes and others, praying for a change of the boundary line of the city of Mount Pleasant,

Which was on his motion referred to the Committee on Incorporations.

Mr. Rusch

Presented the petition of Jno. F. Dillon and others, members of the legal profession, praying for an appropriation to be made for the purchase of books for the State Library.

On motion of Mr. Rusch,

The petition was referred to the Committee on State Library.

## NOTICES OF BILLS.

By Mr. Grinnell,

Notice of a Joint Resolution and Memorial in reference to the keeping and distribution of Land Patents.

By Mr. Foster,

Notice of a bill for an act granting certain parties the right to redeem lands sold under the foreclosure of mortgage.

By Mr. Wilson,

Notice of a bill providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing.

By Mr. Jenkins,

Notice of a bill for an act to promote medical science.

Mr. Patterson

Offered the following Resolution which was adopted :

*Resolved*, That the Committee on Incorporations be instructed to report at an early day, a bill providing for the election by the electors of each incorporated city of all or such of the officers of such incorporation as the majority of the voters of such city may determine.

Mr. Sharraden,

From the Committee on enrolled bills made the following report :

The Committee on enrolled bills have presented to His Excellency the Governor, for his approval,

Senate File No. 10, Preamble and Joint Resolutions of in.

struction concerning the admission of Kansas into the Union under the Lecompton Constitution.

O. P. SHARRADEN, Chairman.

Presented Jan. 23d, 1858.

**Mr. Anderson**

From the Committee on Judiciary, to whom was referred

House File No. 34, a bill for an act to repeal an act entitled an act to regulate the service of original notices in courts of record in certain cases, approved Jan. 29th, 1857:

Reported the same back to the Senate with one amendment, and recommended its adoption and the passage of the bill.

On motion of **Mr. Loughridge**,

The amendment was adopted and the bill as amended was laid on the table and ordered to be printed.

**Mr. Cook**,

Presented the credentials of

Wm. F. Coolbaugh, Senator elect from Des Moines county.

**Mr. Coolbaugh**

Was admitted to his seat and took and subscribed to the oath of office.

**Mr. Anderson**,

From the Committee on Judiciary to whom was referred

Senate File No. 24, a bill for an act to amend the law in relation to divorce and alimony,

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

On motion of **Mr. Kirkwood**

The bill was laid on the table.

**Mr. Trimble**,

From the Judiciary Committee to whom was referred

Senate File No. 17, a bill for an act to appoint Commissioners to revise and codify the laws of the State of Iowa,

Reported that the Committee could not agree, but from the majority of said Committee, reported the bill back to the Senate with a substitute therefor and recommended the adoption of the substitute.

**Mr. Anderson**,

From the same Committee, made the following minority report.

**MR. PRESIDENT :**

The undersigned, members of the Judiciary Committee, in relation to the matter of the appointment of a Board of Commissioners to revise, codify and draft a system of laws, beg leave to submit this minority report.

We are of the opinion that it would be proper and expedient to employ three Attorneys to arrange and perfect the system of practice, civil and criminal; no courts of justice leaving the system in the main as it now stands, but adapting to the Constitution and making such changes as experience shows to be expedient, and report the same through the Judiciary Committee to the Legislature at this session.

But we are of the opinion that the plan recommended by the majority of the Committee would not be expedient for several reasons, among which are :

1. Because we believe that no great or material change is necessary in the civil and criminal practice of the courts from that established in the Code, and that being the Case, no great length of time will be necessary to prepare such a system—no greater length of time than this session of the Legislature would reasonably be expected to occupy.

2. Because the course proposed would render an extra session of the Legislature necessary, which in the opinion of the undersigned would be a useless expense to the State—a matter to be avoided at all times, but particularly so in the present condition of our State.

3. Because an extra session could not well be held before next winter, and the proposed laws will be needed before that time.

We therefore respectfully dissent from the Report of the majority of the Committee.

DANIEL ANDERSON, Chairman.  
WM. LOUGHRIDGE.

Mr. Thompson

Moved to amend the substitute by striking out the name of Wm. Smyth and inserting Henry O'Connor.

Mr. Jenkins

Moved to amend the amendment by striking out Henry O'Connor and inserting Daniel F. Spurr.

On motion of Mr. Kirkwood,

The bill, substitute, report, motion and amendment were laid on the table.

House File No. 14, a Joint Resolution for additional mail facilities,

Was read a third time; the question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cattell, Carter, Dale, Davis, of Clinton, Davis, of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reed, Reiner Rusch, Saunders, Stewart, Sharraden, Thompson, Warner, Wilson—30.

The nays were—none.

The Resolution was passed and its title agreed to.

Mr. Kirkwood

Had leave to introduce

Senate File No. 30, a bill for an act to provide for the salary of the corresponding Secretary of the State Historical Society,

Which was read a first and second time, and on his motion was referred to the Committee on Schools.

Mr. Johnston

Had leave to introduce

Senate File No. 31, a bill for an act regulating the times of court in the 3d Judicial District.

Which was read a first and second time, and on his motion the 11th Rule was suspended—the bill read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cattell, Carter, Dale, Davis, of Clinton, Davis, of Polk, Foster, Grinnell, Johnston, Jenkins, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—30.

The nays—none.

The bill was passed and its title agreed to.

Mr. Neal

Presented a communication from Francis A. Barker, late Warden of the Penitentiary, in reply to the report of the present Warden, and also condemning the actions of the present officers of the Penitentiary.

On motion of Mr. Neal,

The communication was referred to the Committee on Public Buildings, with authority to send for persons and papers.

**Message from the House of Representatives**

By Mr. Hepburn, their Chief Clerk.

**MR. PRESIDENT :**

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill in which the concurrence of the Senate is asked :

House File No. 52, a bill for an act making an appropriation for Swamp Land Purposes.

W. P. HEPBURN, Chief Clerk

House of Representatives.

**Mr. Rusch** had leave to introduce

Senate File No. 32, A bill for an act to establish a Superior Court in the county of Scott, which was read the first and second time, and

On motion of **Mr. Jenkins**,  
Was laid on the table.

**Mr. Coolbaugh**

Offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed to enquire into the reasons why the Report of the Joint Committee of the last General Assembly, on the affairs of the School Fund and of the State University, was not published in the appendix to the Senate Journal of the last session, as directed.

The President

Appointed on said Committee, Senators Coolbaugh, Kirkwood and Allen.

**Mr. Neal**

Offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed to enquire into the reasons why the laws of the last General Assembly and the Census returns, were not printed and distributed within the time as required by law.

The President

Appointed Senators Neal, Reiner and Trimble on said Committee.

On motion of **Mr. Foster**,

House File No. 52, A bill for an act making appropriations for

swamp land purposes, was taken up and read the first and second time, and was

Referred to the Committee on Public Lands, and

Senators Patterson, and Davis of Clinton, were added to that committee, for the special purpose of considering the above named bill.

Mr. McPherson had leave to introduce

Senate File No. 33, A bill for an act to repeal Chapter 61 of the Session Laws of 1853, which was read the first and second time, and on his motion, was

Referred to the Judiciary Committee.

Mr. McPherson also had leave to introduce

Senate File No. 34, A bill for an act to establish an Asylum for the Deaf and Dumb, which was read the first and second time, and on his motion, was

Referred to the Committee on Charitable Institutions.

Mr. Mann had leave to introduce

Senate File No. 35, A Joint Resolution for increased mail facilities, which was read the first and second time, and on his motion,

The 11th Rule was suspended, the resolution read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—33.

The nays were—none.

The Resolution was passed and its title agreed to.

On motion of Mr. Trimble,

The Senate adjourned till 9 o'clock to-morrow morning.

## SENATE CHAMBER.

TUESDAY, JANUARY 26th, 1858, 9 o'clock. A. M.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Nash.

The journal of yesterday read and approved.

## PETITIONS AND MEMORIALS.

Mr. Anderson

Presented the petition of Christian Bingaman and others asking a repeal of an act establishing School District No. 3, Cedar township, Monroe county, Iowa, approved January 13th, 1855, which was, on his motion,

Laid upon the table.

## NOTICE OF BILLS.

By Mr. Allen :

Of a bill authorizing the County Judge of Lee county to build a jail in the city of Keokuk.

By Mr. Anderson :

Of a bill to repeal Chapter 14 of the Session Laws of 1854 and 1855, approved January 13th, 1855.

Mr. Cattell

Offered the following resolution, which was adopted :

*Resolved*, That (the House concurring) the Senate will meet the House of Representatives in Joint Convention in the Hall of the House at 2 o'clock, p. m., to proceed to the election of a Senator to represent the State of Iowa in the Congress of the United States for six years from the 4th day of March, A. D., 1859, in place of the Hon. George W. Jones, also to elect a State Printer and a State Binder, for the official terms commencing at the expiration of the terms of the present incumbents.

Mr. Jenkins,

From the Committee on Public Lands, reported back House bill No. 52, an act making an appropriation for Swamp Land purposes without amendment, and recommended its passage.

When, on motion, the 11th Rule was suspended, and the bill read a third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kiwood, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reiner, Russell, Sharraden, Trimble, Wilson—25.

The nays were,



Senators Bailey, Coolbaugh, Loughridge, Rankin, Saunders, Stewart, Thompson, Warner—S.

The bill was passed and the title thereof agreed to.

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

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following Joint Resolutions, in which the concurrence of the Senate is asked:

House File No. 45:

Memorial and Joint Resolution asking Congress to appropriate a sum sufficient to the State of Iowa to indemnify the said State for all necessary expenses incurred in an expedition raised under authority of the Governor of the State of Iowa, to relieve the settlement at Spirit Lake, in March, A. D., 1857.

Also, House File No. 46:

Memorial and Joint Resolution to the Senate and House of Representatives of the United States, asking for Bounty Land Warrants for volunteers in the Spirit Lake expedition.

I herewith present for your signature House File No. 38:

A Joint Resolution to procure additional mail facilities.

The same having passed both branches of the General Assembly, has been duly enrolled and signed by the Speaker of the House of Representatives.

W. P. HEPBURN, Chief Clerk H. of R.

Mr. Grinnell

Presented the petition of Mr. Peacock and others of School District No. 2, Van Buren Township, Van Buren County, Iowa, in relation to their District affairs. Which was,

On motion of Mr. Grinnell,

Referred to the Committee on Schools, and Mr. Bailey added to said Committee for the purpose of investigating the subject.

Mr. Jenkins had leave to introduce

Senate File No. 36:

A bill for an act to promote medical science, which was read a first and second time, and which was,

On his motion,

Referred to a special committee.

The President appointed

Senators Davis of Polk, Davis of Clinton, and Allen, said committee.

Message from the House, by their Chief Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate in relation to the Joint Convention for the election of a United States Senator, State Printer, and State Binder, this afternoon at two o'clock.

I am further directed to inform the Senate that the House has passed the following bill, in which the concurrence of the Senate is asked:

House File No. 47:

A bill for an act to authorize the Governor to raise, arm and equip a company of men for the defense and protection of our frontiers.

W. P. HEPBURN, Clerk H. of R.

Mr. Patterson had leave to introduce

Senate File No. 37: A bill for an act for the formation of limited partnerships.

Which was read the first and second time.

Mr. Grinnell

Moved its reference to the Committee on Incorporations.

Mr. Foster

Moved to amend by referring it to the Committee on Internal Improvements.

Mr. Neal

Moved to further amend by its reference to a special committee of three, of whom Mr. Thompson should be Chairman.

Which motion prevailed.

The President appointed

Senators Thompson, Neal and Patterson said committee.

Mr. Thompson had leave to introduce

Senate File No. 38: A bill for an act to amend section 498 of the Code of Iowa.

Which was read a first and second time, and

On his motion,

Referred to the Committee on Judiciary.

Mr. Neal introduced

Senate File No. 39: A bill for an act to amend Article 4 of Section 1 of the Constitution of the State of Iowa;

Which was read a first time, when

Mr. Thompson

Moved to reject the bill.

The question being on its rejection, the yeas and nays were demanded and ordered, and were as follows :

The yeas were,

Senators Allen, Atkins, Bailey, Carter, Dale, Davis of Polk, Reed, Thompson—8.

The nays were,

Senators Anderson, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—26.

The motion was lost.

The bill was then read a second time.

Mr. Loughridge

Moved to lay it on the table,

Which motion was lost.

Mr. Johnston

Moved that the 11th Rule be suspended and the bill read a third time,

Upon which motion

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

The yeas were,

Senators Allen, Coolbaugh, Cook, Carter, Dale, Johnston, Loughridge, Mann, Neal, Pusey, Patterson, Rankin, Rusch, Stewart, Trimble, Thompson, Warner, Wilson—18.

The nays were,

Senators Anderson, Atkins, Bailey, Brown, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, McPherson, McCoy, Reed, Reiner, Saunders, Sharraden—17.

Which motion was lost.

Mr. Foster

Moved to refer the bill to the Committee on Federal Relations,

Which motion was lost.

Mr. Cattell

Moved to indefinitely postpone the further consideration of the bill.

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

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Thompson—23.

The nays were,

Senators Coolbaugh, Dale, Johnston, Mann, Neal, Pusey, Patterson, Stewart, Trimble, Warner, Wilson—11.

Motion prevailed.

Message from the House, by their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed House File No. 4: A bill for an act entitled an act to give greater security to purchasers and mortgagees of real estate, to which the agreement of the Senate is asked.

W. P. HEPBURN, Clerk H. of R.

On motion of Mr. Kirkwood,

Mr. Anderson was appointed teller upon the part of the Senate, to act in Joint Convention this afternoon.

On motion of Mr. Kirkwood,

The Senate then adjourned until quarter before 2 o'clock, P. M.

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#### QUARTER BEFORE TWO O'CLOCK, P. M.

Senate met, and

On motion of Mr. Saunders,  
Took a recess for ten minutes.

FIVE MINUTES BEFORE 2 P. M.

The President called the Senate to order.

Message from the House of Representatives,

By Messrs. Wright and Sprague, who informed the Senate that the House of Representatives were ready to receive the Senate in Joint Convention, to elect a United States Senator, in pursuance to concurrent resolution.

The Senate preceded by the President, Secretaries and Sergeant at Arms, proceeded to the Hall of the House.

Hall of the House of Representatives,  
January 26th, A. D. 1858, 2 o'clock, P. M.

Joint Convention, of the Senate and House of Representatives.  
The President of the Senate acting as President of the Joint Convention, and

The Clerk of the House acting as Secretary of the Joint Convention.

#### The President

Announced the General Assembly now convened in Joint Convention for the purpose of electing a Senator to represent the State of Iowa in the Senate of the United States, for the six years succeeding the 4th day of March, A. D. 1859, and a State Printer and State Binder for the term of two years from the time the terms of office of the present incumbents expire.

The Clerk called the roll of the Convention.

The following named members were absent :

Messrs. Alger, Curtis and Guiberson.

On motion of Mr. Bradley,

The absentees were excused.

Nominations being in order,

Mr. Crawford,

Nominated Ben. M. Samuels, of Dubuque county.

Mr. Grinnell

Nominated James W. Grimes, of Des Moines county, for the office of United States Senator from and after the 4th of March, A. D. 1859.

No other nominations being made, the Convention proceeded to vote, which resulted as follows :

[Mr. Anderson acting as teller on the part of the Senate, and Mr. Edwards as teller on the part of the House of Representatives.]

Those voting for James W. Grimes, were

Messrs. Anderson, Anthony, Atkins, Bates, Brown, Carter, Cattell, Carpenter, Cassiday of Mahaska, Cook, Cooley, Collins, Dana, Davis of Union, Davis of Clinton, Davis of Polk, Dewey, Drumnond, Edwards, Foster of Powesheik, Foster of Washington, Grimes, Grinnell, Gue, Harmon, Jackson, Jenkins, Kirkwood, Lambert, Longhridge, Lundy, McCrary, McCoy, McGrew, Mc-

Pherson, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin of Lee, Rankin of Washington, Reed, Reiner, Richardson, Reitzel, Rusch, Saunders, Scott, SeEVERS, Shelladay, Sharraden, Stearns, Stewart of Jones, Streeter, Thompson of Linn, Thompson, of Scott, Trumbull, Waln, Watts, Wilson of Jefferson, Woodward, Wright—64.

Those voting for Ben. M. Samuels were,

Messrs. Allen, Ayers, Bailey, Bauder, Beale, Belknap, Bennett, Bradley, Brigham, Campbell, Casey, Cassady of Van Buren, Cassady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Coolbaugh, Crawford, Dale, Dews, Gray, Johnston of Jones, Johnston of Wapello, Laney, Mahoney, Mann, McCormick, Milliser, Millsap, Neal, Patterson, Pierson, Pusey, Sharp, Sprague, Stewart of Dubuque, Trimble, Warner, Wilson, of Dubuque—41.

James W. Grimes having received a majority of all the votes cast was declared duly elected a Senator to represent the State of Iowa, in the Senate of the United States for six years from and after the 4th of March, A. D. 1859.

The Convention now proceeded to elect a State Printer.

Mr. Dewey

Nominated John Teesdale.

M. Beale

Nominated Wm. Porter.

Those voting for John Teesdale were,

Messrs. Anderson, Anthony, Atkins, Bates, Brown, Carter, Cattell, Carpenter, Cassiday of Mahaska, Cook, Cooley, Collins, Dana, Davis of Union, Davis of Clinton, Davis of Polk, Dewey, Drummond, Edwards, Foster of Powesheik, Foster of Washington, Grimes, Grinnell, Gue, Harmon, Jackson, Jenkins, Kirkwood, Lambert, Loughridge, Lundy, McCrary, McCoy, McGrew, McPherson, Millard, Mitchell, Moorman, Morgan, Prentiss, Randolph, Rankin of Lee, Rankin of Washington, Reed, Reiner, Richardson, Reitzel, Rusch, Saunders, Scott, SeEVERS, Shelladay, Sharraden, Stearns, Stewart of Jones, Streeter, Thompson of Linn, Thompson of Scott, Trumbull, Waln, Watts, Wilson of Jefferson, Woodward, Wright—64.

Those voting for Wm. Porter were.

Messrs. Allen, Ayers, Bailey, Bauder, Beale, Belknap, Bennett, Bradley, Brigham, Campbell, Casey, Cassady of Van Buren, Cas-

sady of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Coolbaugh, Crawford, Dale, Dews, Gray, Johnston of Jones, Johnston of Wapello, Laney, Mahoney, Mann, McCormick, Milliser, Neal, Patterson, Pierson, Pusey, Sharp, Sprague, Stewart of Dubuque, Trimble, Warner, Wilson of Dubuque—41.

Mr. John Teesdale having received a majority of all the votes cast, was declared duly elected State Printer for two years from and after the term of office of the present incumbent expires.

The Convention now proceeded to vote for a State Binder.

Mr. Davis of Polk,  
Nominated F. M. Mills.

Mr. Neal  
Nominated Henry P. Scholte.

Those voting for Mr. Mills were.

Messrs. Anderson, Anthony, Atkins, Bates, Brown, Carter, Cattell, Carpenter, Cassidy of Mahaska, Cook, Cooley, Collins, Dana, Davis of Union, Davis of Clinton, Davis of Polk, Dewey, Drummond, Edwards, Foster of Powesheik, Foster of Washington, Grimes, Grinnell, Gue, Harmon, Jackson, Jenkins, Kirkwood, Lambert, Loughridge, Lundy, McCrary, McCoy, McGrew, McPherson, Millard, Mitchell, Mooriman, Morgan, Prentiss, Randolph, Rankin of Lee, Rankin of Washington, Reed, Reiner, Richardson, Reitzel, Rusch, Saunders, Scott, SeEVERS, Shelladay, Sharraden, Stearns, Streeter, Stewart of Jones, Thompson of Linn, Thompson of Scott, Trumbull, Wahn, Watts, Wilson of Jefferson, Woodward, Wright—64.

Those voting for Henry P. Scholte were.

Messrs. Allen, Ayers, Bailey, Bander, Beale, Belknap, Bennett, Bradley, Brigham, Campbell, Casey, Cassidy of Van Buren, Cassidy of Woodbury, Cavanaugh, Clark of Des Moines, Clark of Dubuque, Clark of Johnson, Clune, Coolbaugh, Crawford, Dale, Dews, Gray, Johnston of Jones, Johnston of Wapello, Laney, Mahoney, Mann, McCormick, Milliser, Millsap, Neal, Patterson, Pierson, Pusey, Sharp, Sprague, Stewart of Dubuque, Trimble, Warner, Wilson of Dubuque—41.

F. M. Mills having received a majority of all the votes cast, was declared duly elected State Binder for two years from the time that the term of office of the present incumbent expires.

The certificates of election for the various officers having been

duly made out and signed by the President of the Senate, and the Speaker of the House of Representatives, and attested by the Tellers, in the presence of the General Assembly, were read and approved.

On motion of Mr. Bradley,

The Convention adjourned.

The Senate now returned to the Senate Chamber,

When on motion of Mr. Trimble,

The Senate adjourned till 9 o'clock to-morrow morning.

SENATE CHAMBER, )  
WEDNESDAY, JANUARY 27th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. J. A. Nash.

Journal of yesterday read and approved.

NOTICE OF BILLS.

By Mr. Kirkwood,

Of a bill to amend the act entitled an act fixing the salaries of the Governor and State officers of the State of Iowa, approved Jan. 29th, 1857.

By Mr. Neal,

A bill for an act to amend Section 12, of Article 9, of the Constitution of the State of Iowa.

Mr. Davis, of Polk,

Presented a Petition of Ira Cook and others respecting the Diversion of the Des Moines River Land Grant,

Which was on his motion referred to the Committee on Internal Improvements.

THE PRESIDENT,

Presented a communication from T. S. Parvin, Register of State Land Office,

Which was on motion of

Mr. Loughridge,

Referred to the Committee on ways and means.



Mr. Neal,

From the Special Committee, reported back

Senate File No. 12, a bill for an act in relation to County Records, with a substitute therefor, and recommended the adoption of the substitute.

Mr. Kirkwood

Moved to lay the bill and substitute upon the table,—and that 240 copies of the substitute be printed.

Mr. Neal

Called for a division of the question.

The President decided that the question was divisible.

The question being upon the motion to lay the bill on the table, the motion prevailed.

The question being on the motion to print, the motion prevailed.

Mr. Grinnell,

From the Committee on Schools, reported back

Senate File No. 22, a bill for an act to legalize the sale of School Lands made by James Hull, School Fund Commissioner of Boone County, Iowa,

With a substitute therefor, and recommended the adoption of the substitute,

Which was read a third time.

The question being on its passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

The nays were—none.

Bill passed and title agreed to.

#### BILLS ON FIRST READING.

House File No. 47, a bill for an act authorizing the Governor to raise, arm and equip a company of men for the defense and protection of the frontiers,

Was read a first and second time, and on motion of

Mr. Loughridge,

Referred to the Committee on military affairs.

House File No. 46, a joint memorial to the Congress of the United States, asking for bounty land warrants for the volunteers in the Spirit Lake Expedition,

Which was read a first and second time, when on the motion of  
Mr. Thompson,

The 11th Rule was suspended, and the bill read a third time :  
Passed and the title agreed to.

House File No. 45, a memorial and joint Resolution asking Congress to appropriate a sum sufficient to the State of Iowa to indemnify the State for all necessary expenses incurred in an expedition raised under the authority of the Governor of the State of Iowa, to relieve the settlement at Spirit Lake in March, A. D. 1857,

Which was read a first and second time, when on motion of  
Mr. Warner,

The 11th Rule was suspended—the bill read a third time,  
Passed and the title thereof agreed to.

Message from the House,  
By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT :

I herewith present for your signature

House File No. 52, an act making an appropriation for Swamp Land purposes.

Also—House File No. 14, joint resolution to procure additional mail facilities :

The same having passed both branches of the General Assembly, been duly enrolled and signed by the Speaker of the House of Representatives.

W. P. HEPBURN, Chief Clerk

House of Representatives.

House File No. 4, a bill for an act entitled an act to give greater security to purchasers and mortgagees of Real Estate,

Which was read a first and second time, and on motion of  
Mr. Cattell,

Referred to the Committee on Judiciary.

On motion of

Mr. Cattell.

The introduction of bills, of which previous notice had been given, was made the fourth order of business.

Mr. Thompson moved that

Senate File No. 17, a bill for an act appointing Commission-

ers to revise and codify the laws of the State of Iowa, be taken from the table :

Which motion prevailed.

Mr. Thompson

Then withdrew his amendment—viz :

Of striking out the name of William Smyth.

Mr. Thompson,

Offered the following amendment to the substitute, to wit :

Sec. 5. That in case of the death or resignation of any of the above named Commissioners, the Governor of the State shall appoint some suitable person to fill the vacancy occasioned by such death or resignation,

Which amendment was adopted,

When on motion of

Mr. Rankin,

The bill was laid upon the table and made the special order for to-morrow morning at 10 o'clock.

Mr. Trimble,

Had leave to introduce

Senate File No. 40, a bill for an act amending an act entitled an act in relation to the assessment of property,

Approved January 28th, 1857.

Which was read a first and second time and referred to the Committee on ways and means.

Message from the House

By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following concurrent resolution to which the concurrence of the Senate is asked.

*Resolved*, ( the Senate concurring, ) that Wm. Smith of Linn county, W. T. Barker, of Dubuque county and C. Ben. Darwin, of Des Moines county, be and they are hereby appointed Commissioners to aid and assist the Judiciary Committees of both Houses in drafting a Code of civil and criminal procedure, and adapt the laws now in force to the provisions of the Constitution.

W. P. HEPBURN, Chief Clerk

House of Representatives.

On motion of

Mr. Rankin,

Mr. Brigham was added to the Committee on Banks.

Mr. Anderson

Had leave to introduce

Senate File No. 41, a bill for an act to repeal an act entitled an act to erect School District No. 3, Cedar Township, Monroe county, Iowa,

Which was read a first and second time, when on his motion the 11th Rule was suspended and the bill read a third time.

The question being on its passage,

The yeas were,

- Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis, of Clinton, Davis, of Polk, Foster, Grinnell, Jenkins, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—36.

The nays were—none.

The bill was passed and its title agreed to.

Mr. Grinnell,

Moved that House Resolution, in relation to the appointment of Commissioners for revising the Code, be taken from the table :

Upon which motion

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

The yeas were.

Senators Anderson, Atkins, Brown, Coolbaugh, Carter, Davis of Polk, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Reed, Saunders, Sharraden and Thompson—17.

The nays were

Senators Allen, Brigham, Bailey, Cook, Cattell, Davis of Clinton, Foster, Johnston, Jenkins, Mann, Pusey, Patterson, Rankin, Reiner, Rusch, Stewart, Trimble, Warner and Wilson—19.

The motion was lost.

Mr. Warner

Gave notice of a memorial and Joint Resolution asking for additional mail facilities.

Mr. Bailey

Had leave to introduce Senate File No. 42, A bill for an act to

authorize Thomas A. Freeman and others to build a Bridge across the Des Moines river at the towns of Bentonsport and Vernon, which was read the first and second time, and

On motion of Mr. Jenkins,

Referred to the Committee on Internal Improvements.

On motion of Mr. Loughridge,

Mr. Bailey was added to the committee on Internal Improvements, for the special purpose of considering the above bill.

Mr. Foster

Offered the following resolution, which was adopted.

*Resolved*, The House concurring, that a committee of three be appointed to act with a similar committee on the part of the House to enquire into the necessity of further legislation to regulate the manufacture and sale of intoxicating liquors, and said committee be instructed to report at an early day by bill or otherwise.

The President

Appointed Senators Foster, Mann and Davis of Clinton.

Mr. Cattell

Moved to take from the table the resolution instructing the Attorney General to give his opinion to the Senate upon the power and duty of the General Assembly to District the State into Senatorial Districts, during the present session.

Which motion was adopted.

Upon motion of Mr. Rusch,

Senate File No. 32. A bill for an act to establish the Superior Court of the county of Scott, was taken from the table, when,

On motion of Mr. Patterson.

It was referred to the committee on Judiciary, with instruction to report a Bill for a General Law to establish Superior Courts throughout the State.

Mr. Rusch

Presented a petition from the Attorneys of Scott county, asking for the establishment of a Superior Court in said county, which was referred to the above Committee.

Mr. Allen

Had leave to introduce Senate File No. 43, A bill for an act authorizing the County Judge of Lee county, to build a Jail in the city of Keokuk, which was read the first and second time, and on

his motion the 11th rule was suspended, and the bill read a third time.

The question being on its passage,

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neil, Pusey, Patterson Rankin, Reed, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner and Wilson—35.

The nays were none.

The bill passed, and the title thereof agreed to.

On motion of Mr. Thompson,

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

SENATE CHAMBER, }  
THURSDAY, JANUARY 28th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by Rev. J. A. Nash.

Journal of yesterday read and approved.

Mr. Brigham

Presented a remonstrance from Wm. Werner and 40 others, remonstrating against the impeachment of Judge Thomas Claggett.

On motion of Mr. Rankin,

Mr. Brigham had leave to withdraw the above mentioned petition.

Mr. Brigham presented a petition from the Mayor and board of Aldermen of the city of Keokuk, asking for an amendment to an act passed at the last regular session establishing a Recorder's office, in the city of Keokuk.

On motion of Mr. Jenkins,

The petition was referred to the delegation from Lee county.

### NOTICES OF BILLS.

By Mr. Davis, of Clinton,

Notice of a bill for an act fixing the maximum value of proper-

ty which may be held as a Homestead, under the provisions of Chapter 81 of the Code of Iowa.

By **Mr. Mann**,

Notice of a bill for an act for the incorporation of Benevolent, Charitable, Scientific and Missionary Societies.

By **Mr. Warner**

Notice of a bill for an act to provide for the election and compensation of District Attorneys, as provided for by section 13 of Article 5 of the Constitution of the State of Iowa.

**Mr. Grinnell**

Offered the following Preamble and Resolution,

Which were adopted :

**WHEREAS**, The removal of and creation of new Land Offices in this State, has been the occasion of repeated and unsuccessful applications for land patents, and there still being doubts on the part of the holders of duplicates where to apply for their patents, therefore,

*Resolved*, That the Register of the State Land Office be requested to ascertain from the Commissioner of the General Land Office at Washington, where the Patents for the land of the several Districts in this State, as formerly and as at present constituted, can be obtained.

*Resolved*, That on the obtaining of the above information, it be communicated to the Senate, if in session, otherwise, to the Governor of the State, and shall be published in the Des Moines papers.

Message from the House of Representatives, by their Clerk :

**MR. PRESIDENT :**

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

House File No. 48 :

Joint Resolution to provide for the publication of the Report of the Secretary of the State Agricultural Society.

Also, House File No. 50 :

A bill for an act entitled an act to amend Section 2891 of the Code of Iowa.

I herewith return Senate File No. 2 :

A bill for an act to legalize the acts of certain School officers in Marion township, Linn county, Iowa, the same having passed the House without amendment.

Also, Senate File No. 25 :

A bill for an act to legalize the official acts of Fred. M. Hubbell, the same having passed the House with the following amendment : Add to section first the words, "Provided, that this act shall not affect any legal liability of said Fred. M. Hubbell and T. Elwood Clark."

I also return Senate File No. 27 :

A bill for an act fixing the time of holding Courts in the 12th Judicial District, the same having passed the House with the following amendment, to-wit : In the fourth line of the first section, after the word State, insert the words "during the year 1858."

To all of which amendments the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk  
House of Representatives.

### INTRODUCTION OF BILLS.

Mr. Saunders had leave to introduce

Senate File No. 44 : A bill for an act providing for the issue of State Bonds and procuring a loan for the State of Iowa. Which was read the first and second time, and

On his motion,

Was referred to the Committee on Ways and Means.

Mr. Pusey had leave to introduce

Senate File No. 45 : A Joint Resolution for additional mail facilities, which was read the first and second time, and

On his motion,

The 11th Rule was suspended, the Resolution read the third time, passed, and the title thereof agreed to.

Mr. Davis, of Polk, had leave to introduce

Senate File No. 46 : Preamble and Joint Resolution for increased mail facilities, which was read the first and second time, and

On his motion,

The 11th Rule was suspended, the Preamble and Resolution read the third time, passed, and the title thereof agreed to.

Mr. Sharraden had leave to introduce

Senate File No. 47 : A bill for an act to provide for the changing of the names of cities, towns, villages, post-offices and persons, which was read the first and second time, and

On motion of Mr. Jenkins,



Was referred to the Committee on Town and County Organizations.

Mr. Rusch had leave to introduce

Senate File No. 48: A bill for an act to amend Section nine of Chapter 157 of the laws passed at the regular session of the Sixth General Assembly, which was read the first and second time, and

On his motion,

Was referred to the special committee on the manufacture and sale of intoxicating liquors.

Mr. Kirkwood had leave to introduce

Senate File No. 49: A bill for an act amending an act entitled an act fixing the salaries of the Governor and State officers of the State of Iowa, which was read the first and second time, and

On his motion,

Referred to the Committee on Ways and Means.

It now being 10 o'clock, the hour for which

Substitute for Senate File No. 17: A bill for an act to appoint Commissioners to revise and codify the laws of the State of Iowa, and the original bill, also the report of the minority of the Judiciary committee, was made the special order; the subject was taken up and considered.

On motion of Mr. Trimble

The first section of the substitute was amended by striking out the words "adding thereto and subtracting therefrom," and inserting the words, "for which purpose they may add or subtract from."

On motion of Mr. Anderson

The Senate resolved itself into a Committee of the Whole for the purpose of considering the subject.

The President called Mr. Anderson to the Chair.

After some time being spent in discussion, the committee rose, and through their Chairman, reported that

The Committee of the whole Senate have had under consideration the subject which was referred to them, and have made some progress, but not having finished, asked leave to sit again this afternoon.

On motion of Mr. Grinnell

The subject was again made the special order for this afternoon at two o'clock.

On motion of Mr. Warner

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

TWO O'CLOCK, P. M.

The Senate resolved itself into a Committee of the whole Senate, Mr. Anderson in the Chair, to consider

Senate File No. 17: A bill for an act to appoint Commissioners to revise and codify the laws of the State of Iowa: also a substitute therefor, together with the minority report of the Judiciary Committee on the same subject.

After a long and protracted session, the Committee rose and reported back to the Senate the bill, substitute and report, and recommended the adoption of the substitute with sundry amendments thereto.

Mr. Jenkins

Moved that the report of the committee be made the special order for to-morrow morning at 9 o'clock.

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

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Carter, Dale, Davis of Clinton, Foster, Jenkins, Mann, Neal, Pusey, Rankin, Reiner, Stewart, Trimble, Thompson, Warner, Wilson—21.

The nays were,

Senators Brown, Coolbaugh, Cook, Cattell, Grinnell, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Patterson, Reed, Rusch, Saunders, Sharraden—14.

Motion prevailed.

On motion of Mr. Jenkins

The Senate adjourned till 9 o'clock to-morrow morning.

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SENATE CHAMBER,  
FRIDAY, JANUARY 29th, 9 o'clock, A. M.

Senate met pursuant to adjournment.

Prayer by the Rev. J. A. Nash.

Journal of yesterday read and approved.

Senate File No. 17, A bill for an act to revise and codify the laws of Iowa, and a substitute therefor, with the amendments thereto reported by the Committee of the Whole Senate being the special order.

Mr. Reed

Moved to indefinitely postpone the further consideration of the bill, substitute and amendments.

Upon which motion,

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

The yeas were

Senators Allen, Anderson, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis, of Clinton, Davis, of Polk, Foster, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Rusch, Saunders, Sharraden—22.

The nays were,

Senators Atkins, Grinnell, Jenkins, Mann, Neal, Pusey, Patterson, Rankin, Stewart, Trimble, Thompson, Warner, Wilson—13.

Motion to indefinitely postpone prevailed.

On motion of Mr. Kirkwood,

The concurrent resolution of the House in relation to the appointment of Commissioners, to assist the judiciary committees in revising and codifying the laws was taken from the table.

Mr. Trimble

Moved to indefinitely postpone the further consideration of the resolution.

Upon which motion,

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

The yeas were,

Senators Anderson, Bailey, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Trimble, Thompson, Warner—10.

The nays were,

Senators Allen, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Wilson—26.

Motion lost.

Mr. Davis of Polk,

Moved to amend the resolution by adding after "C. Ben. Darwin," "M. D. McHenry," which motion was lost.

On motion of Mr. Trimble,

The resolution was amended, by striking out all after the word "Commissioners," and inserting the following, to wit: To draft and report to the Judiciary Committees of the two Houses, a code of civil and criminal procedure, and also to report such changes as may seem necessary to harmonize existing laws, and adapt them to the New Constitution.

On motion of Mr. Cattell,

The resolution was further amended by adding as follows, to wit: "And said commissioners to revise and codify the general laws of the State, as far as practicable, and report the same in the several parts through the judiciary committees, to the Legislature as speedily as practicable."

Mr. Rankin,

Offered the following as a substitute for the resolution:

*Resolved*, (The House concurring,) that the judiciary committees be instructed to revise the laws of the State, conform them to the Constitution, and prepare a code of civil and criminal procedure during the present session of the Legislature.

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

The yeas were,

Senators Mann, Rankin, Trimble, Thompson, Warner—5.

The nays were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Johnston, Jenkins, Loughridge, McPherson, McCoy, Pusey, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Wilson—26.

The substitute was not adopted.

Mr. Johnston,

Moved to substitute the following for the resolution as amended:

*Resolved*, (The House concurring) that W. T. Barker, William Smyth and Chas. B. Darwin, be and they are hereby appointed a board of commissioners to revise and collate all of the laws of the State of Iowa, now in force, and to adapt the same to the New Constitution, including the acts of the present Session of the General Assembly; also to prepare a Code of civil and criminal pro-

cedure, all of which said Commissioners are required to report at the next regular session of the General Assembly.

The question being on the adoption of the substitute offered by Mr. Johnston, the yeas and nays were demanded and ordered, and were as follows :

**The yeas were,**

Senators Allen, Anderson, Atkins, Bailey, Johnston, Pusey—6.

**The nays were,**

Senators Brown Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Loughridge, Mann, McPherson, McCoy, Neal, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—27.

Motion lost.

On motion of Mr. Wilson,

The resolution was further amended, by adding as follows, to wit :

“And that the same shall have been enacted as laws by the General Assembly, that said commissioners shall arrange and index all of the General Laws into one volume, to be published by order of the General Assembly; said volume to contain all general laws in force in the State.”

The question being on the concurrent resolution as amended, the yeas and nays were demanded and ordered, and were as follows :

**The yeas were,**

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Loughridge, McPherson, McCoy, Reiner, Rusch, Saunders, Stewart, Sharraden, Wilson—25.

**The nays were,**

Senators Johnston, Mann, Neal, Pusey, Reed, Trimble, Thompson—7.

The Resolution as amended, was adopted.

## PETITIONS AND MEMORIALS.

**Mr. Wilson,**

Presented the petition of John L. Savery and 72 others, asking for the location of a State Road from Cascade, Dubuque county, to Ozark, Jackson county.

On motion of Mr. Jenkins,

The petition was referred to the Committee on Roads.

Mr. Thompson

Presented the remonstrance of John P. Hoffman and 43 others, citizens of Brown township, Linn county, remonstrating against the establishment of a new School District in said township.

On motion of Mr. Thompson,

The petition was referred to the Committee on Schools.

Mr. Allen

Presented the memorial of D. L. McGurgin, M. D., of Keokuk, praying for the passage of a Registration law, which was,

On his motion,

Referred to a Special Committee of three.

The President

Appointed on said committee, Senators Allen, Bailey, and Davis of Clinton.

Mr. Rusch

Presented the petition of Geo. S. C. Dow and 53 others, asking for the passage of a law establishing a Superior Court in Scott county, which was,

On his motion,

Referred to the committee on Judiciary.

Mr. Bailey

Presented the petition of Wm. Leach and 37 others, citizens of Van Buren county, praying for the repeal of the law establishing School District No. 5, Van Buren township, Van Buren county.

The petition was, on Mr. Bailey's motion,

Referred to the committee on Schools.

Mr. Davis of Polk,

Offered the following resolution :

*Resolved*, That E. H. Brown be and hereby is authorized to employ an Assistant Post Master for the remainder of the session.

On motion of Mr. Cook,

The resolution was laid on the table.

Mr. Warner,

Had leave to introduce

Senate File No. 50, a joint resolution for additional mail facilities,

Which was read a first and second time, and on his motion the 11th Rule was suspended :

The Joint Resolution read the third time, passed and the title thereof agreed to.

**Mr. Mann,**

Had leave to introduce

Senate File No. 51, a bill for an act for the incorporation of benevolent, charitable, scientific or missionary societies.

Which was read a first and second time,

And on motion of

**Mr. Jenkins,**

Was referred to the Committee on Incorporations.

**Mr. Jenkins,**

Had leave to introduce

Senate File No. 52, a bill for an act for the registration of marriages, births and deaths,

Which was read a first and second time,

And on his motion was referred to the Special Committee consisting of

Senators Allen, Bailey, and Davis, of Clinton.

**Mr. Grinnell,**

Had leave to introduce

Senate File No. 53, a bill for an act in relation to interest on money due for delinquent taxes,

Which was read a first and second time, and on his motion was referred to the Committee on ways and means.

**Mr. Davis, of Polk,**

Had leave to introduce

Senate File No. 54, a bill for an act to attach Guthrie county to the 11th Judicial District,

Which was read a first and second time,

And on motion of

**Mr. Loughridge,**

Was referred to the Senators from the 11th Judicial District.

## REPORTS OF COMMITTEES.

**Mr. Saunders,**

From the Committee on ways and means to whom was referred

Senate File No. 44, a bill for an act to provide for issuing State Bonds and procuring a loan for the State of Iowa, reported the same back to the Senate with two amendments, to wit :

“In Section 1st, fill the blank with the word “Seven.”

And in Section 5, fill the blank with the name of  
“Martin L. Morris.”

The Committee recommended the adoption of the amendments and the passage of the bill.

On motion of

Mr. Coolbaugh,

The above mentioned amendments were adopted.

On motion of

Mr. Coolbaugh,

The bill was made the special order for Saturday at 10 o'clock,  
A. M.

Mr. Reed,

From the Committee on military affairs to whom was referred

House File No. 47, a bill for an act authorizing the Governor to raise, arm and equip a company of men for the defense and protection of our frontiers,

Reported the same back to the Senate with one amendment, to wit:

Add to the 8th Section, “the Captain of said Company shall not be allowed any servants or rations for servants.”

On motion of

Mr. Grinnell,

The bill and amendment thereto were laid on the table, and made the special order for this afternoon at 2 o'clock.

On motion of

Mr. Grinnell,

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

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## TWO O'CLOCK, P. M

Senate File No. 47, a bill for an act authorizing the Governor to arm and equip a Company of men for the protection of our frontiers.

Being the Special order, the Senate proceeded to take into consideration the same.

Mr. Thompson,



Offered the following as a substitute for the amendment of the Committee, to wit :

Add to Section 8, " Provided that the pay of the Captain shall not be more than Fifty Dollars per month, and neither the Captain or any of the officer, shall be allowed any sum for the hire of servants."

On motion of

Mr. Loughridge,

The bill and amendments thereto were referred to a special Committee of three with instructions to report at 9 o'clock to-morrow morning.

The President appointed on said Committee,

Senators Wilson, Saunders and Bailey.

### BILLS ON THEIR FIRST READING.

House File No. 48, a Joint Resolution for the publication of the Agricultural Report,

Was read a first and second time, and on motion of

Mr. Loughridge,

Was referred to the Committee on ways and means.

Mr. Jenkins

Moved that the Senate do now adjourn till 9 o'clock to-morrow morning,

Which motion was lost.

House File No. 50, a bill for an act entitled an act to amend Section 2891 of the Code of Iowa,

Was read a first and second time, and on motion of

Mr. Thompson,

Was referred to the Committee on Judiciary.

Senate File No. 25, a bill for an act to legalize the official acts of Fred M. Hubbell,

Returned from the House with one amendment,—which amendment was concurred in.

Senate file No. 27, a bill for an act fixing the times of holding court in the 12th Judicial District,

Which was returned from the House with one amendment,

Which amendment was concurred in.

Mr. Cattell,

From the Committee on Incorporations, to whom was referred

House File No. 22, a bill for an act to legalize the assessment Of County Assessors in the several counties during the year 1857,

Reported the same back to Senate with one amendment, to wit :  
Section 2, as an additional Section,  
Which amendment was adopted,  
And the bill ordered to be read a third time to-morrow.

Mr. Anderson,

From the Committee on Judiciary,  
To whom was referred

Senate File No. 38, a bill for an act to amend Section 498 of the Code of Iowa,

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

On motion of

Mr. Thompson,

The 11th Rule was suspended, and

The bill read the third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis, of Clinton, Foster, Grinnell, Johnston, Jenkins, Loughridge, Mann, McPherson, McCoy, Neal, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Thompson, Warner, Wilson—30.

The nays were—none.

The bill was passed and the title thereof agreed to.

On motion of

Mr. Jenkins,

Senate substitute for

House File No. 8, a bill for an act further regulating proceedings in attachment,

Was taken from the table.

Mr. Thompson,

Moved that the substitute be adopted.

Mr. Wilson,

Moved to amend the substitute by striking out in the 4th line of Section one, the word "defendant" and insert "court," and also to strike out in the same line the word "elect" and insert the word "direct."

**Mr. Carter,**

Moved to amend the 3d Section by striking out in the 2d line the word "debtor" and insert the word "creditor."

On motion of

**Mr. Jenkins,**

The bill and amendment thereto, were made the special order for Monday morning at 9 o'clock.

**Mr. Loughridge,**

Moved that the Senate do now adjourn till 9 o'clock to-morrow morning,

Which motion was lost.

**Mr. Grinnell,**

Moved that the Senate adjourn till Monday morning at nine o'clock,

Which motion was also lost.

**Mr. Rankin,**

From the Committee on Judiciary,

To whom was referred

Senate File No. 18, a bill for an act concerning taxes levied by municipal authorities,

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

The bill was ordered to be engrossed for a third reading to-morrow.

On motion of

**Mr. Rankin,**

The Senate adjourned till 9 o'clock to-morrow morning.

SENATE CHAMBER, }  
SATURDAY, JANUARY 30th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. J. A. Nash.

Journal of yesterday read and approved.

Mr. Wilson.

From the special committee to whom was referred House File No. 47, A bill for an act authorizing the Governor to raise, arm and equip a company of men for the defense and protection of our frontiers, reported the same back with a substitute therefor, and recommended the adoption of the substitute.

Mr. Grinnell

Moved that the blank in the substitute in section 5, be filled with the name of J. Palmer,

Which motion prevailed.

Mr. Mann

Moved to amend section first of the substitute, by striking out "fifty" and inserting "thirty," which amendment was adopted.

The substitute as amended, was then adopted.

Mr. Pusey

Moved to recommit the bill, with instructions to report that afternoon, at 2 o'clock,

Which motion was lost.

On motion Mr. Loughridge,

The 11th rule was suspended, and the bill read a third time.

The question being on its passage,

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Jenkins, Kirkwood, Loughridge Mann, McPherson, McCoy, Neil, Pusey, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner and Wilson—32

The nays were none.

The bill passed, and the title thereof was agreed to.

Message from the House by their Clerk.

Mr. PRESIDENT:

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

Sub. for H. File No. 6. A bill for an act to repeal an act authorizing George F. McClure to build a dam across the Des Moines river.

Also, H. File No. 19, A bill for an act requiring suit to be brought against delinquent County Treasurers.

CHAS. C. NOURSE, Clerk pro tem.

**MR. PRESIDENT :**

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

House File No. 45, Joint Resolution and Memorial to Congress, for an appropriation to indemnify the State for money, paid for expedition raised to relieve the settlers at Spirit Lake, Iowa.

Also, House File No. 46, Joint Resolution and Memorial to Congress for bounty lands for volunteers for the Spirit Lake expedition.

CHAS. C. NOURSE, Clerk pro tem.

The special order for 10 o'clock, being the consideration of Senate File, No. 44, A bill for an act providing for issuing State Bonds and procuring a loan for the State of Iowa, was taken up.

Mr. Cook

Moved to amend Section 7, by striking out "one half of one per cent.," and inserting "one fourth of one per cent."

Which motion was adopted.

Mr. Brigham

Offered the following amendment, to wit :

Section 9. It shall be the duty of the agent negotiating this loan, to give at least ten days public notice by advertisement in the Daily New York Times, Daily New York Jour. of Commerce, Daily Boston Atlas, and the Daily Boston Post, inviting proposals for said loan, and all proposals received by him, shall by him be preserved and filed in the office of the Auditor of State.

Mr. Grinnell

Moved to amend the amendment by adding the New York Tribune.

Which motion prevailed.

Mr. Cook

Moved to further amend by adding the New York Herald,

Which motion was lost.

Mr. Trimble

Moved to amend Section 8, by striking out all before the word "provided," and inserting to wit : "It shall be the duty of the Treasurer to sell said bonds at the best possible price for specie, and transfer and deposit the same in the Treasury of the State of Iowa.

The question being on the amendment offered by Mr. Trimble, the yeas and nays were demanded, ordered and were as follows :

The yeas were

Senators Atkins, Bailey, Dale, Davis of Polk, Johnston, Jenkins, Mann, McPherson, McCoy, Patterson, Rankin, Rusch, Trimble, Thompson and Warner—15.

The nays were

Senators Allen, Anderson, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Neal, Pusey, Reed, Reiner, Saunders, Stewart, Sharraden and Wilson—19.

The amendment was lost.

Mr. Mann

Moved to amend Section 1, by striking out "two hundred thousand," and inserting "one hundred thousand,"

Which motion was lost.

On motion of Mr. Cook

The 11th rule was suspended, the bill read the third time.

The question being on its final passage :

The yeas were

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Neal, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Thompson, and Wilson—29.

The nays were

Senators Bailey, Dale, Mann, Pusey, Trimble and Warner—6.

The bill passed, and the title thereof was agreed to

Message from the House of Representatives by Mr. Nourse, Clerk, pro tem :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment of the Senate to the concurrent Resolution providing for a commission to codify laws, &c., with an amendment to the Senate amendment to wit : That should a vacancy occur in said commission by death, resignation or otherwise, the Governor shall immediately fill the vacancy so occurring.

CHAS. C. NOURSE,  
Clerk pro tem House of Representatives.

On motion of Mr. Thompson,

The Senate concurred in the amendment of the House to the concurrent resolution in relation to the appointment of Commissioners to revise and codify the laws of the State of Iowa.

Mr. Thompson,

Offered the following resolution which was adopted:

*Resolved*, That the Secretary of State be directed to furnish the Commissioners appointed to codify and draft laws for the State, the same Stationery allowed members of the Senate.

On motion of Mr. Cook,

The Senate adjourned till 9 o'clock Monday morning.

SENATE CHAMBER,  
MONDAY, FEBRUARY 1st, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Peet.

Journal of Saturday read and approved.

Mr. Brigham,

At his request, was excused from serving on the committee on enrolled bills, and at his suggestion, Mr. Reiner was appointed to fill the vacancy.

PETITIONS AND MEMORIALS.

Mr. Rankin

Presented the memorial of George Shedd, asking for an investigation of the acts and conduct of Francis A. Barker, while Warden of the Penitentiary.

Mr. Rankin

Offered the following resolution, viz:

*Resolved*, That the memorial be referred to a special committee of three, of which the Senator from Washington shall be Chairman, with power to send for persons and papers, and that the committee on Public Buildings be requested to report the memorial of Francis

**A. Barker** and testimony back to the Senate, which shall also be referred to said select committee.

**Mr. Neal**

Offered the following amendment, to-wit :

Provided, No evidence from convicts in the Penitentiary shall be admitted before said committee.

Which was lost.

The question being upon the adoption of the resolution,

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

The yeas were,

Senators Anderson, Atkins, Bailey, Cattell, Davis of Clinton, Loughridge, Mann, McCoy, Neal, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Warner—17.

The nays were,

Senators Allen, Brigham, Brown, Coolbaugh, Cook, Carter, Dale, Davis of Polk, Johnston, Kirkwood, Pusey, Stewart, Trimble, Wilson—14.

The resolution was adopted.

The President appointed

Senators Foster, Thompson and Neal said committee.

On motion of **Mr. Mann**

**Mr. Grinnell** was granted leave of absence.

On motion of **Mr. Cattell**

**Mr. McPherson** was also granted leave of absence.

**Mr. Mann**

Presented the petition of **Mr. Gould** and others, asking for the passage of a law in relation to attachments, which was,

On his motion,

Referred to the Committee on Ways and Means.

**Mr. Anderson**

Presented the petition of **Mr. Evans** and others asking for the passage of an act legalizing the acts of the officers of Jackson township, Monroe county, Iowa, also to legalize the acts of **A. D. Brown**, a Justice of the Peace residing in said Jackson township, which was,

On his motion,

Referred to the Committee on Township and County Organizations.

**Mr. Pusey**

Presented the petition of **John A. Prescott** and others, asking



the passage of a joint resolution to Congress, praying for a grant of land to aid in the construction of a certain railroad, which was,

On motion of Mr. Wilson,

Laid upon the table.

Mr. Pusey had leave to introduce

Senate File No. 55: A Joint Resolution asking Congress for a grant of land to aid in the construction of a certain railroad from Sioux City via Spirit Lake to Mankato, Minnesota, which was read the first and second time, when,

On motion,

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

Mr. Thompson had leave to introduce

Senate File No. 56: A bill for an act to amend section 2597 of the Code of Iowa, which was read the first and second time, and

On motion of Mr. Kirkwood,

Referred to the Committee on Judiciary.

#### NOTICE OF BILLS.

By Mr. Neal:

Notice of a bill for an act to locate the Asylum for the Deaf and Dumb in Marion county; also,

Notice of a joint resolution for the establishment of a tri-weekly mail route from Newton, Jasper county, via Pella and Knoxville, in Marion county, to Chariton, in Lucas county.

By Mr. Rankin:

Notice of a bill for an act organizing a Superior Court for the counties of Lee and Des Moines.

On motion of Mr. Foster

Mr. Cattell was added to the Committee on Schools and State University.

TEN O'CLOCK, A. M.

House File No. 8: A bill for an act entitled an act to repeal an act to amend section 1848 of the Code of Iowa, and

Senate substitute therefor, "A bill for an act further regulating proceedings in attachment," being the special order for this hour, the Senate proceeded to the consideration of the same.

Mr. Wilson .

Withdrew his amendment, to-wit: "to strike out in section first,

and fourth line, the word "defendant," and insert "Court," and strike out "elect" and insert "direct."

Mr. Cattell

Moved to amend by striking out in the fourth line of section first the words, "as the defendant shall elect."

Mr. Loughridge

Moved to strike out sections first and second, and insert the following:

"Sec. 1st. That in any case hereafter pending in which a writ of attachment has been issued, the defendant shall have the right to bring in his claim for damages on the bond, for the wrongful suing out of the attachment, as an off-set or cross-claim against the plaintiff.

"Sec. 2d. The adjudication of the defendant's claim for damages, as contemplated by the preceding section, shall be a bar to any separate action therefor on the bond. But the defendant may elect to forego such proceeding and bring a separate action on the bond."

Mr. Rankin

Moved to indefinitely postpone the substitute and amendments thereto,

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

The yeas were,

Senators Allen, Anderson, Brigham, Coolbaugh, Cook, Dale, Davis of Clinton, Johnston, Mann, Patterson, Rankin, Saunders, Wilson—13.

The nays were,

Senators Atkins, Bailey, Brown, Cattell, Carter, Davis of Polk, Jenkins, Kirkwood, Loughridge, McCoy, Neal, Pusey, Reed, Reiner, Rusch, Stewart, Sharraden, Trimble, Thompson, Warner—21.

The motion was lost.

On motion of Mr. Wilson

The original bill, the substitute therefor and amendments thereto, were referred to the Committee on Judiciary.

Mr. Trimble

Offered the following resolution, which was adopted:

*Resolved*, That the Treasurer of State be requested to report to this body specially,

1st. Whether all the five per cent. fund (school) has been distributed.

2d. If so, when?

3d. If not, how much remains undistributed?

4th. How much of the five per cent. fund he received. How much was principal. How much interest, and how much premium on exchange.

5th. How much of the permanent fund, including interest, now remains in his hands.

And that a special committee of three be appointed (of which Mr. Coolbaugh shall be Chairman) to investigate the matters concerning the "five per cent. fund."

The President appointed

Senators Coolbaugh, Kirkwood and Trimble said Committee.

Mr. Loughridge

Offered the following resolution, which was adopted:

*Resolved*, That the special committee to whom was referred the communication of the Auditor of State concerning the item of "Miscellaneous Disbursements," be requested to report to the Senate at as early a day as practicable.

On motion of Mr. Kirkwood

The Commissioners appointed to revise and codify the laws, were allowed the use of the Supreme Court room and access to the State Library.

Mr. Loughridge,

From the Committee on Township and County Organizations, had leave to introduce

Senate File No. 57: A bill for an act creating the office of County Treasurer, and defining his duties; which was,

On motion of Kirkwood,

Laid upon the table, and two hundred and fifty copies ordered printed.

Mr. Trimble

Offered the following resolution, which was adopted:

*Resolved*, That the Committee on Schools and State University be instructed to report at the earliest practicable day, bills regulating the election of the Board of Education, and providing for their qualification and organization; also, a bill providing for the more effective safe keeping and disbursement of the permanent School Fund of the State.

On motion of Mr. Carter

The Senate adjourned.

SENATE CHAMBER, }  
 TUESDAY, FEBRUARY 2d, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Peet.

The journal of yesterday read and approved.

### PETITIONS AND MEMORIALS.

Mr. Rusch,

Presented the petition of Antoine LeClaire, and others of Scott county, asking the establishment of a Superior Court in said county,

Which was on his motion referred to the Committee on Judiciary.

Message from the House

By Mr. Nourse Clerk pro. tem.

MR. PRESIDENT:

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

House File No. 53, memorial and joint resolution asking additional mail facilities.

Also—House File No. 55, a bill for an act to change the boundaries of the 13th Judicial District.

Also—Senate substitute for

House File No. 47, a bill for an act authorizing the Government to raise, arm and equip volunteers, &c., with one amendment to Section 12,

In which bills and amendments the House ask the concurrence of the Senate.

C. C. NOURSE, Clerk, pro tem.

House of Rep.

Mr. Trimble,

Offered the following Resolution,

Which was adopted.

*Resolved*, That His Excellency, the Governor of the State be requested to communicate to the Senate an abstract of the Reports of the agents appointed by him in pursuance of an act of the General Assembly,

Approved January 28th, 1857, entitled an act concerning school moneys, and

Also—to communicate such other information elicited by said agents he may deem useful to the Senate.

Mr. Wilson,

Offered the following Resolution.

Which was adopted.

*Resolved*, (the House concurring,) that Messrs Smyth, Barker and Darwin, Commissioners appointed by the Legislature to revise the Code and prepare a system of practice, &c., be and they are hereby authorized to appoint a Secretary.

Mr. Loughridge,

Had leave to introduce

Senate File No. 58, a bill for an act creating a Commissioner's Court, and defining their powers.

Which was read a first and second time.

Mr. Mann,

Moved to lay the bill on the table, and that two hundred and fifty copies of the same be printed.

Mr. Neal

Called for a division of the question.

The question being on the first part, to wit :

"Laying on the table."

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

The nays were,

Senators Allen, Brigham, Johnston, Mann, Sharraden, Trimble—6.

The yeas were,

Senators Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis, of Clinton, Davis of Polk, Foster, Jenkins, Kirkwood, Loughridge, McCoy, Neal, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Thompson, Warner, Wilson—26.

The motion was lost.

The question being on the motion to print, the motion prevailed.

Mr. Cook

Had leave to introduce

Senate File No. 59, A Joint Resolution asking Congress for an appropriation to build a Custom House, a U. S. Dist. Court House and Post Office in the city of Burlington, which was read a first

and second time, when on motion of **Mr. Cook** the 11th Rule was suspended—the bill read a third time, passed and the title agreed to.

**Mr. Neal,**

Had leave to introduce

Senate File No. 60, A Joint Resolution for the establishment of a Tri-Weekly Mail Route from Newton, in Jasper county, via Pella and Knoxville, in Marion county, to Chariton in Lucas county—which was read a first and second time, and

On motion of **Mr. Warner,**

Was amended by adding after Chariton, in Lucas county, “Leon, in Decatur county.”

The Resolution was ordered to a third reading on to-morrow.

**Mr. Loughridge**

Had leave to introduce

Senate File No. 61, A bill for an act amendatory of Chapter 118 of the Code of Iowa, in relation to the foreclosure of mortgages, which was read a first and second time.

**Mr. Rankin,**

Moved to amend Section 1st, by adding, to wit:

“Except so far as the same is applicable to the foreclosure of chattel mortgages.

On motion of **Mr. Cattell,**

The bill and amendment were referred to the Committee on Judiciary.

**Mr. Foster,**

Had leave to introduce

Senate File No. 62, A Joint Memorial to Congress asking an appropriation for Public Buildings in the city of Muscatine, which was read a first and second time, when on his motion the 11th Rule was suspended—the bill read a third time, passed and the title agreed to.

**Mr. Cattell,**

Had leave to introduce

Senate File No. 63, A bill for an act to encourage the detection of thieves, robbers and burglars, which was read a first and second time, and on his motion referred to the Committee on Judiciary.

On motion of **Mr. Cook,**

Leave of absence was granted to Mr. Coolbaugh until Saturday the 13th inst.

**Mr. Wilson,**

Had leave to introduce

Senate File No. 64, A bill for an act authorizing the Dubuque and Pacific Railroad Company to bridge the Mississippi River at Dubuque, which was read a first and second time, and on his motion referred to the Committee on Railroads.

**Mr. Sharraden,**

From the Committee on enrolled bills made the following report :

The Committee on Enrolled Bills have examined the following bills and find them correctly enrolled.

Senate File No. 2, a bill for an act legalizing acts of certain School Officers, in Marion Township, Linn county, Iowa.

Also—Senate File No. 25, a bill for an act to legalize the official acts of Fred. M. Hubbell.

Also—Senate File No. 27, a bill for an act fixing the times of holding courts in the 12th Judicial District of the State of Iowa.

O. P. SHARRADEN, Chairman.

**Mr. McCoy,**

From the Committee on Engrossed Bills made the following report :

Your Committee have examined

Senate File No. 18, a bill for an act concerning taxes levied by municipal authorities, and find the same correctly engrossed.

GEO. McCOY, Chairman.

**Mr. Stewart,**

From the Special Committee to whom was referred

House File No. 24, A bill for an act to repeal an act entitled an act for revising and consolidating the laws incorporating the city of Dubuque, and to establish a city Court therein, reported the same back to the Senate with the following amendment, to wit:

“Strike out in the last Section after the word Tribune the names of the following newspapers, viz :

“Times, North West and Staats Zeitung.”

And recommend the adoption of the amendment, and the passage of the bill.

The amendment was adopted and on his motion the 11th Rule was suspended, the bill read a third time.

The question being on its passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Johnston, Jenkins, Loughridge, Maun, McCoy, Pusey, Patterson, Rankin, Reed, Saunders, Stewart, Sharraden, Thompson, Warner, Wilson—27.

The nays were

Senators Foster, and Rusch—2.

The bill was passed and the title thereof agreed to.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred Senate File No. 52, A bill for an act for the Registration of Marriages, Births and Deaths, reported the same back to the Senate and recommended its indefinite postponement.

Mr. Loughridge

Moved to lay the bill on the table—which motion prevailed.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred House File 48, A Joint Resolution for the Publication of Agricultural Reports, reported the same back to the Senate, with the following amendments, and recommended their adoption and the passage of the Bill :

1st amendment—

Insert after the word "Thousand" in the 9th line, "Five Hundred."

2d amendment—

Add to the resolution, the following, to wit: And the remaining thirteen hundred copies shall be subject to the order of the said Board of Directors.

Mr. Maun

Moved to amend the amendment by striking out "thirteen hundred," and inserting eighteen hundred, which motion was lost.

The amendments were then adopted.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read a third time.

The question being on its passage.

The yeas were,



Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Johnston, Jenkins, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Noble, Thompson, Warner, Wilson—31.

The nays were—none.

The Bill was passed and the title thereof agreed to.

**Mr. Davis of Polk,**

From the Special Committee, to whom was referred Senate File No. 36. A bill for an act to promote medical science, reported the same back with the following amendment, to wit: "Provided that said Professors or officers shall decently preserve for not less than four days, any body so received, before its use for Anatomical purposes," and recommended the adoption of the amendment and the passage of the bill.

**Mr. Loughridge**

Moved to indefinitely postpone both bill and amendments, which motion was lost.

The amendment was then adopted.

**Mr. Loughridge**

Moved to lay the bill on the table and have two hundred and fifty copies printed.

**Mr. Mann**

Called for a division of the question.

**Mr. Jenkins**

Moved the question be divided, which motion was lost.

**Mr. Mann**

Moved to lay on the table, which motion was lost.

The question being on the motion to lay on the table and print: the motion prevailed.

Senate substitute for House File No. 47, A bill for an act authorizing the Governor to raise, arm and equip a company of men for the defence and protection of our frontiers, which was returned from the House with one amendment, to wit: add to Section 12 the words, "Provided that no flogging or drumming out of service shall be allowed."

**Mr. Wilson**

Moved that the Senate concur in the amendment, which motion prevailed.

**Mr. Bailey**

Presented the petition of Mr. Greyson and others remonstrating against the passage of a law incorporating the town of Bentonport, which was on his motion,

Referred to the Committee on Incorporations.

Mr. Bailey

Presented the petition of James A. Aleom and 75 others, asking for a change of the place of holding elections in the town of Vernon, Van Buren county.

On motion of Mr. Bailey,

The petition was referred to the Committee on Town and County Organizations.

On motion of Mr. Foster,

The Senate adjourned.

SENATE CHAMBER,  
WEDNESDAY, FEBRUARY 3d, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Peet.

Journal of yesterday read and approved.

Mr. Cook

Presented a communication from Thomas Ping in relation to a charter for a Bank, which was, on his motion, referred to the committee on Charitable Institutions.

Mr. Foster

Offered the following resolution, which was adopted:

*Resolved*, That a vote upon any bill or amended bill on its final passage, or a vote concurring in an amendment from the House when such concurrence is the final vote, should be taken by yeas and nays.

Mr. Davis of Clinton

Gave notice of a bill for an act to incorporate the Eagle Insurance Company.

Mr. Davis of Clinton

Had leave to introduce Senate File No. 65, A bill for an act to define the maximum value of a Homestead, as contemplated in

after 81 of the Code of Iowa, which was read the first and second time, and on motion of Mr. Davis of Clinton, referred to Committee on Judiciary.

Mr. Brigham

Had leave to introduce Senate File No. 66, A bill for an act for benefit of Railroad Companies which was read the first and second time, and on his motion, referred to the Committee on Roads.

Mr. Saunders

Had leave to introduce Senate File No. 67, A bill for an act making a further appropriation for the State Insane Asylum, which was read the first and second time, and on his motion referred to Committee on Charitable Institutions.

Mr. Brigham

Had leave to introduce Senate File No. 68, A bill for an act to authorize counties to use Swamp Lands to aid in the construction of Railroads, which was read the first and second time, and on his motion referred to the Committee on Railroads.

Mr. Kirkwood

Had leave to introduce Senate file No. 69, A bill for an act to regulate and insure the collection of State Revenues, which was read the first and second time, and on his motion referred to the Committee on Ways and Means.

Senate File No. 2, An act to legalize the election and the acts of certain school officers in Marion township, Linn county, Iowa. Also, Senate File No. 27, An act fixing the times of holding courts for the 12th Judicial District.

Also, Senate File No. 25, An act to legalize the official acts of J. M. Hubbell, having passed both branches of the General Assembly, and been duly enrolled by the Senate, and signed by the Speaker of the House of Representatives, and President of the Senate, and endorsed by the Secretary of the Senate, was referred in the hands of the Committee on Enrolled Bills, to be by them presented to the Governor.

Mr. Anderson

From the Committee on Judiciary, to whom was referred Senate File No. 61, A bill for an act amendatory of Chapter 118 of the Code of Iowa, in relation to the foreclosure of mortgages, report the same back with a substitute therefor, and recommended the adoption of the substitute.

**Mr. Trimble**

Moved to amend the substitute by adding thereto as follows: viz: Provided that nothing herein contained shall be construed to apply to deeds of trust,

Which motion prevailed.

The substitute as amended was then adopted.

On motion of **Mr. Loughridge**

The 11th rule was suspended, and the bill read a third time.

The question being on the passage of the bill,

The yeas were

Senators Allen, Anderson, Brigham, Brown, Cattell, Davis of Clinton, Davis of Polk, Foster, Johnston, Jenkins, Kirkwood, Loughridge, Mann, Neal, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner and Wilson—26.

The nays were

Senators Atkins, Bailey, Cook, Carter, Dale, McCoy and Trimble—7.

The bill was passed, and the title thereof agreed to.

**Mr. Saunders**

From the Committee on Ways and Means, to whom was referred Senate File No. 40, A bill for an act amending an act entitled an act in relation to the assessment of property, approved January 28th, 1857, reported the same back to the Senate without any recommendation.

**Mr. Trimble**

Moved to refer the bill to a special committee of three.

**Mr. Mann**

Moved to amend the motion by adding, "and the committee be instructed to report a bill for the annual assessment of real estate."

Which motion did not prevail.

**Mr. Trimble's** motion was then adopted.

The President

Appointed Senators Trimble, Atkins and Dale said committee.

## BILLS ON THEIR FIRST READING.

House File No. 6, A bill for an act to repeal an act entitled an act to authorize Geo. F. McClure to construct a dam across the Des Moines river, was read the first and second time.

**Mr. Neal**

Moved that the bill be referred to a special committee of three, with instructions to report to-morrow.

**Mr. Wilson**

Moved to amend by requiring the committee to report on next Monday,

Which motion was lost.

Mr. Neal's motion was then adopted.

**The President**

Appointed Senators Neal, Brown and Wilson said committee.

House File No. 19, A bill for an act requiring suit to be instituted and prosecuted against delinquent County Treasurers, which was read the first and second time, and

On motion of Mr. Trimble,

Referred to the committee on Ways and Means.

House File No. 35, A bill for an act to change the boundaries of the 13th Judicial District, so as to include Webster county, was read the first and second time, and on motion of Mr. Foster, was referred to a special committee composed of Senators Brown and Pusey.

House File No. 53, A Memorial and Joint Resolution asking for additional mail facilities, was read the first and second time, and

On motion of Mr. Foster

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

**Mr. Foster**

Had leave to introduce Senate File No. 70, A bill for an act to change the time of holding Courts in the 4th Judicial District, which was read the first and second time, and on his motion referred to the delegation from that District.

**Mr. Loughridge**

Moved to adjourn until 2 o'clock p. m.

**Mr. Rankin**

Moved to amend by inserting 9 o'clock to-morrow,

Which amendment was lost.

Mr. Loughridge's motion prevailed.

TWO O'CLOCK, P. M

## BILLS ON THIRD READING.

House File No. 22, A bill for an act to legalize the county assessments of County Assessors, in the several counties in the year 1857, was read a third time.

The question being on its passage,

The yeas were

Senators Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Johnston, Jenkins, Loughridge, Mann, McCoy, Neal, Saunders, Stewart, Sharraden, Warner and Wilson—21.

The nays were none.

The bill passed and the title thereof agreed to.

Senate File No. 18, A bill for an act concerning taxes levied by municipal authorities, was read a third time, the question being on its passage.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Johnston, Jenkins, Loughridge, Mann, McCoy, Neal, Pusey, Rankin, Reed, Reiner, Stewart, Sharraden, Trimble, Warner, Wilson—28.

The nays were,

Senators Foster, Saunders—2.

The bill was passed and the title thereof agreed to.

Senate File No. 60, Joint resolution for the establishment of a tri-weekly mail route from Newton, in Jasper county, via. Pella and Knoxville, in Marion county, Chariton, in Lucas county, was read the third time.

Mr. Warner

Had the unanimous consent of the Senate to withdraw his amendment of yesterday, to wit: To add Leon in Decatur county.

The bill was then passed and the title thereof agreed to.

On Motion of Mr. Loughridge,

Senate File No. 12, A bill for an act in relation to County Records, was taken from the table.

Mr. Loughridge,

Moved to amend by striking out in the fourth line of the first

section the word "Office," and inserting the word "County", which motion prevailed.

**Mr. Cattell**

Moved to further amend by inserting in the third line, of section first, after the word "county," the words "or a majority of them," which amendment was adopted.

**Mr. Neal**

Moved to amend by inserting after the words "has been," in the seventh line, the words "attached to another county for judicial or other purposes since been detached and organized."

On motion of **Mr. Wilson**,

The bill and amendments were referred to a special committee of three, consisting of Senators Cattell, Loughridge and Trimble.

**Mr. Kirkwood** had leave to introduce

Senate File No. 71, A bill for an act requiring the State Printer to file copies of all work done for the State, with copies of the same, which was read the first and second time.

**Mr. Trimble**

Moved to amend Section 1st, by adding "together with his affidavit, that the same has been printed for the use of the State, and the number of copies so printed by him."

On motion of **Mr. Trimble**,

The bill with the amendment were laid on the table.

**Mr. Anderson**

Presented a communication from the committee appointed to revise and draft the laws, &c., which was read.

**Mr. Anderson**

Offered the following resolution :

*Resolved*, That the committee on Judiciary be and they are hereby instructed to report a bill at an early day, to create and establish a court of Common Pleas, for the State of Iowa.

**Mr. Thompson**

Offered the following substitute for **Mr. Anderson's** resolution :

*Resolved*, That the committee on Judiciary be instructed to report a bill creating in the different organized counties in this State, County or Common Pleas Court, having jurisdiction of all private matter, and jurisdiction of all civil causes, when the amount controversy does not exceed the sum of—— dollars, with the right of all parties to appeal from all orders, judgments and decrees of said court, to the Supreme Court of the State of Iowa.

**Mr. Bailey**

Moved to refer the communication and resolutions to the Committee on Judiciary, which motion was lost.

**Mr. Kirkwood**

Offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed to report a bill providing that the qualified electors in each Judicial District, may determine by vote at any regular election for the creation of a Superior Court in such District, with such Jurisdiction as may be prescribed by law.

**Mr. Rankin**

Offered the following resolution :

*Resolved*, That the Judiciary Committee be instructed to report a bill organizing a Superior Court in and for the Counties of Lee and Des Moines.

**Mr. Loughridge**

Offered the following resolution :

*Resolved*, That the Committee on Judiciary be instructed to draw up and report a bill, giving the County Court jurisdiction in civil causes, where the amount in controversy does not exceed five hundred dollars.

**Mr. Anderson**

Moved that the Senate resolve itself into Committee of the Whole, for the consideration of the communication and the various resolutions.

**Mr. Rankin**

Moved to amend by making the communication and resolutions the special order for to-morrow morning at 9 o'clock, which motion was lost.

Mr. Anderson's motion prevailed, and the Senate resolved itself into Committee of the Whole, with

**Mr. Bailey in the chair.**

After some time the Committee rose, and through their Chairman reported progress, and asked leave to sit again to-morrow morning at 9 o'clock, which leave was granted.

On motion of Mr. Thompson,

**The Senate adjourned.**



SENATE CHAMBER,  
 THURSDAY, FEBRUARY 4th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Peet.

Journal of yesterday read and approved.

Message from the House, by their Clerk:

MR. PRESIDENT:

I am directed to inform the Senate that the House has passed Substitute for Senate File No. 31: A bill for an act regulating the times of holding Courts in the Third Judicial District; also,

House File No. 81: A bill for an act to amend section 1052 of the Code; also,

House File No. 105: Memorial for granting lands to aid in the construction of the McGregor, St. Peters and Missouri River Rail Rail; also,

Substitute for House File No. 21: A bill for an act legalizing the official acts of the town council of Guttenburg; also,

House File No. 100: A bill for an act to require County Treasurers to render a full account of moneys due the State in their hands at an early day; also the following concurrent resolutions, in which the concurrence of the Senate is asked:

Concurrent Resolution of Instructions to the Judiciary Committees of the two Houses:

*Resolved*, That, the Senate concurring, the Judiciary Committees of the two Houses be, and they are hereby instructed to draft and report to the General Assembly without delay, a bill for an act creating an additional Court of original civil jurisdiction in the several counties of the State: and that the following principles be made the basis of said act:

First: That said Court possess original civil jurisdiction in law, to the amount of two thousand dollars.

Second: That said Court have jurisdiction of probate matters, and exclusive appellate jurisdiction in civil cases from Justices of the Peace, and jurisdiction in matters of the right of way or appropriation of private property to the public use.

A. M. COWING,

Assistant Clerk of the House of Rep.

On motion of Mr. Wilson

The concurrent resolution of the House was taken up.

On motion of Mr. Wilson

The Senate resolved itself in a Committee of the whole Senate for the purpose of considering the various resolutions presented yesterday, and also the concurrent resolution of the House, in relation to the Judicial Departments of the State.

Mr. Bailey in the Chair:

After a long session the Committee rose, and through their Chairman, made the following report:

The Committee of the whole Senate have had under consideration the various resolutions, &c., in the relation to the Judicial Department of the State, and have instructed me to report to the Senate the two following resolutions, the first of which they recommend to be referred to the Committee on County and Township Organizations, and the latter the Committee recommend that the Senate adopt:

*Resolved*, That the Committee on Township and County Organizations be instructed to report, at an early day, a plan for limiting the powers of County Judges, by providing for County Commissioners, one to be elected by each township, to act with the County Judge of each county, in questions pertaining to the finances, to public buildings, to roads and to bridges, within their respective counties.

*Resolved*, The House concurring, that the Judiciary Committees of the two Houses be instructed to report a plan for the creation of Courts of concurrent jurisdiction with the District Court in civil cases, and of appellate jurisdiction in cases of appeals from the Courts of Justices of the Peace. *Provided*, That a law for such a court of concurrent jurisdiction, shall take effect in such counties only as vote for the same by a majority of the legal voters thereof, and such Courts shall be established and maintained without expense to the State.

BAILEY, Chairman.

Mr. Bailey

Moved that the report of the Committees be adopted.

Mr. Stewart

Moved that the first resolution be laid on the table,

Which motion prevailed.

Mr. Thompson

Moved that the second resolution be laid on the table,

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

The yeas were,

Senators Atkins, Bailey, Cattell, Carter, Dale, Mann, McCoy, Neal, Sharraden, Thompson, Warner—11.

The nays were,

Senators Anderson, Brown, Davis of Clinton, Davis of Polk, Foster, Jenkins, Kirkwood, Loughridge, Rankin, Reiner, Rusch, Stewart, Trimble, Wilson—14.

Motion to lay on the table lost.

The question being on the adoption of the second resolution,

Mr. Thompson

Moved that the Senate adjourn till 9 o'clock to-morrow morning.

Mr. Neal

Moved to amend by striking out "9 o'clock to-morrow morning," and inserting "2 o'clock, P. M.,"

Which motion to amend was lost.

The question being on the motion to adjourn till 9 o'clock to-morrow morning,

The motion prevailed.

SENATE CHAMBER, }  
FRIDAY, FEBRUARY 5th, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Peet.

Journal of yesterday read and approved.

Mr. Neal

Asked and received the unanimous consent of the Senate to make a report.

Mr. Neal

From the special committee to whom was referred House File No. 6, A bill for an act to repeal an act entitled an act to authorize Geo. F. McClure to construct a dam across the Des Moines River. Reported the Same back to the Senate with the following amendment to wit: "Amend the last section by adding the words" "the Iowa Citizen and Iowa State Journal," and recommended the adoption of the amendment and the passage of the bill.

The amendment was adopted.

On motion of Mr. Neal

The 11th Rule was suspended, and the bill read the third time.  
The question being on the passage of the bill.

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Johnston, Jenkins, Loughridge, Mann, McCoy, Neal, Patterson, Rankin, Reed, Rusch, Saunders, Stewart, Sharradden, Trimble, Thompson—26.

Mr. Wilson voted in the negative.

The bill was passed and the title thereof agreed to.

On motion of Mr. Brigham,

Mr. Pusey had leave of absence.

The President

Having announced as the business first in order the resolution submitted yesterday by Committee of the Whole, and pending when the Senate adjourned.

On motion of Mr. Thompson,

The resolution was referred to the Committee on Judiciary.

## PETITIONS AND MEMORIALS.

Mr. Brown

Presented the petition of L. H. Bugbee and others, asking the location of the Asylum, for the education of the Deaf and Dumb, at Fayette, Fayette Co., Iowa, which was read, and on his motion,

Referred to the Committee on Charitable Institutions.

Mr. Brown

Had leave to introduce Senate File No. 72, A bill for an act to establish an Asylum for the Deaf and Dumb, which was read, and on his motion,

Referred to the Committee on Charitable Institutions.

## RESOLUTIONS.

Mr. Anderson

Offered the following resolution.

*Resolved*, That no member shall speak more than twice in any debate on the same day without unanimous consent of the Senate, longer than ten minutes.

**Mr. Trimble**

Moved to amend by striking out "ten minntes" and inserting "four hours," and that such person so speaking, may be allowed to speak in person or by substitute, Provided, that this amendment shall not apply to myself.

**Mr. Davis**

Moved to lay the resolution and amendment upon the table, which motion was lost.

**Mr. Trimble**

offered the following substitute, which was adopted :

*Resolved*, That no member be allowed to speak more than once on the same question, until each member has had an opportunity of expressing any views he may desire on each question.

**Mr. Foster**

Offered the following resolution :

*Resolved*, That the Senate meet at 9 o'clock A. M., and at 2 o'clock P. M., until otherwise ordered.

**Mr. Davis of Polk,**

Moved to strike out "nine" and insert "ten," which motion was lost.

**Mr. Cook**

Moved to strike out "nine" and insert "nine and a half," which was also lost.

The question being on the adoption of Mr. Foster's resolution, was lost.

**Mr. Mann**

Offered the following resolution which was adopted.

*Resolved*, That the Committee on the "State Library" be requested to enquire into the reasons why the State Librarian has not made a Report to the General Assembly as required by law.

## INTRODUCTION OF BILLS.

**Mr. Loughridge**

Had leave to introduce Senate File No. 73, A bill for an act regulating the fees of Jurors, which was read the first and second time, and,

On motion of Mr. Thompson,

Referred to the Committee on Judiciary.

**Mr. Davis of Clinton,**

Had leave to introduce Senate File No. 74, A bill for an act to Incorporate the Eagle Insurance Company, which was read the first and second time, and on his motion,

Referred to the Committee on Incorporations.

Mr. Loughridge,

From the Special Committee to whom was referred Senate File No. 12, A bill for an act in relation to County Records, reported the same back with various amendments, and recommended the adoption of the amendments and the passage of the bill.

The amendments were adopted, and the bill ordered engrossed for the third reading to-morrow.

Message from the House,  
by their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution in which the concurrence of the Senate is asked.

*Resolved*, (The Senate concurring) that the Committees of both Houses of the same name, and raised for the same purposes and objects, act as Joint Committees for the consideration of the bills, or other matters referred to them; and that those Committees be and are hereby instructed to so arrange the business coming before them, as that bills embracing the same purposes shall not be brought up for consideration in both Houses at the same time.

I herewith present for your signature House File No. 48, A Joint resolution in relation to the publication of the Report of the State Agricultural Society, the same having passed both branches of the General Assembly, been duly enrolled by the House of Representatives and signed by the Speaker.

W. P. HEPBURN, Clerk of H. R.

Mr. Rankin

From the Committee on Rail Roads, to whom was referred Senate File Eo. 68, A bill for an act to authorize counties to use the Swamp Lands to aid in the construction of Rail Roads, reported the same back to the Senate and recommended its passage.

On his motion

The 11th Rule was suspended and the bill read the third time. The question being on its final passage,

The yeas were,  
Senators Anderson, Atkins, Brigham, Bailey, Brown, Cook, Car-

ter, Dale, Davis, of Clinton, Davis of Polk, Jenkins, Loughridge, Mann, McCoy, Neal, Patterson, Rankin, Rusch, Sanders, Stewart, Trimble, Thompson, Wilson—23.

The nays were,

Senators Reed, Reiner, Sharraden—3.

The bill passed and its title was agreed to.

Mr. Anderson

From the Committee on Judiciary to whom was referred

House File No. 50, A bill for an act entitled an act to amend Section 2891 of the Code of Iowa, reported the same back to the Senate without amendment and recommended its passage.

On his motion the 11th Rule was suspended—the bill read the third time.

The question being on its final passage,

The yeas were,

Senators Anderson, Atkins, Brigham, Bailey, Brown, Cook, Carter, Dale, Davis, of Clinton, Davis, of Polk, Jenkins, Loughridge, Mann, McCoy, Neal, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—26.

The nays were—none.

The bill passed and the title thereof agreed to.

Mr. Patterson,

Offered the following Resolution which the Senate agreed to.

*Resolved*, That the Committee on Railroads be instructed to enquire concerning the force and efficiency of the Laws now in force requiring Railroad Companies to pay taxes, and to report at the earliest practicable day the propriety of revising such laws, so as to give them more efficiency and to enable the proper officers to compel the payment of taxes by such companies.

Mr. Rankin,

From the Committee on Railroads, to whom was referred

Senate File No. 66, A bill for an act for the benefit of Railroad Companies—reported the same back with the following amendment, to wit:

To strike out in the first Section, “and the same is here by repealed,” and insert “shall not be deemed and construed to be applicable to Railroad corporations.”

The amendment was adopted.

On motion of Mr. Anderson,

The bill was laid on the table and ordered printed.

**Mr. Anderson,**

From the Committee on Judiciary, to whom was referred Senate File No. 65, A bill for an act to define the maximum value of a Homestead as contemplated in Chapter 81 of the Code of Iowa, reported the same back to the Senate and recommended its indefinite postponement.

