

JOURNAL  
OF  
THE SENATE

OF THE  
THIRTEENTH GENERAL ASSEMBLY

OF THE  
STATE OF IOWA,

WHICH CONVENEED AT THE CAPITOL, IN DES MOINES, IOWA, JAN. 10, 1870.

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# JOURNAL OF THE SENATE.

SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY, 10, 1870.

Pursuant to law, the Senate of the Thirteenth General Assembly convened at two o'clock, P. M., and was called to order by Senator Bulis.

Senator Patterson moved that Senator Bennett act as President, *pro tem*, until the inauguration of Lieutenant Governor Walden, which was agreed to.

Senator Bulis moved that James M. Weart, of Buchanan County, be appointed Secretary, *pro tem*, which prevailed.

On motion of Senator Patterson, N. F. Weber, of Winneshiek County, was appointed Sergeant-at-Arms, *pro tem*.

Senator Donnan moved that George T. Work, of Jasper County, be appointed postmaster, *pro tem*, which prevailed.

Senator West moved that James McConnell, of Keokuk County, be appointed Doorkeeper, *pro tem*, which was agreed to.

On motion of Senator Smyth, Arthur Lawrence, of Muscatine County, was appointed Messenger, *pro tem*.

On motion of Senator Long, Eddie Long, of Polk County, was appointed Messenger, *pro tem*.

On motion of Senator Patterson, Hiram H. Lee, of Polk County, was appointed Messenger, *pro tem*.

The roll of Senators holding over was then called, and the following were found to be present :

- 3d District—Henry C. Traverse.
- 5th District—Edward M. Bill.
- 6th District—James D. Wright.
- 7th District—Isaac W. Keller.
- 8th District—N. B. Moore.
- 9th District—J. P. Casady.
- 12th District—Abial R. Pierce.
- 15th District—G. G. Bennett.
- 20th District—George E. Griffith.
- 24th District—William P. Wolf.
- 25th District—Samuel H. Fairall.
- 26th District—Matthew Long.
- 32d District—Robert Smyth.

- 33d District—James Chapin.
- 34th District—Wells S. Rice.
- 35th District—F. M. Knoll.
- 36th District—Joseph Grimes.
- 37th District—William G. Donnan.
- 39th District—Homer V. Newell.
- 40th District—William Larrabee.
- 41st District—L. E. Fellows.
- 43d District—John G. Patterson.
- 45th District—Isaac J. Mitchell.
- 46th District—Marcus Tuttle.
- 47th District—Theodore Hawley.

Senator Moore moved that a committee of five on credentials be elected, which was agreed to.

Senator Bulis nominated Senator Moore.

Senator Bill nominated Senator Bulis.

Senator Hawley nominated Senator Larrabee.

Senator Larrabee nominated Senator Fairall.

Senator Smyth nominated Senator Fellows, who were elected *viva voce*.

The following named newly elected Senators presented their credentials :

- 1st District—E. S. McCulloch.
- 2d District—Jacob G. Vale.
- 4th District—W. T. Vermillion.
- 10th District—Charles Beardsley.
- 11th District—John P. West.
- 13th District—Augustus H. Hamilton.
- 16th District—Samuel McNutt.
- 17th District—J. W. Havens.
- 18th District—John N. Dixon.
- 19th District—J. M. Cathcart.
- 21st District—B. F. Murray.
- 22d District—Robert Lowry.
- 22d District—H. R. Claussen.
- 23d District—Alexander B. Ireland.
- 27th District—Joseph Dyeart.
- 28th District—Frank T. Campbell.
- 29th District—B. F. Allen.
- 31st District—John McKean.
- 35th District—M. B. Mulkern.
- 38th District—George W. Couch.
- 42d District—H. C. Bulis.
- 48th District—Charles Atkins.

Senator Patterson moved that the oath of office be administered to the officers *pro tem.*, which did not prevail.