On motion of Mr. Neal,

The bill was referred to a Special Committee of three.

The President appointed on said Committee, Senators Davis, of Clinton, Neal and Saunders.

On motion of Mr. Anderson,

Senators Thompson and Loughridge were added to the above named Special Committee.

**Mr. Davis of Polk,**

Had leave to introduce

Senate File No. 75, A bill for an act to provide an exploration of the Ornithology and Zoology of the State of Iowa, which was read a first and second time, and on motion of

Mr. Thompson was referred to the Committee on Ways and Means.

**Mr. Saunders,**

From the Committee on Ways and Means to whom was referred

House File No. 19, A bill for an act requiring suit to be instituted and prosecuted against delinquent County Treasurers, reported the same back to the Senate with a substitute therefor, and recommended its adoption.

On his motion the bill and substitute were laid on the table and the substitute ordered to be printed.

#### BILLS ON THEIR FIRST READING.

House File No. 81, A bill for an act to amend Section 1052 of the Code of Iowa, was read a first and second time and referred to the Committee on Schools; and

On motion of Mr. Thompson,

Mr. Loughridge was added to the Committee for the special purpose of considering the above named bill.

House File No. 21, A bill for an act to legalize the official acts of the Town Council of Guttenburg, was read the first and second time, and



On motion of Mr. Thompson,

Was referred to the Senator from Clayton county.

House File No. 100, A bill for an act to require the county Treasurers to render a full account of moneys due the State in their hand, at an early day—was read a first and second time, and

On motion of Mr. Wilson,

Was referred to the Committee on Ways and Means.

House File No. 105, A memorial for a grant of land to aid in the construction of the McGregor, St. Peters and Missouri River Rail Road—was read a first and second time, and

On motion of Mr. Carter,

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

Senate File No. 31, A bill for an act regulating the times of holding court in the 3d Judicial District.

Having been returned from the House with a substitute therefor :

On motion of Mr. Trimble,

The substitute was referred to the Senators representing the third Judicial District.

Mr. Trimble,

Had the unanimous consent of the Senate to introduce

Senate File No. 76, A bill for an act to amend Section 1211 of chapter 79, of the Code of Iowa—which was read a first and second time, and on his motion was referred to the Committee on the Judiciary.

On motion of Mr. Patterson,

The Senate adjourned.

SENATE CHAMBER, )  
SATURDAY, FEBRUARY 6th, 9 o'clock, A. M. )

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Peet.

Journal of yesterday read and approved.

Message from the House,  
By their Clerk.

Mr. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed House File 49, A bill for an act to amend an act entitled an act in relation to Insurance Companies, approved January 28th, 1857, to which the agreement of the Senate is asked.

I herewith return substitute for Senate File No. 22, A bill for an act to legalize the sale of certain School Lands, by James Hull, School Fund Commissioner of Boone county.

Also,

Senate File No. 44, A bill for an act to provide for issuing State Bonds, and procuring a loan for the State of Iowa, the same having passed the House without amendment.

I am further directed to inform the Senate that the House has concurred in the amendments made by the Senate to House File No. 24, A bill for an act to repeal an act entitled an act for revising and consolidating the laws incorporating the city of Dubuque, and establishing a city court therein.

Also,

In the amendment made by the Senate to substitute for House File No. 6, A bill for an act to repeal an act entitled an act to authorize Geo. F. McClure to construct a dam across the Des Moines River.

I also herewith present for your signature, House File No. 53, Memorial and Joint Resolution, asking for additional mail facilities between Dyersville and Clarksville, the same having passed both branches of the General Assembly, been duly enrolled and signed by the Speaker of the House of Representatives.

W. P. HEPBURN,

Chief Clerk H. of R.

Mr. Patterson

Presented the petition of C. H. Abbott and others, asking the establishment of an Agricultural College and Experimental Farm, which was read, and

Referred to the Committee on Agriculture.

## NOTICE OF BILLS.

By Mr. Anderson,

Notice of a bill for an act limiting the size of School Districts for purposes of taxation.

By Mr. Trimble,

Notice of a bill amending existing laws with regard to the payment of Road Tax.

By Mr. Reiner,

Notice of a bill to change the boundaries of the first and eighth Judicial Districts of the State.

By Mr. Grinnell,

Notice of a bill for the preservation of public property of the State.

## INTRODUCTION OF BILLS.

Mr. Wilson had leave to introduce

Senate File No. 77, A bill for an act regulating the terms of the Supreme Court, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the clerk of said Court, which was read the first and second time, and

Referred to the Committee on Judiciary.

Mr. Sharraden,

From the Committee on Enrolled Bills, made the following report, to wit :

That they had presented to His Excellency the Governor, for his approval, the following acts, to wit :

“An act to legalize the election and acts of certain School Officers of School District No. 1, in Marion township, Linn county, Iowa. Also,

An act fixing the times of holding courts in the twelfth Judicial District. Also,

An act to legalize the official acts of Fred. M. Hubbell.

O. P. SHARRADEN, Chairman.

Mr. Carter,

From the Special Committee to whom was referred House File No. 21, A bill for an act legalizing the official acts of the town council of Guttenburg, reported the same back to the Senate, and recommended its passage, and on his motion,

The 11th Rule was suspended, and the bill read a third time, the question being on its passage.

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Loughridge, Mann, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—28.

The nays were—none.

The bill was passed and the title thereof agreed to.

Mr. Grinnell

From the Committee on Schools to whom was referred House File No. 81, A bill for an act to amend Section 1052 of the Code, reported the same back and recommended its passage.

On his motion,

The 11th Rule was suspended and the bill read a third time. The question being on its passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—30.

The nays were—none.

The bill was passed and the title thereof agreed to.

Mr. Cook, From the Committee on Banks, had leave to introduce

Senate File No. 78, A bill for an act to Incorporate the State Bank of Iowa, which was read the first and second time, and on his motion,

Laid on the table and five hundred copies ordered printed.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred Senate File No. 73, A bill for an act regulating the fees of jurors, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Trimble

Moved to amend the bill by striking out "One dollar" and insert "Fifty cents," in the third section.

The question being on the amendment offered by Mr. Trimble, the yeas and nays were demanded, ordered and were as follows :

The yeas were,

Senators Bailey, Cook, Dale, Foster, Grinnell, Kirkwood, Loughridge, Mann, Patterson, Reiner, Sharraden, Trimble, Warner—13.

The nays were,

Senators Anderson, Atkins, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Johnston, Jenkins, McCoy, Rankin, Reed, Rusch, Saunders, Stewart, Thompson, Wilson—17.

The question was lost.

Mr. Cattell

Moved to amend by striking out section 2d, and inserting "Special called jurors shall receive one dollar per day as their services as such".

Mr. Foster

Moved to amend section 2d, by striking out all after the words "Shall receive," in the last proviso, and inserting "Not more than one dollar per day for each day's service.

Mr. Loughridge

Offered the following as a substitute for the two amendments, to wit : To add to the second Section of the bill the words, "Provided, that no juror shall receive more than two dollars for one day's service ; and the Clerk's certificate shall be conclusive of the time any juror has so sat on the jury.

The President decided the question to be on the adoption of the substitute submitted by Mr. Cattell for section two of the bill.

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

The yeas were,

Senators Anderson, Atkins, Brown, Cattell, Grinnell, Johnston, Kirkwood, Mann, McCoy, Saunders, Stewart, Wilson—12.

The nays were,

Senators Allen, Bailey, Cook, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Jenkins, Loughridge, Patterson, Rankin, Reed, Reiner, Rusch, Sharraden, Trimble, Thompson—18.

The substitute was lost.

Mr. Trimble

Moved to re-commit the bill to the Committee on Judiciary, with the following instructions, to-wit :

"Each regular juror in the District Court shall receive \$1.50 per

day, and five cents per mile mileage to and from court, and each called juror shall receive fifteen cents per hour while sitting, but not to exceed \$1.50 per day.

“Each regular juror in the county court shall receive one dollar per day and five cents per mile mileage to and from court; each called juror shall receive twelve and one half cents per hour while sitting, but not to exceed one dollar per day.

“Each regular juror before a Justice of the Peace, fifty cents per day, and five cents per mile mileage to and from court; each called juror fifty cents per day.”

The question being on Mr. Trimble's motion, the yeas and nays were demanded and ordered, and were as follows:

The yeas were,

Senators Allen, Bailey, Cook, Dale, Davis of Clinton, Davis of Polk, Jenkins, Kirkwood, Mann, Rankin, Saurders, Stewart and Trimble—13.

The nays were,

Senators Anderson, Atkins, Brown, Cattell, Carter, Foster, Grinnell, Johnston, Loughridge, McCoy, Patterson, Keed, Reiner, Rusch, Sharraden, Thompson, Wilson—17.

Motion lost.

The question recurring on Mr. Loughridge's motion to amend.

The motion was lost.

The question now being on Mr. Foster's motion to amend,

The motion was lost.

Mr. Cattell

Moved to amend the third section of the bill by adding thereto as follows:

“But special called jurors, if present in court at the time they are called on the pannel, shall receive only fifty cents per day.”

Mr. Davis, of Clinton,

Moved to lay the bill and amendment on the table,

Which motion was lost.

The question now recurring on Mr. Cattell's motion to amend,

The motion was lost.

Mr. Trimble

Moved that the further consideration of the bill be postponed till Monday morning at 9 o'clock,

Which motion was lost.

On motion of Mr. Foster

The vote by which the amendment submitted by Mr. Loughridge was lost, was reconsidered.

On motion of Mr. Jenkins

The amendment offered by Mr. Loughridge was adopted.

Mr. Grinnell

Moved that the bill be made the special order for Monday morning at 10 o'clock,

Which motion was lost.

Mr. Stewart

Moved that the bill be re-committed to the Judiciary Committee.

Mr. Mann

Moved to amend by striking out "Judiciary" and inserting "Ways and Means."

Motion to amend lost.

The question being on Mr. Stewart's motion to re-commit,

The motion was lost.

Mr. Kirkwood

Moved to amend the bill by inserting as an additional Section the following, to-wit:

"Not more than twelve petit jurors shall be summoned to attend at any term of the District Court, unless the Judge of such Court shall have at the previous term entered an order on the journal directing and specifying such additional number of jurors."

Mr. Mann

Moved to amend the amendment by striking out "twelve" before the word "petit," and inserting "fifteen,"

Which motion prevailed.

The question being on the adoption of Mr. Kirkwood's amendment, the amendment was adopted.

On motion of Mr. Thompson

The Senate adjourned till 9 o'clock on Monday morning.

SENATE CHAMBER, }  
MONDAY, FEBRUARY 8th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Journal of Saturday read.

On motion of Mr. Foster,  
That portion of the Journal in relation to rules of order and the resolutions pertaining thereto were stricken out.

### PETITIONS AND MEMORIALS.

Mr. Rankin,

Presented a memorial from D. L. McGugin, M. D., of Keokuk in relation to the duties of Coroners, which was read and on his motion was referred to the Committee on County and Township Organization.

Mr. Rankin,

Presented the petition of J. Henry Wescott, and others, Notaries Public in the city of Keokuk, asking for the passage of a law requiring Notaries Public to deposit in the Post Office notices of protests, which petition was read, and on Mr. Rankin's motion referred to the committee on Judiciary.

Mr. Mann

Presented the petition of W. J. Henry and 41 others, residents of Jones county, praying that the office of County Judge may be abolished, and asking for the establishment of a Court of Common Pleas, with Probate Jurisdiction, which petition was read, and on his motion, referred to the Committee on Judiciary.

Mr. Bailey

Presented the remonstrance of J. H. Benedick and 52 others remonstrating against the diversion of the land granted by the State of Iowa for the purpose of making the Des Moines river navigable, to rail road purposes, which remonstrance was read and on his motion referred to the Committee on Judiciary.

Mr. Reed

Presented the memorial of S. Robt, asking for the abolition of capital punishment, which memorial was read, and on Mr. Reed's motion, was referred to the committee on Internal Improvements.

Mr. Wilson

Presented the memorial of the Honorable Geo. L. Nightengal Mayor of the city of Dubuque, asking for the passage of a law allowing the city of Dubuque to fill up the sloughs and low land in front of said city, which memorial was read, and on motion of Mr. Wilson, was referred to the Committee on Incorporations.

Mr. Kirkwood



Presented the memorial of H. D. Downey and others, citizens of Johnson county, asking for the establishment of a Medical Department of the State University ; which memorial was read, and on Mr. Kirkwood's motion,

Was referred to the committee on Schools and State University.

**Mr. Kirkwood**

Presented the petition of Samuel Schell and 35 others, citizens of Iowa, Benton and Keokuk counties, asking for the establishment of a new county, which petition was read, and on Mr. Kirkwood's motion

Was referred to the committee on new counties.

**Mr. Thompson**

Presented the communication of T. Grubber, of Linn county, in relation to money lending, &c., and asking for the passage of a stringent usury law, which communication was read, and on motion of Mr. Carter, was referred to the Senator from Linn county.

**Mr. Allen**

Presented the petition of T. P. Van Antwerp and others, officers of the Keokuk Military Organization, asking for the passage of a militia law, which petition was read, and on Mr. Allen's motion,

Referred to the Committee on Military Affairs.

### NOTICE OF A BILL.

By **Mr. Davis** of Polk

Notice of a bill to prohibit Bankers and Brokers from paying out bank notes or bills of a less denomination than five dollars.

### INTRODUCTION OF BILLS.

**Mr. Wilson** had leave to introduce

Senate File No. 79, A bill for an act to amend Section 2597 of the Code, and to provide for the punishment of assault, which was read the first and second times, and on his motion,

Referred to the Committee on Judiciary, with instructions to report at an early day.

**Mr. Wilson** had leave to introduce

Senate File No. 80, A bill for an act defining the jurisdiction of Justices of the Peace in criminal cases, which was read the first and second times' and on motion of **Mr. Anderson**,

Was referred to the committee on Judiciary.

Mr. Anderson had leave to introduce

Senate File No. 81, A bill for an act limiting the size of School Districts for the purposes of taxation, which was read the first and second times, and on his motion,

Was referred to the Committee on Schools and State University.

Mr. Carter had leave to introduce

Senate File No. 82, a memorial from the General Assembly of the State of Iowa to Congress, in favor of restricting the sale of Public Lands to actual settlers, which was read the first and second times, and on his motion,

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

Mr. Grinnell had leave to introduce

Senate File No. 83, A bill for an act to preserve the public property, which was read the first and second time, and on his motion,

Was referred to the Committee on Public Buildings.

Mr. Reiner had leave to introduce

Senate File No. 84, A bill for an act to alter the boundaries of the first and eighth Judicial Districts, which was read the first and second time.

Mr. Foster

Moved to refer the bill to a special committee, consisting of the Senators from the eighth Judicial District, and the Senator from Louisa county.

Mr. Patterson

Moved to lay the bill on the table, which motion was lost.

Mr. Rankin

Moved to amend Mr. Foster's motion by striking out that portion of the motion referring the bill to the Senators from the 8th Judicial District and Louisa county, and insert, to the Joint committee on Judicial Districts, which motion prevailed.

## REPORTS OF COMMITTEES.

Mr. Sharraden

From the Committee on Enrolled Bills made the following report:

The committee on Enrolled Bills have examined the following acts, and find them correctly enrolled.

An act to provide for issuing State Bonds and procuring a loan for the State of Iowa.

Also, An act to legalize the sale of certain school lands by Jas. Hull, School Fund Commissioner of Boone county, Iowa.

O. P. SHARRADEN, Chairman.

We also return Senate substitute for House File No. 47, for the reason that we believe it should be enrolled in the House, where the original was offered.

SHARRADEN, Chairman.

Mr. Kirkwood

Moved that Committees on Enrolled Bills of the two Houses, decide and determine by which House, Senate substitute for House File No. 49 should be enrolled.

Mr. Davis of Clinton

From the Committee on Charitable Institutions to whom was referred Senate File No. 67, A bill for an act making a further appropriation for the State Insane Asylum, reported the same back with two amendments, to wit: insert in the first Section after the word "constructing" the words "and furnishing." Also, add to the first Section the following: "Provided said money shall in no case be drawn until needed for said work, or for furnishing said Asylum.

The amendments were agreed to.

On motion of Mr. Mann,

The bill was made the special order for Wednesday, at 10 o'clock, A. M.

Mr. Brown

From the special committee to whom was referred House File No. 55, A bill for an act to change the boundaries of the 13th Judicial District, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Mann

Moved that the bill be referred to the Joint Committee on Judicial Districts.

Which motion was lost.

On motion of Mr. Brown,

The 11th Rule was suspended, and the bill read the third time. The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden and Trimble—22.

The nays were,

Senators Cook, Dale, Johnston, Mann, Patterson, Thompson and Warner—7.

The bill passed, and the title thereof agreed to.

Mr. McCoy

From the Committee on Engrossed bills, made the following report :

The Committee on Engrossed bills have examined Senate File No. 12, A bill for an act in relation to County Records, and find the same correctly engrossed.

GEO. MCCOY, Chairman.

The President

Presented to the Senate a communication from the Attorney General of the State, in reply to the resolution of Senate asking of him his opinion of the power of the General Assembly under the Constitution, to apportion the State into Senatorial Districts at the present session of the General Assembly, which communication was read, and on motion of Mr. Loughridge,

Laid on the table.

Mr. Grinnell

Submitted the following resolution :

*Resolved*, (the House concurring,) That a committee of five be appointed on the part of the Senate, of whom the Senator from Washington shall be chairman, to act with a similar committee on the part of the House, to report a bill apportioning the State into Senatorial and Representative Districts.

On motion of Mr. Loughridge

The communication of the Attorney General and the report of the Judiciary Committee on the same subject, was taken from the table and referred, together with the resolution first submitted by Mr. Grinnell, to the Judiciary Committee.

Senate File No. 22, An act to legalize the sale of school lands

made by James Hull, School Fund Commissioner of Boone county, Iowa, and

Senate File No. 44, An act to provide for the issue of State Bonds and procuring a loan for the State of Iowa,

Having passed both branches of the General Assembly and been duly enrolled by the Senate and signed by the Speaker of the House of Representatives and the President of the Senate, was placed in the hands of the Enrolling Committee to be presented to the Governor.

### UNFINISHED BUSINESS.

Senate File No. 73: A bill for an act in relation to the fees of jurors, the consideration of which was pending when the Senate adjourned on Saturday.

On motion of Mr. Kirkwood

The bill was laid on the table and made the special order for to-morrow morning at 10 o'clock.

The concurrent resolution from the House in relation to the committees of the two Houses acting as Joint Committees to prevent bills upon the same subject and for the same purposes being presented to the two Houses at the same time, was amended,

On motion of Mr. Cattell,

By striking out the following, to-wit: "Act as Joint Committees for the consideration of bills or other matters referred to them."

Mr. Mann

Moved to refer the resolution to the Judiciary Committee.

Which motion was lost.

On motion of Mr. Davis, of Clinton,

The resolution was laid on the table.

House File No. 49: A bill for an act to amend an act entitled an act in relation to Insurance Companies, approved January 28th, 1857, was read the first and second time.

On motion of Mr. Thompson

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

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### TWO O'CLOCK, P. M.

On motion of Mr. Loughridge

A call of the Senate was ordered.

The roll being called, Senators Allen, Brigham, Dale, Jenkins, Johnston, Mann, McCoy, Neal, Reed, Rusch, Trimble, Thompson and Warner were found to be absent.

On motion of Mr. Cook

Mr. Brigham was excused on account of sickness.

Mr. Cattell

Moved that the further proceedings under the call be dispensed with.

Which motion was lost.

Several Senators appearing in their seats, the further proceedings under the call were dispensed with on the motion of Mr. Grinnell.

The President announced the business first in order to be House File No. 49,

Which was pending when the Senate adjourned this morning.

On motion of Mr. Rankin

The 11th Rule was suspended and the bill read the third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—28.

The nays were—None.

The bill passed and the title thereof was agreed to.

Mr. Davis, of Polk, had leave to introduce

Senate File No. 85: A bill for an act in relation to the times of holding Courts in the 11th Judicial District,

Which was read the first and second time.

Mr. Davis, of Polk,

Moved that the 11th Rule be suspended and the bill be read the third time now.

Mr. Trimble

Moved to refer the bill to the Senators representing the 11th Judicial District, with instructions to report to-morrow morning.

Mr. Grinnell

Moved to amend by adding to the Committee the Senator from Davis county.

Which motion prevailed.

The question recurring on the motion of Mr. Trimble,

The motion was lost.

The question now recurring on Mr. Davis' motion to suspend the rule,

The motion prevailed.

The rule being suspended the bill was read the third time.

The question being on its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McCoy, Rankin, Reed, Rusch, Saunders, Stewart, Sharraden, Thompson, Wilson—24.

The nays were,

Senators Bailey, Johnston, Patterson, Reiner, Trimble—5.

The bill passed and the title thereof was agreed to.

#### A BILL ON ITS THIRD READING.

Senate File No. 12: A bill for an act in relation to Co. Records, was read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Johnston, Kirkwood, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—27.

The nays were—None.

The bill passed and the title thereof was agreed to.

On motion of Mr. Cattell

Senate File No. 24: A bill for an act in relation to divorce and alimony,

Was taken from the table.

Mr. Wilson

Moved to amend the bill by adding as an additional section the following:

“The husband may also obtain a divorce against the wife when the wife was pregnant at the time of marriage without his knowledge or consent.”

Which amendment was agreed to.

**Mr. Kirkwood**

Moved to amend the bill by adding as an additional section the following:

“A divorce shall be granted in favor of the wife when the husband has committed actual violence upon her person, attended with danger to life or health.”

**Mr. Thompson**

Moved to amend the amendment by adding thereto the following:

“Or when from his conduct there is reasonable apprehension of such violence,”

Which motion was not concurred in.

The question recurring on the adoption of the amendment submitted by **Mr. Kirkwood**,

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

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McCoy, Patterson, Reed, Reiner, Rusch, Stewart, Sharraden, Trimble, Wilson—21.

The nays were,

Senators Bailey, Davis of Polk, Mann, Rankin, Saunders, Thompson—6.

The amendment was concurred in.

**Mr. Davis, of Clinton,**

Moved to amend the bill by adding as an additional section the following:

“A divorce shall be granted in favor of the wife when an illegitimate child shall be born to the husband after marriage.”

The motion to amend was lost.

On motion of **Mr. Loughridge**

The bill was ordered to be engrossed for a third reading to-morrow.

On motion of **Mr. Mann**

The Senate adjourned.



SENATE CHAMBER,  
TUESDAY, FEBRUARY 9th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. N. Summerbell.

Journal of yesterday read and approved.

**Mr. Mann**

Presented a letter from S. G. Matzon, in relation to an Orphan Asylum, which letter was referred to the Committee on Schools and State University.

**Mr. Davis of Clinton,**

Submitted the following resolution :

*Resolved,* That the Committee on Public Buildings be instructed to enquire into and report to this body, by what title the State holds the present Capitol Building, which resolution was agreed to.

### REPORTS OF COMMITTEES.

**Mr. Wilson,**

From the Committee on Judiciary, to whom was referred Senate File No. 79, A bill for an act to amend Section 2597 of the Code, and to provide for the punishment of Assault, reported the same back to the Senate without amendment and recommended its passage.

On motion of Mr. Wilson,

The 11th Rule was suspended, the bill read the third time.

The question being on its final passage.

The yeas were,

Senators Anderson, Atkins, Bailey, Brown, Cook, Carter, Dale, Davis of Clinton, Grinnell, Johnston, Jenkins, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Wilson—24.

The nays were—none.

The bill passed and the title thereof agreed to.

**Mr. Wilson,**

From the same Committee, to whom was referred Senate File No. 80, A bill for an act defining the jurisdiction of Justices of the Peace in criminal cases, reported the same back to the Senate without amendment, and recommended its passage.

On motion of Mr. Wilson,

The last Section of the bill was amended by adding Iowa Citizen and Iowa State Journal.

On motion of Mr. Loughridge,

The 11th Rule was suspended, the bill read the third time. The question being on its final passage,

The yeas were,

Senators Anderson, Atkins, Bailey, Brown, Cook, Carter, Dale, Davis of Clinton, Grinnell, Johnston, Jenkins, Loughridge, Mann, McCoy, Patterson, Reed, Reiner, Rusch, Saunders, Stewart, Sharaden, Trimble, Thompson, Wilson—24.

The nays were—none.

The bill passed and the title thereof agreed to.

Mr. Wilson

From the same Committee to whom was referred Senate File No. 56, A bill for an act to amend Section 2597 of the Code of Iowa, reported the same back to the Senate and recommended its indefinite postponement, which report was concurred in.

Message from the House of Representatives,

By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has passed the following Senate bills without amendment, to wit :

Senate File No. 13, A bill for an act to legalize the acts of certain School officers. Also,

Senate File No. 43, A bill for an act authorizing the County Judge of Lee county, to build a Jail in the city of Keokuk. Also,

Senate File No. 46, Joint Resolution to procure additional mail facilities.

I am further directed to inform the Senate that the House has passed the following House Bills, to which the agreement of the Senate is asked :

Substitute for House File No. 35, A bill for an act requiring non-resident plaintiffs to give security for costs. Also,

House File No. 66, A bill for an act defining the crime, and punishing the offence of making false entries of fines and fees on Dockets of Courts or otherwise, and of failing to pay over such fines and fees according to law. Also,

House File No. 101, A bill for an act to authorize the County

Judge of Webster county, to have transcribed certain portions of the records of said county. Also,

House File No. 106, Memorial and Joint Resolution of the General Assembly of the State of Iowa, to Congress, for the relief of James B. Thomas and family. Also,

House File No. 119, Joint Resolution, asking a grant of land to aid in the construction of a certain Railroad.

I also, herewith present for your signature, House File No. 81, An act to amend Section 1652 of the Code, the same having passed both branches of the General Assembly, been duly enrolled, and signed by the Speaker of the House of Representatives.

W. P. HEPBURN, Chief Clerk.

Mr. Sharraden,

From the Committee on Enrolled Bills, made the following report :

The Committee on Enrolled Bills have presented to His Excellency the Governor, for his approval, the following acts :

An act to provide for issuing State Bonds and procuring a loan for the State of Iowa. Also,

An act to legalize the sale of certain School Lands made by James Hull, School Fund Commissioner of Boone county, Iowa.

The committee have concurred with the House Committee on Enrolled Bills, and the two committees concur in the opinion that all substitutes for bills should be enrolled in the House where the original bill was presented.

• O. P. SHARRADEN, Chairman.

Mr. Davis of Clinton,

From the Committee on Charitable Institutions, made the following report :

Your Committee on Charitable Institutions, to whom was referred the communication of Thomas Ping, asking that his bank should be legalized, have had the same under consideration, and beg leave to submit the following report :

Your committee have been not a little embarrassed to determine the class of animals to which said Bank legitimately belongs ; but from the fact that it is asked to have its acts legalized, they infer that its acts have been in contravention of law. This being in strict accordance with the known habits and instincts of, at this time, a somewhat numerous class of animals of the feline species, vulgarly called "*Wild Cats*," they are led to the conclusion that

Mr. Ping's Bank should properly rank in that *cat-egory*. Now "Wild Cats," being endowed with sharp claws and destructive propensities, your committee are of the opinion that it would be impolitic to grant such institutions absolution for past offenses, and a free license for the future; and thus turn them loose, untamed, to prey at will upon the citizens of our State. Your committee, therefore, recommend that the request be not granted, but that Mr. Ping be referred to Section 2734 of the Code of Iowa, as affording an adequate remedy for the Bank evils of which he complains. All of which is respectfully submitted.

G. M. DAVIS, Chairman.

Mr. Anderson,

From the committee on Judiciary, to whom was referred Senate File No. 16, A bill for an act concerning the practice of the courts, reported the same back to the Senate and recommended that the further consideration of the bill be indefinitely postponed, which report was concurred in.

Message from the House of Representatives,

By Mr. Jones, their 2d Assis't Clerk.

Mr. PRESIDENT :

I herewith present for your signature, Senate substitute for H. File No. 47, an act authorizing the Governor to raise, arm and equip a company of mounted men for the protection of our frontier, the same having passed both branches of the General Assembly, been duly enrolled, and signed by the Speaker of the House of Representatives.

B. F. JONES,

Second Assis't Clerk H. of R.

Mr. Wilson,

From the committee on Judiciary, to whom was referred Senate File No. 77, A bill for an act regulating the terms of the Supreme Court, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk of said Court, reported the same back to the Senate with various amendments thereto, and recommended their adoption.

On motion of Mr. Cook,

The bill and amendments thereto was re-committed to the committee on Judiciary.

Mr. Rankin,

From the committee on Judiciary, to whom was referred House

File No. 8, A bill for an act to amend Section 1848 of the Code of Iowa, reported the same back to the Senate with the following amendment and recommended its adoption :

Amend the 1st Section by adding thereto—Provided, that this act shall not effect any suit commenced, or writ of attachment issued under the law of 1853, hereby repealed.

Mr. Rankin, also,

From the same committee, reported back to the Senate, the substitute for the above bill and recommended that the further consideration of the same be indefinitely postponed, which was concurred in.

The question being on the adoption of the amendment, the same was adopted.

Mr. Davis of Clinton,

Moved that the 11th Rule be suspended and that the bill be read a third time now, which motion was lost.

*Ordered,* That the bill be read the third time to-morrow.

The special order now being the consideration of Senate File No. 73, A bill for an act regulating the fees of Jurors.

Mr. Trimble,

Offered a substitute therefor—A bill for an act regulating jurors and juror's fees.

Mr. Sharraden,

Moved to amend the first Section of the substitute, by striking out "One dollar and fifty cents," and inserting "Two dollars;" upon which motion, the yeas and nays were demanded and ordered, and were as follows :

The yeas were,

Senators Brown, Cattell, Carter, Grinnell, Johnston, Jenkins, Loughridge, Mann, McCoy, Patterson, Rusch, Saunders, Sharraden, Thompson, Wilson—15.

The nays were,

Senators Allen, Anderson, Atkins, Bailey, Cook, Dale, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Rankin, Reed, Reiner, Stewart, Trimble—15.

The President voted in the affirmative. So the motion to amend prevailed.

Mr. Loughridge

Moved to strike out in the first section the word "fifteen" before "courts," and insert "twenty-five."

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

The yeas were,

Senators Brown, Carter, Dale, Davis of Clinton, Davis of Polk, Johnston, Jenkins, Kirkwood, Loughridge, Mann, Patterson, Saunders, Stewart, Sharraden, Wilson—15.

The nays were,

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Foster, Grinnell, McCoy, Rankin, Reed, Reiner, Rusch, Trimble, Thompson—15.

The President voted in the affirmative, so the motion to amend prevailed.

Mr. Jenkins

Moved to lay the substitute on the table,

Which motion prevailed.

Mr. Davis, of Clinton,

Moved to lay the bill on the table,

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

The yeas were,

Senators Anderson, Atkins, Cook, Davis of Clinton, Davis of Polk, McCoy, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—12.

The nays were,

Senators Allen, Bailey, Brown, Cattell, Carter, Dale, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, Patterson, Reed, Reiner, Sharraden—17.

Motion lost.

The bill was ordered to be engrossed for a third reading tomorrow.

Message from the House of Representatives,

By Mr. Hepburn, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following House File, in which the concurrence of the Senate is asked:

House File No. 142: "Joint Resolution to provide for the printing of an additional number of the report of the State Geologist, and for the disposal of the same."

I am further directed by the House of Representatives to present for your signature,

House File No. 49: A bill for an act in relation to Insurance Companies.

The same having passed both branches of the General Assembly, has been duly enrolled and signed by the Speaker of the House of Representatives.

W. P. HEPBURN, Chief Clerk.

### BILLS ON THEIR FIRST READING.

House File No. 142: Joint Resolution to provide for the printing of an additional number of the report of the State Geologist, and for the disposal of the same, was read the first and second time.

Mr. Trimble

Moved to amend by striking out all after the word "as" in the fourth line of the second resolution, and inserting the words "*may be provided for by the General Assembly;*"

Which amendment was agreed to.

On motion of Mr. Mann

The 11th Rule was suspended and the Resolutions read the third time.

The question being on the final passage of the Resolutions,

The yeas were,

Senators Allen, Anderson, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Jenkins, Kirkwood, Mann, McCoy, Patterson, Rankin, Reed, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—23.

The nays were,

Senators Atkins, Bailey, Dale, Johnston, Loughridge, Reiner—6

The bill passed.

On motion of Mr. Trimble

The title was amended by striking out all after the word "Geologist."

Mr. Grinnell

Submitted the following resolution, to-wit:

*Resolved*, That the Committee on Schools and University be authorized to have printed for the use of the General Assembly the principal amendments to Senate File No. 23, "A bill for an act for

the Public Instruction of the State of Iowa," recommended by said Committee.

On motion of Mr. Trimble

The above resolution was made the special order for 2 o'clock, P. M. of to-day.

On motion of Mr. Thompson

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

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## TWO O'CLOCK, P. M.

The special order being the resolution offered by Mr. Grinnell this morning,

Mr. Rankin

Moved that the resolution be laid on the table and made the special order for to-morrow morning at 9 o'clock.

Which motion was lost.

On motion of Mr. Kirkwood

The resolution was laid on the table.

Message from the House, by their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked, to-wit:

Substitute for House File No. 11: Memorial to Congress praying for a grant of land to aid in the construction of a railroad from the Missouri River via the South Pass to some point in Washington Territory. Also,

House File No. 15: A bill for an act to amend an act to establish a Recorder's office in the city of Keokuk. Also,

House File No. 76: A bill for an act to repeal part of section 2705 of the Code of Iowa. Also,

House File No. 115: A bill for an act entitled an act prescribing the manner of certifying acknowledgments in certain cases. Also,

House File No. 124: A bill for an act to confer on townships the right of electing additional Justices of the Peace. Also,

House File No. 126: Joint Resolution asking a grant of land to aid in the construction of a certain railroad. Also,



House File No. 138: Joint Resolution to provide for the distribution of the State Geological Reports.

I also herewith present for your signature

House File No. 50: An act entitled an act to amend section 2891 of the Code of Iowa.

I am also directed to return .

House File No. 142: Joint Resolution to provide for the printing of an additional number of the report of the State Geologist, and for the disposal of the same,

The House having refused to concur in the amendments made thereto by the Senate.

W. P. HEPBURN, Chief Clerk.

Mr. Grinnell

Moved that the Senate recede from its amendment to House File No. 142: Joint Resolution to provide for the printing of an additional number of the report of the State Geologist, and for the disposal of the same.

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

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—26.

The nays were,

Senators Davis of Clinton, Johnston and Jenkins—3.

The motion prevailed.

Mr. Jenkins

Moved to amend the bill by striking out all that part of the resolution in relation to the distribution of the reports.

Which motion prevailed.

Mr. Trimble

Moved to reconsider the vote by which the amendment offered by Mr. Jenkins was adopted, which motion prevailed.

The President decided that the question before the Senate was, "Shall the amendment be adopted?"

Mr. Foster

Rose to a point of order, which was, that the bill was not open to amendment, it having passed the House of Representatives and been amended by the Senate and returned to the House, and the

House had refused to concur in the amendment of the Senate, and that the only questions that can be entertained are, shall the Senate insist, adhere to, or recede from its amendment.

Mr. Foster

Appealed from the decision of the Chair.

Mr. Grinnell

Moved to lay the appeal upon the table.

Which motion was lost.

The question being, Shall the decision of the Chair be the decision of the Senate?

The same was decided in the negative.

Mr. Trimble

Moved to reconsider the vote by which the Senate receded from its amendment.

Which motion prevailed.

Mr. Kirkwood

Moved that the Senate insist on their amendment, and that the Senate appoint a Committee of Conference.

Which motion prevailed.

Senators Kirkwood and Trimble were appointed said Committee of Conference.

Mr. Cook

Moved that the vote by which House File No. 49, A bill for an act to amend an act entitled an act in relation to Insurance Companies, approved January 28th, 1857, was passed, be reconsidered.

Which motion prevailed.

Mr. Loughridge

Moved to lay the bill upon the table.

Which motion prevailed.

Message from the House, by their Chief Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has appointed Representatives Mahony, Wilson and Richardson, a Committee on the part of the House to confer with the Committee heretofore appointed by the Senate, in relation to the disagreement between the two Houses respecting Senate amendments to House File No. 142: Joint Resolution to provide for the printing of an additional number of the report of the State Geologist, and for the disposal of the same.

W. P. HEPBURN, Chief Clerk.

**Mr. Kirkwood,**

From the Committee of Conference upon House File No. 142, made the following report :

“The Committee appointed by the Senate to confer with a similar Committee appointed by the House in the matter of conference between the Houses arising out of House File No. 142, report that they have conferred with said House Committee, and that they recommend to the Senate that the Senate recede from its amendment to said Joint Resolution, and recommend the passage as the same came to the Senate from the House.

Which report was adopted.

**Mr. Kirkwood**

Moved that the Senate recede from their amendment.

Which motion prevailed.

**Mr. Anderson**

Moved that the 11th Rule be suspended and the bill be read a third time,

Which motion prevailed.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Mann, McCoy, Reed, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—21.

The nays were,

Senators Bailey, Dale, Loughridge, Mann—4.

The bill was passed and the title thereof agreed to.

On motion of Mr. Wilson

The Senate adjourned.

SENATE CHAMBER, }  
WEDNESDAY, FEBRUARY 10th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev N. Summerbell.

Journal of yesterday read and approved.

## PETITIONS AND MEMORIALS.

Mr. Kirkwood

Presented the petition of the Professors of the Iowa State University, asking for an appropriation in behalf of said University, which was, on his motion,

Referred to the Committee on Schools.

Mr. Foster

Presented the petition of J. S. Beatty and 100 others, asking the enacting of laws making it a felony for any one to manufacture, vend or give away adulterated liquors, which was read, and on his motion,

Was referred to the special committee on the Prohibitory Liquor Law.

## NOTICES OF BILLS.

By Mr. Sharraden

Notice of a Bill for the establishing, laying out and working roads in the State of Iowa.

By Mr. Loughridge

Notice of a Bill regulating stay of execution.

By Mr. Atkins,

Notice of a bill for the regulation of Inn-keepers. Also, notice of a Bill for the location of the Asylum for the Deaf and Dumb, at Fort Atkinson, county of Winnesheik.

Mr. Foster

Offered the following resolution, which was adopted:

*Resolved*, That the Judiciary Committee be instructed to enquire of, and report at an early day, the Commissioners heretofore appointed to prepare a practice act, and perform certain other duties, as prescribed by the General Assembly, as to the progress they are making, and the prospect of an early completion of their work.

## INTRODUCTION OF BILLS.

Mr. Carter had leave to introduce

Senate File No. 86; A bill for an act to legalize the assessment of taxes in Clayton county, Iowa, which was read the first and second time, and on his motion,

The 11th Rule was suspended, and the bill read a third time.

The question being on the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble and Thompson—29.

The nays were none.

The bill was passed, and the title thereof agreed to.

Mr. Brown had leave to introduce

Senate File No. 87, Joint Resolution for additional mail facilities, which was read the first and second time, and on his motion, The 11th Rule was suspended, and the bill read a third time, Passed, and the title thereof agreed to.

Mr. Trimble had leave to introduce

Senate File No. 88, A bill for an act further providing for the payment of Road Tax, which was read the first and second time, and on motion of Mr. Reed,

Was referred to the committee on Roads.

Mr. Trimble also had leave to introduce

Senate File No. 89, A bill for an act amendatory of Section 112 of the Code, and Chapter 78 of the Session Laws of 1856-7, which was read the first and second time and on his motion,

Was referred to the Judiciary Committee.

## REPORTS OF COMMITTEES.

Mr. Sharraden

From the Committee on Enrolled Bills made the following report :

The committee on Enrolled Bills have examined the following acts, and find them correctly enrolled.

An act to legalize the acts of certain school officers. Also, Memorial and Joint Resolutions to Congress for additional mail facilities. Also, an act authorizing the County Judge of Lee county to build a jail in the city of Keokuk, in said county.

SHARRADEN, Chairman.

Mr. Trimble

From the special committee to whom was referred House Sub-

stitute for Senate File No. 31, A bill for an act regulating the times of holding Courts in the 3d Judicial District, reported the same back to the Senate with sundry amendments thereto, and recommended the adoption of the amendments, and the adoption and passage of the substitutes.

On motion of Mr. Trimble,

The amendments were adopted, and also, on his motion, the substitute was adopted. Also, on his motion,

The 11th Rule was suspended, and the bill read a third time.

The question being on its passage,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson and Warner—30.

The nays were none.

The bill passed, and the title thereof was agreed to.

Mr. Saunders

From the Committee on Ways and Means, to whom was referred House File No. 100, A bill for an act to require the County Treasurers to render a full account of monies due the State in their hands, at an early day, reported the same back to the Senate, and recommended its indefinite postponement,

Which report was concurred in.

It now being 10 o'clock, and the special order for this hour being

Senate File No. 67, A bill for an act making further appropriation for the State Insane Asylum,

The Senate proceeded to the consideration of the same.

Mr. Mann

Moved to amend the first section of the bill, by striking out before the word dollars, the words "one hundred thousand," and insert the words "sixty thousand."

Upon which motion,

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

The yeas were,

Senators Atkins, Bailey, Dale, Johnston, Mann, McCoy, Patterson, and Wilson—8.

The nays were,

Senators Allen, Anderson, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble and Thompson—22.

Motion to amend lost.

On motion of Mr. Cook,

The 11th Rule was suspended, and the bill read the third time. The question being on its final passage,

The yeas were

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson—24.

The nays were

Senators Bailey, Dale, Johnston, Mann, Wilson—5.

Mr. Loughridge voted yea under a protest.

The bill passed and the title thereof agreed to.

Message from the House of Representatives,

By Mr. Hepburn their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to present for your signature, the following bills, the same having passed both Houses of the General Assembly, been duly enrolled, and signed by the Speaker of the House of Representatives.

Substitute for House File No. 6, An act to repeal an act to authorize George F. McClure to construct a dam across the Des Moines River.

Substitute for House File No. 21, An act regulating the official acts of the Town Council of Guttenburg.

House File No. 24, An act to repeal an act entitled an act for revising and consolidating the Laws Incorporating the city of Dubuque, and to establish a city Court therein.

House File No. 55, An act to change the boundaries of the 13th Judicial District, so as to include Webster county.

I am further directed by the House of Representatives, to return to the Senate Senate File No. 85: A bill for an act in relation to the times of holding Courts in the Eleventh Judicial District, further consideration of the same having been indefinitely postponed by the House.

I am further directed to inform the Senate that the House has adopted the following joint rule for the government of the two Houses, to which the agreement of the Senate is asked :

**RULE 16.** When a substitute is offered in one House for a bill originating in the other, and such substitute passes both Houses, the bill shall be enrolled by the House in which the substitute for the original bill may be offered..

W. P. HEPBURN, Chief Clerk.

The Senate now proceeded to the consideration of unfinished business.

The question being on the adoption of the resolution submitted yesterday by Mr. Grinnell in relation to the printing of the amendments to be presented by the Committee on Schools to Senate File No. 23, A bill for an act for the Public Instruction of the State of Iowa.

On motion of Mr. Thompson

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

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## TWO O'CLOCK, P. M.

The Senate proceeded to the consideration of the Resolution which was pending when the Senate adjourned this morning.

Mr. Mann

Submitted the following Preamble and Resolution as a substitute for the Resolution offered by Mr. Grinnell, which substitute Mr. Grinnell accepted and withdrew his Resolution :

WHEREAS, Some doubts have arisen as to this General Assembly having any Constitutional authority to pass any act in reference to the School system, and whereas, it is important that some material changes should be made in the present laws in relation thereto, therefore,

*Resolved*, That this General Assembly have under the Constitution the power to enact a school law at this session.

*Resolved*, That the Committee on Schools and University be authorized to have printed for the use of the General Assembly the bill as amended for an act for the Public Instruction of the State of Iowa, recommended by said Committee.

The question being on the adoption of the Preamble and Resolution,



**Mr. Trimble**

Called for a division of the Resolution, which was granted.

The question being on the first Resolution, the yeas and nays were demanded and ordered, and were as follows:

The yeas were,

Senators Allen, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Lougridge, Mann, McCoy, Reed, Reiner, Rusch, Saunders, Sharraden—22.

The nays were,

Senators Anderson, Rankin, Stewart, Trimble, Thompson, Warner, Wilson—7.

The first Resolution was agreed to.

The question being on the second Resolution,

That was also agreed to.

**Mr. Grinnell**

Submitted the following resolution:

*Resolved*, That the Senator from Jones county (Mr. Mann) be added to the Committee on Schools and State University.

Which resolution was agreed to.

On motion of Mr. Trimble,

Mr. Cook was added to the Special Committee appointed to investigate the finances of the State.

Senate File No. 43: An act to authorize the County Judge of Lee county to build a jail in the city of Keokuk; also

Senate File No. 46: A Joint Resolution for additional mail facilities; also

Senate File No. 13: An act to legalize the acts of certain school officers,

Having passed both branches of the General Assembly, been duly enrolled by the Senate, signed by the Speaker of the House of Representatives and President of the Senate, was placed in the hands of the Committee on Enrolled Bills, to be presented to the Governor.

On motion of Mr. Loughbridge

5 The Senate adjourned.

SENATE CHAMBER,  
THURSDAY, FEBRUARY 11th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. N. Summerbell.

Journal of yesterday read and approved.

Mr. Grinnell

Presented the petition of Isaac Butler and others, asking the establishment of a State Road, which was referred to the Committee on Roads.

Mr. Loughridge

Offered the following resolution, which was adopted :

*Resolved*, That the Committee on Ways and Means be instructed to report a bill at an early day, making provision for the contingent expenses of the first meeting of the Board of Education, and for the compensation of the Secretary of such Board.

Mr. Cook

Offered the following resolution, which was adopted :

*Resolved*, That the Secretary of the Senate be required to keep in his possession all "House Bills" that have passed the Senate, until the second day after their passage, unless otherwise ordered.

Mr. Davis of Polk,

Offered the following resolution, which was adopted :

*Resolved*, That the Committee on Charitable Institutions be instructed to enquire into the expediency of creating a "State Reform School." Also,

The following, which was adopted :

*Resolved*, That the Secretary of the Senate be, and is hereby instructed to subscribe for a number of copies of the "Iowa Farmer," equal in number, to one daily for each member of the Senate during the present session.

### INTRODUCTION OF BILLS.

Mr. Johnston had leave to introduce

Senate File No. 90, A bill for an act to legalize the sale of School lands made by James Jordan, School Fund Commissioner of Decatur county, Iowa, which was read the first and second time, and on his motion,

The 11th Rule was suspended, the bill read the third time.

The question being on the passage of the bill,

The yeas were

Senators Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Jenkins, Loughridge, Mann, Patterson, Rankin, Reed, Rusch, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—25.

Mr. Allen voted in the negative.

The bill was passed and the title thereof agreed to.

Mr. Loughridge had leave to introduce

Senate File No. 91, A bill for an act in relation to executions and sales thereon, which was read the first and second time, and Referred to the Committee on Judiciary.

Mr. Trimble

From the Committee on Engrossed Bills, made the following report, to wit:

“That they had examined Senate File No. 24, A bill for an act to amend the law in relation to divorce and alimony. Also,

Senate File No. 73, A bill for an act regulating the fees of Jurors, and find the same correctly engrossed.”

GEO. McCOY, Chairman.

Mr. Wilson,

From the Committee on Judiciary, to whom was referred Senate File No. 77, A bill for an act regulating the terms of the Supreme Court, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk of said Court, reported the same back with a substitute therefor, and recommended the adoption and passage of the substitute.

On motion of Mr Grinnell,

The Senate resolved itself into Committee of the Whole, for the consideration of the bill and substitute.

Mr. Grinnell in the Chair.

After some time the Committee rose, and through their Chairman, made the following report:

The Committee of the Whole Senate have had under consideration Senate File No. 77, An act regulating the terms of the Supreme Court, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk of said Court, and a substitute therefor, and have instructed me to report

the bill and substitute back to the Senate and recommend the adoption of the substitute with the following amendments, viz :

1st Amendment—To fill the first blank in Section 1st, with “ Burlington.”

2d Amendment—To fill the second blank in the same Section, with “ Muscatine.”

3d Amendment—By striking out in the fourth Section, Davis, Keokuk and Wappello.

4th Amendment—By adding in the fourth section after the word “ Howard,” “ Butler, Wright, Franklin, Mitchell, Floyd, Worth, Cerro Gordo, Hancock, Winnebago, Bancroft.

On motion of Mr. Cook,

The first amendment was adopted.

Mr. Patterson

Moved to adopt the second amendment, which motion did not prevail.

Mr. Davis of Clinton,

Moved to fill the second blank in the first Section, with “ Davenport.”

Mr. Foster

Moved to amend by filling the blank with “ Iowa City,” which motion was lost.

Mr. Davis' motion then prevailed.

Mr. Patterson

Moved to reconsider the vote by which the first amendment was adopted, which motion was lost.

Mr. Mann,

Moved to strike out that part of the bill, establishing a term at Davenport.

Mr. Davis of Polk,

Moved to amend by striking out the first Section of the bill, which motion was lost.

Mr. Mann's motion was also lost.

The third amendment was then adopted. Also,

The fourth amendment.

On motion of Mr. Wilson,

The substitute was then adopted, and the bill ordered engrossed for a third reading.

## BILLS ON FIRST READING.

House File No. 11, Memorial to Congress, praying for a grant of land to aid in the construction of a Railroad from the Missouri River by the way of the south pass, to some point in Washington Territory, was read the first and second time, and

On motion of Mr. Warner,

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

House File No. 15, A bill for an act to amend an act to establish a Coroner's office in the city of Keokuk, was read the first and second time, and,

On motion of Mr. Rankin,

The 11th Rule was suspended, and the bill read the third time. The question being on the passage of the bill.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Loughridge, Mann, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—28.

The nays were—none.

The bill was passed and the title thereof agreed to.

House File No. 76, A bill for an act to repeal a part of Section 2705 of the Code, was read the first and second time, and,

On motion of Mr. Loughridge,

Was referred to the Committee on Judiciary.

House File No. 115, A bill for an act entitled an act prescribing the manner of certifying to acknowledgments in certain cases, was read the first and second time, and,

On motion of Mr. Loughridge,

Referred to the Committee on Judiciary.

House File No. 124, A bill for an act to confer on townships the right of electing additional Justices of the Peace, was read the first and second time, and,

On motion of Mr. Mann,

Was referred to the Committee on Township and County Organizations.

House File No. 126, Joint Resolution, asking a grant of land to

aid in the construction of certain Railroads, was read the first and second time, and,

On motion of Mr. Atkins,

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

House File No. 35, A bill for an act requiring non-resident plaintiffs to give security for costs, was read the first and second time, and,

On motion of Mr. Loughridge,

Referred to the Committee on Judiciary.

House File No. 138, Joint Resolution to provide for the distribution of the State Geological Reports, was read the first and second time, and,

On motion of Mr. Grinnell,

Referred to the Committee on Schools.

House File No. 101, A bill for an act to authorize the County Judge of Webster county, to have transcribed certain portions of the records of said county, was read the first and second time, and

On motion of Mr. Anderson,

Laid on the table.

House File No. 106, Memorial and Joint Resolution of the General Assembly of the State of Iowa, to Congress, for the relief of James B. Thomas and family, was read the first and second time, and,

On motion of Mr. Thompson,

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

House File No. 119, Joint Resolution, asking for a grant of land to aid in the construction of a certain Railroad, was read the first and second time, and

On motion of Mr. Atkins,

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

House File No. 66, A bill for an act defining the crime, and punishing the offence of making false entries of fines and fees on dockets of Courts or otherwise, and of failing to pay over such fines and fees according to law, was read the first and second time, and

On motion of Mr. Foster,

Referred to the Committee on Judiciary.

## BILLS ON THIRD READING.

House File No. 8, A bill for an act entitled an act to repeal an act to amend Section 1848 of the Code of Iowa, was read the third time.

Mr. Stewart,

Moved to lay the bill upon the table.

The President

Questioned whether to entertain the motion to lay upon the table would not be a violation of Section 17, of the 3d Article of the New Constitution, but in accordance with the fifteenth standing Rule of the Senate, he would entertain the motion.

Mr. Loughridge

Rose to a point of order, which was that the chair had no right to entertain the motion, as the bill had been read the third time.

The President decided the motion to be in order; from which decision, Mr. Loughridge took an appeal.

The question being, shall the decision of the Chair be the decision of the Senate?

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

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Patterson, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson—17.

The nays were,

Senators Cook, Dale, Foster, Johnston, Jenkins, Kirkwood, Loughridge, Mann, Rankin, Rusch, Wilson—11.

The decision of the Chair was sustained.

Mr. Johnston

Moved that the Senate adjourn,

Which motion was lost.

Mr. Stewart,

Withdrew his motion to lay on the table.

Mr. Anderson

Moved to re-commit the bill to a Special Committee, consisting of Senators Jenkins, Thompson and Saunders,

Which motion prevailed.

On Motion of Mr. Grinnell,

The Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

On motion of Mr. Loughridge,  
A call of the Senate was ordered.

The roll being called—Senators Bailey, Dale, Foster, McCoy, Neal, Saunders, Trimble and Warner were found absent.

The Sergeant-at-Arms was despatched for the absentees.

On motion of Mr. Thompson,  
Mr. McCoy was excused.

Mr. Grinnell

Moved that Mr. Bailey be excused, which motion was lost.

The Sergeant-at-Arms, appeared with Senators Saunders and Trimble.

On motion of Mr. Loughridge,  
Messrs. Saunder and Trimble were excused.

On motion of Mr. Grinnell,  
Mr. Neal was excused.

On motion of Mr. Grinnell,  
The absentees were excused, and further proceedings under the call dispensed with.

Senate File No. 24, A bill for an act in relation to Divorce and Alimony, was read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Brown, Cook, Cattell, Carter, Davis of Polk, Johnston, Jenkins, Kirkwood, Loughridge, Mann, Patterson, Rankin, Reed, Reiner, Rusch, Stewart, Sharraden, Trimble, Thompson, Wilson—22.

The nays were,

Senators Atkins, Davis of Clinton—2.

Messrs. Grinnell and Saunders were excused from voting.

The bill was passed and the title thereof agreed to.

Senate File No. 73, A bill for an act regulating the fees of Jurors, was read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Brown, Cattell, Carter, Grinnell, Johnston, Jenkins, Kirkwood, Patterson, Rankin, Reed, Reiner, Rusch, Sharraden—14.

The nays were,



Senators Anderson, Atkins, Bailey, Cook, Davis of Clinton, Davis of Polk, Loughridge, Mann, Saunders, Stewart, Trimble, Thompson, Wilson—12.

A majority of all the Senators elected, not voting yea, the bill was lost.

Mr. Saunders had leave to introduce

Senate File No. 92, A bill for an act to establish a State Reform School, which was read the first and second time, and

On his motion,

Referred to the Committee on Charitable Institutions.

On motion of Mr. Loughridge,

Senate File No. 57, A bill for an act creating the office of county Treasurer, and defining his duties, was taken from the table.

Mr. Loughridge

Moved to strike out "October" and insert "April," in the first Section,

Which motion was lost.

Mr. Mann,

Moved to strike out in the first Section, "Treasurer" and insert "Recorder," and to strike out "same length of time as County Recorder," and insert "term of two years,"

Which motion was also lost.

Mr. Mann

Moved to strike out in the first Section, "1858," and insert "1859,"

On which motion,

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

The yeas were,

Senators Bailey, Johnston, Kirkwood, Mann, Patterson, Rankin, Reed, Reiner, Rusch, Sharraden, Thompson, Warner—12.

The nays were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, Loughridge, Saunders, Stewart—14.

Motion lost.

Mr. Bailey,

Moved to indefinitely postpone the further consideration of the bill,

Which motion was lost.

On motion of **Mr. Anderson**,  
The Senate adjourned.

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SENATE CHAMBER, }  
FRIDAY, FEBRUARY 12th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.  
Prayer by the Rev. N. Summerbell.  
Journal of yesterday read and approved.

### NOTICE OF BILLS.

By **Mr. Mann** :  
Notice of a bill for the publication of the laws, &c.

### INTRODUCTION OF BILLS.

**Mr. Foster** had leave to introduce  
Senate File No. 93: Memorial and Joint Resolution to Congress  
for a grant of land to endow an Agricultural College and Model  
Farm, which was read the first and second time, and

On his motion,

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

### REPORTS OF COMMITTEES.

**Mr. Thompson**,

From the Special Committee appointed to investigate the official  
acts of **George W. McCleary**, late Secretary of State, made the  
following report:

*To the Senate of the State of Iowa:*

Your Committee appointed by the said Senate to investigate  
the acts of **George W. McCleary**, late Secretary of the State of  
Iowa, in relation to giving up certain bonds of **J. D. Eads**, late  
Superintendent of Public Instruction of said State, and to report  
whether or not there is remaining any bond of said **Eads** upon

which could be brought a suit, and also to recommend or propose what course had best be pursued to bring the offenders, if any, to justice, would submit,

That having dilligently enquired into and investigated the matters connected with the delivering up of Eads' official bond to certain parties, we find that it is true that Mr. McCleary did deliver up said bond to the Hon. E. Johnson, who was one of the sureties on said bond, but that before giving up said bond the said Eads had offered and filed with said McCleary a bond with sureties approved by the Governor of the State, and in all respects in conformity with the requirements of the Statute, and that upon the filing of such bond, the original bond was given up, and while your committee find that said McCleary had no legal authority to deliver up said bond to any one, yet in justice to him will state and so believe, that Mr. McCleary acted in good faith and with perfect honesty, believing that he had the right so to do, when the second bond with new sureties duly approved by the Governor, was filed with him, and this conclusion has been arrived at not only from the written explanation received from Mr. McCleary, but also from the affidavit of his Excellency, James W. Grimes, hereto attached and made a part of this report, and also from the fact, that so soon as the matter was brought to the notice of Mr. McCleary and Mr. Johnson, the latter gentleman immediately gave up said bond and forwarded the same to the present Secretary, who has filed the same in his office, so that the rights of the State, in the opinion of your committee, are as fully secured as though the same had never been given up, and would recommend that the Attorney General of the State take such steps as he may deem best, at an early day, to secure the State against all loss. And your committee would state, in connection with the above, that the Hon. J. M. Beck, agent, &c., from whose report the basis of this investigation was had, has acted honorably and faithfully in the discharge of his duty, and that he could not, from the records, come to any other conclusion in reference to this matter, than is set forth in his able report lately submitted, and that his reference therein made to this matter was fully warranted by the records, and made with a view to secure the State, and not from any other motive.

Your committee would further report, that having examined, so far as they well could under the circumstances, the acts of said J. D. Eads, as such Superintendent of Public Instruction, in keeping

secure and disbursing the school fund of the State, and whether in this particular the criminal laws of the State of Iowa have been violated, would report,

That, taking the evidence had before the investigating committee, and the report of the same, together with the report of J. M. Beck, late agent to investigate his acts relative thereto, have no doubts as to the fact that he has grossly violated the same, and that in consequence of such violation, has clearly rendered himself liable to a criminal prosecution under the provisions of section 2618 of the Code of Iowa, and in view of the fact that the fund entrusted to his care and charge, was, and is the most sacred over which the State has control or can place for safe keeping in the hands of her officials, and that he was bound by every consideration to preserve inviolate this fund, as well as to maintain the honor and dignity of the State, and to establish a precedent and set an example which may in the future deter others from committing similar frauds, wrongs and peculations, would recommend that the Attorney General be directed and instructed to proceed as soon as practicable to investigate the official acts of said Eads from the records already made, and to which he can have ready access, and after which, if he believes there is sufficient cause, institute criminal proceedings against said Eads, and investigate fully the acts and doings of said Eads herein and connected herewith.

All of which is respectfully submitted.

WM. G. THOMPSON, Chairman.

J. B. GRINNELL,

H. H. TRIMBLE.

On motion of Mr. Grinnell

The report was adopted.

Mr. Trimble,

From the Committee on Engrossed Bills, to whom was referred "Substitute for Senate File No. 77: A bill for an act regulating the terms of the Supreme Court, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk of said Court, reported the same back as correctly engrossed.

H. H. TRIMBLE.

Mr. Sharraden,

From the Committee on Enrolled Bills, made the following Report:

“The committee on enrolled bills have presented to His Excellency, the Governor, for his approval, the following acts:

Senate File No. 43: An act authorizing the County Judge of Lee county to build a jail in the city of Keokuk, in said county.

Also, Senate File No. 46: Memorial and Joint Resolution to Congress for additional mail facilities.

Also, Senate File No. 13: An act to legalize the acts of certain school officers.

O. P. SHARRADEN, Chairman.

Mr. Davis, of Polk,

From the Committee on Public Buildings, to whom was referred Senate File No. 83: A bill for an act to preserve the public property, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Trimble

Moved to amend by inserting before “State House,” “building now used as a,” and inserting after “property” “now used by or.”

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

The yeas were,

Senators Allen, Atkins, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Jenkins, Kirkwood, Loughridge, McCoy, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—22.

The nays were,

Senators Brown, Foster, Grinnell, Johnston, Mann, Patterson, Reed—7.

The motion to amend prevailed.

Mr. Cook

Moved to strike out “State Treasurer” and insert Register of State Land Office.

Which motion was lost.

The bill was ordered engrossed for a third reading.

Mr. Foster,

From the Committee on Agriculture, to whom was referred Senate File No. 29: A bill for an act to amend an act for the benefit of Agriculture, approved January 28th, 1857, reported the same back to the Senate with the following amendment to the 1st section, to-wit: Insert after the word “dollars” “or so much thereof as may be necessary, as hereinafter provided,” and insert in the same

ine and section before the word "shall" "\$2,000;" also, strike out all after the word "Society," and insert "and no additional sum shall be paid to the State Agricultural Society, as provided by this act, only as the same may be required to relieve the Society of any indebtedness incurred necessarily in the regular and legitimate proceedings of said Society, which additional sum or sums so paid out not exceeding two thousand dollars, shall be paid out as the Auditor of State may issue warrants to the President of the Society theretor, after being satisfied by the exhibit of the accounts of said Society, accompanied by the certificate of the Secretary, that the same is necessary to carry out the intent of this act."

Which amendments were adopted and the bill ordered engrossed for a third reading to-morrow.

Mr. Trimble,

From the special Committee to whom was referred Senate File No. 40: A bill for an act amending an act entitled an act in relation to the assessment of property, approved January 28th, 1857, reported the same back to the Senate with the following amendment, to-wit: to add to section third, "A failure to comply strictly with the requirements of this law, or with the laws to which this is amendatory, in regard to the times at and during which any act is herein required to be begun or completed, shall not invalidate any proceedings had under the same."

Which amendment was adopted.

Mr. Thompson

Moved to indefinitely postpone the bill,

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

The yeas were,

Senators Atkins, Bailey, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, McCoy, Reed, Reiner, Rusch, Sharaden, Trimble, Thompson—16.

The nays were,

Senators Allen, Brown, Dale, Johnston, Jenkins, Loughridge, Mann, Patterson, Rankin, Saunders, Stewart, Warner, Wilson—13.

The bill was indefinitely postponed.

Mr. Wilson,

From the Committee on Judiciary, to whom was referred House File No. 4: A bill for an act entitled an act to give greater security to purchasers and mortgagees of Real Estate, reported the same

back with a substitute therefor, and recommended the adoption and passage of the substitute.

The substitute was adopted, and,

On motion of Mr. Wilson,

The 11th Rule was suspended, and the bill read a third time.

The question being on the passage of the bill,

The yeas were,

Senators Atkins, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—25.

Mr. Foster voted in the negative.

The bill was passed and the title thereof agreed to.

The Senate proceeded to the consideration of Senate File No. 57, A bill for an act creating the office of County Treasurer, and defining his duties, pending which the Senate adjourned yesterday.

Mr. Mann

Moved to indefinitely postpone the bill.

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

The yeas were,

Senators Allen, Bailey, Johnston, Kirkwood, Mann, Rankin, Trimble, Thompson, Warner—9.

The nays were,

Senators Atkins, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Loughridge, McCoy, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Wilson—20.

The motion to indefinitely postpone was lost.

Mr. Trimble

Moved to recommit the bill to the Committee on Township and County Organizations, with instructions to report a bill for creating the office of Recorder, defining his duties, and the salary for the same.

Also—restricting the duties of the present officer, Recorder and Treasurer, to that of Treasurer, and defining his duties, and providing for his salary.

Which motion was lost.

Mr. Cattell

Offered the following substitute for section 1st, which was adopted :

That each organized county in the State shall, at the October election, in the year 1858, and each second year thereafter, elect one Treasurer, who shall hold his office for the term of two years, and until his successor is elected and qualified.

Mr. Mann

Moved to strike out the third section.

Which motion was lost.

On motion of Mr. Kirkwood,

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

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TWO O'CLOCK, P. M.

The Senate resumed the consideration of Senate File No. 57.

Mr. Mann

Moved to lay the bill upon the table.

Which motion was lost.

Mr. Thompson

Moved to amend section 3, by inserting after the word "office," "except the office of County Recorder."

Which motion prevailed.

Mr. Thompson

Moved to further amend section 3, by striking out "both" and inserting "two county;" and to insert after "offices," "except as above provided."

Mr. Loughridge

Offered the following substitute for the third section, which was adopted :

No person holding the office of Judge, Clerk of District Court, County Judge, Sheriff or Commissioner, shall hold the office of County Treasurer; and if any person is elected to both offices, this qualification for one shall be a refusal of the other.

Mr. Jenkins

Offered the following substitute for the first section :

The Treasurer shall receive from the county treasury, as a compensation for his services, a sum equal to five per cent. on all sums less than ten thousand dollars, and three per cent. on all sums



over ten thousand dollars, coming into his hands by virtue of this office; but such compensation shall in no case exceed eight hundred dollars per annum, and in addition thereto the same mileage going to and returning from the capital as is now provided by law.

On motion of Mr. Jenkins,

The Senate resolved itself into committee of the whole Senate, for the consideration of Senate File No. 57,

Mr. Trimble in the Chair.

After some time the committee rose, and through their chairman reported back the bill with the following amendments, to wit:

The adoption of the substitute offered by Mr. Jenkins for the fourth section, and to add to section six, "and no deputy appointed under this act, or the said chapter 33 of the Code, shall receive any allowance by the County Judge, except in cases when a pressure of official business makes his actual employment necessary, and said deputy's pay shall not exceed \$1.50 per day for the time actually employed,

And recommended their adoption and the passage of the bill.

On motion of Mr. Thompson

The report was adopted.

Mr. Johnston

Moved to lay the bill upon the table, which motion was lost.

On motion of Mr. Loughridge,

The bill was ordered engrossed for a third reading.

Message from the House by their Chief Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to return to the Senate, Senate File No. 55: Joint Resolution asking Congress for a grant of land to aid in the construction of a certain railroad.

Also, Senate File No. 82: Memorial of the General Assembly of the State of Iowa to Congress, in favor of restricting the sale of public lands to actual settlers, the same having passed the House without amendment.

I also herewith present for your signature the following bills, they having passed both branches of the General Assembly, been duly enrolled and signed by the Speaker of the House of Representatives, to wit:

House File No. 105: Joint Memorial to Congress for a grant of

land in aid of the construction of the McGregor, St. Peters & Missouri River Railroad.

Also—House File No. 142: Joint Resolution to provide for the printing of an additional number of the reports of the State Geologist and for the disposal of the same.

W. P. HEPBURN, Chief Clerk  
House of Representatives.

On motion of Mr. Loughbridge

Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa, was made the special order for next Monday, at two o'clock p. m., and every afternoon thereafter until otherwise ordered.

On motion of Mr. Thompson,  
The Senate adjourned.

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SENATE CHAMBER, }  
SATURDAY, FEBRUARY 13th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.  
Prayer by the Rev. N. Summerbell.  
Journal of yesterday read and approved.

#### PETITIONS AND MEMORIALS.

Mr. Atkins

Presented the petition of F. J. Huber and others, asking the discontinuance of a certain State Road,

Which was referred to the Committee on Roads.

Mr. Rankin,

Presented the petition of John G. Kennedy and others, in relation to the corporate boundaries of Fort Madison,

Which was referred to the Committee on Incorporations.

#### RESOLUTIONS.

Mr. Grinnell

Offered the following resolution, which was adopted:

*Resolved*, That the Committee on Ways and Means be instructed to report to the Senate what appropriation is necessary to improve the Capital Grounds, and enclose the same by a plain substantial fence.

Mr. Loughridge

Offered the following resolution, which was also adopted :

*Resolved*, That the proper Standing Committees be instructed to report at as early a day as possible, general laws on the following subjects.

1st—Revenue Law.

2d—Roads.

3d—Changing the names of persons.

4th—Incorporation of cities and towns.

5th—Vacation of Roads, Plats, &c.

6th—Locating and changing County Seats.

## INTRODUCTION OF BILLS.

Mr. Loughridge had leave to introduce

Senate File No. 79, A bill for an act for the encouragement of Agriculture, which was read the first and second time, and

Referred to the Committee on Agriculture, with instructions to report a General Law.

Mr. Kirkwood had leave to introduce

Senate File No. 95, A bill for an act to amend Chapter 220 of the Session Laws of 1856-7, which was read the first and second time, and laid on the table.

Mr. Atkins had leave to introduce

Senate File No. 96, A bill for an act to establish an Asylum for the Deaf and Dumb, which was read the first and second time, and

Referred to the Committee on Charitable Institutions.

## BILLS ON THIRD READING.

Substitute for Senate File No. 77, A bill for an act regulating the terms of the Supreme Court, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk of said Court, was read the third time.

The question being on the final passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Carter, Davis of Clinton, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Reiner Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—26.

The nays were,

Senators Brown, Davis of Polk, Foster, Warner—4.

The bill was passed.

On motion of Mr. Loughridge,

The title was amended by inserting "Argument" before "terms."

On motion of Mr. Kirkwood,

The vote by which Senate File No. 40, was indefinitely postponed, was reconsidered, and

On his motion,

Said File was laid on the table.

On motion of Mr. Grinnell,

Senate File No. 53, A bill for an act in relation to interest on money due for delinquent taxes, was taken from the table.

Mr. Kirkwood,

Moved that the bill be referred to a Special Committee of three, of which Mr. Grinnell should be Chairman, which motion prevailed.

The President

Appointed Senators Grinnell, Kirkwood and Mann said Committee.

On motion of Mr. Saunders,

Senate substitute for House File No. 19, A bill for an act to insure the collection of State revenue, was taken from the table.

On motion of Mr. Thompson,

The Senate resolved itself into a committee of the whole Senate, for the purpose of considering the above named bill,

Mr. Foster in the Chair.

After some time the committee rose, and through their Chairman reported that they had made some progress, and asked leave to sit again, which leave was granted.

Message from the House of Representatives, by Mr. Hepburn, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to return to the Senate, Senate File No. 61, A bill for an act concerning the foreclosure of mortgages, and amendatory of Chapter 118 of the Code,

the same having passed the House with the following amendment to the third section of the bill, to wit:

Strike out the word "Des Moines," and insert in line thereof the words "Iowa Weekly;" to which amendment the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk  
House of Representatives.

**Mr. Kirkwood**

Had leave to introduce Senate File No. 97, A bill for an act in relation to the School and University funds.

Which was read the first and second time, and on his motion was laid on the table and ordered to be printed.

**Mr. Grinnell**

Moved that the Senate adjourn till 2 o'clock P. M.

**Mr. Trimble**

Moved that the Senate adjourn till 9 o'clock Monday morning. Which motion prevailed.

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SENATE CHAMBER,  
MONDAY, FEBRUARY 15th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Cook.

Journal of Saturday read and approved.

#### PETITIONS AND MEMORIALS.

**Mr. McPherson**

Presented the petition of E. W. Henderson and others, asking the changing of the boundary of Cass County, which was,

On his motion,

Referred to the Committee on County Boundaries.

**Mr. Bailey**

Presented the petition of Wm. J. Johnson and others in relation to the appropriation of lands for the improvement of the Des Moines River, which was,

On his motion,

Referred to the Committee on Internal Improvements.

**Mr. Rusch**

Presented the petition of Charles P. Beker and others, asking the General Assembly to instruct our Senators and Members in Congress to support the so called "Homestead Bill,"

Which was read and referred to the Committee on Federal Relations.

**Mr. Pusey**

Presented the petition of Samuel Dewell and others, asking the establishing of a State Road, which was,

On his motion,

Referred to the Committee on Roads.

**Mr. Davis of Clinton**

Presented the petition of E. C. Sangford and others in relation to assessors, which was read, and,

On his motion referred to the Committee on Township Organizations.

**Mr. Thompson**

Presented the petition of Johnston Elliott, asking for the passage of a Registration Law, which was read, and,

On his motion,

Referred to the Committee on Elections.

**Mr. Davis of Clinton**

Presented the petition of the Mayor of Lyons and some four hundred others, asking the location of an Asylum for the Deaf and Dumb in the above named city, which was read, and,

On his motion,

Referred to the Committee on Charitable Institutions.

Message from the House, by their Chief Clerk :

**MR. PRESIDENT :**

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

House File No. 3, A bill for an act to prescribe the mode of foreclosing mortgages, and redeeming property sold thereby.

Also, House File No. 149, A bill for an act in relation to the time of holding Courts in Fort Madison, Lee county, and providing for a special term of said Court, for the purpose of trying criminal causes.

I am also directed to return Senate File No. 59, Joint Resolution for an appropriation to build a Custom House, United States District Court House, and Post Office in the city of Burlington, the same having passed the House of Representatives without amendment.

W. P. HEPBURN, Chief Clerk.

### NOTICES OF BILLS.

By Mr. Anderson

Notice of a bill more fully defining the duties of Administrators.

### RESOLUTIONS.

Mr. Davis of Clinton

Offered the following resolution :

*Resolved*, That the Committee on County and Township Organizations, be instructed to report a bill at an early day, creating the offices of Township Assessor and Collector, and defining the duties of the same.

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

The yeas were

Senators Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, Mann, McPherson, Reed, Rusch, and Thompson—12.

The nays were

Senators Allen, Anderson, Atkins, Bailey, Cook, Foster, Johnston, Kirkwood, Loughridge, McCoy, Pusey, Rankin, Reiner, Saunders, Stewart, Trimble and Wilson—17.

The resolution was not adopted.

Mr. Trimble had leave to introduce

Senate File No. 98, Joint Resolution, authorizing the Commissioners appointed to revise laws, to continue their work, and report at an adjourned session, which was read the first and second time, and,

On motion of Mr. Saunders,

Was referred to the Committee on Ways and Means, with instructions to report to-morrow.

Mr. Pusey had leave to introduce

Senate File No. 99, A bill for an act to establish a militia law, which was read the first and second time, and

Referred to the Committee on Military Affairs.

Mr. Pusey had leave to introduce

Senate File No. 100, A bill for an act to establish a terry and build a bridge across the Missouri river, on or near the forty-second parallel of North Latitude, which was read the first and second time, and

Referred to a special committee, consisting of Senators Wilson, Pusey and McPherson.

Mr. Wilson had leave to introduce

Senate File No. 101, A bill for an act providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing, which was read the first and second time, and

Referred to the Committee on Judiciary.

Mr. Thompson had leave to introduce

Senate File No. 102, A bill for an act providing for the publication of certain laws in newspapers, which was read the first and second time, and

Referred to a special committee consisting of Senators Kirkwood, Thompson and Stewart.

Mr. Rankin had leave to introduce

Senate File No. 103, A bill for an act entitled an act amendatory of Section 2540 and 2543 of the Code of Iowa, regulating fees of Constables and Justices of the Peace, which was read the first and second time, and

Referred to the Committee on Judiciary.

Mr. Grinnell

From the committee on Schools, to whom was referred House File No. 138, Joint Resolution to provide for the distribution of the State Geological Reports, reported the same back to the Senate, with the following amendments :

In the first resolution, after "one copy to each State," insert the following, to wit: "one copy to the person or persons who edit each weekly Newspaper or Periodical in the State, one copy to each organized College or Academy in the State, one copy to each of the Chaplains of the General Assembly, and one copy to each of the Secretaries and Clerks of the General Assembly," and rec-



commended the adoption of the amendment and the passage of the resolution.

**Mr. Read**

Moved to amend, to wit:

“That the members who receive the reports, are required to deliver one copy to each editor of a weekly paper in his District, from the number so received by the members.

Which motion was lost.

The amendment recommended by the Committee was then adopted.

On motion of **Mr. Cook**,

The 11th Rule was suspended, and the bill read a third time.

The question being on the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—29.

The nays were none.

The resolutions were passed and the title thereof agreed to.

The Committee on Enrolled Bills reported that they had examined Senate File No. 82, A memorial of the General Assembly of the State of Iowa, to Congress, in favor of restricting the sale of Public Lands to actual settlers.

Also, Senate File No. 55, A Joint Resolution asking Congress for a grant of land for a certain Railroad, and find the same correctly enrolled.

Respectfully submitted,

S. REINER.

The Committee on Engrossed Bills reported that they have examined Senate File No. 29, A bill for an act to amend an act entitled an act for the encouragement of Agriculture, approved January 28th, 1857.

Also, Senate File No. 83, An act to preserve the State property, and find them correctly engrossed.

GEORGE McCOY, Chairman.

**Mr. Rankin,**

From the Committee on Judiciary, to whom was referred a certain petition, reported Senate File No. 104, An act regulating the mode of service of notice of protest by Notaries Public, which was read the first and second time, and

Ordered engrossed for a third reading.

Mr. Anderson

From the Committee on Judiciary to whom was referred House File No. 66, A bill for an act defining the crime, and punishing the offence of making false entries of fines and fees on Dockets of Courts or otherwise, and of failing to pay over such fines and fees, according to law, reported the same back to the Senate, and recommended its passage.

Mr. Cattell

Moved to amend by striking out in the 3d Section, before dollars, "Fifty," and insert "Ten,"

Which motion prevailed.

Mr. Cattell

Moved to further amend by striking out in the last Section, "in the Journal and Citizen," and insert "according to law,"

Which amendment was also adopted.

On motion of Mr. Thompson,

The 11th Rule was suspended, and the bill read a third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Thompson—29.

The nays were none.

The bill passed, and the title thereof agreed to.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred House File No. 115, A bill for an act entitled an act prescribing the manner of certifying acknowledgments in certain cases, reported the same back without amendment, and recommended the passage of the bill.

On motion the bill was ordered to a third reading to-morrow.

Mr Anderson

From the Committee on Judiciary, to whom was referred House

File No. 76, A bill for an act to repeal part of Section 2705 of the Code of Iowa, reported the same back to the Senate without amendment, and recommended its passage.

Mr. Thompson

Moved to indefinitely postpone the bill.

On motion of Mr. Johnston,  
The Senate adjourned.

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TWO O'CLOCK, P. M.

The special order for this hour being the consideration of Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa.

On motion of Mr. Foster,

The order was suspended, for the purpose of the further consideration of House File No. 76, pending when the Senate adjourned this morning.

The question being on the indefinite postponement of the bill,

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

The yeas were,

Senators Allen, Bailey, Cook, Davis of Clinton, Johnston, Loughridge, Mann, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Trimble and Thompson—16.

The nays were,

Senators Anderson, Atkins, Brown, Cattell, Carter, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, McPherson, McCoy, Reed, Wilson—13.

The bill was indefinitely postponed.

Senate Files Nos. 55 and 82, having passed both branches of the General Assembly, been enrolled by the Senate and signed by the Speaker of the House of Representatives, and President of the Senate, were placed in the hands of the Committee on Enrolled Bills, to be by them presented to the Governor.

Mr. Thompson had leave to introduce

Senate File No. 105, A bill for an act to legalize the acts of James M. Berry, late County Judge of Linn county, Iowa, and

of certain other persons, which was read a first and second time, and

Referred to a Special Committee, consisting of Senators Kirkwood, Bailey and Wilson.

Mr. Thompson

Had leave to introduce Senate File No. 106, A bill for an act entitled an act for the relief of Wm. D. Watrous *et. al.*, which was read a first and second time, and

Referred to a Special Committee, consisting of Senators Kirkwood, Bailey and Wilson.

On motion of Mr. Thompson,

The Senate resolved itself into the Committee of the Whole Senate for the consideration of Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa.

Mr. Wilson in the Chair.

After some time the Committee rose, and through their Chairman reported that they had made some progress, and asked leave to sit again, which leave was granted.

On motion of Mr. Kirkwood,

Senate File No. 95, A bill for an act to amend Chapter 220 of the Session Laws of 1856-7, was taken from the table.

Mr. Reed

Moved to amend Section 1 by striking out "90 days" and inserting "6 months."

On motion of Mr. Rankin,

The Senate adjourned.

SENATE CHAMBER,  
TUESDAY, FEBRUARY 16th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Cook.

Journal of yesterday read and approved.

#### PETITIONS AND MEMORIALS.

Mr. Pusey

Presented the petition of J. E. Johnson and others, asking the

establishing of a Board of Commissioners, and the abolishing of the office of County Judge.

Which was read and referred to the Committee on Township and County Organizations.

Mr. Bailey

Presented the petition of J. E. Gebhardt and others, in relation to the Des Moines River Land Grant,

Which was referred to the Committee on Internal Improvements.

Mr. Allen

Presented a memorial from the Faculty of the Medical Department of the State University, asking a proper construction in relation to their constitutional connection with the Iowa State University, which was referred to the Committee on Judiciary.

### NOTICE OF BILLS.

By Mr. Pusey:

Notice of a bill legalizing the assessment of taxes in **Monona** county. Also,

Notice of a bill fixing the fees of District Clerks, Sheriffs and County Judges.

By Mr. Bailey:

Notice of a bill to authorize any township in this State to fix the place of holding elections by a vote of the people.

By Mr. Grinnell:

Notice of a bill for the apportionment of School money among the counties.

By Mr. Rankin:

Notice of a bill authorizing the Sheriff and Clerks of the different counties in the State to return to the various persons on whom fines have been imposed under the late license law, held unconstitutional, the amounts of said fines so far as in their hands.

Mr. Sharraden had leave to introduce

Senate File No. 107: A bill for an act for establishing, laying out and working roads in the State of Iowa, which was read the first and second time and referred to the Committee on Roads.

Mr. Rusch had leave to introduce

Senate File No. 108: A bill for an act to increase the pay of County Surveyors, which was read the first and second time, and, On motion of Mr. Mann,

Referred to the Committee on Ways and Means.

Mr. Kirkwood had leave to introduce

Senate File No. 109: A bill for an act legalizing the sale of certain University lands, which was read the first and second time, and referred to the Committee on Schools.

Mr. Pusey had leave to introduce

Senate File No. 110: A bill for an act to amend the Charter of the city of Council Bluffs, which was read the first and second time, and referred to the Committee on Incorporations.

Mr. Kirkwood had leave to introduce

Senate File No. 111: A bill for an act making an appropriation for the State University, which was read the first and second time and referred to the Committee on Schools.

Mr. Jenkins had leave to introduce

Senate File No. 112: A bill for an act to amend the Charter of the city of Maquoketa, which was read the first and second time, and referred to the Committee on Incorporations.

Mr. Grinnell,

From the Special Committee to whom was referred Senate File No. 53: A bill for an act in relation to interest on money due for delinquent taxes,

Reported the same back to the Senate with a substitute therefor, and recommended the adoption of the substitute and the passage of the bill.

Mr. Atkins

Moved to indefinitely postpone the bill and substitute.

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

The yeas were,

Senators Anderson, Atkins, Bailey, Cattell, Carter, Jenkins, McPherson, Reed, Thompson—9.

The nays were,

Senators Allen, Brown, Cook, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Trimble, Wilson—21.

The motion to indefinitely postpone did not prevail.

Mr Davis, of Clinton,

Moved to strike out the second section of the substitute, Which motion did not prevail.

The question being on the adoption of the substitute reported by the Committee,

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

The yeas were,

Senators Brown, Cook, Foster, Grinnell, Kirkwood, Loughridge, Mann, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Wilson—17.

The nays were,

Senators Allen, Anderson, Atkins, Bailey, Cattell, Carter, Davis of Clinton, Johnston, Jenkins, McPherson, McCoy, Thompson—12.

The motion prevailed.

Mr. Anderson

Moved the suspension of the 11th Rule, and that the bill be read a third time.

Mr. Trimble

Moved that a call of the Senate be ordered,

Which motion prevailed.

The roll was called, and Senators Brigham, Coolbaugh, Dale, Neal, Sharraden and Warner reported absent.

On motion of Mr. Loughridge

The further proceedings under the call were dispensed with.

On motion of Mr. Cook

The motion to suspend the 11th Rule was laid on the table. ;

On motion of Mr. Loughridge

The bill was ordered engrossed for a third reading.

On motion of Mr. Trimble

The bill was made the special order for next Monday at 10 o'clock.

Mr. Foster,

From the Special Committee to whom was referred Senate File No. 70: A bill for an act to change the time of holding courts in the Fourth Judicial District,

Reported the same back with a substitute therefor, and recommended the adoption of the substitute and the passage of the bill.

The substitute was adopted, and,

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being on the passage of the bill.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell,

Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed Reiner, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—29.

The nays were—None.

The bill was passed and the title thereof agreed to.

Mr. Patterson,

From the Special Committee to whom was referred Senate File No. 37: A bill for an act for the formation of limited partnerships,

Reported the same back to the Senate and recommended its passage, and,

On his motion,

It was made the special order for to-morrow morning at 10 o'clock.

The Committee on Engrossed Bills reported that they had examined Senate File No. 57: A bill for an act creating the office of County Treasurer and defining his duties. Also,

Senate File No. 104: A bill for an act regulating the mode of service of notice of protest by Notaries Public, and find the same correctly engrossed.

GEO. MCCOY, Chairman.

Mr. Rusch,

From the Committee on State Library, made the following Report:

Your Committee to whom the different Memorials relating to the State Library were referred, report

That having examined the matters touching the same, find that the present condition of the State Library, so far as legal works are wanted, is not such as to meet the wants of our State Judicial officers, and from the want of which, they are forced to labor under many disadvantages, which result, not only in causing much uncertainty and want of uniformity in the legal determinations and decisions of the Supreme Court, but deleterious to the best interests of suitors whose rights are to be adjudicated in said Court, and as the Judges of said Court, as well as Attorneys representing suitors residing at a distance from the Capitol, are dependent to a great extent for the facilities by which to prepare a brief of authorities and a proper and full reference to authorities in support, they find it impossible to do so on account of the absence of reliable authorities.

Your Committee also find that there is not a full and complete set of law or equity reports of any of the States now in the Library,



While a part of the reports of different States are found, none are full and complete, thus rendering it almost impossible to trace with certainty the general current of authorities, and thereby rendering decisions uncertain, and often not in unison with the established rules, which by proper references could at all times be obviated.

Your Committee would, in view of these facts, recommend the passage of an act by this General Assembly, appointing some suitable person to act as agent for the State, whose duty it would be to ascertain what reports are now in the Library belonging to the State, and after having ascertained, what reports are wanting to fill and complete the sets, be authorized and empowered to purchase for the State all reports found necessary to complete the sets now partly completed, so far as the same may be necessary to meet the wants at present complained of, upon such terms and from such persons as he may deem best for the interest of the State, and that an appropriation be made by this General Assembly sufficient to defray all expenses connected therewith.

All of which is respectfully submitted.

N. J. RUSCH,  
*Chairman Senate Com.*  
H. ANTHONY,  
*Chairman House Com.*

Your Committee on State Library would submit for the consideration of the Senate, the following Report :

That at present there is no sufficient appropriation made, nor has there been heretofore, so as to secure in a proper manner the discharge of duties resting upon the State Librarian. The salary now paid that officer is the sum of \$150 per annum. In view of the fact that the State has invested a large amount of money in procuring said Library, and is about to make further purchases of Books for the Library, which in justice to the State, as well as to the citizens of the State for whose use and benefit the same has been purchased, it should be cared for and guarded in a proper manner, and that the sum now paid the Librarian is grossly inadequate to the services required in the proper discharge of the duties incumbent upon him, and would recommend that a law be passed appropriating a reasonable sum as salary of the State Librarian, and also to make such provisions in said bill by which the

said officer shall be liable to the State on his official bond for all loss of books through his negligence or carelessness.

All of which is respectfully submitted.

N. J. RUSCH, Chairman.

On motion of Mr. Rusch,

The two foregoing Reports were referred to the Committee on Ways and Means.

Mr. Rusch

Offered the following resolution, which was adopted :

*Resolved*, That the Committee on Ways and Means be instructed to report a bill at an early day, for an act to appoint an Agent to examine into the Law Department of the State Library, and empowering him to purchase for the State all legal works necessary for the completion and filling out of all reports, which may be found necessary, and which the good of the State may in his opinion require, and also appropriating a sum or sums sufficient to defray the expenses connected therewith.

The Committee on enrolled bills reported that they have examined Senate File No. 59, A Joint Resolution for an appropriation for a Custom House, United States District Court House, and Post Office in the city of Burlington, and find the same correctly enrolled.

S. REINER.

Mr. Saunders,

From the Committee on Ways and Means, to whom was referred Senate File No. 98, asked further time to make their report, which was granted.

Mr. Bailey

Submitted the following concurrent resolution:

*Resolved*, The House concurring, that the Secretary of State be authorized and required to furnish to each member of the House and to each member of the Senate, the same number of copies of the last State census report for distribution that the old members of the Senate are entitled to.

Mr. Loughridge

Moved to amend the Resolution by adding "that the reports shall not be sent by mail at the expense of the State."

On motion of Mr. Davis of Clinton,

The resolution and amendment were laid on the table.

Mr. Davis of Clinton,

From the Committee on Charitable Institutions, to whom was referred the communication of S. Robb, on the subject of capital punishment, reported that they deemed it inexpedient for any further legislation on the subject, which report was concurred in.

Message from the House,  
By their Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to return to the Senate, Senate File No. 90, A bill for an act to legalize the sale of School Lands made by John Jordan, School Fund Commissioner of Decatur county, Iowa, the further consideration of the same having been indefinitely postponed by the House of Representatives.

I also present for your signature, House File No. 106, Memorial and Joint Resolution of the General Assembly of the State of Iowa, to Congress, for the relief of James B. Thomas and family.

House File No. 119, Joint Resolution asking Congress for a grant of land to aid in the construction of the Lansing, Northern Iowa and Southern Minnesota Railroad.

House File No. 126, Joint Resolution asking Congress for a grant of land to aid in the construction of the Prairie du Chien and Mankato Railroad, the same having passed both branches of the General Assembly, been duly enrolled, and signed by the Speaker of the House of Representatives.

W. P. HEPBURN,  
Chief Clerk.

### UNFINISHED BUSINESS.

Senate File No. 95, A bill for an act to amend Chapter 220 of the Session Laws of 1856-7, pending when the Senate adjourned yesterday.

The question being on the amendment of Mr. Reed to strike out "90 days," and insert "six months" in the first section.

The motion was lost.

Mr. Thompson

Moved to indefinitely postpone the bill.

Upon which motion,

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

The yeas were,

Senators Anderson, Cook, Cattell, Davis of Clinton, Foster, Jenkins, Mann, Reiner, Thompson—9.

The nays were,

Senators Allen, Atkins, Bailey, Brown, Carter, Davis of Polk, Grinnell, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—19.

The motion to indefinitely postpone, was lost.

The bill was ordered engrossed for a third reading to-morrow.

Senate File No. 61, A bill for an act amendatory of Chapter 118 of the Code of Iowa in relation to the foreclosure of mortgages, was returned from the House of Representatives with the following amendment, to wit: To strike out in the last section, "Des Moines," before "Citizen," and insert "Iowa Weekly."

Mr. Rankin

Moved that the Senate concur in the amendment.

The question being on concurring in the House amendment.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—27.

The nays were,

Senators Carter, Davis of Clinton, Patterson—3.

The motion to concur prevailed.

House File No. 3, A bill for an act prescribing the mode of foreclosing mortgages and redeeming property sold thereby, was read the first and second time, and

On motion of Mr. Mann,

Referred to the Committee on Judiciary.

House File No. 149, A bill for an act in relation to the time of holding court in Fort Madison, Lee county, and providing for a special term of said court, for the purpose of trying criminal causes, was read the first and second time.

Mr. Mann

Moved to amend the last section by adding "without expense to the State,"

Which motion was lost.

On motion of Mr. Rankin,  
The 11th Rule was suspended, and the bill read the third time.  
The question being on the passage of the bill,

The yeas were

Senators Allen, Anderson, Brown, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Jenkins, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—25.

Mr. Johnston voted in the negative.

Mr. Davis of Clinton was excused from voting.

The bill was passed and the title thereof agreed to.

Mr. Thompson

From the Special Committee to whom was referred House File No. 8, A bill for an act entitled an act to amend Section 1848 of the Code of Iowa, reported the same back to the Senate, with a substitute therefor, and recommended the adoption of the substitute.

On motion of Mr. Mann,

The bill was referred to the Committee on Judiciary, with instructions to report to-morrow morning.

On motion of Mr. Cook,

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

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## TWO O'CLOCK, P. M.

Senate File No. 59, Joint Resolution for an appropriation to build a Custom House, United States District Court House, and Post Office in the city of Burlington, was signed by the President of the Senate, and placed in the hands of the Enrolling Committee, by them to be presented to the Governor.

The special order for this hour being the consideration of Senate File No. 78, the Senate resolved itself into Committee of the Whole for that purpose.

Mr. Wilson in the Chair.

After some time the committee rose, and through their chairman, reported progress, and asked leave to sit again, which leave was granted.

Mr. Loughridge

Moved to adjourn till to-morrow morning 9 o'clock.

Mr. Saunders

Moved to amend by striking out "9" o'clock, and inserting "10" o'clock,

Which motion did not prevail.

Mr. Cook

Moved to amend by striking out "9" and inserting "9½,"

Which motion prevailed.

SENATE CHAMBER, }  
WEDNESDAY, FEBRUARY 17th, 1858, 9½ o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev J. T. Cook.

Journal of yesterday read and approved.

### PETITIONS AND MEMORIALS.

Mr. Foster

Presented the petition of J. McKee and others, remonstrating against the passage of a stay law.

Which was laid on the table.

Also—the petition of J. W. Dennison and others, in relation to a State road.

Which was referred to the Committee on Roads.

Also—the petition of J. W. Dennison and others, asking a change in a certain State road.

Which was referred to the Committee on Roads.

Mr. Jenkins

Presented the petition of John C. Frorey and others, asking the creation of the office of State Annalist and Geographer, and the appointment of N. H. Parker to said office.

Which was read and referred to the Committee on Charitable Institutions.

Mr. Brown

Presented the petition of W. C. Safford, in relation to an alleged fraud in regard to the creation of the county of Humboldt.

Which was read and referred to the Committee on Judiciary.

Mr. Davis of Polk,

Presented the petition of W. L. Henderson and others, in relation to the assessment of Guthrie county.

Which was read and referred to the Committee on Judiciary.

Also—the petition of J. A. Williamson and others, in relation to the purchase of the Capitol building by the State, which was read, and

On motion of Mr. Davis of Clinton,

Referred to the Committee on Ways and Means.

On motion of Mr. Cook,

Mr. Allen was added to the Committee on Ways and Means, for the special purpose of considering the above petition.

Mr. Anderson

Presented the petition of Daniel Rogers and others, asking the changing of the name of the town of Fairview, in the county of Monroe, to that of Cuba.

Which was on his motion laid upon the table.

Mr. Wilson

Presented the petition of the Board of Trade of Dubuque, and moved the appointment of a standing committee, to be called the "Committee of Commerce," and that this petition be referred to said committee.

Which motion prevailed.

The President

Appointed Senators Stewart, Davis of Clinton, Carter, Sharra-den and Patterson said Committee of Commerce.

Mr. Wilson

Presented the petition of Edwin James and others, of the Board of Trade of Dubuque, asking the repeal of the attachment laws of 1853.

Which was referred to the Committee on Judiciary.

## NOTICE OF BILLS.

By Mr. Mann:

Notice of a bill for the punishment of frauds committed by brokers, bankers, trustees, and other persons entrusted with property.

By Mr. Foster:

Notice of a bill for the recovery of estrays,

By Mr. Stewart :

Notice of a bill for an act to compel at least two of the Trustees of the Dubuque & Pacific Railroad Company to reside in the State of Iowa; and to regulate the issue and disposition of construction bonds by said company.

## INTRODUCTION OF BILLS.

Mr. Pusey

Had leave to introduce Senate File No. 113, A bill for an act to legalize the taxes, and enforce the collection of the same in the county of Monona, for the years 1854-55-56.

Which was read the first and second time, and on his motion the 11th Rule was suspended, and the bill read a third time.

The question being on the passage of the bill.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reimer, Rusch, Stewart, Trimble, Thompson, Wilson—30.

The nays were none.

The bill passed and the title thereof agreed to.

Mr. Bailey had leave to introduce

Senate File No. 114, A bill for an act to authorize the several Townships in this State to change the place of holding elections, which was read the first and second time, and

On motion of Mr. Stewart,

Referred to the Committee on Township and County Organizations.

Mr. Loughridge,

From the Committee on Judiciary, to whom was referred Senate File No. 91, A bill for an act in relation to executions and sales thereon, reported the same back with two amendments, and recommended their adoption, to wit: Strike out the fourth Section and insert as follows :

SECTION 4. If after a stay of execution is taken as herein provided, the person who owns the judgment, or his Attorney, or Agent, shall make application for additional surety, and shall file



with the Clerk or Justice of the Peace, as the case may be, where such judgment was rendered, an affidavit, that the surety in such case, is not worth in property subject to execution, the amount of the penalty in the bond, such Clerk or Justice, shall cause written notice to be served on the defendant, or his Attorney in such cause, requiring him to appear and show cause why additional security should not be required; and if such defendant or his Attorney do not appear within *five days* after such notice is so served, execution may be issued on the judgment, against the principal and sureties: *Provided*, that if after such execution is issued, and before sale thereon, the defendant or his attorney shall appear and show sufficient cause why additional sureties should not be required, or give such additional security if required, in accordance with the regulations in the following Section, such execution shall be returned at the costs of defendant.

SEC. 5. If after the service of such notice, the defendant or his attorney or agent shall appear and by affidavit or otherwise satisfy the Clerk or Justice, that the surety is worth the amount of the penalty in the bond, over and above the exceptions to executions allowed by law, such application shall be overruled, and if the Clerk or Justice is satisfied on such hearing, that the surety is not sufficient, he shall require the defendant to give additional and approved security, and if such additional security is not given within twenty four hours after such decision, execution may be issued, subject to be returned by the giving of such security any time before sale.

Which amendments were adopted.

Mr. Trimble

Submitted the following amendment, to wit:

Provided that no person shall be entitled to the benefits of this act, who does not perfect his stay, within ten days from the rendition of judgment; and provided, also, that no person shall be allowed to avail himself of the benefits of the stay heretofore in force in this State, and of the provisions of this law on the same judgment.

On motion of Mr. Mann,

The bill and amendment were made the special order for tomorrow at 11 o'clock.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred House

File No. 8, A bill for an act entitled an act to repeal an act to amend Section 1848 of the Code of Iowa, reported the same back with a substitute therefor, and recommended the adoption of the substitute, and the passage of the bill.

The substitute was adopted, and the bill ordered engrossed for a third reading.

Mr. Wilson,

From the Committee on Railroads, to whom was referred Senate File No. 64, A bill for an act to authorize the Dubuque and Pacific Railroad Company to bridge the Mississippi River at Dubuque, reported the same back with two amendments, to wit :

SECTION 6. That if said Dubuque and Pacific Railroad Company, or its assigns, shall fail to commence the construction of said bridge and complete the same within the time by this act provided, then any other Railroad Company having its termination in Dubuque city, or having the right to run their trains of cars into said city, are hereby authorized to construct such bridge as is herein provided, and shall have the same length of time to commence and complete such bridge as is herein provided, which time shall commence running from the time there shall be a failure on the part of the Dubuque and Pacific Railroad Company, with the terms of this act.

SEC. 7. This act shall be in force from and after its publication according to law.

And recommended the adoption of the amendments and the passage of the bill.

The amendments were adopted, and the bill ordered engrossed for a third reading.

Mr. Wilson,

From the Committee on Judiciary, to whom was referred Senate File No. 101, A bill for an act, providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgments of deeds and instruments in writing, reported the same back without amendment, and recommended the passage of the bill.

On motion of Mr. Jenkins,

The bill was amended by adding to the last Section, "Iowa Weekly Citizen, Iowa State Journal and Iowa Farmer."

On motion of Mr. Wilson,

The 11th Rule was suspended, the bill read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Trimble, Thompson, Wilson—30..

The nays were—none.

The bill was passed and the title thereof agreed to.

Mr. Kirkwood,

From the Special Committee to whom was referred Senate File No. 105, A bill for an act to legalize the act of James W. Berry, late County Judge of Linn county, Iowa, and of certain other persons, reported the same back with an amendment, to wit: Strike out Section "5," and insert Section "5 and 6," and recommended the adoption of the amendment, and the passage of the bill.

Which amendment was adopted.

On motion of Mr. Thompson,

The 11th Rule was suspended, the bill read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—30.

The nays were none.

The bill passed, and the title thereof agreed to.

Mr. Kirkwood,

From the same Special Committee to whom was referred Senate File No. 106, A bill for an act entitled an act for the relief of Wm. D. Watrous *et. al.*, reported the same back to the Senate with one amendment, to wit: To add to the sixth Section, "Provided, nevertheless, that from and after the first day of January, A. D. 1870, the said Bridge shall be a Free Bridge, whether the said sum of eight thousand dollars be paid to the said Watrous or not, and after the said day, all rights and interests of the said Watrous, his heirs or assigns, in or to the said Bridge, shall forever cease, and the said Bridge shall forever be and remain a free

bridge as contemplated in the act aforesaid, and recommended the adoption of the amendment, and passage of the bill,

Which report was adopted.

On motion of Mr. Thompson,

The 11th Rule was suspended, and the bill read the third time.

The question being on the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—29.

The nays were none.

The bill passed and the title thereof agreed to.

Mr. Cattell

From the Committee on Schools and State University, to whom was referred Senate File No. 23, A bill for an act for the public instruction of the State of Iowa, reported the same back to the Senate, with a substitute therefor, and recommended the adoption and passage of the substitute.

On motion of Mr. Cattell,

The bill and substitute were made the special order for Friday at 9½ o'clock, A. M.

Message from the House of Representatives,

By their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has passed the following concurrent resolution, to which the agreement of the Senate is asked, to wit :

*Resolved*, (The Senate concurring) That Messrs. ——— of the Senate, and C. C. Carpenter and W. W. Belknap, of the House, be and are hereby appointed a committee to settle with the Des Moines River Navigation and Railroad Company, and said Committee are authorized to make a full and final settlement with said Company, said settlement to be binding on both parties when approved by the Legislature, and said Committee to act under the *advisement* of the Joint Committee on Internal Improvements and the Commissioner on the Des Moines River Improvement and that the said Committee to report to the present General Assembly.

W. P. HEPBURN, Chief Clerk.

**Mr. Grinnell**

From the Committee on Schools and State University, to whom was referred a memorial asking for the establishment of a Medical Department of the State University, reported that they had the same under consideration, and recommended that the memorial be laid on the table, for the present, without amendment.

Which report was concurred in.

**Mr. Grinnell,**

From the Committee on Schools and State University, to whom was referred Senate File No. 111, A bill for an act making an appropriation for the State University, reported the same back to the Senate, with one amendment, to wit: Add to the 1st Section the following:

“And the further sum of two thousand dollars to be expended in establishing an Agricultural Professorship in connection with said University, whose duties shall be defined by the Board of Trustees of said University; which board shall consult with the the President of the State Agricultural Society, in the establishment of said Professorship, and in determining the duties thereof.”

The amendment was adopted.

On motion of **Mr. Kirkwood,**

The bill was laid on the table.

**Mr. Saunders,**

From the Committee on Ways and Means, to whom was referred Senate File No. 75, A bill for an act to provide for an exploration of the Ornithology and Zoology of the State of Iowa, reported the same back to the Senate with the following amendment, viz: Strike out in the 3d Section before the word “dollars,” “2200,” and insert “one thousand,” and recommended the adoption of the amendment and the passage of the bill.

On motion of **Mr. Anderson,**

The bill and amendment were laid on the table.

**Mr. Saunders,**

From the Committee on Ways and Means, to whom was referred Senate File No. 98, Joint Resolution authorizing the Commissioners appointed to revise the laws, to continue their work, and to report at an adjourned session, reported the same back to the Senate, and recommended the further consideration of the resolution be indefinitely postponed.

On motion of **Mr. Anderson,**

The resolution was re-committed to the Committee on Ways and Means, with the following instructions, viz: That the committee report upon the necessity of republishing laws out of print, the probable cost for such reprint, and the best probable means of revising the laws of the State, and the expediency of an adjourned session; whether good economy, together with the demands of the people, for a more concise system of laws of a general character, together with a reformed system of practice in courts of justice, can be fully provided for without such adjourned session.

On motion of **Mr. Mann**,

The Senate adjourned till 5 o'clock P. M.

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### TWO O'CLOCK, P. M.

The Senate resolved itself into a committee of the whole Senate, for the purpose of considering Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa,

**Mr. Wilson** in the Chair.

After some time the Committee rose, and through their Chairman reported that they had made some progress, and asked leave to sit again, which leave was granted.

On motion of **Mr. Jenkins**,

The Senate adjourned.

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### SENATE CHAMBER.

THURSDAY, FEBRUARY 18th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Cook.

Journal of yesterday read and approved.

### PETITIONS AND MEMORIALS.

**Mr. Wilson**

Presented the petition of W. J. Barney and others, asking for

the repeal of the attachment laws of 1853, and the passage of an appraisal law, and a *pro rata* distribution of the effects of the debtor to the creditors, which was read.

Mr. Davis, of Clinton,

Moved that the petition be referred to the Committee on Judiciary, with instructions to report a bill for a general law in accordance with the prayer of the petition.

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

The yeas were,

Senators Anderson, Dale, Davis of Clinton, Davis of Polk, Rusch, Stewart, Wilson—7.

The nays were,

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cook, Carter, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Trimble, Thompson—24.

Motion to refer with instructions lost.

On motion of Mr. Wilson

The petition was laid on the table.

Message from His Excellency, the Governor,

By Thos. F. Withrow, his Private Sec'y:

*To the President and*

*Gentlemen of the Senate:*

Under the act of the General Assembly entitled an act concerning School moneys, approved January 28th, 1857, Joseph M. Beck, Esq., was appointed an agent to investigate the official acts of Jas. D. Eads, late Superintendent of Public Instruction in this State.

That duty he performed with praiseworthy ability, and made a report thereof to my predecessor, to which your attention is invited, showing a defalcation or indebtedness on the part of that officer in the sum of \$46,403.80.

Lest the matter may be overlooked in the midst of your multiplied duties, I deem it proper to suggest the following method of adjustment, as affording, perhaps, the promise of greater indemnity to the School Fund, more despatch and less expense, than would be secured by a suit upon the official bond of the said Eads against him and his sureties: and that is, the passage of an act or joint resolution providing for the appointment of a suitable commissioner to settle with the sureties of the said Eads, upon the basis of the

report made by the said J. M. Beck, Esq., permitting the said sureties to make an equitable apportionment among themselves of their liability, and securing the same by note and mortgage on five or eight years time, paying the interest annually, in like manner as other loans of the School Fund are required to be paid.

I have received information to the effect that such an arrangement, in all probability, could be made. If so, more will be accomplished for the interest of the State, in my judgment, in this way, than can be by any legal proceeding instituted upon the bond.

The individual notes and mortgages of doubtful availability which were turned over by J. D. Eads to be placed to his credit, should, in justice, perhaps, to his sureties, in the event of a settlement, be placed under their control, as a partial indemnity for their liability, so far as the same could be made available.

RALPH P. LOWE.

On motion of Mr. Rankin

The message was referred to the Committee on Schools and State University.

On motion of Mr. Thompson

The Senate took from the table the concurrent resolution from the House in relation to the appointment of a Committee to settle with the Des Moines River Navigation and Railroad Company.

Mr. Thompson

Moved to fill the blank with the name of "Wm. Loughridge."

On motion of Mr. Johnston

The resolution and motion was laid on the table.

Mr. Davis, of Clinton,

Presented the petition of J. W. Waldrof and 30 others, praying for the passage of a law establishing the offices of township assessors and collectors,

Which petition was read and referred to the committee on Township and County Organizations.

Mr. Allen

Presented the memorial of the Keokuk Military organizations in regard to the enactment of a law organizing a military system for the State.

Mr. Allen had leave to introduce

Senate File No. 115: A bill for an act for the organization of a Militia and Uniform Volunteer corps of the State, and providing



for the drawing public arms from the United States, which was read the first and second time, and

Referred to the Committee on Military Affairs.

It being 10 o'clock, the hour for which Senate File No. 91: A bill for an act in relation to executions and sales thereon, was made the special order,

On motion of Mr. Thompson

The order was suspended.

Mr. Saunders

Submitted the following resolution, viz:

*Resolved*, That the special committee appointed to examine the books, papers and moneys in the hands of the State Treasurer belonging to or connected with the School funds of the State, be requested to report the result of their investigation at an early day.

Which resolution was concurred in.

Mr. Foster

Submitted the following resolution, viz:

*Resolved*, That the Committee on Railroads be instructed to enquire whether the Iowa Central Air Line Railroad deviated from the route prescribed by law in locating the line of said road through Carroll county, and thence to the Missouri River. And if so, the reasons therefor.

Mr. Thompson

Moved to amend the resolution by striking out the words,

“Through Carroll county and thence to the Missouri River,” and inserting “and all others which have received a grant of land from the General Government.”

On motion of Mr. Mann

The resolution and amendment were laid on the table.

Mr. Anderson had leave to introduce

Senate File No. 116: A bill for an act more fully defining the duties of Executors, which was read the first and second time, and

On his motion,

Referred to the Committee on Judiciary.

Mr. Pusey had leave to introduce

Senate File No. 117: A bill for an act to amend section 211 of Chapter 22 of the Code of Iowa, which was read the first and second time, and

On his motion,

Referred to the Judiciary Committee.

Mr. Pusey had leave to introduce

Senate File No. 118: A bill for an act legalizing the acts of certain School officers in Monona county, which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read the third time.

On the final passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Stewart, Trimble, Thompson, Wilson—31.

The nays were—None.

The bill passed and the title thereof was agreed to.

Mr. Allen,

From the special committee to whom was referred Senate File No. 52: A bill for an act to provide for the registration of births, marriages and deaths,

Reported the same back to the Senate with one amendment, to wit: Add "Section 17 as an additional section to the bill," and recommended the adoption of the amendment and passage of the bill.

Mr. Anderson

Moved to strike out of the amendment the words "one or more medical men," and insert "Faculty of the Medical Department of the Iowa State University, at Keokuk."

On motion of Mr. Mann

The bill and amendment thereto were laid on the table.

On motion of Mr. Loughridge

Senate File No. 91: A bill for an act in relation to executions and sales thereon, was made the special order for Saturday morning, at 9 o'clock.

On motion of Mr. Mann

The Senate adjourned till 2 o'clock, p. m.

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TWO O'CLOCK, P. M.

On motion of Mr. Thompson

A call of the Senate was ordered.

The roll being called, Senators Grinnell, Johnston, Jenkins, Neal, Trimble and Warner, were found to be absent.

On motion of Mr. Kirkwood

Mr. Warner was excused.

On motion of Mr. Cook

Mr. Neal was excused.

On motion of Mr. Patterson

The further proceedings under the call were dispensed with.

The Senate resolved itself into a Committee of the whole Senate for the consideration of Senate File No. 78: A bill for an act to establish the State Bank of Iowa.

Mr. Wilson in the Chair.

After a long sitting the Committee rose, and through their Chairman, reported the bill back to the Senate with various and sundry amendments, and recommended their adoption.

On motion of Mr. Jenkins

The Senate adjourned.

SENATE CHAMBER,  
FRIDAY, FEBRUARY 19th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. J. T. Cook.

Journal of yesterday read and approved.

Mr. Davis of Clinton,

Presented the petition of B. F. Cook and thirty others, praying for the passage of a law establishing the offices of Township Collectors and Assessors, which petition was read, and

Referred to the Committee on County and Township Organizations.

Mr. Grinnell had leave to introduce

Senate File No. 119, A bill for an act to provide for the publication of the laws in the counties, which was read a first and second time, and,

On his motion,

Referred to the Special Committee, consisting of Senators Kirkwood, Thompson and Stewart.

Mr. Jenkins had leave to introduce

Senate File No. 120, A bill for an act to give additional security to land titles in this State, which was read a first and second time, and,

On his motion,

The 11th Rule was suspended, the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Dale, Davis of Clinton, Grinnell, Johnston, Jenkins, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Stewart, Sharradden, Trimble, Thompson, Wilson—28.

Mr. Foster voted in the negative.

The bill passed and the title thereof agreed to.

Mr. Mann had leave to introduce

Senate File No. 121, A bill for an act to make provision for the punishment of fraud committed by brokers, bankers, trustees and other persons intrusted with property, which was read a first and second time, and,

On his motion,

Referred to the Committee on Judiciary.

Mr. Grinnell had leave to introduce

Senate File No. 122. A bill for an act in relation to the apportionment of the interest of the School Fund, which was read a first and second time, and,

On his motion,

Referred to the Committee on Schools and State University.

On motion of Mr. Johnston,

The Senate took from the table the concurrent Resolution from the House, in relation to the appointment of a Committee to settle with the Des Moines River Navigation and Rail Road Company.

The question being on the adoption of the motion of Mr. Thompson made yesterday to fill the blank with the name of "Mr. Loughridge."

The motion prevailed.

On motion of Mr. Thompson,

The resolution was further amended by inserting after the name of "Wm. Loughridge" the name of "J. W. Jenkins."

Mr. Johnston

Moved to further amend by striking out the word "Advisement" in the 11th line and insert "Direction and Control."

Which motion prevailed.

It being half-past nine o'clock, the hour for which substitute Senate File No. 23, A bill for an act for the Public Instruction of the State of Iowa, was made the special order.

On motion of Mr. Grinnell,

The Senate resolved itself into a Committee of the whole Senate for the purpose of the consideration of said bill.

Mr. Rankin in the Chair.

After some time the Committee rose, and through their Chairman reported that they had made some progress, and asked leave to sit again, which leave was granted.

On motion of Mr. Thompson,

The Senate adjourned till 2 o'clock p. m.

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## TWO O'CLOCK, P. M.

Message from the House of Representatives,

By Mr. Hepburn, Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has refused to concur in the amendments made by the Senate to substitute for Senate File No. 31, A bill for an act fixing the time of holding Courts in the third Judicial District.

I herewith present for your signature, House File No. 15, A bill for an act to establish a Recorder's office in the city of Keokuk, approved January 8th, 1857. Also,

Substitute for House File No. 11, A memorial to Congress for a grant of land to aid in the construction of a Rail Road from the Missouri River, via. the South Pass, to some point in Washington Territory. Also,

House File No. 149, A bill for an act providing for the time of holding Courts in Fort Madison, Lee County, and providing for a special term of said Court for the purpose of trying criminal causes.

The same having passed both branches of the General Assembly, been duly enrolled and signed by the Speaker of the House of Representatives.

I am further directed to inform the Senate that the House has agreed to the amendments made by the Senate to the concurrent resolution, in relation to the appointment of a Committee to adjust a final settlement with the Des Moines R. N. & R. R. Company.

I also herewith return Senate File No. 24, A bill for an act to amend the law in relation to divorce and alimony, the further consideration of the same having been indefinitely postponed by the House.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Reed,

The Senate took from the table the message from the House just received.

Mr. Trimble

Moved that the Senate insist to its amendments to House substitute for Senate File No. 31, A bill for an act fixing the times of holding Court in the 3d Judicial District, and that a Committee of Conference be appointed to act with a similar Committee on the part of the House, in relation to the matter in dispute, which motion prevailed.

The President,

Appointed on said Committee Senators Trimble and Sharradden.

On motion of Mr. Kirkwood,

The special order for this afternoon to wit: The consideration of Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa, was dispensed with.

Mr. McCoy,

From the Committee on Engrossed Bills, made the following Report.

Your Committee on Engrossed Bills report that they have examined the following bills, and find the same correctly engrossed, to-wit:

Senate File No. 89: A bill for an act to amend section 112 of the Code, and Chapter 78 of the session laws of 1856-7.

Senate File No. 95: A bill for an act to amend Chapter 220 of the session laws of 1856-7.

Senate File No. 64: A bill for an act to authorize the Dubuque and Pacific Railroad Company to bridge the Mississippi at Dubuque.

Senate Substitute for House File No. 8: A bill for an act to amend Chapter 84 of the laws of 1853, entitled "an act to amend section 1848 of the Code of Iowa," approved January 24th, 1853.

GEORGE MCCOY, Chairman.

### BILLS ON THEIR THIRD READING.

Senate Substitute for House File No. 8: A bill for an act entitled an act to repeal an act to amend section 1848 of the Code of Iowa, was read third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—27.

The nays were,

Senators Bailey, Coolbaugh, Cook, Pusey, Patterson—5.

The bill passed and the title thereof was agreed to.

Senate File No. 89: A bill for an act amendatory of Chapter 118 of the Code of Iowa, in relation to the foreclosure of mortgages, was read the third time.

On its passage

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—32.

The bill was passed and the title thereof agreed to.

Senate File No. 95: A bill for an act to amend Chapter 220 of the session laws of 1856-7, was read the third time, and,

On motion of Mr. Johnston,

Was laid on the table.

Senate File No. 29: A bill for an act to amend an act entitled an act for the benefit of Agriculture, approved January 28th, 1857, was read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cook,

Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—30.

The nays were,

Senators Bailey and Dale—2.

The bill was passed and the title thereof agreed to.

Senate File No. 83: A bill for an act to preserve the public property, was,

On motion of Mr. Saunders,

Recommitted to the Committee on Public Buildings.

House File No. 115: A bill for an act entitled an act prescribing the manner of certifying to the acknowledgments in certain cases, was read the third time.

On its final passage

The yeas were,

Senators Anderson, Atkins, Bailey, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—29.

The bill was passed and the title thereof agreed to.

Senate File No. 104: A bill for an act regulating the mode of service of notice of protest by Notaries Public, was read the third time.

The question being on its final passage,

The yeas were,

Senators Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Wilson—28.

The bill was passed and the title thereof agreed to.

Senate File No. 57: A bill for an act creating the office of County Treasurer and defining his duties.

Mr. Mann

Moved to refer the bill to the Committee on Ways and Means,

Which motion was lost.

The bill was read the third time.

Mr. Mann,



Moved to lay the bill on the table.

Which motion was lost.

On motion of Mr. Foster

The vote last taken was reconsidered, and

The motion to lay on the table prevailed.

On motion of Mr. Foster

Senate Substitute for House File No. 19: A bill for an act to insure the collection of State Revenues,

Was taken from the table.

On his motion

The Senate resolved itself into a Committee of the whole Senate for the consideration of the same.

Mr. Foster in the Chair.

After some time the Committee rose, and, through their Chairman, reported the bill back to the Senate with various and sundry amendments thereto.

Mr. Thompson

Offered several amendments to the 1st, 8th and 11th sections and three additional sections to the bill.

On motion of Mr. Kirkwood

The bill and amendments thereto were referred to a special committee of three.

The President appointed on said committee Senators Cattell, Coolbaugh and Kirkwood.

Message from the House of Representatives,  
By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that Messrs. Wilson, Clune and Belknap have been appointed a committee of conference on the part of the House to confer with a similar committee on the part of the Senate, in relation to the disagreement between the two Houses upon substitute for Senate File No. 31: A bill for an act fixing the time of holding Courts in the Third Judicial District.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Trimble  
The Senate adjourned.

SENATE CHAMBER,  
SATURDAY, FEBRUARY 20th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Journal of yesterday read and approved.

Mr. Wilson,

From the Special Committee to whom was referred Senate File No. 100, A bill for an act to establish a ferry and build a bridge across the Missouri River, on or near the forty-second parallel of north latitude, reported the same back without amendment and recommended its passage.

On motion of Mr. Thompson,

The 11th Rule was suspended and the bill read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Mann, Pusey, Patterson Rankin, Thompson—8.

The nays were,

Senators Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Rusch, Saunders, Stewart, Wilson—22.

The motion was lost.

On motion of Mr. Wilson;

The vote by which the Senate refused to pass Senate File No. 100, was reconsidered.

On motion of Mr. Wilson,

The bill was re-committed to the Special Committee, consisting of Senators Wilson, Pusey and McPherson.

The special order for this hour being the consideration of Senate File No. 91, A bill for an act in relation to executions and sales thereon.

On motion of Mr. Kirkwood,

The special order was passed over.

Mr. Kirkwood,

From the Committee on Federal Relations, to whom was referred the petition of Charles P. Beker and others, asking the passage of a Joint Resolution, instructng our Senators and Representatives in Congress, to support the so called "Homestead Bill,"

reported the same back, with Senate File No. 123, Joint Resolution in favor of, and instructing our Senators, and requesting our Representatives in Congress to vote for a bill granting a Homestead to the actual settlers on Public Lands, and recommended the passage of the Joint Resolution, which was read the first and second time,

On motion of Mr. Mann,

The 11th Rule was suspended and the Resolution was read the third time, passed, and the title thereof agreed to.

Message from the House,

By their Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that Messrs. Dana, Gray and Wilson, have been appointed a committee on the part of the House, to act with a similar committee on the part of the Senate, to re-district the State into Senatorial and Representative Districts.

W. P. HEPBURN,

Chief Clerk.

Mr. Saunders,

From the Committee on Ways and Means, to whom was referred Senate File No. 98, Joint Resolution authorizing the commissioners appointed to revise the laws, to continue their work and report at an adjourned session, reported the same back to the Senate with a substitute therefor, as follows :

*Whereas*, The Commissioners appointed by the General Assembly, to prepare a Code of practice for the Courts, and to revise and codify the existing laws of the State of Iowa, have informed this body, through the Committee on Ways and Means, that they can and will, if allowed proper time, which time shall not be longer than the 10th of April, 1858, prepare and submit to the General Assembly, a law and chancery practice act, and also that they will furnish a Digest or Compilation of all the General Laws which shall be in force at the time said report is made, conforming the same to the New Constitution. And,

*Whereas*, It is deemed inexpedient and impolitic for this Legislature to adjourn without first preparing a full and complete Code of Laws, which shall fully harmonize with the New Constitution, therefore, be it

*Resolved*, By the General Assembly of the State of Iowa, that

the Legislature will not adjourn until it shall have completed the business for which it assembled, and that to facilitate this object, the said Commissioners are hereby authorized and instructed to proceed with as little delay as possible, to perform the work contemplated in their answer to the committee.

The committee on Ways and Means, also submitted the following correspondence in relation to the same subject :

Senate Chamber, )  
February 19th, 1858. (

To Wm. Smyth, W. F. Barker and C. B. Darwin, Commissioners:

GENTLEMEN,

I am requested by the committee of Ways and Means, to ascertain the length of time it will require your Board to make a Civil Law and Chancery Practice Act, also to digest and compile the existing laws of our State, and harmonize the same with the New Constitution, so that the whole may be put in one volume at the end of the present session ?

An early reply is desired.

Respectfully, yours,

A. SAUNDERS, Chairman.

To the Hon. A. Saunders, Chairman of the Committee on Ways Means, of the Iowa Senate.

Your enquiry contemplates a departure from the original Resolution in this, that it supposes a digest or compilation of the General Laws in force, and not a codification of them.

Also in this, that it contemplates only a law and chancery practice act, and not a complete Code of civil and criminal procedure.

We respond, we can report a digest or compilation of all general laws which shall be in force when such report is made, conforming the laws to the New Constitution, and also, a law and chancery practice act without more, to the General Assembly on the 10th day of April, A. D. 1858.

Two conditions underlie our response.

1st. That we be once instructed to labor to that end if desired.

2d. That copies of all laws be handed to us immediately after their passage.

Respectfully submitted,

W. T. BARKER,

Feb. 19th, 1858.

CHAS. BEN. DARWIN.

I concur in the practicability of the response made in the fore-

going, but necessary absence forbids the possibility of my acting in conjunction with the other members of the commission in carrying it out.

Respectfully,

WM. SMYTH.

And the said Committee recommend the adoption and passage of the substitute.

Mr. Rankin

Moved to indefinitely postpone the substitute.

On motion of Mr. Johnston,

A call of the Senate was ordered, and Senators Neal and Warner were found absent.

On motion of Mr. Foster,

The further proceedings under the call were dispensed with.

Mr. Kirkwood

Moved to amend the substitute by adding thereto, "Save and except the preparation of the law and chancery practice act."

Mr. Anderson

Moved to amend by adding "And that said commissioners shall forthwith report to the General Assembly the necessary changes in the present laws to conform them to the New Constitution."

Which motion was lost.

Mr. Kirkwood's motion to amend was also lost.

The question being upon the indefinite postponement of the substitute, the yeas and nays were demanded, ordered and were as follows:

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Dale, Grinnell, Johnston, Jenkins, Mann, McCoy, Pusey, Patterson, Rankin, Rusch, Stewart, Trimble, Thompson, Wilson—18.

The nays were,

Senators Bailey, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, McPherson, Reed, Reiner, Saunders, Sharraden—15.

The Substitute was indefinitely postponed.

Mr. Wilson

Moved to amend by striking out in the first Section, "4th" before March, and insert "16th."

Mr. Kirkwood

Moved to amend by striking out "4th of March," and insert "4th of April,"

Which motion was lost.

Mr. Loughridge

Moved to amend by striking out "4th" and insert "22d,"

Which motion was also lost.

The question being on striking out the "4th," and inserting "16th." The yeas and nays were demanded, ordered and were as follows :

The yeas were,

Senators Allen, Anderson, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Stewart, Sharraden, Wilson—22.

The nays were,

Senators Atkins, Bailey, Davis of Polk, Johnston, Jenkins, McPherson, Reed, Saunders, Trimble, Thompson—11.

The motion prevailed.

Mr. Loughridge

Moved to amend Resolution first by striking out that portion in relation to the adjourned session, to wit: to meet on the 1st Monday in November, A. D., 1858.

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

The yeas were

Senators Allen, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharradden and Thompson—26.

The nays were,

Senators Anderson, Atkins, Davis of Polk, Jenkins, Patterson, Trimble, Wilson—7.

The motion prevailed.

Mr. Foster

Moved to amend the second Resolution, by striking out "25th of February," and insert "10th of March,"

Which motion prevailed.

Mr. Foster

Moved to strike out the 4th, 5th and 6th Resolutions, and insert "That the Judiciary Committee be instructed to act in conjunction

with the Commissioners heretofore appointed in reporting as soon as possible, such action as this General Assembly will need to take, to harmonize our Code of Laws with the New Constitution, such report or reports to be made from time to time as the same may be prepared upon each subject under their consideration.

On motion of Mr. Trimble,

The resolutions and amendments were laid on the table, and made the special order for 2 o'clock this afternoon.

Mr. Trimble

From the Committee on Conference to whom was referred the matters in dispute between the two Houses, in relation to Substitute for Senate File No. 31, A bill for an act regulating the time of holding Court in the 3d Judicial District, reported the following amendment to the substitute, and recommended their adoption by the Senate:

Strike out in the 8th line the words "first Monday in October," and insert "fourth Monday in September." Strike out in the 11th line the word "November," and insert "October." In the 14th line Strike out "December," and insert "2d Monday in November." In the 17th line, strike out the word "October," and insert "4th Monday in October." In the 20th line insert the words "5th Monday of"

The question being on the adoption of the amendments,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Polk, Foster, Grinnell, Johnston, Mann, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson and Wilson—  
27.

The nays were none.

The amendments were adopted.

On motion of Mr. Trimble,

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

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TWO O'CLOCK, P. M.

Mr. Foster

Had the unanimous consent of the Senate to present the petition

of B. Crabb and 500 others, citizens of Washington county, praying for the passage of a law, making it the crime of *felony* to manufacture, sell, or give away drugged or adulterated liquors, which petition was read, and

Referred to the special committee on the Prohibitory Law.

Mr. Johnston

Moved that the vote by which the amendments reported by the Committee on Conference to Senate File No. 31 were adopted, be reconsidered,

Which motion prevailed.

On motion of Mr. Trimble,

The bill was recommitted to the Committee on Conference.

Mr. Kirkwood had leave to introduce

Senate File No. 124, A bill for an act changing the boundaries of the counties of Benton, Iowa and Keokuk, and erecting the county of ———, which was read the first and second time, and

Referred to the committee on New Counties.

The Senate resumed the consideration of Senate File No. 98 Joint Resolution, authorizing the Commissioners appointed to revise the Laws, to continue their work, and report at an adjourned session, pending which the Senate adjourned this morning.

Mr. Grinnell

Moved to refer the Joint Resolutions to a special committee of three, to consist of Senators Coolbaugh, Kirkwood and Thompson with instructions to report on Monday morning, the best and most feasible plan to pursue in relation to an adjourned session and also to the revision and codifying the laws of the State,

Which motion was lost.

The question recurring on the adoption of the substitute for the three last resolutions, submitted by Mr. Foster,

The substitute was not adopted.

Mr. Bailey

Moved to lay the Joint Resolution on the table,

Which motion was lost.

Mr. Rankin

Moved to amend by striking out the three last resolutions, and insert the following:

“3d. That the Commissioners appointed to revise the laws of the State, and perform certain other duties, be requested to con-



form the existing laws to the New Constitution, and report the same to the present Legislature.

4th. That said Commissioners further report the laws and parts of laws repealed.

5th. That said Commissioners report at some future time, to be designated by the Legislature, a Code of civil and criminal procedure."

**Mr. Trimble**

Moved to amend the amendment by inserting after the word "Legislature," in the 5th or last Resolution, the words, "a revision of all the existing laws of the State, systematizing and harmonizing the same and"

Which was adopted.

The question recurring on the amendment of Mr. Rankin, as amended,

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

The yeas were

Senators Allen, Anderson, Atkins, Coolbaugh, Cattell, Carter, Dale, Davis of Polk, Johnston, Mann, McPherson, Pusey, Patterson, Rankin, Reed, Rusch, Stewart, Sharraden, Trimble, Thompson and Wilson—21.

The nays were

Senators Bailey, Brown, Davis of Clinton, Foster, Kirkwood, Loughridge, McCoy, Reiner and Rusch—8.

The amendment was adopted.

On motion of Mr. Loughridge

The 11th Rule was suspended, the Joint Resolutions read a third time.

On their final passage,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Johnston, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Stewart, Trimble, Thompson and Wilson—24.

The nays were

Senators Foster, Grinnell, Kirkwood, Loughridge, Reed and Sharraden—6.

The Joint Resolutions passed.

On motion of Mr. Trimble,

The title was amended as follows:

## JOINT RESOLUTION,

Authorizing the Commissioners to conform the laws of the State to the Constitution, and report to the present session of the Legislature the same. Also, to prepare a Code of civil and criminal procedure, and revise the laws and report the same at such time as the Legislature may designate.

On motion of Mr. Patterson,  
The Senate adjourned.

SENATE CHAMBER,  
MONDAY, February 22d, 1858, 9 o'clock, A. M. }

The President being absent, the Senate was called to order by the Secretary.

On motion of Mr. Allen,  
Mr. Jenkins was elected President *pro. tem.*  
Prayer by the Rev. Mr. McDonald.  
Journal of Saturday read and approved.

## PETITIONS AND MEMORIALS.

Mr. Bailey

Presented the petition of James C. Claypoole, remonstrating against the diversion of the lands granted for the improvement of the Des Moines River, to the Keokuk, Ft. Des Moines and Minnesota Rail Road Company, which was

Referred to the Committee on Internal Improvements.

Mr. Davis of Clinton,

Presented the Memorial of D. S. McGugin, M. D., in relation to Fœticide, which was read and

Referred to a special Committee, consisting of Davis of Clinton, Allen and Bailey.

Mr. Kirkwood

Presented the petition of Wm. H. H. Betz and others of Benton and Keokuk Counties, asking the State to purchase the land which was read and

Referred to the Committee on New Counties.

**Mr. Cattell**

Presented the petition of Alfred B. Lee and others in relation to the duties of County Treasurers, which was read and

Referred to the Committee on Ways and Means.

**Mr. Foster**

Presented the petition of Wm. M. Clark and others, asking the rearrangement of the Judicial Districts, so that the County of Ouzisa may be attached to the Eighth Judicial District, which was read and

Referred to the Committee on Judicial Districts.

### NOTICES OF BILLS.

By **Mr. Allen** :

Notice of a bill to organize the Insane Hospital, and providing for the care of Idiots and Insane.

By **Mr. Trimble** :

Notice of a bill regulating the sale of Intoxicating Liquors, repealing all laws now in force in the State upon the subject.

By **Mr. Grinnell** :

Notice of a bill for the exemption of Rail Roads (to be built for a certain period) from taxation.

### RESOLUTIONS.

**Mr. Loughridge**

Submitted the following resolution :

*Resolved*, That after this day the Senate will meet at 9 o'clock a. m. and 7 o'clock p. m., until further regulations.

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

The yeas were

Senators Anderson, Brown, Cook, Grinnell, Johnston, Loughridge, McPherson, Patterson, Reed, Reiner, Rusch, Trimble, Thompson and Wilson—14.

The nays were,

Senators Allen, Atkins, Bailey, Coolbaugh, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Mann, McCoy, Pusey, Rankin, Saunders, Stewart, Sharradden, Warner and Mr. President *pro. tem.*—19.

The Resolution was not adopted.

On motion of Mr. Kirkwood,

Senate File No. 111, A bill for an act making appropriation for the State University was taken from the table and

Referred to the Committee on Ways and Means.

## INTRODUCTION OF BILLS.

Mr. Bailey

Had leave to introduce Senate File No. 125, A bill for an act to repeal an act establishing a School District in Van Buren Township, Van Buren County, Iowa, which was read a first and second time, and,

On his motion,

The 11th rule was suspended and the bill read a third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, Mann, McPherson, McCoy, Patterson, Rankin, Rusch, Saunders, Stewart, Sharradden, Trimble, Thompson, Warner, Wilson and Mr. President *pro. tem.*—28.

The nays were

Senators Grinnell and Reed—2.

The bill was passed and the title thereof agreed to.

Substitute for Senate File No. 53, A bill for an act in relation to interest on money due for delinquent taxes, being the special order for this hour, the Senate proceeded to the consideration of the same.

Mr. Reed

Moved to amend the last Section by striking out "Iowa State Journal," and inserting "Iowa Farmer."

Mr. Rankin

Moved a substitute for the motion to amend by adding after Iowa State Journal, Iowa Farmer.

Which motion prevailed.

The amendment as amended was then adopted.

Mr. Kirkwood

Moved to amend the second Section, by adding as follows: Provided that taxes for 1857 remaining unpaid on the first day of

November, 1858, shall be chargeable, with interest, at the rate of 5 per cent per annum, from Feb. 1st, 1857.

**Mr. Mann**

Moved to amend the amendment by striking out "February" and inserting "November,"

Which motion was lost.

The question being upon the amendment offered by Mr. Kirkwood,

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

The yeas were,

Senators Allen, Anderson, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Warner, Wilson, and Mr. President *pro tem.*—24.

The nays were,

Senators Atkins, Bailey, Dale, Loughridge, Mann, Pusey, Patterson, Trimble, Thompson—9.

The amendment was adopted.

**Mr. Carter**

Moved to strike out the second section of the bill,

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

The yeas were,

Senators Anderson, Atkins, Bailey, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Johnston, Mann, McPherson, McCoy, Reed, Thompson—15.

The nays were,

Senators Allen, Brown, Cook, Foster, Grinnell, Kirkwood, Loughridge, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson, and Mr. President *pro tem.*—19.

The motion did not prevail.

**Mr. Carter**

Moved to amend the second section by adding—

"Provided that each County Treasurer shall on demand refund to each tax-payer the amount of interest over fifteen per cent. which he has paid on his taxes since February 1st, 1858, for the year 1857.

The question being upon the amendment,

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

The yeas were,

Senators Anderson, Atkins, Bailey, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Foster, Johnston, Mann, McCoy, Reed, Rusch, Trimble, Thompson—17.

The nays were,

Senators Allen, Brown, Davis of Polk, Grinnell, Kirkwood, Loughridge, McPherson, Pusey, Patterson, Rankin, Reiner, Saunders, Stewart, Sharraden, Warner, Wilson, and Mr. President *pro tem.*—17.

The amendment was lost.

On motion of Mr. Grinnell

The 11th Rule was suspended and the bill read a third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Brown, Coolbaugh, Cook, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson, and Mr. President *pro tem.*—24.

The nays were,

Senators Anderson, Atkins, Bailey, Cattell, Carter, Johnston, Mann, McPherson, Reed, Thompson—10.

The bill was passed and the title thereof agreed to.

Message from the House, by their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments made by the Senate to House File No. 66: A bill for an act defining the crime and punishing the offence of making false entries of fines and fees on dockets of courts or otherwise, and of failing to pay over such fines and fees according to law.

Also in the amendments made to House File No. 138: Joint Resolution for the distribution of the State Geological Reports.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Warner

The Senate adjourned.

SENATE CHAMBER, )  
 TUESDAY, FEBRUARY 23d, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Mr. Jenkins, President pro tem, in the chair.

Prayer by the Rev. Mr. McDonald.

Journal of yesterday read and corrected.

Mr. Mann had leave to introduce

Senate File No. 126, Joint Resolution for additional mail facilities, which was read the first and second time, and,

On motion of Mr. Foster,

Was amended as follows:

“Also, that they be requested to use their influence—

1st. To increase the mail facilities from Mt. Pleasant, Henry county, to Washington, Washington county, via Trenton, Marshall and Marcellus, so as to give a tri-weekly mail by coach thereon.

2d. To increase the mail facilities from Muscatine to Oskaloosa, via Onowa, Columbus City and Amboy, so as to give Washington and Sigourney a daily mail by railroad and coach thereon.

The bill was ordered engrossed for a third reading.

Mr. Davis of Clinton had leave to introduce

Senate File No. 127, A bill for an act for the relief of pre-emptors of Swamp Lands, and for other purposes, which was read the first and second times, and

Referred to the Committee on Public Lands.

## REPORTS OF COMMITTEES.

Mr. Trimble

From the Committee on Judiciary to whom was referred a memorial from the faculty of the Medical Department of the Iowa State University, made the following report:

“That while they think it is clearly intended by the New Constitution, to confine the aid arising from the proceeds of the University fund and lands to the University located at Iowa City, and to prevent the establishment of Branches of such University at any point other than said city, they do not think it was designed to cut off the Medical Department of said University, located at Keokuk, from all connection with it.

Such Department has for about eight years been connected with

said University, and was a Department of such University, at the time the New Constitution was framed and adopted. There is nothing said with reference to said Department in the New Constitution. There is no specific provision, severing its connection with the same, and nothing as we believe, hindering its continued nominal connection, though we think it cannot Constitutionally receive any aid from the University Fund.

The right to such aid seems, however, justly and expediently to be confined to Iowa City, and to so much of the University as is located there.

We think no further legislation is needed to define the connection which this Department holds to the said University.

On motion of Mr. Kirkwood,

The report was laid on the table.

Message from the House of Representatives by their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to return to the Senate, Substitute for Senate File No. 77, A bill for an act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Clerk; the House of Representatives having refused to pass the same.

W. P. HEPBURN, Chief Clerk.

Mr. Loughridge,

From the Committee on Judiciary, to whom was referred Senate File No. 14, A bill for an act to provide for the election of an Attorney General, and defining his duties, reported the same back to the Senate, with one amendment, to wit: add to Section 7 as follows, viz :

“ Provided his compensation shall not exceed sixteen hundred dollars per annum,

Which amendment was adopted.

Mr. Trimble

Moved to amend Section 8th by inserting after word “office,” the words “at the Capitol,” and, after the word “Books” the words “of Record,”

Which motion prevailed.

On motion of Mr. Wilson,

The bill was laid on the table.

Mr. Loughridge



From the Committee on Judiciary, to whom was referred a petition from the citizens of Humboldt county, reported by bill Senate File No. 128, A bill for an act explanatory of an act entitled an act to create the county of Humboldt, and locate the county seat thereof,

Which bill was read the first and second time, and,

On motion of Mr. Wilson,

The 11th Rule was suspended, the bill read a third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner and Wilson, President pro tem  
-32.

The nays were none.

The bill passed, and the title thereof agreed to.

Mr. Wilson

From the special committee to whom was referred Senate File No. 100, A bill for an act to establish a ferry and build a bridge across the Missouri river, on or near the 42d parallel of North Latitude, reported the same back to the Senate, and recommended the adoption of the following amendments thereto, to wit:

Strike out in Section 1st, before the word years, the word "thirty" and insert "twenty."

In Section 2d, strike out the word "exclusive" before the word "privilege;" also add as an additional section the following, viz:

Sec. 5. This act to take effect from and after its publication in the Council Bluffs Bugle and Western Independent."

Which amendments were concurred in.

On motion of Mr. Pusey

The bill was further amended by striking out in the first section the word "exclusive" before the word "privilege."

On motion of Mr. Mann

The 11th Rule was suspended and the bill read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster,

Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson, Mr. President *pro tem.*—32.

Mr. Cook voted in the negative.

The bill was passed and the title thereof agreed to.

Mr. Foster,

From the special committee to whom was referred Senate File No. 48: A bill for an act to amend section 9 of chapter 157 of the laws passed at the regular session of the Sixth General Assembly,

Reported that a majority of said committee had instructed him to report the bill back to the Senate with the two following amendments, and recommend their adoption and the passage of the bill:

In the eighth line of section one, after the word "spirituous," insert the words "intoxicating malt."

In the eleventh line of the first section, after the word "beer," insert the words "which is not intoxicating or of."

On motion of Mr. Rankin

The bill and amendments thereto were made the special order for Friday evening, at 7 o'clock.

Mr. Anderson,

From the special committee to whom was referred substitute for House File No. 35: A bill for an act requiring non-resident plaintiffs to give security for costs,

Reported the same back to the Senate and recommended that the further consideration of the bill be indefinitely postponed,

Which report was not concurred in.

On motion of Mr. Trimble

The bill was laid on the table.

Mr. Trimble,

From the committee on conference appointed to take into consideration the matters in dispute between the two Houses of the General Assembly to substitute for Senate File No. 31: A bill for an act regulating the times of holding courts in the Third Judicial District,

Reported the same back to the Senate with the following additional amendment to those reported on Saturday, to-wit:

Strike out the last section of the bill and insert in lieu thereof the following: "This act shall take effect from and after its publication in the Iowa Weekly Citizen and Iowa State Journal."

And the committee recommended the adoption of this amendment and those reported on Saturday.

The question being on the adoption of the amendments reported by the committee,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Stewart, Sharraden, Trimble, Warner, Wilson, Mr. President *pro tem.*—32.

The nays were—None.

The amendments were adopted.

Mr. Sharraden,

From the committee on enrolled bills, made the following report :

The committee on enrolled bills have presented to His Excellency, the Governor, for his approval, the following acts :

Senate File No. 55: Joint Resolution asking Congress for a grant of land to aid in the construction of a certain railroad ; also,

Senate File No. 82: Memorial of the General Assembly of the State of Iowa to Congress in favor of restricting the sale of public lands to actual settlers : also,

Senate File No. 59: A Joint Resolution for an appropriation to build a Custom House, United States District Court House and Post Office in the city of Burlington.

O. P. SHARRADEN, Chairman.

The Committee on enrolled bills have examined Senate File No. 61: An act concerning the foreclosure of mortgages and amendatory of chapter 118 of the Code, and find the same correctly enrolled.

O. P. SHARRADEN, Chairman.

It now being 10 o'clock, the hour for which substitute for Senate File No. 23: A bill for an act for the Public Instruction of the State of Iowa, was made the special order,

Mr. Loughridge

Moved to dispense with the special order,

Which motion was lost.

On motion of Mr. Cattell

The Senate resolved itself into a Committee of the whole Senate for the consideration of the bill which is the special order for this hour.

Mr. Rankin in the Chair.

After some time the Committee rose, and through their Chairman, reported that the Committee had made considerable progress, and asked leave to sit again,

Which leave was granted.

Message from the House of Representatives,

By their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has reconsidered the vote by which the House refused to pass substitute for Senate File No. 77: A bill for an act regulating the argument term of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk, and request the return of the same.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Kirkwood

The Senate took from the table the message just received.

Ordered that the Secretary return to the House of Representatives Senate File No. 77.

On motion of Mr. Brown

Senators Kirkwood and Sharraden were added to the Committee on new counties.

On motion of Mr. Davis, of Clinton,

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

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TWO O'CLOCK, P. M.

Mr. Grinnell

Moved that the Senate resolve itself into a Committee of the whole Senate for the purpose of considering substitute for Senate File No. 23: A bill for an act for the Public Instruction of the State of Iowa.

Mr. Carter

Moved to lay the motion on the table,

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

The yeas were,

Senators Anderson, Atkins, Brown, Cook, Carter, Johnston, Loughridge, Saunders, Stewart, Trimble, Warner, Wilson—12.

The nays were,

Senators Allen, Bailey, Coolbaugh, Cattell, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McPherson, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Sharraden, Mr. President *pro tem.*—20.

Motion lost.

The question recurring on Mr. Grinnell's motion that the Senate resolve itself into a Committee of the whole Senate,

The motion prevailed.

COMMITTEE OF THE WHOLE.

Mr. Rankin in the Chair.

After some time the Committee rose, and through their Chairman, reported that the committee had made some progress, and asked leave to sit again to-morrow afternoon at 2 o'clock.

Which leave was granted.

Mr. Saunders

Submitted the following resolutions, viz:

*Resolved*, That the Auditor of State be directed to report to the Senate the names of all persons employed as clerks in the several State offices during the past year, with the amounts paid to each; also, that he report the disposition of any contingent fund which he or the other State officers may have expended during said year.

*Resolved*, That the Auditor be further instructed to report to the Senate the date, number, payee and amount of each warrant issued between the fourth day of November, 1856, and this date, specifying particularly for what each warrant was drawn.

Which resolutions were adopted.

Message from the House of Representatives,

By Mr. Hepburn, Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment Senate File No. 98: Joint Resolution authorizing the commissioners to conform the laws of the State to the Constitution, and report the same to the present session of the Legislature; also, to prepare a code of civil and criminal procedure, and revise the laws, and report the same at such time as the Legislature may designate.

I also return Senate File No. 67: A bill for an act making a

further appropriation for the State Insane Asylum, the same having passed the House with one amendment, to which the agreement of the Senate is asked.

I am further directed to inform the Senate that the House has agreed to the amendments of the Senate to-day reported to them, to substitute for Senate File No. 31: A bill for an act fixing the time of holding Courts in the Third Judicial District

I also present for your signature House File No. 66: An act defining the crime and punishing the offence of making false entries of fines and fees on dockets of courts and otherwise, and of failing or neglecting to pay over such fines and fees according to law.

Also, House File No. 115: An act entitled an act prescribing the manner of certifying acknowledgments in certain cases.

Also, House File No. 138: Joint Resolution providing for the distribution of the State Geological Reports;

The same having passed both branches of the General Assembly and been duly enrolled by the House of Representatives.

W. P. HEPBURN, Chief Clerk.

Senate File No. 64: A bill for an act authorizing the Dubuque and Pacific Railroad Company to bridge the Mississippi River at Dubuque,

Was read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Warner, Wilson  
Mr. President *pro tem.*—28.

Mr. Sharraden voted in the negative.

The bill was passed and the title thereof agreed to.

On motion of Mr. Mann

The Senate adjourned.

SENATE CHAMBER,  
WEDNESDAY, February 24th, 1858, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. McDonald.

Journal of yesterday read and approved.

### PETITIONS AND MEMORIALS.

**Mr. Grinnell**

Presented the petition of Marshall Hancock and others of Franklin County, asking for power to investigate the affairs of the County officers of said County, which petition was read and

Referred to the Committee on County and Township Organization.

**Mr. Stewart**

Presented the petition of Wm. Grace and 53 others, asking for the passage of a Joint Resolution for additional mail facilities,

Which petition was read and laid on the table.

**Mr. Thompson**

Presented the petition of N. W. McKeen and others, asking for the location of the Asylum for the Deaf and Dumb at Mount Vernon, in Linn County, which petition was read and

Referred to the Committee on Charitable Institutions.

**Mr. Davis of Polk, had leave to introduce**

Senate File No. 129, A bill for an act to prevent private Bankers and Brokers from paying out Bank Bills or notes of a less denomination than five dollars, which was read a first and second time, and

Laid on the table.

**Mr. Wilson had leave to introduce**

Senate File No. 130, A bill for an act authorizing a loan from the school fund to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the University of the State of Iowa, which was read a first and second time, and

Referred to the Committee on Schools and State University, with instructions to report to-morrow morning.

**Mr. Rankin had leave to introduce**

Senate File No. 131, A bill for an act authorizing the construc-

tion of Bridges in the State of Iowa, which was read a first and second time, and,

On motion of Mr. Thompson,

Was referred to a Special Committee of three.

The President

Appointed on said Committee Senators Rankin, Bailey and Kirkwood.

## REPORTS OF COMMITTEES.

Mr. Foster

From the Special Committee to whom was referred Senate File No. 84, A bill for an act to alter the boundaries of the First and Eighth Judicial District, reported the same back to the Senate with the following amendments, and recommended their adoption and the passage of the bill.

1st Amendment.

Fill the blank in the second Section with the words "Last Monday of March and Second Monday of November.

2d Amendment.

Strike out in the 5th Section the words "Iowa City Republican and Muscatine Journal" and insert "Iowa State Journal, Iowa Weekly Citizen and Iowa Farmer, or any two of these papers."

On motion of Mr. Foster,

The 1st amendment was concurred in. Also,

On his motion,

The 2d amendment was concurred in.

On motion of Mr. Reiner,

The vote by which the 2d amendment was concurred in, was reconsidered, and,

On his motion,

The amendment was amended by striking out the words "Iowa Farmer, or any two of these papers.

The amendment as amended was then adopted.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read the third time.

The question being on the final passage of the bill,

The yeas were

Senators Anderson, Atkins, Brown, Carter, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, Kirkwood, Loughridge, McPher-



son, McCoy, Reed, Reiner, Rusch, Sharradden and Thompson—17.

The nays were

Senators Allen, Brigham, Bailey, Coolbaugh, Cook, Cattell, Dale, Foster, Johnston, Mann, Neal, Pusey, Rankin, Saunders, Stewart, Trimble, Warner and Wilson—17.

The bill was rejected, a majority of all the members elected to the Senate not having voted yea.

**Mr. Rankin,**

From the Committee on Judiciary introduced Senate File No. 132, A bill for an act requiring Sheriffs to keep a record of levies of writs of attachments and executions from foreign counties, which bill was read a first and second time, and ordered to be Engrossed for a third reading to-morrow.

**Mr. Rankin**

From the same Committee, introduced Senate File No. 133, A bill for an act authorizing Courts to set aside sales of Real Estate where there was no title in the judgment debtor at the time of the levy, which was read a first and second time, and was,

On motion of Mr. Jenkins,

Laid on the table.

Message from the House of Representatives by Mr. Hepburn, Clerk.

**MR. PRESIDENT :**

I am directed by the House of Representatives to return to the Senate, Senate File No. 104, A bill for an act regulating the mode of service of notice of protest by Notaries Public, the same having passed the House without amendment.

I also return Senate File No 12, A bill for an act in relation to County Records. Also,

Senate File No. 106, A bill for an act entitled an act for the relief of William Watrous *et. al.* The same having passed the House with amendments, in which the concurrence of the Senate is asked.

I am also directed to inform the Senate that the House has passed substitute for House File No. 73, A bill for an act to amend an act in relation to divorce and alimony, to which the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

**Mr. Anderson,**

From the Committee on Judiciary, to whom was referred Sen-

ate File No. 96, A bill for an act to amend Section 1211 of the Code of Iowa. Reported the same back to the Senate without amendment, and recommended its passage.

Mr. McPherson

Moved to amend the 1st Section of the bill by inserting after the word "Creditor," the words "and mortgages without notice."

On motion,

The bill was re-committed to the Committee on Judiciary.

Mr. Anderson,

From the same Committee, to whom was referred Senate File No. 121, A bill for an act to make provision for the punishment of frauds committed by Bankers, Brokers, Trustees and other persons entrusted with property. Reported the same back to the Senate without amendment, and recommended its passage.

*Ordered,* That the bill be Engrossed for a third reading to-morrow.

Mr. Anderson,

From the same committee, to whom was referred Senate File No. 116, A bill for an act more fully defining the duties of executors, reported the same back to the Senate without amendment, and recommended its passage.

On his motion,

The 11th Rule was suspended, and the bill read the third time.

The question now being on its final passage.

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Warner, Wilson—32.

The nays were none.

The bill passed and the title thereof agreed to.

Mr. Davis of Clinton,

To whom was referred the memorial of D. L. McGugin, M. D., of Keokuk, in relation to Fœticide reported by bill, Senate File No. 134, A bill for an act for the punishment of Fœticide, which was read the first and second time, and

On motion of Mr. Trimble,

Referred to the Committee on Judiciary.

Mr. McCoy,

From the committee on Engrossed Bills, made the following report :

Your committee on Engrossed Bills, report that they have examined Senate File No. 126, "Joint Resolutions to procure mail facilities," and find the same correctly engrossed.

GEO. McCOY, Chairman.

Senate File No. 67, A bill for an act to make further appropriations for the State Insane Asylum, which was returned from the House of Representatives, with the following amendment, to wit: Strike out from the 1st Section the following—"Provided said money shall in no case be drawn until needed for said work or for furnishing said Asylum," and insert "Provided that said money so appropriated shall be drawn from the Treasury by the Commissioners only upon estimates made monthly, upon and during the progress of the work, and where material or furniture shall have been purchased for the erection or use of such building, vouchers shall be taken and copies therefor sent to the Auditor of State, with such orders for warrants or money as the Commissioners may sign."

Mr. Saunders,

Moved that the Senate concur in the amendment,

On which motion,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwook, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Wilson—32.

The nays were,

Senators Bailey, Johnston—2.

Motion prevailed.

The amendment was concurred in.

Senate File No. 12, A bill for an act in relation to County Records, which was returned from the House with the following amendment, to wit: Strike out in the 3d Section, the words, "shall not exceed two dollars per day of eight hours actual and faithful labor," and insert "shall not exceed ten cents for each one hundred words."

Mr. Foster

Moved that the Senate disagree to the amendment, and that a

committee of Conference be appointed to confer with a similar committee on the part of the House, in relation to the matters in dispute,

Which motion prevailed.

The President

Appointed on said Committee Senators Foster and Mann.

Senate File No. 106, A bill for an act for the relief of Wm. D. Watrous *et. al.*, Which was returned from the House with one amendment, to-wit: Changing the title as follows—"A bill for an act entitled an act to amend and carry into effect an act entitled an act to create a Board of Commissioners, with authority to erect a free bridge across the Cedar River, at Cedar Rapids, in Linn county, approved January 25th, 1855."

Mr. Kirkwood

Moved that the Senate agree to the amendment,

Upon which motion,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—32.

The nays were none.

Motion prevailed.

The Senate took from the table the message from the House in reference to the appointment of a committee to re-district the State into Senatorial and Representative Districts.

Mr. Grinnell

Moved that a committee of three be appointed to act in conjunction with the House committee already appointed,

Which motion prevailed.

The President

Appointed on said committee Senators Foster, Pusey and McCoy.

Mr. Trimble

Moved to reconsider the vote last taken,

Which motion was lost.

On motion of Mr. Wilson,

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

## TWO O'CLOCK, P. M.

Substitute for Senate File No. 23, A bill for an act for the public instruction of the State of Iowa, being the special order, the Senate resolved itself into the Committee of the Whole Senate for the consideration of the same.

Mr. Rankin in the Chair.

After some time the committee rose, and through their Chairman reported the bill back to the Senate with various amendments, and recommended their adoption and the passage of the bill.

On motion of Mr. Foster,

The substitute as amended was made the special order for tomorrow at 2 o'clock, P. M.

Message from the House of Representatives,

By Mr. Hepburn, Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has passed the following bill, to which the agreement of the Senate is asked, to wit: House File No. 143, A bill for an act creating boards of County Commissioners, and defining their duties.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Foster,

The vote by which Senate File No. 84, A bill for an act to alter the boundaries of the first and eighth Judicial District, was rejected, was reconsidered, and

On his motion,

The bill was laid on the table.

On motion of Mr. Kirkwood,  
The Senate adjourned.

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SENATE CHAMBER,  
THURSDAY, FEBRUARY 25th, 9 o'clock, A. M. }

Prayer by the Rev. Mr. McDonald.

Journal of yesterday read and approved.

**Mr. Brown**

Presented the petitions of Eben Hyde and others, of Fayette county, A. H. Bridgman and others, of Franklin county, and Jasper Ingalls and others, of Grundy county, asking the abolishment of the office of County Judge, which were read and referred to the committee on Township and County Organization.

**Mr. Bailey,**

Presented the petition of Wm. H. Alexander and others, in relation to the assessment and collection of taxes,

Which was referred to the committee on Township and County Organizations.

**Mr. Kirkwood**

Presented the petition of M. B. Cochran and 205 others, praying for a prohibition of the sale of intoxicating liquors as a beverage, within four miles of the State University,

Which was referred to the committee on the Prohibitory Liquor Laws.

**Mr. Grinnell**

Presented the petition of B. Twogood and others, in relation to county government,

Which was referred to the committee on Township and County Organizations.

**Mr. Patterson**

Presented the petition of Samuel Linnett and others praying for the passage of an act, excluding the pleading by lawyers in Justices' courts, which was read, and on motion,

Referred to a special committee, consisting of Senators Grinnell, Bailey and Rusch. Also,

The petition of Samuel Linnett and others, praying for the amendment of the "Estray Law,"

Which was referred to the committee on Agriculture. Also,

The petition of Samuel Linnett and others, praying for the repealing, amending or modification of the assessment laws,

Which was referred to the committee on Ways and Means.

**Mr. Carter**

Presented the petition of Charles H. Barnes and others, asking for Township Assessors and Collectors, which was read and

Referred to the committee on Township and County Organizations.

**Mr. Cattell**

Presented the petition of J. A. Evans, in relation to township assessors and collectors, which was read and

Referred to the committee on Township and County Organizations.

**Mr. Atkins**

Presented the petition of Henry Jenkins and others, of Alama-kee county, in relation to township assessors and collectors, which was

Referred to the committee on Township and County Organizations.

**Mr. Pusey**

Presented the petition of W. M. Pangburn and others, in relation to a State Gazetteer, which was read and

On his motion,

Was referred to the committee on Schools and State University.

**Mr. McCoy**

Presented the petition of G. W. Miller and others, of Black Hawk county, in relation to the abolishment of the office of County Judge,

Which was referred to the committee on Township and County Organizations.

## NOTICE OF BILLS.

By **Mr. Anderson** :

Notice of a bill to fix the compensation of members of the General Assembly of the State of Iowa.

## RESOLUTIONS.

**Mr. Cattell,**

Submitted the following resolution, which was adopted :

*Resolved,* That the committee on Township and County Organizations be requested to report at an early day a bill for the more perfect organization of townships, and creating the offices of township assessor and collector, and defining the duties of the several township officers.

**Mr. Foster**

Submitted the following resolution :

*Resolved,* That the committee on Agriculture be instructed to

report by bill for an appropriation of ——— dollars, to carry into effect an Agricultural College and Model Farm.

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

The yeas were,

Senators Allen, Atkins, Cattell, Carter, Davis of Polk, Foster, Jenkins, Mann, McCoy, Pusey, Patterson, Reed, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson—19.

The nays were,

Senators Anderson, Bailey, Dale, Davis of Clinton, Johnston, Kirkwood, Loughridge, McPherson, Pusey, Stewart, Warner, Wilson—12.

The resolution was adopted.

Mr. Cattell

Submitted the following resolution :

*Resolved*, That after the expiration of the present week, the regular hours of the meetings of the Senate shall be as follows: At 9 o'clock A. M., and 2 o'clock P. M., and on Mondays, Wednesdays, and Fridays, at 7 o'clock P. M.

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

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Cattell, Dale, Davis of Clinton, Davis of Polk, Foster, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Reed, Reiner, Rusch, Sharraden, Trimble, Thompson, Wilson—25.

The nays were,

Senators Saunders, Stewart, Warner—3.

The resolution was adopted.

## INTRODUCTION OF BILLS.

Mr. Davis of Polk, had leave to introduce

Senate File No. 135, A bill for an act to amend an act fixing the times of holding court in the 11th Judicial District, approved January 22d, 1858, which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read the third time.

The question being on the passage of the bill,

The yeas were,



Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—32.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Dale had leave to introduce

Senate File No. 136, A bill for an act to legalize certain acts of the County Judges and County Clerks of Taylor county, which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Anderson, Atkins, Brigham, Bailey, Brown, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Johnston, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Wilson—28.

The nays were none.

The bill passed and the title thereof agreed to.

Mr. Pusey had leave to introduce

Senate File No. 137, Joint Resolution asking additional mail facilities, which was read the first and second time, and

On his motion,

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

Mr. Sharraden had leave to introduce

Senate File No. 138, A bill for an act to regulate the action of Jurors in Courts of the State of Iowa, which was read the first and second time, and

Referred to the committee on Judiciary.

Mr. Mann,

From a special committee to whom was referred the report of the Auditor of State, made the following report :

Your committee to whom was referred the detailed statement of the Auditor of State, in reference to the items making the sum of \$8,945,61, for miscellaneous disbursements, beg leave to report that I have had the same under consideration for some time, and can-

not come to any definite conclusion as to the correctness of some of the items therein mentioned.

It appears that there were three warrants issued to Morris & Seymour, viz: One of \$403,50 for a safe, in the Secretary's office, one of \$268,00, balance on safe for Auditor's office, and the other of \$745,00 for safe in Treasurer's office. In 1853, there was an act passed authorizing the purchase of a safe for the Treasurer's office, not to exceed the sum of four hundred dollars, which is the only act I find in relation to safes for State Officers. "Warrant No. 7272, was issued to John Pattee, for \$300,00 for copying and forwarding abstracts of land entries for 1856, to counties." I find that there was an act passed in 1848, requiring these abstracts to be forwarded by the Auditor to each county, but submit whether the acts since passed, increasing the salary of Auditors, and appropriations made for deputies, was not intended to include this; if not, then the above is not an over charge. Item "No. 7332, Abel Beach, of \$90,00 for clerk's wages in Auditor's office," should have been added to Auditor's deputy, \$555,00 which would make \$45,00 more than the appropriation made for that purpose.

Item "No. 8775, of \$24,00 is for ice for State Offices," and I presume as the law allowed them fuel to warm them in cold weather, the Auditor thought they should have ice to cool them when hot. The greatest proportion of the amount hereinbefore first mentioned, is for mileage paid Sheriffs for bringing in election returns. I deem this an unnecessary expense, as our mail facilities are now good throughout the State, and would therefore recommend the passage of an act remedying this unnecessary expense.

All of which is respectfully submitted.

J. MANN, Special Committee.

Which report,

On motion of Mr. Kirkwood,

Was laid upon the table.

Mr. Stewart,

From the committee on Incorporations, to whom was referred the memorial of the Mayor and Council of the city of Dubuque, submitted the following report, viz:

"We have carefully examined the memorial referred to us, and herewith present a bill for an act as therein prayed for. Your committee are of the opinion that all incorporated cities should with proper limitations, guarding the private rights of citizens,

possess the power asked by the city of Dubuque, and expressed in the bill herewith presented. But as the proposed bill adds to the corporate powers of the city of Dubuque and may, perhaps, be considered an amendment to the city charter of Dubuque, and the Senate having decided adversely to the constitutional power of the General Assembly to amend acts for the incorporation of cities, your committee recommend that the bill be referred to the Committee on Judiciary, with instructions to report on the constitutional power of the General Assembly to pass the same.

Also had leave to introduce

Senate File No. 139, A bill for an act granting certain lands to the city of Dubuque, and to confer upon said city certain powers in regard thereto, which was read the first and second time, and Referred to the committee on Judiciary.

Mr. Grinnell,

From the Committee on Schools and State University, to whom was referred Senate File No. 130, A bill for an act authorizing a loan from the School Fund to the College of Physicians and Surgeons, at Keokuk, known as the Medical Department of the University of the State of Iowa, reported the same back to the Senate with a substitute therefor, and recommended the adoption and passage of the substitute.

Mr. Rankin

Moved to amend the last Section by adding after the word "Journal" without expense to the State.

Which motion prevailed.

Mr. Loughridge

Moved to amend by adding to the second Section "and of the value of at least twenty thousand dollars, (\$20,000) exclusive of perishable improvements."

Which amendment was adopted.

On motion of Mr. Foster,

The bill and substitute were laid upon the table.

Mr. Davis of Clinton,

From the Committee on Charitable Institutions, to whom was Referred Senate File No. 92, A bill for an act to establish a State Reform School, reported the same back with a substitute therefor, and recommended the adoption of the substitute.

On motion of Mr. Loughridge,

The bill and substitute were laid on the table.

Mr. Sharradden,

From the Committee on enrolled bills, reported that they had examined Senate File No 104, An act regulating the mode of service of Notices of protest by Notaries Public. Also,

Senate File No. 67, A bill for an act making a further appropriation for the State Insane Asylum, and found the same correctly engrossed.

### BILLS ON THE FIRST READING.

House File No. 143, Joint Resolution to provide for the printing of an additional number of the Report of the State Geologist, and for the disposal of the same, which was read a first and second time, and,

On motion of Mr. Grinnell,

Laid on the table and made the special order for to-morrow, at 10 o'clock A. M.

House File No. 73, A bill for an act in relation to divorce and alimony, was read a first and second time.

Mr. Mann

Moved to suspend the 11th Rule, and that the bill be read a third time.

Mr. Wilson

Moved to lay the bill upon the table, which motion was lost.

The question recurring on Mr. Mann's motion to suspend the Rule, the yeas and nays were demanded, ordered, and were as follows:

The yeas were

Senators Allen, Anderson, Brigham, Bailey, Cattell, Dale, Foster, Jenkins, Loughridge, Mann, McPherson, McCoy, Neil, Rankin, Rusch, Sharradden, Trimble and Warner—18.

The nays were

Senators Atkins, Brown, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Kirkwood, Pusey, Reed, Reiner, Saunders, Stewart, Thompson and Wilson—15.

The question did not prevail.

On motion of Mr. Pusey,

The bill was laid upon the table.

## BILLS ON THIRD READING.

Senate File No. 126, Joint Resolution to procure additional mail facilities, was read a third time, passed, and the title thereof agreed to.

On motion of Mr. Jenkins,  
The Senate adjourned till 2 o'clock p. m.

## TWO O'CLOCK, P. M.

Senate Files Nos. 61, 67, 104 having passed both branches of the General Assembly, been duly enrolled and signed by the Speaker of the House of Representatives and President of the Senate, was placed in the hands of the Committee on Enrolled Bills to be presented to the Governor.

**Mr. McCoy**

Presented the petition of Edward Hancock and others of Benton and Iowa Counties, asking for the creation of a new County,

Which was referred to the Committee on New Counties.

The special order for this hour being Senate F. No. 23, A bill for an act for the Public Instruction of the State of Iowa, which was reported yesterday by the Committee of the whole Senate, with various and sundry amendments, which were read separately, and,

On motion of Mr. Grinnell,

Adopted.

**Mr. Loughridge**

Moved to strike out the Sixty-seventh Section, which provides, that Counties establishing High Schools, shall be allowed to draw one thousand dollars annually, from the Treasurer of State.

The question being on Mr. Loughridge's motion, the yeas and nays were demanded, ordered and were as follows:

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Carter, Dale, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reed, Reiner, Saunders, Stewart, Trimble—24.

The nays were,

Senators Coolbaugh, Cattell, Foster, Jenkins, Reed, Rusch, Sharraden, Thompson, Warner, Wilson—10.

The section was stricken out.

**Mr. Kirkwood**

Moved to strike out all of section 59 that precedes the word "shall," in third line, and insert "The Board of Presidents of School Districts in any county may at any regular meeting immediately following their election, determine whether a High School shall be established in such county, and in case they shall determine to establish such High School they."

Which motion prevailed.

**Mr. Kirkwood**

Moved to amend the 64th section by striking out all that precedes the word "there," in the third line, and insert "in each county in which a High School shall be established."

Which amendment was adopted.

On motion of **Mr. Kirkwood**

Section 66 was stricken from the bill.

**Mr. Thompson**

Moved to amend section 30 by striking out in the third line of the fourth sub-division the word "unanimous," and insert after the word "consent" the words "of a majority of resident tax-payers."

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

The yeas were,

Senators Atkins, Brown, McCoy, Reed, Rusch, Sharraden, Thompson—7.

The nays were,

Senators Allen, Bailey, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, Neal, Pusey, Patterson, Rankin, Reiner, Saunders, Stewart, Trimble, Warner, Wilson—27.

The amendment was not adopted.

On motion of **Mr. Wilson**

Leave of absence was granted **Mr. Anderson** for one week.

Message from the House, by their Clerk:

**MR. PRESIDENT:**

I am directed by the House of Representatives to return to the Senate, Senate substitute for House File No. 8: A bill for an act to amend chapter 84 of the laws of 1853, entitled an act to amend section 1848 of the Code of Iowa, approved January 24th, 1853

the same having been adopted by the House without amendment.

I am directed to return Senate File No. 62: Joint Resolution for appropriation for public buildings in Muscatine, the same having passed the House without amendment.

I am further directed to inform the Senate that the House has passed the following bills, to which the agreement of the Senate is asked, to-wit:

Substitute for House Files No. 69 and 155: A bill for an act regulating and defining the notice to be given in all cases of Judicial sales of property: also,

House File No. 104: A bill for an act making an appropriation for the Iowa Penitentiary; also,

House File No. 114: A bill for an act allowing a bounty upon scalps of certain animals; also,

House File No. 125: A bill for an act to amend section 1209, chapter 78 of the Code; also,

House File No. 138: A bill to be entitled an act to define and punish common barratry and maintenance; also,

House File No. 159: Memorial to Congress for a grant of land for the support of Agricultural Colleges and Scientific Agriculture; also,

House File No. 165: A bill for an act to provide for the recording of certain instruments in writing belonging to the State: also,

House File No. 168: A bill for an act to amend section 1610 of the Code of Iowa; also,

Substitute for House File No. 90: A bill for an act to repeal a part of section 1464 of the Code of Iowa.

W. P. HEPBURN, Chief Clerk.

Mr. Davis, of Polk,

Submitted the following as a substitute for section 82, viz:

In all cases where duplicates of specimens of Natural History and geological and mineralogical specimens which are, or may hereafter be collected by the State Geologist of Iowa, or by any others appointed by the State to investigate its natural history and physical resources, are procured, one shall belong to, and be the property of the State University, and shall form a part of its cabinet of Natural History, and its means of giving instruction in that department.

Which was adopted.

Message from the House of Representatives,  
By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted House substitute for Senate File No. 70: A bill for an act to change the time of holding courts in the Fourth Judicial District,

And asks the agreement of the Senate to the same.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Rankin  
The Senate adjourned.

SENATE CHAMBER, )  
FRIDAY, FEBRUARY 26th, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. McDonald.

Journal of yesterday read and approved.

#### PETITIONS AND MEMORIALS.

Mr. Davis, of Polk,

Presented the petition of C. Haden and others, of Guthrie county, asking that said county be attached to the Eleventh Judicial District,

Also,

The petition of Wm. M. Kain and others, of Guthrie county, remonstrating against the repeal of the Prohibitory Liquor Law, which,

On his motion,

Was referred to the Committee on Prohibitory Liquor Laws.

Mr. Pusey

Presented the petition of Samuel Dewell and others, in relation to the creation of the office of State Gazetteer,

Which was referred to the Committee on Schools and State University.



## NOTICE OF BILLS.

By Mr. Mann :

Notice of a bill for an act repealing section 305 of the Code, and requiring election returns to be made by mail.

By Mr. McPherson :

Notice of a bill fixing the pay of members of the General Assembly.

Mr. Bailey

Submitted the following resolution, which was adopted :

*Resolved*, That the Committee on County and Township Organizations, to whom was referred a bill providing for the people of each township to fix the place of holding elections by a popular vote, be instructed to report said bill back to the Senate by Monday next.

On motion of Mr. Foster

Mr. Atkins was added to the Committee on Agriculture.

Mr. Trimble

Moved that Mr. Stewart be added to the Committee on re-districting the State into Senatorial and Representative Districts.

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

The yeas were,

Senators Allen, Brigham, Bailey, Coolbaugh, Dale, Foster, Johnston, Jenkins, Mann, Pusey, Patterson, Rankin, Rusch, Saunders, Trimble, Warner, Wilson—17.

The nays were,

Senators Atkins, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Sharraden, Thompson—14.

Mr. Stewart was added to the Committee.

Mr. Warner had leave to introduce

Senate File No. 140: A bill for an act to make private prosecutors liable for the costs in certain cases,

Which was read the first and second time and referred to the Committee on Judiciary.

Mr. Brigham had leave to introduce

Senate File No. 141: A bill for an act in relation to the Keokuk and Des Moines Valley Plank Road Company,

Which was read the first and second time and referred to the Committee on Rail Roads.

Mr. Kirkwood had leave to introduce

Senate File No. 142: A bill for an act to secure uniformity of practice in relation to changes of venue before Justices of the Peace

Which was read the first and second time and referred to the Committee on Judiciary.

Mr. Brown,

From the Committee on New Counties, to whom was referred

Senate File No. 124: A bill for an act changing the boundaries of Benton, Keokuk and Iowa counties, and creating the county of

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Reported the same back to the Senate and recommended its indefinite postponement.

Which report was concurred in.

Mr. Brown,

From the Committee on New Counties, to whom was referred the petition of citizens of Benton and Iowa counties, asking for change in the boundaries of the counties of Benton, Iowa and Tama

Reported that they deemed it inexpedient to take any action in relation to said petitions.

Which report was concurred in.

On motion of Mr. Foster

House substitute for Senate File No. 70: A bill for an act to change the time of holding courts in the Fourth Judicial District

Was taken from the table.

Mr. Kirkwood

Moved to amend the first section by adding after the word "October," "Provided, That at the March term, 1858, of said court in Johnson county, no cause shall be tried without the consent of all the parties thereto, after the third Monday of March, 1858.

Which amendment was adopted.

The question being upon the adoption of the substitute,

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—33.

The substitute was adopted.

On motion of Mr. Kirkwood

The Rule was suspended and the Secretary ordered to transmit the substitute as amended to the House.

The special order for this hour being the consideration of House File No. 143: A bill for an act establishing Boards of County Commissioners and prescribing their duties,

Mr. Thompson

Moved that the bill be laid upon the table,

Which motion was lost.

Mr. Trimble

Moved that the further consideration of the bill be indefinitely postponed,

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

The yeas were,

Senators Brigham, Coolbaugh, Cook, Carter, Johnston, Kirkwood, Loughridge, Mann, McPherson, Neal, Pusey, Patterson, Perkins, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Wilson—21.

The nays were,

Senators Atkins, Bailey, Brown, Cattell, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, McCoy, Rusch, Thompson, Warner—14.

Motion prevailed.

Mr. Brigham

Moved to reconsider the vote last had, and that the motion be laid on the table.

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

The yeas were,

Senators Allen, Brigham, Coolbaugh, Cook, Cattell, Dale, Johnson, Kirkwood, Loughridge, McPherson, Neal, Pusey, Patterson, Perkins, Reed, Reiner, Stewart, Sharraden, Trimble, Wilson—20.

The nays were,

Senators Atkins, Bailey, Brown, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Mann, McCoy, Rusch, Saunders, Thompson, Warner—15.

Motion prevailed.

On motion of Mr. Loughridge

The Senate took from the table Senate File No. 58: A bill for

an act creating the Commissioners Court, and defining its powers.

Mr. Warner

Moved to indefinitely postpone the further consideration of the bill.

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

The yeas were,

Senators Brown, Davis of Clinton, Johnston, Neal, Pusey, Sharaden, Thompson—7.

The nays were,

Senators Allen, Atkins, Brigham, Bailey, Coolbaugh, Cattell, Carter, Dale, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Warner, Wilson—26.

Motion lost.

On motion of Mr. Neal

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

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TWO O'CLOCK, P. M.

Mr. Thompson

Moved that Mr. Evans, Doorkeeper, have leave of absence, and that his son be allowed to fill his place,

Which motion prevailed.

Mr. Foster

Moved that the Senate go into a committee of the whole Senate, for the purpose of the further consideration of Senate File No. 58.

Which motion was lost.

Mr. Kirkwood

Moved to amend Section 1, by striking out in the third line, the word "one," and insert "two,"

Which amendment was adopted.

Mr. Cattell

Moved to amend the first section by striking out in the second line the word "two," and insert "one," and to add to the same section:

Provided that at the first election of said Commissioners under this act, there shall be elected two such Commissioners, and the person receiving the highest number of votes, shall hold his office

for two years, and the one receiving the next highest, for one year.

**Mr. Loughridge**

Moved to amend Section 2, by striking out in the second line, "*each month*," and insert in lieu thereof, the words of January, March, May, July, September, and November.

**Mr. Thompson**

Moved to amend the amendment by adding thereto, "except when the District Court of said county may be in session, when such Court shall be held on the first Monday after the adjournment of the District Court,"

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

The yeas were

Senators Allen, Atkins, Brigham, Bailey, Brown, Dale, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Neal, Reiner, Rasch, Sharraden, and Thompson—17.

The nays were

Senators Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Kirkwood, Pusey, Patterson, Rankin, Reed, Saunders, Stewart, Trimble, Warner and Wilson—16.

The amendment was adopted.

**Mr. Reiner**

Moved to amend the amendment by striking out "May, July and November,"

Which motion was lost.

Mr. Loughridge's amendment was adopted.

**Mr. Loughridge**

Moved to further amend Section 2d, by adding thereto, "but the records of such Court shall be valid if made by the County Judge.

Which amendment was adopted.

**Mr. Neal**

Moved to amend Section 2, by striking out in the first line, "commissioners," and inserting "the Recorder and Treasurer," and by striking out in the 2d line "commissioners," and insert "county."

Which motion was lost.

**Mr. Kirkwood**

Submitted the following substitute for Section 2:

"Such Commissioners, together with the County Judge of the

County, shall hold a Court at the office of the County Judge, on the second Monday of January, March, May, July, September and November, of each year, to be known as the Commissioner's Court of the county, and it may continue its sessions from day to day, until the business is disposed of.

In such Court the County Judge shall be the presiding officer, and shall keep the minutes of the proceedings thereof, which shall be signed at the close of each session, by the members of the Court in attendance.

Which was adopted.

Mr. Foster

Moved to amend Section 3, by striking out the first line, and inserting, "The Clerk of the District Court shall be ex-officio Clerk of the Commissioner's Court, and he or the County Judge, as the Commissioner's Court may direct, shall keep the following books for the business of said Court,

Which was agreed to.

Mr. Warner

Moved to amend Section 4, by inserting in the 5th line after the word "Court," the following:

"Provided that no sum of money shall be expended for the erection of any county building, the cost of which shall exceed five hundred dollars, until the County Judge and Commissioners shall first have submitted to the legal voters of the county the proposition, and the same shall have received a majority of said votes.

Provided also, that at least six weeks before the time of the election, the said officers shall have published in some newspaper published in the county, or in case no newspaper is published in said county, shall have posted up in five conspicuous places in said county, one of which shall be on the door of the office occupied by the County Judge, a proclamation, stating the amount of money to be expended and the kind of building to be erected, and the form of the ballot to be deposited; Provided, however, that this provision shall not extend to any contracts heretofore made, or buildings contracted or directed to be built in pursuance of any laws now in force.

Mr. Trimble

Moved to amend the amendment by striking out "\$500" and inserting one thousand dollars (\$1,000.)

Which amendment was agreed to.

Mr. Carter

Moved to amend the amendment by inserting in the 6th line after the word "County," "Provided one hundred legal voters of said county shall petition for said proclamation.

Which was agreed to.

The amendment as amended was then adopted.

Mr. Cattell

Moved to amend Section 4, by striking out the first paragraph, to wit :

"To audit all claims for money against the county except in cases otherwise provided for," and inserting, "To make all contracts and audit all claims for money against the county except those specifically allowed by statute,

Which was adopted.

Mr. Warner

Offered the following substitute for Section 5 :

"The County Judge shall at any time, when the Commissioner's Court is not in session, receive all claims against the county, and file the same in his office, which claim or claims shall be allowed or disallowed as the case may be, at the next term of the Commissioners' Court, but said claim may be continued from term to term of said court, for good cause shown by such claimant.

He shall issue all warrants for money for all claims that have been allowed by the Commissioner's Court, which allowance shall be entered in the Record Book.

Which substitute was not adopted.

Mr. Mann

Moved to fill the blank in the 11th Section, by inserting three dollars, (\$3).

Mr. Loughridge

Moved to fill it with "two dollars."

Mr. Warner

Moved to fill it with "four dollars."

Mr. Atkins

Moved to fill it with "two dollars and a half."

The question being on filling the blank with "four dollars, was lost.

The question being on filling the blank with "three dollars,"

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

The yeas were,

Senators Allen, Brigham, Bailey, Cattell, Davis of Clinton, Mann, McPherson, McCoy, Pusey, Patterson, Reed, Rusch, Stewart, Thompson, Warner and Wilson—16.

The nays were

Senators Atkins, Brown, Coolbaugh, Carter, Dale, Davis of Polk, Grinnell, Johnston, Jenkins, Loughridge, Neal, Rankin, Reiner, Saunders, Sharraden, and Trimble—14.

The motion prevailed.

Mr. Rankin

Offered the following substitute for Section 1:

“That each organized county in the State shall be divided east and west as near as practicable into two Districts by the County Judge, and at the general election in each year, there shall be elected from each of said Districts, one Commissioner, who shall hold his office for two years, and until his successor is elected and qualified.

Message from the House of Representatives by their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to return substitute for Senate File No. 77, A bill for an act regulating the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the Court; the House having refused to pass the same.

I also return Senate File No. 101, A bill for an act providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing.

Also, Senate substitute for House file No. 4, A bill for an act to give greater security to purchasers and mortgagees of real estate, the same having passed the House of Representatives, with sundry amendments to each, in which the concurrence of the Senate is asked.

I also present for your signature, Substitute for Senate File No. 31, An act fixing the times of holding Courts in the 3d Judicial District, the same having passed both branches of the General Assembly, and been duly enrolled by the House of Representatives.

W. P. HEPBURN, Chief Clerk.



Mr. Davis of Polk

Moved that the Senate adjourn till to-morrow, morning at 9½ o'clock,

Which motion was lost.

Mr. Rankin

Moved the Senate adjourn till 9 o'clock to-morrow,

Which motion prevailed.

SENATE CHAMBER, )  
SATURDAY, FEBRUARY 27th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. McDonald.

Journal of yesterday read and approved.

Mr. Pusey

Presented the petition of Jeremiah Folsom and others, of Pottawattamie county, remonstrating against any part of said county being taken for the formation of any new county, which was

On his motion,

Referred to the committee on County Boundaries.

### INTRODUCTION OF BILLS.

Mr. McPherson had leave to introduce

Senate File No. 143, A bill for an act to repeal Section 2 of an act entitled an act for a further appropriation for the State Insane Asylum, which was read the first and second time, and

On motion of Mr. Saunders,

Was referred to the committee on Charitable Institutions.

Mr. Sharraden,

From the committee on Enrolled Bills, reported that they had examined Senate File No. 8, An act to amend Chapter 84 of the laws of 1853, entitled an act to amend Section 1848 of the Code of Iowa, approved January 24th, 1853. Also,

Senate File No. 62, Joint Resolution for an appropriation for Public Buildings in the city of Muscatine. Also,

Senate File No. 106, A bill for an act entitled an act for the relief of W. D. Watrous, *et. al.* Also,

Senate File No. 98, Joint Resolution authorizing the commissioners to conform the laws of the State to the Constitution, and report the same to the present session of the Legislature, also to prepare a code of civil and criminal procedure and revise the laws and report the same at such time as the Legislature may designate, and find the same correctly enrolled. Also,

Reported that they had presented to His Excellency the Governor for his approval, the following acts.

S. F. No. 104, An act regulating the mode of service of notices of protest by Notaries Public. Also,

S. F. No. 61, An act concerning the foreclosure of mortgages, and amendatory of Chapter 118 of the Code. Also,

S. F. No. 67, An act making further appropriation for the State Insane Asylum.

O. P. SHARRADEN, Chairman.

Presented Feb. 25th, 1858.

Mr. Kirkwood,

From the committee on Federal Relations to whom was referred so much of the Governor's Message as relates to certain alleged *extra-judicial* opinions announced by some of the Judges of the Supreme Court of the United States, in the case of *Scott vs. Sanford*, have had the same under consideration and a majority of said committee have instructed me to report the following preamble and resolutions, and recommend their passage.

Senate File No. 144, Joint Resolutions of the General Assembly of the State of Iowa, touching the opinions of some of the Judges of the Supreme Court of the United States, on political questions incorporated in the opinion of that Court in the case of *Scott vs. Sanford*.

WHEREAS, The Supreme Court of the United States, in the recent case of *Scott vs. Sanford*, after expressly deciding that it had not jurisdiction of the case, by deciding that the plaintiff, *Scott*, could not, by reason of his descent, sue in the courts of the United States, has undertaken to pronounce an *extra-judicial* opinion prohibiting the people of the United States, through Congress, and the people of the Territories, through their local governments instituted under the authority of Congress, from any control of the

question of slavery within the Territories of the United States, and legalizing slavery in all those Territories, and

**WHEREAS**, Such extra-judicial opinion subordinates the political power and interests of our whole people to the cupidity and ambition of a few thousand slaveholders, who are thereby enabled to carry the odious institution of slavery wherever the national power extends, thereby degrading free labor in all the Territories which the United States now have, or hereafter may acquire, by bringing slave labor in direct competition therewith, and pre-dooming all such territory to all the blighting influences of the system of human slavery; and

**WHEREAS**, Such extra-judicial opinion of the Supreme Court is conclusive proof of the settled determination of the slavery propagandists to subvert all those high and holy principles of freedom upon which the American Union was formed, and to degrade it from its intended lofty position of the exemplar and bulwark of freedom, into a mere engine for the extension and perpetuation of the barbarous and detestable system of chattel slavery, therefore, it is as the sense of the people of Iowa,

*Resolved*, That the extra-judicial opinion of the Supreme Court in the case of Dred Scott is not binding in law or conscience upon the government or people of the United States, and that it is of an import so alarming and dangerous as to demand the instant and emphatic reprobation of every good citizen.

*Resolved*, That one of the most dangerous of the political heresies thus illegitimately announced, is that which denies the equality of the Free States and renders them, on account of their free institutions, inferior and subordinate to the Slave States, by declaring that, by virtue of the Constitution of the United States, slavery goes into all our Territories to the exclusion of freedom, and is sustained and protected therein until the people of the Territories form for themselves State Constitutions, at which time, if at all, but certainly not until then, they may rid themselves of the system; and we should be ungrateful to those whose care and foresight provided for us free homes, and derelict in our duty to those who will come after us, did we not promptly and sternly denounce this new doctrine, which if established, degrades the Free States and either confines free labor within its present limits or sends it into our new Territories in degrading competition with slave labor.

*Resolved*, That we still recognize and sustain the time-honored doctrines taught by the early fathers of our political faith, that freedom is the great cardinal principle which underlies, pervades and exalts our whole political system; that the Constitution of the United States does not, in any way, recognize the right of property in man; that slavery as a system is exceptional and purely local, deriving its existence and support wholly from local law. Any person held to service or labor in one State, under the laws thereof, escaping into another State may be reclaimed, not as property but as a *person*, who by the laws of the State whence he escaped, owes, and by the Constitution of the United States, is capable of owing, a debt of service or labor which he must discharge.

*Resolved*, That the State of Iowa will not allow slavery within her borders, in any form or under any pretext, for any time, however short, be the consequences what they may.

Mr. Loughridge,

From the committee on Township and County Organizations, to whom was referred Senate File No. 114, A bill for an act to authorize the several townships, in the State to change the place of holding elections, reported the same back and recommended its indefinite postponement,

Which report was concurred in.

Mr. Grinnell,

From the Special Committee, made the following report :

Your committee to whom was referred the petition of D. C. Cloud and others, for a law prohibiting Attorneys from pleading in Courts of Justice, have considered the same and respectfully report: That without authority to send for persons and papers, and a trial, they are not prepared to coincide with the memorialists that the pleadings of Attorneys before Justices is subversive of justice.

They are not prepared to recommend any change which would call forth from rural life and private pursuits, those who might increase litigation as the weak limbs of the law.

Your committee have no desire to embarrass the profession either by the limitation of power or patronage at this period of small suits, meager fees and poor clients, and regarding Attorneys as the conservators of *domestic peace, public honor, impartial justice and common and constitutional law*, recommend that a select

committee of not more than eighteen members be appointed for the consideration of the petition, all of such committee to belong to the Legal Profession.

J. B. GRINNELL,  
N. J. RUSCH,  
G. T. BAILEY.

Which was,

On motion of Mr. Cattell,

Laid upon the table.

Mr. Loughridge,

From the committee on Township and County Organizations, to whom was referred House File No. 124, A bill for an act to confer on Townships the right of electing additional Justices of the Peace, reported the same back to the Senate, and recommended that the further consideration of the bill be indefinitely postponed.

Which report was concurred in.

Mr. McCoy,

From the committee on Engrossed Bills, reported that they have examined the following bills and find the same correctly engrossed, to wit:

Senate File No. 121, A bill for an act to make provisions for the punishment of frauds committed by brokers, bankers, trustees and other persons intrusted with property. Also,

Senate File No. 132, A bill for an act requiring Sheriffs to keep a record of levies, of writs of attachment and execution from foreign counties.

Mr. Grinnell,

From the Committee on Schools and State University, to whom was referred Senate File No. 122: A bill for an act in relation to the apportionment of the interest of the School Fund,

Reported the same back to the Senate with a substitute therefor, and recommended the adoption and passage of the substitute.

The substitute was adopted.

On motion of Mr. Cattell

The blank in the 1st section was filled with the "26th of March."

On motion of Mr. Neal

The 11th Rule was suspended and the bill read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Wilson—31.

The nays were—None.

The bill was passed.

On motion of Mr. Cattell

The title was amended as follows :

“A bill for an act to provide for the apportionment of the interest on the School Fund for the year 1858, and to legalize the apportionment of said interest made by James D. Eads for the year 1857.

Mr. Davis, of Polk, had leave to introduce

Senate File No. 145: Joint Resolution authorizing the Secretary of State to remove the standard weights and measures from Iowa City to the seat of Government, and to have erected a suitable house for their safe keeping.

Which was read the first and second time and referred to the Committee on Ways and Means.

Mr. Neal had leave to introduce

Senate File No. 146: Joint resolution to procure additional mail facilities between Oskaloosa and Council Bluffs via. Knoxville, Indianola and Winterset, which was read the first and second time, and,

On motion of Mr. Neal,

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

Senate File No. 105, Senate File No. 98, Senate substitute for House File No. 8, and Senate File No. 62, having passed both branches of the General Assembly and been duly enrolled by the Senate and signed by the Speaker of the House of Representatives and President of the Senate, were placed in the hands of the Enrolling Committee, by them to be presented to His Excellency, the Governor.

On motion of Mr. Brigham

Senate File No. 66: A bill for an act for the benefit of Railroad Companies,

Was taken from the table.

Mr. Coolbaugh

Moved to amend section two by inserting after the words "corporate bonds," the words, "in sums not less than \$500."

Which was adopted.

Mr. Mann

Moved to amend the first section by inserting after "corporators and stockholders," and after the word "liable," the word "only."

Which was adopted.

On motion of Mr. Coolbaugh

The bill was laid upon the table.

Senate File No. 101: A bill for an act providing for the acknowledgment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing,

Was returned from the House with sundry amendments.

Mr. Wilson

Moved that the Senate concur in the House amendments.

The question being on the concurrence of the Senate,

The yeas were

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

The nays were,

Senators Loughridge and Neal—2.

The Senate concurred in the amendments.

Senate substitute for House File No. 4: A bill for an act to give greater security to purchasers and mortgagees of real estate,

Was returned from the House with an amendment.

The question being on the Senate concurring in the House amendment,

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Carter, Dale, Davis of Clinton, Davis of Polk, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—31.

The nays were,

Senators Foster and Rusch—2.

The amendment was concurred in.

House File No. 135: A bill for an act to be entitled an act to

define and punish common barratry and maintenance, was read the first and second time, and,

On motion of Mr. Loughridge,

Referred to the Committee on Judiciary.

House File No. 168: A bill for an act to amend section 1610 of the Code of Iowa,

Was read the first and second time and referred to the Committee on Judiciary.

House File No. 125: A bill for an act to amend section 1209, Chapter 78 of the Code of Iowa, was read the first and second time, and,

On motion of Mr. Mann,

Referred to the Committee on Judiciary.

House File No. 104: A bill for an act making an appropriation for the Iowa Penitentiary, was read the first and second time.

Mr. Rankin

Submitted a substitute therefor.

On motion of Mr. Rankin

The bill and substitute were referred to the Committee on Public Buildings.

On motion of Mr. Trimble

Senators Brigham and Rankin were added to said Committee for the purpose of considering said bill and substitute.

House File No. 114: A bill for an act allowing bounty upon scalps of certain animals, was read the first and second time, and,

On motion of Mr. Cattell,

Referred to the Committee on Agriculture.

Substitute for House File No. 90: A bill for an act to repeal a part of section 1464 of the Code of Iowa, was read the first and second time, and,

On motion of Mr. Foster,

Referred to the Committee on Federal Relations.

Substitute for House File No. 69 and 154: A bill for an act regulating and defining the notice to be given in all cases of Judicial sales of property, was read the first and second time, and,

On motion of Mr. Loughridge,

Referred to the Committee on Judiciary.

House File No. 165: A bill for an act to provide for the recording of certain instruments in writing belonging to the State, was read the first and second time, and,



On motion of **Mr. Mann**,

Referred to the Committee on Ways and Means.

House File No. 159: A memorial to Congress for a grant of land for the support of Agricultural Colleges and Scientific Agriculture, was read the first and second time, and,

On motion of **Mr. Warner**,

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

### BILLS ON THEIR THIRD READING.

Senate File No. 132: A bill for an act requiring Sheriffs to keep a record of levies of writs of attachments and executions from foreign counties, was read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—33.

The nays were—None.

The bill passed and the title thereof was agreed to.

Message from the House of Representatives,

By **Mr. Hepburn**, Chief Clerk.

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendment made by the Senate to House substitute for Senate File No. 70: A bill for an act fixing the time of holding courts in the Fourth Judicial District.

I am further directed to inform the Senate that the House has refused to recede from its amendments made to Senate File No. 12: A bill for an act in relation to County Records, and in compliance with the request of the Senate, have appointed a Committee of Conference, consisting of Messrs. Wilson, Clane and Harmon, to confer with a similar Committee on the part of the Senate upon the matters in disagreement between the two Houses.

**W. P. HEPBURN**, Chief Clerk.

Senate File No. 121: A bill for an act to make provision for the

punishment of frauds committed by brokers, bankers, trustees and other persons entrusted with property, was read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Davis of Clinton, Davis of Polk, Foster, Jenkins, Kirkwood, Mann, Neal, Rankin, Reiner, Trimble, Thompson, Warner, Wilson—13.

The nays were,

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cattell, Carter, Dale, Johnston, Loughridge, McPherson, McCoy, Pusey, Patterson, Keed, Rusch, Saunders, Stewart, Sharraden—20.

The bill did not pass.

On motion of Mr. Foster

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

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## TWO O'CLOCK, P. M.

Senate File No. 58: A bill for an act creating the Commissioners Court, and defining its powers,

Was taken from the table.

Mr. Rankin

Submitted the following substitute for the first section :

“That each organized county in the State shall be divided by the County Judge into two equal Districts, east and west, as nearly as practicable, and at the first general election in said county, there shall be elected each year by the qualified electors of each of said Districts, one Commissioner, and one of said Commissioners shall hold his office for two years and the other for one year, and until their successors are respectively qualified; the long term to be decided by lot; and there shall annually thereafter at the October election, be elected one Commissioner from the District in which the vacancy occurs at the expiration of the time as aforesaid.

Which was not adopted.

Mr. Davis, of Clinton,

Moved to amend section four by adding a sixth sub-division, as follows: “To hear and determine upon all matters relating to Swamp Lands.

Mr. Neal

Moved to amend section one by adding "and if each shall have an equal number of votes, then the oldest person."

On motion of Mr. Cattell

The bill and amendments were recommitted.

On motion of Mr. Coolbaugh

Senate File No. 23: A bill for the instruction of Iowa, was taken from the table.

Mr. Cook

Moved to amend section 90 by striking out all after the words "such sale," in the fifth line, and insert, "And it shall be lawful for the Board to invest any surplus income which is not immediately required for the purposes of instruction, in the United States, or other interest paying State Stocks, and to hold the same for the University, either as a perpetual fund or as an income to defray current expenses, as said Board may deem expedient.

Which amendment was adopted.

Mr. Neal

Moved to amend section 58 by striking out "one thousand five" and inserting "twelve hundred."

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

The yeas were,

Senators Atkins, Brown, Coolbaugh, Dale, Davis of Clinton, Johnston, Loughridge, McCoy, Neal, Reed, Reiner—11.

The nays were,

Senators Allen, Bailey, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McPherson, Pusey, Patterson, Rankin, Rusch, Stewart, Sharraden, Trimble, Thompson, Wilson—20.

The motion did not prevail.

Mr. Loughridge

Moved to amend Section 58, by adding, "Provided that the salary and traveling expenses shall not exceed seventeen hundred and fifty dollars."

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

The yeas were,

Senators Atkins, Brown, Coolbaugh, Cook, Dale, Davis of Clinton, Davis of Polk, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Patterson, Reed, Saunders—17.

The nays were,

Senators Allen, Bailey, Cattell, Carter, Foster, Grinnell, Pusey, Rankin, Reiner, Rusch, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—16.

The amendment was adopted.

Mr. Kirkwood

Moved to amend section 10, by adding to the fifth subdivision as follows: "and in case any school district shall borrow any portion of the school fund, it shall be the duty of the County Judge each and every year to determine the per centum of taxation on the taxable property of such school district, that will produce in money the amount of ten per cent. on the amount of such loan, and certify such per centum to the County Treasurer, who shall enter the same on the tax list for such township, and collect the same as other taxes, and the same shall be part of the annual School Fund.

Which amendment was adopted.

Mr. Loughridge

Moved to amend section 10, subdivision 3, by adding, "Provided, no tax shall be levied for building school-houses, excepting at the regular meeting in March and the first Monday in September.

Which amendment was adopted.

Mr. Cattell

Moved to amend section 64, by inserting in the fourth line, after the word trustees, "for the purpose of erecting buildings for, and sustaining such school."

Which was adopted.

Mr. Trimble

Moved to amend by striking out sections 31, 32, 33, 34, 35 and 36.

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

The yeas were,

Senators Bailey, Brown, Coolbaugh, Carter, Dale, Johnston, Loughridge, McPherson, Neil, Saunders, Stewart, Trimble—12.

The nays were,

Senators Allen, Atkins, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McCoy, Patterson, Reed, Reiner, Rusch, Sharraden, Thompson, Warner, Wilson—18.

Which motion was lost.

**Mr. Saunders**

Had leave to submit an amendment to the bill on Monday next.

On motion of Mr. Foster,

The bill was ordered engrossed for a third reading on Monday.

On motion of Mr. Warner

The Senate adjourned.

SENATE CHAMBER,  
MONDAY, March 1st, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. J. A. Nash.

Journal of Saturday read and approved.

**Mr. Cattell**

Presented the petition of Olney & Comstock and others, asking for the location of the Asylum for the Deaf and Dumb at Springdale, Cedar county, Iowa,

Which was read, and on his motion referred to the Committee on Charitable Institutions.

### INTRODUCTION OF BILLS.

**Mr. Wilson** had leave to introduce

Senate File No. 147, A bill for an act amending section 2913 of the Code of Iowa, in regard to the endorsing of the names of witnesses upon indictments.

Which was read a first and second time, and on his motion referred to the Committee on Judiciary.

**Mr. Mann** had leave to introduce

Senate File No. 148, A bill for an act for the preservation of sheep, which, which was read the first and second time, and on his motion,

Referred to the Committee on Agriculture.

## REPORTS OF COMMITTEES.

Mr. Grinnell,

From the Committee on Schools and State University, to whom was referred Senate File No. 30, A bill for an act to provide for the salary of the Corresponding Secretary of the State Historical Society, reported the same back to the Senate with the following amendment, to wit: To strike out in section first \$1000 and insert \$300, and recommended the adoption of the amendment and the passage of the bill.

The amendment was adopted.

On motion of Mr. Coolbaugh,

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

Mr. Foster,

From the Special Committee to whom was referred the memorial of T. A. Barker against the Inspectors of the Iowa Penitentiary, and also the memorial of Geo. Shedd against T. A. Barker, reported that they had examined into the matters set forth in said memorials, and they believe there is no good cause for the further continuance of the investigation.

Such charges as are subject to the action of the General Assembly, are either made upon frivolous pretexts, or are not sustained by the evidence.

The investigation of other charges belong more properly to other tribunals.

The Committee therefore ask to be discharged from further action upon these memorials.

On motion of Mr. Trimble,

The report was received, and the committee discharged.

Mr. Davis of Clinton

From the Committee on Charitable Institutions to whom was referred that portion of the Governor's message in relation to Charitable Institutions, reported by bill, Senate File No. 149, A bill for an act making appropriations to meet the ordinary and contingent expenses of the Deaf and Dumb Asylum, which was read the first and second time, and

Referred to the Committee on Ways and Means.

Message from the House by their Chief Clerk.

*Resolved*, (the Senate concurring,) that in the distribution of the Geological Reports, as provided by resolution of the General As-

sembly, the following only, shall be considered State officers, to whom such distribution shall be made, viz : The Secretary, Treasurer and Auditor of State, Superintendent of Public Instruction, Register of State Land Office, Judges of Supreme Court, Attorney General, and Commissioners of the Des Moines River Improvement-

W. P. HEPBURN, Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following bill, to which the agreement of the Senate is asked, to wit :

House File No. 206, A bill for an act fixing the compensation of future General Assemblies.

W. P. HEPBURN, Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to return to the Senate, Senate File No. 120, An act to give additional security to land titles in this State, the same having passed the House without amendment.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has added Messrs. Millard and Davis to the joint committee heretofore raised to re-district the State into representative and senatorial districts, and fix the ratio of representation.

I am further directed to inform the Senate that the House has passed substitute for House File No. 10, A bill for an act respecting aliens, to which the agreement of the Senate is asked.

I am also directed to return Senate File No. 123, Joint resolutions in favor of instructing our Senators and requesting our Representatives in Congress to vote for a bill granting a homestead to the actual settlers on Public Lands. Also,

Senate File No. 125, A bill for an act to repeal an act establishing a School District in Van Buren Township, Van Buren Co., Iowa, the same having passed the House without amendment.

I am further directed to inform the Senate that the House has passed a concurrent Resolution, in which the concurrence of the Senate is asked.

**Mr. Foster,**

From the Committee on Agriculture, to whom was referred Senate File No. 94, A bill for an act for the encouragement of Agriculture, reported the same back with a substitute therefor, and recommended the adoption and passage of the substitute, and,

On his motion,

The bill and substitute were laid on the table.

Message from His Excellency the Governor by Mr. Withrow, his Private Secretary.

On motion of Mr. Coolbaugh,

The message was laid upon the table, and 500 copies ordered printed.

**Mr. Loughridge,**

From the Joint Committee appointed to settle with the Des Moines River Navigation and Rail Road Company, made the following Report :

#### REPORT OF COMMITTEE.

*Whereas*, The Des Moines Navigation and Rail Road Company, have heretofore claimed, and do now claim to have entered into certain contracts with the State of Iowa by its officers and agents, concerning the improvement of the Des Moines River in the State of Iowa; and *Whereas*, disagreements and misunderstandings have arisen and do now exist between the State of Iowa and said Company: and it being conceived to be to the interest of all parties concerned to have said matters, and all matters and things between said Company and the State of Iowa settled and adjusted; and the Legislature of the State of Iowa having appointed for that purpose, Wm. Loughridge, J. W. Jenkins, Wm. W. Belknap and C. C. Carpenter, as a Committee to act for the State of Iowa in said matter, and having authorized said Committee to settle with said Company, concerning said matters; such settlement to be subject to ratification by the said Legislature.

Now, therefore, for the purpose of such settlement, and for that purpose only, it is agreed and stipulated, by and between the State of Iowa by said Committee, of the first part, and the Des Moines Navigation and Rail Road Company of the second part, as follows :

That the said Company shall execute to the State of Iowa, full releases and discharges of all contracts, agreements and claims



with or against the State, which may have heretofore or do now exist, and all claims of all kinds against the State of Iowa, and the lands connected with the Des Moines River Improvement, excepting such as are hereby by the State secured to the said Company; and also surrender to said State the Dredge-boat and its appurtenances, belonging to said Improvement.

And the State of Iowa shall by its proper officer certify and convey to the said Company, all bonds granted by an act of Congress approved August 8th, 1846, to the then Territory of Iowa, to aid in the improvement of the Des Moines River, which have been approved and certified to the State of Iowa by the General Government; saving and excepting all lands sold or conveyed, or agreed to be sold or conveyed by the State of Iowa, by its officers and agents, prior to the 23d day of December, 1853, under said grant; and said Company or its assignees shall have right to all of said lands so herein granted to them, as fully as the State of Iowa could have under or by virtue of said Grant, or in any manner whatever, with full power to settle all errors, false locations, omissions or claims in reference to the same, and all pay or compensation therefor by the General Government, but at the costs and charges of said Company.

And the State to hold all the balance of said lands, and all rights, powers and privileges under and by virtue of said Grant, entirely released from any claim, by or through said Company; and it is understood that among the lands excepted and not granted by the State to said Company are, 25,487, 87 acres, lying immediately above Raccoon Forks, supposed to have been sold by the General Government, but claimed by the State of Iowa.

And it is further agreed that said Company release and convey to the State of Iowa or its Representatives, all materials of every kind and description, prepared for, or intended for the construction of Locks or Dams in said Improvement, wheresoever the same may be, and the State shall take the existing contracts for constructing or repairing the works on said Improvement at Keosauqua, Bentonsport, Plymouth and Croton, with all their respective liabilities and advantages, with all claims against the same, and per centage retained thereon, excepting that the Company shall pay all estimates for work done or material prepared up to this date, beyond the per centage retained from the contractors under their agreements; and the said Company shall be discharged from all

claims against the State or the said Improvement, or any of its officers or agents, arising from or growing out of any agreement or liability prior to the 9th day of June, 1854, and said Company shall be discharged from all liability for the claims of the officers of the State for services or salaries. The said Company hereby agree to pay the State the sum of Twenty Thousand Dollars, which sum shall be paid to the order of the Commissioner of the Des Moines River Improvement, as fast as he may require to liquidate existing liabilities against said Des Moines River Improvement on thirty days notice given to said Company, at their office in the City of New York. And any Bonds or Certificates of indebtedness against said Improvement, not exceeding in amount the sum of Eleven Thousand Dollars, which are now due and unpaid, are to be received in part payment of said sum of Twenty Thousand Dollars. And from and after the Legislature of the State of Iowa, shall by enactment or Joint Resolution, ratify this agreement, the same shall be held as a final settlement and adjustment of all matters contained.

*Provided*, and it is made a condition of this agreement that the remaining portion of the said grant shall be appropriated under the direction of the State to the said Improvement of said River, or to the construction of a Rail Road from the city of Keokuk, up the Des Moines Valley, as the State may provide.

In testimony whereof the parties have hereunto set their hands, the State of Iowa by its Committee aforesaid, and the said Company by its President and its Executive Committee, this March 1st, 1858.

COMMITTEE, { WM. LOUGHRIDGE,  
WM. W. BELKNAP,  
C. C. CARPENTER.

R. S. BURROWS, President.

JOHN STRYKER, { Committee.  
ORVILLE CLARK, }

The foregoing arrangement is recommended as a compromise for the purposes therein named; and if a majority of the Committee to whom the subject has been referred for settlement, shall acquiesce in the same, I hereby join in the same, inasmuch as it is not intended to in anywise effect the right of the State if said arrangement is not approved by the Legislature.

E. MANNING, Com'r. D. R. Imp't.

March 1st, 1858.

On motion of Mr. Johnston,  
The Report was laid on the table, and 500 copies ordered to be printed.

Mr. Foster

From the Committee on Agriculture, had leave to introduce Senate File No. 150, A bill for an act to provide for the continuation of the Geological Survey of the State, which was read the first and second time, and on his motion,

Referred to the Committee on Ways and Means.

Mr. Rankin

From the special committee to whom was referred Senate File No. 131, A bill for an act authorizing the construction of bridges in the State of Iowa, reported the same back with one amendment, and recommended its adoption.

The amendment was adopted.

On motion of Mr. Wilson,

The bill was recommitted.

Mr. Trimble had leave to introduce

Senate File No. 151, A bill for an act requiring State officers and others to distribute public documents.

Which was read a first and second time, and on his motion referred to the Committee on Judiciary.

Mr. Stewart had leave to introduce

Senate File No. 152, A bill for an act requiring two, at least, of the Dubuque & Pacific Railroad Company to reside in the State of Iowa, and to regulate the issue and disposition of the construction bonds of said company.

Which was read a first and second time, and referred to the Committee on Railroads.

On motion of Mr. Grinnell,

Senate File No. 98, A bill for an act to incorporate the State Bank of Iowa, was taken up.

On motion of Mr. Grinnell,

The amendments, as recommended in committee of the whole, were taken up and considered separately.

First amendment: To add to section 2, "and other branches may be organized, under such directions as is herein provided."

Which was adopted.

Second amendment: To insert after the word "thereof," in the sixth line of section 3, "or by the Governor of the State."

Which was adopted.

Third amendment: Strike out in the 5th section and tenth line the word "may" and insert "shall."

Which was adopted.

Fourth amendment: To insert in section 6 and third line, after the word "authorized," "by the State Bank of Iowa."

Which was adopted.

Fifth amendment: Strike out "an" in section 12 and first line and insert "such."

Which was adopted.

Sixth amendment: Strike out in section 17 and fourth line as follows: "as the security of such Bank may deem necessary."

Which was adopted.

Seventh amendment: Section — and third line, strike out "\$300,000" and insert "\$500,000," and strike out "fifty per cent must be paid up, and the balance as the Directors of each branch may determine, except as specially provided for in this act."

Upon striking out "\$300,000" and inserting "\$500,000," the yeas and nays were demanded, ordered, and were as follows:

The yeas were

Senators Brigham, Davis of Polk, Kirkwood, McCoy, Patterson Rankin, Saunders—7.

The nays were

Senators Atkins, Bailey, Brown, Coolbaugh, Cook, Carter, Dale Davis of Clinton, Grinnell, Johnston, Jenkins, Loughridge, Mann McPherson, Neal, Pusey, Reed, Reiner, Stewart, Sharraden, Trimble, Wilson—22.

The amendment was not adopted.

The other portion of the amendment was adopted.

Eighth amendment: In section 27, fourth and fifth lines, strike out the words "removing from the State."

Which was adopted.

Ninth amendment: Section 34, in fifth line, insert after "statements," "verified in like manner."

Which was adopted.

Tenth amendment: Section 40, in eleventh line, strike out "misdemeanor" and insert "felony."

Which was adopted.

Eleventh amendment: Section 40, in thirteenth line, strike out "one" and insert "three;" strike out "ten" and insert "twenty."

The question being on the first part of the amendment, to strike out "one" and insert "three," was lost.

The question being upon striking out "ten" and inserting "twenty," prevailed.

Twelfth amendment: In 47th section strike out the name of "Thomas Hedge of Des Moines county," and insert "C. W. Slagle of Jefferson country."

Which was adopted.

Thirteenth amendment: To fill the blank in the 47th section and fifth line with the name of "L. W. Babbit of Pottawattamie county."

Which was adopted.

Message from His Excellency the Governor, by Mr. Withrow, his Private Secretary :

EXECUTIVE CHAMBER, }  
February 27, 1858. }

*To the President and Gentlemen of the Senate :*

Agreeable to your request I herewith communicate to your honorable body an abstract of the reports of the agents appointed by my predecessor to examine into the state and condition of the school fund and school bonds in the several counties of this State. Reports have been received from 43 counties, some of which are very voluminous and complicated, yet I have been able with time, to compile a tabular statement, hereto annexed, showing,

1st. The names of the counties from which reports have been received.

2d. The amount which each county has received of the five per cent fund.

3d. The amount of penalty of each School Fund Commissioner's bond.

4th.: The number of acres unsold, and the number of acres sold of the 16th section, and so much of the 500,000 acre grant as was located in said counties.

5th. The aggregate number of acres of the 16th section, and also the aggregate number of acres of the 500,000 acre grant selected in each county.

6th. The amount of the school fund loaned and the time for which the same was loaned as well as the character of the security.

7th. The amount loaned, due and unpaid.

8th. The amount of cash in the hands of the School Fund Commissioners.

9th. The amount of uncollected debts.

10th. Amount of suspended and doubtful debts, together with an imperfect statement of the annual expense of conducting the system in each county.

The reports of the several agents show great laxity and carelessness of the manner in which the financial part of the system has been conducted in some of the counties, amounting in some instances to irregularities, abuses, and frauds, many of which can be corrected, it is believed, by proper instruction from the Superintendent of Public Instruction or from this department of State. The bonds of many of the County Fund Commissioners should be increased, with additional and better securities. The practice of the Commissioners loaning money to themselves, or retaining considerable amounts in their own hands, should be interdicted. The manner of keeping their books and accounts should be reduced to a uniform system, with instructions to report annually certain specified facts, in proper tabular form, that the department of Public Instruction might be duly informed without the expense of investigating agents.

There are two or three counties from which reports have been made, which demand further attention. For instance, the school fund has lost the proceeds of 80 acres of land in Linn county, which should be made up by the General Government, in a like quantity of land. It seems that anterior to the congressional surveys, one John G. McLoud had erected a mill on one of the school sections. By a special act of Congress, 40 acres including the mill, was sold to the said McLoud, and has not been repaid. Also, prior to our admission into the Union, the General Government sold the N. W. quarter of the N. E. quarter of section 16, township 83, range 7 West—40 acres.

In Decatur county, out of the 500,000 acre grant, there was selected and returned 40,641 28-100. All these lands are reported to have been sold, yet the books of the School Fund Commissioner show a sale of 39,948 16-100 acres, making a discrepancy of 693 acres. Ownership to the 693 acres is set up and receipts for the purchase money exhibited by the occupants. If they are bona fide purchasers and have paid the money, the School Fund Com.



missioner should be made to account. I am advised similar occurrences have transpired in other counties not yet heard from. The precise character of these irregularities should be early inquired into, and the appropriate remedy applied, which I shall feel it my duty to do, unless it is made the duty of some other officer.

It is believed that great abuse and frauds have been practiced in Tama county, in the sale of the 16th section. An act to amend chapter 65 of the Code, and to provide for the sale of saline, school and university lands, approved Jan. 25th, 1855, requires that these lands should be offered at public sale three different times, six months or more apart, before they shall be subject to private entry, and then not less than their appraised value. In January, 1857, 3200 acres of the 16th section, were offered at public sale at Monticello, in said county, (being the first and only time that they were so offered) and run up to a high figure by fictitious bidders employed for that purpose, to prevent actual settlers and inhabitants from becoming purchasers. After the sale, these bidders privately perfected their bids, and the parties for whom they acted, in collusion with the School Fund Commissioner, purchased the same at private entry at the appraised value thereof. All this is and was a fraud upon the school fund, a clear violation of the statute, and consequently a void sale, and should so be declared unless the present pretended owners and occupants should be willing to take and pay for the lands at the prices for which they were bid off. Much praise is due to T. Walter Jackson, Esq., the agent appointed for bringing to light this fraud in the sale of the school land, with all the attending circumstances, together with the testimony supporting the facts. Although somewhat expensive, I think the investigation by these agents of the affairs of the School Fund Commissioners, will result in much good, correcting many abuses, and preventing losses to the school fund by calling attention in time to have them obviated.

In prosecuting the investigation of the other counties, I am of the opinion a much less number of agents ought to be employed, and these upon contracts made in advance.

RALPH P. LOWE.



*Gentlemen of the Senate  
and House of Representatives:*

I return, with my objections, to the Senate whence they originated, the Joint Resolutions authorizing the Commissioners to conform the laws of the State to the Constitution, and report to the present session of the Legislature the same: also to prepare a code of civil and criminal procedure and revise the laws, and report the same at such time as the Legislature may designate.

This is no uncommon form of legislation, but it should be remembered that Joint Resolutions directing something to be done by third persons, either during or after the termination of the legislative session, take the form as well as the force of law, and are subject to the same regulations and solemnities in their enactments as other bills. The Constitution of this State requires the style of all laws to be, "*Be it enacted by the General Assembly of the State of Iowa.*" The resolutions in question are wanting in these enacting words of the Constitution.

It has frequently been held that without them the law is not and cannot be valid, nor will equivalent words satisfy the absolute requirement of the Constitution in this respect.

Again, the third and fourth resolutions require the Codifying Commissioners to perform certain duties during your present session, without making provisions for their taking effect immediately by publication: they will therefore have no binding efficacy until published by due course of law, when they will become negatory by loss of time, and ought not to encumber the Statute book.

The first and second resolutions, fixing the day of adjournment, and prohibiting under certain circumstances the introduction of new business after a given day, are intended only to prescribe a rule of action for the General Assembly itself—subject at any time to be changed or altered at the discretion of the two Houses. Yet they are inseparably coupled with other enactments having the force of law, and must necessarily be published and bound up with the laws of the State, long after they have expended their force and cease to have any operation.

This is a system of legislation I think had better not be indulged in, and therefore with great respect I return the resolutions with these my objections.

RALPH P. LOWE.

## Fourteenth Amendment—

In 47th section insert in the 13th line, after the word "filled," the words "by appointment,"

Was adopted.

Message from the House, by their Clerk:

MR. PRESIDENT:

I herewith present for your signature House substitute for Senate File No. 70: An act fixing the time of holding Courts in the 4th Judicial District, the same having passed both branches of the General Assembly and been duly enrolled by the House of Representatives.

W. P. HEPBURN, Chief Clerk.

## Fifteenth Amendment—

Insert in the same section, after the 13th line, the following:

"Thomas Hoyt Sherman, of Polk county, Benjamin Lake, of Clinton county, and Elias H. Williams, of Clayton county, are hereby appointed Directors of the State Bank of Iowa, on the part of the State, who shall be paid by the State, who shall have the same powers, and shall receive the same compensation as the Directors elected upon the part of the Bank. The terms of service of said Directors shall be for two years, and until their successors are elected and qualified

It shall be the duty of the General Assembly to elect three Directors of the State Bank of Iowa at each regular biennial session. No person shall be eligible to the office of State Director who holds any office or appointment under any of the branches, or owns any stock in the same, and the acceptance of any office of trust or profit from any branch, or the acceptance of any stock in any branch by a State Director during his term of service, shall be deemed a resignation, and the Governor shall fill by appointment the vacancy.

Mr. Loughridge

Moved to amend the amendment by striking out the name of "Benjamin Lake, of Clinton county."

On motion of Mr. Kirkwood

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

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TWO O'CLOCK, P. M.

On motion of Mr. Thompson

The message of the Governor returning Senate File No. 98:

Joint Resolution authorizing the Commissioners appointed to revise the laws to continue their work and report at an adjourned session,

Was taken up and read.

The question being, "shall the resolution pass, notwithstanding the objections of the Governor,"

Mr. Mann voted in the affirmative.

The nays were,

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Jenkins, Loughridge, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—30.

The objections of the Governor were sustained.

Mr. Thompson

Submitted the following resolution :

*Resolved*, The House concurring, that the General Assembly of the State of Iowa, now in session, will adjourn on or before the 16th day of March, A. D., 1858, and that no bills for any act shall be introduced into either House from and after the 10th day of March, 1858, without the unanimous consent of the members of the House in which the same is sought to be introduced.

Which was, on his motion,

Referred to the Committee on Ways and Means, with instructions to report to-morrow morning.

The question being upon the adoption of the motion made by Mr. Loughridge, pending when the Senate adjourned, to-wit :

Striking out the name of "Benjamin Lake, of Clinton county."

Did not prevail.

Mr. Loughridge

Moved to amend the amendment by striking out the words "and said Directors shall, also, act as Commissioners in the organization of said Bank."

Which was adopted.

Mr. Mann

Moved to amend the amendment by striking out the words, "who shall be paid by the State."

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

The yeas were,

Senators Bailey, Coolbaugh, Dale, Foster, Johnston, Loughridge, Mann, Neal, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—14.

The nays were,

Senators Allen, Atkins, Brigham, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, Kirkwood, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Sharraden—21.

The motion was lost.

The amendment was adopted.

Message from the House of Representatives,  
By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to return to the Senate, substitute for Senate File No. 53: A bill for an act relating to delinquent taxes for 1857, the House having refused to pass the same.

W. P. HEPBURN, Chief Clerk.

Mr. Brigham

Moved to amend by adding an additional section, to-wit:

Section 32. That each branch of the State Bank shall be required to keep in its vaults over and above the amount required to be kept for the protection and redemption of its circulation, at least twenty-five per cent. of its current deposits, and shall be prohibited from paying interest on current deposits.

Mr. Carter

Moved to amend by striking out the words "and shall be prohibited from paying interest on current deposits."

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

The yeas were,

Senators Atkins, Carter, Grinnell, Mann, Trimble, Thompson—5.

The nays were,

Senators Allen, Brigham, Bailey, Coolbaugh, Cook, Cattell, Dale, Davis of Polk, Foster, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Patterson, Reed, Reiner, Saunders, Stewart, Sharraden, Warner, Wilson—25.

The motion did not prevail.

Mr. Mann

Moved to amend by striking out "25" and inserting "50."

Which motion was lost.

The question recurring on the adoption of the amendment submitted by Mr. Brigham,

The amendment was adopted.

Mr. Kirkwood

Moved to amend section five in the first line after the word "Bank," by inserting the words, "appointed by the branches."

Which amendment was adopted.

Mr. Wilson.

Moved to amend section seven, in the third line, by striking out the word "State," and inserting after the word "stocks" the words "of interest paying stocks."

Mr. Jenkins

Moved to amend the amendment by inserting before the words "State Stocks," the words "interest paying "

Which amendment was adopted.

Mr. Carter

Moved to strike out in the same section, fourth line, the words "ten per cent.," and insert "twenty-five per cent."

Motion lost.

Mr. Coolbaugh

Moved to strike out in Section eight the words, "Or in bonds secured by mortgage on unincumbered real estate, situate in the county where such branch is located, or in adjoining counties, of at least twice the value in each case of the amount secured thereby, exclusive of buildings or other fixtures, subject to be destroyed by fire, floods or other accidental occurrences, or of timber, mines or minerals, subject to waste, which bond shall be made payable on demand to the State Bank of Iowa, and shall be on such rate of interest as shall be agreed upon by the parties, not exceeding ten per cent per annum, payable semi-annually, in advance."

Which motion prevailed.

Mr. Patterson

Moved to strike out Section nine.

Mr. Grinnell

Moved that the Senate adjourn till seven o'clock, P. M.

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

The yeas were,

Senators Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell,

Carter, Davis of Clinton, Grinnell, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Thompson—16.

The nays were,

Senators Allen, Bailey, Dale, Davis of Polk, Foster, Jenkins, Mann, Neal, Pusey, Patterson, Rankin, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—18.

Motion lost.

Mr. Mann

Moved that the Senate adjourn till 9 o'clock to morrow morning.

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

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Dale, Davis of Polk, Jenkins, Mann, Neal, Pusey, Patterson, Rankin, Stewart, Trimble, Wilson—15.

The nays were,

Senators Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Rusch, Saunders, Sharraden, Thompson, Warner—19

Motion lost.

Mr. Kirkwood

Moved that the Senate adjourn till 7 o'clock P. M.

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

The yeas were

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Rusch, Sharraden, Thompson, Wilson—22.

The nays were,

Senators Davis of Clinton, Davis of Polk, Jenkins, Mann, Neal, Pusey, Patterson, Rankin, Saunders, Stewart, Trimble, Warner—12.

Motion prevailed.

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### SEVEN O'CLOCK, P. M.

The question being on Mr. Patterson's motion to strike out Section nine, pending when the Senate adjourned.

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

The yeas were,

Senators Brigham, Brown, Coolbaugh, Cook, Davis of Clinton, Davis of Polk, Kirkwood, McPherson, Patterson, Rankin, Saunders—11.

The nays were,

Senators Allen, Bailey, Dale, Grinnell, Johnston, Jenkins, Loughridge, Mann, Pusey, Reiner, Stewart, Sharraden, Trimble, Wilson—14.

On motion of Mr. Cook,

The Senate adjourned.

SENATE CHAMBER,  
TUESDAY, March 2d, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. J. A. Nash.

Journal of yesterday read.

Mr. Loughridge

Moved that that portion of the journal in relation to a call of the Senate be stricken out.

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

The yeas were,

Senators Allen, Atkins, Cattell, Carter, Dale, Davis of Polk, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, Pusey, Patterson, Rankin, Reed, Rusch, Saunders, Sharraden, Thompson, and Wilson—20.

The nays were

Senators Brigham, Bailey, Brown, Coolbaugh, Cook, Davis of Clinton, Johnston, Mann, Reiner, Stewart, and Trimble—11.

The motion prevailed.

#### NOTICE OF BILLS.

By Mr. Pusey :

Notice of a bill to prevent banks, bankers and brokers, from

receiving or paying out bank bills of a smaller denomination than five dollars.

By Mr. Rankin :

Notice of a bill to revise Chapter 55 of the Code ; also,  
Containing amendments to the same.

By Mr. Grinnell :

Notice of a bill providing for the election of the Board of Education.

## RESOLUTIONS.

Mr. Jenkins

Submitted the following resolution :

*Resolved*, That the Attorney General be required to furnish his opinion to the Senate, as to whether the Des Moines Navigation and Railroad Company have failed to fulfill their contract with the State, and if so, how far such failure has been waived by any settlement on the part of the officers of the State,

And how far the State is liable to said Company for money expended upon the improvement of the Des Moines river, by said Company, and whether the facts of the case are of such a character as that it would be the policy of the State to decline a compromise, and rely on a resort to the Judiciary.

Upon the motion to adopt the resolution,

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

The yeas were.

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Foster, Grinnell, Johnston, Jenkins, Kirkwood, McCoy, Neal, Pusey, Reed, Reiner, Stewart, Sharraden, Thompson, Warner, Wilson—25.

The nays were,

Senators Brigham, Davis of Polk, Loughridge, Mann, McPherson, Patterson, Rankin, Trimble,—8.

The Resolution was adopted.

Mr. Davis of Clinton had leave to introduce

Senate File No. 153, A bill for an act relating to common carriers and their rights and duties in relation to property coming into their hands, and the payment and collection of charges thereon, which was read the first and second time, and, on his motion,

Was referred to the Committee on Railroads.



**Mr. Sharraden**

From the Committee on Enrolled Bills, reported that they had examined Senate Files Nos. 101, 125, 4, 123, and 120, and found the same correctly enrolled.

**Mr. McCoy,**

From the Committee on Engrossed Bills, reported that they have examined substitute for Senate File No. 23, A bill for the Public Instruction of the State of Iowa, and found the same correctly engrossed.

**Mr. Loughridge,**

From the Committee on Township and County Organizations, to whom was recommitted Senate File No. 58, A bill for an act creating a Commissioner's Court, and defining its powers, reported the same back to the Senate, with the following amendments, to wit: to strike out the Proviso to Section 4, viz: "That no sum of money shall be expended for the erection of any county building the cost of which shall exceed one thousand dollars, until the County Judge and Commissioners shall first have submitted to the legal voters of the county, provided one hundred legal voters of said county shall petition for said reference, the proposition and the same shall have received a majority of said votes. Provided also, that at least six weeks before the time of the election, the said officers shall have published in some newspaper published in the county, or in case no newspaper is published in said county, shall have posted up in five conspicuous places in said county, one of which shall be on the door of the office occupied by the County Judge, a proclamation, stating the amount of money to be expended, and the kind of building to be erected, and the form of the ballot to be deposited, Provided, however, that this provision shall not extend to any contracts heretofore made, or building authorized or directed to be built in pursuance of any law now in force."

2d amendment. By adding to section 1 as follows: "If two Commissioners have an equal vote, they shall, by lot, decide in presence of the County Judge, which shall hold for two years.

The question being on the first amendment recommended by the Committee,

**Mr. Thompson**

Moved to amend by striking out in the proviso as follows:

*"Provided one hundred legal voters of said County, shall petition for said reference,"*

Which motion prevailed.

The question being upon the recommendation of the Committee to "strike out,"

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

The nays were,

Senators Cattell, Carter, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McPherson, Neal, Pusey, Reed, Rusch, Stewart, Sharaden, Trimble—15.

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Dale, Davis of Clinton, Davis of Polk, Mann, McCoy, Reiner, Saunders, Thompson, Warner—15.

The vote being a tie, the President voted nay.

The Senate refused to strike out.

The second amendment was adopted.

Mr. Loughridge

Offered the following substitute for the proviso, which the committee recommended to be stricken out :

*Provided*, If the Commissioners Court shall decide to build any County building, the cost of which will exceed —— thousand dollars, they shall enter such decision on the records of the Court, with the proposed cost of the House, and no further steps shall be taken with regard to the same until the next regular meeting, and if before or at the next regular meeting, one-third of the legal voters of the county as shown by the last preceding State election, shall petition the court to have such proposition submitted to a vote of the county, the same shall be submitted at the next regular election, or at a special election as the court may determine, and the court shall specify the kind of ballot to be used, and shall cause notice of such election to be given four weeks, by posting the same up in four public places in the county, and by publishing the same in a newspaper, if any is printed in the county, and if at such election the majority of votes cast are in favor of the proposition the court may then proceed with the same.

Mr. Mann

Moved to amend the substitute by striking out "one-third," and inserting "one-fourth,"

Which motion prevailed.

Mr. Trimble

Moved to amend by striking out all between the word "until," in the 7th line, and "submitted," in the 15th line, and inserting "they shall have submitted the proposition so to build such building to a vote of the qualified electors of the county, such proposition shall be."

On motion of Mr. Brigham,

The Substitute and amendments were laid upon the table.

Mr. Cattell submitted the following for the proviso, in the 4th, section: "But such court shall not direct the erection of a Court House, Jail or Bridge, at any other than a regular session of said court, nor until public notice has been given by said court, in the newspapers published in said county, if any be published, and if no newspapers be published then by written notices put up in at least ten public places in such county, at least thirty days before such regular session, that the question whether such Court House, Jail or Bridge shall be erected, will be acted on by said court, at such regular session.

Which was adopted.

Message from the House of Representatives by their Clerk:

MR. PRESIDENT:

I am directed to inform the Senate that the House has reconsidered the vote by which it refused to pass Senate File No. 53, A bill for an act relating to delinquent taxes and requests the return of the bill.

I am also directed to inform the Senate that the House has passed Senate File No. 105, A bill for an act to legalize certain acts of James M. Berry, late County Judge of Linn County, Iowa, and of certain other persons, with one amendment in which the concurrence of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

Mr. Trimble

Moved to amend the 4th subdivision of section 4, by inserting after the word "County," the words "road and school."

Which was adopted.

Mr. Davis of Clinton,

Moved to amend by adding a 5th subdivision to the 4th Section—To hear and determine upon all matters in relation to swamp lands heretofore devolving upon the County Judge.

Which motion was lost.

Mr. Trimble

Moved to amend section 5 by adding the words, "if the claimant so desires."

Which was adopted.

Mr. Loughridge

Moved that the 11th Rule be suspended, and the bill read the third time.

Which was adopted.

The bill was read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Atkins, Brown, Cattell, Carter, Dale, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Trimble, Warner—21.

The nays were,

Senators Allen, Brigham, Bailey, Coolbaugh, Cook, Davis of Clinton, Johnston, Neal, Pusey, Patterson, Stewart, Sharraden, Thompson, Wilson—14.

The bill was passed and the title thereof agreed to.

Senate File No. 105, A bill for an act to legalize the acts of James M. Berry, late County Judge of Linn County, Iowa, and of certain other persons, was returned from the House with one amendment to section 5, and was

On motion of Mr. Thompson,

Taken from the table.

The question being on concurring in the amendment,

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—34.

The nays were none.

The amendment was concurred in.

On motion of Mr. Rankin,

The Secretary was ordered to return Senate File No. 53, to the House agreeable to their request.

On motion of Mr. McPherson,

The Senate adjourned.

TWO O'CLOCK, P. M.

Mr. Davis of Polk,

From the committee on public buildings, to whom was referred House File No. 104, A bill for an act making an appropriation for the Iowa Penitentiary, and a substitute therefor, reported the same back to the Senate and recommended the adoption of the following amendments to the substitute, viz :

Strike out the first proviso in the 2d Section, and insert "No money hereby appropriated for building purposes shall be drawn except on estimates of work actually performed or materials furnished."

In the 8th line of Section 1st, strike out "sixteen thousand," and insert "ten thousand"; also, in the last line of Section 1st, strike out "twelve thousand," and insert "nine thousand"; also, strike out in the 5th Section all after the words "Iowa State Journal."

On motion of Mr. Kirkwood,

The bill, substitute and amendments thereto were referred to the Committee on Ways and Means.

Mr. Stewart,

From the minority of the committee on Federal Relations, made the following report :

The undersigned, members of the committee on Federal Relations, are unwilling to assent to the necessity or propriety of the proposed action of the Senate, as indicated by the preamble and resolutions in relation to the case of Scott vs. Sanford, decided in the Supreme Court of the United States, some time since, as reported by a majority of the committee.

By the Federal Constitution, "the judicial power of the United States, is vested in one Supreme Court," and such interior Courts as Congress may establish.

To the Supreme Court, as a co-ordinate department of the General Government, is given the power, and it is made its positive duty to expound the law and interpret the Constitution, in all cases of doubt and dispute in regard to its meaning which may be properly brought before it.

A decision of the Supreme Court, when pronounced, is, under the Constitution and laws of the country, as binding as a law of Congress, not only upon the other co-ordinate departments of the

Government but upon every citizen of the Union, and all persons within its jurisdiction.

It was the policy of the framers of the Constitution to make the Judiciary independent of the other departments of the Government. In this particular they were eminently successful, and heretofore the wisdom of that policy has not been questioned.

Neither the Constitution of the United States or of the State of Iowa, confers upon the General Assembly of this State, the jurisdiction to review or overrule the decisions of the Supreme Court of the United States.

By Article 3, Section 1, of our Constitution, the General Assembly are expressly prohibited from exercising Judicial functions.

The undersigned are of the opinion that the General Assembly of this State possesses no power, by the exercise of which it can rightfully declare that a decision of the highest judicial tribunal under the Government, "is not binding in law or conscience upon the government or people of the United States," that an attempted exercise of such power is dangerous to the well-being of, and subversive of the principles upon which all well-regulated republican governments are founded. It will tend to establish the doctrine that individual opinion is superior to law, to the authority of the judiciary, to the commands of those entrusted by the will of the majority to exercise the powers of government.

Such a principle is the germ of anarchy, which defies all law, and all restraint imposed by Government. Establish the principle as correct in one case, and how can it be limited so as not to apply to all and to every law?

If it be true, as assumed by the majority of the committee, that the Supreme Court expressly decided the whole case on the preliminary question of jurisdiction, and the opinion of the court of which they complain is extra-judicial, and therefore not binding, then we entertain no doubt but the Courts are fully competent, and will so determine when a proper occasion arises for so doing, and that the opinion objected to will receive no more respect, as authority than the Constitution and law give it. That question is one, however, which we regard exclusively within the province of the Courts to determine, and a decision upon it would be as binding as a decision upon any other question, and every citizen would

be in duty bound to respect the decision of the court, whatever his individual opinion might be.

The undersigned are of the opinion that Section 23, of Article 1 of the Constitution, which declares, "there shall be no slavery in this State, nor shall there be involuntary servitude unless for the punishment of crime," will be effectual to prohibit slavery in this State, without the passage of the third resolution, reported by the majority.

The preamble and resolutions reported by the majority of the Committee, contain assumptions of fact, and state conclusions which we think are unwarranted and untenable, but as we consider the subject matter of the resolutions not properly before the Senate for any legitimately legislative action, and this not the appropriate time and place for discussing the questions involved, we omit comment thereon, and for the reasons given among others, recommend that the resolutions be not adopted.

W. G. STEWART,  
J. MANN.

On motion of Mr. Coolbaugh,  
The report was laid on the table.  
Mr. Cattell,

From the Committee on Claims, made the following report:

The Committee on Claims, to whom was referred the claim of F. A. Barker, late Warden of the Penitentiary, have had the same under consideration, and make the following report:

At the last session of the General Assembly an act was passed authorizing the Inspectors to increase the pay of the officers of the Penitentiary, and in accordance with said act the Inspectors did, on the 23d day of February, 1857, appoint P. Inskeep, Warden, at a salary of \$700 per annum, such appointment and increase of salary to take effect on the 12th day of April, 1857, at which time the Warden, F. A. Barker, had signified his intention of resigning his office. The said Barker did not resign on the said 12th day of April, but retained his office until the first of May following, and received his pay to that time at \$500 per annum.

Your committee are confident it was the intention of the Inspectors to have the increase of salary by them allowed, to commence at the time of the installation of their appointee, and at no earlier day, and such increase was probably made by them for the purpose of securing an efficient officer.

Your committee, considering all the facts to them presented, are unanimous in recommending that the claim be not allowed.

But as there appears to be a question as to the legal rights of the claimant to the increased pay in consequence of the action of said Inspectors during his term of office, your committee would suggest the propriety of referring the matter to the Judiciary Committee.

J. W. CATTELL, Chairman.

On motion

The report was referred to the Committee on Judiciary.

Mr. Kirkwood,

From the Committee on Federal Relations, to whom was referred substitute for House File No. 90: A bill for an act entitled an act to repeal a part of section 1464 of the Code of Iowa,

Reported the same back to the Senate and recommended that the further consideration of the bill be indefinitely postponed.

Which report was agreed to.

Mr. Saunders,

From the Committee on Ways and Means, to whom was referred House File No. 165: A bill for an act to provide for the recording of certain instruments in writing belonging to the State,

Reported the same back to the Senate with a substitute therefor, and recommended the adoption and passage of the substitute.

Which report was agreed to,

And the substitute ordered to be engrossed for a third reading.

Mr. Saunders,

From the Committee on Ways and Means, to whom was referred Senate File No. 111: A bill for an act making appropriations for the State University,

Reported the same back to the Senate and recommended the adoption of the following amendments, viz:

Strike out in section first, fifth line, "\$7000," and insert "3000." In the twelfth line strike out "twenty thousand dollars" and insert "ten thousand dollars;" also, strike out all that portion relating to "an Agricultural Professorship."

Which amendments were adopted.

On motion of Mr. Coolbaugh

The bill was further amended by striking out in the first section the words, "or the purchase and fitting up."

On motion of Mr. Loughridge



The bill was laid on the table and made the special order for tomorrow at 2 o'clock, p. m.

Message from the House of Representatives,  
By Mr. Jones, Second Assistant Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has passed House File No. 198: "A bill for an act repealing so much of Chapter 175 of the acts of the Sixth General Assembly of the State of Iowa, as authorizes the holding of the District Court in the counties of Boone and Greene," in which the concurrence of the Senate is asked.

B. F. JONES,  
Second Assistant Clerk.

On motion of Mr. Patterson

The Senate took from the table Senate File No. 78: A bill for an act to incorporate the State Bank of Iowa.

Mr. Loughridge

Moved to reconsider the vote by which section nine was stricken out,

Which motion prevailed.

The question being on the motion to strike out the 9th section,  
The yeas and nays were demanded, and ordered, and were as follows

The yeas were,

Senators Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden—23.

The nays were,

Senators Allen, Bailey, Dale, Johnston, Jenkins, Mann, Neal, Stewart, Trimble, Thompson, Warner, Wilson—12.

The motion prevailed.

Mr. Saunders

Moved to strike out in section ten the words ;

"On the fourth hundred thousand or part thereof, not more than one and a quarter the amount of such capital over three hundred thousand, and on any amount of capital over four hundred thousand dollars, not more than an amount equal to such capital over four hundred thousand."

Which motion prevailed.

Mr. Mann

Moved to strike out in the same section the words, "one dollar," "two dollars," "three dollars;" so as to prevent the issue of bills of a less denomination than five dollars.

Mr. Bailey

Moved to further amend by striking out the words "five dollars," "ten dollars;" so as to prevent the issue of bills of a less denomination than twenty dollars.

Which motion to amend was lost.

The question recurring on Mr. Mann's motion to strike out,

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

The yeas were,

Senators Allen, Brigham, Bailey, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Johnston, Mann, McPherson, Neal, Pusey, Rankin, Reed, Stewart, Trimble, Wilson—18.

The nays were,

Senators Atkins, Brown, Carter, Dale, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McCoy, Patterson, Reiner, Rusch, Saunders, Sharraden, Thompson, Warner—17.

Motion prevailed.

On motion of Mr. Johnston

The Senate adjourned.

#### SENATE CHAMBER,

WEDNESDAY, March 3d, 1858, 9 o'clock, A. M.

Senate met pursuant to adjournment.

Prayer by the Rev. J. A. Nash.

Journal of yesterday read and approved.

Senate File No. 123, and Senate substitute for House File No. 4, Senate Files Nos. 125, 120 and 101 having passed both branches of the General Assembly, been duly enrolled and signed by the Speaker of the House of Representatives and President of the Senate, were placed in the hands of the Enrolling Committee, to be by them presented to the Governor.

Message from the House by their Chief Clerk.

MR. PRESIDENT :

I am directed to return to the Senate, substitute for Senate File No. 122, A bill for an act in relation to the interest on the School Fund, the same having passed the House with one amendment, and to which the concurrence of the Senate is asked.

I am further directed to inform the Senate that the House has passed bills of the following Nos. and Files, viz :

Substitute for Senate File Nos. 7 &c., Joint Resolution to procure additional mail facilities. Also,

Substitute for House File No. 95, A bill for an act to provide for the punishment of willful and malicious oppression. Also,

House File No. 193, A bill for an act to repeal a part of Section twelve, of Chapter 156, in relation to swamp lands, approved Jan. 25th, 1855. Also,

House File No. 199, A bill for an act to amend an act entitled an act to incorporate the City of Davenport, and to amend the several acts amendatory thereto. Also,

House File No. 204, A bill for an act to permit certain Indians to reside within the State. Also,

House File No. 203, A bill for an act to provide for levying a tax on certain land to complete and keep in repair a levee on Muscatine Island, and for the election of a Levee Commissioner to superintend the same. Also,

House File No. 216, A bill for an act to attach the County of Worth to the County of Cerro Gordo, for certain purposes. Also,

Substitute for House File No. 218, A bill for an act to regulate the weight of different seeds. In all of which the concurrence of the Senate is asked.

I also present herewith for your signature House File No. 159, Memorial to Congress for a grant of land for the support of agricultural Colleges and Scientific Agriculture, the same having passed both branches of the General Assembly, and been duly enrolled by the House of Representatives.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Rusch,

House File No. 199, A bill for an act to amend an act entitled an act to incorporate the City of Davenport, and to amend the several acts amendatory thereto, was read a first and second time, and,

On motion of Mr. Trimble,  
Referred to the Delegation from Scott County.

On motion of Mr. Davis of Polk,  
Mr. Dale had leave of absence for fifteen days.

### PETITIONS AND MEMORIALS.

Mr. Davis of Clinton,

Presented the petition of Robert Gower and others in relation to the creation of the office of State Gazetteer,

Which was referred to the Committee on Schools and State University.

Mr. McCoy

Presented the petition of J. C. Traer and others, in relation to the formation of a New County,

Which was Referred to the Committee on New Counties.

Mr. Atkins

Presented the petition of John Pollitt and others, in relation to the erection of dams, read and

Referred to the Committee on Agriculture.

On motion of Mr. Allen,

Senate File No. 130, A bill for an act authorizing a loan from the School Fund to the College of Physicians and Surgeons, at Keokuk, known as the Medical Department of the University of the State of Iowa, and the substitute therefor was taken from the table.

Mr. Neal

Moved to amend the substitute, Section 1st, by inserting after the words "*Medical Department of the University of the State of Iowa,*" the words "to the Central University, located at Pella, Marion County, Iowa, "five thousand dollars."

Which motion was lost.

The substitute was adopted.

On motion of Mr. Johnston,

The 11th Rule was suspended and the bill read a third time.

The question being on the passage of the bill,

The yeas were

Senators Allen, Brigham, Bailey, Brown, Coolbaugh, Cattell, Carter, Dale, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, Pusey, Pat-

terson, Rankin, Reiner, Saunders, Sharradden, Trimble, Thompson, Warner and Wilson—26.

The nays were

Senators Atkins, Cook, Foster, McCoy, Neal, Reed and Stewart—7.

The bill passed and the title thereof agreed to.

On motion of Mr. Cattell

Senate File No. 122: A bill for an act in relation to the apportionment of the interest of the School Fund,

Was taken up, the same having been returned from the House of Representatives with one amendment.

The question being upon the Senate concurring in the amendment made by the House,

The yeas were,

Senators Allen, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

Mr. Bailey voted in the negative.

The Senate concurred in the amendment.

On motion of Mr. Kirkwood

Senate File No. 95: A bill for an act to amend Chapter 220 of the session laws of 1856-7,

Was taken from the table.

The question being upon the amendment offered by Mr. Pusey,

Which was adopted.

On motion of Mr. Pusey

The 11th Rule was suspended and the bill read a third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner, Wilson—30.

The nays were,

Senators Coolbaugh, Foster, Reiner, Stewart—4.

The bill was passed and the title thereof agreed to.

Mr. Sharraden,

From the Committee on Enrolled Bills, made the following report:  
The Committee on Enrolled Bills have presented to His Excellency, the Governor, for his approval, the following acts:

Senate File No. 101: An act providing for the acknowledgement and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing. Also,

Senate File No. 125: An act to repeal an act establishing a School District in Van Buren township, Van Buren county. Also,

Senate File No. 4: An act to give greater security to purchasers and mortgagees of real estate. Also,

Senate File No. 123: Joint Resolution of the General Assembly of the State of Iowa asking Congress to pass an act providing for a grant of land as a homestead to actual settlers.

O. P. SHARRADEN, Chairman.

The Committee on Enrolled Bills have examined the following and find it correctly enrolled:

Senate File No. 105: An act to legalize certain acts of James M. Berry, late County Judge of Linn county, Iowa, and of certain other persons.

O. P. SHARRADEN, Chairman.

Mr. Neal,

From the Special Committee to whom was referred a resolution "to enquire into the reasons why the laws of the last General Assembly and Census returns were not printed and distributed within the time required by law," made the following report:

That immediately upon the appointment of the committee, at an early day in the session, they addressed letters of inquiry to Elijah Sells, Secretary of State, John Pattee, Auditor of State, and Peter Moriarty, late State Printer, who printed the laws of 1857, making the necessary enquiries.

The Secretary of State returned an answer, which is hereto annexed, marked "A."

The other persons addressed have not returned any answer, consequently we are not able to give to the Senate the information sought by the resolution.

OFFICE OF SECRETARY OF STATE, }  
January 30th, 1858. }

HON. J. E. NEAL,

*Chairman of the Committee of Inquiry:*

SIR:—In compliance with a resolution of the Senate, and in reply

to your communication of inquiry into the reasons why the laws of the last General Assembly and Census returns were not printed and distributed within the time required by law, I beg leave to submit :

In section 619, Chapter 39 of the Code, the Secretary of State is required to have the Census returns published in such manner as the Census Board directs, which provision of the Code has been superseded by Chapter 245 of the last session laws, and the Census returns transferred from this department to the Auditor's department. I refer you to that officer for information upon that subject, no copies of the State Census reports having been deposited with the Secretary of State.

The reasons why the laws were not published within the time prescribed by law, I am unable to give, no reasons having been given by the State Printer for the delay.

The copy was placed in the hands of the State Printer at an early day.

The first laws were delivered by the State Printer about the 20th day of August, and were immediately sent to the counties (two to each) by mail, and took effect on the 5th day of September.

The remainder of the laws were delivered at sundry times, the delivery not being complete until October.

The distribution was made as rapidly and promptly as could be done, after the delivery by the State Printer.

Very truly, Your obedient Servant,  
ELIJAH SELLS, Sec'y of State.

On motion of Mr. Grinnell

The report was recommitted with instructions to report to the Senate what action is necessary to obtain the required information.

On motion of Mr. Grinnell

Senate File No. 23: A bill for the instruction of the State of Iowa,

Was taken from the table.

Mr. Saunders

Moved to amend by adding to section first :

*Provided*, That each incorporated city or town, including the territory annexed thereto for school purposes, and which contains not less than one thousand inhabitants, shall be, and is hereby created a separate School District, which shall elect its officers in the same manner that officers are elected in other School Districts, and

the electors and officers of said District shall possess and exercise the same powers and perform the same duties as are by this act required of like officers in other School Districts, and said District shall be in all respects subject to the provisions of this act, so far as the same are applicable, and the remaining part of such township or townships shall each be considered as a separate township, as provided in this bill.

Which amendment was adopted.

The bill was read a third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Atkins, Brigham, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Reed, Reiner, Rusch, Sharraden—19.

The nays were,

Senators Bailey, Brown, Coolbaugh, Cook, Johnston, Neal, Pusey, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—13.

On motion of Mr. Cattell

Mr. Rankin was excused from voting.

On motion of Mr. Johnston

Mr. Patterson was excused from voting.

The bill was passed and the title thereof agreed to.

Mr. Saunders

From the Committee on Ways and Means, to whom was referred the resolution submitted by Mr. Thompson in relation to adjourning, reported the same back to Senate and recommended its adoption.

Mr. Sharraden

Moved to lay the resolution upon the table.

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

The yeas were

Senators Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Reed, Reiner, Rusch, Sharraden—16.

The nays were,

Senator Allen, Atkins, Brigham, Bailey, Coolbaugh, Johnston, Jenkins, Mann, Neal, Pusey, Patterson, Rankin, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—18.

The motion was lost.



**Mr. Cattell**

Moved to amend the resolution by striking out the "16th" and inserting "23d."

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

The yeas were

Senators Atkins, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reed, Reiner, Rusch, Sharraden—17.

The nays were,

Senators Allen, Bailey, Brown, Coolbaugh, Johnston, Jenkins, Mann, Neal, Pusey, Patterson, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—16.

The amendment was adopted.

**Mr. Coolbaugh**

Moved to lay the resolution upon the table.

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

The yeas were,

Senators Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Foster, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble—21.

The nays were,

Senators Allen, Atkins, Davis of Clinton, Grinnell, Johnston, Jenkins, Mann, Patterson, Rankin, Thompson, Warner, Wilson—12.

The resolution was laid upon the table.

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TWO O'CLOCK, P. M.

Senate File No. 111, A bill for an act making appropriations for the State University.

**Mr. Jenkins**

Moved to amend Section 1st by adding:

"Provided that no part of said sum shall be drawn from the State Treasury till an equal amount be raised by private subscription, or otherwise, for the same purpose,

Which motion was lost.

**Mr. Davis of Clinton**

Moved to amend by inserting in Section 1st, after "erection," the word "completion,"

Which was adopted.

On motion of Mr. Kirkwood,

The 11th Rule was suspended, and the bill read a third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble and Wilson—26.

The nays were

Senators Atkins, Bailey, and Warner—3.

The bill passed, and the title thereof agreed to.

Senate File No. 105 having passed both branches of the General Assembly, and signed by the Speaker of the House of Representatives, and the President of the Senate, was placed in the hands of the Enrolling Committee, by them to be presented to his Excellency, the Governor.

Mr. Rankin had leave to introduce

Senate File No. 154, A bill for an act providing for a revision of the Laws of Iowa, and the preparation of a Code of civil and criminal procedure, which was read the first and second time, and on his motion,

Laid on the table.

Mr. Mann,

From the Committee on Township and County Organization, had leave to introduce Senate File No. 155, A bill for an act creating the office of Township Assessor, which was read a first and second time, and on his motion,

Laid on the table.

Mr. Wilson,

From the Committee on Railroads, to whom was referred Senate File No. 152, A bill for an act requiring two at least of the Trustees of the Dubuque and Pacific Railroad Company to reside in the State of Iowa, and to regulate the issue and disposition of the construction bonds of said Company, reported the same back, and recommended the passage of the bill.

On motion of Mr. Patterson,

The 11th Rule was suspended, the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—30.

The nays were none.

The bill passed and the title thereof agreed to.

On motion of Mr. Patterson,

Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa, was taken from the table.

On motion of Mr. Cook,

The 10th Section was amended by striking out all after "One Hundred Dollars," in the 12th line.

Mr. Mann

Moved to amend the same section by striking out "Five Dollars," in the 12th line,

Which motion was lost.

Mr. Coolbaugh

Moved to amend Section 12, by adding,

"And the said branch shall only be allowed to make payment of any such lawful demand in silver coin, where the sum so demanded does not exceed the amount for which silver coin is a legal tender, according to the laws of the United States, and when payment shall be demanded on more than one of its notes at the same time, the aggregate amount of such notes so presented for payment shall be considered but one demand.

Mr. Kirkwood

Moved to amend the amendment by inserting after the word "payment," in the last line, "*to the amount of one hundred dollars.*"

Mr. Saunders

Offered the following substitute for the amendment submitted by Mr. Coolbaugh, and its amendment offered by Mr. Kirkwood, "Provided that when the sum exceeds five dollars on which payment is demanded at one time, not more than ten per cent. of said amount shall be paid in silver,"

Which was lost.

**Mr. Kirkwood's** amendment was adopted.

The question being on the amendment as amended,

**Mr. Davis**, of Clinton,

Called for a division of the question.

The President decided the question divisible.

The question being upon the adoption of the first of the amendments, relating to "the payment of silver coin,"

Was adopted.

The second division was also adopted.

**Mr. Pusey**

Moved to amend Section 14, 1st Subdivision, as follows: "To reimburse all monies due special depositors, provided no one owning stock or holding an office in said bank, shall avail himself of this provision."

The motion was lost.

**Mr. Davis** of Clinton,

Moved to amend by striking out the second and third subdivisions, and inserting, "To the payment and discharge of all the remaining liabilities for such branch, and to reimburse all monies advanced from the safety fund, other than monies derived from that portion of the safety fund furnished by the failing branch.

Upon which motion,

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

The yeas were,

Senators Davis of Clinton, Grinnell, Warner—3.

The nays were

Senators Allen, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Foster, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Reed, Reiner, Saunders, Sharraden, Trimble, Thompson, Wilson—24.

The amendment was lost.

**Mr. Davis** of Polk,

Moved to adjourn till 9 o'clock to-morrow morning.

**Mr. Patterson**

Moved to amend by substituting 7 o'clock this evening.

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

The yeas were

Senators Cook, Cattell, Davis of Clinton, Foster, Grinnell, John-

ston, Kirkwood, Loughridge, McPherson, Patterson, Reed and Wilson—12.

The nays were

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Carter, Davis of Polk, Jenkins, Mann, McCoy, Pusey, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner and Wilson—18.

The amendment was lost.

The question recurring upon adjourning till 9 o'clock.

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

The yeas were

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Carter, Davis of Clinton, Jenkins, Kirkwood, Mann, McCoy, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner and Wilson—17.

The nays were

Senators Cook, Cattell, Davis of Polk, Foster, Grinnell, Johnston, Loughridge, McPherson, Pusey Patterson and Reed—13.

The motion prevailed.

The Senate adjourned.

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SENATE CHAMBER, }  
THURSDAY, MARCH 4th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Sanford.

Journal of yesterday read and approved.

Mr. Rusch,

To whom was referred House File No. 199, A bill for an act to amend an act entitled an act to incorporate the city of Davenport and to amend the several acts amendatory thereto, reported the same back to the Senate, and recommended the passage of the bill.

On his motion,

The 11th Rule was suspended and the bill read the third time.

The question being on the passage of the bill,

The yeas were

Senators Allen, Atkins, Brown, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, McPherson, McCoy, Pusey, Reed, Rusch, Stewart, Sharraden, Thompson—17.

The nays were,

Senators Bailey, Cook, Cattell, Johnston, Patterson, Rankin, Reiner, Trimble, Wilson—9.

The bill did not pass.

Message from the House, by their Chief Clerk:

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed House File No. 249, A bill for an act qualifying the criminal jurisdiction of Justices of the Peace, in which the concurrence of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Patterson,

The Senate passed the regular order of business and took from the table Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa.

Mr. Thompson,

Submitted the following resolution:

*Resolved*, That no member be allowed to speak more than five minutes at any one time during the pendency of this bill.

Mr. Davis of Clinton,

Moved to amend by striking out "five" and inserting "ten," and by striking out "pendency of this bill," and inserting "the remainder of the session.

Mr. Grinnell

Moved that the resolution and amendment be laid upon the table.

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

Senators Atkins, Brigham, Bailey, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, McPherson, McCoy, Rankin, Reiner, Rusch, Wilson—16.

The yeas were,

Senators Allen, Brown, Johnston, Kirkwood, Loughridge, Mann, Pusey, Patterson, Reed, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner—15.

Which motion prevailed.

Mr. Bailey

Moved to amend Section 16, by adding, "and in case of such refusal to pay its bills or obligations or any money received on deposit in specie the holders of such note, bill or obligation or the person entitled to receive such money, shall respectively be entitled to receive interest from the time of such demand and refusal, at the rate of twenty per centum per annum until paid."

Upon the motion to adopt the same the yeas and nays were demanded, ordered and were as follows:

The yeas were,

Senators Allen, Brigham, Bailey, Johnston, Mann, Rusch, Stewart, Trimble, Warner—9.

The nays were,

Senators Atkins, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Sharraden, Thompson—22.

The Amendment was not adopted.

Mr. Rankin

Moved to amend Section 19, by striking out "five" and inserting "nine."

Which motion did not prevail.

Mr. Trimble,

Submitted the following substitute for Section 21:

"The officers of each bank shall, at the end of every month, cause a statement of the number, names and place of residence of each stockholder in each bank, also the amount of stock owned by each, and the date of the transfers of stock with the name of the transferer and transferee, one copy of which statement shall be posted up in some conspicuous place in the bank, and one copy shall be caused by the bank to be filed with the Recorder of Deeds, in the county wherein such bank is located, which last mentioned copy or a certified copy of the same, under the hand of the Recorder, shall be prima facie evidence in any court of justice in this State, in a suit between the Branch or State Bank of Iowa, and any third persons."

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

The yeas were,

Senators Allen, Atkins, Bailey, Coolbaugh, Davis of Clinton,

Johnston, Jenkins, Kirkwood, Loughridge, Mann, McPherson, McCoy, Reed, Rusch, Stewart, Trimble, Thompson, Warner, Wilson—19.

The nays were,

Senators Brigham, Brown, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Pusey, Patterson, Rankin, Reiner, Saunders, Sharraden—13.

The substitute was adopted.

Mr. Trimble

Moved to amend Section 22, by striking out the words, "Provided that the Directors may postpone the payment of deferred installments or any part of them, to the branches when satisfied that public interest does not require them to be paid as frequently as above provided for."

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

The yeas were,

Senators Bailey, Coolbaugh, Cook, Mann, McPherson, Neal, Pusey, Rankin, Stewart, Trimble, Warner—11.

The nays were,

Senators Allen, Atkins, Brigham, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Jenkins, Kirkwood, Loughridge, McCoy, Patterson, Reed, Reiner, Saunders, Sharraden, Thompson—19.

The motion did not prevail.

Mr. Brigham

Moved to amend Section 23, by inserting after the word "each," the words, "and a stock book shall be kept by each Branch Bank, showing who are the stockholders and what amount is held by each individual or company, which stock shall be assignable only."

Which amendment was adopted.

Mr. Patterson

Moved to amend Section 23, by striking out all after the word "liabilities," in the 16th line.

Which motion prevailed.

Mr. Pusey

Moved to amend the same Section, by inserting after "located," in the 4th line, "and mailing a written notice upon such delinquent shareholder or his assignee."

Which amendment was adopted.



Mr. Cook

Moved to amend the same Section by inserting in the 12th line, after the word "right," "for the purpose of escaping liability when a bank is involved.

Which amendment was adopted.

Mr. Davis of Polk,

Moved to amend the 24th Section, by inserting after the word "shareholder," in the 3d line, the words, "nor shall any President or Director become security for loans made by the branch of which they are officers."

Which motion was lost.

Mr. Kirkwood

Moved to amend the same Section by inserting after the word "stock," in the 2d line, the words, "or any other than personal security."

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

The yeas were,

Senators Allen, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Kirkwood, McPherson, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson—23.

The nays were,

Senators Bailey, Carter, Grinnell, Johnson, Jenkins, Loughridge, Mann, Neal, Rusch, Warner, Wilson—11.

The amendment was adopted.

Mr. Davis of Polk,

Moved to amend the same Section by inserting in the 3d line after the word "*Shareholder*," "The President, Cashier and Directors for the time being of any branch, or of the State Bank of Iowa, shall not be permitted to endorse for each other, nor shall they vote on questions of loans in which they are interested, upon which motion,

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

The yeas were

Senators Atkins, Bailey, Brown, Davis of Polk, Johnston, Jenkins, Loughridge, Mann, McCoy, Neal, Rankin, Saunders, Stewart, Trimble, Warner and Wilson—16.

The nays were

Senators Allen, Atkins, Brigham, Coolbaugh, Cook Cattell,

Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, McPherson, Pusey, Patterson, Reed, Reiner, Sharradden and Thompson—17.

The amendment was not adopted.

Mr. Bailey

Moved that the Senate adjourn until 2 o'clock P. M.

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

The yeas were

Senators Allen, Bailey, Brown, Carter, Davis of Clinton, Johnston, Kirkwood, Neal, Rankin, Reed, Rusch, Thompson and Warner—13.

The nays were

Senators Atkins, Brigham, Coolbaugh, Cook, Cattell, Davis of Polk, Foster, Grinnell, Jenkins, Loughridge, McPherson, McCoy, Pusey, Patterson, Reiner, Saunders, Stewart, Sharradden, Trimble and Wilson—20.

The motion to adjourn did not prevail.

Mr. Pusey

Submitted the following substitute, for the first seven lines of Section 26, "The affairs of each branch shall be managed by not less than five, nor more than nine Directors, whose terms of office shall be two years, and shall be so classified by lot, that one class, being as nearly one-half as possible, shall be elected every year, and no Director shall be eligible to two consecutive terms of office. Every Director shall, during his whole term of service, be a citizen of the United States and a stockholder in the branch of which he is to be elected Director.

On motion of Mr. Kirkwood,

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

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2 O'CLOCK, P. M.

The President

Presented a communication, accompanied by a Report from the Auditor of State, in compliance with resolution of Feb. 23d., which was,

On motion of Mr. Mann,

Referred to the Committee on Ways and Means.

On Mr. Mann's motion, the Report of the Special Committee

on "Miscellaneous Disbursements" was taken from the table, and Referred to the Committee on Ways and Means.

**Mr. Sharradden**

Presented the petition of J. S. Frazier and others, of Nevada, Story Co., Iowa, asking the location of an Agricultural College and Model Farm in said County, which was,

On his motion,

Referred to the Committee on Agriculture.

The Senate resumed the consideration of Senate File No. 78.

The question pending when the Senate adjourned, being upon the adoption of the substitute submitted by Mr. Pusey.

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

The yeas were

Senators Allen, Johnston, Mann, Pusey, Rusch, Trimble and Wilson—7.

The nays were

Senators Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, Patterson, Rankin, Reiner, Saunders, Stewart, Sharradden, Thompson and Warner—22.

The motion did not prevail.

**Mr. Patterson**

Moved to amend Section 26, 3d line, by striking out, "At least three-fourths of the Directors," and adding "and" before "shall."

Which motion was adopted.

**Mr. Loughridge**

Moved to amend the same Section by striking out in the 5th line, all after the word "right," and inserting "at least one share in the Capital Stock of the Bank."

Which motion prevailed.

**Mr. Kirkwood**

Moved to amend Section 26, by striking out the four first lines and inserting, "The affairs of each branch shall be managed by not less than five, nor more than nine Directors. Every Director shall be a citizen of the United States, and shall, during his term of service, reside in the State.

Which amendment was adopted.

**Mr. Coolbaugh,**

Moved to amend Section 27, by striking out in the 2d line "one-fifth," and inserting "three fifths."

Which amendment was adopted.

Mr. Carter

Submitted the following substitute, for Section 27: "No stockholder of any branch shall at any time be liable to such branch, either as principal, debtor or surety, or both, to an amount exceeding one-half of his Capital Stock actually paid in and standing in his name, and of which he is the bona fide owner in his own right.

Which was not adopted.

Mr. Trimble

Moved to amend Section 29, by striking out in the 3d line, "*certificate of association,*" and inserting "going into effect of this law."

Which amendment was adopted.

Mr. Trimble

Moved to strike out in the same Section and line, "shall," and insert "can."

Which amendment was adopted.

Mr. Kirkwood

Submitted the following substitute for Section 29.

Which was adopted.

Sec. 29. Every branch authorized to carry on the business of banking under this act, shall be held and adjudged to be a body corporate, with succession from the date of its certificate of association until the first day of July, A. D. 1878, and thereafter until its affairs can be closed; and by its corporate name shall be competent to contract, prosecute and defend actions of every description, as fully as natural persons; and process upon such branch may be served upon its President or Cashier, or by leaving a copy thereof at its usual place of business, during the usual business hours.

Each of said branches shall, during the term aforesaid, if so long it shall comply with the provisions of this act, have power to issue notes for circulation furnished it by the State Bank of Iowa, to loan money, buy, sell and discount bills of exchange, notes and other evidences of debt, except such as it shall be prohibited by this act from buying, selling and discounting; but no such loan shall be made on any note, bill of exchange, or other evidences of debt, having more than four months to run before maturity; shall have power to receive deposits, buy and sell gold and silver coin and

bullion, collect and pay over money, and transact all other business properly appertaining to banking, subject, however, to the provisions and restrictions of this act; may acquire, hold and convey such real estate as may be necessary for the convenient transaction of its business, and no more; but may, however, acquire title to any real estate pledged to secure any debt previously contracted, or purchased on an execution or order of sale, to satisfy any judgment or decree in its favor, or which shall have been conveyed to it in payment of any previous debt; but shall not hold any real estate so acquired longer than in the judgment of the Board of Directors is necessary to save the said branch holding such real estate from loss; and it is hereby made the duty of the Board of Directors of each branch to offer any real estate so acquired for sale at least once in each year, first giving thirty days notice in some newspaper published in the county where such real estate is situated, of the time and place of such sale, if any newspaper be published in such county, and if not, then in some newspaper published the nearest thereto; and at such sale, if the amount bid for such real estate be sufficient to reimburse the said branch in the amount for which such real estate was taken by the branch, with interest and costs, then it shall be the duty of the Board of Directors of such branch to sell and convey such real estate, but not otherwise, unless in their judgment it be deemed necessary for the interest of said branch to do so.

Mr. Pusey

Moved to amend section 35 by striking out all after "six months" in the seventh line, and inserting "And no person, company or firm, shall either as drawer or endorser, be a borrower if indebted to the bank, and no note shall under any circumstances be renewed or extended beyond the day of maturity; if not then paid, shall be considered a suspended debt within the meaning of this section."

Which motion did not prevail.

Mr. Trimble

Moved to amend section 35 by striking out the first four lines, and inserting, "No branch shall directly or indirectly while in operation under this law, withdraw or permit to be withdrawn in the form of demands or loans to stockholders, or in any other manner, any portion of its capital stock."

On motion

This section was passed for the present.

**Mr. Pusey**

Moved to amend section 36 by inserting after the word "expedients," "Provided, that the maximum annual dividend shall not exceed — per centum. The residue, if any, shall be set aside as a contingent fund."

**Mr. Davis, of Polk,**

Moved to amend the amendment by striking out, "as a contingent fund," and inserting, "shall be added to the safety fund until that fund shall reach the amount of fifteen per cent. of the circulation of the branch."

Which motion prevailed.

The question being upon the adoption of the amendment as amended,

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

The yeas were,

Senators Allen, Bailey, Davis of Clinton, Davis of Polk, Pusey, Trimble, Warner—7.

The nays were,

Senators Brown, Coolbaugh, Cook, Cattell, Carter, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, McCoy, Patterson, Reed, Rusch, Saunders, Stewart, Sharraden, Thompson, Wilson—20.

The amendment was not adopted.

**Mr. Coolbaugh**

Moved to amend section 36 by inserting in the second line, after "expedient," "and as shall be approved by the State Bank."

Which amendment was adopted.

**Mr. Warner**

Moved to amend the same section by striking out in the sixth line "each," and inserting "every other month."

Which amendment was not adopted.

On motion of Mr. Kirkwood

The words "in gold and silver" were stricken out in the ninth sub-division of the same section.

On motion of Mr. Coolbaugh

The words "specie paying," in the same sub-division, were stricken out.

**Mr. Coolbaugh**

Moved to strike out the 13th, 14th, 15th and 16th lines of the 39th section.

Which motion prevailed.

Mr. Trimble

Moved to amend section 29 by adding thereto as follows :

“No branch shall put into circulation any bills or notes intended to be circulated as money, of any bank or banking company out of the State of Iowa, except such as have been received by the bank in its usual course of business ; nor shall any branch receive from any other branch, or from any foreign bank or banking company, or from the agent of such branch, bank, or banking company, except in payment of debts due from such branch, bank, or banking company—nor shall such branch receive from any other branch, bank, or banking company, any bank bills or notes intended to circulate as money, with a view to putting the same into circulation in this State ; nor shall any branch exchange any of its own bank bills or notes designed to circulate as money with any other branch, bank, or banking company, for like bills or notes of such other branch, bank, or banking company, with a view to circulate such last named bills or notes as money within the State of Iowa.

The question being on the adoption of the foregoing amendment,

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

The yeas were.

Senators Allen, Bailey, Brown, Johnston, Stewart, Trimble, Warner, Wilson—8.

The nays were,

Senators Atkins, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, McPherson, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Sharraden, Thompson—21.

Amendment not adopted.

Mr. Foster

Moved to amend section 39 by adding thereto as follows :

“ Which such branch is authorized to circulate.”

Motion to amend lost.

Mr. Pusey

Moved to amend section 39 by adding thereto as follows :

“ Provided, no bank shall pay out bills of a less denomination than five dollars.”

Motion lost.

On motion of Mr. Warner

The Senate adjourned till 9 o'clock, A. M., to-morrow.

SENATE CHAMBER, }  
FRIDAY, MARCH 5th, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Nash.

Journal of yesterday read and approved.

#### PETITIONS.

Mr. Atkins

Presented the petition of John McKay and others, of Winneshiek county, asking the location of the Deaf and Dumb, or Blind Asylum at Frankville, in said county, which was read, and

On his motion,

Referred to the committee on Charitable Institutions, with instructions to report a bill with the following conditions, to wit :

That a Donation of ten acres of ground, and of two hundred thousand brick delivered on said ground, or that security be given for the same, shall be made prior to said location.

Mr. Sharraden,

From the committee on Enrolled Bills, reported that they had examined Senate File No. 122, and found the same correctly enrolled. Also,

That they had presented to His Excellency the Governor, Senate File No. 105, for his approval.

Message from the House, by their Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has indefinitely postponed the further consideration of Senate File No. 79, A bill for an act to amend Section 2597 of the Code, and to provide for the punishment of assault. Also,



Senate File No. 136, A bill for an act to legalize certain acts of the County Judges and County Clerks of Taylor county.

I am further directed to inform the Senate that the House has passed House File No. 150, A bill for an act to encourage the organization of Fire Companies and for the protection of Firemen, and the property of Fire Companies. Also,

House File No. 235, A bill for an act continuing the School Fund Commissioners in office, to which the agreement of the Senate is asked.

I am further directed to inform the Senate that the House has indefinitely postponed the further consideration of Senate File No. 89, A bill for an act to amend Section 112 of the Code and Chapter 78 of the Session Laws of 1856-7.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Rankin,

Senate File No. 154, A bill for an act providing for a revision of the laws of Iowa and the preparation of a Code of civil and criminal procedure, was taken from the table.

Mr. Kirkwood

Moved to amend the 1st Section, by inserting after the word "revise" "and codify."

Which was adopted.

Also, to amend Section 2, by striking out "said Commissioners," and inserting "Secretary of State,"

Which was adopted.

Also, to amend the same section by inserting after the words "two hundred," "forty,"

Which was adopted.

Also, to amend the same Section by inserting after the word "and," "at least one month before the next meeting of the General Assembly shall,"

Which was adopted.

Also, to amend the same section by striking out "one copy to each State Officer," and inserting "shall carefully preserve the remainder thereof for the use of the General Assembly,"

Which was adopted.

On motion of Mr. Rankin,

The 11th Rule was suspended, the bill read the third time. The question being upon the passage of the bill,

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, Kirkwood, Mann, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—27.

The nays were,

Senators Coolbaugh, Foster, Johnston, Loughridge—4.

The bill was passed and the title thereof agreed to.

Mr. Allen had leave to withdraw

Senate File No. 115, A bill for an act for the organization of the militia and uniform volunteer corps of the State, and providing for the withdrawing of public arms from the U. S.

On motion of Mr. Mann,

Senate File No. 78, Bank Bill, was taken up.

Mr. Trimble

Moved to amend Section 43, by adding, "Provided that the transfer of stock by any person at any time a stockholder shall not release him from his liability to the extent above specified, for any debts by the branch created while he was a stockholder, and provided that such person shall be individually liable to the extent above specified for any debts by such branch created while he was such stockholder."

Upon the motion to adopt said amendment, the yeas and nays were demanded, ordered and were as follows :

The yeas were,

Senators Allen, Brigham, Coolbaugh, Grinnell, Pusey, Stewart, Trimble, Warner—8.

The nays were,

Senators Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Johnston, Kirkwood, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Thompson—22.

The amendment was not adopted.

Mr. Kirkwood

Moved to amend Section 43 by inserting after "stockholders," in the 3d line, the words "and no transfer of stock shall effect such liability."

Adopted.

Mr. Coolbaugh

Submitted the following as an additional Section.

Which was adopted.

**SECTION 44.** The terms "stockholder" or "shareholder," as used in this act, shall apply not only to such persons as appear by the books of the Association to be such, but also to every equitable owner of stock, although the same may appear on such books in the name of another; and also to every person who shall have advanced the installments or purchase money of any stock in the name of any person under twenty-one years of age, and while such person remains a minor, to the extent of such advance, and also to every guardian or other trustee who shall voluntarily invest any trust funds in such stock; and no trust funds in the hands of such guardian or trustee shall be in any way liable under the provisions of this act by reason of any such investment, nor shall the person for whose benefit any such investment may be made, be responsible in respect to such stock, until thirty days after the time when such persons respectively become competent and able to control and dispose of the same; but the guardian or other trustee making such investment as aforesaid, shall continue responsible as a stockholder until such responsibility devolves upon the person beneficially interested therein; and in respect to stock held by a guardian or other trustee, under a transfer of the same by a third person, or under positive directions by a third person for such investment, the person making such transfer or giving such directions, and his executors and administrators shall for the purposes of this act, be deemed a stockholder; and the estate of such person, if he be deceased, shall be responsible for the debts and liabilities chargeable on such stock according to the provisions of this act.

Mr. Trimble

Moved to amend Section 45 by striking out all after the word "States," in the second line.

Upon which motion,

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

The yeas were,

Senators Allen, Brigham, Bailey, Coolbaugh, Grinnell, Mann, Pusey, Stewart, Trimble, Warner—10.

The nays were,

Senators Atkins, Cattell, Carter, Davis of Clinton, Johnston,

Kirkwood, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Thompson, Wilson—16.

The motion to amend was lost.

Mr. Trimble

Offered the following as an additional Section :

Sec. 48. No branch shall put in circulation in this State, the bills or notes of any other bank or banking company out of the State, except such as are received in the usual course of business ; nor shall any branch either directly or indirectly exchange its bills or notes so intended to circulate as money with any other bank or banking company out of the State, or with the agents of such bank, for the bills or notes of such bank or banking company, with a view to circulate the same in this State.

Upon the adoption of which

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

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Carter, Davis of Polk, Kirkwood, Mann, McCoy, Pusey, Rankin, Rusch, Stewart, Trimble, Warner, Wilson—17.

The nays were,

Senators Cook, Cattell, Davis of Clinton, Grinnell, Johnston, Loughridge, Patterson, Reed, Reiner, Saunders, Sharraden, Thompson—13.

The section was adopted.

Mr. Coolbaugh

Offered the following as an additional section, viz :

Sec. 49. When any number of persons shall have associated together for the formation of a branch as provided for in section 19, they shall give twenty days public notice in some newspaper published in the town or city where it is proposed to establish such branch, of their purpose to open a book for the subscription of the capital stock of said branch, specifying the time and place thereof ; such book shall be kept open for two successive days between the hours of 10 A. M. and 2 P. M., of each day, under the control and direction of such association, and shall be accessible to every person desiring to subscribe to the stock of the proposed branch. On the first day no person, company or business firm composed of one or more individuals, shall be permitted to subscribe to more than ten shares, and on the second day to no more than fifty shares,

unless at the time for closing the book on that day the aggregate amount of stock subscribed shall not exceed the amount of capital authorized in section twenty-one.

Which was adopted.

Mr. Coolbaugh

Submitted the following as an additional section, to-wit:

Sec. 50. The number of branches shall be limited to twenty, no two of which shall be located in the same place, and no branch shall be located in any town or city having a less population than one thousand inhabitants, or nearer than twenty miles to the location of any other branch, and in case two or more branches shall apply at the same time for acceptance as branches in the same place of business, the branch representing the largest amount of stock subscribed shall, if the Commissioners be satisfied with the pecuniary responsibility of the stockholders, have the preference.

Mr. Patterson

Moved to amend by striking out the words "and no branch shall be located in any town having a population of less than one thousand inhabitants."

Which was adopted.

Mr. Loughridge

Moved to amend by striking out all after "twenty," in the first line.

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

The yeas were,

Senators Atkins, Brigham, Brown, Carter, Foster, Grinnell, Loughridge, McCoy, Pusey, Rankin, Reiner, Rusch, Trimble, Thompson, Wilson—15.

The nays were,

Senators Allen, Bailey, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Johnston, Kirkwood, Mann, McCoy, Patterson, Reed, Saunders, Sharraden, Warner—15.

The President voted yea.

The amendment was adopted.

Mr. Thompson

Moved to amend by striking out "20" and inserting "30," in the first line.

Upon which motion Mr. Brigham demanded the yeas and nays, which were ordered and were as follows:

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Carter, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Thompson—18.

The nays were,

Senators Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Pusey, Patterson, Stewart, Sharraden, Trimble, Warner, Wilson—12.

The amendment was adopted.

The question being upon the adoption of the amendment as amended,

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

The nays were,

Senators Atkins, Brigham, Carter, Davis of Clinton, Foster, Johnston, Kirkwood, Loughridge, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Thompson, Wilson—18.

The yeas were,

Senators Allen, Bailey, Brown, Coolbaugh, Cook, Cattell, Davis of Polk, Mann, Pusey, Patterson, Sharraden, Trimble, Warner—13.

The amendment was adopted.

Mr. Davis, of Polk,

Moved to amend section 50 by adding—

“The Board of Directors of the State Bank of Iowa is authorized to increase the capital stock of any of the branches, empowering them to receive subscriptions thereto, to such an amount as can be profitably employed, but the aggregate capital stock of all the branches shall not exceed six millions of dollars.”

Which amendment was adopted.

Mr. Davis, of Polk,

Moved to amend section 55 by striking out “five dollars” and inserting “three dollars,” (which provides for the salary of the Directors.)

Mr. Warner

Moved to amend by striking out “five” and inserting “four.”

Which motion was lost.

The question recurring upon Mr. Davis' amendment,

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

The yeas were,

Senators Atkins, Bailey, Coolbaugh, Davis of Polk, Foster, Grinnell, Mann, McCoy, Reed, Saunders, Stewart, Sharraden. Warner—12.

The nays were,

Senators Allen, Brigham, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Johnston, Kirkwood, Loughridge, Pusey, Patterson, Rankin, Reiner, Rusch, Trimble, Thompson, Wilson—18.

The amendment was lost.

Mr. Pusey

Moved to amend the same section by striking out the words, "their reasonable expenses," and inserting "the same mileage as is received by the members of the General Assembly."

Upon which motion

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

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Davis of Polk, Foster, Grinnell, Johnston, Loughridge, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Thompson, Wilson—23.

The nays were,

Senators Cook, Cattell, Carter, Davis of Clinton, Kirkwood, Mann, Trimble, Warner—8

Which amendment was adopted.

On motion of Mr. Loughridge

Mr. McPherson had leave of absence.

On motion of Mr. Patterson

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

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## TWO O'CLOCK, P. M.

The Senate resumed the consideration of Senate File No. 78.

Mr. Loughridge

Moved to amend section 52 by striking out the words, "same compensation as the Directors elected upon the part of the Bank," and inserting, "three dollars per day for the time actually engaged in their duties, and mileage the same as members of the General Assembly."

Mr. Davis, of Clinton,

Moved to amend the amendment by striking out “\$3” and inserting “\$5.”

Which motion was lost.

Mr. Loughridge’s amendment was adopted.

Mr. Kirkwood

Submitted the following as a substitute for section 50:

Sec. 50. The number of branches of the State Bank of Iowa shall not exceed thirty. The Board of Directors of the State Bank of Iowa may increase the capital stock of any branch whose capital stock does not equal three hundred thousand dollars, by authorizing such branch to receive at any time such additional subscriptions to its capital stock as will increase the same to any amount less than three hundred thousand dollars, if said Board of Directors shall be satisfied that such additional amount of capital is demanded by the public interest, and can be safely and profitably employed: but the aggregate capital of all the branches shall not exceed six millions of dollars.

No branch shall be established in any town with a less population than five hundred, nor shall two branches be established in the same town or city.

Upon the adoption of which

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

The yeas were,

Senators Atkins, Brown, Coolbaugh, Cook, Carter, Davis of Clinton, Davis of Polk, Johnston, Kirkwood, Mann, Patterson, Rankin, Reed, Rusch, Saunders, Sharraden, Thompson, Wilson—18.

The nays were,

Senators Allen, Brigham, Bailey, Grinnel, Loughridge, Trimble, Wilson—6.

Mr. Kirkwood

Moved to amend the last Section, by striking out all after the words, “from and after,” and inserting, “its approval by a majority of all the electors of this State, voting for and against it at an election provided by law, and not otherwise.”

Which amendment was adopted.

Mr. Trimble

Moved to amend Section 38, by striking out in the 2d line, “ten per cent.,” and inserting “seven per cent.”



**Mr. Brigham**

Moved to amend the amendment, by inserting "eight per cent."

Upon which motion, Mr. Johnston demanded the yeas and nays, which were ordered, and were as follows:

The yeas were

Senators Allen, Brigham, Bailey, Coolbaugh, Mann, Reed, Trimble and Wilson—9

The nays were

Senators Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, Kirkwood, Loughridge, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden and Thompson—18.

The amendment was not adopted.

The question recurring upon the amendment submitted by Mr. Trimble.

Mr. Trimble demanded the yeas and nays, which were ordered, and were as follows:

The yeas were

Senators Allen, Brigham, Bailey, Johnston, Mann, Reed, Trimble and Wilson—8.

The nays were

Senators Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, Kirkwood, Loughridge, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden and Thompson—19.

The amendment was not adopted.

**Mr. Kirkwood**

Moved to amend the same Section, by inserting after the 3d line, "until the first day of January, 1863, after which time, no more than eight per cent shall be so taken, received or charged."

**Mr. Trimble**

Moved to amend the amendment, by striking out "1863" and inserting "1860."

**Mr. Trimble**

Moved a call of the Senate.

Which motion did not prevail.

The question recurring, upon the amendment offered by Mr. Trimble, he demanded the yeas and nays, which were ordered, and were as follows:

The yeas were

Senators Allen, Brigham, Bailey, Coolbaugh, Johnston, Jenkins, Mann, Reed, Trimble, Warner and Wilson—11.

The nays were

Senators Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Kirkwood, Loughridge, Patterson, Rankin, Reiner, Rusch, Saunders, Sharradden and Thompson—17.

The amendment was lost.

Mr. Patterson

Moved to amend the amendment, by striking out "1863" and inserting "1867."

Upon which motion, Mr. Brigham demanded the yeas and nays, which were ordered, and were as follows :

The yeas were

Senators Davis of Clinton, Grinnell, Patterson, Rusch and Thompson—5.

The nays were

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Johnston, Jenkins, Kirkwood, Loughridge, Mann, Rankin, Reed, Reiner, Saunders, Sharraden, Trimble, Warner and Wilson—23.

The motion did not prevail.

The question recurring upon the amendment offered by Mr. Kirkwood, Mr. Mann demanded the yeas and nays, which were ordered, and were as follows :

The yeas were

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Grinnell, Jenkins, Kirkwood, Mann, Rankin, Reed, Reiner, Saunders, Sharraden, Trimble and Thompson—21.

The nays were

Senators Carter, Johnston, Loughridge, Patterson, Rusch, Warner and Wilson—7.

The amendment was adopted.

Mr. Carter,

Moved to amend Section 7, by striking out in the 4th and 8th lines, "ten per cent," and inserting "15 per cent."

Mr. Brigham

Moved to amend the amendment, by striking out "15," and inserting "20."

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

The yeas were

Senators Allen, Brigham, Bailey, Carter, Johnston, Mann, Trimble, Warner and Wilson—9

The nays were

Senators Atkins, Brown, Coolbaugh, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Jenkins, Kirkwood, Loughridge, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, and Thompson—18.

The amendment was not adopted.

The question recurring upon the amendment submitted by Mr. Carter, he demanded the yeas and nays, which were ordered, and were as follows :

The yeas were

Senators Allen, Atkins, Brigham, Bailey, Cattell, Carter, Davis of Clinton, Johnston, Mann, Rusch, Trimble, Warner and Wilson—13.

The nays were

Senators Brown, Coolbaugh, Cook, Davis of Polk, Grinnell, Jenkins, Kirkwood, Loughridge, Patterson, Rankin, Reed, Reiner, Saunders, Sharraden and Thompson—15.

The amendment was not adopted.

Mr. Carter

Moved to amend the same Section, by striking out "10 per cent.," and inserting "12½ per cent."

Which amendment was adopted.

Mr. Loughridge

Moved to amend Section 7, by adding, "and 10 per cent of the annual earnings of the Branches shall be set apart, and paid over to the Bank to be added to the Safety Fund."

Which motion was lost.

The bill was ordered engrossed for a 3d reading.

On motion of Mr. Cook,

Senate File No. 66, A bill for an act for the benefit of Rail Road Companies, was taken from the table, the 11th Rule suspended, and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Atkins, Brigham, Brown, Coolbaugh, Cook,

Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Jenkins, Loughridge, Mann, Pusey, Patterson, Rankin, Reed, Reiner, Ransch, Stewart, Sharraden, Thompson, Warner and Wilson—26.

The nays were

Senators Bailey and Saunders—2.

The bill passed and the title thereof agreed to.

On motion of Mr. Rankin,

The vote by which House File No. 199 was lost, was reconsidered, and

On his motion,

The bill was laid upon the table.

On motion of Mr. Loughridge,

Senate File No. 94, A bill for the encouragement of Agriculture and the substitute therefor, was taken from the table.

The question being upon the adoption of the substitute,

Mr. Warner

Moved to amend the substitute, Section 1st, by inserting after the words "one-fourth of the legal voters of the county," "Provided that there is not a greater number of legal voters of such county remonstrating against such subscription of stock."

Which amendment was adopted.

Mr. Grinnell

Moved to amend Section 1st by inserting after the words, "one thousand dollars," the words "nor more than five hundred dollars in counties with less than four thousand inhabitants,"

Which amendment was adopted.

On motion of Mr. Loughridge,

The bill and substitute were referred to the Senator from Washington county.

Mr. Wilson,

From the committee on Judiciary, to whom was referred Senate File No. 147, A bill for an act amending Section 2913 of the Code of Iowa, in regard to the endorsing of the names of witnesses upon indictments, reported the same back to the Senate with a substitute therefor, and recommended the adoption of the substitute.

Mr. Thompson

Moved that the further consideration of the bill and substitute be indefinitely postponed.

Upon which motion, Mr. Brigham demanded the yeas and nays which were ordered and were as follows :

The yeas were,

Senators Thompson, Warner—2.

The yeas were,

Senators Allen, Atkins, Brigham, Bailey, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—26.

The motion was lost.

Mr. Cattell

Moved to amend Section 1, by striking out "three," before "days" and inserting "one."

Mr. Mann

Moved to amend the amendment by inserting "five."

Which motion was lost.

The question recurring on Mr. Cattell's amendment, was lost.

The substitute was adopted.

On motion of Mr. Wilson,

The 11th Rule was suspended and the bill read the third time.

The question being on the passage of the bill,

The yeas were

Senators Allen, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Wilson—29.

The nays were,

Senators Thompson, Warner—2.

The bill was passed and the title thereof agreed to.

The President

Presented a communication from the Attorney General, which was,

On motion of Mr. Rankin,

Laid upon the table and ordered printed.

On motion of Mr. Rusch,

Senate File No. 48, A bill for an act to amend section nine, of chapter 147 of the laws passed at the regular session of the sixth General Assembly, was taken from the table.

**Mr. Cattell**

Moved to amend the bill by adding the three following Sections, viz :

**SECTION 3.** That Section one of said chapter 157, be amended to read as follows: "Be it enacted by the General Assembly of the State of Iowa, that all that part of Section 1, after the word provided, in the 11th line, and sections third, fourth and sixteenth, are hereby repealed."

**Sec. 4.** That the following words, where they occur in section twelve of the "act for the suppression of intemperance," approved January 22d, 1855, to-wit: the words "and order the prisoner to be discharged whenever he shall become satisfied that the object of this law and the good of the public and of the prisoner will be advanced thereby," be and they are hereby repealed, and there is enacted in lieu thereof the following words: "and order the prisoner to be discharged upon his giving, information under oath stating where and of whom he purchased or received the liquor which produced the intoxication, and the name and character of the liquor obtained."

**Sec. 5.** That any person who shall mix any intoxicating liquor with any beer or other liquor by him sold, and shall sell or keep for sale as a beverage such mixture, shall be deemed guilty under section six of the said act for the suppression of intemperance, and shall be punished accordingly.

The third and fourth sections were adopted.

On motion of **Mr. Rusch**

Section five was amended by striking out "or other liquor," and inserting after beer, "wine or cider."

The section as amended was adopted.

**Mr. Trimble**

Offered as a substitute for Senate File No. 48: "A bill for an act regulating the manufacture and sale of Intoxicating Liquors, and repealing certain other acts relating thereto."

**Mr. Foster**

Moved to amend the substitute by adding—

That any person who shall knowingly or wilfully sell or keep for sale as a beverage any spirituous and intoxicating liquors which have been drugged or adulterated, shall be deemed guilty of a felony, and upon conviction thereof be punished by a fine of not less than fifty dollars nor more than five hundred, or at the discretion

of the Court imprisoned in the Penitentiary a term of not more than one year for the first offence. For the second and each subsequent conviction of an offence against this act, the punishment may be increased, at the discretion of the Court, to double the amount as herein provided.

Any person who shall wilfully drug or adulterate intoxicating liquors with any poisonous or deleterious substances, for the purpose of selling the same as a beverage, shall be deemed guilty of a felony, and upon conviction suffer a like punishment as provided in section — of this act.

Any person who shall wilfully and knowingly sell any intoxicating liquor under a false or assumed name, or who shall sell mixed intoxicating liquors, intending thereby to deceive as to the character or kind of liquor so sold, shall be deemed guilty of a felony, and upon conviction thereof be punished as provided in section — of this act.

The keeping of any drugged, mixed or adulterated intoxicating liquors contrary to the spirit of this act, or the selling of the same, shall be taken to be prima facie evidence of knowledge and malice on the part of him who thus keeps or sells such drugged, mixed or adulterated intoxicating liquors: and no prosecution under this act shall be quashed or discontinued because the liquor set forth in the indictment is mis-named, if the evidence upon the trial shows the said liquor set forth in said indictment to have been drugged or adulterated intoxicating liquor.

The building wherein any adulterated, drugged or mixed intoxicating liquors shall be manufactured, kept or sold contrary to the spirit of this act, is hereby declared a nuisance, and shall upon conviction thereof be abated as provided in Chapter 150 of the Code of Iowa.

Mr. Davis, of Polk,

Moved that the Senate adjourn until to-morrow morning at nine o'clock.

Mr. Grinnell

Moved to amend by striking out "9 to-morrow" and inserting "7 o'clock this evening."

Which motion was lost.

The question recurring upon the motion of Mr. Davis,

The motion prevailed.

SENATE CHAMBER, }  
 SATURDAY, MARCH 6th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. J. A. Nash.

Journal of yesterday read and approved.

### PETITIONS AND MEMORIALS.

**Mr. Grinnell**

Presented the petition of J. T. Pollock and 86 others, asking for a charter for a certain Railroad, which was,

On his motion,

Referred to the committee on Railroads.

**Mr. Davis of Clinton,**

Presented the petition of H. K. Soper and others, asking the passage of an act repealing the laws now in force in relation to the removal of county seats,

Which was referred to the committee on Township and County Organizations.

**Mr. Jenkins**

Presented the petition of John Darling and others, of Jackson county, in relation to the assessment of 1857, which was read, and on motion,

Laid on the table.

**Mr. Foster**

Presented the petition of F. F. Vanata and others, asking the passage of a law to prohibit the manufacture of intoxicating liquors in the State.

**Mr. Rusch**

Moved that the petition be referred to the committee on Federal Relations.

**Mr. Foster**

Moved that the petition be referred to the Senator from Scott, Which motion prevailed.

### NOTICE OF BILLS.

By Mr. Cook :

Notice of a bill to repeal Section 18 of Chapter No. 91, of the laws of 1839-40.



## RESOLUTIONS.

Mr. Coolbaugh

Submitted the following resolution which was adopted:

*Resolved*, That the Secretary of State be requested to inform the Senate whether he has at any time while holding the office of Secretary of State, performed the duties and exercised the authority of acting Governor, and if so, for what length of time, and by virtue of what authority, and whether he has received any compensation, and if so, how much for so acting as Governor, in addition to his regular salary as Secretary of State.

## INTRODUCTION OF BILLS.

Mr. Pusey had leave to introduce

Senate File No. 156, A bill for an act to attach the counties of Emmett, Clay, Beunavista, O'Brien and Osceola, to the county of Dickinson for certain purposes, which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Johnston, Jenkins, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner—27.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Jenkins had leave to introduce

Senate File No. 157, A bill for an act for the relief of certain taxpayers of Jackson county, Iowa, which was read the first and second time, and

On his motion,

The 11th Rule was suspended, the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster,

Grinnell, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Pusey, Rankia, Reed, Reiner, Rusch, Stewart, Sharraden, Trimble, Thompson, Warner—28.

Mr. Bailey voted in the negative.

The bill was passed and the title thereof agreed to.

Mr. Foster had leave to introduce

Senate File No. 158, A bill for an act authorizing the Superintendent of Public Instruction, to sell certain school lands for county seats, which was read the first and second time, and

On his motion,

Referred to the committee on Public Lands.

Mr. Rankin had leave to introduce

Senate File No. 159, A bill for an act authorizing clerks of Courts and sheriffs to return fines in their hands to persons convicted of the violation of Chapter 221 of the session laws of the sixth General Assembly, entitled "an act to license and regulate the sale of malt, spirituous and vinous liquors in the State of Iowa," the same having been declared unconstitutional, was read the first and second time, and

On motion of Mr. Kirkwood,

Was referred to the committee on Judiciary.

Mr. Brown had leave to introduce

Senate File No. 160, A bill for an act to legalize the sale of certain school lands by Albert S. Hoisington, School Fund Commissioner of Green county, Iowa, which was read the first and second time, and

On his motion,

Referred to the committee on Judiciary.

Mr. Warner had leave to introduce

Senate File No. 161, A bill for an act to provide for the election, qualification and duties of District Attorneys, which was read the first and second time, and

On motion, of Mr. Loughridge,

Was referred to the committee on Judiciary.

Mr. Cattell had leave to introduce

Senate File No. 162, A bill for an act in relation to revenues, which was read the first and second time, and

On his motion

Laid on the table and ordered printed.

Mr. Loughridge had leave to introduce

Senate File No. 163, A bill for an act to repeal Sections 2561, 2562, and 2563 of the Code and to regulate fees of Attorneys at law, which was read the first and second time, and

On his motion,

Referred to the committee on Judiciary.

Mr. Trimble had leave to introduce

Senate File No. 164, A bill for an act to amend chapter 256 of the Session laws of 1856-7, approved January 29th, 1857, which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—29.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred certain petitions with instructions, reported Senate File No. 165, A bill for an act to provide for the registry of transfers of titles to real estate, which was read the first and second time, and

On motion of Rankin,

Laid on the table.

Mr. Atkins,

From the committee on County Boundaries, to whom was referred the petitions of citizens of Cass and Pottawattamie counties, reported Senate File No. 166, A bill for an act to enlarge the boundaries of Cass county, which was read the first and second time, and

On his motion,

Referred to a special committee, consisting of Senators Pusey, McPherson and Loughridge.

Mr. Jenkins,

From the committee on Judiciary, to whom was referred Senate File No. 134, A bill for an act for the punishment of Fœticide,

reported the same back to the Senate and recommended the passage of the bill.

The bill was ordered engrossed for a third reading.

Mr. Jenkins,

From the same committee to whom was referred Senate File No. 139, A bill for an act granting certain lands to the city of Du-buque, and to confer upon said city certain powers in regard thereto, reported the same back without amendment and recommended its passage.

On motion of Mr. Wilson,

The bill was laid upon the table.

Mr. Jenkins,

From the same committee to whom was referred Senate File No. 140, A bill for an act to make private prosecutors liable for the cost in certain cases, reported the same back to the Senate and recommended that the further consideration of the same be indefinitely postponed.

Which report was agreed to.

Mr. Mann,

From the committee on Township and County Organizations, had leave to introduce Senate File No. 167, A bill for an act creating the office of Township Collector, which was read the first and second time, and

On motion of Mr. Jenkins,

Made the special order for Tuesday at 10 o'clock, A. M.

Mr. Rankin,

From the committee on Railroads, to whom was referred Senate File No. 141, A bill for an act in relation to the Keokuk and Des Moines Valley Plank Road Company, reported the same back to the Senate without amendment, and recommended its passage.

The bill was ordered engrossed for a third reading.

Mr. McCoy,

From the committee on engrossed bills, reported that they had examined Senate substitute for House File No. 165, A bill for an act to provide for the recording of certain instruments belonging to the State, and found the same correctly engrossed.

Mr. Jenkins,

From the committee on Judiciary, to whom was referred House File No. 168, A bill for an act to amend Section 1610 of the Code

of Iowa, reported the same back to the Senate, and recommended the passage of the bill.

It was ordered to a third reading to-morrow.

Mr. Jenkins,

From the same Committee, to whom was referred House File No. 125: A bill for an act to amend section 1209, Chapter 78 of the Code,

Reported the same back to the Senate and recommended its passage.

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

Mr. Rankin,

From the same Committee, to whom was referred Senate File No. —: A bill for an act to secure uniformity of practice in relation to changes of venue before Justices of the Peace,

Reported the same back to the Senate and recommended that the further consideration of the same be indefinitely postponed.

Mr. Loughridge

Moved that the bill be re-committed to the Committee on Judiciary.

Mr. Jenkins

Moved to amend the bill by adding "instruct the Committee to amend so as to apply in civil and criminal proceedings."

Which motion prevailed.

Mr. Cattell,

From the Committee on Claims, to whom was referred the claim of J. D. Hoag,

Reported the same back to the Senate and recommended that the amount of \$309.70 be allowed.

They also reported Senate File No. 168: A bill for an act for the relief of James D. Hoag, which was read the first and second time, and

On his motion

The 11th Rule was suspended and the bill read a third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Atkins, Brigham, Brown, Cattell, Carter, Davis of Polk, Foster, Grinnell, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden—16.

The nays were

Senators Bailey, Cook, Davis of Clinton, Johnston, Jenkins,

Kirkwood, Mann, Pusey, Patterson, Stewart, Trimble, Thompson, Warner—13.

The bill did not pass.

Mr. Jenkins,

From the Committee on Judiciary, to whom was referred Senate File No. I51: A bill for an act requiring State officers and others to distribute public documents,

Reported the same back to the Senate without amendment and recommended the passage of the bill.

Mr. Cook

Moved to amend by adding as an additional section, viz :

Sec. 4. That the Attorney General be and hereby is instructed and required to commence suit against any and all persons who received money from the State for distributing Journals or other documents, and who have failed or neglected to perform such duty; and the measure of damages on such actions shall be the amount of money received from the Treasury and interest at the rate of ten per cent. from the time of such receipt.

On motion of Mr. Thompson

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

## TWO O'CLOCK, P. M.

The Senate resumed the consideration of Senate File No. 151.

The question being upon the adoption of the amendment submitted by Mr. Cook, pending when the Senate adjourned,

Mr. Anderson

Moved to refer the bill and amendment to the Committee on Ways and Means.

Mr. Cook

Moved to lay the bill and amendment upon the table,

Which motion did not prevail.

The question recurring upon the motion of Mr. Anderson,

The motion prevailed.

Mr. Foster

From the Committee on Agriculture, to whom was referred House File No. 114: A bill for an act allowing a bounty upon scalps upon certain animals,

Reported the same back with the following amendments :

1st Amendment—Add Section 1, “of the county in which said scalp of Wolf, Lynx or Wild Cat was taken.”

2d Amendment—Strike out “sixty” before “days.”

3d Amendment—Add to Section 2d, “It shall be the duty of the County Judge to so deface the scalp when produced as to prevent the use of the same to obtain the bounty herein provided for the second time.

Mr. Loughridge

Moved to lay the bill and amendments on the table and make them the special order for Saturday next at 2 o'clock p. m.

Which motion was lost.

The first and second amendments were adopted.

Mr. Mann

Moved to amend the last amendment by inserting after “County Judge” the words “or the officer before whom such scalps were produced,

Which amendment was adopted.

On motion of Mr. Jenkins,

The Senate resolved itself into a Committee of the whole Senate for the further consideration of the bill.

Mr. Jenkins in the Chair.

After some time the Committee rose and through their Chairman reported the bill back to the Senate with one amendment, and recommended the adoption of the amendment and the passage of the bill.

The amendment was as follows, to wit :

Amend Section 1 so as to read “one dollar for each scalp taken.”

Mr. Mann

Moved to amend by striking out “one dollar” and inserting “one dollar and fifty cents,”

Which motion prevailed.

Mr. Cattell

Moved to amend the 4th line of the same section by inserting after “County Judge” “or Justice of the Peace,”

Which amendment was adopted.

Mr. Mann

Moved to further amend by inserting before the word “Wolf,” the word “Prairie,” and insert after the word “scalp,” the words

“the large species of Wolves known as timber Wolves,” three dollars.

Which amendment was adopted.

On motion of Mr. Wilson,

The 11th rule was suspended and the bill read a third time.

The question being upon the passage of the bill

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

The nays were

Senator Bailey—1.

The bill passed and the title thereof was agreed to.

Mr. Foster

From the Committee on Agriculture to whom was referred

Senate File No. 148, A bill for the preservation of Sheep, reported the same back to the Senate and recommended that the further consideration of the bill be indefinitely postponed.

Mr. Brigham

Moved its reference to a special Committee,

Which motion prevailed.

The President appointed

Senators Cattell, Mann and Stewart said Committee.

On motion of Mr. Rankin,

Senate File No. 133, A bill for an act authorizing courts to set aside sales of Real Estate where there was no title in the Judgment debtor at the time of the levy, was taken from the table.

The question being upon the amendment submitted by Mr. Loughridge,

Was adopted.

Mr. Jenkins

Moved to amend Section 1, by adding “and upon the order setting aside said sale being granted, the Sheriff shall refund the money paid if any on such sale,”

Which amendment was adopted.

On motion of Mr. Rankin

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill



The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Cook, Carter, Davis, of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—27.

The nays were,

Senators Cattell, Johnston, Kirkwood—3.

The bill was passed and the title thereof agreed to.

Mr. Anderson,

From the Committee on Judiciary to whom was referred

House File No. 198, A bill for an act repealing so much of Chapter 175 of the acts of the Sixth General Assembly of the State of Iowa as authorized the holding of the District Court in the counties of Green and Boone, had the unanimous consent of the Senate to report the same back with one amendment, as follows :

To amend Section 1, "Provided, that this act shall not in any way effect any other term of either of said courts as now fixed by law.

Sec 2. All notices, writs, recognizances, and all other process returnable to the terms of court mentioned in this act, shall in no way be prejudiced by this act, but the same shall be deemed returnable to the next terms of said courts as now fixed or as may hereafter be fixed by law.

Which amendments were adopted.

On motion of Mr. Anderson

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Anderson, Atkins, Brown, Carter, Davis of Clinton, Foster, Grinnell, Loughridge, McCoy, Rankin, Reed, Rusch, Sharraden, Trimble, Thompson—15.

The nays were,

Senators Allen, Brigham, Bailey, Coolbaugh, Cook, Cattell, Johnston, Mann, Pusey, Patterson, Reiner, Saunders, Stewart, Warner, Wilson—15.

The bill was lost.

Mr. Rankin

Moved that Mr. Jenkins have leave of absence for two weeks.

Mr. Grinnell

Moved to amend by striking out "two" and inserting "one."

Which motion was lost.

Mr. Grinnell

Moved to amend by striking out "two weeks" and inserting "seven days."

Which motion was lost.

The question recurring upon the motion of Mr. Rankin,

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

The yeas were

Senators Allen, Anderson, Brigham, Bailey, Coolbaugh, Cook, Davis of Clinton, Mann, Pusey, Rankin, Stewart, Trimble, Warner, Wilson—14.

The nays were,

Senator Atkins, Brown, Cattell, Carter, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Patterson, Reed, Reiner, Smith, Saunders, Sharraden, Thompson—17.:

The motion did not prevail.

On motion of Mr. Patterson

The Senate adjourned.

### SENATE CHAMBER.

MONDAY, March 8th, 1858. 9 o'clock, A. M.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Reimsburg.

Journal of Saturday read and approved.

Senate File No. 122, A bill for an act in relation to the appointment of the interest of the School Fund, having passed both branches of the General Assembly, been duly enrolled by the Senate, signed by the Speaker of the House of Representatives and President of the Senate and certified to by the Secretary, was placed in the hands of the Committee on Enrolled Bills, to be presented to His Excellency the Governor, for his approval.

**Mr. Foster**

Presented the petition of some of the citizens of Washington Co., in relation to the times of holding Court in said Co.

Which was laid on the table.

**Mr. Brigham**

Submitted the following resolution, viz :

*Resolved*, That a Special Committee of three be appointed, enquire whether the present Usury Laws of this State are sufficient to protect the laboring and industrial classes against the encroachments and accumulations of money."

Which Resolution was adopted.

**The President**

Appointed on said Committee, Senators Coolbaugh, Brigham and Atkins.

**Mr. Mann**

Submitted the following resolution, viz :

*Resolved*, That the Special Committee be instructed to enquire into the expediency of reporting a bill to repeal the present usury law."

Which resolution was adopted.

## INTRODUCTION OF BILLS.

**Mr. Loughridge**

Had leave to introduce Senate File No. 169, Joint Resolution ratifying the settlement with the Des Moines Navigation and Railroad Company, which was read a first and second time, and,

On his motion,

Was laid on the table.

**Mr. Anderson**

Had leave to introduce Senate File No. 170, A bill for an act to repeal Chapter 23 of the acts of the Sixth General Assembly which was read a first and second time, and,

On his motion,

The 11th Rule was suspended, the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Brigham, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge

ann, McCoy Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson and Warner—23.

The nays were none.

The bill passed and the title thereof agreed to.

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

**MR. PRESIDENT :**

I am directed to inform the Senate that the House of Representatives has adopted the following resolution, in which the concurrence of the Senate is asked.

*Resolved*, By the General Assembly, (the Senate concurring) that the General Assembly will adjourn, *sine die*, on Tuesday, the 23d day of March, A. D., 1858.

I am further directed to inform the Senate that the House has passed House Bills of the following numbers and titles, to which the agreement of the Senate is asked, to wit :

House File No. 134, A bill for an act to legalize the issue of certain Bonds, voted by the City of Dubuque, to the Dubuque and Turkey Valley, and to the Dubuque and Bellevue Rail Road Companies, and to authorize the proceeds of said Bonds to be used outside of Dubuque County. Also,

House File No. 185, A bill for an act to authorize Forwarding and Commission Merchants and others to sell unclaimed Goods. Also,

House File No. 188, A bill for an act to authorize and regulate the adoption of Children. Also,

House File No. 210, A bill for an act to provide for an additional Justice of the Peace, in Union Township, Davis County, Iowa.

House File No. 211, A bill for an act to confirm the division of the rights and liabilities of the county of Webster since its division.

House File No. 223, A Memorial and Joint Resolution, asking Congress for a grant of land to aid in the construction of a Rail Road from Fort Dodge to Sioux Bluffs.

House File No. 233, A bill for an act to amend Chapter 167 of the Laws of the Sixth General Assembly.

House File No. 255, A bill for an act to repeal Section 1763 of the Code, and amendatory of the law providing when causes in Courts of Record shall be tried.

House File No. 256, An act to amend Section 2340 of the Code,

and amendatory of the law regulating the trial of appeal from Justices of the Peace.

House File No. 262, A bill for an act to repeal Sections 14 and 1411 of the Code, prescribing the descent of property.

House File No. 265, A bill for an act requiring witness fees be paid into the County Treasury.

I am further directed to return to the Senate, Senate File No. 95, A bill for an act to amend Chapter 220 of the Session Law of 1856-7, the same having passed the House of Representatives without amendment.

W. P. HEPBURN, Chief Clerk.

### REPORTS OF COMMITTEES.

Mr. Grinnell,

From the Committee on Schools, to whom was referred a communication from the Governor, in relation to the School Fund, introduced Senate File No. 171, A bill for an act for the appointment of a Commissioner to settle with the Sureties of J. D. East which was read a first and second time, and,

On his motion,

The 11th Rule was suspended and the bill read the third time And on its final passage,

The yeas were

Senators Allen, Anderson, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson and Warner—28.

The nays were none.

The Bill passed and the title thereof agreed to.

Mr. Saunders,

From the Committee of Ways and Means, to whom was referred House File No. 104, A bill for an act making appropriations for the Iowa Penitentiary, and a substitute therefor, together with sundry amendments thereto, reported the bill and substitute and amendments back to the Senate, and recommended the adoption of the substitute and the amendments thereto, together with the following amendment, viz: Strike out in the first section twenty thousand dollars and insert ten thousand dollars.

**Mr. Rankin**

Moved to amend the amendment by striking out ten thousand dollars and insert sixteen thousand dollars.

On motion of **Mr. Coolbaugh**,

The bill and substitute and amendments thereto were recommit-  
ted to the Committee on Ways and Means.

**Mr. Foster**,

From the majority of the joint committee on apportionment, introduced Senate File No. 172. A bill for an act to re-apportion the State into Senatorial Districts, which was read a first and second time, and

On motion of **Mr. Grinnell**,

Was laid on the table and ordered to be printed.

**Mr. Pusey**

From the minority of the same committee, introduced Senate File No. 173, A bill for an act determining the ratio of apportionment of the State into Senatorial Districts, and defining the boundaries thereof, which was read a first and second time, and

On motion of **Mr. Wilson**,

Was laid on the table and ordered to be printed.

**Mr. Rankin**,

From the special committee to whom was referred Senate File No. 131, A bill for an act authorizing the construction of bridges in the State of Iowa, reported the same back to the Senate with a substitute therefor, and recommended the adoption and passage of the substitute.

**Mr. Wilson**

Moved to fill the blank in section ten of the substitute with the words one thousand.

**Mr. Cattell**

Moved to fill the blank with the words five hundred.

**Mr. Bailey**

Moved to fill the blank with the words three hundred.

The motion to fill the blank with one thousand was lost.

The motion to fill the blank with five hundred prevailed.

**Mr. Wilson**

Moved to fill the blank in section 11 with the words one hundred.

**Mr. Loughridge**

Moved to fill the blank with three hundred.

On motion of **Mr. Anderson**,  
The bill and substitute and amendments thereto was laid on the table.

The President

Presented the following communication from the Register of the State Land Office :

STATE OF IOWA,

STATE LAND OFFICE, }  
DES MOINES, March, 5th, 1858. }

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

I have the honor to acknowledge the receipt (on the 29th January, 1858) of the Senate Resolution directing me to ascertain from the Commissioners of the General Land Office at Washington, wherein the Patents for the lands of the several Districts in this State, as formerly and at present constituted, can be obtained, with instructions to communicate such information when received to the Senate.

I have now the pleasure to inform the Honorable Senate that the Commissioner of the General Land Office, in reply to my communication to him upon this subject, says :

That applications should be made at the office of the Commissioners of the General Land Office for the Patents for land sold in Iowa City and Fairfield Districts, (they having been discontinued and the Patents returned,) and applications for patents for all other lands are to be made at the several Land Offices in the several Land Districts, for lands lying within the counties of each of said Districts.

The several Districts as at present constituted, are correctly marked and defined upon Henn, Williams & Co.'s large maps of the State of Iowa.

Respectfully, Your obedient Servant,  
T. S. PARVIN, *Register.*

On motion of **Mr. Grinnell**

It was ordered that the above communication be printed in the Iowa Citizen, Iowa State Journal, and Iowa Farmer.

**Mr. Saunders**,

From the Committee on Ways and Means, to whom was referred Senate File No. 149: A bill for an act making appropriations to

meet the ordinary and contingent expenses of the Deaf and Dumb Asylum,

Reported the same back to the Senate with the following amendment, viz :

In section first, after the word "appropriated," in the 13th line, insert "but the same shall not be drawn faster than is actually necessary for the maintainance of said Asylum.

Which amendment was agreed to.

On motion of Mr. Saunders

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart Sharraden, Trimble, Thompson, Warner.—32.

The bill was passed and the title thereof agreed to.

On motion of Mr. Kirkwood

The Senate went into an executive session.

After a short executive session the Senate rose.

Mr. Loughridge,

From the Committee on Judiciary, to whom was referred Senate File No. 14: A bill for an act to provide for the election of an Attorney General and defining his duties,

Reported the same back to the Senate and recommended the adoption of the following amendment, viz: and as an additional section the following :

The Attorney General shall keep in his office a book in which he shall record all the official opinions given by him during his term of office, which book shall be delivered to his successor in office."

Which amendment was agreed to.

Mr. Loughridge

Moved to amend section seven of the bill by striking out "one thousand dollars" and inserting "twelve hundred dollars."

Upon which motion Mr. Brigham demanded the yeas and nays, which were ordered and were as follows :

The yeas were,

Senators Allen, Anderson, Brigham, Brown, Cattell, Carter,



Grinnell, Kirkwood, Loughridge, Maun, Pusey, Patterson, Reed, Rusch, Stewart, Thompson, Wilson—17.

The nays were,

Senators Atkins, Bailey, Coolbaugh, Cattell, Davis of Clinton, Davis of Polk, Foster, Johnston, McCoy, Reiner, Saunders, Sharraden, Trimble, Warner—14.

Motion prevailed.

On motion of Mr. Loughridge

The 11th Rule was suspended and the bill read the third time.

On its final passage

The yeas were,

Senators Alien, Anderson, Atkins, Brigham, Brown, Cattell, Carter, Foster, Grinnell, Kirkwood, Loughridge, Mann, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—24.

The nays were,

Senators Bailey, Coolbaugh, Cook, Davis of Clinton, Davis of Polk, Johnston, McCoy, Saunders—8.

The bill was passed and the title thereof agreed to.

Leave of absence was granted to Mr. Brigham for the remainder of the session.

Mr. Foster,

From the Special Committee to whom was referred Senate File No. 94: A bill for an act for the encouragement of Agriculture,

Reported the same back to the Senate and recommended the adoption of the following amendment to the substitute, viz: Strike out the proviso in section first and add the following to the section:

“Provided, That before subscribing such stock, thirty days notice shall be given of such petition having been filed by posting up in three public places in the county, one of which shall be on the door of the County Judge’s office, and if at the expiration of that time an equal number of remonstrances are filed with the Judge, he shall give further time for petitions, and at such time as shall be fixed by him, shall subscribe the stock, if the number of petitions of legal voters exceeds the number of remonstrances of legal voters.”

Which amendment was agreed to.

Mr. Cook

Moved to amend the first section by striking out the words “one

fourth of the legal voters," and inserting "a majority of the legal voters."

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

The yeas were,

Senators Brigham, Bailey, Brown, Coolbaugh, Cook, Davis of Clinton, Johnston, Kirkwood, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Thompson, Wilson—19.

The nays were,

Senators Allen, Anderson, Atkins, Cattell, Carter, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McCoy, Trimble, Warner—12

Motion prevailed.

Mr. Foster

Moved to strike out in the first section all after words "Fair Grounds."

On motion of Mr. Mann

The bill and substitute were laid on the table.

On motion of Mr. Mann

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

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## TWO O'CLOCK, P. M.

Mr. Pusey had leave to introduce

Senate File No. 174: A bill for an act to legalize the election and official acts of the city of Council Bluffs, which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Coolbaugh, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Kirkwood, Loughridge, McCoy, Pusey, Patterson, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—26.

The bill was passed and the title thereof agreed to.

## BILLS ON THEIR FIRST READING.

House File No. 95, A bill for an act to provide for the punishment of willful and malicious oppression, was read the first and second time, and

On motion of Mr. Thompson,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Kirkwood, Loughridge, McCoy, Pusey, Rankin, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—25.

The nays were none.

The bill passed and the title thereof agreed to.

House file No 210, A bill for an act providing for an additional Justice of the Peace, in Union Township, Davis county, Iowa, was read the first and second time, and

On motion of Mr. Trimble,

The 11th Rule was suspended, the bill read the third time,

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McCoy, Pusey, Patterson, Rankin, Reed, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—27.

The nays were none.

The bill passed and the title thereof agreed to.

Substitute for House File No 150, A bill for an act to encourage the organization of Fire Companies, and for the protection of Firemen and the property of Fire Companies, was read the first and second time, and

On motion of Mr. Loughridge,

The 11th Rule was suspended, the bill read the third time.

And on its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey,

Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—30.

The nays were none.

The bill passed and the title thereof agreed to.

House File No. 249, A bill for an act qualifying the criminal jurisdiction of Justices of the Peace, was read the first and second times, and

On motion of Mr. Thompson,

The 11th Rule was suspended, the bill read the third time.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—30.

The nays were none.

The bill passed and the title thereof agreed to.

House File No. 203, A bill for an act to provide for levying a tax on certain lands to complete and keep in repair a levy on Muscatine Island and for the election of a levee Commissioner to superintend the same, was read the first and second time, and

On motion of Mr. Kirkwood,

Was referred to a special committee, consisting of Senators Patterson and Reiner.

Substitute for House File No. 218, A bill for an act to regulate the weight of different seeds, was read the first and second time, and

On motion of Mr. Foster,

Was referred to the committee on Agriculture.

Substitute for House File No. 10, A bill for an act respecting aliens, was read the first and second time, and

On motion of Mr. Mann,

Was referred to the committee on Judiciary.

Message from the Governor,

By Mr. Withrow, his Private Secretary :

*To the President and Gentlemen of the Senate :*

I beg leave to notice that the "act to give additional security to land titles in this State," and also the "act to give greater security to purchasers and mortgagees of real estate," have both become

laws without my agency, as they were not returned within the time limited by the Constitution with my approval.

RALPH P. LOWE.

House File No. 255, A bill for an act to repeal Section 1763 of the Code, and amendatory of the law providing where cases in courts of record shall be tried, was read the first and second time, and

On motion of Mr. Trimble,

Was referred to the committee on Judiciary.

House File No. 256, A bill for an act to amend Section 2340 of the Code and amendatory of the law regulating the trial of appeals from Justices of the Peace, was read the first and second time, and

On motion of Mr. Foster,

Was referred to the committee on Judiciary.

House File No. 265, A bill for an act requiring witness' fees to be paid into the County Treasury, was read the first and second time, and

On motion of Mr. Trimble,

Was referred to the committee on Incorporations.

House File No. 235, A bill for an act continuing the School Fund Commissioners in office, was read the first and second time, and

On motion of Mr. Foster,

The 11th Rule was suspended, the bill read the third time.

On its final passage,

The yeas were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Loughridge, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Thompson, Warner, Wilson—21.

The nays were

Senators Coolbaugh, Grinnell, Mann, Pusey, Patterson, Trimble—6.

The bill passed and the title thereof agreed to.

House File No. 204, A bill for an act to permit certain Indians to reside within the State, was read the first and second time, and

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—30.

The nays were none.

The bill was passed and the title thereof agreed to.

House File No. 206, A bill for an act fixing the compensation of the future General Assemblies, was read the first and second time.

Mr. Grinnell

Moved to amend by striking out in Section first, the words "three dollars," and insert "two dollars and fifty cents."

Mr. Allen

Moved to amend by inserting as follows, viz :

"That any member may receive any sum, as pay, at which he may value his services, provided it does not exceed three dollars per day."

Upon which motion Mr. Johnston demanded the yeas and nays which were ordered, and were as follows :

The yeas were,

Senators Allen, Atkins, Bailey, Cook, Foster, Johnston, Mann, Trimble, Thompson, Warner—11.

The nays were,

Senators Anderson, Brown, Coolbaugh, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Kirkwood, Loughridge, McCoy, Pusey, Patterson, Rankin, Reed, Rusch, Saunders, Stewart, Sharraden, Wilson—20.

Motion lost.

The question recurring on Mr. Grinnell's motion to strike out and insert,

The motion was lost.

On motion of Mr. Thompson,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey,

Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

The nays were none.

The bill was passed and the title thereof agreed to.

House File No. 216, A bill for an act to attach the County of Worth to the County of Cerro Gordo, for certain purposes, was read a first and second time, and,

On motion of Mr. Atkins,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner and Wilson—29.

The nays were none.

The bill passed and the title thereof agreed to.

House File No. 193, A bill for an act to repeal a part of Section 12, of Chapter 156, in relation to Swamp Lands, approved Jan. 25th, 1855, was read a first and second time, and,

On motion of Mr. Foster,

Was referred to the Committee on Public Lands.

House File No. 233, A bill for an act to amend Chapter 167 of the Laws of the Sixth General Assembly, was read a first and second time, and,

On motion of Mr. Thompson.

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner and Wilson—30.

The nays were none.

The bill passed and the title thereof agreed to.

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

MR. PRESIDENT:

I herewith return Senate File No. 111, A bill for an act making an appropriation for the State University, the same having passed the House of Representatives without amendment.

I am also directed to inform the Senate that the House has passed House File No. 258, A bill for an act to authorize the Governor to appoint Commissioners to examine the accounts of the State Officers, and to define the duties of the Governor in certain cases, to which the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

House File No. 185, A bill for an act to authorize Forwarding and Commission Merchants and others, to sell unclaimed Goods, was read a first and second time, and,

On motion of Mr. Foster,

Was referred to the Committee on Commerce.

House File No. 262, A bill for an act to repeal Sections 1410 1411 of the Code, prescribing the descent of property, was read a first and second time, and,

On motion of Mr. Cattell,

Was Referred to the Committee on Judiciary.

House File No. 223, Memorial and Joint Resolution, asking Congress for a grant of land to aid in the construction of a Rail Road from Fort Dodge to Sioux Falls, was read a first and second time, and,

On motion of Mr. Thompson,

The 11th Rule was suspended, the Memorial and Joint Resolution read the third time, passed, and the title thereof agreed to.

House File No. 188, A bill for an act to authorize and regulate the adoption of Children, was read a first and second time, and,

On motion of Mr. Thompson,

Was referred to the Committee on Judiciary.

House File No. 211, A bill for an act to confine the diversion of the rights and liabilities of the County of Webster since its division, was read a first and second time, and,

On motion of Mr. Brown,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster,



Grinnell, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart Sharraden, Trimble, Thompson, Warner and Wilson—30.

Mr. Johnston voted in the negative.

The bill passed and the title thereof agreed to.

House File No. 134, A bill for an act to legalize the issue of certain bonds voted by the city of Dubuque to the Dubuque & Turkey Valley and the Dubuque & Bellevue Railroad Companies, and to authorize the proceeds of said bonds to be used outside of Dubuque county, was read a first and second time, and

On motion of Mr. Stewart,

Was referred to the Senators representing Dubuque county.

Substitute for Senate Files Nos. 7, 26, 35, 45, 50, 60, and 87; House Files Nos. 42, 43, 51, 62, 65, 68, 83, 89, 91, 96, 97, 99, 153, 154, 160 and 161; joint resolutions for additional mail facilities, was read a first and second time, and

On motion of Mr. Grinnell,

Was laid on the table.

### BILLS ON THEIR THIRD READING.

Senate substitute for House File No. 165, A bill for an act to provide for the recording of certain instruments in writing belonging to the State, was read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart. Sharraden, Trimble, Thompson, Warner, Wilson—31.

The nays were none.

The bill passed and the title thereof agreed to.

House File No. 168, A bill for an act to amend Section 1610 of the Code of Iowa, was read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Bailey, Coolbaugh, Cook, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood,

Loughridge, Mann, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Thompson, Wilson—24.

The nays were

Senators Brown, Grinnell, Johnston, McCoy, Sharraden—5.

The bill passed and the title thereof agreed to.

House File No. 125, A bill for an act to amend section 1209 of Chapter 78 of the Code, was read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Johnston, Kirkwood, Loughridge, Mann, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—29.

The nays were none.

The bill passed and the title thereof agreed to.

Leave of absence for two days was granted to Mr. Loughridge.

On motion of Mr. Trimble,

The Senate took from the table substitute for House File No. 73, A bill for an act in relation to divorce and alimony.

Mr. Johnston

Moved to amend the third section by striking out the word "two" before the word year, and to insert the word "one."

Which motion was lost.

Mr. Kirkwood

Moved to amend the second section by striking out the words "second and"

Which motion prevailed.

On motion of Mr. Mann,

The 11th Rule was suspended, and the bill read a third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—31.

The nays were none.

The bill passed and the title thereof agreed to.

On motion of Mr. Thompson

Senate File No. 37: A bill for an act for the formation of limited partnerships,

Was taken from the table, and

On his motion,

The 11th Rule was suspended and the bill read the third time.

On its final passage

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—36.

The bill passed and the title thereof was agreed to.

Mr. Wilson

Moved that the Senate take from the table the concurrent Resolution from the House of Representatives in relation to the adjournment.

Upon which motion

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

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Coolbaugh, Cook, Johnston, Mann, Pusey, Patterson, Rankin, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—19.

The nays were,

Senators Brown, Cattell, Carter, Davis, of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Reed, Reiner, Rusch—13.

Motion prevailed.

Mr. Kirkwood

Moved that the concurrent resolution be laid on the table,

Upon which motion

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

The yeas were,

Senators Anderson, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden—17.

The nays were

Senators Allen, Atkins, Brigham, Bailey, Coolbaugh, Cook,

Johnston, Mann, Pusey, Patterson, Stewart, Trimble, Thompson, Warner, Wilson—15.

Motion prevailed.

On motion of Mr. Kirkwood

Senate File No. 144: Joint Resolution of the General Assembly of the State of Iowa, touching the opinions of some of the Judges of the Supreme Court of the United States on political questions incorporated in the opinion of that Court in the case of Scott vs. Sanford,

Was taken from the table.

On motion of Mr. Thompson

The 11th Rule was suspended and the Resolutions read the third time.

On their final passage

The yeas were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Thompson—20.

The nays were

Senators Allen, Brigham, Bailey, Coolbaugh, Johnston, Mann, Pusey, Patterson, Stewart, Trimble, Warner, Wilson—12.

The Resolutions passed and their title was agreed to.

The President presented the following communication from the Secretary of State, which was,

On motion of Mr. Coolbaugh,

Referred to the Committee on Ways and Means:

OFFICE OF SECRETARY OF STATE, }  
March 8th, 1858. }

HON. O. FAVILLE,

*President of the Senate:*

SIR:—In compliance with a resolution of the Senate of the 6th inst., as follows:

“*Resolved*, That the Secretary of State be requested to inform the Senate whether he has at any time while holding the office of Secretary of State, performed the duties of the office of acting Governor, and if so, for what length of time and by virtue of what authority, and whether he has received any compensation, and if

so, how much for so acting as Governor in addition to his regular salary as Secretary of State."

I did "exercise the authority of acting Governor" from the 10th day of September, A. D. 1857, until the 20th of said month.

The following notice was received at this office from His Excellency, Gov. James W. Grimes:

"IOWA CITY, September 3d, 1857.

HON. E. SELLS,

DEAR SIR:—I shall leave the State on the 10th inst., and shall be absent until the 20th inst. at least, and perhaps later. After the 10th the duties of my office will devolve on you.

Yours Truly,

JAMES W. GRIMES."

The 38th section of Chapter 5 of the Code provides that "when during a vacancy in the office of Governor, the Secretary of State performs the duties of that office, such officer may receive the compensation of Governor for such period as he fills the vacancy."

As far as I am able to learn, it has been the usual custom not only in the National but in all the State Governments, never to pay an Executive or Judicial State officer less than one quarter's salary, and that practice has been fully established in this State.

I find upon the records of the office of the Auditor of State, that my late worthy predecessor, Gen. Geo. W. McCleary, did receive on the 12th day of January, A. D. 1854, two hundred and fifty dollars as salary for acting Governor during the temporary absence from the State of Governor Hempstead, in addition to his salary as Secretary of State, and again on the 20th day of September, A. D. 1857, two hundred and fifty dollars more was received as acting Governor in addition to his salary as Secretary of State.

The records of my office do not show the length of time that my predecessor discharged the duties of acting Governor, there being no official act as shown by the record by him, during the temporary absence of either Gov. Hempstead or Gov. Grimes.

I am, however, informed upon good and reliable authority, that either time was much less than one quarter.

Having been guided by the precedents referred to, and claiming to be a law-loving and law-abiding man, and having no disposition to depart from long and well established rule, I presented

my claim to the Auditor of State for one quarter's salary (\$250,) which claim was audited by the Auditor and paid by the State.

All of which is respectfully submitted.

Very respectfully yours,

E. SELLS,

Secretary of State.

On motion of Mr. Patterson,

The Senate adjourned till 9 o'clock to-morrow morning.

SENATE CHAMBER,  
TUESDAY, March 9th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by Rev. Mr. Reinsburg.

Journal read and approved.

Message from the House,

By Mr. Hepburn, their Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has indefinitely postponed the further consideration of Senate File No. 116, A bill for an act more fully defining the duties of executors.

I am further directed to inform the Senate that the House has passed the following bills in which the concurrence of the Senate is asked, to wit:

House File No. 121, Joint Resolution of the General Assembly of the State of Iowa, asking an appropriation of money for a double track Railroad around the Lower Rapids of the Mississippi River, on the Iowa or west side thereof. Also,

House File No. 207, A bill for an act to amend section two of an act entitled an act to change the name of New Haven, in Buchanan county. Also,

House Substitute for Senate File No. 126, Joint Resolution to procure additional mail facilities.

W. P. HEPBURN, Chief Clerk.

## INTRODUCTION OF BILLS.

Mr. Cattell had leave to introduce

Senate File No. 175, A bill for an act to provide for the incorporation of cities and towns, which was read the first and second time, and

Upon his motion,

Laid upon the table.

Mr. Mann had leave to introduce

Senate File No. 176, A bill for an act to provide for the appraisal of property taken on execution, which was read the first and second time, and

Upon his motion,

Referred to Judiciary Committee.

Mr. Cattell,

From the committee on Incorporations, to whom was referred Senate File No. 51, A bill for an act for the Incorporation of Benevolent, Charitable, Scientific or Missionary Societies,

Reported the same back to the Senate with the following amendment, to wit: Insert the word "Religious," after the word "Scientific," in Sections 1 and 11,

Which amendment was agreed to.

Mr. Loughridge

Moved to strike out the sixth Section of the bill, which provides that any person shall not devise or bequeath more than one-fourth of his or her property to any Religious, Scientific, Benevolent or Literary Institution.

Mr. Mann

Moved to amend by striking out "one-fourth," and inserting "one-half,"

Upon which motion, Mr. Thompson demanded the yeas and nays, which were ordered, and were as follows:

The yeas were,

Senators Allen, Atkins, Coolbaugh, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Mann, McCoy, Pusey, Stewart, Thompson—14.

The nays were,

Senators Anderson, Bailey, Brown, Cook, Carter, Kirkwood, Loughridge, Patterson, Reed, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner and Wilson—16.

**Motion lost.**

On motion of **Mr. Kirkwood,**

The letter "s" was added to the words "Institution" and "Corporation," in the 6th Section.

The question recurring on **Mr. Loughridge's** motion, **Mr. Thompson** demanded the yeas and nays which were ordered and were as follows :

The yeas were,

**Senators Allen, Anderson, Cattell, Grinnell, Loughridge, Reed, Stewart, Wilson—8.**

The nays were,

**Senators Atkins, Bailey, Brown, Cook, Carter, Davis of Clinton, Davis of Polk, Foster, Johnston, Kirkwood, Mann, McCoy, Pusey, Patterson, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner—21.**

**Motion lost.**

**Mr. Longhridge**

Moved to reconsider the vote by which the Senate refused to strike out the words "one-fourth" and insert "one-half."

**Mr. Johnston**

Moved to lay the motion to reconsider, on the table,

Upon which motion, **Mr. Loughridge** demanded the yeas and nays, which were ordered and were as follows :

The yeas were,

**Senators Atkins, Bailey, Brown, Cook, Carter, Davis of Olin-ton, Johnston, Kirkwood, McCoy, Pusey, Patterson, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner—18.**

The nays were,

**Senators Allen, Anderson, Cattell, Davis of Polk, Foster, Grinnell, Loughridge, Mann, Reed, Stewart, Wilson—11.**

**Motion to lay on the table prevailed.**

**Mr. Longhridge**

Moved to strike out Section seven of the bill which provided that the trustees and directors of each company, society or association is liable for the debts of such society or association.

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

The yeas were,

**Senators Allen, Anderson, Atkins, Brigham, Bailey, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell,**



Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reineer, Rusch, Saunders, Stewart, Thompson, Wilson—27.

The nays were,

Senators Brown, Carter, Sharraden, Warner—4.

**Motion prevailed.**

**Mr. Grinnell**

Moved that the further consideration of the bill be indefinitely postponed.

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

The yeas were,

Senators Allen, Anderson, Brigham, Coolbaugh, Grinnell, Johnston, Loughridge, Reed, Saunders, Stewart, Trimble, Wilson—12.

The nays were,

Senators Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Jenkins, Kirkwood, Mann, McCoy, Rankin, Reiner, Rusch, Sharraden, Thompson, Warner—18.

**Mr. Loughridge**

Moved that the 11th Rule be suspended and the bill be read a third time now,

Which motion was lost.

On motion of **Mr. Coolbaugh**,

The bill was laid on the table.

**Mr. McCoy**,

From the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills, report that they have examined the following bills, and find the same correctly engrossed :

Senate File No. 134, A bill for an for the punishment of Fœticide.

Senate File No. 141, A bill for an act in relation to the Keekuk and Des Moines Valley Plank Road Company.

Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa.

GEO. M. MCCOY, Chairman.

Message from the House of Representatives,

By **Mr. Jones**, Second Assistant Clerk.

**MR. PRESIDENT :**

I am directed by the House of Representatives to return to the

enate, Senate File No. 154, A bill for an act providing for a revision of the laws of Iowa, and the preparation of a code of civil and criminal procedure, the same having passed the House with one amendment, in which the concurrence of the Senate is asked.

B. F. JONES,

Second Assis't Clerk H. of R.

On motion of Mr. Coolbaugh,

Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa, was read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McCoy, Pusey, Paterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner—28.

The nays were,

Senators Bailey, Mann, Stewart, Wilson—4.

The bill passed and the title thereof agreed to.

Mr. Rankin,

From the Joint Committee on Judicial Districts, introduced Senate File No. 177, A bill for an act dividing the State into 11 Judicial Districts and defining their boundaries, which was read the first and second time, and

On motion of Mr. Anderson,

Was laid on the table and ordered to be printed.

TEN O'CLOCK A. M.

The special order for this hour being the consideration of Senate File No. 167, A bill for an act creating the office of Township Assessor.

On motion of Mr. Saunders,

The special order was passed by.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred Senate File No. 150, A bill for an act to provide for the continuation of the Geological Survey of the State,

Reported the same back to the Senate without amendment, and commended its passage.

On motion of Mr. Saunders,

The 11th Rule was suspended, the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Kirkwood, McCoy, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—25.

The nays were,

Senators Davis of Clinton, Johnson, Loughridge, Mann, Pusey—5.

The bill was passed and the title thereof agreed to.

Mr. Saunders,

From the Committee on Ways and Means, to whom was referred Senate File No. 49, A bill for an act amendatory of an act entitled an act fixing the salaries of the Governor and State Officers of the State of Iowa, approved Jan. 29th, 1857, reported the same back to the Senate with a substitute therefor, and recommended the adoption and passage of the substitute.

Mr. Davis of Polk,

Moved to amend Section first of the substitute, by adding thereto as follows, viz :

“And it shall be the duty of the Governor to keep his office at the Capital of the State.

Which motion was lost.

Mr. Patterson,

Moved to amend Section 2d of the substitute, by adding thereto as follows, viz :

“And their compensation, as provided for in this act, shall date from the commencement of the present Session of the General Assembly.

Upon which motion,

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

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Thompson, Warner and Wilson—26.

The nays were

Senators Bailey, Davis of Clinton, Johnston, Loughridge, Reed and Trimble—6.

**Motion to amend prevailed.**

On motion of **Mr. Saunders,**

**The substitute was adopted.**

On motion of **Mr. Coolbaugh,**

**The 11th Rule was suspended and the bill read the third time.**

**On its final passage,**

**The yeas were**

**Senators Allen, Anderson, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Thompson, Warner and Wilson—26.**

**The nays were**

**Johnston, Mann, Reed and Trimble—4.**

**The bill passed and the title thereof agreed to.**

**Mr. Saunders,**

**From the Committee on Ways and Means, to whom was referred House File No. 104, A bill for an act making an appropriation for the Iowa Penitentiary, with a substitute therefor, reported the following amendments to the substitute, and recommended their adoption.**

**In the 8th line of Section 1st, strike out "sixteen thousand," and insert "ten thousand ; in the same section 17th line, strike out \$20,000, and insert \$12,000 ; in the last line of the same Section, strike out \$12,000, and insert \$6,000. Also,**

**In Section 2d, strike out from the word Provided, to the word Provided, and add to the Section the following, viz :**

**"No money hereby appropriated for building purposes, shall be drawn except on estimates of work actually performed, or materials furnished." Strike out in the last Section, all after the words Iowa State Journal.**

**Which amendments were concurred in.**

On motion of **Mr. Saunders,**

**The substitute was adopted.**

On motion of **Mr. Coolbaugh,**

**The 11th Rule was suspended and the bill read the third time.**

**On its final passage,**

**The yeas were**

**Senators Allen, Anderson, Atkins, Brigham, Brown, Coolbaugh, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirk-**

wood, McCoy, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner and Wilson—25.

The nays were

Senators Bailey, Johnston, Loughridge, Mann and Pusey—5.

The bill passed and the title thereof agreed to.

Mr. Sharraden,

From the Committee on Enrolled Bills, reported that the Committee had presented to His Excellency the Governor for his approval, the following :

Senate File No. 122, An act to provide for the apportionment of the interest on the School Fund for the year 1858, and oo legalize the apportionment of said interest made by James D. Eads for the year 1857.

On motion of Mr. Warner,

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

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TWO O'CLOCK, P. M.

On motion of Mr. Brigham

Senate File No. 169: Joint Resolution ratifying the settlement with the Des Moines Navigation and Railroad Company,

Was taken from the table.

Mr. Johnston

Moved that the Joint Resolution be laid on the table and made the special order for Friday next at 10 o'clock, A. M.

Mr. Rankin

Moved to amend the motion by striking out "Friday next" and inserting to-morrow."

Upon which motion Mr. Brigham demanded the yeas and nays, which were ordered and were as follows :

The yeas were

Senators Allen, Anderson, Brigham, Cattell, Carter, Davis of Polk, Foster, Grinnell, Loughridge, McCoy, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Wilson—20.

The nays were,

Senators Atkins, Bailey, Brown, Coolbaugh, Cook, Davis of Clinton, Johnston, Kirkwood, Mann, Stewart—10.

Motion prevailed.

On motion of **Mr. Mann**

Senate File No. 167, A bill for an act creating the office of Township Assessor,

Was taken from the table.

**Mr. Cook**

Moved that the further consideration of the bill be indefinitely postponed.

**Mr. Carter**

Moved to lay the motion to indefinitely postpone on the table,  
Which motion prevailed.

**Mr. Cattell**

Moved to amend the first section by inserting after the word 'therefter,' the words "at the general election."

Which motion prevailed.

**Mr. Trimble**

Moved that the bill be made the special order for the 4th of July, at 10 o'clock, A. M.

**Mr. Foster**

Moved to amend the motion by striking out "4th of July" and inserting "Saturday next."

Upon which motion

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

The yeas were,

Senators Atkins, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McCoy, Patterson, Reed, Thompson—16.

The nays were,

Senators Allen, Anderson, Brigham, Coolbaugh, Cook, Johnston, Pusey, Saunders, Stewart, Sharraden, Trimble, Warnre, Wilson—12.

Motion prevailed.

**Mr. Wilson,**

From the Committee on Judiciary, to whom was referred House File No. 262: A bill for an act to repeal sections 1410 and 1411 of the Code, prescribing the descent of property,

Reported the same back to the Senate without amendment and recommended its passage.

And on his motion

The 11th Rule was suspended and the bill read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—31.

The bill was passed and the title thereof agreed to.

Mr. Wilson.

From the Committee on Judiciary, to whom was referred substitute for House File No. 10: A bill for an act respecting aliens,

Reported the same back to the Senate with the following amendment, viz:

Add to the last section, "Staats Zeitung, National Democrat, published at Dubuque, Der Democrat, published at Davenport, Free Press and National Eagle, published at Burlington, and the German papers printed at Keokuk.

Which amendment was agreed to.

On motion of Mr. Wilson

The 11th Rule was suspended and the bill read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—32.

The bill was passed and the title thereof agreed to.

On motion of Mr. Kirkwood

The Senate took from the table Senate File No. 154: A bill for an act providing for a revision of the laws of Iowa, and the preparation of a Code of civil and criminal procedure,

Was taken up.

Mr. Kirkwood

Moved that the Senate concur in the amendments made by the House.

Upon which motion

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk,

Foster, Grinnell, Johnston, Kirkwood, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—32.

The amendment made by the House was agreed to.

### BILLS ON THEIR THIRD READING.

Senate File No. 141: A bill for an act in relation to the Keokuk and Des Moines Valley Plank Road Company,

Was read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—29.

The bill was passed and the title thereof agreed to.

Senate File No. 134: A bill for an act for the punishment of Fœticide,

Was read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Wilson—27.

The bill was passed and the title thereof agreed to.

Mr. Cattell,

From the Committee on Incorporations, to whom was referred Senate File No. 74: A bill for an act to incorporate the Eagle Insurance Company,

Reported the same back to the Senate and recommended that the further consideration of the bill be indefinitely postponed,

Which was agreed to.

Mr. Cattell,

From the same committee, to whom was referred Senate File No. 112: A bill for an act to amend the Charter of the city of Maquoketa,



Reported the same back to the Senate and recommended that its further consideration be indefinitely postponed.

Which report was agreed to.

Mr. Cattell,

From the same committee, to whom was referred Senate File No. 110: A bill for an act to amend the Charter of the city of Council Bluffs,

Reported the same back to the Senate and recommended its indefinite postponement.

Which report was agreed to.

On motion of Mr. Wilson

The Senate adjourned.

SENATE CHAMBER, )  
WEDNESDAY, March 10th, 1858, 9 o'clock A. M. )

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

Journal of yesterday read and approved.

Mr. Davis of Polk,

Presented the remonstrance of B. F. Allen and four hundred others, citizens of Des Moines, remonstrating against the passage of a law, repealing the law Incorporating the City of Des Moines, which remonstrance was read, and,

On his motion,

Was laid on the table.

Mr. Brigham,

Presented the Memorial of H. W. Ried, President of the Keokuk, Fort Des Moines and Minnesota Rail Road Company, asking for a diversion of the land granted by Congress to the State of Iowa, for the Improvement of the Des Moines River, from the Des Moines N. & R. Road Co., to the Keokuk F. D. & M. R. Road Co., which memorial was read, and,

On motion of Mr. Brigham,

Was laid on the table.

## INTRODUCTION OF BILLS.

Mr. Cook,

Had leave to introduce Senate File No. 178, A bill for an act defining the rights of the State in and to the lands granted to the State of Iowa for Rail Road purposes, by an act of Congress, entitled an act making a grant of land to the State of Iowa, in alternate Sections, to aid in the construction of certain Rail Roads in said State, approved May 15th, 1856, which was read a first and second time, and,

On his motion,

Was referred to the Committee on Rail Roads.

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

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed without amendment, substitute for Senate File No. 23, A bill for an act for the Public Instruction of the State of Iowa.

The House has also passed House File No. 285, A bill for an act to amend an act entitled an act to fix the time of holding Courts in the 11th Judicial District, to which the agreement of the Senate is asked.

WM. P. HEPBURN, Chief Clerk.

Mr. Cook

Had leave to introduce Senate File No. 179, A bill for an act to designate Sundays and the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes, which was read the first and second time.

Mr. Loughridge

Moved to amend the 1st Section, by striking out the word "preceding" before the word "day," and to insert "succeeding."

Which motion prevailed.

On motion of Mr. Cook,

The 11th Rule was suspended and the bill read the third time.

On its passage,

The yeas were

Senators Allen, Anderson, Atkins, Brigham, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey

Prtterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson and Warner—29.

Mr. Bailey voted in the negative.

The bill passed and the title thereof agreed to.

Mr. Grinnell had leave to introduce

Senate File No. 180, A bill for an act to amend Chapter 122 of the Session Laws of the 6th Session of the General Assembly of the State of Iowa, which was read a first and second time, and,

On his motion,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Coolbaugh, Cstell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Mann, McCoy, Neal, Pusey, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Thompson and Warner—24.

The nays were

Senators Cook, Loughridge, Patterson and Trimble—4.

The bill passed and the title thereof agreed to.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred substitute for House Files Nos. 69 and 155, A bill for an act regulating and defining the notice to be given, in all cases of Judicial Sales of property, reported the same back to the Senate without amendment, and recommended its passage.

On motion of Mr. Mann,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Brigham, Brown, Cook, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, Mann, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner—24.

The nays were,

Senators Atkins, Bailey, Coolbaugh, McCoy—4.

The bill passed and the title thereof agreed to.

Mr. Anderson,

From the committee on Judiciary, to whom was referred Senate File No. 160, A bill for an act to legalize the sale of certain

school lands made by Albert S. Hoisington, School Fund Commissioner of Green county,

Reported the same back to the Senate without amendment and recommended its passage, and

On his motion,

The 11th Rule was suspended, the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner—27.

Mr. Brigham voted in the negative.

The bill passed and the title thereof agreed to.

Mr. Anderson,

From the same committee, to whom was referred Senate File No. 159, A bill for an act authorizing clerks of courts and sheriffs to return fines in their hands to persons convicted of the violation of chapter 221 of the Session Laws, of the sixth General Assembly,

Reported the same back to the Senate without amendment and recommended its passage.

On motion of Mr. Rankin,

The bill was laid on the table.

Mr. McCoy had leave to introduce

Senate File No. 181, A bill for an act to repeal chapter 72 of the Session Laws of 1851, which was read the first and second time.

Mr. Loughridge

Moved that the bill be referred to the committee on Federal Relations.

Upon which motion Mr. Brigham demanded the yeas and nays which were ordered, and were as follows :

The yeas were,

Senators Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, Rankin, Reed, Reiner, Saunders, Sharraden, Thompson—16.

The nays were

Senators Allen, Anderson, Brigham, Bailey, Coolbaugh, Grinnell, Johnston, Mann, McCoy, Neal, Pusey, Patterson, Rusch, Stewart, Trimble, Warner—16.

The President voted yea.

The motion prevailed.

On motion of Mr. Neal,

House File No. 285, A bill for an act to amend an act entitled an act to fix the time of holding courts in the 11th Judicial District, was read the first and second time, and

On his motion,

The 11th Rule was suspended, the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Brigham, Bailey, Brown, Coolbaugh, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Neal, Patterson, Rankin, Reed, Reimer, Rusch, Saunders, Stewart, Sharaden, Trimble, Thompson, Warner—30.

The nays were none.

The bill passed and the title thereof agreed to.

On motion of Mr. Neal,

The Rule was suspended, and

*Ordered*, That the Secretary return immediately the above mentioned bill to the House,

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

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed substitute for House File No. 108, A bill for an act to locate and provide for the erection of an institution for the education of the blind of the State of Iowa, to which the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

Mr. Foster had leave to introduce

Senate File No. 181, A bill for an act to provide for the election of the members of the Board of Education, and defining the duties of the same.

Which was read a first and second time, and on his motion referred to the Committee on Schools and State University.

It being 10 o'clock, the hour for which Senate File No. 169, Joint resolution ratifying a settlement with the Des Moines Navigation and Railroad Company, was made the special order, the Senate proceeded to the consideration of the same.

On motion of Mr. Warner,  
The Senate adjourned till 2 o'clock P. M.

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## TWO O'CLOCK, P. M.

On motion of Mr. McCoy,  
Substitute for House File No. 108, A bill for an act to locate and provide for the erection of an institution for the education of blind of the State of Iowa, was read a first and second time, and referred to the Committee on Ways and Means.

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

Mr. PRESIDENT :

I am directed to present for your signature the following acts, which have passed both branches of the General Assembly, and have been duly enrolled by the House of Representatives, viz :

House File No. 210, An act providing for an additional Justice of the Peace in Union Township, Davis county, Iowa.

House File No. 235, An act continuing the School Fund Commissioners in office.

House File No. 285, An act to amend an act entitled an act to fix the times of holding Courts in the Eleventh Judicial District.

I am directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked :

House File No. 217: An act authorizing School Districts to subscribe for the Voice of Iowa.

House File No. 263: An act to re-enact all such acts as may have been repealed or suspended in their operation by the New Constitution, but which are not in conflict therewith.

W. P. HEPBURN, Chief Clerk.

The Senate resumed the consideration of Senate File No. 169: Joint Resolution ratifying the settlement with the Des Moines Navigation and Railroad Company.

After debate,

On motion of Mr. Brigham,

The 11th Rule was suspended and the Joint Resolution read the third time.

On its final passage.

The yeas were,

Senators Allen, Anderson, Brigham, Bailey, Coolbaugh, Cook, Cattell, Davis of Polk, Foster, Johnston, Loughridge, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharaden, Trimble—21.

The nays were,

Senators Atkins, Brown, Carter, Davis of Clinton, Grinnell, Kirkwood, Mann, Stewart, Thompson—9

The Joint Resolution passed and the title thereof was agreed to.

On motion of Mr. Pusey

The Senate adjourned till 9 o'clock, A. M., to-morrow.

SENATE CHAMBER, }  
THURSDAY, MARCH 11th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Merrill.

Journal of yesterday read and approved.

### PETITIONS AND MEMORIALS.

**Mr. Grinnell**

Presented the petition of H. S. Winslow and others, of Jasper county, asking a loan of a portion of the School Fund, to aid in the erection of an edifice for the use of the Wittenburg Manual Labor College, which was read and

Referred to the committee on Schools.

**Mr. Davis of Clinton,**

From the Special Committee to whom was referred Senate File No. 65, A bill for an act to define the maximum value of a Homestead, as contemplated in chapter 81 of the Code of Iowa,

Reported the same back with a substitute therefor, and recommended the adoption and passage of the substitute.

**Mr. Thompson**

Moved that the further consideration of both bill and substitute be indefinitely postponed.

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

The yeas were,

Senators Anderson, Atkins, Bailey, Cattell, Carter, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Rankin, Reiner, Sharraden, Trimble, Thompson, Warner, Wilson—17.

The nays were,

Senators Allen, Brown, Coolbaugh, Cook, Davis of Clinton, Davis of Polk, Johnston, Pusey, Patterson, Reed, Rusch, Saunders Stewart—13.

The motion prevailed.

Mr. Kirkwood

Submitted the following resolution, which was adopted:

*Resolved*, That the Committee on Judiciary be instructed to enquire into the expediency of printing such of the acts passed at the fifth session of the General Assembly, as are of general application in connection with the acts passed at the present session.

Mr. Sharraden,

From the Committee on Enrolled Bills, report that they have examined the following acts and find them correctly enrolled:

Senate File No. 154: An act providing for a revision of the laws of Iowa.

Also, Senate File No. 111: An act making appropriation for the State University.

Also, Senate File No. 95: An act to amend Chapter 220 of the session laws of 1856-7.

Mr. Foster,

From the Committee on Agriculture, to whom was referred House File No. 218: A bill for an act to regulate the weight of different seeds,

Reported the same back to the Senate with a substitute therefor, and recommended the adoption and passage of the substitute.

The substitute was adopted, and, on his motion,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McCoy, Neal, Pusey, Patterson, Rankin,



Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson.—31.

The nays were—None.

The bill was passed and the title thereof agreed to.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred House File No. 188: A bill for an act to authorize and regulate the adoption of children,

Reported the same back to the Senate without recommendation.

On motion of Mr. Grinnell

The 11th Rule was suspended and the bill read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Sharraden, Thompson—23.

The nays were,

Senators Anderson, Atkins, Saunders, Stewart, Trimble, Neal Warner, Wilson—8.

The bill passed and the title thereof was agreed to.

Mr. Patterson had leave to introduce

Senate File No. 183: A bill for an act for the relief of Swamp Land pre-emptors.

Was read the first and second time, and

On his motion,

Referred to a special committee.

The appointed Senators Davis of Clinton, Patterson and Sharraden said committee.

Mr. Patterson,

From the special committee to whom was referred House File No. 203: A bill for an act to provide for levying a tax on certain land to complete and keep in repair a levee on Muscatine Island and for the election of a Levee Commissioner to superintend the same,

Reported the same back to the Senate and recommended its passage, and,

On his motion,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—30.

The bill was passed and the title thereof agreed to.

Mr. Cattell,

From the Committee on Incorporations, to whom was referred House File No. 265: A bill for an act requiring witness fees to be paid into the county treasury,

Reported the same back with various amendments, as follows:

First amendment—Strike out all from “shall” in the first line to “and” in the fifth line, and insert “when collected be paid into the county treasury for the use of the county, by the officer or person collecting or receiving the same.”

Second amendment—Strike out section three and insert as section 3, “Any witness fees which may be received by Justices of the Peace for witnesses appearing before them, which shall not have been called for within one year after the date of collection, shall be paid into the county treasury for the use of the county, accompanied with a statement of the amount due each witness, but the witnesses entitled to such fees shall receive the same from the county treasury, upon a certificate from the Justice of the Peace before whom he may have appeared as such witness, or his successor Justice, that he is entitled to such fees, and the amount of the same, and any person or officer paying any sum of money into the county treasury under the provisions of this act, shall take duplicate receipts from the Treasurer therefor, one of which he shall file with the County Judge, who shall charge the amount thereof to the Treasurer as so much county revenue.”

Mr. Grinnell

Moved that the further consideration of the bill be indefinitely postponed.

Which motion was lost.

The question recurring upon the adoption of the first amendment,

The same was adopted.

Mr. Mann

Moved to amend the second amendment by striking out “one

year after the date of collection," and inserting "at the expiration of his term of office."

Which motion did not prevail.

Mr. Grinnell

Moved to lay the bill upon the table.

Which motion was lost.

Mr. Davis, of Polk,

Moved to amend the second amendment by adding: "*Provided*, That such fees shall be paid into the county treasury within six months, if not called for by the witness."

Which amendment was adopted.

On motion of Mr. Sharraden

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Johnston, Kirkwood, Loughridge, McCoy, Neal, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Wilson—25.

The nays were,

Senators Davis of Polk, Grinnell, Mann, Thompson—4.

The bill was passed and the title thereof agreed to.

On motion of Mr. Loughridge

Senate File No. 91: A bill for an act in relation to executions and sales thereon,

Was taken from the table.

Mr. Loughridge

Moved to amend section one by striking out "eighteen months" and inserting "one year."

Which amendment was adopted.

Mr. Loughridge

Moved to further amend the same section by striking out, "if the judgment is over fifty dollars, and not over one hundred dollars nine months; if the judgment is over one hundred dollars, and not over five hundred dollars, one year;" and inserting, "if the judgment is over fifty dollars, and not over five hundred dollars, nine months."

Which amendment was adopted.

Mr. Cook

Moved to amend the same section by striking out "now rendered."

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

The yeas were,

Senators Atkins, Bailey, Coolbaugh, Cook, Carter, Grinnell, Johnston, Kirkwood, Pusey, Patterson, Rusch, Saunders, Stewart, Thompson—14.

The nays were

Senators Allen, Anderson, Cattell, Davis of Clinton, Davis of Polk, Foster, Loughridge, Mann, McCoy, Neal, Reed, Reiner, Sharraden, Trimble, Warner, Wilson—16.

The motion did not prevail.

Mr. Loughridge

Moved to amend by striking out section eight,

Which motion prevailed.

Mr. Johnston

Moved to amend the last section by striking out "Iowa Weekly Citizen and Iowa State Journal," and inserting "according to law."

Upon which motion Mr. Kirkwood demanded the yeas and nays, which were ordered and were as follows :

The yeas were,

Senators Allen, Atkins, Bailey, Coolbaugh, Cook, Grinnell, Johnston, Kirkwood, Pusey, Patterson, Reed, Stewart—12.

The nays were,

Senators Anderson, Brown, Cattell, Carter, Davis of Clinton, Foster, Loughridge, Mann, McCoy, Neal, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson Warner, Wilson—18.

The motion did not prevail.

Mr. Cook

Moved that the 11th Rule be suspended and the bill read a third time,

Upon which motion

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

The yeas were,

Senators Allen, Atkins, Bailey, Cook, Carter, Davis of Clinton, Grinnell, Johnston, Mann, Neal, Pusey, Patterson, Reed, Saunders, Stewart, Thompson—16.

The nays were,

Senators Anderson, Brown, Coolbaugh, Cattell, Foster, Kirk-

wood, Loughridge, McCoy, Reiner, Rusch, Sharraden, Trimble, Warner, Wilson—14.

The motion prevailed.

The bill was ordered engrossed for a third reading to-morrow.

Senate Files No. 111, 154 and 95, having passed both branches of the General Assembly, been signed by the Speaker of the House of Representatives and President of the Senate, and endorsed by the Secretary, were placed in the hands of the Enrolling Committee, by them to be presented to His Excellency, the Governor, for his approval.

Mr. Wilson had leave to introduce

Senate File No. 184: A bill for an act requiring suit to be instituted and prosecuted against delinquent County Treasurers,

Which was read the first and second time and ordered engrossed for a third reading to-morrow.

On motion of Mr. Rusch

Senate File No. 199: A bill for an act to amend an act entitled "an act to incorporate the city of Davenport, and to amend the several acts amendatory thereto,"

Was taken from the table.

Mr. Coolbaugh

Presented the remonstrance of Austin Corbin and others, citizens of Davenport, against the passage of said bill.

On motion of Mr. Rusch,

The bill and remonstrance were referred to a Special Committee. The President appointed Senators Rusch, Coolbaugh and Grinnell.

On motion of Mr. Foster,

Senate File No. 94, A bill for an act for the encouragement of Agriculture, and the substitute therefor was taken from the table.

Mr. Foster,

Moved to amend the substitute by striking out in the first Section, all after the words "Fair Grounds."

Which motion prevailed.

The substitute was adopted.

Mr. Grinnell

Moved that the further consideration of the bill be indefinitely postponed.

Which motion did not prevail.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read the third time. The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner and Wilson—29.

The nays were

Senators Bailey and Cook—2.

The bill was passed and the title thereof agreed to.

MR. PRESIDENT :

I am directed to return to the Senate the following Senate File, it having passed the House without amendment.

Senate File No. 128, A bill for an act explanatory of an act entitled an act to create the County of Humboldt and locate the County Seat thereof.

I also return Senate File No. 130, A bill for an act authorizing a loan from the School Fund, to the College of Physicians and Surgeons, at Keokuk, known as the Medical Department of the University of the State of Iowa, the same having passed the House with one amendment, to which the agreement of the Senate is asked.

I am further directed to inform the Senate that the House has passed the following bill, in which the concurrence of the Senate is asked :

House File No. 272, A bill for an act to annex Butler County to the the Tenth Judicial District, and prescribing the time for holding Courts therein.

House File No. 301, A bill for an act to amend an act entitled an act to fix the time of holding Courts in the Eleventh Judicial District.

House File No. 302, A bill for an act to provide for the election of an additional Justice of the Peace in Jackson Township, Poweshiek County, Iowa.

House File No. 141, A bill for an act authorizing the business of Banking in the State of Iowa.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Trimble,

House File No. 301, A bill for an act to amend an act entitled

an act to fix the time of holding Courts in the 11th Judicial District, was taken up and read a first and second time, and,

On his motion,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Brown, Davis of Clinton, Davis of Polk, Foster, Grinnell, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Rusch, Sharraden, Trimble, Thompson and Warner—18.

The nays were

Senators Atkins, Bailey, Coolbaugh, Cattell, Carter, Johnston, Kirkwood, Loughridge, Reed, Reiner, Saunders, Stewart and Wilson—13.

The bill wanting a Constitutional majority was lost.

Mr. Neal

Moved to re-consider the vote by which the bill was lost.

Mr. Johnston

Moved to lay that motion upon the table,

Which motion was lost.

The motion of Mr. Neal prevailed.

On motion of Mr. Neal,

The bill was laid on the table.

On motion of Mr. Patterson,

The Senate adjourned.

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## TWO O'CLOCK, P. M.

Substitute for Senate File No. 130, A bill for an act authorizing a loan from the School Fund to the College of Physicians and Surgeons, at Keokuk, known as the Medical Department of the University of the State of Iowa,

Which was returned from the House with one amendment, viz : Strike out in Section 2d, the words " some competent person," and insert " Attorney General."

Mr. Davis of Polk,

Moved that the Senate agree to the amendment made by the House,

On which motion,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Johnston, Kirkwood, Loughridge, Mann, Pusey, Patterson, Rankin, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner—25.

The nays were none.

The amendment was agreed to

House File No. 302, A bill for an act to provide for the election of an additional Justice of the Peace, in Jackson Township, Poweshiek county, Iowa, was read the first and second time, and

On motion of Mr. Neal,

Was laid on the table.

House File No. 272, A bill for an act to annex Butler county to the 10th Judicial District, was read the first and second time, and

On motion of Mr. Brown,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Johnston, Kirkwood, Loughridge, Mann, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—25.

Mr. Atkins voted in the negative.

The bill passed and the title thereof agreed to.

House File No. 207, A bill for an act to amend Section two of an act entitled an act to change the name of New Haven, in Buchanan county, was read the first second time, and

On motion of Mr. Carter,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Warner, Wilson—26.

The nays were none.

The bill passed and the title thereof agreed to.

House File No. 258, A bill for an act to authorize the Governor to appoint commissioners to examine the accounts of the State Of-



ficers, and to define the duties of the Governor in certain cases, was read the second time.

On motion of Mr. Neal,

The bill was amended by adding to the last Section the words "Iowa State Journal."

On motion of Mr. Trimble,

The bill was referred to the committee on Ways and Means.

House File No. 263, A bill for an act to re-enact all such acts, as may have been repealed or suspended in their operation by the New Constitution but which are in conflict therewith, was read the first and second time, and was

On motion of Mr. Cattell,

Referred to the committee on Judiciary.

House File No. 121, A Joint Resolution of the General Assembly of the State of Iowa, asking for an appropriation of money for a double track Railroad around the Lower Rapids of the Mississippi River, on the Iowa or west side thereof, was read the first and second time, and

On motion of Mr. Coolbaugh,

Was amended by striking out in the first Preamble, the words, "has proved an entire failure."

On motion of Mr. Coolbaugh,

The 11th Rule was suspended, the Joint Resolutions read the third time, passed, and their title agreed to.

House File No. 217, A bill for an act authorizing School Districts to subscribe for the Voice of Iowa, was read the first and second time, and

On motion of Mr. Thompson,

The 11th Rule was suspended, the bill read the third time.

On its passage,

The yeas were

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharaden, Trimble, Wilson—30.

The nays were,

Senators Bailey, Warner—2.

The bill passed and the title thereof agreed to.

Substitute for Senate Files, Nos. 126 and 146, and substitutes

for 186, 187, 189, 221, 222, 245, 246, Joint Resolutions for additional mail facilities, was read the first and second time, and

On motion of Mr. Mann,

The 11th Rule was suspended, the Joint Resolutions read the third time, passed, and their title agreed to.

House File No. 141, A bill for an act to authorize the business of Banking in the State of Iowa, was read the first and second time, and

On motion of Mr. Cook,

Was referred to the committee on Banks.

On motion of Mr. Grinnell,

Senate File No. 302, A bill for an act to provide for the election of an additional Justice of the Peace in Jackson Township, Poweshiek county, Iowa, was taken from the table, and

On his motion,

The 11th Rule was suspended, the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—32.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Sharraden,

From the committee on Enrolled Bills, reported that they have examined Senate File No. 128, An act explanatory of an act, entitled an act to create the county of Humbolt and locate the county seat thereof, and found the same correctly enrolled.

Message from the House of Representatives,

By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has concurred in the amendments made by the Senate, to the following House Files, viz:

House File No. 10, A bill for an act respecting aliens.

Substitute for House File No. 73, A bill for an act to amend an act in relation to divorce and alimony.

House File No. 114, A bill for an act allowing a bounty upon scalps of certain animals.

I am further directed to inform the Senate that the House has refused to adopt Senate substitute for House File No. 165, A bill for an act to provide for recording of certain instruments belonging to the State. Also,

That the House has adopted without amendment, Senate substitute for House File No. 104, A bill for an act making an appropriation for the Iowa Penitentiary, and increasing the salaries of certain officers thereof.

I am also directed to inform the Senate that the House has passed House File No. 244, A bill for an act providing for argument terms of the Supreme court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk, to which the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

Mr. Neal had leave to introduce

Senate File No. 186, A bill for an act to locate the Asylum for the Deaf and Dumb in Marion county, which was read the first and second time, and

On his motion,

The bill was referred to the committee on Charitable Institutions.

Mr. Pusey had leave to introduce

Senate File No. 186, A memorial to Congress, to confirm and legalize certain locations of Land Warrants, which was read the first and second time, and

On his motion,

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

Mr. Rankin

Moved to take from the table Senate File No. 131, A bill for an act to authorize the construction of Bridges in the State of Iowa, and a substitute therefor,

Which motion prevailed.

On his motion,

The substitute was adopted.

And on his motion,

The 11th Rule was suspended, the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Johnston, Loughridge, Mann, McCoy, Neal, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—29.

The nays were none.

The bill passed and the title thereof agreed to.

Mr. Anderson,

From the committee on Judiciary, to whom was referred Senate File No. 117, A bill for an act to amend Section 211 of chapter 22 of the Code of Iowa,

Reported the same back to the Senate, with a substitute therefor, A bill for an act to regulate the salaries of certain County Officers, and recommended its adoption.

On motion of Mr. Pusey,

The bill and substitute was referred to a special Committee of three.

The President

Appointed on said committee, Senators Pusey, Anderson and Carter.

Mr. Grinnell had leave to introduce

Senate File No. 187, A bill for an act authorizing a loan from the School Fund to the Witeaburg Manual Labor College, in Jasper county, which was read the first and second time.

Mr. McCoy

Moved that the 11th Rule be suspended and that the bill be read the third time now.

Mr. Cook

Moved that the further consideration of the bill be indefinitely postponed.

Mr. Loughridge

Moved that the bill be referred to the committee on Schools and State University,

Which motion prevailed.

Senate File No. 128 having passed both branches of the General Assembly, been duly enrolled, and signed by the Speaker of the of the House of Representatives, and President of the Senate, and

endorsed by the Secretary was placed in the hands of the committee on Engrossed Bills, to be presented to the Governor.

Mr. Wilson had leave to introduce

Senate File No. 188, A bill for an act in regard to the practice in the Supreme Court of Iowa, which was read a first and second time, and,

On his motion,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Foster, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner and Wilson—29.

The nays were none.

The bill passed and the title thereof agreed to.

Mr. Rusch

Moved to take from the table Senate File No. 48, A bill for an act to amend Section nine, of Chapter 157 of the Laws passed at the regular Session of the Sixth General Assembly, and a substitute therefor, with an amendment to the substitute:

Which motion prevailed.

The question being on the adoption of the amendment submitted by Mr. Foster to the substitute.

The amendment was adopted.

Mr. Trimble

Moved to amend the substitute by striking out the word "Felony," wherever it occurs, and to insert the word "Misdemeanor."

Which motion prevailed.

Mr. Foster

Moved to amend the substitute, by striking out the word "Penitentiary" wherever it occurs and insert the words "County Jail."

Which motion prevailed.

Mr. Thompson

Moved to strike out Section 11 of the substitute.

Which motion prevailed.

Mr. Trimble

Moved to strike out in Section 10, all after the words, "No indictments shall be quashed."

Which motion was lost.

Mr. Kirkwood

Moved to strike out in Section 4 of the substitute, all that portion which gives to cities and towns the right to regulate or prevent the sale of intoxicating liquors.

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

The yeas were

Senators Bailey, Brown, Cattell, Carter, Davis of Polk, Foster, Kirkwood, Loughridge, McCoy, Saunders, Sharraden and Thompson—12.

The nays were

Senators Anderson, Coolbaugh, Cook, Davis of Clinton, Mann, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Stewart, Trimble, Warner and Wilson—16.

Motion lost.

On motion of Mr. Davis of Polk,

The bill and substitute were laid on the table.

Mr. Loughridge had leave to introduce

Senate File No. 189, A bill for an act to make a loan for Oskaloosa College from the School Fund, which was read a first and second time, and, on his motion,

The bill was referred to the Committee on Schools.

On motion of Mr. Patterson,

The Senate adjourned.

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SENATE CHAMBER,  
FRIDAY, MARCH 12th, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

Journal of yesterday read and approved.

### RESOLUTIONS.

Mr. Cattell

Submitted the following resolution, which was adopted:

*Resolved*, That after the 13th inst. no member, nor after the 15th inst. shall any committee be allowed to introduce any new bill or measure but by a vote of three fourths of the members present, except bills making necessary appropriations.

Mr. Kirkwood

Submitted the following resolution, which was also adopted :

*Resolved*, That the Committee on Ways and Means be and they hereby are instructed to enquire into the expediency of causing any of the general laws of the present session to be printed in the German language, and that they report by bill or otherwise.

Mr. Neal

Submitted the following resolution :

*Resolved*, That the Committee on Ways and Means be instructed to ascertain as near as practicable the present amount of the indebtedness and available resources of the State of Iowa, and report the same to the Senate at as early a day as practicable.

Mr. Cattell

Moved that the resolution be referred to a special committee, of whom Mr. Neal shall be Chairman.

Mr. Davis, of Polk,

Moved to lay the resolution upon the table,

Which motion did not prevail.

The question recurring upon the motion of Mr. Cattell, was decided in the affirmative.

The president appointed Senators Neal, Davis of Clinton, and Bailey said committee.

Mr. Neal

Submitted the following resolution, which was adopted :

*Resolved*, That the Secretary of State be requested to furnish the Senate a tabular statement by counties of the population of the State of Iowa at the different periods at which the census of the State has been taken.

Mr. Kirkwood had leave to introduce

Senate File No. 190: Joint Resolution allowing the transfer of books from among those in the Library of the State to the Library of the State University,

Which was read the first and second time, and,

On his motion,

The 11th Rule was suspended and the bill read a third time and passed.

Mr. Rankin had leave to introduce

Senate File No. 191: A bill for an act authorizing incorporated cities and towns to amend their acts of incorporation,

Which was read the first and second time, and

On his motion,

Referred to the Committee on Incorporations, and Mr. Wilson was added to said committee for the purpose of considering said bill.

Mr. Pusey had leave to introduce

Senate File No. 192: A bill for an act to legalize the acts of John Craig, County Judge of the county of Monona,

Which was read the first and second time and ordered engrossed for a third reading to-morrow.

Mr. Allen had leave to introduce

Senate File No. 193: A bill for an act for the government of the Iowa Insane Hospital, and the care of the Insane and Idiots,

Which was read the first and second time, and

On his motion,

Referred to a select committee.

The President appointed Senators Neal, Allen and Thompson said committee.

Mr. Mann had leave to introduce

Senate File No. 194: A bill for an act to provide for the publication of certain laws in the several counties of the State,

Which was read the first and second time and referred to Senators Kirkwood and Thompson.

On motion of Mr. Rankin

Senate File No. 175 was taken from the table and re-committed.

Mr. McCoy,

From the Committee on Enrolled Bills, reported that they have examined the following bills, and find the same correctly engrossed:

Senate File No. 91: A bill for an act in relation to executions and sales thereon.

Senate File No. 184: A bill for an act requiring suit to be instituted and prosecuted against County Treasurers.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred Senate File No. 161: A bill for an act to provide for the election and qualification of District Attorneys,



Reported the same back to the Senate with a substitute therefor and recommended the adoption and passage of the substitute.

**Mr. Kirkwood**

Moved to amend the substitute by striking out of section three, "and in the Supreme Court in any of the above proceedings taken thither from his District," and inserting "he shall in any of the above proceedings taken from his District to the Supreme Court, furnish to the Attorney General a brief containing the substance of such proceedings and the questions therein involved, on or before the day in the time of the Supreme Court at which such proceeding is set for hearing in that Court."

Which amendment was adopted.

**Mr. Thompson**

Moved to amend the same section by adding, "Provided, That nothing hereing contained shall prevent the county judge, when ever he may deem it necessary, from employing an attorney to appear to prosecute or defend in any case properly belonging to the duties of the District Attorney."

Which amendment was adopted.

**Mr. Loughridge**

Moved to amend section four by adding, "and he shall file in his office and preserve a copy of his opinions thus furnished."

Which amendment was adopted.

**Mr. Thompson**

Moved to amend section seven by adding, "and where any term or terms of the District Court are holden between the day of the election of District Attorney and the first day of January, A. D. 1858, the present Prosecuting Attorney shall appear and prosecute on part of the State."

Which amendment was adopted.

**Mr. Loughridge**

Moved to strike out the two last sections of the bill.

Which motion prevailed.

**Mr. Trimble**

Moved to amend by adding sections 8, 9 and 10, as follows:

Sec. 8. The several District Attorneys shall receive for their services each the sum of ——— dollars per annum out of the State Treasury, to be audited and paid as the salaries of other State officers.

Sec. 9. In addition to the above salary he shall receive for ever,

conviction procured by him during his time of service, for a misdemeanor five dollars; for a felony ten dollars; such fees to be allowed and paid by the County Judge of each county in which the cause originated.

Sec. 10. In case of conviction contemplated in the preceding section, the following fees shall be taxed against the defendant, to wit: in case of misdemeanor five dollars; in case of felony ten dollars, which shall be collected by the District Clerk and paid into the county treasury.

Mr. Thompson

Moved to amend the amendment by striking out sections nine and ten,

Upon which motion Mr. Thompson demanded the yeas and nays, which were ordered and were as follows:

The yeas were

Senators Anderson, Bailey, Brown, Cook, Johnston, Loughridge, Rankin, Sharraden, Thompson—9.

The nays were,

Senators Allen, Atkins, Coolbaugh, Cattell, Carter, Davis of Clinton, Foster, Kirkwood, Mann, McCoy, Neal, Reiner, Saunders, Stewart, Trimble, Warner, Wilson—17.

Which motion did not prevail.

Mr. Loughridge

Moved to fill the blank in section eight with \$800.

Mr. Anderson

Moved to fill it with \$500.

Mr. Foster

Moved to fill it with \$600.

Mr. Kirkwood

Moved to fill it with \$1,000.

Mr. Warner

Moved to fill it with \$1,600.

Mr. Rankin

Moved to fill it with \$300.

Mr. Wilson

Moved to fill it with \$750.

The question recurring upon filling the blank with \$1,600,

Was lost.

The question being upon filling the blank with \$1,000,

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

The yeas were,

Senators Carter, Kirkwood, Mann, Pusey, Patterson, Reed, Rusch, Stewart, Trimble, Warner, Wilson—11.

The nays were

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Loughridge, McCoy, Neal, Rankin, Reiner, Saunders, Sharraden, Thompson—21.

The motion was lost.

The question being upon filling the blank with \$800,  
Was lost.

The question being upon filling the blank with \$750,

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

The yeas were,

Senators Anderson, Brown, Cattell, Carter, Davis of Polk, Kirkwood, Loughridge, Pusey, Patterson, Reed, Reiner, Rusch, Saunders, Stewart, Wilson—15.

The nays were,

Senators Allen, Atkins, Bailey, Coolbaugh, Cook, Davis of Clinton, Foster, Grinnell, Johnston, Mann, McCoy, Neal, Rankin, Sharraden, Trimble, Thompson, Warner—17.

The motion did not prevail.

Mr. Carter

Moved to fill it with \$700,

Which motion was lost.

The question being upon filling the blank with \$600,

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

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, McCoy, Patterson, Rankin, Reiner, Rusch—15.

The nays were,

Senators Bailey, Cook, Cattell, Carter, Johnston, Kirkwood, Mann, Neal, Pusey, Reed, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—17.

The motion was lost.

The question being upon filling the blank with \$500,

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

The yeas were,

Senators Allen, Anderson, Atkins Bailey, Coolbaugh, Cook, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, McCoy, Neal, Patterson, Rankin, Rusch, Saunders, Sharraden—18.

The nays were,

Senators Brown, Cattell, Carter, Johnston, Kirkwood, Mann, Pusey, Reed, Reiner, Stewart, Trimble, Thompson, Warner, Wilson—14.

Which motion prevailed.

Mr. Johnston

Moved to lay the bill and amendments upon the table,

Which motion was lost.

Mr. Mann

Moved to reconsider the vote by which the Senate refused to strike out sections nine and ten,

Which motion did not prevail.

Mr. Anderson

Moved to refer the bill to a Special Committee,

Which motion did not prevail.

The question recurring upon the amendments submitted by Mr. Trimble, as amended,

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

The yeas were,

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Jenkins, Kirkwood, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden—22.

The nays were,

Senators Anderson, Johnston, Loughridge, Mann, Stewart, Trimble, Thompson, Warner, Wilson—9.

Which motion prevailed.

The question being on the adoption of the substitute as amended,

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

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh,

Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden—24.

The nays were,

Senators Johnston, Mann, Stewart, Trimble, Thompson, Warner, Wilson—7.

The substitute was adopted.

Mr. Loughridge

Moved to suspend the 11th Rule and that the bill be read a third time.

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

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Dale, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, McCoy, Neal, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden—23.

The nays were,

Senators Carter, Johnston, Mann, Trimble, Thompson, Warner, Wilson—9.

Which motion prevailed.

The bill was read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Kirkwood, McCoy, Neal, Pusey, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden—20.

The nays were

Senators Anderson, Carter, Johnston, Loughridge, Mann, Patterson, Stewart, Trimble, Thompson, Warner, Wilson—11.

The bill was passed and the title thereof agreed to.

Mr. Kirkwood,

From the committee on Federal Relations, had leave to introduce Senate File No. 195, Memorial and Joint Resolution of the General Assembly of the State of Iowa, in regard to the five per cent School Fund, which was read the first and second time, and

On motion of Mr. Grinnell,

Was laid upon the table and ordered printed.

Mr. Sharraden

From the committee on Enrolled Bills, report that they have examined substitute for Senate File No. 23, An act for the public instruction of the State of Iowa. Also,

Substitute for House File No. 104, An act making an appropriation for the Iowa Penitentiary, find the same correctly enrolled.

Mr. Sharraden,

From the committee on Enrolled bills, report that they have presented to His Excellency the Governor for his approval, the following acts :

Senate File No. 111, An act making appropriation for the State University. Also,

Senate File No. 154, An act providing for a revision of the laws of the State of Iowa. Also,

Senate File No. 95, An act to amend chapter 220 of the Session Laws of 1856-7. Also,

An act explanatory of an act to create the county of Humboldt and locate the county seat thereof.

Presented March 11th, 1858.

On motion of Mr. Davis of Clinton,

The Senate adjourned.

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## TWO O'CLOCK, P. M.

On motion of Mr. McCoy,

The vote by which Senate substitute for Senate File No. 161, was passed was reconsidered.

On motion of Mr. Thompson,

The bill was referred to a Special Committee.

The President

Appointed Senators Kirkwood, Mann and Thompson said committee.

On motion of Mr. Wilson,

House File No. 244, A bill for an act providing for argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk, was taken up and read the first and second time.

Mr. Wilson

Moved to amend the bill by striking out Section 8, and insert-

ing in lieu thereof, "The Clerk of the Supreme Court shall be entitled to five dollars per day, for each and every day that said Court may be in session, during the argument term created by this act."

Which amendment was adopted.

On motion of Mr. Bailey,

The bill was laid upon the table.

Message from the House, by their Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to return to the Senate, Senate File No. 78, "A bill for an act to incorporate the State Bank of Iowa," the same having passed the House with sundry amendments in which the concurrence of the Senate is asked. Also,

That the House has passed with amendments, in which they ask the concurrence of the Senate, Senate File No. 180, A bill for an act to amend Chapter 122 of the Session Laws of the sixth General Assembly.

I am further directed to present for your signature the following acts, the same having passed both branches of the General Assembly and been duly enrolled by the House of Representatives, to wit:

House File No. 204, An act to permit certain Indians to reside within this State.

Substitute for House File No. 95, An act to provide for the punishment of willful and malicious oppression.

House File No. 233, An act to amend Chapter 167 of the laws of the sixth General Assenbly.

House File No. 249, An act qualifying the criminal jurisdiction of Justices of the Peace.

House File No. 125, An act to amend Section 1209, Chapter 78 of the Code.

Substitute for House File No. 150, An act to encourage the organization of Fire Companies and for the protection of Firemen and the property of Fire Companies.

House File No. 216, An act to attach the county of Worth to the county of Cerro Gordo for certain purposes.

House File No. 223, Memorial and Joint Resolution asking Congress for a grant of land to aid in the construction of a Railroad from Ft. Dodge to Sioux Falls.

House File No. 168, An act to amend Section 1610 of the Code.

House File No. 206, An act fixing the compensation of future General Assemblies.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Rankin,

A call of the Senate was ordered.

The absent Senators were Messrs. Grinnell, Kirkwood, Neal and Rusch.

The Sergeant at-arms was dispatched for the absentees.

On motion of Mr. Loughridge,

The further proceedings under the call were dispensed with.

On motion of Mr. Rankin,

Senate File No. 177, A bill for an act dividing the State into eleven Judicial Districts and defining their boundaries, was taken from the table.

Mr. Anderson

Moved to amend the first Section by inserting the "County of Van Buren."

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

The yeas were,

Senators Allen, Anderson, Bailey, Davis of Clinton, Davis of Polk, Mann, Neal, Pusey, Patterson, Reed, Saunders, Warner—12.

The nays were

Senators Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McCoy, Rankin, Reiner, Stewart, Sharraden, Trimble, Thompson, Wilson—19.

The motion did not prevail.

Mr. Thompson

Moved that the Senate resolve itself into committee of the Whole Senate.

Which motion was lost.

Mr. Anderson

Moved to amend Section 5, by striking out the "County of Van Buren."

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

The yeas were,

Senators Anderson, Atkins, Bailey, Davis of Clinton, Davis of



Polk, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reed, Saunders, Warner—13.

The nays were,

Senators Allen, Brown, Coolbaugh, Cook, Cattell, Carter, Foster, Grinnell, Johnston, Jenkins Kirkwood, Loughridge, Rankin, Reiner, Rusch, Stewart, Sharraden, Trimble, Thompson, Wilson—19.

Which motion did not prevail.

Mr. Anderson

Moved to amend Section 4, by striking out "Clark county."

Which motion did not prevail.

Mr. Grinnell

Moved to amend Section 5, by adding Humboldt and Kossuth counties.

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

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McCoy, Reed, Rusch, Saunders, Sharraden, Thompon—19.

The nays were,

Senators Coolbaugh, Davis of Clinton, Johnston, Kirkwood, Neal, Pusey, Patterson, Rankin, Reiner, Stewart, Trimble, Warner, Wilson—12.

The amendment was adopted.

Mr. Neal

Moved to amend Sections 7 and 3, by striking out of Section 7, "Marion county," and adding the same to Section 3.

Which motion did not prevail.

Mr. Neal

Moved to attach Marion county to the 5th Judicial District.

Which motion was lost.

Mr. Wilson

Moved to amend Section 9, by striking out Jones county.

Which motion was lost.

Mr. Grinnell

Moved to amend Section 12, by striking out "Kossuth and Humboldt."

Which amendment was adopted.

Mr. Carter

Moved to amend Sections 11 and 12, by striking out of Section 11, "Cerro Gordo," and inserting the same in Section 12.

Which amendment was adopted.

Mr. Loughridge,

Moved to amend, by adding Section 13, to wit:

SECTION 13. This act shall not affect the present Judicial Districts, until the first day of January, A. D., 1859.

Which amendment was adopted.

Mr. Patterson

Moved to amend by additional Section, as follows: "It shall not be lawful for any member of either branch of the General Assembly now in Session, or of any member of any General Assembly that may hereafter convene in this State, to hold the office of Judge, or District Attorney of any District in this State, until the lapse of two years after the expiration of such term of office as a member of either branch of the General Assembly.

Mr. Wilson

Moved to amend, by inserting after the word "Judge," the words, "of election," and to strike out all after "lapse," and insert "ages."

Which motion prevailed.

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

The yeas were

Senators Allen, Anderson, Atkins, Brown, Cook, Davis of Clinton, Mann, Neal, Pusey and Patterson—10.

The nays were

Senators Bailey, Coolbaugh, Cattell, Carter, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughride, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharradden, Trimble, Thompson, Warner and Wilson—22.

The amendment was not adopted.

Mr. Saunders

Submitted the following as a substitute for Sections 2 to 12 inclusive:

SECTION 2. Lee, Van Buren, Davis and Appanoose Counties shall constitute the first District.

SECTION 3. Des Moines, Henry, Jefferson, Wapello and Monroe shall constitute the second District.

SECTION 4. Louisa, Muscatine, Washington, Keokuk, Mahaska and Marion shall constitute the third District.

SECTION 5. Scott, Clinton, Cedar, Johnson, Iowa, in the fourth.

SECTION 6. Jackson, Jones, Linn, Benton, Tama and Poweshiek, in the fifth.

SECTION 7. Dubuque, Delaware, Buchanan, Blackhawk and Grundy are in the sixth.

SECTION 8. Clayton, Fayette, Allamakee, Winnesheik, Howard, Chickasaw, Bremer, Butler, Floyd, and Mitchell shall constitute the seventh District.

SECTION 9. Wayne, Decatur, Ringgold, Taylor, Page, Fremont, Lucas, Clark, Union, Adams, Montgomery, Mills and Pottawattamie shall constitute the eighth District.

SECTION 10. Warren, Madison, Adair, Cass, Jasper, Polk, Dallas, Guthrie, Boone and Greene are constituted the ninth District.

SECTION 11. Story, Marshall, Hardin, Hamilton, Webster, Calhoun, Wright, Franklin, Hancock, Cerro Gordo, Worth and Winnebago shall constitute the tenth District.

SECTION 12. Harrison, Shelby, Audubon, Monona, Carroll, Crawford, Woodbury, Sac, Ida, Dickinson and the unorganized Counties west of Kossuth and Humboldt shall constitute the 11th District.

Mr. Mann

Moved to re-commit the bill and substitute.

Mr. Johnston

Moved to lay that motion upon the table.

Which motion prevailed.

Mr. Neal

Moved to amend the substitute by adding, "The County of Marion," to the Ninth Judicial District.

Which motion was lost.

The question recurring upon the adoption of the substitute, the yeas and nays were demanded, ordered and were as follows :

The yeas were

Senators Anderson, Bailey, Davis of Clinton, Davis of Polk, Mann, Neal, Pusey, Patterson, Saunders and Warner—10.

The nays were

Senators Allen, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McCoy,

Raukin, Reed, Reiner, Rusch, Stewart, Sharraden, Trimble, Thompson and Wilson—22

The substitute was not adopted.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill.

The yeas were

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Johnston, Jenkins, Kirkwood, Loughridge, McCoy, Rankin, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson and Wilson—23.

The nays were

Senators Anderson, Davis of Clinton, Mann, Neal, Pusey, Patterson and Warner—7

The bill passed and the title thereof agreed to.

Mr. Davis of Clinton,

From the Special Committee, to whom was referred Senate File No. 183, A bill for an act for the relief of swamp land pre-emptors, reported the same back with the following amendments, to wit:

Insert in Section 2, after the words, "in the case," the following: "If the proof shall be deemed sufficient, the County Judge shall issue a certificate of pre-emption, in favor of the claimant to the lands claimed, or to such portion of them as he shall have sustained his claim for a pre-emption to."

Add to the 3d Section, "On payment, or tender of payment to the said County Judge the price per acre named in such certificate, at any time within six months from the taking effect of this act, or if said certificate be granted after the taking effect of this act, then within six months from the granting of said certificate. If any certificate is not presented within the time above specified, such certificate shall be held null and void.

Which amendments were adopted.

On motion of Mr. Loughridge,

The bill was laid upon the table, ordered printed, and made the special order for next Monday, at 10 o'clock.

Mr. Stewart,

From the Committee on Commerce, to whom was referred House

File No. 185, A bill for an act to authorize Forwarding and Commission Merchants and others, to sell unclaimed goods,

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

Mr. Atkins

Moved to amend by striking out the 3d Section. Also, by striking out the first four lines of Section 4, and inserting in lieu thereof, "The Marshal or Sheriff as aforesaid, shall advertise in some,"

Which amendment was not adopted.

Mr. Carter

Moved to amend by inserting after "Sheriff," the words, "or Constable."

Which amendment was adopted.

Mr. Carter

Moved to amend by inserting after the words "Newspaper published in the place," the words, "or the paper published nearest the place."

Which amendment was adopted.

On motion of Mr. Stewart,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Coolbaugh, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner and Wilson—26.

The nays were none.

The bill was passed and the title thereof agreed to.

Substitute for Senate File No. 23, and substitute for Senate File No. 104, having passed both branches of the General Assembly, been duly enrolled by the Senate, signed by the Speaker of the House of Representatives and President of the Senate, and certified by the Secretary, was placed in the hands of the Committee on Enrolled Bills, to be presented to the Governor for his approval.

Senate File No. 91, A bill for an act in relation to executions and sales thereon, was read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Brown, Davis of Clinton, Davis of

Polk, Foster, Grinnell, Loughridge, Mann, McCoy, Neal, Patterson, Reiner, Saunders, Sharraden, Trimble, Thompson, Warner and Wilson—19.

The nays were

Senators Atkins, Bailey, Coolbaugh, Cook, Carter, Kirkwood, Pusey, Reed and Stewart—9.

The bill was passed and the title thereof agreed to.

Message from the House, by their Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted the following concurrent resolution, in which the concurrence of the Senate is asked :

*Resolved*, (if the Senate concurs), That the use of the Hall of the House of Representatives, Senate Chamber, Supreme Court Room, and Library, be given to Messrs. Coolbaugh, Kirkwood, Patterson, Edwards, Lundy, Jackson and Clune, on Thursday evening, March 16th, for the purpose of giving a festival to the citizens of Des Moines.

W. P. HEPBURN. Chief Clerk.

On motion of Mr. Warner

The Senate adjourned.

SENATE CHAMBER, }  
SATURDAY, MARCH 13th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Remsburg.

Journal of yesterday read and approved.

Mr. Trimble had leave to introduce

Senate File No. 196, A bill for an act providing for keeping transfers of real property and for assessment rolls, maps and plats of such property, which was read the first and second time, and

On his motion

Laid upon the table.

Mr. Saunders,

From the committee on public lands, to whom was referred

House File No. 193, A bill for an act to repeal a part of Section 12 of Chapter 156, in relation to swamp land, approved January 25th, 1855,

Reported the same back to the Senate without amendment and recommended its passage.

On his motion,

The 11th Rule was suspended, the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Pusey, Reed, Reiner, Rusch, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—25.

The nays were none.

The bill was passed and the title thereof agreed to.

Message from the House, by their Chief Clerk:

MR. PRESIDENT :

I am directed to return to the Senate, Senate File No. 179, A bill for an act to designate Sundays and the Holidays to be observed in the acceptance and payment of bills of exchange and promissory notes, the same having passed the House of Representatives with one amendment to which the agreement of the Senate is asked.

I am also directed to return the following bills, which have passed the House without amendment, to wit :

Senate File No. 171, A bill for an act for the appointment of a Commissioner to settle with the sureties of J. D. Eads.

Senate File No. 134, A bill for an act for the punishment of Feticide.

Senate File No. 164, A bill for an act to amend Chapter 256 of the Session Laws of 1856-7, approved January 29, 1857.

Senate File No. 188, A bill for an act in regard to practice in the Supreme Court.

Senate File No. 170, "An act to repeal Chapter 23 of the acts of the sixth General Assembly."

Senate File No. 174, "An act to legalize the election and official acts of certain officers of the city of Council Bluffs."

Senate File No. 156, "A bill for an act for the relief of certain tax payers in Jackson county."

Senate File No. 186, "A memorial to Congress to confirm and legalize certain locations made with Land Warrants."

W. P. HEPBURN, Chief Clerk.

Mr. Coolbaugh,

From the committee on Ways and Means, to whom was referred substitute for House File No. 108, A bill for an act to locate and provide for the erection of an Institution for the education of the Blind of the State of Iowa,

Reported the same back to the Senate with the following amendments and recommended their adoption, and the passage of the bill:

1st amendment—Strike out in Section 3, "the expense of which shall be paid by their draft on the State Treasurer."

2d amendment—Strike out "fifty" wherever it occurs, and insert "thirty."

3d amendment—Strike out "which sum shall be paid out of the Treasury of the State, upon warants drawn by the said Commissioners on the State Treasurer," and add to the said Section, "and no part of the appropriation herein provided for, shall be paid by the State Treasurr except on the warrants of the Auditor, who shall issue such warrants on the requisition of the Commissioners only, provided, also, that said commissioners shall not authorize any money to be drawn except for expenditures actually incurred."

4th amendment—Insert after the word "materials," in Section six, "exclusive of land."

Which amendments were adopted.

Mr. Carter

Moved the reference of the bill to the committee on Charitable Institutions, with instruction to report on Monday next.

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

The yeas were,

Senators Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, Pusey, Reed, Reiner, Saunders, Trimble, Warner—21.

The nays were

Senators Allen, Davis of Clinton, McCoy, Neal, Patterson, Rankin, Rusch, Sharraden, Thompson, Wilson—10.



The bill was referred.

Mr. Kirkwood,

From the Special Committee to whom was referred Senate File No. 161, A bill for an act to provide for the election and qualification of District Attorneys,

Reported the same back to the Senate with the following amendments, to wit:

Strike out in Section 3, the words, "and in like manner to," and insert, "he shall also."

To amend Section 8, by striking out "five" and inserting "eight."

The first amendment was adopted.

The question recurring upon the adoption of the second amendment, the yeas and nays were demanded by Mr. Neal, which were ordered and were as follows:

The yeas were,

Senators Allen, Atkins, Brown, Coolbaugh, Cattell, Carter, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Stewart, Sharraden, Trimble, Warner, Wilson—24.

The nays were,

Senators Anderson, Bailey, Davis of Clinton, Johnston, Neal Saunders—6.

The amendment was adopted.

Mr. Davis of Polk,

Moved to amend Section 8 by adding, "Provided, that whenever the fees and salary shall amount to \$1800, the fees over and above that amount shall be paid into the County Treasury where such fees are collected.

Mr. Anderson

Submitted the following substitute for the amendment—"Provided that in no case said salary shall exceed \$1500."

Which amendment was lost.

The question recurring upon the amendment offered by Mr. Davis of Polk,

Was also lost.

On motion of Mr. Wilson,

The 11th Rule was suspended, and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—31.

Mr. Johnston voted in the negative.

The bill was passed and the title thereof agreed to.

On motion of Mr. Wilson,

House File No. 244, A bill for an act providing for an argument term of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges, and additional pay to the clerk, was taken from the table.

On motion of Mr. Bailey,

The county of "Van Buren" was stricken from section 2.

On motion of Mr. Wilson,

The 11th Rule was suspended, the bill read the third time.

The question being upon the passage of the bill,

The yeas were

Senators Alien, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Wilson—28.

The nays were,

Senators Davis of Polk, Reed, Warner—3.

The bill passed and the title thereof agreed to.

Mr. Cattell

From the Committee on Schools and State University, to whom was referred Senate File No. 182, A bill for an act to provide for the election of members of the Board of Education, and defining the duties of the same, reported the same back to the Senate, with a substitute therefor, and recommended the adoption and passage of the substitute.

Mr. Loughridge

Moved to amend by striking out of Section 7 of the substitute which provides that the Secretary of said Board, shall be ex-officio Superintendent of Public Instruction, upon which motion,

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

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Coolbaugh, Cook, Cattell, Davis of Polk, Johnston, Loughridge, Mann, McCoy, Pusey, Patterson, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—21.

The nays were,  
Senators Brown, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Reed—7

The amendment was adopted.

Mr. Cattell

Moved to amend the substitute, by striking out “\$1,800,” and inserting “\$2,000,

Which amendment was adopted.

The substitute was adopted.

On motion of Mr. Foster,

The 11th Rule was suspended, the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Reed, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—29.

The nays were none.

The bill was passed.

On motion of Mr. Cattell,

The title was amended by striking out “the duties of the same,” and inserting “and for their compensation and contingent expenses of their sessions.”

Mr. Foster had leave to introduce

Senate File No. 197, A bill for an act to establish the time of holding Courts in the Sixth Judicial District,

Which was read the first and second time, and on his motion,

Referred to a special committee of five.

The President

Appointed Senators Pusey, Wilson, Thompson, Trimble and Loughridge, said committee.

Mr. Warner had leave to introduce

Senate File No. 198, A bill for an act fixing the times of holding Courts in the Third Judicial District,

Which was read the first and second time, and,

Referred to a special committee, consisting of Senators Pusey, Wilson, Thompson, Trimble, and Loughridge.

Mr. Johnston

Moved to adjourn,

Which motion was lost.

On motion of Mr. Patterson,

Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa—which was returned from the House with several amendments—was taken up.

On motion of Mr. Wilson,

The Senate refused to concur in the House amendments.

Mr. Coolbaugh

Moved that a committee of Conference be appointed.

Which motion prevailed.

The President

Appointed Senators Patterson, Coolbaugh and Kirkwood, said committee.

Mr. Davis of Polk,

Moved that the Senate adjourn until nine o'clock Monday morning,

Which motion was lost.

On motion of Mr. Coolbaugh,

Senate adjourned until 2 o'clock.

## TWO O'CLOCK, P. M.

On motion of Mr. Grinnell

Senate File No. 180, A bill for an act to amend Chap. 122 of the Session Laws of the Sixth General Assembly of the State of Iowa—which had been returned from the House with two amendments—was taken up.

The question being upon the concurrence of the House amendments,

The yeas were,

Senators Allen, Anderson, Bailey, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Grinnell, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, and Wilson—24.

The nays were

Senators Patterson and Warner.

The amendments were concurred in.

Mr. Sharraden,

From the Committee on Enrolled Bills, report that they have presented to His Excellency the Governor, for his approval, the following acts :

Senate File No. 23, An act for the Public Instruction of the State of Iowa.

Also, Senate File No. 104, An act making appropriation for the Iowa Penitentiary.

Mr. Loughridge had leave to introduce

Senate File No. 199, A bill for an act to locate the Asylum for the Deaf and Dumb, at Oskaloosa,

Which was read the first and second time, and

Referred to the Committee on Charitable Institutions.

Mr. Loughridge,

From the committee on Township and County Organizations, introduced Senate File No. 200, A bill for an act in relation to county seats, approved January 21st, 1855,

Which was read the first and second time.

Mr. Reiner

Moved to amend by adding to Section 1st, " Provided that all elections to remove county-seats shall be on the second Tuesday in October,

Which motion prevailed.

Mr. Grinnell

Moved to amend Section 1, by striking out " five years," and inserting " three years,"

Which motion was lost.

Mr. Davis of Polk

Moved to amend by adding a 5th subdivision to Section 1 :

" 5th. No election shall be held, unless petitioned for by a majority of the voters in the county.

Which motion did not prevail.

Mr. Bailey

Moved that the further consideration of the bill be indefinitely postponed,

Upon which motion,

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

The yeas were,

Senators Allen, Bailey Coolbaugh, Grinnell, Johnston, Neal, Rankin, Reed and Warner—9.

The nays were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Loughridge, Mann, McCoy, Pusey, Reiner, Rusch, Stewart, Sharraden, Trimble, Thompson, Wilson—20.

The motion did not prevail.

Mr. Carter

Moved to amend by adding an additional Section, as follows :

“ Section 2. Elections for the relocation of county seats, may be contested in the same manner as the election of county officers,  
Which amendment was adopted.

On motion of Mr. Loughridge,

The vote by which the Senate refused to strike out “ five,” and insert “ three ” was reconsidered.

On motion of Mr. Grinnell,

Five was stricken out, and “ three ” inserted.

On motion of Mr. Kirkwood,

The bill was laid upon the table.

Mr. Pusey,

From the special committee to whom was referred Senate File No. 117, A bill for an act to amend Section 211 of Chapter 22 of the Code of Iowa, reported the same back to the Senate with a substitute therefor, and recommended the adoption and passage of the substitute.

On motion of Mr. Cattell,

The bill and substitute were laid upon the table.

Mr. Anderson,

From the Committee on Judiciary to whom was referred House File No. 255, A bill for an act to repeal Section 1763 of the Code, and amendatory of the law providing where causes in courts of Record shall be tried,

Reported the same back to the Senate, with the following amendment : “ Provided that the provisions of Section 21 of the code, shall not apply to this act.”

Which amendment was adopted.

**Mr. Johnston**

Moved that the further consideration of the bill be indefinitely postponed.

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

The yeas were

Senators Cook, Carter, Davis of Clinton, Grinnell, Johnston, Mann, Neal, Saunders, Trimble, Thompson—10.

The nays were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cattell, Foster, Kirkwood, Loughridge, McCoy, Pusey, Patterson, Rankin, Reed, Reiner, Stewart, Sharraden, Warner, Wilson—20.

The motion did not prevail.

**Mr. Neal**

Moved to amend by adding the following additional section:

“And that all executions hereafter issued shall be returnable as follows: On sums under \$25, ninety days; over \$25 and under \$100, six months: on sums over \$100, twelve months. *Provided*, The Sheriff shall not levy on the property of the judgment debtor until within forty days of the time of the expiration of such execution; provided such judgment debtor shall give to the Sheriff upon demand, a bond with approved security, conditioned that such judgment debtor will pay such execution on or before the return day of such execution.”

Which amendment was not adopted.

**Mr. Trimble**

Moved to amend by adding to section two as follows: “and provided, further, that this act shall apply only to suits brought on promissory notes, bills of exchange, and accounts for goods sold and delivered and money had and received.”

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

The yeas were,

Senators Allen, Atkins, Bailey, Brown, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Mann, McCoy, Saunders, Trimble, Thompson, Warner, Wilson—16.

The nays were,

Senators Anderson, Coolbaugh, Cook, Cattell, Foster, Loughridge, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Sharraden—13.

The amendment was adopted.

Mr. Wilson

Moved to reconsider the vote by which the amendment was adopted.

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

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Davis of Clinton, Foster, Loughridge, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Saunders, Stewart, Sharraden, Wilson—21.

The nays were,

Senators Bailey, Carter, Grinnell, Johnston, Mann, Trimble, Thompson—7.

Which motion prevailed.

The question being upon the adoption of the amendment submitted by Mr. Trimble,

Was decided in the negative.

Mr. Johnston

Moved to amend section two by adding: "Provided, that the provisions of this act shall not apply to suits which have been commenced before its passage."

Which motion did not prevail.

Mr. Warner

Moved to amend the same section by adding: "Provided, that this act shall not apply to cases of Divorce."

Which amendment was not adopted.

Mr. Johnston

Moved to reconsider the vote by which the Senate refused to adopt the amendment submitted by Mr. Warner:

Which motion did not prevail.

On motion of Mr. Wilson

The 11th Rule was suspended and the bill read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Brown, Coolbaugh, Cattell, Davis of Polk, Foster, Loughridge, Patterson, Rankin, Reed, Reiner, Sharraden, Warner—15.

The nays were,

Senators Atkins, Bailey, Cook, Carter, Davis of Clinton, Grin-



nell, Johnston, Kirkwood, Mann, McCoy, Neal, Pusey, Saunders, Trimble, Thompson, Wilson—17.

The bill did not pass.

Mr. Wilson

Moved to reconsider the vote by which the Senate refused to pass the bill.

Mr. Trimble

Moved to lay the motion upon the table.

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

The yeas were,

Senators Atkins, Bailey, Cook, Cattell, Carter, Davis of Clinton, Johnston, McCoy, Pusey, Saunders, Trimble, Thompson—12.

The nays were,

Senators Allen, Anderson, Brown, Coolbaugh, Davis of Polk, Foster, Loughridge, Mann, Neal, Patterson, Rankin, Reed, Reiner, Stewart, Sharraden, Warner, Wilson—18.

Which motion did not prevail.

The question recurring upon the motion of Mr. Wilson to reconsider, prevailed.

Mr. Warner

Moved to lay the bill upon the table,

Which motion did not prevail.

Mr. Neal

Moved to refer the bill to a Special Committee of three,

Which motion did not prevail.

Mr. Wilson

Moved a call of the Senate,

Which motion prevailed.

Upon the roll being called, Mr. Jenkins was found absent.

On motion of Mr. Cook

Mr. Jenkins was excused.

The question recurring upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Brown, Cattell, Davis of Polk, Kirkwood, Loughridge, Neal, Patterson, Rankin, Reed, Reiner, Rusch, Stewart, Sharraden, Warner, Wilson—17.

The nays were,

Senators Atkins, Bailey, Coolbaugh, Cook, Carter, Davis of

Clinton, Foster, Grinnell, Johnston, Mann, McCoy, Pusey, Saunders, Trimble, Thompson—15.

The bill passed.

Mr. Brown had leave to introduce

Senate File No. 201: A bill for an act to establish an Asylum for the Deaf and Dumb,

Which was read the first and second time, and

On his motion,

Referred to the Committee on Charitable Institutions.

Mr. Rankin,

From the Committee on Judiciary, had leave to introduce

Senate File No. 202: A bill for an act providing for a change of venue in criminal cases from one District to another,

Which was read the first and second time.

Mr. Kirkwood

Moved to amend section 2 by inserting after the words "against him," the words, "personally, and the facts and circumstances upon which such conclusion is based."

Which amendment was adopted.

The bill was ordered engrossed for a third reading to-morrow.

Mr. Cattell had leave to introduce

Senate File No. 203: A bill for an act supplementary to "an act for the Public Instruction of the State of Iowa,"

Which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Wilson—28.

The bill was passed and the title thereof agreed to.

Mr. Cattell had leave to introduce

Senate File No. 204: A bill for an act to provide for taking the State Census,

Which was read the first and second time and laid on the table.

Mr. Wilson had leave to introduce

Senate File No. 205: A bill for an act providing for a loan from the School Fund to the Dubuque Female Seminary,

Which was read the first and second time and referred to the Committee on Schools and State University.

Mr. Loughridge had leave to introduce

Senate File No. 206: A bill for an act to exempt farming lands from taxation for town and city corporation purposes,

Which was read the first and second time, and

On his motion,

Referred to the Committee on Incorporations.

Mr. McCoy had leave to introduce

Senate File No. 207: A bill for an act to legalize the election and official acts of School officers of School District No. 5, Black Hawk county,

Which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin, Reed, Reiner, Rusch, Saunders, Sharraden, Thompson, Warner—27.

The nays were—None.

The bill was passed and the title thereof agreed to.

Mr. Loughridge,

From the Committee on Township and County Organizations, to whom was referred Senate File No. 47: A bill for an act to provide for the changing the names of cities, towns, villages, post-offices and persons,

Reported the same back to the Senate with a substitute therefor, and recommended the adoption and passage of the substitute.

Which substitute was adopted.

On motion of Mr. Mann

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Loughridge, Mann, McCoy, Neal, Pusey, Patterson, Rankin,

Reed, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Warner, Wilson—29.

The nays were—None.

The bill passed and the title thereof was agreed to.

On motion of Mr. Neal

House File No. 301: A bill for an act to amend an act entitled an act to fix the times of holding courts in the Eleventh Judicial District,

Was taken from the table and read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Atkins, Carter, Davis of Polk, Foster, Grinnell, Loughridge, McCoy, Neal, Patterson, Rankin, Reed, Rusch, Sharraden, Trimble, Thompson, Warner, Wilson—19.

The nays were,

Senators Bailey, Coolbaugh, Cattell, Davis of Clinton, Johnston, Saunders—6.

The bill was passed and the title thereof agreed to.

Mr. Allen,

From the Special Committee to whom was referred Senate File No. 193: A bill for an act for the government of the Iowa Insane Hospital and the care of the Insane and Idiots,

Reported the same back to the Senate with one amendment, to wit: Prefix to section 64 as follows: "That Chapter 5 of the Code and "

Which amendment was adopted.

Mr. Thompson

Moved to fill the first blank in section 63 with \$1500.

Which amendment was adopted.

On motion of Mr. Allen

The second blank in the same section was filled with \$400.

On motion of Mr. Grinnell,

The bill was laid on the table.

Mr. Neal had leave to introduce

Senate File No. 208, A bill for an act fixing the salaries of certain State Officers, which was read a first and second time, and,

On his motion,

Laid upon the table.

Mr. Neal had leave to introduce

Senate File No. 208, A bill for an act to incorporate the Daven-

port Rifle Company, which was read a first and second time, and,

On motion of **Mr. Rusch**,

Referred to the Committee on Military Affairs.

**Mr. Neal** had leave to introduce

Senate File No. 210, A bill for an act to amend Section 12, of Article nine of the Constitution of the State of Iowa, which was read a first and second time, and ordered engrossed for a third reading to-morrow.

On motion of **Mr. Davis of Clinton**,

The Senate adjourned.

### SENATE CHAMBER,

MONDAY, March 15th, 1858, 9 o'clock A. M.

Senate met pursuant to adjournment.

Prayer by **Rev. Mr. Bird**.

Journal of Saturday read and approved.

**Mr. Mann**

Moved to reconsider the vote by which the Senate refused to pass House File No. 255, A bill for an act to repeal Section 1763 of the Code, and amendatory of the laws providing where causes in courts of record shall be tried.

**Mr. Carter**

Moved to lay the motion upon the table.

On motion of **Mr. Carter**,

a call of the Senate was ordered, and Senators Bailey, Johnston, Jenkins and Reed were found absent.

On motion of **Mr. Foster**,

The further proceedings under the call were dispensed with.

The question recurring upon the motion of **Mr. Carter**, was decided in the negative.

The question recurring upon the motion of **Mr. Mann**, the yeas and nays were demanded, ordered and were as follows :

The yeas were,

Senators Allen, Anderson, Coolbaugh, Cattell, Foster, Grin-

nell, Loughridge, Mann, McPherson, McCoy, Neal, Patterson, Rankin, Reiner, Rusch, Sharraden, Thompson, Warner, Wilson—19.

The nays were,

Senators Atkins, Bailey, Brown, Cook, Carter, Davis of Clinton, Davis of Polk, Johnston, Kirkwood, Pusey, Saunders, Stewart, Trimble—13.

The motion prevailed.

Message from the House, by their Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has refused to recede from its amendments to Senate File No. 78, A bill for an act to incorporate the State Bank of Iowa, and ask a conference, and have appointed Messrs. Wilson, Clark of Des Moines, and Edwards, a committee on the part of the House to confer with a similar committee on the part of the Senate, in relation to the matters in disagreement between the two Houses.

I am also directed to present for your signature the following acts, the same having passed both branches of the General Assembly and been duly enrolled by the House of Representatives:

Substitute for House File No. 10, "An act respecting aliens."

Substitute for House File No. 73, An act to amend the law in relation to divorce and alimony.

House File No. 114, An act allowing a bounty upon the scalps of certain animals.

House File No. 211, An act to confirm the rights and liabilities of the county of Webster since its division.

House File No. 262, An act to repeal Sections 1410 and 1411 of the Code, prescribing the descent of property.

I am further directed to inform the Senate that the House of Representatives has receded from its amendment heretofore made to Senate File No. 12, A bill for an act in relation to County Record, and in lieu thereof have amended the bill as recommended by the committee of Conference of the two Houses, to which amendment the concurrence of the Senate is asked.

The House has also passed with an amendment to the title, Senate File No. 64, A bill for an act to authorize the Dubuque and Pacific Railroad Company to bridge the Mississippi River at Dubuque, to which amendment the agreement of the Senate is asked.

I herewith return Senate File No. 152, A bill for an act requiring two at least of the trustees of the Dubuque and Pacific Railroad Company to reside in the State of Iowa, and to regulate the issue and disposition of the construction bonds of said Company, the same having passed the House without amendment.

I am further directed to inform the Senate that the House has passed bills with the following titles :

House File No. 242, A bill for an act revising and amending title 4 of the Code, and further providing for elections, filling vacancies in office, resignations, and contesting elections.

House File No. 334, A bill for an act to amend an act to authorize Geo. M. May, and his associates to construct a dam across the Cedar River, in Linn county.

Substitute for House File No. 176, A bill for on act to establish the Court of Quarter Sessions, and define its jurisdiction, and also to provide for the election of a Judge and Clerk of said Court and the manner of selecting jurors to serve therein, and also to abolish the County Court, and the office of County Judge, to which the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Mann,

The bill was laid upon the table.

Mr. Sharraden,

From the Committee on Enrolled Bills, reported that they had examined Senate File Nos. 186, 164, 157, 171, 134, 174, 188, 170 and 180, and substitute for Senate File No. 130, and find the same correctly enrolled.

Mr. Rusch,

From the Committee to whom was referred House File No. 199, A bill for an act to amend an act entitled an act to incorporate the City of Davenport, and to amend the several acts amendatory thereto, reported the same back to the Senate with the following amendment, to wit: by adding to Section 6, "And at said election in April next, a separate ballot may be given by every person having a right to vote at said election to be deposited in a separate box. Those in favor of the amendment, shall have on their ballot, the words, "For amendment." Those opposed to amendment shall have on their ballot, "against amendment;" and if a majority of the ballot so cast be against amendment, then the present

Charter of the City of Davenport shall be and continue in force, as if this act had not passed.

Which amendment was adopted.

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill.

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Saunders, Stewart, Thompson—25.

The nays were,

Senators Warner, Wilson—2.

The bill was passed and the title thereof agreed to.

Mr. Patterson,

From the committee on Conference, to whom was referred Senate File No. 78, An act to incorporate the State Bank of Iowa, reported that they had agreed to recommend the adoption of the amendments recommended by the House, and also the adoption of the following: Add to section 9, "of the notes furnished to any branch not more than ten per cent of the amount, shall be in notes of one dollar each, not more than ten per cent in notes of two dollars each, and not more than twenty-five per cent shall be in notes of all denominations under five dollars, and not more than fifty per cent in notes of all denominations under ten dollars."

The question being upon the adoption of the amendments, the yeas and nays were demanded, ordered and were as follows:

The yeas were,

Senators Anderson, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Patterson, Rankin, Reiner, Saunders, Sharraden, Thompson, Warner—21.

The nays were

Senators Allen, Bailey, Davis of Polk, Johnston, Mann, Neal, Pusey, Stewart, Trimble, Wilson—10.

The amendments were concurred in.

Mr. Kirkwood,

From the Special Committee to whom was referred Senate Files No. 102, 119 and 194,

Reported the same back to the Senate, and recommended that



the further consideration of Nos. 102 and 119 be indefinitely postponed. Also,

Recommended various and sundry amendments to No. 194, and recommended the adoption of the amendments and the passage of the bill.

The amendments were adopted, and the bill ordered engrossed to-morrow.

Mr. Wilson had the unanimous consent of the Senate to introduce

Senate File No. 211, A bill for an act fixing the time when laws published in newspapers shall take effect, which was read the first and second time, and

On his motion,

The 11th Rule was suspended, the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Atkins, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Patterson, Rankin, Reiner, Saunders, Stewart, Sharraden, Wilson—23.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Davis of Clinton,

From the committee on Charitable Institutions, to whom was referred Senate File No. 143, A bill for an act to repeal Section 2 of an act entitled an act for a further appropriation for the State Insane Asylum,

Reported the same back to the Senate and recommended its passage.

On motion of Mr. Davis of Polk,

The bill was laid upon the table.

Mr. Patterson had the unanimous consent of the Senate to introduce

Senate File No. 212, A bill for an act to amend an act entitled an act to protect game, which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read the third time.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh,

Cook, Carter, Davis of Clinton, Davis of Polk, Kirkwood, Mann, McCoy, Pusey, Patterson, Reiner, Saunders, Stewart, Wilson—19.

The nays were,

Senators Cattell, Carter, Foster, Johnston, McPherson, Sharraden, Trimble, Warner—7.

The bill was passed and the title thereof agreed to.

Mr. Brown

Submitted the following Resolution :

*Resolved*, That the committee on Charitable Institutions be instructed to report a bill to-morrow morning for the location of an Asylum for the Deaf and Dumb,

Which was adopted.

Mr. Foster

Submitted the following resolution,

Which was adopted.

*Resolved*, That the Committee on Incorporations be instructed to report to-morrow, a bill for a general law for the incorporation of cities and towns.

Mr. Stewart,

From the special committee to whom was referred House File No. 134, A bill for an act to legalize the issue of certain bonds voted by the city of Dubuque, to the Dubuque and Turkey Valley, and the Dubuque and Bellevue Railroad companies, and to authorize the proceeds of said bonds to be used outside of Dubuque county,

Reported the same back to the Senate, and recommended that the further consideration of the bill be indefinitely postponed.

The report was agreed to.

Mr. McCoy,

From the committee on engrossed bills, reported that they had examined the following bills, and find the same correctly engrossed :

Senate File No. 210, A bill for an act to amend Section [12, of Article 9, of the Constitution of the State of Iowa.

Senate File No. 202, A bill for an act providing for a change of venue in criminal cases from one District to another.

Mr. Grinnell,

From the committee to whom was referred Senate File No. 187, a bill for an act authorizing a loan from the School Fund to the Wittenburg Manual Labor College in Jasper county,

Reported the same back to the Senate, and recommended its passage.

On motion of **Mr. Cook**,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill.

The yeas were

Senators Allen, Brown, Coolbaugh, Foster, Loughridge, Mann, McPherson, McCoy, Neal, Reiner, Thompson, Warner and Wilson—13.

The nays were

Senators Anderson, Atkins, Bailey, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Kirkwood, Pusey, Patterson, Saunders, Stewart, Sharraden, Trimble—17.

The bill did not pass.

**Mr. Trimble**

Submitted the following resolution,

Which was adopted.

*Resolved*, That a committee of three be appointed to investigate the affairs and examine the accounts and books of the Treasurer and Auditor of State, and Register of State Land Office, and Superintendent of Public Instruction, and report the same to this body at the earliest day possible, and that Senator Cook be Chairman of said committee.

The President

Appointed Senators Cook, Coolbaugh and Patterson said committee.

On motion of **Mr. Warner**,

The Senate adjourned.

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## TWO O'CLOCK, P. M.

Senate Files Nos. 130, 188, 170, 134, 171, 174, 164, 157, 186 and 180, having passed both branches of the General Assembly, been enrolled, signed by the Speaker of the House of Representatives and President of the Senate, and certified by the Secretary, were placed in the hands of the Enrolling Committee, by them to be presented to His Excellency the Governor for his approval.

**Mr. Anderson**,

From the Committee on Judiciary, to whom was referred Sen-

ate File No. 163, A bill for an act to repeal Sections 2561, 2562 and 2563 of the Code, in relation to the fees of attorneys, reported the same back to the Senate, and recommended its passage.

Ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Kirkwood,

The vote by which Senate File No. 194, A bill for an act to provide for the publication of certain laws in the several counties of the State, was ordered engrossed, was re-considered, and the bill re-committed to the special committee.

Mr. Cattell,

From the Committee on Ways and Means, had leave to introduce Senate File No. 213, A bill for an act to provide for fencing and improving the capitol square in the city of Des Moines, which was read the first and second time, and

On motion of Mr. Davis of Polk,

Laid on the table.

Mr. Saunders,

From the Committee on Banks to whom was referred House File No. 141, A bill for an act to authorize the business of Banking in the State of Iowa,

Reported the same back with the following amendments, to wit :

Section 1, Line 15, after "auditor," insert "and," and strike out "whose," and insert "his." Lines 15 and 16, strike out "person or persons," and insert "Register or Registers."

Line 17, strike out "denomination," and line 18, strike out "of each," and insert "such."

Section 3, line 15, before "less," insert "not," and line 16, strike out "not."

Section 5, line 4, before "payable" insert "made," line 5, strike out "place of business," and insert "banking house of said corporation within this State."

And add to said section the following: "and no such corporation shall at any time issue or have in circulation any note, draft or bill of exchange, acceptance, certificate of deposit, or other evidence of debt, which from its character or appearance, shall be calculated or intended to circulate as money other than such notes of circulation as are in this section provided for."

Sec. 7. Begin with the words, "Any person may establish or" and add to the same section, "and the Auditor of State shall not deliver to any corporation notes for circulation, until such corpora-

tion shall have deposited with and transferred to him the full amount of fifty thousand dollars worth of stocks, as named in section three of this act, the same to be rated as provided in said section; and the capital stock as required in this section shall be paid up in cash, and be and remain so much of the bona fide capital of such corporation. No portion of the capital stock paid in as aforesaid shall be at any time withdrawn from such corporation so as to reduce the remaining paid up capital then actually held by and in the possession of such corporation below the estimated value of the stocks deposited with and then in the possession of the Auditor or Treasurer, belonging to such corporation."

Add to section 7, "Which shall be paid up in cash, and be and remain so much of the bona fide capital of such corporation. No portion of the capital stock paid in shall be at any time or under any circumstances withdrawn from such corporation so as to reduce the remaining capital paid in and actually held by them in the possession of such corporation below the estimated value of the stocks then held by and within possession of the Auditor or Treasurer, belonging to such corporation."

Add to section 10, "But no loans shall be made, nor shall any bill, note or other evidence of debt, be discounted or purchased having more than four months to run before maturity, and in all cases personal security shall be required."

In section 11, lines four and five, strike out the words, "agreed on in the articles of association," and insert "provided in the by-laws of such corporation."

Sec. 12. In the second line strike out the words "and bills."

In section 20, in the third line, after the word "circulation," insert the words, "as money," and in the sixth line strike out the proviso and insert:

"Every corporation which may be authorized under the provisions of this act, shall be located in some city, town or village having a population of not less than four hundred inhabitants, nor shall the office where the business of such corporation is transacted be at any other place than the city, town or village wherein such corporation is located."

On motion of Mr. Saunders

The Senate resolved itself into a Committee of the whole Senate for the consideration of the same.

Mr. Kirkwood in the Chair.

After some time the Committee rose, and through their Chairman, reported progress, and asked leave to sit again to-morrow morning at 10 o'clock, which leave was granted.

Mr. Wilson had leave to introduce

Senate File No. 214: Joint Resolution for a tri-weekly mail route from Des Moines, in Polk county, to Delhi, Delaware county, via Marengo and Marion,

Which was read the first and second time, and

On his motion,

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

Mr. Davis, of Polk, had leave to introduce

Senate File No. 215: A bill for an act to legalize the assessment of property in Guthrie county for the year 1856,

Which was read the first and second time, and

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Neal, Pusey, Patterson, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—23.

The nays were—None.

The bill was passed and the title thereof agreed to.

On motion of Mr. Anderson

Substitute for House File No. 174: A bill for an act to establish the Court of Quarter Sessions and defining its jurisdiction, and also to provide for the election of a Judge and Clerk for said court, and the manner of selecting jurors to serve therein, and also to abolish the county court and the office of county Judge,

Was taken from the table.

On motion of Mr. Johnston

The bill was referred to the Committee on Judiciary.

On motion of Mr. Stewart

Senate File No. 40: A bill for an act to amend an act in relation to the assessment of property, approved January 28th, 1857,

Was taken from the table.

Mr. Stewart

Offered a substitute for the same,

Which was adopted.

On motion of Mr. Trimble

The bill was laid upon the table.

On motion of Mr. Grinnell

The Senate adjourned.

SENATE CHAMBER,  
TUESDAY, March 16th, 1858, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Bird.

On motion of Mr. Thompson,

The reading of the Journal was dispensed with.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred House File No. 176, A bill for an act to establish the Court of Quarter Sessions, and define its Jurisdiction, and also to provide for the election of a Judge and Clerk of said Court, and the manner of selecting Jurors to serve therein, and also to abolish the County Court and the office of County Judge, reported the same back to the Senate, and recommended that the further consideration of the bill be indefinitely postponed.

Mr. Wilson

Moved to lay the bill upon the table.

Which motion was decided in the negative.

The question recurring upon the indefinite postponement, the yeas and nays were demanded, ordered and were as follows:

The yeas were

Senators Allen, Anderson, Coolbaugh, Cook, Cattell, Carter, Davis of Polk, Kirkwood, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Saunders, Stewart, Sharraden and Trimble—18.

The nays were

Senators Atkins, Bailey, Brown, Davis of Clinton, Foster, Grinnell, Johnston, Loughridge, Mann, Patterson, Thompson, Warner and Wilson—13.

The motion prevailed.

Mr. Kirkwood,

From the Special Committee, to whom was referred Senate File No. 194, A bill for an act to provide for the publication of certain Laws in the several Counties of the State, reported the same back to the Senate with one amendment.

Which was adopted.

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill.

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Patterson, Rankin, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson and Wilson—28.

Mr. Warner voted in the negative.

The bill was passed and the title thereof agreed to.

Message from the House, by their Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed bills of the following numbers and titles, to wit :

House File No. 205, A bill for an act to amend Chapter 80 of the Code of Iowa.

House File No. 230, A bill for an act to repeal Sections 387, 388, 389 and 390 of Chapter 30 of the Code, amendatory of the law, for contesting the election of Governor, and providing for the contesting the election of the Lieutenant Governor.

House File No. 237, A bill for an act fixing the time and place for the meeting of the Board of Education.

House File No. 239, A bill for an act fixing the punishment for malicious mischief.

House File No. 241, A bill for an act to amend an act, approved January 16th, 1857, incorporating the City of Sioux City.

House File No. 248, A bill for an act amending Chapter two of the Code, to all of which the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

Mr. Davis of Clinton,

From the Committee upon Charitable Institutions, to whom was referred Senate File No. 201, A bill for an act to establish an Asy-



lun for the Deaf and Dumb, reported the same back to the Senate without recommendation.

Mr. Davis of Polk,

Moved the reference of the bill to the Committee upon Ways and Means.

Which motion was lost.

On motion of Mr. Loughridge,

The bill was laid upon the table.

House File No. 141 being the special order for this hour, was taken up.

Mr. Saunders,

From the Committee on Banks, submitted the following additional amendments thereto.

Substitute for Section 23, "No corporation organized under the provisions of this act, shall at any time pay out on loans or discounts, and in purchasing drafts or bills of exchange, or in payment of depositors, nor shall it in any mode put in circulation the notes of any Bank or Banking Company, which notes shall not at that time be redeemable in specie at the place where such notes are made payable.

SEC. 30. "Strike out said Section, and insert the following substitute."

SEC. 30. "Stockholders or shareholders in corporations organized under the provisions of this act shall be individually and severally liable to the creditors of the corporation of which they are stockholders or shareholders, over and above the amount of stock by them held, to an amount equal to their respective shares so held for all its liabilities accruing while they remained stockholders, and no transfer of stock shall affect such liability; and should any such Association become insolvent, and its assets be found insufficient to pay its debts and liabilities, its stockholders may be compelled to pay such deficiency in proportion to the amount of stock owned by each, and should the whole amount for which stockholders are individually responsible, as provided in this Section, be found in any case to be inadequate to the payment of all the residue of the debts of any corporation after the application of its assets to the payment of such debts, then the monies due from stockholders on account of their individual liabilities as such shall be distributed equally among all the creditors of such corporation in proportion to the amount due to each; the personal lia-

bility in this Section provided for, is over and above the stock owned by stockholders and any amount unpaid thereon.

Strike out all of Section 32.

Strike out in Section 33, in the fourth line, "five," and insert "three."

Substitute for Section 38, "said Bank Commissioners may cause such semi-annual or other examination to be made by any one or more of their number, as they may determine, but all action by them contemplated in Section 35 of this act, shall be decided by a majority.

SEC. 39. Strike out all after the 12th line, and insert

*First*, The amount of the capital stock actually paid in and then remaining as the capital stock of the corporation.

*Second*, The amount of the circulating notes of the corporation then in circulation, specifying the amount of each denomination.

*Third*, The greatest amount in circulation at any time since the making of the last previous statement, specifying when the same occurred.

*Fourth*, The amounts of debts of every kind due to the branches of the State Bank of Iowa, the amount due to the other Banks of the State, and the amount due to Banks not in the State.

*Fifth*, The amount due to depositors.

*Sixth*, The total amount of debts and liabilities of every description, and the greatest amount since the making of the last previous statement, specifying the time when the same occurred.

*Seventh*, The total amount of dividends declared on the day of making the statement.

*Eighth*, The amount of gold and silver coin and bullion belonging to such corporation, and in its possession at the time of making the statement, designating the amount of each.

*Ninth*, The amount subject to be drawn at sight then remaining on deposit with solvent Banks or Bankers of the County, specifying each city or town, and the amount deposited in each.

*Tenth*, The amount then on hand of bills issued by branches of the State Bank of Iowa, the amount issued by other banks of this State, and the amount issued by Banks not of this State.

*Eleventh*, The amount of balances due from branches of the State Bank of Iowa, the amount due from other Banks of this State, and the amount due from Banks not of this State, excluding in the latter case deposits in the cities of New York, Philadelphia,

Boston, Baltimore and other cities and towns subject to sight drafts.

*Twelfth*, The amount on hand, of bills, bonds and notes, and other evidences of debt, discounted or purchased by the corporation, specifying particularly the amount of suspended debts, the amount considered good, the amount considered doubtful, and the amount in suit or judgment.

*Thirteenth*, The value of real and personal property held for the convenience of the corporation, specifying the amount of each.

*Fourteenth*, The amount of Real Estate taken in payment of debts due the Corporation.

*Fifteenth*, The amount of undivided profits of the Corporation.

*Sixteenth*, The amount of per centage of deposits on hand.

*Seventeenth*, The aggregate amount of debts due and owing to said Corporation.

Strike out section No. 44 and insert the following substitute :

“Sec. 44. Each corporation organized under the provisions of this act, may take, receive or charge on any loan or discount made, or upon any note or bill of exchange, or other evidence of debt discounted or purchased by them, interest at the rate of ten per cent. per annum on the amount of any such note, bill of exchange, or other evidence of debt so discounted or purchased, and no more, until the first day of January, A. D. 1863, after which time no more than eight per cent. shall be so taken, received or charged. Provided, however, that interest may be received or taken in advance at the time of making the loan or discount according to the usual rates of banking, or as calculated in Rowlet’s interest tables, and the knowingly taking, receiving or charging on any debt or demand discounted or purchased by any corporation, a rate of interest greater than that allowed by this section, shall be held and adjudged a forfeiture of such debt or demand; but the purchase of a bona fide bill of exchange or note payable at another place than the place of such purchase or discount, and the taking or receiving interest thereon at the rate aforesaid from the time of such purchase or discount until the maturity of such bill or note, shall not be held usurious, although exchange on the place where it is made payable is at the time of such purchase or discount worth a premium, nor shall the discount or purchase of a bona fide bill or note payable at a place between which and the place of discount or purchase there may be a difference in exchange, and the taking

In addition to the rate of interest aforesaid the rate of exchange between such places, be deemed usurious. Provided, That in no case shall more than the current rate of exchange between such places be taken."

Add as a new section:

Sec. —. The terms "stockholder" or "shareholder," as used in this act, shall apply not only to such persons as appear by the books of the association to be such, but also to every equitable owner of stock, although the same may appear on such books in the name of another person, and also to every person who shall have advanced the installment or purchase money of any stock in the name of any person under twenty-one years of age, and while such person remains a minor, to the extent of such advance, and also to every guardian or other trustee who shall voluntarily invest any trust funds in such stock, and no trust funds in the hands of such guardian or trustee shall be in any way liable under the provisions of this act, by reason of any such investment, nor shall the person for whose benefit any such investment may be made, be responsible in respect to such stock until thirty days after the time when such persons respectively become competent and able to contract and dispose of the same, but the guardian or other trustee making such investment as aforesaid, shall continue responsible as a stockholder until such responsibility devolves upon the person beneficially interested therein, and in respect to stock held by a guardian or other trustee under a transfer of the same by a third person, or under positive directions by a third person for such investment, the person making such transfer or giving such directions and his executors and administrators, shall for the purposes of this act, be deemed a stockholder, and the estate of such person, if he be deceased, shall be responsible for the debts and liabilities chargeable on such stock according to the provisions of this act.

Sec. —. No corporation organized under the provisions of this act shall put in circulation in this State the bills or notes of any bank or banking company out of this State, except such as are received in the usual course of business, nor shall any corporation either directly or indirectly exchange its notes intended to circulate as money, with any bank or banking company out of this State, or with the agents of such bank or banking company, for the notes of such bank or banking company, with a view to circulate the same as money.

Sec. — This act to be in force from and after its approval by a majority of all the electors of this State voting for and against it at an election provided by law, and not otherwise.

On motion of Mr. Cook

The Senate resolved itself into a Committee of the Whole for the purpose of considering said bill.

Mr. Kirkwood in the Chair.

After some time the Committee rose and reported the bill back with the amendments submitted by the Committee on Banks, and recommended their adoption and the passage of the bill.

On motion of Mr. Kirkwood

The bill and amendments were made the special order for two o'clock, P. M.

On motion of Mr. Cook

Senate File No. 179: A bill for an act to designate Sunday and the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes,

Returned from the House with one amendment, to-wit: "Strike out the last section,"

Was taken up.

Mr. Cook

Moved that the Senate concur in the House amendment.

The question being upon the motion to concur,

The yeas were,

Senators Allen, Anderson, Atkins, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Johnston, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—26.

Mr. Loughridge voted in the negative.

The amendment was concurred in.

Mr. Cattell,

From the Committee on Township and County Organizations to whom was Senate File No. 175: A bill for an act to provide for the incorporation of cities and towns,

Reported the same back to the Senate with various and sundry amendments thereto, and recommended their adoption and the passage of the bill.

On motion of Mr. Foster

The bill and amendments were made the special order for tomorrow, at 2 o'clock, P. M.

Message from the House of Representatives,  
By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has concurred in the amendments made by the Senate to House File No. 199: A bill for an act to amend an act entitled an act to incorporate the city of Davenport, and to amend the several acts amendatory thereto; also,

House File No. 244: An act to provide for the argument terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk.

I am also directed to inform the Senate that the House of Representatives has passed without amendment Senate File No. 141: A bill for an act in relation to the Keokuk and Des Moines Valley Plank Road Company.

I am further directed to inform the Senate that the House of Representatives has passed bills of the following titles, in which the concurrence of the Senate is asked:

House File No. 231, A bill for an act to repeal Section six hundred and thirteen, chapter thirty-nine of the Code and amendatory of the laws in relation to State census.

House File No. 232, A bill for an act to provide for the making and repairing of public highways, and prescribing the duties of township officers in certain cases.

House File No. 236, A bill for an act continuing Prosecuting Attorneys in office until January 1st, 1859, and after that time providing for the abolishment of the same.

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

Substitute for House File Nos. 69 and 155, An act regulating and defining the notice to be given in all cases of judicial sales of property.

Substitute for Senate File No. 126 and 146, and House Files No. 186, 187, 189, 221, 222, 245, and 246, Joint Resolution for increased mail facilities.

House File No. 188, An act to authorize and regulate the adoption of children.

House File No. 203, An act to provide for levying a tax on certain lands to complete and keep in repair a levee on Muscatine Island and for the election of a Levee Commissioner to superintend the same.

House File No. 207, An act to amend Section two of an act entitled an act to change the name of New Haven, in Buchanan county, approved January 27th, 1857.

House File No. 217, An act authorizing School Districts to subscribe for the "Voice of Iowa."

House File No. 272, An act to annex the county of Butler to the tenth Judicial District, and prescribing the time for holding courts therein.

House File No. 302, An act to provide for the election of an additional Justice of the Peace in Jackson Township, Poweshiek county, Iowa.

W. P. HEPBURN, Chief Clerk.

Mr. Mann,

From the special committee to whom was referred Senate File No. 148, A bill for an act for the preservation of sheep,

Reported the same back with a substitute therefor and recommended the adoption and passage of the substitute.

Mr. Loughridge

Moved to amend by striking out the first section.

Mr. Grinnell

Submitted the following substitute for Section 1, "That every person who shall keep or harbor more than one dog above the age of six months, shall be yearly taxed for every additional dog the sum of 50 cents, which shall be assessed and collected in the same manner as other county taxes."

Mr. Thompson

Moved to amend the amendment as follows: "Provided that this section shall not apply to Pointer, Setter, Shepherd or Newfoundland dogs."

Which motion was decided in the negative.

Mr. Loughridge

Moved that Bull dogs be excepted.

Which motion was lost.

The question recurring upon the adoption of the substitute sub-

mitted by Mr. Grinnell, the yeas and nays were demanded, ordered and were as follows :

The yeas were,

Senators Allen, Bailey, Cook, Grinnell, Kirkwood, Mann, McCoy, Reiner, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—14.

The nays were,

Senators Anderson, Atkins, Brown, Coolbaugh, Cattell, Carter, Davis of Clinton, Foster, Loughridge, McPherson, Neal, Pusey, Patterson, Rankin, Sharraden—16.

The amendment was not adopted.

The question recurring upon the motion of Mr. Loughridge to strike out Section "one,"

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

The yeas were,

Senators Anderson, Bailey, Coolbaugh, Cook, Kirkwood, Loughridge, Pusey, Patterson, Reiner, Saunders, Sharraden, Trimble, Thompson, Warner, Wilson—15.

The nays were

Senators Allen, Atkins, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Mann, McPherson, McCoy, Neal, Rankin, Stewart—15.

There being a tie, the President voted nay.

The motion did not prevail.

The substitute was adopted.

On motion of Mr. Bailey,

The 11th Rule was suspended, and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Atkins, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McPherson, McCoy, Neal, Patterson, Rankin, Stewart, Warner, Wilson—19.

The nays were,

Senators Anderson, Bailey, Coolbaugh, Cook, Loughridge, Pusey, Reiner, Saunders, Sharraden, Thompson—10.

The bill was passed.

Mr. Thompson



Moved to amend the title, so as to read "A bill for an act to tax dogs."

On motion of Mr. Coolbaugh,  
The Senate adjourned.

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## TWO O'CLOCK, P. M.

The question pending when the Senate adjourned, being the motion of Mr. Thompson to amend the title of Senate File No. 148.

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

The yeas were,

Senators Allen, Anderson, Bailey, Coolbaugh, Cook, Davis of Polk, Loughridge, Pusey, Patterson, Rusch, Saunders, Sharraden, Trimble, Wilson—13.

The nays were,

Senators Atkins, Brown, Cattell, Carter, Davis of Clinton, Foster, Kirkwood, McPherson, McCoy, Rankin, Reiner, Rusch—11.

The title was amended.

Mr. Pusey

Submitted the following resolution which was adopted :

*Resolved*, That the State Treasurer be requested to inform the Senate forthwith whether he has sold the Iowa State Stocks, issued under the provisions of this act, authorizing a State loan, passed at the present session of the General Assembly, and if so, at what rate said bonds were sold, and whether the proceeds thereof are now in the State Treasury, in such funds as are authorized by law.

Mr. Foster

Moved to reconsider the vote by which the Senate passed Senate File No. 148, A bill for an act for the preservation of sheep.

Which motion was lost.

On motion of Mr. Anderson,

Senate File No. 57, A bill for an act creating the office of County Treasurer and defining his duties, was taken from the table and read the third time.

The question being upon the passage of the bill,

The yeas were

Senators Anderson, Atkins, Brown, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, McCoy, Stewart, Wilson—13.

The nays were,

Senators Allen, Bailey, Coolbaugh, Cook, Cattell, Kirkwood, Mann, McPherson, Pusey, Patterson, Rankin, Reiner, Saunders, Sharraden, Trimble, Thompson, Warner—17.

The bill did not pass.

### BILLS ON THE FIRST READING.

House File No. 241, A bill for an act to amend an act, approved January 16th, 1857, Incorporating Sioux City, read the first and second time,

On motion of Mr. Pusey,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Carter, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner—24.

The nays were,

Senators Cook, Cattell, Patterson, Wilson—4.

The bill was passed and the title thereof agreed to.

House File No. 205, A bill for an act to amend chapter 80 of the Code of Iowa, was read the first and second time, and

Referred to the committee on Judiciary.

House File No. 230, A bill for an act to repeal Sections 387, 388, 389, and 390 of chapter 30 of the Code, amendatory of the law for contesting the election of Governor and providing for the contesting of the election of Lieutenant Governor, was read the first and second time, and

On motion of Mr. Cook,

Referred to the committee on Ways and Means.

House File No. 237, A bill for an act fixing the time and place of the meeting of the board of education, which was read the first and second time, and

On motion of Mr. Mann,

Referred to the committee on Schools and State University.

House File No. 239, A bill for an act fixing punishment for malicious mischief, was read the first and second time, and

On motion of Mr. Mann,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reiner, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—27.

The nays were none.

The bill was passed and the title thereof agreed to.

House File No. 248, A bill for an act amending chapter 2 of the Code, was read the first and second time, and

On motion of Mr. Mann,

Referred to the committee on Elections.

House File No. 242, A bill for an act revising and amending titles of the Code, and further providing for elections, filling vacancies in office, resignations, and concerning elections, which was read the first and second time, and

On motion of Mr. Trimble,

Referred to the committee on Elections.

House File No. 334, A bill for an act to amend an act to authorize John M. May and his associates to construct a dam across the Cedar River, in Linn county, which was read the first and second time, and

On motion of Mr. Cattell,

Referred to the committee on Internal Improvements.

House File No. 232, A bill for an act providing for the making and repairing of public highways and prescribing the duties of Township Officers in certain cases, was read the first and second time.

On motion of Mr. Loughridge,

A call of the Senate was ordered, those found absent were Senators Johnston, Rankin and Sharraden.

The Sergeant-at-arms was dispatched for the absentees.

The Sergeant-at-arms returned with Mr. Sharraden, also Johnston and Rankin.

On motion,

The absentees were excused.

Mr. Loughridge

Moved to refer the bill to the committee on Roads.

Which motion did not prevail.

Mr. Loughridge

Moved to amend Section 16, by adding, " Provided that where incorporated cities are by act of Incorporation heretofore passed made road districts, this act shall not interfere with such district, but the same shall be under the control of such city."

Which amendment was adopted.

Mr. Neal

Moved to strike out Section 16, and insert, " Each able bodied man shall be allowed for each day's labor, \$1,25, for man and yoke of oxen and span of horses, \$2,50, for utensils furnished, such compensation as may be agreed upon between the supervisor and the party furnishing such utensils.

Which amendment was not adopted.

Mr. Trimble

Moved to amend Section 8, by striking out "\$1,25," and inserting "2,50."

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

The yeas were,

Senators Atkins, Bailey, Brown, Coolbaugh, Cook, Foster, Kirkwood, Mann, McCoy, Trimble, Warner—10.

The nays were,

Senators Anderson, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Loughridge, McPherson, Pusey, Patterson, Rankin, Reiner, Saunders, Stewart, Sharraden, Thompson, Wilson—18.

Which amendment was not adopted.

On motion of Mr. Loughridge,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Coolbaugh, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Rankin, Reiner, Saunders, Stewart, Sharraden, Thompson, Warner, Wilson—26.

The nays were,

Senators Mann, Trimble—2.

The bill was passed and the title thereof agreed to.

House File No. 231: A bill for an act to repeal section 613 of Chapter 39 of the Code, and amendatory of the laws in relation to the State Census,

Was read the first and second time, and

On motion of Mr. Foster,

Referred to a special committee of three.

The President

Appointed Senators Foster, Atkins and Neal said committee.

On motion of Mr. Foster

Senate File No. 204: A bill for an act to provide for taking the State Census,

Was taken from the table and referred to the above special committee.

House File No. 236: A bill for an act continuing Prosecuting Attorneys in office until January first, 1859, and after that time providing for the abolishment of the same,

Was read the first and second time, and

On motion of Mr. Rankin,

Laid upon the table.

Mr. Kirkwood had leave to introduce

Senate File No. 216: A bill for an act in relation to moneys paid for licenses to sell liquors under and by virtue of an act entitled an act to license and regulate the sale of malt, spirituous and vinous liquors in the State of Iowa,

Which was read the first and second time, and ordered engrossed for a third reading to-morrow.

Mr. Grinnell had leave to introduce

Senate File No. 217: A bill for an act to amend section 96 of an act for the Public Instruction of the State of Iowa,

Which was read the first and second time, and referred to the Committee on Schools and State University.

Mr. Foster had leave to introduce

Senate File No. 218: Joint Resolution and Memorial to Congress opposing the renewal or extension of Patents,

Which was read the first and second time, and on his motion

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

## BILLS ON THEIR THIRD READING.

Senate File No. 210: A bill for an act to amend section 12 of article 9 of the Constitution of the State of Iowa,

Was read a third time.

On motion of Mr. Loughridge

A call of the Senate was ordered and Senators McPherson and Cattell found absent.

On motion of Mr. Cook

The further proceedings under the call were dispensed with.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Bailey, Johnston, Mann, Neal, Pusey, Patterson, Stewart, Trimble, Warner, Wilson—11.

The nays were,

Senators Anderson, Atkins, Brown, Cook, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Rankin, Reiner, Saunders, Sharraden, Thompson—17.

The bill did not pass.

Senate File No. 184: A bill for an act requiring suit to be instituted and prosecuted against delinquent County Treasurers,

Was read a third time.

The question being on the passage of the bill.

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—25.

The nays were—None.

The bill was passed and the title thereof agreed to.

On motion of Mr. Kirkwood

Senate File No. 195: Memorial and Joint Resolution of the General Assembly of the State of Iowa in regard to the five per cent. School Fund,

Was taken from the table, and

On his motion,

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

The concurrent resolution of the House in relation to the use of the State House for a festival, was taken up and read.

**Mr. Trimble**

Moved to amend the resolution by striking out "Tuesday, March 16th," and inserting "Thursday, March 18th,"

Which amendment was adopted.

The resolution as amended was adopted.

Senate File No. 202: A bill for an act providing for a change of venue in criminal cases from one District to another.

Was taken up and read a third time.

The question being upon the passage of the bill.

The yeas were,

Senators Anderson, Atkins, Bailey, Brown, Davis of Polk, Johnston, Loughridge, McPherson, Neal, Pusey, Patterson, Rankin, Sharraden, Trimble, Thompson—14.

The nays were,

Senators Atkins, Coolbaugh, Cook, Davis of Clinton, Foster, Grinnell, Kirkwood, Mann, McCoy, Reiner, Saunders, Stewart, Warner, Wilson—14.

The bill did not pass.

Message from the House, by their Chief Clerk:

**MR. PRESIDENT:**

I am directed to present for your signature House File No. 241: A bill for an act approved January 16th, 1857, incorporating the city of Sioux City, the same having passed both branches of the General Assembly and been duly enrolled by the House of Representatives.

W. P. HEPBURN, Chief Clerk.

**Mr. Sharraden.**

From the Committee on Enrolled Bills, report that they have presented to his Excellency, the Governor, for his approval, the following acts: Senate Files No.'s 130, 134, 157, 164, 170, 171, 174, 180, 186, 188.

Presented March 15th, 1858.

**Mr. Grinnell**

Submitted the following resolution, which was adopted:

*Resolved*, That Hon. D. S. Wilson be invited to deliver the address delivered by him last week in the Hall of the House of Representatives, to-morrow evening.

**Mr. Trimble**

Submitted the following resolution, which was adopted:

*Resolved*, That the special committee appointed to investigate

the accounts of the Auditor of State, be requested to ascertain and report to this body by what authority the said Auditor allowed the State Printer compensation for printing certain documents called Senate and House Documents of the Sixth General Assembly of the State of Iowa.

Mr. Trimble

Also submitted the following resolution, which was adopted :

*Resolved*, That the Secretary of State be authorized and required to furnish each member of the Senate with a copy of a Document known as Senate Document, and one copy of a Document called a House Document of the Sixth General Assembly.

On motion of Mr. Bailey

The Senate adjourned.

SENATE CHAMBER, }  
WEDNESDAY, March 17th, 1858, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Bird.

Journal read and approved.

### PETITIONS.

Mr. Grinnell

Presented the petition of J. G. Meek and others of Jasper county, asking the passage of a Free Banking Law,

Which was read, and

Referred to the committee on Banks.

Mr. Trimble

Presented the petition of J. P. Bradley and others of Polk, asking the location of the Asylum for the Deaf and Dumb, in said county, read, and

Referred to the Committee on Charitable Institutions.

On motion of Mr. Cook,

Mr. Coolbaugh had leave of absence.

Mr. McPherson had leave to introduce



Senate File No. 219, A bill for an act disposing of the grant of lands made by an act of Congress, granting lands to the territory of Iowa, to aid in the improvement of the Navigation of the Des Moines river,

Which was read the first and second time, and

On motion of Mr. Anderson,

Referred to the committee on Railroads.

Mr. Pusey had leave to introduce

Senate File No. 220, A bill for an act legalizing the acts of the county Judge of Pottawatomie county in purchasing real estate for a Poor House Farm, and in drawing drafts on the Treasurer of said county for the purchase money,

Which was read the first and second time, and

On his motion,

The 11th Rule was suspended, the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Anderson, Atkins, Bailey, Brown, Cook, Cattell, Davis of Clinton, Davis of Polk, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Saunders, Stewart, Sharraden, Trimble, Warner and Wilson—25.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Sharraden,

From the Committee on Enrolled Bills, report that they have examined Senate File No. 152, and find it correctly enrolled :

An act requiring two at least of the Trustees of the Dubuque and Pacific Railroad Company to reside in the State of Iowa, and to regulate the issue and disposition of the construction bonds of said company.

Mr. McPherson had leave to introduce

Senate File No. 221, A bill for an act appointing a commissioner to procure the lands granted for improving the navigation of the Des Moines river, to be certified to the State,

Which was read the first and second time, and

On his motion,

Laid upon the table.

Mr. Davis of Clinton,

From the committee on Charitable Institutions, to whom was referred House File No. 108. A bill for an act to locate and pro-

vide for the erection of an institution for the education of the Blind of the State of Iowa,

Reported the same back with the following amendments :

1st amendment, Strike out of Section 2, and first line, the words "the commissioners," and insert, "before entering upon the discharge of their duties, the commissioners shall take and subscribe an oath before some officer competent to administer the same, faithfully to discharge their duties as such commissioners, and they"

2d amendment, Strike out all of Section 3, and insert :

"When the location of the building is agreed upon, the commissioners are hereby authorized to employ an architect to draft a plan for the same, which plan shall not contemplate for its execution, together with necessary out-houses and appurtenances a cost to exceed the sum of Twenty Thousand Dollars."

3d amendment, Strike out Section 4, and 1st line, the words "the location and "

4th amendment, Strike out of the same Section, in the 4th line "and furnishing."

5th amendment, Strike out of the same Section, in the 8th line the words "and furnishing."

6th amendment, Strike out Section 5 and insert :

"The commissioners shall not contract for the erection of said building together with necessary out-houses and appurtenances at a cost exceeding the sum of twenty thousand dollars, which sum shall cover the entire cost of the completion of the building, and out-houses, and appurtenances aforesaid."

7th amendment, Strike out in Section 6, and 1st line, "five" and insert "fifteen."

8th amendment, Strike out in the same Section and 2d line, "toward," and insert "for"

9th amendment, Strike out of the same Section and third line, after the word "building" and insert "but houses and appurtenances."

10th amendment, Strike out of the same section and in the 8th line "and material."

Which amendments were adopted.

Mr. Wilson

Moved to amend by striking out "Vinton" and inserting "Delli, Delaware county,"

Which motion did not prevail.

On motion of Mr. Johnson,  
The bill was laid upon the table.

Mr. Thompson,

From the special committee to whom was referred House File No. 334, A bill for an act to amend an act to authorize John M. May and his associates to construct a dam across the Cedar river, and in Linn county,

Reported the same back to the Senate, and recommended the passage of the bill.

On his motion,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Ranki, Reiner, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—26.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. McPherson had leave to introduce

Senate File No. 222, A bill for an act to repeal Section 9, of Chapter 136, of the Session Laws of 1856,

Which was read the first and second time, and

On his motion,

Referred to the committee on Railroads.

Mr. Patterson had leave to introduce

Senate File No. 223, Joint Resolution relative to a pension for Catherine Dickerson, which was read a first and second time, and,

On his motion,

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

On motion of Mr. Cook,

House File No. 141, A bill for an act to authorize the business of Banking in the State of Iowa, was taken from the table.

On motion of Mr. Cattell,

The amendments reported by the Committee were adopted.

Mr. Cook

Moved to amend Section 1, by adding, "Of the notes furnished to any Corporation, organized under the provisions of this act, not more than ten per cent. of the amount shall be in notes of one dollar each, not more than ten per cent. in notes of two dollars each, and not more than twenty-five per cent. shall be in notes of all denominations under five dollars, and not more than fifty per cent. in notes of all denominations under ten dollars."

Which amendment was adopted.

Mr. Cook

Moved to amend Section 27, by striking out all from the word "Auditor," in the 1st line, to the word "affidavit," in the 5th line, and inserting, "or any shareholder or shareholders whose shares shall amount to five thousand dollars, or of any person or persons holding evidences of indebtedness against any Corporation to that amount, which application shall set forth in full the facts and circumstances upon which it is made and shall be verified by affidavit."

Which amendment was adopted.

Mr. Cook

Moved to amend Section 28, by striking out all of said Section to the word "manner" in the 14th line, and inserting in lieu thereof, "If any Corporation organized under this act shall refuse to pay any of its circulating notes in gold or silver coin, the lawful currency of the United States, on which payment shall be lawfully demanded at its Banking House, or customary place of doing business during usual banking hours, the holder of such note or notes, making such demand, may cause the same to be protested as hereinafter provided, such Corporation shall only be allowed to make payment of any such demand in silver coin, when the sum so demanded does not exceed the amount for which silver coin is a legal tender, according to the laws of the United States; and when payment shall be demanded on more than one of its notes at the same time, the aggregate amount of such notes to the amount of one hundred dollars, shall be considered one demand; when any notes, the payment of which has been refused as aforesaid, are sought to be protested, the Notary Public who presents the same for protest, shall present at each time so many of said notes (if so many there be) as will amount in the aggregate to the sum of one hundred dollars, and protest the same in like manner, as if said notes were but a sight note; and so in like manner for all of such

notes, if they do not in the aggregate amount to one hundred dollars.

Which amendment was adopted.

Mr. Trimble

Submitted the following as a substitute for Section 31 :

- "It shall be the duty of the officers having charge of any Bank, established under the provisions of this act, to cause to be made, and on the first Monday of January and July of each year, duplicate statements showing the names at length, and place of residence of each stockholder of such Bank, together with the amount of stock owned by each, and the transfer of all stocks; the date of such transfer, the amount so transferred and the persons by, and to whom transferred, one of which statements shall be posted in some conspicuous place in the Banking House, and shall be continually exposed to public inspection during banking hours. The other of said statements shall be caused by the Bank to be filed with the Recorder of deeds of the County in which such Bank is located, and a copy of such last named statement, duly certified by the Recorder, in whose office the same is filed, shall be *prima facie* evidence of the facts therein contained in any Court of Justice in this State.

Which amendment was adopted.

On motion of Mr. Cattell,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Saunders, Trimble, Thompson and Warner—23.

The nays were

Senators Bailey, Johnston, Mann, Stewart, Sharraden and Wilson—6.

The bill was passed.

On motion of Mr. Cook,

The title was amended so as to read, "A bill for an act authorizing General Banking in the State of Iowa.

On motion of Mr. Wilson,

The Senate reconsidered the vote, by which it indefinitely postponed Substitute for House File No. 176.

On motion of Mr. Wilson,  
The bill was laid upon the table.

Mr. Neal,

From a Special Committee made the following Report:

The Special Committee, to whom was re-committed a resolution to inquire into the reasons why the Laws of the last General Assembly and Census returns were not printed and distributed within the time required by law, beg leave to Report:

That the former State Printer (Peter Moriarty) still neglects to answer the letter of your Committee, making of him the inquiries embraced in said resolution.

Your Committee upon the investigation of all the facts within their reach, find that although the Code, Sec. 22, requires the Laws to be printed and deposited in the office of the Secretary of State by the first day of May following the Session, that about the 20th of August last, the State Printer deposited in the office of the Secretary of State part of the laws amounting to about two volumes for each County. That the remainder of said laws were deposited in the office of the Secretary of State, at sundry times, between the 20th of August and the month of October; the delivery not being complete until October, your Committee were not able to obtain any more definite dates than those given above.

Your committee further find that the bill of said Printer has been audited and paid in full.

Your committee further find that the last session of the General Assembly passed a law reducing the compensation for the public printing, which was approved January 28th, 1857. Said law was to take effect from and after its publication in the Iowa City Republican and Maquoketa Excelsior, the paper published by said State Printer; said law was published in the Iowa City Republican, on the 21st of February, but was not published in the Maquoketa Excelsior until the 16th of June, 1857. By reason of this withholding the publication of said law in the Maquoketa Excelsior until the 16th of June, 1857, and thus preventing said law from taking effect at the time contemplated by the General Assembly.

Said Printer obtained compensation for most of the public printing at the rates provided by the former law, which the General Assembly expressly designed to repeal, which repeal was only prevented from taking effect by the neglect of said State Printer to

perform his duty and publish said law at the time it was passed, thereby increasing his compensation, and the price of the State Printing to a large amount.

Your committee further find that the Auditor of State employed Crum & Boye of Iowa City, to print the Census Reports, by contract, at 40 cents per thousand ems.

That said Census Reports were printed and ready for distribution in June, 1857, but were not distributed up to the time of the commencement of the present session of the General Assembly, although the law provided "That *so soon* as said Census Returns are printed and ready for distribution, it shall be the duty of said Auditor to distribute the same," &c. The law also provided that said Auditor should have, for indexing and making said distribution, three hundred dollars, one hundred and fifty dollars of which was drawn on the 31st day of January, and the remaining \$150 on the 14th day of February, 1857.

Your committee further find that said State Printer has printed and received compensation for two large volumes of 743 pages each, both of which contain the same matter, the only difference being in the title page, one being entitled "Senate Documents." and the other "House Documents." Your committee has not been able to find any law or precedent authorizing the printing of said books. We find in the Senate Journal of the last General Assembly—page 490—that a resolution was adopted, providing that no documents as an appendix to Senate Journal, should be printed, except the report of the Des Moines River Commissioner and the report of the Committees to investigate the affairs of the Des Moines River Improvement and the affairs of the Superintendent of Public Instruction, and the other State officers, none of which are printed in the books above referred to. It is also worthy of remark that the Census Returns complete, comprising, 411 pages.—more than one half of said books—are printed in each of said books, although the General Assembly had provided by law for the printing and distribution of said Returns in a separate book.

Your committee is informed that after Crum & Boye had the form set up, and had printed said Census Reports as per contract before referred to, that said State Printer procured them to work off, on paper furnished by the State, the Census Reports embraced in said books, which would cost but a small sum, as the form was already set up, which was thereupon bound in said books, for

which said State Printer charged the State, and was allowed 70 cents per thousand ems, (although Crum & Boye set up the form and printed the same for the State, under contract, for 40 cents per thousand ems,) all of which was paid for at the rates fixed by the former law, as said State Printer did not publish the law reducing the rates of printing until after the aforesaid work was done.

Your committee find that said State Printer received the sum of \$5,446,70 for printing the two books before referred to, for which we can find no authority of law. The printing had also involved the State in the expense of paper and binding. But even admitting that it was proper to print the documents of the General Assembly, but *one* set should have been printed, which should not have embraced the Census Reports.

We are clearly of the opinion that the evasion of the law by said State Printer in neglecting to publish the same, the neglect to publish the laws by the time prescribed by law, the publication of two books unauthorized by law, merely under different names, embracing improper matter, are proper subjects for judicial investigation. We therefore recommend the adoption of the following resolution :

JAIRUS E. NEAL, }  
 H. H. TRIMBLE, } Committee.  
 SAM'L REINER, }

The Committee had leave to introduce Senate File No. 22 :

*Be it Resolved by the General Assembly of the State of Iowa,*  
 That the Attorney General shall investigate all the facts connected with the printing of the Senate Journal, House Journal, Senate Documents and House Documents, for the regular session of the sixth General Assembly, and the compensation paid to the State Printer for the same. And if upon such investigation, he shall be of opinion that the State of Iowa has any cause of action against said State Printer, he shall commence and prosecute a suit or suits against said State Printer, on his official bond, to recover the amount due the State of Iowa.

Which was read the first and second time, and

On motion of Mr. Neal,

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

On motion of Mr. Stewart,

Substitute for Senate File No. 40, A bill for an act to amend an



act entitled an act in relation to the assessment of property, approved January 28th, 1857, was taken from the table.

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—23.

Mr. Carter voted in the negative.

The bill was passed and the title thereof agreed to.

The President

Presented the following communication :

STATE OF IOWA,

TREASURER'S OFFICE, }

DES MOINES, IOWA, March 16th, 1858. }

*Hon. O. Faville, President of the Senate,*

SIR: In answer to resolution of the Senate, passed to-day, asking for information in relation to the sale of "Iowa State Stocks," I will remark, that the agent disposed of said Bonds to Cook & Sargent, of Iowa, they being the only bidders for the whole amount. Said bonds were sold for the sum of Two Hundred thousand and five dollars, bearing interest at *seven* per cent, payable semi-annually, at the Bank of North America, in the city of New York: the principal is re-imbursable on the first day of January, 1868, at the same place.

He received in Gold, seventy-five thousand dollars; the balance in Exchange, on New York and Boston Banks, about twelve thousand of which has been used in the redemption of outstanding Auditor's Warrants, the balance, with the exception of \$4,767,49, has been disposed of to Cook, Sargent & Downey, of Iowa City, B. F. Allen and Hoyt Sherman & Co., of Des Moines, for which he has taken their specie certificates on call. He has not formally paid the same into the State Treasury.

Yours, truly,

M. L. MORRIS,

State Treasurer.

Mr. Sharraden,

From the committee on Enrolled Bills, report that they have

examined Senate File No. 179, An act to designate Sundays and the Holidays to be observed in the acceptance and payment of bills of exchange and promissory notes. Also,

Senate File No. 141, An act in relation to the Keokuk and Des Moines Valley Plank Road Company, and find the same correctly enrolled.

Mr. Trimble had leave to introduce

Senate File No. 225, A bill for an act to amend an act in relation to the assessment of property, approved January 28th, 1857.

On his motion,

The 11th Rule was suspended, and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Johnston, Kirkwood, Loughridge, Mann, McPherson, Neal, Pusey, Patterson, Rankin, Saunders, Stewart, Trimble, Thompson, Warner, Wilson—22.

The yeas were,

Senators Atkins, McCoy—2.

The bill was passed and the title thereof agreed to.

Mr. Davis of Polk,

Submitted the following resolution :

*Resolved*, That the Secretary of State furnish to each of the members of the Senate, not having heretofore received them, one set of Clark's Reports, which was

On motion of Mr. Loughridge,

Referred to the committee on Ways and Means.

On motion of Mr. Davis of Clinton,

Senate File No. 183, A bill for an act for the relief of swamp land pre-emptors, was taken from the table.

On motion of Mr. Wilson,

The Senate adjourned.

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2 O'CLOCK, P. M.

Mr. Loughridge

Submitted the following concurrent resolution.

Which was adopted.

*Resolved*, The House concurring that the Documents printed

by the late State Printer, P. Moriarty, and purporting to be "Senate Documents" and "House Documents" of the Sixth General Assembly of the State of Iowa, are not printed by authority of the State, and are not State Documents.

The Senate resumed the consideration of Senate File No. 183.

Mr. Warner

Moved to amend Section 3, by striking out the 6th and 7th lines.

Mr. Cook

Moved to amend Section 1, by inserting after the word, "pre-emption," the words, "by actual settlement and cultivation."

Mr. Trimble

Submitted the following as a substitute for Section 1:

"In all cases where any person had acquired a *bona fide* pre-emption claim to any swamp land of this State, under the laws heretofore in force, and who was in good faith residing on the same, on the 5th day of September, 1857, such person shall not be held to have forfeited the same in consequence of not having proved up said pre-emption in accordance with such law, Provided, he shall produce his evidence and prove up the same, in accordance with the laws in force prior to the 5th day of September, 1857, and in six months from the day this act goes into force, and provided further, that no certificate of pre-emptor has been granted for the land so claimed by any other person.

Mr. Thompson

Moved to amend the amendment, by inserting after the words, "residing on," the words "are improving."

Mr. Loughridge

Moved to amend the amendment of Mr. Thompson, by adding the words, "with the intention of living on."

Which amendment was adopted.

The motion recurring upon the amendment as amended, was decided in the negative.

The question recurring upon the adoption of the substitute submitted by Mr. Trimble,

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

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Grinnell, Johnston, Loughridge, Mann, McCoy, Pusey, Reiner, Stewart, Trimble, Warner and Wilson—19.

The nays were

Senators Davis of Clinton, Foster, Patterson, Rankin, Sharraden and Thompson—6.

The substitute was adopted.

Mr. Trimble

Moved to amend Section 3, by striking out the words, "in all cases where an equitable title has been acquired by pre-emption, shall be authorized," and inserting, "In all cases where any person now holds, or may hereafter fairly acquire certificates to swamp lands, in accordance with the laws heretofore in force, or in accordance with this act shall be required.

Which amendment was adopted.

On motion of Mr. Thompson,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Foster, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Stewart, Trimble, Thompson, Warner and Wilson—21.

The nays were

Senators Atkins, Grinnell, Johnston and Sharraden—4.

The bill was passed and the title thereof agreed to.

The Senate proceeded to the consideration of Senate File No. 175, A bill for an act to provide for the incorporation of cities and towns, that being the special order for this hour.

On motion of Mr. Cattell,

The Senate resolved itself into a Committee of the Whole Senate, for the purpose of considering said bill.

Mr. Mann in the Chair.

After some time the Committee rose, and though their Chairman reported the bill back to the Senate with various and sundry amendments, and recommended their adoption.

On motion of Mr. Cattell,

The bill was re-committed to a Special Committee, consisting of Senators Allen, Rankin, Wilson, Stewart and Grinnell.

On motion of Mr. Grinnell,

Senate File No. 172, A bill for an act to re-apportion the State into Senatorial Districts, was taken from the table.

Mr. Foster submitted a substitute therefor.

On motion of Mr. Grinnell,

The substitute was adopted.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reiner, Saunders, Sharraden and Thompson—19.

The nays were

Senators Allen, Bailey, Johnston, Mann, Neal, Stewart, Trimble, Warner and Wilson—9.

The bill was passed and the title thereof agreed to.

Mr. Grinnell had leave to introduce

Senate File No. 226, A bill for an act to amend Section ninety-six of an act for the Public Instruction of the State of Iowa, which was read a first and second, and, on his motion,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Rankin, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson and Wilson—25.

The nays were

Senators Johnston and Warner—2.

The bill passed and the title thereof agreed to.

On motion of Mr. Wilson,

The vote by which Senate File No. 57, A bill for an act to create the office of County Treasurer, and defining his duties, was lost, was considered, and, on his motion, the bill was laid on the table.

Senate Files Nos. 141, 152, 179 having passed both branches of the General Assembly, been duly enrolled, signed by the Speaker of the House of Representatives and President of the Senate, and certified to by the Secretary of the Senate, was placed in the hands of the Committee on Enrolled Bills, to be presented to the Governor.

On motion of Mr. Kirkwood,

The Senate went into an Executive Session.

After a short Session, the doors were opened, and,

On motion of Mr. Warner,

The Senate adjourned.

SENATE CHAMBER,  
THURSDAY, MARCH 18th, 9 o'clock, A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Bird.

On motion of Mr. Johnston,

The reading of the Journal was dispensed with.

On motion of Mr. Trimble,

The communication from M. L. Morris, Treasurer of State, received yesterday, was referred to the Special Committee appointed to examine the accounts of the Treasurer and other State officers.

Mr. Davis, of Clinton

Presented the petition of John R. Bassett, and others of Crawford County, asking additional mail facilities.

Read and referred to Senators Grinnell, Brown and Pusey.

Message from the House by their Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed bills with the following titles, in which the concurrence of the Senate is asked :

House File No. 129: A bill for an act to provide for the establishment of a State Agricultural College and Farm, with a Board of Trustees, which shall be connected with the entire Agricultural interests of the State of Iowa.

House File No. 203: A bill for an act supplementary to an act for the public instruction of the State of Iowa.

House File No. 291: An act determining the ratio of apportionment of the State into Representative Districts, and defining the boundaries thereof.

The House has also passed with two amendments\*

Senate File No. 177: A bill for an act creating eleven Judicial Districts, and defining their boundaries, to which the concurrence of the Senate is asked.

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

House File No. 193: An act to repeal a part of the 12th Section

of Chapter 156, in relation to Swamp Land, approved Jan'y 25th, 1855.

House File No. 301: An act to amend an act entitled an act to fix the time of holding courts in the eleventh Judicial District.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Wilson,

The Senate concurred in the House amendment to the title of Senate File No. 64.

Mr. Davis, of Clinton,

Submitted the following resolution which was adopted:

*Resolved*, That the Judiciary Committee be instructed to report back to the Senate on to-morrow the House Bill in their hands in regard to equity of redemption on mortgages.

Mr. Anderson

Submitted the following resolution which was adopted :

*Resolved*, That a Committee of three be appointed to report the mileage of members of the Senate.

The President appointed

Senators Anderson, Trimble and Thompson said Committee.

Mr. McPherson,

From the Committee on elections to whom was referred

House File No. 242: A bill for an act revising and amending Title 4 of the Code, and further provide for elections, filling vacancies in office, resignations, and contesting elections,

Reported the same back to the Senate with various and sundry amendments,

And recommended their adoption and the passage of the bill.

On motion of Mr. Mann,

The bill and amendments were laid on the table.

Mr. McPherson,

From the Committee on elections to whom was referred

House File No. 248: A bill for an act amending Section 2 of Code,

Reported the same back to the Senate and recommended the passage of the bill.

On motion of Mr. Anderson,

The bill was re-committed.

Mr. Rankin,

From the Committee on Rail Roads to whom whom was referred

Senate File No. 219: A bill for an act disposing of the grant

of lands made by an act of Congress granting lands to the Territory of Iowa to aid in the improvement of the Navigation of the Des Moines River,

Reported the same back to the Senate with one amendment, as follows :

To strike out in Section 3 the words "from said city of Keokuk" and insert "from the town of Bentonsport up the Des Moines Valley,"

Which amendment was adopted.

Mr. Wilson

Moved to lay the bill upon the table, and that it be made the special order for to-morrow at 10 o'clock, A. M.

Mr. Johnston

Moved to lay the motion upon the table.

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

The nays were,

Anderson, Atkins, Davis, of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McCoy, Patterson, Rankin, Reiner, Sharaden, Trimble.—13.

The yeas were,

Messrs. Allen Bailey, Brown, Cattell, Carter, Davis of Clinton, Mann, McPherson, Pusey, Saunders, Stewart, Thompson, Warner, Wilson.—15

Which motion did not prevail.

The question recurring upon the motion of Mr. Wilson, Was decided in the affirmative.

Mr. Rankin,

From the Committee on Railroads to whom was referred

Senate File No. 221 : A bill for an act appointing a Commissioner to procure the land granted for improving the Navigation of the Des Moines River, to be certified to the State,

Reported the same back to the Senate without amendment, and recommended its adoption.

On motion of Mr. Wilson,

The bill was made the special order for to-morrow 10 o'clock.

Mr. McCoy from the Committee on engrossed bills reported that they have examined the following bill, and find the same correctly engrossed.

Senate File No. 164 : A bill for an act to repeal Sections 2561,



2562 and 2563, of the Code, and to regulate the fees of Attorneys-at-law.

Also—Reported that they have examined the following bill and find the same correctly engrossed :

Senate File No. 216: A bill for an act in relation to moneys paid for license to sell liquors under and by virtue of an act entitled an act to license and regulate the sale of malt, spirituous and vinous liquors in the State of Iowa.

Mr. Carter,

From the Committee on Roads to whom was referred

Senate File No. 88: A bill for an act further providing for the payment of Road tax,

Reported the same back to the Senate, and recommended that the further consideration of the bill be indefinitely postponed.

Which report was concurred in.

Mr. Carter,

From the same Committee to whom was referred

Senate File No. 107: A bill for an act to establish, laying out and marking roads in the State of Iowa,

Reported the same back to the Senate with a Substitute therefor, and recommended the adoption and passage of the substitute.

Mr. Loughridge

Moved to amend Section 6, by adding, "Provided no road shall be laid out through any garden, orchard or ornamental grounds contiguous to a dwelling house, or so as to cause the removal of any dwelling house or other building without the consent of the owner,

Which amendment was adopted.

The substitute was adopted.

On motion of Mr. Anderson,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner.—28.

The nays were—none.

The bill was passed and the title thereof agreed to.

**Mr. Anderson**

Submitted the following resolution,

Which was adopted.

*Resolved*, That the Attorney General, in determining the rights of the State against the late State Printer, take into consideration the action of the Senate at the Sixth General Assembly, as found upon page 490, and also to a resolution upon page 512 of the Senate Journal introduced by Mr. Matthews,

Which was lost, and also the composition of the Journal.

On motion of Mr. Anderson,

The Messengers were ordered to return to the Secretary of State the books known as Senate and House Documents.

**Mr. Davis of Clinton,**

From the committee on Charitable Institutions, to whom was referred House File No. 72, A bill for an act to establish an Asylum for the Deaf and Dumb in Fayette county,

Reported the same back and recommended that the further consideration of the bill be indefinitely postponed.

Which report was concurred in.

**Mr. Davis of Clinton,**

From the same Committee, to whom was referred Senate File No. 96, A bill for an act to establish an Asylum for the Deaf and Dumb,

Reported the same back without recommendation.

On motion of Mr. Atkins,

The bill was laid upon the table.

**Mr. Davis of Clinton,**

From the same committee, to whom was referred Senate File No. 185, A bill for an act to locate an Asylum for the Deaf and Dumb in Marion county,

Reported the same back to the Senate without recommendation.

On motion of Mr. Foster,

The bill was laid on the table.

**Mr. Davis of Clinton,**

From the same Committee, to whom was referred Senate File No. 199, A bill for an act to locate the Asylum for the Deaf and Dumb, at Oskaloosa,

Reported the same back without recommendation.

On motion of Mr. Foster,

Laid upon the table.

Mr. Saunders,

From the committee on Ways and Means, to whom was referred Senate File No. 108, A bill for an act to increase the pay of County Surveyors,

Reported the same back to the Senate and recommended that the further consideration of the bill be indefinitely postponed.

On his motion,

The bill was laid upon the table.

Mr. Sharraden,

From the committee on Enrolled Bills, report that they have presented to His Excellency the Governor, for his approval, the following acts :

Senate File No. 141, An act in relation to the Keokuk and Des Moines Valley Plank Road Company.

Senate File No. 152, An act requiring two of the Trustees of the Dubuque and Pacific Railroad Company, to reside in this State.

Senate File No. 179, An act to designate Sundays and the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes.

Presented March 18th, 1858.

On motion of Mr. Warner,

Senate File No. 177, A bill for an act dividing the State into eleven Judicial Districts, and defining their boundaries, was taken up, the same having been returned from the House with one amendment.

On motion of Mr. Grinnell,

The Senate refused to concur in the House amendment.

On motion of Mr. Foster,

House File No. 129, A bill for an act to provide for the establishment of a State Agricultural College and Farm with a board of trustees, which shall be connected with the entire agricultural interests of the State of Iowa, was taken up, read the first and second time.

Mr. Carter

Moved to amend Section 27, by striking out the name of E. H. Williams, of Clayton county, and insert H. B. Hoyt, of Fayette county,

Which amendment was adopted.

Mr. Trimble

Moved to amend Section 27, by striking out the name of "Timothy Day of Van Buren county," and inserting "Henry W. Briggs, of Davis county,"

Which amendment was adopted.

Mr. Thompson

Moved that the name of "J. W. Henderson," be stricken out, and inserting "L. F. Dance."

Mr. Mann

Moved to amend the amendment by inserting the name of James M. Peet.

Which motion was lost.

The question recurring upon the amendment of Mr. Thompson, Was adopted.

On motion of Mr. Carter,

The votes by which the amendments were adopted were reconsidered.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, McPherson, McCoy, Neal, Patterson, Rankin, Reiner, Saunders, Sharraden, Trimble, Thompson, Warner and Wilson—24.

The nays were

Senators Bailey, Johnston, Loughridge, Pusey, and Stewart—5.

The bill was passed and the title thereof agreed to.

Mr. Trimble

Submitted the following resolution, viz :

*Resolved*, That the special committee appointed to investigate the affairs of and examine the accounts of the Treasurer and Auditor of State, be instructed to require the Auditor to furnish the price of the material furnished to the State Printer, on which was printed Documents called Senate Documents and House Documents, and also the expense of binding the same, and also to furnish all items of account, from the date of the last item in his report to the Committee of Ways and Means, made in February up to the present date.

That said special committee be further instructed to examine all

items of said Auditor's account, and report at the earliest possible day whether any warrant or warrants have been issued for which there appears to be no legal authority.

Also to examine the Treasurer's accounts, and all moneys on hand, whether State or School funds, to ascertain whether there are any monies belonging to the State or School fund not now in possession of the Treasurer, and if so, to ascertain and report where said monies are, in whose possession and for what purpose, and under what circumstances said monies are in the hands of persons other than said Treasurer; also whether during the last financial year any State or School funds have been deposited by said Treasurer, with any person or persons or banking company, and if so, upon what condition, and what remuneration or reward was given for the use of the same, and report all said facts as soon as practicable.

Which resolution was agreed to.

Mr. Grinnell

Submitted the following resolution, viz:

*Resolved*, That the Secretary of State be instructed to furnish each member of the Senate with one sett of Clark's Supreme Court Reports; *Provided*, That members who received one volume of said reports last winter shall now only receive enough to make a sett complete.

Which resolution was adopted.

On motion of Mr. Johnston,  
The Senate adjourned.

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2 O'CLOCK, P. M.

Mr. Sharraden,

From the Committee on Enrolled Bills, reported that they had examined bills of the following titles, viz:

Senate File No. 64, An act to authorize the Dubuque and Pacific R. R. Co. to Bridge the Mississippi River at Dubuque.

Senate File No. 203, An act supplementary to an act for the Public Instruction of the State of Iowa, and found the same correctly enrolled.

On motion of Mr. Cattell,

Senate File No. 162, A bill for an act in relation to Revenues, was taken from the table, and,

On his motion,

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

Mr. Thompson in the Chair.

After some time the Committee rose, and through their Chairman reported progress, and asked leave to sit again, which leave was granted.

Message from the House by their Chief Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has refused to recede from its amendments, to

Senate File No. 177: A bill for an act creating eleven Judicial Districts and defining their boundaries, and ask a conference, and have appointed Messrs. Millard, Carpenter and Wilson, a Committee to conduct the conference on the part of the House.

W. P. HEPBURN, Chief Clerk.

The President appointed

Senators McPherson, Pusey, and Warner.

Mr. Foster

Moved to reconsider the vote by which the Senate passed a resolution distributing Clark's Reports to the members of the Senate.

On motion of Mr. Johnston,  
The Senate adjourned.

SENATE CHAMBER, }  
FRIDAY, MARCH 19th, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Bird.

On motion of Mr. Johnston,

The reading of the Journal was dispensed with.

On motion of Mr. Johnston,

The Senate took a recess for fifteen minutes.

**Mr. McPherson,**

From the committee on conference to whom was referred the matters in dispute between the two Houses, in relation to the amendments made to Senate File No. 177, A bill for an act creating eleven Judicial Districts and defining their boundaries,

Reported the same back to the Senate and recommended that the Senate agree to the House amendments.

Which report was not agreed to.

**Mr. Rankin**

Moved to reconsider the vote by which the Senate refused to concur in the report of the committee.

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

The yeas were,

Senators Allen, Brown, Cattell, Carter, Davis of Clinton, Kirkwood, McPherson, Pusey, Rankin, Reiner, Stewart, Sharraden, Thompson, Wilson—14.

The nays were,

Senators Anderson, Atkins, Bailey, Cook, Davis of Polk, Foster, Grinnell, Johnston, Loughridge, Mann, McCoy, Neal, Saunders, Trimble, Warner—15.

Which motion did not prevail.

The special order for this hour being the consideration of Senate File No. 219, the same was taken up and considered.

**Mr. Davis of Clinton,**

Moved to amend Section 3, by striking out "one fourth" and inserting "one half,"

Which motion did not prevail.

On motion of **Mr. Rankin**

The Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Cattell, Carter, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Saunders, Sharraden, Trimble, Thompson, Warner, Wilson—24.

The nays were,

Senators Brown, Davis of Clinton, Mann—3.

The bill was passed and the title thereof agreed to.

Message from the House, by their Chief Clerk:

MR. PRESIDENT:

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

House File No. 267: A bill for an act to legalize the assessment of taxes made in the several counties of this State for the years 1855, 1856, and 1857.

House File No. 273: A bill for an act to limit the eligibility of Sheriffs to re-election.

House File No. 274: A bill for an act regulating public shows.

House File No. 275: A bill for an act entitled an act to repeal an act incorporating the city of Des Moines, approved January 28th, 1857.

House File No. 279: A bill for an act in relation to the funds of Hamilton county.

House File No. 303: A bill for an act explanatory of an act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes.

House File No. 323: A bill for an act to elect an additional Justice of the Peace in Butler township, Butler county.

House File No. 332: A bill for an act to amend an act entitled an act in relation to county seats.

House File No. 209: A bill for an act relative to new counties and changing the boundaries thereof.

House File No. 250: A bill for an act to prohibit the Inspectors, Wardens, lessees and other officers of the Iowa Penitentiary from being interested in contracts for furnishing such Penitentiary with provisions, clothing, or other necessaries, and from being concerned or interested in contracts for building or furnishing building materials for such Penitentiary.

Substitute for House File No. 269: A bill for an act regulating the manner of commencing actions against Railroads and Railroad Companies.

Substitute for House File No. 147: An act amending section 2913 of the Code of Iowa in regard to the endorsing of the names of witnesses upon indictments.

I am also directed to inform the Senate that the House has concurred in the amendments made by the Senate to House File No.



185: A bill for an act to authorize Forwarding and Commission Merchants and others to sell unclaimed goods.

I am also directed to inform the Senate that the House has amended Senate File No. 14: "An act to provide for the election of Attorney General, and defining his duties," and ask the concurrence of the Senate in the same.

W. P. HEPBURN, Chief Clerk

Mr. Anderson,

From a majority of the Committee on Judiciary, to whom was referred House File No. 3: A bill for an act to prescribe the mode of foreclosing mortgages and redeeming property sold thereby,

Reported the same back to the Senate and recommended its passage.

On motion of Mr. Rankin

The bill was made the special order for 2 o'clock, P. M.

On motion of Mr. Rankin

Senate File No. 221: A bill for an act appointing a commissioner to procure the lands granted for improving the navigation of the Des Moines river to be certified to the State,

Was taken from the table.

Mr. Wilson

Moved to amend section one by striking out the words "there shall be appointed by the Governor of the State," and inserting, "Charles Mason, of Des Moines county, is hereby appointed."

Which amendment was adopted.

Mr. Wilson

Moved to amend the same section by striking out the words "is hereby notified by the State of Iowa," and inserting, "shall be notified by the General Assembly of the State of Iowa, if there be a session of the same previous to the first of February, A. D. 1859 but if there should be no such session held, then said act or agreement shall not be valid until the same shall be notified by the Governor, acting Lieutenant Governor and Superintendent of Public Instruction of Iowa, or a majority of them."

Mr. Cattell

Moved to amend the amendment by striking out the words, "a majority of them."

Which motion prevailed.

The amendment was adopted.

Mr. Loughridge

Moved to amend section one by adding :

“ Provided, that if there is a vacancy by death or otherwise in the said office of Commissioners, the same shall be filled by appointment by the Governor.”

Which amendment was adopted.

Mr. Wilson

Offered the following additional section :

“ Sec. 3. That the State of Iowa shall not be liable in any manner for any damages growing out of any act or agreement of said agent hereby appointed, nor shall the State be held liable for any expense in any manner for the salary or per diem of said agent.”

Which amendment was adopted.

On his motion

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cattell, Carter, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Saunders, Sharraden, Trimble, Warner, Wilson—25.

Mr. Davis, of Clinton, voted in the negative.

The bill was passed and the title thereof agreed to.

Message from the House, by their Chief Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has adopted a substitute for Senate File No. 169: Joint Resolution ratifying a settlement with the Des Moines Navigation and Railroad Company, and ask the concurrence of the Senate in the same.

On motion of Mr. Cattell

Senate File No. 213: A bill for an act to provide for fencing and improving the Capitol Square,

Was taken from the table.

Mr. Kirkwood

Moved to amend section six by adding :

“ *Provided*, That nothing in this act contained shall be construed into any waiver by the State of any rights of the State by reason of any defect in the title to said plat of ground, if any such defect exist, nor into any waiver of any right of the State by reason of

any objection to the action of the Commissioners appointed to select and locate such plat of ground, if any such objection exist."

Which amendment was adopted.

On motion of Mr. Saunders

The 11th Rule was suspended and the bill read a third time.

The question being on the passage of the bill,

The yeas were

Senators Allen, Anderson, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reiner, Saunders, Sharraden, Trimble, Warner, Wilson—23.

The nays were,

Senators Atkins, Bailey, Neal—3.

The bill was passed and the title thereof agreed to.

On motion of Mr. Saunders

Senate File No. 165: A bill for an act to provide for the registry of transfers of titles to real estate,

Was taken up.

Mr. Trimble

Moved that the bill be referred to a Special Committee,

Which motion prevailed.

The President appointed Senators Saunders, Cattell and Trimble said Committee.

On motion of Mr. Trimble

Senate File No. 196: A bill for an act providing for keeping transfers of real property and for assessment rolls, maps and plats of such property,

Was taken from the table.

Which was,

On motion of Mr. Trimble,

Referred to the Special Committee above named.

On motion of Mr. Johnston,

Senate File No. 169, Joint Resolutions containing propositions for a settlement with the Des Moines Navigation and Rail Road Company, and House substitute therefor was taken from the table, and considered pending, when,

On motion of Mr. Warner,

The Senate adjourned.

2 O'CLOCK, P. M.

Senate File No. 64 and 220 having passed both branches of the General Assembly, been duly enrolled by the Senate, signed by the Speaker of the House of Representatives and President of the Senate, and certified to by the Secretary, were placed in the hands of the Enrolling Committee, by them to be presented to His Excellency the Governor, for his approval.

Mr. Loughridge

Submitted the following Resolution, which was adopted :

*Resolved*, The House concurring that the Supreme Court Reports shall not be sent by mail, at the expense of the State.

On motion of Mr. Grinnell,

House File No. 291, A bill for an act determining the ratio of apportionment of the State into Representative Districts, and defining the boundaries thereof, was taken up and read a first and second time, and,

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Atkins, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reiner, Rusch, Saunders, Sharraden, Thompson and Warner—19.

The nays were

Senators Allen, Anderson, Bailey, Johnston, Mann, Neal, Pusey and Trimble—8.

The bill was passed and the title thereof agreed to.

Mr. Saunders

Moved to re-consider the vote by which the Senate passed Senate File No. 129.

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

The yeas were

Senators Anderson, Bailey, Carter, Davis of Clinton, Davis of Polk, Johnston, Kirkwood, Loughridge, Neal, Reiner, Saunders and Trimble—12

The nays were

Senators Atkins, Brown, Cattell, Foster, Grinnell, McPherson,

McCoy, Pusey, Rankin, Rusch, Sharraden, Thompson and Warner—13.

Which motion did not prevail.

There being a special order for this hour,

On motion of Mr. Johnston,

The Senate passed the special order.

Mr. Foster

Moved to re-consider the vote, by which the Senate adopted the Resolution giving the members of the Senate Clark's Reports.

Mr. Wilson

Moved to lay the motion upon the table.

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

The yeas were

Senators Allen, Atkins, Cook, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Mann, Neal, Pusey, Rankin, Rusch, Sharraden, Thompson, Warner and Wilson—16.

The nays were

Senators Anderson, Bailey, Brown, Cattell, Carter, Foster, Kirkwood, Loughridge, McPherson, McCoy, Patterson, Reiner, Saunders and Stewart—14.

The motion prevailed.

Mr. Anderson

Submitted the following Preamble and Resolution:

WHEREAS, It is rumored and generally believed, that members of the Senate have appropriated to themselves one copy of Clark's Reports of the Supreme Court, Constitutional Debates, knives and pens, contrary to law and in violation of the spirit and letter of the Constitution of the State of Iowa. Therefore be it

*Resolved*, That a Committee of three be appointed, whose special duty it shall be to enquire into and Report at an early day the facts and reason of such charges or rumors, together with such other matters therewith connected, as they may deem necessary.

Mr. Thompson

Moved to amend the Resolution, by inserting after the words, "Be it Resolved," the words, "Neighborhood Buncombe."

Mr. Loughridge

Moved to lay the Resolution and amendment upon the table.

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

The yeas were

Senators Allen, Atkins, Bailey, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Johnston, Kirkwood, Loughridge, Mann, Neal, Rankin, Reiner, Rusch, Sharraden, Thompson and Wilson—20.

The nays were

Senators Anderson, Brown, Foster, McPherson, Pusey, Saunders, Trimble and Warner—8.

Which motion prevailed.

Mr. Anderson,

From the Committee on mileage, made the following Report :

Your Committee appointed to ascertain and Report the amount of mileage to which each Senator of the present General Assembly is entitled to, find and Report as follows :

Allen, . . . . .	320 miles . . . . .	\$48.00
Anderson, . . . . .	150 " . . . . .	24.00
Atkins, . . . . .	720 " . . . . .	108.00
Brigham, . . . . .	320 " . . . . .	48.00
Bailey, . . . . .	280 " . . . . .	42.00
Brown, . . . . .	600 " . . . . .	90.00
Coolbaugh, . . . . .	320 " . . . . .	48.00
Cook, . . . . .	320 " . . . . .	48.00
Cattell, . . . . .	320 " . . . . .	48.00
Carter, . . . . .	600 " . . . . .	90.00
Dale, . . . . .	480 " . . . . .	72.00
Davis of Clinton, . . . . .	480 " . . . . .	72.00
Davis of Polk, . . . . .	40 " . . . . .	6.00
Foster, . . . . .	280 " . . . . .	42.00
Grinnell, . . . . .	120 " . . . . .	18.00
Johnston, . . . . .	200 " . . . . .	30.00
Jenkins, . . . . .	440 " . . . . .	72.00
Kirkwood, . . . . .	280 " . . . . .	42.00
Loughridge, . . . . .	140 " . . . . .	21.00
Mann, . . . . .	360 " . . . . .	54.00
McPherson, . . . . .	80 " . . . . .	12.00
McCoy, . . . . .	360 " . . . . .	54.00
Neil, . . . . .	80 " . . . . .	12.00
Pusey, . . . . .	300 " . . . . .	45.00
Patterson, . . . . .	360 " . . . . .	54.00
Rankin, . . . . .	320 " . . . . .	48.00

Reed, .....	240 miles	36.00
Reiner, .....	300 "	45.00
Rusch, .....	400 "	60.00
Saunders, .....	320 "	48.00
Stewart, .....	480 "	72.00
Sharraden, .....	240 "	36.00
Trimble, .....	240 "	36.00
Thompson, .....	360 "	54.00
Warner, .....	160 "	24.00
Wilson, .....	480 "	72.00

DAN'L ANDERSON, Chairman.  
 H. H. TRIMBLE,  
 WM. G. THOMPSON,

Mr. Davis of Polk,

Moved to amend the report by striking out the item \$6 allowed him.

Mr. Anderson

Moved to amend by striking out \$6 and inserting \$3.

Which motion prevailed.

The question recurring upon the motion of Mr. Davis, it was decided in the negative.

On motion of Mr. Grinnell,

Forty miles were added to the number of miles opposite the name of Mr. Jenkins.

The report of the committee was adopted.

The Senate proceeded to the consideration of Senate File No. 169, and the House substitute therefor.

Mr. Johnston

Moved that the substitute be adopted.

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

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cattell, Carter, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Thompson, Wilson—24.

The nays were,

Senators Atkins, Davis of Clinton, Mann, Neal, Warner—5.

The substitute was adopted.

On motion of **Mr. McCoy**,

House File No. 108, A bill for an act to locate and provide for the erection of an Institution for the education of the Blind of the State of Iowa, was taken from the table.

On motion of **Mr. Wilson**,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Atkins, Brown, Cattell, Carter, Grinnell, Loughridge, Mann, McPherson, McCoy, Neal, Rankin, Rusch, Saunders, Sharraden, Thompson, Wilson—17.

The nays were

Senators Bailey, Davis of Clinton, Davis of Polk, Johnston, Pusey, Reiner, Trimble—8.

The bill did not pass.

On motion of **Mr. Brown**,

Senate File No. 201, A bill for an act to establish an Asylum for the Deaf and Dumb, was taken from the table.

**Mr. Brown**

Moved to fill the blank in Section 5 with twenty thousand dollars, and to add to said Section the words, "in addition to the amount furnished by the citizens of Fayette.

Which motion prevailed.

**Mr. McPherson**

Moved to amend by striking out "Fayette, Fayette county," and inserting "Indianola, Warren county."•

**Mr. Foster**

Moved to amend by striking out "Indianola, Warren county," and inserting "Washington, Washington county."

Which motion was lost.

The question recurring upon the amendment by **Mr. McPherson**, did not prevail.

**Mr. Foster**

Moved to amend by striking out "Fayette, Fayette county," and inserting "Toolsborough, Louisa county,"

Which amendment was not adopted.

On motion of **Mr. Kirkwood**,

Section 3 was stricken out.

**Mr. McPherson**

Submitted the following substitute for the bill:



A bill for an act to locate an Asylum for the Deaf and Dumb, at "Winterset, Madison county."

On motion of Mr. McPherson,

The first blank was filled with the Governor of the State of Iowa, John A. Pitzer, of Madison county, and Superintendent of Public Instruction.

On motion of Mr. Wilson,

The second blank was filled with "forty acres."

Mr. McPherson

Moved to fill the blank in Section 6, with \$60,000,

Which motion prevailed.

Mr. McPherson

Moved to fill the blank in Section 7, with \$20,000.

Mr. Pusey

Moved that the further consideration of the substitute be indefinitely postponed.

Mr. Loughridge

Moved to lay the bill and substitute upon the table.

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

The yeas were,

Senators Allen, Anderson, Bailey, Cook, Davis of Clinton, Davis of Polk, Johnston, Mann, McPherson, Pusey, Patterson, Rankin, Reiner, Rusch, Sharraden, Trimble, Warner—17.

The nays were, •

Senators Atkins, Brown, Cattell, Carter, Foster, Grinnell, Kirkwood, Loughridge, McCoy, Neal, Saunders, Stewart, Thompson, Wilson—15.

The motion prevailed.

On motion of Mr. Wilson,

The vote by which the Senate refused to pass House File No. 108, was reconsidered.

Mr. Kirkwood

Moved to lay the bill upon the table.

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

The yeas were,

Senators Cook, Davis of Clinton, Davis of Polk, Johnston, Kirkwood, McPherson, Neal, Pusey, Reiner, Trimble, Warner—11.

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The nays were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cattell, Carter, Foster, Grinnell, Loughridge, Mann, McCoy, Patterson, Rankin, Rusch, Saunders, Stewart, Sharraden, Thompson, Wilson—20.

The motion did not prevail.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Atkins, Brown, Cattell, Carter, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Neal, Patterson, Rankin, Rusch, Saunders, Stewart, Sharraden, Thompson, Wilson—20.

The nays were

Senators Bailey, Cook, Davis of Clinton, Davis of Polk, Johnston, Kirkwood, Pusey, Reiner, Warner—9.

The bill passed and the title thereof agreed to.

Message from the House,

MR. PRESIDENT :

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

House File No. 343, Joint Resolution instructing the Governor to enjoin the Des Moines Navigation and Railroad Company in certain contingencies.

House File No. 304, An act to amend chapter 62 of the Code.

Substitute for House File No. 270, An act for the relief of James Philips.

I am also directed to inform the Senate that the House has passed without amendment, Senate File No. 66, An act for the benefit of Railroad Companies.

Substitute for Senate File No. 172, A bill for an act to re-portion the State into Senatorial Districts.

I am further directed by the House to inform the Senate that the House of Representatives have adopted a substitute for Senate File No. 68, An act to authorize the counties to use the swamp lands, to aid in the construction of Railroads and other purposes, in which the concurrence of the Senate is asked.

B. F. JONES,

2d Ass't Clerk II. of R.

On motion of Mr. Loughridge,

House File No. 255, A bill for an act to repeal Section 1763 of the Code of Iowa, and amendatory of the law providing when causes in Courts of Record shall be tried,

Was taken from the table.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Brown, Cattell, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Neal, Patterson, Rankin, Reiner, Rusch, Sharraden, Thompson, Warner, Wilson—20.

The nays were

Senators Atkins, Bailey, Cook, Carter, Davis of Clinton, Johnston, Kirkwood, Pusey, Saunders, Stewart, Trimble—12.

The bill passed and the title thereof agreed to.

Message from the House of Representatives,

By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate, that the House still refuses to recede from its amendments to Senate File No. 177, "A bill for an act to create eleven Judicial Districts, and defining their boundaries," and asks a conference, and has appointed Messrs. Wilson, Waln and Dews a committee to manage the conference on the part of the House.

W. P. HEPBURN, Chief Clerk.

Mr. Sharraden,

From the committee on Enrolled Bills, report that they have presented to his Excellency, the Governor, the following acts :

Senate File No. 64, An act to authorize the Dubuque and Pacific Railroad Company and others, to bridge the Mississippi river at Dubuque.

Senate File No. 203, An act, supplementary to an act for the Public Instruction of the State of Iowa.

On motion of Mr. Warner,

Senate took up House message in relation to committee of conference in the matter of disagreement upon the amendments made to Senate File No. 177.

On his motion,

A committee of conference was appointed.

The President

Appointed Senators Warner, Brown and Atkins said committee.

**Mr. Carter**

Moved to take from the table Senate File No. 201, and the substitute therefor,

Upon which motion,

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

The yeas were

Senators Atkins, Brown, Cook, Carter, Davis of Clinton, Foster, Kirkwood, McCoy, Rusch, Stewart, Thompson, Wilson—11.

The nays were

Senators Allen, Anderson, Bailey, Cattell, Grinnell, Johnston, Loughridge, Mann, McPherson, Neal, Pusey, Patterson, Rankin, Reiner, Saunders, Sharraden, Trimble, Warner—18.

Which motion did not prevail.

House substitute for Senate File No. 68, A bill for an act to authorize counties to use the swamp lands to aid in the construction of Railroads, having been returned from the House amended, was taken up.

**Mr. Mann**

Moved to amend Section 4, by striking out the words "has not assigned his said pre-emption."

Which amendment was not adopted.

The question being upon the adoption of the substitute,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Carter, Davis of Polk, Grinnell, Johnston, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Thompson, Warner, Wilson—27.

The nays were,

Senators Davis of Clinton, Foster—2.

The substitute was adopted.

#### BILLS ON FIRST READING.

House File No. 257, A bill for an act to legalize the assessment of taxes in the several counties of this State, for the years 1855, 1856 and 1857,

Read the first and second time, and

On motion of Mr. Atkins,

The 11th Rule was suspended and the bill read a third time.  
The question being upon the passage of the bill.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Johnston, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Patterson Rankin, Reiner, Saunders, Stewart, Sharraden, Warner and Wilson—25.

The nays were—none.

The bill was passed and the title thereof agreed to.

House File No. 275, A bill for an act to repeal an act Incorporating the city of Des Moines, approved January 28th, 1857,  
Was read the first and second time.

Mr. Davis of Polk

Moved its reference to a special committee of three.

Mr. Neal

Moved to amend by referring the bill to the committee on Incorporations, and that the Senator from Polk be added to said committee for the purpose of considering said bill.

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

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Cook, Foster, Grinnell, Johnston, Loughridge, Mann, McPherson, Neal, Pusey, Patterson, Rankin, Reiner, Saunders, Stewart, Trimble, Wilson—20.

The nays were

Senators Brown, Davis of Clinton, Kirkwood, McCoy—4.

The motion prevailed.

Memorials in relation to the bill were presented by Senator Anderson and Davis of Polk, and referred to said committee.

On motion of Mr. Johnston.

The Senate adjourned.

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SENATE CHAMBER,  
SATURDAY, MARCH 20th, 9 o'clock, A. M.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Bird.

On motion of Mr. Wilson,

The reading of the Journal was dispensed with.

Mr. Kirkwood

Submitted the following resolution :

*Resolved*, That the committee on Public Buildings be instructed to inquire into the expediency and propriety of procuring suitable rooms on the west side of the Des Moines river, for the use of the officers of State, and the General Assembly, until the erection by the State of a permanent capital building.

*Resolved*, That said committee be instructed to report in writing the facts and reasons leading them to the conclusion to which they may arrive, and that they include in said report of the testimony taken by the committee appointed by the House of Representatives, to investigate the location of the Capitol.

*Resolved*, That said Committee be instructed to report at seven o'clock p. m., of this day.

Mr. Mann

Moved that the resolutions be laid upon the table.

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

The yeas were

Senators Cook, Loughridge, Mann, Rusch, Saunders, Stewart, Sharraden—7.

The nays were

Senators Anderson, Bailey, Brown, Davis of Clinton, Davis of Polk, Foster, Kirkwood, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Warner, Wilson—15.

Mr. Anderson

Moved to strike out the last resolution,

Which motion prevailed.

Mr. Anderson

Moved to strike out in the second resolution that part which relates to the report of the Committee of Investigation of the House of Representatives.

Mr. Grinnell

Submitted the following substitute :

*Resolved*, That the Committee on Public Buildings, be instructed to report the testimony taken by an Investigating Committee of the other branch of the General Assembly, in regard to the loca-

tion of the Capital, also whether the State of Iowa has a proper lease of this building, or is occupying it at the will of the owners.

The question being upon the adoption of the substitute,

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

The yeas were,

Senators Allen, Anderson, Atkins, Cook, Cattell, Carter, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble—21.

The nays were,

Senators Bailey, Brown, Davis of Clinton, Davis of Polk, Kirkwood, Neal, Warner, Wilson—8.

The substitute was adopted.

On motion of Mr. Loughridge

The rule was suspended requiring bills to be kept in the Senate until the second day after their passage.

Message from the House, by their Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments reported by the committee of conference to Senate File No. 78: A bill for an act to incorporate the State Bank of Iowa.

I am also directed to inform the Senate that the House has indefinitely postponed the further consideration of Senate File No. 91: A bill for an act in relation to executions and sales thereon.

I herewith return Senate File No. 133: A bill for an act authorizing Courts to set aside sales of real estate where there was no title in the judgment debtor at the time of the levy, the same having passed the House without amendment.

I am also directed to inform the Senate that the House has passed the following bills, and ask the concurrence of the Senate in the same:

House File No. 219: A bill for an act relating to the crime of placing obstructions on Railroad tracks, or removing any rail therefrom, or committing any injury to Railroads."

Substitute for House File No. 74: A bill for an act for the relief of all persons heretofore divorced to whom the disability to marry again has been attached, either by the law under which the divorce was had, or by decree of the Court granting the same.

I am further directed by the House to inform the Senate that the House recedes from the amendments made by the House to Senate File No. 177: A bill for an act creating eleven Judicial Districts and defining their boundaries.

Also, that the house has concurred in the amendments made by the committee of conference in relation to the disagreement of the two Houses on Senate File No. 78: A bill for an act incorporating the State Bank of Iowa.

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

House File No. 199: An act to amend an act entitled an act to incorporate the city of Davenport and to amend the several acts amendatory thereto.

House File No. 239: An act fixing the punishment for malicious mischief.

House File No. 244: An act providing for argumental terms of the Supreme Court of the State of Iowa, increasing the contingent fund thereof, allowing mileage to the Judges and additional pay to the Clerk of said Court.

House File No. 336: An act to amend an act to authorize John M. May and his associates to construct a dam across the Cedar River in Linn county.

W. P. HEPBURN, Chief Clerk.

Mr. Sharraden,

From the Committee on Enrolled Bills, report that they have examined the following and find them correctly enrolled:

Senate File No. 66: An act for the benefit of railroad companies.

Senate File No. 172: An act to apportion the State into Senatorial Districts.

Mr. Sharraden,

From the Committee on Enrolled Bills, report that they have examined Senate File No. 78: An act to incorporate the State Bank of Iowa, and find the same correctly enrolled.

#### BILLS ON THE FIRST READING.

House File No. 279: A bill for an act in relation to the funds of Hamilton county,

Was read the first and second time, and

On motion of Mr. Foster



The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Wilson—26.

The nays were—None.

The bill was passed and the title thereof agreed to.

House File No. 274: A bill for an act regulating public shows, was read the first and second time.

Mr. Grinnell

Moved to amend by inserting after "city" in section 1, the words "or trustees of any town not incorporated."

On motion of Mr. Mann

The bill and amendment were referred to the Committee on Township and County Organizations.

House File No. 273: A bill for an act to limit the eligibility of Sheriffs to re-election,

Was read the first and second time, and

On motion of Mr. Mann

The further consideration of the bill was indefinitely postponed.

House File No. 250: A bill for an act to prohibit the Inspectors, Wardens and other officers of the Iowa Penitentiary from being interested in contracts for furnishing such Penitentiary with provisions, clothing, or other necessaries, and from being concerned or interested in contracts for building or furnishing building materials for such Penitentiary,

Which was read the first and second time, and

On motion of Mr. Loughridge

Referred to the Committee on Public Buildings with instructions to report in the afternoon.

House File No. 270: A bill for an act for the relief of James Phillips,

Was read the first and second time, and

On motion of Mr. Loughridge

Referred to the Committee on Public Lands.

House File No. 343: Joint Resolution instructing the Governor to enjoin the Des Moines Navigation and Railroad Company in certain contingencies,

Was read the first and second time, and

On motion of **Mr. Rankin**

The 11th Rule was suspended, the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin Reiner, Rusch, Saunders, Trimble, Wilson—25.

The nays were—None.

The bill was passed and the title thereof agreed to.

House File No. 219: A bill for an act relating to the crime of placing obstructions on Railroad tracks, or removing any rail therefrom, or committing any injury to Railroads,

Was read the first and second time, and

On motion of **Mr. Mann**

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner, Wilson—24.

The nays were—None.

The bill was passed and the title thereof agreed to.

**Mr. Grinnell** had leave to introduce

Senate File No. 227: A bill for an act to establish an Asylum for the Deaf and Dumb,

Which was read the first and second time, and on his motion

Laid upon the table.

**Mr. Allen** had leave to introduce

Senate File No. 228: A Memorial and Joint Resolution in relation to the grant of lands by Congress for the improvement of the navigation of the Des Moines River,

Which was read the first and second time, and

On motion of **Mr. Bailey**

Referred to the Committee on Internal Improvements.

On motion of **Mr. Warner**

The Senate adjourned.

2 O'CLOCK, P. M.

Mr. Wilson had leave to introduce

Senate File No. 229: A bill for an act to amend section seven of Chapter 254 of the laws of the General Assembly, approved January 29th, 1857, in relation to assignments,

Which was read the first and second time, and

On his motion

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reiner, Sharraden, Trimble, Warner, Wilson—22.

The nays were—None.

The bill was passed and the title thereof agreed to.

#### BILLS ON THEIR FIRST READING.

House File No. 209: A bill for an act in relation to new counties and changing the boundaries thereof,

Was read the first and second time, and

On motion of Mr. Carter,

Referred to the Committee on New Counties.

House File No. 303: A bill for an act explanatory of an act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes.

Which was read the first and second time, and

On motion of Mr. Grinnell

The 11th Rule was suspended and the bill read a third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reiner, Sharraden, Trimble, Warner, Wilson—21.

The nays were none.

The bill was passed and the title thereof agreed to.

House File No. 323, A bill for an act to provide for the elec-

tion of an additional Justice of the Peace in Butler Township, Butler county, was read the first and second time, and

On motion of Mr. Mann,

The 11th Rule was suspended, and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reiner, Sharraden, Warner, Wilson—24.

The nays were none.

The bill was passed and the title thereof agreed to.

House File No. 332, A bill for an act to amend an act entitled an act in relation to county seats, was read the first and second time, and

On motion of Mr. Loughridge,

Referred to the committee on New Counties.

On motion of Mr. Carter,

Senate File No. 200, A bill for an act to amend an act in relation to county seats, approved January 21st, 1858, was taken from the table,

And referred to the committee on New Counties.

House File No. 304, A bill for an act to amend chapter 62 of the Code, was read the first and second time, and

On motion of Mr. Anderson,

Referred to the committee on Judiciary.

Senate Files No. 133 and 177, having passed both branches of the General Assembly, enrolled by the Senate, signed by the Speaker of the House of Representatives and President of the Senate, and certified by the Secretary, were placed in the hands of the Enrolling Committee, by them to be presented to his Excellency the Governor for his approval.

Substitute for House File No. 74, A bill for an act for the relief of all persons heretofore divorced, to whom the disability to marry again has been attached either by the law under which the divorce was had, or by decree of the court granting the same, was read the first and second time, and

On motion of Mr. Rankin,

Referred to the committee on Judiciary.

Substitute for House File No. 269, A bill for an act regulating

the manner of commencing actions against Railroads and Railroad Companies, was read the first and second times, and Referred to the committee on Judiciary.

### BILLS ON THEIR THIRD READING.

Senate File No. 192, A bill for an act legalizing the official acts of John Craig, late County Judge of Monona county, was read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Sharraden, Trimble, Warner, Wilson—25.

The nays were none.

The bill was passed and the title thereof agreed to.

Senate File No. 216, A bill for an act in relation to moneys paid for licenses to sell liquors under and by virtue of an act entitled an act to license and regulate the sale of malt, spirituous and vinous liquors in the State of Iowa, was read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Bailey, Brown, Carter, Mann, McPherson, McCoy, Pusey, Reiner, Rusch, Trimble, Warner, Wilson—12.

The nays were,

Senators Anderson, Atkins, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Patterson, Rankin, Saunders, Sharraden—11.

The bill did not pass.

Senate File No. 163, A bill for an act to repeal Sections 2561, 2562 and 2563, of the Code, in relation to the fees of Attorneys at law, was read the third time.

The question being on the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Rusch, Sharraden, Trimble, Warner, Wilson—23.

The nays were,

Senators Bailey, Saunders—2.

The bill was passed and the title thereof agreed to.

Message from the House, by their Chief Clerk :

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has refused to concur in the amendment made by the Senate to House File No. 141, A bill for an act authorizing the business of banking in the State of Iowa, by which the 44th Section of said bill is stricken out.

W. P. HEPBURN, Chief Clerk.

Senate File No. 14, A bill for an act to provide for the election of an Attorney General, and defining his duties, having been returned from the House, amended.

The question being upon concurring,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Trimble, Wilson—24.

Mr. Warner voted in the negative.

The Senate concurred.

Senate File No. 12, A bill for an act in relation to county records, having been returned from the House amended.

The question being upon the Senate concurring in the amendment of the House,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner, Wilson—23.

Mr. Atkins voted in the negative.

The Senate concurred in the amendment.

Substitute for House File No. 147, A bill for an act amending Section 2913 of the Code of Iowa, in regard to the endorsing of the names of witnesses upon indictments, having been returned from the House amended.

The question being upon the the concurrence of the Senate to the House amendment.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cat-

tell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner, Wilson—28.

The nays were none.

The Senate concurred in the amendment.

Senate substitute for House File No. 165, A bill for an act to provide for the recording of certain instruments in writing, belonging to the State, was submitted.

The question being upon the adoption of the substitute.

It was not adopted.

On motion of Mr. Kirkwood,

The bill was laid upon the table.

Mr. Loughridge

From the Committee on Judiciary, to whom was referred House File No. 304, A bill for an act to amend Chapter 62 of the Code, reported the same back to the Senate without amendment and recommended its passage.

On motion of Mr. Loughridge,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Catteli, Carter, Davis of Clinton, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner and Wilson—25.

The nays were none.

The bill was passed and the title thereof agreed to.

Senate Files No. 78, 172 and 66 having passed both branches of the General Assembly, been duly enrolled by the Senate, signed by the Speaker of the House of Representatives and President of the Senate, and certified to by the Secretary, were placed in the hands of the Enrolling Committee, to be by them presented to His Excellency the Governor, for his approval.

On motion of Mr. Rusch,

Senate File No. 48, A bill for an act to amend Section nine. of Chapter 157 of the Laws passed at the regular Session of the Sixth General Assembly, and the substitute therefor was taken from the table.

Mr. Davis of Clinton,

Moved that the further consideration of the substitute be indefinitely postponed.

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

The yeas were

Senators Anderson, Atkins, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Reiner, Saunders and Sharraden—16.

The nays were

Senators Allen, Bailey, Brown, Mann, Neal, Pusey, Rankin, Rusch, Stewart, Trimble, Warner and Wilson—12.

The motion prevailed.

On motion of Mr. Rankin,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill.

The yeas were

Senators Anderson, Atkins, Brown, Cook, Cattell, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Rankin, Reiner, Rusch, Saunders, Warner and Wilson—19.

The nays were

Senators Allen, Bailey, Carter, Davis of Polk, Neal, Pusey, Patterson, Stewart, Sharraden and Trimble—10.

The bill was passed and the title thereof agreed to.

Message from the House by their Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has appointed Messrs. Jackson, Clark of Des Moines, and Anthony, a Committee of Conference on the part of the House, to confer with the Committee on the part of the Senate, in relation to the disagreements between the Houses respecting House File No. 141, A bill for an act authorizing the business of Banking in the State of Iowa.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Allen,

Senate File No. 193, A bill for an act for the Government of the Iowa Insane Hospital, and the care of the Insane and Idiots, was taken from the table.

On motion of Mr. Allen,



The 3d blank in Section 63, was filled with \$500. The next blank was filled with \$250.

On motion of Mr. Cook,

The Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble and Warner—24.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Sharraden,

From the Committee on Enrolled Bills, report that they have presented to His Excellency the Governor for his approval, the following acts:

Senate File No. 66. An act for the benefit of Rail Road Companies.

Senate File No. 78. An act to Incorporate the State Bank of Iowa.

Senate File No. 172. An act to re-apportion the State into Senatorial Districts.

Presented March 20th, 1858.

Mr. Sharraden,

From the Committee on Enrolled Bills, report that they have examined the following, and find them correctly enrolled.

Senate File No. 177, An act creating Eleven Judicial Districts, and defining their boundaries.

Senate File No. 133. An act authorizing Courts to set aside sales of Real Estate, where there was no title in the Judgment Debtor at the time of buying.

Mr. Kirkwood

Moved that a Committee of Conference be appointed, to confer with a similar Committee upon the part of the House in the matter of disagreement to the amendment to House File No. 141.

Which motion prevailed.

The President

Appointed Senators Kirkwood, Grinnell and Pusey.

Mr. Kirkwood,

From the Committee of Conference, reported that the House had receded from its amendments to Senate File No. 144.

On motion of Mr. Cattell,  
Senate File No. 162, A bill for an act in relation to Revenues, was taken up.

On motion of Mr. Grinnell,  
The Senate resolved itself into a Committee of the Whole, for the purpose of considering the same.

Mr. Grinnell in the Chair.

After some time the Committee rose, and through their Chairman reported the bill back to the Senate with various and sundry amendments, and recommended their adoption.

Which Report was agreed to.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred House File No. 74, A bill for an act for the relief of all persons heretofore divorced, to whom the disability to marry again has been attached, either by the law under which the divorce was had, or by decree of the Court granting the same, reported the same back to the Senate without amendment, and recommended its passage.

On his motion,

The 11th Rule Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reimer, Rusch, Stewart, Sharaden, Trimble, Wilson—23.

The nays were

Senators Davis of Clinton, Davis of Polk, Foster—3.

The bill was passed and the title thereof agreed to.

Message from the House of Representatives,

By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has concurred in the report of the Committee of Conference in relation to the disagreement between the two Houses, respecting House File No. 141, A bill for an act to author-

ize the business of Banking in the State of Iowa, and have agreed to all of the amendments made by the Senate to the said bill.

W. P. HEPBURN, Chief Clerk.

On motion of **Mr. Cook**,

Leave of absence was granted to **Mr. Wilson**.

On motion of **Mr. Rankin**,

The Senate went into an Executive Session.

After some time spent therein, the doors were opened.

On motion of **Mr. Cook**,

**Mr. Stewart** was granted leave of absence.

**Mr. Mann**,

From the committee to whom was referred House File No. 275, A bill for an act to repeal an act incorporating the city of Des Moines, approved January 28th, 1857,

Reported the same back to the Senate, and recommended its passage.

On motion of **Mr. Rankin**,

The bill was laid on the table.

**Mr. McPherson**

Submitted the following resolution :

*Resolved*, By the Senate of the State of Iowa, that **M. L. Morris**, the authorized agent of the State of Iowa, to dispose of the two hundred thousand dollars of State Bonds which the present General Assembly authorized to be issued, be and he is hereby requested to pay to the State Treasurer the amount due him for said bonds by the Bankers of the City of Des Moines and that the same be so paid to said Treasurer by 12 o'clock M. of Monday the 22d day of March, A. D. 1858.

On motion of **Mr. Loughridge**,

The resolution was laid on the table.

On motion of **Mr. Loughridge**

Senate adjourned until 8 o'clock, P. M.

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EIGHT O'CLOCK, P. M.

Senate File No. 162, A bill for an act in relation to Revenues being the special order for this hour,

The Senate proceeded to the consideration of the same.

Mr. Trimble

Moved to amend by striking out Sections " 57, 58, 59, 60 and 61," and inserting, " If said lands so sold are not redeemed as provided in Section 505 of the Code, the purchaser or his *bona fide* assignee may foreclose the right of redemption as provided in Sections 506 to 513 of the Code inclusive. *Provided*, That no suit to foreclose such right of redemption shall be commenced before the expiration of two years from the day of sale. *Provided*, that the \$10 provided for by the Code shall not be required as a part of the redemption of the land sold,

Which amendment was lost.

Mr. Mann

Moved to amend Section 47, by striking out in the 3d line "two" before years, and inserting " one,"

Which amendment was not adopted.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble—25.

Mr. Mann voted in the negative.

The bill was passed and the title thereof agreed to.

On motion of Mr. Rankin,

House File No. 242, A bill for an act revising and amending Title of the Code, and further providing for elections, filling vacancies in office, resignations, and contesting elections,

Was taken from the table.

The amendment reported by the committee on elections was adopted.

On motion of Mr. Anderson,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill.

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson Rankin, Reiner, Saunders, Sharraden, Trimble, Wilson—24.

The nays were—none.

The bill was passed and the title thereof agreed to.

Message from the House, by their Chief Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments made by the Senate to the following bills, viz :

House File No. 121: Joint Resolution of the General Assembly of the State of Iowa asking an appropriation of money for a double track Railroad around the lower rapids of the Mississippi River on the Iowa or West side thereof.

House File No. 232: A bill for an act to provide for the making and repairing of public highways, and prescribing the duty of township officers in certain cases.

House File No. 265: A bill for an act requiring witness fees to be paid into the County Treasury.

Substitute for House File No. 108: A bill for an act to locate and provide for the erection of an Institution for the education of the blind of the State of Iowa.

House File No. 255: A bill for an act to repeal section 1763 of the Code, and amendatory of the law providing where causes in Courts of Record shall be tried.

I am further directed by the House to inform the Senate that the House has passed, with amendments,

Senate File No. 221: A bill for an act appointing a Commissioner to procure the lands granted for improving the navigation of the Des Moines River to be certified to the State, and in which the concurrence of the Senate is asked.

Also that the House has passed, with amendments, Substitute for Senate File No. 131: A bill for an act authorizing the construction of bridges in the State of Iowa, and asks the agreement of the Senate to the same.

I am also directed to return Senate File No. 160: A bill for an act to legalize the sale of certain school lands by Albert J. Horsington, School Fund Commissioner of Greene county, Iowa, the House having refused to pass the same.

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

Substitute for House File No. 129: An act to provide for the

establishment of a State Agricultural College and Farm, with a Board of Trustees which shall be connected with the entire Agricultural interests of the State of Iowa.

House File No. 185: An act to regulate the sale of unclaimed goods in the possession of forwarding and commission merchants, express companies and other common carriers.

I am also directed to inform the Senate that the House has passed bills with the following numbers and titles, and ask the agreement of the Senate to the same:

House File No. 345, "Joint Resolution relating to the five per cent fund."

I herewith return the following bills, the same having passed the House without amendment:

Substitute for Senate File No. 161, "A bill for an act providing for the election of District Attorneys, prescribing the duties thereof and fixing their compensation."

Senate substitute for House substitute for House File No. 218, "A bill for an act to determine the weight, per bushel, of certain seeds named therein."

Senate File No. 184, A bill for an act requiring suit to be instituted and prosecuted against County Treasurers."

Senate File No. 195, "Memorial and Joint Resolution of the General Assembly of the State of Iowa, in regard to the five per cent school fund."

Substitute for Senate File No. 47, "A bill for an act to change the names of towns and villages."

Senate File No. 211, "A bill for an act fixing the times when laws published in newspapers shall take effect."

Substitute for Senate File No. 94, "A bill for an act to authorize County Judges to subscribe for stock in Agricultural Societies."

Senate File No. 223, "Joint Resolution in relation to a pension for Catherine Dickinson."

Substitute for Senate File No. 40, "A bill for an act to provide for the equalization of the assessment of real estate, for the year A. D. 1857."

Senate File No. 224, "Joint Resolution in relation to the State Penitentiary in 1856."

Senate File No. 18, "An act concerning taxes levied by municipal authority."

Senate File No. 226, "A bill for an act to amend Section 96 of an act for the Public Instruction of the State of Iowa."

The House has also amended and passed Senate File No. 219, "A bill for an act disposing of the grant of lands made by an act of Congress, granting lands to the territory of Iowa, to aid in the Improvement of the Navigation of the Des Moines River.

Senate File No. 190, "Joint Resolution allowing the transfer of Books from among those in the Library of the State."

Senate File No. 229, "A bill for an act to amend Section seven of Chapter 254, of the acts of the Sixth General Assembly, and asks the agreement of the Senate to the same.

W. P. HEPBURN, Chief Clerk

Mr. Trimble had leave to introduce

Senate File No. 230, A bill for an act defining the times of holding Courts in the several Judicial Districts of this State.

Mr. Foster

Moved to amend, by adding an additional Section, as follows:

"In any County which shall change the location of the County Seat, the Terms of the District Court shall be held thereafter at the County Seat, notwithstanding any provisions herein contained.

Which amendment was adopted.

Mr. Rusch

Offered the following substitute for Section 8:

"In the Seventh Judicial District, commencing at Muscatine, on the third Monday in January, fourth Monday in April and second Monday in October, in each year.

At Davenport, Scott county, on the first Monday in February, second Monday in May, first Monday in September and fourth Monday in November, in each year.

At Dewitt, Clinton county, on the second Monday in March, second Monday in June, and fourth Monday in October, in each year.

At Bellevue, Jackson county, on the fourth Monday in June and the second Monday in November, in each year.

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

The nays were,

Senators Anderson, Grinnell, Loughridge, Reiner, Rusch—5.

The yeas were

Senators Alien, Bailey, Brown, Cook, Carter, Davis of Clinton,

Kirkwood, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Sharraden, Trimble, Wilson—14.

The amendment was not adopted.

Mr. Rusch

Moved to amend Section 8, by inserting, "Scott county, second Monday in December."

Which motion prevailed.

On his motion,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Wilson—26.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Mc. Pherson,

From the committee on elections, to whom was referred House File, No. 248, A bill for an act amending chapter 2 of the Code, Reported the same back to the Senate and recommended its passage.

On his motion,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Wilson—24.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Cattell

From the committee on Incorporations, to whom was referred Senate File No. 206, A bill for an act to exempt farming lands from taxation for town and city corporation purposes,

Reported the same back to the Senate and recommended its passage.

Mr. Foster

Moved to amend by inserting after the word "State," the words



“ also all farm stock and utensils used only for the cultivation of farming land herein exempted.

Which amendment was adopted.

On motion of Mr. Loughridge,

The Rule was suspended and the bill read a third time.

The question being upon the passage of the bill,

The yeas were

Senators Anderson, Bailey, Brown, Cattell, Carter, Foster, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Reiner, Saunders, Sharraden, Trimble—15.

The nays were

Senators Allen, Atkins, Cook, Davis of Clinton, Grinnell, Neal, Patterson, Rankin, Rusch, Wilson—9.

The bill did not pass.

On motion of Mr. Wilson,

House File No. 176, A bill for an act to establish a court of quarter session, and define its Jurisdiction, and also to provide for the election of a Judge and Clerk of said court, and the manner of selecting Jurors to serve therein and also to abolish the county court and the office of County Judge, was taken from the table.

The question being upon the passage of the bill,

The yeas were,

Senators Brown, Davis of Clinton, Grinnell, Loughridge, McCoy, Rusch, Wilson—7.

The nays were

Senators Allen, Anderson, Atkins, Bailey, Cook, Cattell, Carter, Foster, Kirkwood, McPherson, Neal, Pusey, Patterson, Rankin, Reiner, Saunders, Sharraden, Trimble—18.

The bill did not pass.

Mr. Cook,

From the committee on public lands, to whom was referred House File No. 250, A bill for an act to prohibit the Inspectors, Wardens, and other officers of the Iowa Penitentiary from being interested in contracts for furnishing such Penitentiary with provisions, clothing, or other necessaries, and from being concerned or interested in contracts for building or furnishing building materials for such Penitentiary,

Reported the same back and recommended its passage.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read the third time.

The question being upon the passage of the bill,

The yeas were

Senators Allen, Anderson, Atkins, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Wilson—25.

The nays were none.

The bill passed and the title thereof agreed to.

On motion of Mr. Brown,

Senate File No. 201, A bill for an act to establish an Asylum for the Deaf and Dumb, and the substitute therefor, was taken from the table.

The question being upon the adoption of the substitute.

The yeas were,

Senators Allen, Anderson, Grinnell, Loughridge, McPherson, Neal, Pusey, Rusch, Saunders, Sharraden, Trimble—11.

The nays were,

Senators Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Kirkwood, McCoy, Patterson, Rankin, Reiner, Wilson—13.

The substitute was not adopted.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read a third time.

The question being upon the passage of the bill.

The yeas were,

Senators Allen, Anderson, Atkins, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, McPherson, McCoy, Neal, Rankin, Rusch, Saunders, Wilson—17.

The nays were,

Senators Kirkwood, Loughridge, Pusey, Patterson, Reiner, Sharraden, Trimble—7.

The bill did not pass.

Mr. Foster,

From the special committee, to whom was referred Senate File No. 204, A bill for an act to provide for taking the State Census, Reported the same back with various and sundry amendments.

On motion of Mr. Trimble,

The bill and amendments were laid upon the table.

Mr. Trimble

Submitted the following resolution :

*Resolved*, That Martin L. Morris, the agent of the State to negotiate the \$200,000 of State Bonds, provided for by an act of the present General Assembly, be instructed to deposit the money for said bonds in the State Treasury, by two o'clock P. M., on Monday, the 22d day of March, 1858, and at that hour he report to the Senate his action in the premises, and also to obtain and place in the Treasury of State by said last mentioned time, all other moneys belonging to the State or the School Fund which have been by him deposited in the hands of others.

Mr. Loughridge

Moved to insert after "Monday," the words "at as early a day as possible,"

Which motion was lost.

Mr. Grinnell

Moved to lay the resolution upon the table,

Which motion was lost.

The resolution was adopted.

On motion of Mr. Sharraden,

The Senate re-considered the vote by which it refused to pass Senate File No. 201.

On motion of Mr. Brown,

The bill was laid upon the table.

On motion of Mr. Grinnell,

The Senate adjourned.

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 SENATE CHAMBER,  
 MONDAY, MARCH 19th, 9 o'clock A. M. }

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

On motion of Mr. Trimble

The reading of the Journal was dispensed with.

Mr. Grinnell

Had the unanimous consent of the Senate to introduce Senate File No. 231: Memorial of the General Assembly of the

State of Iowa to Congress asking for the repeal of the duties on Sugar.

Which was read the first and second time, and

On motion of Mr. Foster

The 11th Rule was suspended, the memorial passed and the title thereof agreed to.

Mr. Foster

Had the unanimous consent of the Senate to introduce Senate File No. 232: Memorial to Congress asking for a grant of land,

Which was read the first and second time, and

On his motion

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

Mr. Sharraden,

From the Committee on Enrolled Bills, reported that they had examined the following acts and find them correctly enrolled:

Senate File No. 12: An act in relation to County Records.

Senate File No. 14: An act to provide for the election of Attorney General, and defining his duties.

Senate File No. 147: An act amending section 2913 of the Code of Iowa, in regard to the endorsing of the names of witnesses upon indictments.

Also, Senate Files No. 40, 47, 94 Sub. for House File No. 218, Senate File No. 190, 211, 223, 18, 226, 184, 195, 224 and 161.

Mr. Sharraden,

From the Committee on Enrolled Bills, reported that they had presented to his Excellency, the Governor, for his approval, the following acts:

Senate File No. 133: An act authorizing Courts to set aside sales of real estate in certain cases.

Senate File No. 177: An act creating eleven Judicial Districts and defining their boundaries.

Presented March 20th, 1858.

Mr. Allen,

From the Committee on Internal Improvements, to whom was referred Senate File No. 228: Memorial and Joint Resolution to Congress in relation to the grant of lands by Congress for the improvement of the navigation of the Des Moines River,

Reported the same back to the Senate without amendment, and recommended its passage, and

On his motion

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

Mr. Pusey

Had the unanimous consent of the Senate to introduce Senate File No. 233: A bill for an act to provide for the publication of substitute for Senate File No. 68, *see page 157*

Which was read the first and second time, and

On his motion

The 11th Rule was suspended and the bill read a third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Saunders, Stewart, Sharraden, Trimble, Warner—24.

The nays were—None.

The bill was passed and the title thereof agreed to.

Mr. Brown Submitted the following resolution, viz :

*Provided*, That J. P. Patrick is hereby authorized to forward to each member of the Senate his mail matter for the term of fifteen days, and shall receive the same per diem as during the session.

On motion of Mr. Saunders

The resolution was laid on the table.

Mr. Neal

Had the unanimous consent of the Senate to introduce Senate File No. 234: Joint Resolution to protect and secure the School moneys for the purposes contemplated by law.

Which was read the first and second time.

Mr. Kirkwood

Moved to lay the bill upon the table.

Upon which motion Mr. Neal demanded the yeas and nays, which were ordered and were as follows:

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Rankin, Reiner, Rusch, Saunders, Sharraden—20.

The nays were,

Senators Mann, Neal, Pusey, Trimble, Warner—5.

Motion prevailed.

Senate Files returned from the House with amendments thereto.

Senate File No. 219: A bill for an act disposing of a grant of lands made by an act of Congress, granting lands to the Territory of Iowa to aid in the improvement of the Des Moines River,

Returned from the House of Representatives with amendments.

Upon concurring with the amendments

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—24.

The nays were—None.

Amendments concurred in.

Senate File No. 221: A bill for an act appointing a Commissioner to procure the lands granted for the improving the navigation of the Des Moines River to be certified to the State,

Returned from the House with amendments.

Upon concurring with the amendments,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Saunders, Sharraden, Trimble, Warner—22.

The nays were,

Senators Davis of Clinton, and Mann—2.

Amendments concurred in.

Senate File No. 229: A bill for an act to amend section seven of Chapter 254 of the laws of the Sixth General Assembly, approved January 29th, 1857, in relation to assessments,

Returned from the House with amendments.

Upon concurring with the amendments,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—25.

The nays were—None.

Amendments concurred in.

Substitute for Senate File No. 131: A bill for an act authorizing the construction of bridges in the State of Iowa,

Returned from the House with amendments.

Upon concurring with the amendments,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Sharraden, Trimble, Warner—23.

The nays were—None.

Amendments concurred in.

### BILLS ON THEIR FIRST READING.

House File No. 345: Joint Resolution relating to the five per cent. fund,

Was read the first and second time, and

On motion of Mr. Mann

The 11th Rule was suspended and the Joint Resolution read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—25.

The nays were—None.

The bill was passed and the title thereof agreed to.

Mr. Foster

Moved to take from the table Senate File No. 204: "A bill for an act to provide for taking the State Census," with pending amendments.

Which motion prevailed.

The amendments were adopted.

On his motion

The 11th Rule was suspended, the bill read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cattell, Carter, Davis

of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—25.

The nays were—None.

The bill was passed and the title thereof agreed to.

Mr. Trimble,

From the Committee on Public Lands,

To whom was referred House File No. 270, A bill for an act for the relief of James Phillips,

Reported the same back to the Senate, without amendment, and recommended its passage,

On his motion,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—24

The nays were—none.

The bill passed and the title thereof agreed to.

Mr. Foster

Had the unanimous consent of the Senate to introduce Senate File No. 235, A bill for an act to authorize the publication of the laws,

Which was read the first and second time,

Upon his motion,

The 11th Rule was suspended, and the bill read a third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Mann, McPherson, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Warner—22.

The nays were—none.

The bill passed, and the title thereof agreed to.

Mr. Allen

Had the unanimous consent of the Senate to introduce Senate File No. 236, A bill for an act to authorize the holding of a spe-



cial term of the District Court in the City of Keokuk, Lee county, Iowa, for the purpose of trying criminals,

Which was read the first and second time, and,

On his motion,

The 11th Rule was suspended, and the bill read a third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Brown, Cook, Carter, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Saunders, Sharraden, Trimble, Warner—22.

The nays were—none.

The bill passed, and the title thereof agreed to.

Mr. Rankin,

From the Special Committee to whom was referred Senate File No. 175, A bill for an act to provide for the incorporation of cities and towns,

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

On his motion,

The 11th Rule was suspended, the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Warner—23.

The nays were—none.

The bill passed, and the title thereof agreed to.

Mr. Loughridge,

From the committee on Township and County Organizations to whom was referred House File No. 274, A bill for an act regulating Public Shows,

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

Mr. Grinnell

Moved to lay the bill on the table.

Which motion was lost.

Mr. Grinnell

Moved to indefinitely postpone the further consideration of the bill, which motion was lost.

On motion of Mr. Loughridge,

The 11th Rule was suspended, the bill read a third time,

On its final passage,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Davis of Clinton, Davis of Polk, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Saunders, Sharraden, Trimble, Warner—22.

The nays were

Senators Foster, Grinnell—2.

The bill passed, and the title thereof agreed to.

Mr. McCoy

Moved to reconsider the vote by which the Senate passed Senate File No. 48, A bill for an act to amend Section 9 of Chapter 157 of the laws passed at the regular session of the Sixth General Assembly,

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

The yeas were,

Senators Allen, Bailey, Davis of Polk, McCoy, Neil, Pusey, Trimble, Warner—8.

The nays were

Senators Anderson Brown, Cook, Cattell, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, Patterson, Rankin, Reiner, Rusch, Sharraden—16.

Motion lost.

Mr. Foster

Moved to take from the table Senate File No. 51, A bill for an act for the Incorporation of Benevolent, Charitable, Scientific or Missionary Societies,

Which motion prevailed.

Mr. Grinnell

Moved to strike out the proviso in Section 6.

Upon which motion,

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

The yeas were

Senators Anderson, Cattell, Grinnell, Loughridge, Mann, Rankin—6

The nays were

Senators Allen, Bailey, Brown, Cook, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Sharraden, Trimble and Warner—19.

Motion lost.

Mr. Loughridge

Moved to strike out the sixth Section.

Motion lost.

Mr. Davis of Polk,

Moved to strike out in the sixth Section, the words "one-fourth, and to insert the words, "one-half."

Motion lost.

Mr. Grinnell

Moved to strike out the word "one-fourth, and to insert the word "three-fourths."

Motion lost.

On motion of Mr. Warner,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Kirkwood, Mann, McPherson, Neal, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble and Warner—19.

The nays were

Senators Anderson, Davis of Polk, Grinnell, Loughridge, McCoy, Pusey and Patterson—7.

The bill passed.

Mr. Loughridge

Moved to amend the title by striking out the word "Encouragement," and to insert the word "discouragement."

Motion lost.

Mr. Grinnell

Moved to amend the title, so as to read as follows, viz: A bill for an act to prevent Catholics from disposing of their property.

Motion lost.

The title was agreed to.

Mr. Brown,

From the Committee on New Counties, to whom was referred House File No. 209, A bill for an act in relation to New Counties, and to changing the boundaries thereof, reported the same back to the Senate with one amendment, viz: "An additional Section."

Which amendment was adopted.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Anderson, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McCoy and Saunders—13.

The nays were

Senators Allen, Bailey, Loughridge, McPherson, Neal, Pusey, Rankin, Reed, Sharraden, Trimble and Warner—11.

Bill lost.

Mr. Sharraden,

From the Committee on Enrolled Bills, Reported that they had examined Senate Files No. 229 and 221, and find them correctly enrolled.

Mr. Pusey,

From the Special Committee, to whom was referred Senate File No. 166, A bill for an act to enlarge the boundaries of Cass Co., reported the same back to the Senate, and recommended that the further consideration of the same be indefinitely postponed.

Which Report was agreed to.

Mr. Foster,

From the Special Committee, to whom was referred House File No. 231, A bill for an act to repeal Section 613, of Chapter 39 of the Code, and amendatory of the laws in relation to the State Census, reported the same back to the Senate, and recommended that its further consideration be indefinitely postponed.

Which Report was agreed to.

Mr. Brown,

From the Committee on New Counties, to whom was referred Senate File No. 200, A bill for an act to amend an act in relation to County Seats, approved Jan. 21st, 1855,

Reported the same back to the Senate with one amendment, viz: "An additional Section."

Which amendment was adopted.

On motion of **Mr. Foster**,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were

Senators Allen, Anderson, Brown, Cook, Cattell, Carter, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden and Trimble—20.

The nays were

Senators Davis of Clinton, Davis of Polk, Mann, Neal and Warner—5.

The bill passed and the title thereof agreed to.

**Mr. Foster**

Moved to re-consider the vote by which Senate File No. 206. A bill for an act to exempt farming lands from taxation for town and city purposes, which was lost.

Which motion prevailed.

The question recurring on the passage of the bill,

The yeas were

Senators Anderson, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Reiner, Saunders, Sharraden, Trimble and Warner—21.

The nays were

Senators Allen, Cook, Patterson, Rankin and Rusch—5.

The bill passed and the title thereof agreed to.

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

**MR. PRESIDENT:**

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

Substitute for House Files Nos. 251, 281, 282, 287, 330, 331 and 339, Joint Resolutions for increased mail facilities.

I am further directed by the House to inform the Senate that the House has passed with one amendment, substitute for Senate File No. 49, "A bill for an act amendatory of an act entitled an act fixing the salaries of the Governor and State Officers of the State of Iowa, approved Jan. 29th, 1857," and in which the concurrence of the Senate is asked.

I am also directed to return the following bills, that have passed the House without amendment.

Senate File No. 37, An act for the formation of limited partnerships.

Senate File No. 183, A bill for an act for the relief of swamp land pre-emptors.

Message from the House,

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following concurrent resolution, in which the concurrence of the Senate is asked :

*Resolved*, (The Senate concurring,) that E. H. Brown be employed for two weeks after the adjournment of the General Assembly, to take charge of such mail matter as may come to the Des Moines Post Office, directed to members and officers of the Senate and House, and forward the same to the home Post Office of the members, and that the sum of forty dollars be allowed for the same.

W. P. HEPBURN, Chief Clerk.

Mr. Cook,

From the special committee appointed to investigate the affairs of the several State Officers, made the following report, viz :

The special committee appointed to settle with the State Treasurer, ask leave to report that they have examined the books, papers and vouchers of said Treasurer, and report as follows :

1st. Total am't of 5 per cent fund rec'd by Treas.,	\$220,004.66
Interest received on loans of 5 per cent fund,	7,552.53
Amount received for C. B. Waite's note,	1,000.00
	<hr/>
	\$228,557.19
2d. The disbursements out of the School Fund are as follows :	
Loaned State, Jan. 1st, '57, to pay bonds,	\$57,500.00
Distributed to Counties,	\$124,384.86
	<hr/>
	\$181,884.86
Balance in favor of school fund,	\$46,672.33
3d. Total am't of "Saline Land Fund,"	\$1792.25
Paid on order Trustees Insane Asylum,	499.80
	<hr/>
Balance Saline Fund,	\$1,192.45

4th. Proceeds State Bonds sold in New York,	\$200,005.00
State Revenue received up to March 19th,	61,520.93
	<hr/>
	\$261,525.93
5th. Warrants paid and in hands	
of Treasurer, March 19th, 1858, \$100,349.76	
Interest on same,	4,873.38
Paid members of General Assembly,	13,480.90
Cash in Treasury,	33,050.00
	<hr/>
	\$151,754.04
	<hr/>
Balance due the State,	\$109,771.89

Your Committee further report that the State Treasurer had in his possession on the 19th inst. Cook, Sargent & Downey's certificates of deposit, dated Iowa City, March 8th and 9th, payable on demand to M. L. Morris, State Agent, or order, amounting to sixty-two thousand eight hundred and twenty-nine and twenty-nine one-hundredth dollars.

Also, Cook & Sargent's draft on Bank of America, N. Y., for the sum of forty-seven hundred, sixty seven and forty-nine one-hundredth dollars.

Also, Hoyt Sherman & Co.'s certificates of deposit, dated Des Moines, March 15th, 1858, and payable to M. L. Morris, or order, for the sum of forty-four thousand dollars.

Also, B. F. Allen's certificates of deposit, dated Des Moines, March 15th, 1858, and payable to M. L. Morris, or order, for the sum of forty-four thousand nine hundred and seventy-eight and thirty-seven one-hundredth dollars.

Also, sundry small checks and drafts amounting to nineteen hundred and fifty-one and eighty one-hundredth dollars.

Your Committee further report that the following counties have not yet received the sum apportioned to them on the 5th of March, 1858, viz: Clinton, Calhoun, Des Moines, Franklin, Monona, Montgomery, Shelby and Wright; the aggregate amount due these counties, as shown by the Treasurer's report, is six thousand one hundred and thirty-eight and forty-six one-hundredth dollars.

Your Committee further report that they have reason to believe that Auditor's Warrants on the State Treasury amounting to over forty thousand dollars are yet unpaid and drawing eight per cent. interest, and believing that the only reason for authorizing a State loan by the General Assembly of two hundred thousand dollars

was to pay the outstanding warrants and to meet the current expenses of the State until the State revenue should be paid into the Treasury, your Committee are of the opinion that any arrangement by the agent of the State by which the entire proceeds, or any part thereof, of said loan in money are withheld from the Treasury, and from the payment of said warrants, beyond the return of the agent to this place, is not consistent with his duty or law under which the loan was made.

Your Committee further report that in their opinion the Treasurer of State has, without any authority of law, either implied or expressed, deposited funds belonging to the State, and to the School fund, with bankers in different parts of this State, and in one instance, at a point so remote from the Capital, that the funds cannot be placed in the Treasury at this time to meet outstanding warrants.

The Committee therefore recommend the adoption of a Joint Resolution instructing the Governor, in case the money due on the State bonds sold by the agent is not paid into the State Treasury within thirty days, to cause suit to be brought on the bonds of said agent, and to take such other steps as he may deem proper for the recovery of said money.

LYMAN COOK,  
A. O. PATTERSON, } Com.

On motion of Mr. Saunders

The report was laid on the table and made the special order for 3 o'clock, P. M.

Mr. Loughridge,

From the Committee on Judiciary, to whom was referred

House File No. 256: A bill for an act to amend section 2340 of the Code, and amendatory of the law regulating the trial of appeals from Justices of the Peace,

Reported the same back to the Senate without amendment and recommended its passage.

On his motion

The 11th Rule was suspended and the bill read a third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cattell, Davis of Polk, Grinnell, Loughridge, Mann, McPherson, McCoy, Reiner, Rusch, Sharraden, Trimble, Warner—16.



The nays were.

Senators Cook, Carter, Davis of Clinton, Foster, Kirkwood, Patterson, Saunders—7.

Bill lost.

Mr. Saunders,

From the Committee on Ways and Means, to whom was referred House File No. 258: A bill for an act to authorize the Governor to appoint Commissioners to examine the accounts of the State officers, and to define the duties of the Governor in certain cases.

Reported the same back to the Senate without amendment and recommended its passage.

Mr. Trimble

Submitted an additional section to the bill,

Which was adopted.

On motion of Mr. Saunders

The 11th Rule was suspended, the bill read the third time.

On its final passage

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—25.

Mr. Pusey voted in the negative.

The bill was passed and the title thereof agreed to.

Mr. Saunders

Submitted the following resolution, viz:

*Resolved*, (The House concurring) That there be and hereby is appropriated out of any funds in the Treasury not otherwise appropriated, the sum of one hundred dollars as an additional sum to be paid to Horace Mann and Amos Dean for their services as Commissioners appointed by the Governor to prepare and report a general School law for the State of Iowa, and

*Resolved*, further, That the Superintendent of Public Instruction be instructed to forward the same to Messrs. Mann and Dean by mail or otherwise.

Which resolution was adopted.

Mr. Foster

Submitted the following resolution:

*Resolved*, That the Committee on Ways and Means be instructed to provide in the general appropriation bill for furnishing each

County Superintendent of Common Schools with one copy of "Barnard's School Architecture." Said appropriation not to exceed one hundred dollars.

The Resolution was lost.

Mr. Anderson,

From the Judiciary Committee, to whom was referred the Substitute for House File No. 269: A bill for an act regulating the manner of commencing actions against Railroads and Railroad Companies,

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

On motion of Mr. McPherson

The 11th Rule was suspended and the bill read a third time.

Upon its passage

The yeas were,

Senators Anderson, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Loughridge, Mann, McPherson, McCoy, Reiner, Rusch, Sharraden, Trimble, Warner—17.

The nays were,

Senators Allen, Bailey, Cook, Kirkwood, Neal, Pusey, Patterson—7.

Bill lost.

Mr. Anderson,

From the Committee on Judiciary, to whom was referred

House File No. 135: A bill for an act entitled an act to define and punish common barrotry and maintenance,

Reported the same back to the Senate and recommended that its further consideration be indefinitely postponed.

Which report was agreed to.

Mr. Cattell

Had the unanimous consent of the Senate to introduce

Senate File No. 237: Joint Resolution in relation to the care and control of the property of the State,

Which was read the first and second time, and

On his motion

The 11th Rule was suspended and the Resolution read the third time.

On its passage

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter,

**Davis** of Clinton, **Davis** of Polk, **Foster**, **Kirkwood**, **Loughridge**, **Mann**, **McPherson**, **McCoy**, **Neal**, **Pusey**, **Patterson**, **Rankin**, **Reiner**, **Rusch**, **Trimble**, **Warner**—23.

The nays were—None.

The Resolution was passed and the title thereof agreed to.

**Mr. Bailey**

Moved to re-consider the vote by which the Senate concurred in the House amendments to Senate File No. 219: A bill for an act disposing of a grant of lands made by an act of Congress, granting lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River.

On motion of **Mr. Mann**

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

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2 O'CLOCK, P. M.

Message from the House of Representatives,  
By **Mr. Hepburn**, Chief Clerk: ·

**MR. PRESIDENT:**

I am directed by the House of Representatives to inform the Senate that the House has passed House File No. 136: "A bill for an act to preserve the purity of elections," in which the concurrence of the Senate is asked.

I am further directed to inform the Senate that the House has amended and passed substitute for Senate File No. 107: "A bill for an act defining the mode of laying out and establishing State Roads," in which the concurrence of the Senate is asked.

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

House Files No. 209, 345, 343, 270, 274, 255, 279, 108.

**W. P. HEPBURN**, Chief Clerk.

The question being on the motion of **Mr. Bailey** to re-consider the vote by which the Senate passed Senate File No. 219, which was pending when the Senate adjourned,

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

The yeas were,

Senators Bailey, Brown, Cook, Davis of Clinton, Grinnell, Mann, Saunders, Warner—8.

The nays were,

Senators Allen, Anderson, Cattell, Carter, Davis of Polk, Foster, Loughridge, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Sharraden, Trimble—16.

The motion was lost.

Senate Bills returned from the House with amendments :

Substitute for Senate File No. 177: An act dividing the State into eleven Judicial Districts and defining their boundaries,

Returned from the House with an amendment to the title, in which the Senate concurred.

Substitute for Senate File No. 49: A bill for an act amending an act entitled "an act fixing the salaries of the Governor and State officers of the State of Iowa," approved January 29th, 1857,

Returned from the House with amendments.

The question being upon concurring in the amendments,

The yeas were,

Senators Allen, Anderson, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Saunders, Trimble, Warner—23.

The nays were—None.

Amendments concurred in.

#### BILLS ON THEIR FIRST READING.

House File No. 136, A bill for an act to preserve the purity of elections, read the first and second time, and

Referred to the committee on Elections.

Mr. Sharraden,

From the committee on Enrolled Bills, reported that they had examined the following, and find them correctly enrolled, viz :

Senate Files Nos. 183, 219 and 37. Also,

That they have presented to his Excellency the Governor, for his approval, Senate File No. 131, an act authorizing the construction of Bridges in the State of Iowa.

Substitute for House Files 257, 281, 287, 330, 331, and 339, read the first and second time,

The 11th Rule was suspended and the bill read a third time, and passed.

The House concurrent Resolution in relation to giving E. H. Brown forty dollars, to forward mail matter to members after adjournment, was taken up.

Mr. Foster

Moved to strike out "forty dollars," and insert "twenty dollars," and to strike out "E. H. Brown," and insert "Win. Lebo."

Amendments prevailed and resolution adopted.

Mr. Anderson

Moved the appointment of a special committee to report what matter should be printed with the Laws and Journals, and that Mr. Trimble be Chairman.

The motion prevailed.

And Messrs. Trimble, Anderson, and Davis of Polk, were appointed such committee.

It being three o'clock, and the special order being the report of the Special Committee for the examination of the affairs of the Offices of the Treasurer and Auditor, the same was taken from the table.

The President

Laid before the Senate a communication from M. L. Morris, State Agent, as follows :

STATE OF IOWA,

TREASURER'S OFFICE, }  
DES MOINES IOWA, March 22d, 1858. }

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

GENELEMEN—In reply to your Resolution of the 20th inst., I would respectfully state, that I have not complied with the same, for the reason that the time allowed was so short that it was impracticable for me to do so, and for that reason I have taken no action in the matter. I further state that I will do so as soon as practicable.

Very respectfully,

M. L. MORRIS,

State Treasurer.

Which communication was referred to the Special Committee on that subject.

On motion of Mr. Kirkwood,

The report was laid on the table.

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

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed House File No. 300, and asks the agreement of the Senate to the same.

W. P. HEPBURN, Chief Clerk.

Mr. Foster

Moved to reconsider the vote by which the Senate refused to pass House Files No. 256, A bill for an act to amend Section 2340 of the Code, and amendatory of the law regulating the trials of appeals from Justices of the Peace.

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

The yeas were,

Senators Allen, Anderson, Brown, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McCoy, Neal, Rankin, Reiner, Rusch, Sharraden, Warner—14.

The nays were,

Senators Bailey, Cook, Carter, Davis of Clinton, Kirkwood, McPherson, Pusey, Patterson, Saunders, Trimble—10.

So the vote was reconsidered.

Mr. Anderson,

From the Judiciary Committee, reported back House File No. 205, An act to amend chapter 80 of the Code of Iowa, without amendment, and recommended its passage.

Mr. Cattell

Moved to amend by striking out "three," before the word "years," in Section 2, and to insert "one."

Motion lost.

On motion of Mr Mann,

The 11th Rule was suspended and the bill read a third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Bailey, Cook, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Saunders, Sharraden, Trimble, Warner—19.

The nays were,

Senators Cattell, Davis of Clinton, Davis of Polk, Foster—4.

The bill was passed and the title thereof agreed to.

The Secretary having been instructed to request the return of

House File No. 256, A bill for an act to amend Section 2340 of the Code, and amendatory of the law regulating the trial of appeals from Justices of the Peace, and the same having been returned pursuant to such request.

On its final passage.

The yeas were,

Senators Allen, Anderson, Brown, Cattell, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McCoy, Neal, Rankin, Reiner, Trimble, Warner—15.

The nays were,

Senators Bailey, Cook, Davis of Clinton, Kirkwood, McPherson, Saunders, Sharraden—7.

The bill was lost, not having received a constitutional majority.

**Mr. Saunders**

Offered the following resolution :

*Resolved*, That the ministers who have officiated as Chaplains to the Senate during the session, be allowed each the sum of three dollars per day for each day they actually served.

The resolution was adopted.

On motion of Mr. McPherson,

Senate File No. 143, An act to repeal Section 2 of an act entitled "an act for a farther appropriation for the State Insane Asylum," was taken from the table and read.

On motion of Mr. Saunders,

The 11th Rule was suspended and the bill read a third time.

Upon its passage,

**The yeas were**

Senators Allen, Anderson, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Saunders, Sharraden, Trimble, Warner—22.

The nays were

Senator Patterson—1

The bill was passed and the title thereof agreed to.

On motion of Mr. McPherson,

Senate File No. 222, An act to repeal Section 9, of Chapter 136 of the Session Laws of 1855,

Was taken from the table.

On his motion,

The 11th Rule was suspended and the bill read a third time.  
Upon its passage,

The yeas were,

Senators Allen, Anderson, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Loughridge, Mann, McPherson, McCoy, Neil, Pusey, Patterson, Rankin, Reiner, Saunders, Sharraden, Trimble, Warner—22.

The nays were,

Senators Bailey, Grinnell, Kirkwood—3.

The bill was passed and the title thereof agreed to.

On motion of Mr. Allen,

Senate File No. 52, A bill for an act for the registration of marriages, births and deaths,

Was taken from the table.

On motion of Mr. Davis of Clinton,

The 11th Rule was suspended, and the bill read a third time.

The question being upon the passage of the bill,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reiner, Saunders, Sharraden, Trimble, Warner—23.

The nays were none.

The bill was passed and the title thereof agreed to.

Message from the House of Representatives,

By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives, to inform the Senate that the House has passed House File No. 88, and asks the agreement of the Senate to the same.

The House has also passed without amendment Senate File No. 193, 175, 228, 51, 213, 233, 237.

Also, Senate File No. 230, with amendments, in which the agreement of the Senate is asked.

The House has refused to pass Senate File No. 218.

W. P. HEPBURN, Chief Clerk.

#### BILLS ON THEIR FIRST READING.

House File No. 300, A bill for an act calling a special election



for the purpose of submitting to the people certain acts therein named, regulating the business of Banking.

Read first and second times.

Mr. Trimble

Moved to amend by striking out "fourth Monday in June," and inserting "second Tuesday of October."

Mr. Loughridge

Moved to amend by inserting "2d Monday of July,

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

The yeas were,

Senators Allen, Anderson, Brown, Loughridge, Saunders—5.

The nays were

Senators Bailey, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McPherson, McCoy, Neal, Pusey, Patterson Rankin, Reiner, Rusch, Sharraden, Trimble, Warner—20.

The motion was lost.

The question recurring on the motion of Mr. Trimble,

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

The yeas were

Senators Bailey, Mann, Neal, Pusey, Sharraden, Trimble, Warner—7.

The nays were

Senators Allen, Anderson, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden—19.

Motion lost.

Mr. Kirkwood

Moved to amend, by inserting in the first Section, 8th line, the words, "passed at the regular Session of the Seventh General Assembly. Also,

To add same words in the 12th line of same Section.

The amendments were both adopted.

On motion of Mr. Kirkwood,

The 11th Rule was suspended and the bill read the third time.

Upon its passage,

The yeas were

Senators Allen, Anderson, Bailey, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders and Sharraden—22.

The nays were

Senators Mann, Trimble and Warner—3.

The bill passed and title agreed to.

Mr. Sharraden,

From the Committee on Enrolled Bills, reported that they had examined Senate File No. 228 and 237, and find them correctly enrolled.

Mr. Saunders

Submitted the following Resolution, viz:

*Resolved*, That one thousand copies of the Senate Journal be printed and distributed as follows:

Three copies to each member of the Senate, one copy to each member of the House of Representatives, five copies to each organized County of the State, and the remainder to be deposited in the office of the Secretary of State.

Mr. Cook

Moved to amend, by striking out "one thousand," and inserting "eight hundred."

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

The yeas were

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, McCoy, Neal, Patterson, Rankin, Reiner, Rusch, Sharraden, Trimble and Warner—21.

The nays were

Senators Loughridge, Mann, McPherson, Pusey and Saunders—5.

Mr. Grinnell

Moved to strike out "800," and insert "750."

Which amendment prevailed, and the Resolution, as amended, was adopted.

Mr. Rankin

Had unanimous consent to introduce

Senate File No. 238, A Joint Resolution for the publication of the laws, was read a first and second time, and

Laid on the table.

On motion of Mr. Davis of Clinton,  
Senate File No. 36, An act to promote Medical Science, was  
taken from the table.

Mr. Loughridge

Moved to amend the first Section, by adding thereto, the words  
following :

*Provided*, That if after the body of any such dead and friend-  
less stranger is taken possession of by any such Physician or Sur-  
geon, any relative or friend of such deceased person shall appear  
and demand the said body from such Physician or Surgeon, that  
said body shall be delivered up to such friend or relative. And  
that if, when such body is so demanded, the same is not delivered  
up, or is cut and mutilated, the person who detains said body,  
or who cut and mutilated the same, shall, upon complaint of such  
relative or friend, be fined in a sum not more than five hundred  
dollars, and imprisoned in the County Jail not more than one year.

And that if such deceased person leaves a widow, or children,  
such fine shall be for their benefit, and if not, the same be paid  
into the School Fund.

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

The yeas were

Senators Anderson, Cook, Cattell, Foster, Loughridge Mann,  
McPherson, Sharraden and Warner—9.

The nays were

Senators Allen, Bailey, Brown, Carter, Davis of Clinton, Davis  
of Polk, Grinnell, Kirkwood, McCoy, Neal, Pusey, Patterson,  
Rankin, Reiner and Rusch—15.

The amendment was not adopted.

On motion of Mr. Allen,

The 11th Rule was suspended and the bill read a third time.

Upon its passage,

The yeas were

Senators Allen, Anderson, Bailey, Brown, Carter Davis of Clin-  
ton, Davis of Polk, Grinnell, Kirkwood, Mann, McCoy, Neal,  
Reiner and Rusch—14.

The nays were

Senators Cook, Cattell, Foster, Loughridge, McPherson, Pusey,  
Rankin, Saunders, Sharraden and Warner—10.

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

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed Senate Files Nos. 48, 207 and 212.

The House has also passed substitute for House File No. 295, and asks the agreement of the Senate to the same.

I am further directed to inform the Senate that the House has passed with amendment the following bills: Senate File No. 225. Also,

That the House has concurred in the amendments made by the Senate to House File No. 300.

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

House File Nos. 265, 303 and 304.

W. P. HEPBURN, Chief Clerk.

Senate File No. 225, An act to amend an act in relation to the assessment of property, approved January 28th, 1857, having been returned from the House with amendments, the amendments were concurred in.

Mr. Sharraden,

From the committee on Enrolled bills, reported that they had presented to his Excellency the Governor, for his approval, the following acts:

Senate Files No. 37, 183, 219, 49.

Senate File No. 230, An act defining the times of holding courts in the several Judicial Districts of this State, having been returned from the House with sundry amendments.

The question being on concurring with the House amendments,

The yeas were,

Senators Allen, Anderson, Bailey, Cook, Cattell, Carter, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—20.

The nays were none.

So the Senate concurred, and bill finally passed.

On motion of Mr. Rankin,

The House concurrent Resolution for a *sine die* adjournment on the 23d inst., was taken from the table and adopted.

On motion of Mr. Warner,

The Senate adjourned till 7 o'clock, this evening.

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7 O'CLOCK, P. M.

Mr. Grinnell.

From the Committee on Schools, to whom was referred Senate File No. 205, A bill for an act providing for a loan from the School Fund, to the Dubuque Female Seminary,

Reported the same back, recommending that the further consideration thereof be indefinitely postponed.

The Senate concurred in the report.

Mr. Grinnell

From the same committee, to whom was referred Senate File No. 189, A bill for an act to make a loan to the Oskaloosa College from the School Fund,

Reported the same back, recommending that the further consideration thereof be indefinitely postponed.

Mr. Grinnell,

From the same committee, to whom was referred House File No. 237, A bill for an act fixing the time and place of the meeting of the Board of Education,

Reported the same back and recommended its passage.

Laid on the table.

Mr. Grinnell,

From the same committee, to whom was referred Senate File No. 81, A bill for an act limiting the size of School Districts, for purposes of taxation,

Reported the same back, and recommended that the further consideration thereof be indefinitely postponed.

Report concurred in.

Mr. Sharraden,

From the committee on Enrolled Bills, reported that they had examined the following, and find them correctly enrolled :

Senate Files No. 213, 233.

Mr. Cook,

From the special committee on that subject, reported Senate File No. 239, Joint Resolution in relation to the State Bonds, which was read the first and second time,

On his motion,

The 11th Rule was suspended and the bill read the third time.

Upon its passage,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Reiner, Rusch, Saunders, Sharraden, Trimble—21.

The nays were—None.

The Joint Resolution passed.

#### BILLS ON THEIR FIRST READING.

Substitute for House File No. 88: A bill for an act to enable the several counties in this State to sell and dispose of their Swamp and overflowed lands, and disburse the proceeds arising therefrom,

Which was read the first and second time.

On motion of Mr. Foster,

The bill was laid on the table.

Substitute for House File No. 295: A bill for an act for the relief of certain claimants and pre-emptors on School lands,

Which was read the first and second time.

On motion of Mr. Pusey

The 11th Rule was suspended and the bill read a third time.

Upon its passage

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Saunders, Sharraden, Trimble—23.

The nays were—None.

The bill was passed and the title thereof agreed to.

Mr. Grinnell

Submitted the following resolution:

*Resolved*, That the Senate proceed to elect a President pro tem.

Which was laid on the table.

Message from the House by their Chief Clerk.

**MR. PRESIDENT :**

I am directed to inform the Senate that the House of Representatives has passed Senate File No. 162 with sundry amendments, to which the agreement of the Senate is asked.

**W. P. HEPBURN, Chief Clerk.**

Message from the House,

By Mr. Jones, 2d Assistant Clerk :

**MR. PRESIDENT :**

I am directed to inform the Senate that the House of Representatives has indefinitely postponed the further consideration of Senate File No. 200: A bill for an act to amend an act in relation to county seats, approved January 2d, 1858.

**B. F. JONES, Ass't Clk.**

**Mr. Patterson,**

From the Special Committee on the investigation of the affairs of the offices of the Auditor and Treasurer of State, made the following report :

The Special Committee appointed to settle with the Auditor and Treasurer of State, find the time so short till the adjournment of the present session, that it will be impossible to make as thorough an investigation of their accounts as they are required by the several resolutions passed by your honorable body.

The Committee have examined, however, a portion of the Auditor's accounts, and beg leave to submit the following report, to-wit:

“ April 29, 1857. To printing House and Senate Documents, Appendix to the Journal of the House of Representatives and the State Senate, (2500 copies) Composition, plain and rule and figure work, 5,522,000 ems,.....	\$3,865.40
(A copy of Report.)	
Press work, (covers included) 2259 tokens at 70 cts....	\$1,581.30
<b>Total</b> .....	<b>\$5446.70</b>
Cost of paper furnished by State,.....	\$1,134.00
Cost of paper for covers furnished by State,....	10.00
Cost of binding,.....	175.00

**Total**.....**\$6,765.70**

Your Committee are at a loss to know upon what authority the Auditor allowed the bill for printing the documents called “Senate Documents.” According to said Auditor's report to Committee,

he quotes Chapter No. 64, section 2, of the laws of 1855. Your Committee have failed to find any authority contained in said law empowering him to allow such a bill, but find an entire prohibition of the same in Journal of the Senate of the Sixth General Assembly, page 490.

Your Committee further find that said Auditor has drawn the sum of \$600.00 during the last eleven months for copying abstracts under the following law, to-wit: (Chap. 63, sec. 5, laws 1848, extra session.) "For services required by this act (copying abstracts) the Auditor shall be allowed such compensation as the General Assembly may hereafter direct." The General Assembly never having directed any compensation, such charges, in the opinion of your Committee, are not authorized by law.

For want of time for further investigation, the Committee submit for the consideration of the Senate the following :

*Be it Resolved by the General Assembly of the State of Iowa,* That the Commissioners appointed by Resolution of the Senate to settle with the different State officers, be empowered and required:

1st. To examine the books, accounts, vouchers and all other records and proceedings of said officers as far back as six years previous to the first day of November, 1857.

2d. To examine and report, under oath, to the next session of the General Assembly, the total amount of revenue paid in during said last mentioned time, and the total expenditures.

3d. To ascertain all amounts of money, if any, deposited by any officer or officers with any banker or other person or persons, and especially the bankers of Iowa City and this city, for interest, and if so, how much and upon what interest, and how long the same was on deposit, and how much interest was paid for the same, and to whom; they shall require an answer under oath from any banker or person with whom such money may have been deposited, and shall also examine any officer under oath touching the same. Also to report whether any State or School funds have been used for any purpose except that provided for by express Statute. If so, for what purpose.

4th. They shall also ascertain and report how much money, besides ordinary revenue, has come into the Treasury from all other sources.

5th. They shall also ascertain and report how much revenue during each of said five years next previous to the 1st of January,



1858, has been paid in by the different County Treasurers into the State Treasury; for which purpose they are authorized to open up a correspondence with the different County Treasurers in this State to ascertain the above facts.

6th. It is hereby made the duty of the different County Treasurers to respond without delay to any communications sent to them by said Commissioners, and to give such facts as are required, as fully and satisfactorily as they can. All information given by County Treasurers as herein required, shall be sworn to by the Treasurer giving the same.

7th. Said Commissioners shall also carry out the instructions contained in the several resolutions passed by the Senate instructing this Committee.

Your Committee had occasion to give but a brief examination to the books, &c., of the Register's office, as that office has no monied accounts.

This office has charge of the lands of the State (Capital Square excepted,) such as School, University and Saline lands, and last winter the lands of the Des Moines River grant were transferred to his office, and that of Register of Des Moines River Improvement abolished. This winter the duties of the Commissioner of the D. R. Improvement have been transferred to his office.

Your Committee have given but slight attention to the affairs in the office of State Superintendent of Public Instruction, as they are of the opinion that no money belonging to the State passes through his hands, nor does he ever get more than his salary allowed by law.

LYMAN COOK,  
A. O. PATTERSON, } Com.

The Joint Resolution—Senate File No. 240—providing for Commissioners to investigate affairs of State officers, as embodied in the foregoing report,

Was then read the first and second time.

Mr. Kirkwood

Moved to amend by inserting as a seventh sub-division, the words:

“All information given by County Treasurers as herein required shall be sworn to by the Treasurer giving the same.”

Which amendment was adopted.

On motion of Mr. Trimble

The 11th Rule was suspended and the Joint Resolution read a third time.

Upon its passage

The yeas were,

Senators Allen, Anderson, Bailey, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—24.

The nays were—None.

The bill was passed and the title thereof agreed to.

Message from the House,

By Mr. Hepburn, Chief Clerk:

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed without amendment Senate File No. 204: A bill for an act to provide for taking the Census.

Also, Senate File No. 220.

W. P. HEPBURN, Chief Clerk.

Senate File No. 162: A bill for an act in relation to revenues, Returned from the House with amendments, and was taken up.

On its passage

The yeas were,

Senators Allen, Anderson, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Neal, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—21.

Mr. Mann voted in the negative.

The bill was passed and the title thereof agreed to.

Mr. Saunders,

From the Committee on Ways and Means, to whom was referred Senate File No. 165: A bill for an act to provide for the registry of transfers of titles of real estate,

Reported the same back.

On motion of Mr. Foster,

The 11th Rule was suspended and the bill read a third time.

Upon its passage

The yeas were,

Senators Allen, Anderson, Brown, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Sharraden, Trimble, Warner—17.

The nays were,  
Senators Bailey, Grinnell, Mann, Patterson—4.

The bill was lost.

Mr. Neal, from the Committee on Ways and Means,  
Had the unanimous consent of the Senate to introduce  
Senate File No. 243: Joint Resolution for the publication of the  
laws.

Which was read the first and second time.

The 11th Rule was suspended and the Joint Resolution read a  
third time and passed.

Mr. Rusch

Had unanimous consent to introduce Senate File No. 244, Joint  
Resolution in relation to the translation and printing of the Bank-  
ing and School Laws in the German Language.

It was read the first and second time.

On his motion,

The 11th Rule was suspended, and the bill read the third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter,  
Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, Mann,  
McCoy, Pusey, Patterson, Rankin, Rusch, Trimble, and Warner  
—19.

The nays were—none.

The Joint Resolution passed, and the title thereof agreed to.

Mr. Trimble,

Submitted the following resolution:

*Resolved*, That the Secretary of the Senate be instructed to de-  
posit in the office of Secretary of State, the special report of the  
Auditor of State, made in response to a resolution passed by this  
body at its present session. Said report to be subject at all rea-  
sonable hours to the inspection of members of the General Assem-  
bly and State officers.

The resolution was adopted.

Mr. Sharraden,

From the committee on Enrolled Bills, reported that they had  
examined the following acts, and find them correctly enrolled:

Senate File No. 225, 212, 107, 48, 220, 230.

On motion of Mr. Foster,

House File No. 237, A bill for an act fixing the time and place for the meeting of the Board of Education,

Was taken from the table.

Mr. Foster

Presented a substitute therefor,

Which was adopted.

Upon his motion,

The 11th Rule was suspended, and the bill read a third time.

On its final passage,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Patterson, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—24.

The nays were—none.

The bill passed, and the title thereof agreed to.

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

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed with one amendment Senate File No. 194, to which amendment the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

Message from the House,

By Mr. Hepburn, Chief Clerk.

MR. PRESIDENT:

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

House Files Nos. 200, 318, 208.

W. P. HEPBURN, Chief Clerk.

Senate File No. 194, A bill for an act to provide for the publication of certain laws in the several counties of the State, was returned from the House with an amendment.

Mr. Kirkwood

Moved the Senate concur.

On this motion,

The yeas were,

Senators Allen, Anderson, Bailey, Cattell, Davis of Clinton,

Davis of Polk, Foster, Grinnell, Mann, McCoy, Pusey, Patterson, Rusch, Trimble, Warner—15.

The nays were

Senators Brown, Cook, Carter, Kirkwood, Loughridge, McPherson, Neal, Rankin, Reiner, Saunders, Sharraden—11.

The President decided that the amendment was adopted, as a majority of those voting were in its favor.

Mr. Loughridge

Rose to a point of order, and appealed from the decision of the Chair, on the ground that in concurring with amendments originating in the House, a constitutional majority of all the Senators elect was requisite, as in fact it is the final passage of the bill.

The question was then put—"Shall the decision of the Chair be the decision of the Senate?"

On this motion,

The yeas were

Senators Allen, Anderson, Grinnell, Mann, McCoy, Pusey, Reiner, Rusch, Trimble—9.

The nays were

Senators Bailey, Brown, Cook, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, McPherson, Neal, Patterson, Rankin, Saunders, Sharraden, Warner—17.

The decision of the Chair was overruled.

### BILLS ON THEIR FIRST READING.

House File No. 200, A bill for an act providing for the management of the School Fund and sale of the School Lands, read the first and second time, and

Referred to the committee on Schools.

House File No. 318, A bill for an act providing for the publication of the act creating the State Bank of Iowa, and to authorize the business of Banking in the State of Iowa, read the first and second time.

Mr. Foster

Moved to amend by striking out "\$15," and inserting "\$10." The amendment was adopted.

Mr. Neal

Moved to amend by striking out all that refers to the selection

of papers, and inserting "All newspapers published regularly in the State."

Mr. Foster

Moved to amend the amendment by adding, "Provided, that it be published in but one paper in a county."

The amendment of Mr. Foster, was lost.

Mr. Anderson

Moved to amend so that it shall not be published in more than two papers in each county.

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

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has refused to recede from its amendment to Senate File No. 194, and ask a conference, and have appointed Messrs. Drummond, Bates and Lundy to manage the conference on the part of the House.

W. P. HEPBURN, Chief Clerk.

The amendment proposed by Mr. Anderson was then adopted.

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

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has passed the following bills, and asks the concurrence of the Senate to the same, to wit: House File No. 202, and 344.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Mann,

The whole subject was referred to a committee of Conference, consisting of Messrs. Mann, Rankin and Trimble.

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

MR. PRESIDENT :

I am directed to present for your signature, House File No. 141, the same having passed both branches of the General Assembly, and been duly enrolled by the House.

W. P. HEPBURN, Chief Clerk.

Mr. Anderson,

From the Judicial Committee, reported back House File No. 263, A bill for an act to re-enact all such acts as may have been repealed, or suspended in their operation, by the New Constitution, but which are not in conflict therewith, with an amendment.

The amendment was adopted.

On motion of Mr. Anderson,

The 11th Rule was suspended and the bill read a third time.

On its passage,

The yeas were,

Senators Allen, Anderson, Bailey, Brown, Cook, Cattell, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, McPherson, McCoy, Neal, Pusey, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner—21.

The nays were none.

The bill was passed and the title thereof agreed to.

Mr. Anderson,

From the Special Committee, to whom was referred a resolution in relation to the necessity of printing certain laws and acts of the Fifth General Assembly, reported that in their opinion a list herewith annexed, embraced all the general acts of said session, and recommended that the Secretary of State be instructed to have them printed with the acts of the present General Assembly.

Chapters 21, 26, 33, 34, 38, 45, 49, 56, 61, 70, 77, 80, 86, 87, 92, 93, 94, 97, 99, 101, 105, 109, 110, 117, 125, 127, 134, 135, 136, 147, 153, 154, 155, 156, 158, 162.

Which report was agreed to.

Mr. McPherson,

From the committee on Elections, reported back House File No. 136, A bill for an act to preserve the purity of elections, recommending its passage.

On motion of Mr. Loughridge,

The report was laid on the table.

Mr. Grinnell,

From the committee on Schools, reported back House File No. 200. A bill for an act providing for the management of the school fund, and sale of the school lands, recommending its passage.

On his motion,

The bill was laid on the table.

Mr. Mann,

From the committee on Conference as to the disagreement between the two Houses on Senate File No. 194, A bill for an act to provide for the publication of certain laws in the several counties of the State, reported that the committee had agreed on thirty-five cents per 1000 ems.

The Secretary informed the Senate that the Chair of the Presi-

dent was vacant, and that it devolved upon them to elect a President, pro tem.

On motion of Mr. Rankin,

Mr. Trimble was called temporarily to the Chair.

Mr. Grinnell

Moved that the Senate proceed to elect a President, pro tem.,

Which motion prevailed.

Mr. Mann

Nominated Mr. Patterson.

Mr. McPherson

Nominated Mr. Anderson.

Those voting for Mr. Anderson, were

Senators Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Patterson, Rankin, Reiner, Saunders, Sharraden—17. ■

Those voting for Mr. Patterson, were ■

Senators Allen, Anderson, Bailey, Mann, Neal, Pusey, Trimble, Warner—8.

Mr. Anderson having received a majority of all the votes cast, was declared duly elected President, pro tem. of the Senate.

Messrs. Patterson and Foster were appointed to conduct the President, pro tem. to the Chair.

Mr. Anderson,

On assuming the Chair, said :

SENATORS—I thank you for this renewed mark of favor at your hands. Twice during the present session I find myself called upon to preside over your deliberations. That indulgence which you have so kindly extended to your worthy President, I crave for myself.

The best way in which I can prove myself worthy of your continued tokens of confidence, will be by foregoing speech making, at this busy hour of the Session.

Mr. Trimble,

From the Special Committee, to whom was referred the subject of reporting what matter should be printed with the Journals and Laws, reported by resolution, as follows :

*Resolved*, That nothing shall be published in connection with the Journals except the index, as now provided by law.

Mr. Trimble,

By unanimous consent, introduced Senate File No. 241, Joint



Resolution in regard to the publication of the laws,

Read the first and second time.

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

Mr. Pusey

Submitted the following Resolution :

*Resolved*, That the thanks of the Senate be, and they are hereby tendered to the Hon. Oran Faville, for the ability, impartiality and dignity with which he has presided over the deliberations of the Senate during the present Session.

Unanimously adopted.

The Senate took up the Report of the Committee of Conference on Senate File No. 194, A bill to provide for the publication of laws in the several Counties of the State.

Upon its adoption,

The yeas were

Senators Bailey, Brown, Davis of Clinton, Davis of Polk, Foster, Grinnell, Mann, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner and Mr. President, *pro. tem.*—19.

The nays were

Senators Loughridge and Neal—2

The bill passed and the title thereof agreed to.

Mr. Neal

Submitted the following Resolution :

*Resolved*, That the thanks of the Senate be tendered to the officers of the Senate, for the able, efficient and courteous manner in which they have discharged the duties of their respective offices during the present Session.

Unanimously adopted.

Mr. Sharraden,

From the Committee on Enrolled Bills, reported they had examined the following acts, and find them correctly enrolled: Senate File No. 51 and 207.

## BILLS ON THEIR FIRST READING.

House File No. 208, A bill for an act to authorize the Register of the State Land Office, and Governor of Iowa, to issue patents

to the purchasers of the Des Moines River Lands, was read the first and second time.

The 11th Rule was suspended and read the third time.

On its passage,

The yeas were

Senators Allen, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Trimble, Warner and Mr. President, *pro. tem.*—22.

The nays were none.

The bill was passed and the title thereof agreed to.

House File No. 344, An act to legalize the election held in Worth County, October 13th, 1857, was read the first and second time.

On motion of Mr. Rankin,

The 11th Rule was suspended and the bill read a third time.

On its passage,

The yeas were

Senators Allen, Bailey, Brown, Cattell, Carter, Davis of Clinton, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Trimble, Warner and Mr. President, *pro. tem.*—21.

The nays were none.

The bill was passed and the title thereof agreed to.

Substitute for House File No. 202, An act providing for change of venue in criminal cases from one District to another, was read a first and second time, and

Referred to the Judiciary Committee.

Mr. Grinnell

Submitted the following Resolution :

*Resolved*, That the Secretary of the Senate transmit to the Lieutenant Governor the Resolution of the Senate, adopted this evening, complimentary to himself and officers of the Senate.

Mr. Trimble

Moved to amend, by making Mr. Grinnell the bearer of the Resolution.

Which motion prevailed.

The Resolution as amended, was adopted.

Mr. Foster

From the Special Committee on Intoxicating Liquors, had unan-

amous leave to introduce Senate File No. 242, A bill for an act to punish the sale of drugged intoxicating liquors, was read the first and second time.

On his motion,

The 11th Rule was suspended and the bill read a third time.

On its passage,

The yeas were

Senators Allen, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Maun, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner and Mr. President *pro. tem.*—26.

The nays were none.

The bill passed and the title thereof agreed to.

On motion of Mr. Grinnell,

House File No. 200, A bill for an act providing for the management of the School Funds, and sale of the School Lands, was taken up.

On his motion,

The 11th Rule was suspended and the bill read a third time.

On its passage,

The yeas were,

Senators Allen, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, Mann, McPherson, McCoy, Neal, Pusey, Rankin, Reiner, Rusch, Saunders, Sharraden, Trimble, Warner and Mr. President, *pro. tem.*—25.

The nays were none.

The bill was passed and the title thereof agreed to.

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

MR. PRESIDENT:

I am directed to present for your signature, House File No. 300, the same having passed both branches of the General Assembly, been duly enrolled and signed by the Speaker of the House of Representatives.

W. P. HEPBURN, Chief Clerk.

Mr. Saunders,

From the Committee on Ways and Means, to whom was referred Senate File No. 30, A bill for an act to provide for a salary for the Corresponding Secretary of the State Historical Society, reported

the same back, and recommended that its further consideration be indefinitely postponed.

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

The yeas were

Senators Bailey, Cook, Loughridge, McPherson, McCoy, Neal, Patterson, Rankin, Saunders, Warner, and Mr. President pro tem—11.

The nays were

Senators Allen, Brown, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Pusey, Reiner, Rusch, Sharraden, Trimble—14.

Motion lost.

Mr. Cook

Moved to amend by striking out "Secretary at Iowa City," and insert "Secretary at Burlington."

Mr. Kirkwood

Moved to add the following as an additional section to the bill: "That no money shall be paid to the Treasurer of the State Historical Society until the Treasurer thereof shall have given bonds in the sum of two thousand dollars, with security to be approved by the Governor."

Which amendment was adopted.

On motion of Mr. Loughridge

The 11th Rule was suspended and the bill read the third time.

On its passage

The yeas were,

Senators Allen, Anderson, Cattell, Carter, Davis of Polk, Foster, Grinnell, Kirkwood, Mann, McCoy, Pusey, Rusch, Sharraden, Warner—14.

The nays were,

Senators Bailey, Brown, Cook, Davis of Clinton, Loughridge, McPherson, Neal, Patterson, Rankin, Reiner, Saunders, Trimble—12.

Bill lost.

Message from the House,

By Mr. Hepburn, Chief Clerk:

MR. PRESIDENT:

I herewith present for your signature substitute for House File No. 255; the same having passed both branches of the General

Assembly and been duly enrolled and signed by the Speaker of the House of Representatives.

Also, present for your signature the following acts that have passed both branches of the General Assembly and been duly enrolled by the House of Representatives, viz :

House Files No. 291, 74, 250, 68, 248 and 323.

W. P. HEPBURN, Chief Clerk :

At 12 o'clock, midnight, the Senate,

On motion of Kirkwood,

Adjourned till 10 o'clock, A. M. to-morrow morning.

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SENATE CHAMBER, )  
TUESDAY, March 23d, 1858, 10 o'clock, A. M. )

Senate met pursuant to adjournment.

Reading of the Journal dispensed with.

Message from the House of Representatives, by Mr. Hepburn.

MR. PRESIDENT :

I herewith present for your signature, House Files No. 205 and 251, 121, 208, 232 and 299, which have passed both branches of the General Assembly, and been duly enrolled by the House of Representatives.

W. P. HEPBURN, Chief Clerk.

Mr. Loughridge

Moved to take from the table Senate File No. 75, A bill for an act to provide for the exploration of the ornithology and zoology of the State of Iowa.

Motion prevailed.

Mr. Loughridge

Moved to amend Section 3 by striking out \$2,000 and inserting \$5,000.

Mr. Cook

Moved to amend by striking out \$5,000, and to insert \$10,000.

Which motion prevailed.

Mr. Patterson

Moved to amend Section 3 by adding thereto, as follows :

“ The person authorized to carry out the provisions of this act, be required to catch the *Giasticutus*, the sand hill Crane, the *Katy Did*, and the large *Mosquito*.”

Which motion prevailed.

Upon motion of Mr. Loughridge,

The further consideration of the bill was indefinitely postponed.

Message from the House of Representatives,

By Mr. Hepburn, Chief Clerk :

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has passed House File No. 347, to which the agreement of the Senate is asked.

And that the House has concurred in the amendments of the Committee of Conference, to Senate File No. 194.

W. P. HEPBURN, Chief Clerk.

Mr. Foster

From the committee on Agriculture, to whom was referred Substitute for House File No. 202, A bill for an act in relation to estrays,

Reported the same back to the Senate and recommended that the bill be laid on the table.

Which report was agreed to.

Upon motion of Mr. Davis of Clinton,

House File No. 3, A bill for an act prescribing the mode of foreclosing mortgages and redeeming property sold thereby, was taken from the table.

Mr. Mann

Moved to strike out in the 2d Section, the words “ eighteen months,” and to insert “ twelve months.”

Which motion prevailed.

Upon motion of Mr. Saunders,

The bill was laid on the table.

House File No. 347, A bill for an act making appropriations for the support of the State Government for the year 1857, and for the payment of the per diem, and mileage of the members of the General Assembly and for other purposes, was read a first and second time, and,

Upon motion of Mr. Saunders,

Was referred to the Committee on Ways and Means.

**Mr. Rusch**

Submitted the following Resolution, viz :

*Resolved*, That Dr. Alhoffsouser be allowed the sum of fifty dollars, for the translation of the Governor's Message in the German language.

Which Resolution was adopted.

**Mr. Neal**

Submitted the following Resolution, viz :

*Resolved*, That the officers of the Senate be allowed compensation for their services during the Session of the General Assembly, as follows:

Secretary, \$5,00 per day.

Assistant Secretary, \$4,00 per day.

Enrolling Clerk, \$3,00 per day.

Engrossing Clerk, \$3,00 per day.

Sergeant at Arms, 3,00 per day.

Assistant Sergeant at Arms, \$2,50 per day.

Door Keeper, \$3,00 per day.

1st Messenger, \$2,50 per day.

2d Messenger, \$2,00 per day.

Paper Folders, each \$2,00 per day.

Fireman, each \$2,50 per day.

**Mr. Mann**

Submitted the following Resolution, viz :

*Resolved*, That the Committee on Ways and Means be instructed to raise the bill of the Iowa Citizen and Iowa State Journal, 25 per cent. Lost.

**Mr. Patterson**

Submitted the following resolutions, viz :

*Resolved*, That the Postmaster be allowed \$3.50 per day for all services performed.

On motion of Mr. Kirkwood,

The foregoing resolution was referred to the Committee on Ways and Means.

**Mr. Sharraden,**

From the Committee on Enrolled Bills, reported that they had examined the following act, and find it correctly enrolled : Senate File No. 194.

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

MR. PRESIDENT—

I am directed to inform the Senate that the House of Representatives has passed House File No. 315, and ask the agreement of the Senate to the same.

W. P. HEPBURN, Chief Clerk.

House File No. 315, A bill for an act for the relief of Thomas Morgan, was read a first and second time, and

On motion of Mr. Mann,

The 11th Rule was suspended and the bill read the third time.

On its final passage,

The yeas were,

Senators Anderson, Brigham, Bailey, Brown, Davis of Clinton, Davis of Polk, Foster, Grinnell, Loughridge, Mann, Rusch—12.

The nays were

Senators Cook and Patterson—2. Bill lost.

The President pro tem. presented to the Senate the following communication from the Lieut. Governor, late presiding officer of the Senate :

SENATORS:—Allow me, before you adjourn, to offer you my thanks for the generous sentiments embodied in your resolution just adopted.

Whatever embarrassments I may have felt at entering upon the discharge of my duties, and however difficult the discharge of those duties may have appeared, you have, by your timely aid, by your generous sympathy and your courteous forbearance, essentially lightened and diminished those embarrassments and duties.

For your gentlemanly bearing, your ready observance of rules, and your uniformly kind treatment towards me, I cherish for each one of you sentiments of the highest regard and of heart-felt gratitude. Our associations have been uninterruptedly pleasant. We met as strangers—we part friends.

Allow me to congratulate you upon the success that has crowned your efforts in legislating for our beloved commonwealth. You have encountered many obstacles, but by patient labor, by manly concession, and by friendly counsel, you have enacted many important laws that I trust will be approved by your constituents. To those constituents and to the endearments of home I now commend you; wishing you all a speedy and safe journey thither, I bid you one and all a kind and fraternal adieu.

ORAN FAVILLE.



Message from the House of Representatives,  
By Mr. Hepburn, Chief Clerk:

**MR. PRESIDENT:**

I am directed to inform the Senate that the House has passed the following bills without amendment:

Senate Files Nos. 241 and 235.

Also, House File No. 317, and ask the agreement of the Senate to the same.

The House has also concurred in the amendments of the Senate to House Files Nos. 263, 258, 242, and have adopted Senate Substitute for House File No. 237 with an amendment, to which the agreement of the Senate is asked.

W. P. HEPBURN, Chief Clerk.

Message from the House of Representatives,  
By Mr. Jones, 2d Assistant Clerk:

**MR. PRESIDENT:**

I am directed to inform the Senate that the House of Representatives has passed without amendment the following bills:

Senate Files Nos. 232, 236, 240, 243, 244, 231.

I am further directed to inform the Senate that the House has passed, with one amendment, Senate File No. 242, in which the agreement of the Senate is asked.

I am also directed to present for your signature House File No. 268, the same having passed both branches of the General Assembly and been duly enrolled and signed by the Speaker of the House of Representatives.

B. F. JONES, Ass't Cl'k.

**Mr. Sharraden,**

From the Committee on Enrolled Bills, reported that they had examined the following and find them correctly enrolled:

Senate Files Nos. 143, 237, 231 and 242.

**Mr. Sharraden,**

From the Committee on Enrolled Bills, reported that they had examined the following and find them correctly enrolled:

Senate Files Nos. 244, 162, 236 and 243.

**Mr. Sharraden,**

From the Committee on Enrolled Bills, reported that they had examined the following and find them correctly enrolled:

Senate Files Nos. 235, 241, 144 and 232.

**Mr. Sharraden,**

From the Committee on Enrolled Bills, reported that they had presented to his Excellency, the Governor, for his approval, the following acts :

Senate Files Nos. 228, 237, 213, 233, 51, 207, 48, 225, 107, 230, 220, 204, 194, 149, 232, 241, 235, 144, 236, 244, 240, 243 and 262.

Message from the House,

By Mr. Hepburn, Chief Clerk :

MR. PRESIDENT :

I am directed to inform the Senate that the House has passed House File No. 44, and asks the concurrence of the Senate in the same.

W. P. HEPBURN, Chief Clerk.

House File No. 44: A bill for an act making an appropriation for the payment of the expenses incurred in the Spirit Lake expedition, and for the services of the volunteers in the same.

Which was read the first and second time.

The 11th Rule was suspended and the bill read a third time.

On its passage,

The yeas were,

Senators Anderson, Bailey, Brown, Coolbaugh, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Grinnell, Kirkwood, Loughridge, McPherson, McCoy, Patterson, Rankin, Rusch, Saunders, Sharraden, Trimble—20.

The nays were,

Senators Neal, Pusey, Reiner—3.

Bill lost.

Mr. Sharraden,

From the Committee on Enrolled Bills, reported that they had examined the following and find it correctly enrolled.

Senate File No. 149: An act making appropriations for the Deaf and Dumb Asylum.

Message from the House of Representatives,

By Mr. Jones, 2d Assistant Clerk :

MR. PRESIDENT :

I am directed to inform the Senate that the House has indefinitely postponed the further consideration of Senate File No. 222.

B. F. JONES,

Ass't Clerk H. of R.

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

**MR. PRESIDENT :**

I am directed to return Senate File No. 149, which has passed the House of Representatives without amendment.

W. P. HEPBURN, Chief Clerk.

**Mr. Saunders,**

From the Committee on Ways and Means, to whom was referred House File No. 347, A bill for an act making appropriations for the support of the State Government, &c., reported the same back to the Senate with various amendments.

Which were adopted.

**Mr. Trimble**

Moved to amend the 1st Section, by striking out the item of \$2,000, which provides for the contingent fund of the Governor, and to insert \$1,000.

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

The yeas were

Senators Bailey, Davis of Clinton, Neal and Trimble—4.

The nays were

Senators Allen, Brown, Cook, Cattell, Davis of Polk, Foster, Kirkwood, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders and Mr. President, pro. tem.—16.

Motion lost.

Upon motion of Mr. Patterson,

Section 20 was amended, by striking out \$300, and insert \$500.

Upon motion of Mr. Brown,

Section 25 was amended, by striking out \$5 per day for Secretary of the Senate, and inserting \$6 per day.

On motion of Mr. Cook,

The 11th Rule was suspended and the bill read the third time.

On its final passage, the yeas and nays were demanded, ordered and were as follows :

The yeas were

Senators Allen, Anderson, Bailey, Brown, Cattell, Carter, Davis of Clinton, Davis of Polk, Foster, Kirkwood, Loughridge, McPherson, McCoy, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden and Warner—21.

The nays were

Senators Neal and Trimble—2.

The bill was passed and the title thereof agreed to.

Senate File No. 242, A bill for an act to punish the sale of drugged intoxicating liquors, returned from the House with amendments thereto.

On concurring in the amendments,

The yeas were

Senators Allen, Bailey, Brown, Cook, Cattell, Carter, Davis of Clinton, Foster, Kirkwood, Loughridge, McPherson, McCoy, Neal, Pusey, Patterson, Rankin, Reiner, Rusch, Saunders, Sharraden and Mr. President, pro. tem.—21.

The nays were none.

Amendments concurred in.

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

MR. PRESIDENT :

I am directed to inform the Senate that the House refuses to concur in the amendments made by the Senate to House File No. 347.

W. P. HEPBURN, Chief Clerk.

On motion of Mr. Saunders

The Senate took up the message just received from the House.

Mr. Saunders

Moved that the Senate insist on its amendments to House File No. 347. Which motion prevailed.

Mr. Sharraden,

From the Committee on Enrolled Bills, reported that they had examined Substitute for Senate File No. 131, and find it correctly enrolled.

Also, that they have presented to his Excellency, the Governor, for his approval, the following :

Senate Files Nos. 223, 190, 211, 12, 14, 18, 226, 184, 224, 195, 221, 229, Sub. for Senate Files No. 94, 40, 47, 161, 147, 218.

Presented March 22, 1858.

Message from the House of Representatives,

By Mr. Hepburn, Chief Clerk :

MR. PRESIDENT :

I am directed to inform the Senate that Messrs. Bradley, Bates, Clune and Wilson have been appointed a Committee on the part of the House to confer with a similar Committee on the part of the Senate in relation to the disagreement between the two Houses relating to House File No. 347.

W. P. HEPBURN, Chief Clerk.

Mr. Foster

Moved to take up the Message from the House, just received.

Motion prevailed.

Mr. Foster

Moved that a committee of Conference be appointed on the part of the Senate, to confer with the committee already appointed on the part of the House, in relation to the matters in disagreement between the two Houses respecting the amendments made by the Senate, to House File No. 347.

Which motion prevailed.

The President

Appointed Senators Foster, Saunders and Trimble said Committee.

Upon motion of Mr. Neal,

Senate File No. 208, A bill for an act fixing the salaries of certain State Officers, was taken from the table.

After debate,

Mr. Cattell

Moved to lay the bill on the table.

Which motion prevailed.

Mr. Foster,

From the committee on Conference, reported that the committees of the two Houses had conferred with each other in relation to the matters in disagreement between the two houses respecting the amendments made by the Senate to House File No. 249, and recommended that the Senate insist on a portion of its amendments and recede from a portion.

Which report was agreed to.

Mr. Saunders

Moved that a committee of three be appointed to wait upon the Governor, and enquire whether he had any further communication to make to the Senate.

Mr. Sharraden,

From the committee on Enrolled Bills, reported that they had examined the following and find them correctly enrolled :

Senate File Nos. 175, 193.

Mr. Sharraden,

From the committee on Enrolled Bills, reported that they had examined the following act and find it correctly enrolled :

Senate File No. 204.

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

MR. PRESIDENT:

I am directed to inform the Senate that the House of Representatives has passed without amendment, Senate File No. 144.

I also present for your signature, House File No. 344, which has passed both branches of the General Assembly, and been duly enrolled by the House of Representatives.

W. P. HEPBURN, Chief Clerk.

Message from the House, by their Chief Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House have concurred in the amendments reported by the committee of Conference on House File No. 347.

W. P. HEPBURN, Chief Clerk.

Mr. Trimble

Submitted the following resolution, viz:

*Resolved*, That we hereby tender to the citizens of Des Moines, our grateful acknowledgments and heartfelt thanks, for the generous hospitality and innumerable offices of kindness during our sojourn among them.

Which resolution was agreed to.

At half past 6 o'clock, A. M.,

On motion of Mr. Foster,

The Senate adjourned till 9 o'clock, A. M.

---

NINE O'CLOCK, A. M.

Senate met pursuant to adjournment.

Prayer by the Rev. Mr. Drake.

Mr. Foster

Submitted the following resolution, viz:

*Resolved*, That we tender our thanks to the President pro tem. of the Senate for the able, courteous and dignified manner in which he has presided over our deliberations.

Which resolution was unanimously adopted.

Message from the House of Representatives,

By Mr. Hepburn, Chief Clerk.

Mr. PRESIDENT :

I am directed to present for your signature, House Files Nos. 258, 200, 242 and 347, which have passed both branches of the General Assembly, and been duly enrolled by the House of Representatives.

W. P. HEPBURN, Chief Clerk.

Mr. Saunders,

From the committee appointed to wait upon his Excellency the Governor, reported that they had performed that duty, and that His Excellency had informed them that he had no further communications to make to the General Assembly.

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

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House is now ready to adjourn *sine die*, and desire to know whether the Senate has any further communication to make to the House.

W. P. HEPBURN, Chief Clerk.

Upon motion of Mr. Loughridge,

*Ordered*, That the Secretary inform the House of Representatives, that the Senate is now ready to adjourn *sine die*.

Mr. Loughridge

Moved that the Senate do now adjourn *sine die*.

Which motion prevailed.

Before declaring the result of the vote, the President *pro tem.* addressed the Senate as follows :

SENATORS:—On coming to the present session of the General Assembly, I own to having been impressed with prejudices and fears as to the harmony of the session. But our intercourse throughout has been marked by so much kindness and mutual forbearance—by so many evidences of good feeling and hearty co-operation for the general weal, casting aside partisanship and distrust, that all have been softened down into a harmonious whole. Not one of us but will part with regret from each of our brother Senators.

The Senate is adjourned *sine die*.

Attest,

GEORGE E. SPENCER, Secretary.

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