At 2 o'clock and 20 minutes, on motion of Senator Hawley, the Senate adjourned until 10 o'clock to-morrow morning.

SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 11, 1870.

Senate convened at 10 o'clock A. M., and was called to order by Senator Bennett, President *pro tem*.

Prayer by Rev. I. P. Teter.

The Journal of yesterday was read, corrected, and approved.

Senator Moore from Committee on Credentials submitted the following report, which was adopted.

*To the President and Senators of the Thirteenth General Assembly, State of Iowa :*

The Committee on Credentials ask leave to report, that having examined the credentials of the following named Senators, they find the same correct, viz :

- District No. 1—E. S. McCulloch.
- District No. 2—Jacob G. Vale.
- District No. 4—William F. Vermillion.
- District No. 10—Charles Beardsley.
- District No. 11—John P. West.
- District No. 13—A. H. Hamilton.
- District No. 14—James S. Hurley.
- District No. 16—Samuel McNutt.
- District No. 17—J. W. Havens.
- District No. 19—J. M. Oathcart.
- District No. 21—Benjamin F. Murry.
- District No. 22—Robert Lowry, and H. R. Claussen.
- District No. 23—Alexander B. Ireland.
- District No. 27—Joseph Dyeart.
- District No. 28—Frank T. Campbell.
- District No. 29—B. F. Allen.
- District No. 31—John McKean.
- District No. 35—M. B. Mulkern.
- District No. 38—George W. Couch.
- District No. 42—H. C. Bulis.
- District No. 44—R. B. Clark.
- District No. 48—Charles Atkins.

Your Committee further report that John N. Dixon, of the 18th District is present without credentials, but the records show that he is entitled to a seat in the Senate, and his admission is recommended.

N. B. MOORE, *Chairman*.

The following oath was then administered by the President, and subscribed to by the newly elected members, except Senator Vale :

You, and each of you, do solemnly swear that you will support the Constitution of the United States and the Constitution of the State

of Iowa, and that you will faithfully discharge the duties of Senator to the best of your ability.

Senator Vale affirmed as follows :

I do solemnly affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa, and to the best of my ability will perform the duties of the office of Senator. this I do under the pain and penalties of perjury.

Senator Bulis offered the following resolution, which was adopted :

*Resolved*, That the Secretary of State be requested to furnish each member of the Senate with a copy of the Revision of 1860 ; also, the Laws of Iowa since the Revision, and the Journal of the last Senate and House.

On motion of Senator Fellows, the Senate proceeded to the election of permanent officers.

Senator Bill offered the following resolution :

*Resolved*, That the Senate elect an Assistant Doorkeeper.

Which was adopted.

Senator Donnan nominated James M. Weart, of Buchanan county, for Secretary.

Senator Knoll nominated E. N. Bowman, of Dubuque county, for the same office.

The roll was then called.

Those voting for Mr. Weart were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

Those voting for Mr. Bowman were—

Senators Casady, Fairall, Fellows, Knoll, McCulloch, and Mul-kern—6.

Absent or not voting—

Senators Clark, and Dunham—2.

Mr. Weart was declared duly elected Secretary of the Senate.

Senator Traverse nominated J. A. T. Hull, of Van Buren county, for the office of First Assistant Secretary.

Senator Knoll nominated Wilson Shumaker, of Pottawattamie county, for same office.

Those voting for Mr. Hull were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright—42.

Those voting for Mr. Shumaker were—

Senators Casady, Fairall, Fellows, Knoll, McCulloch, Mulkern—6.

Absent and not voting—

Senators Clark and Dunham—2.

So Mr. Hull was declared duly elected to the office of First Assistant Secretary.

Senator Keller nominated C. V. Gardner, of Pottawattamie county, for the office of Second Assistant Secretary.

Senator Knoll nominated E. W. Stone, of Johnson county, for the same office.

Those voting for Mr. Gardner were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Conch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Moore, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright—42.

Those voting for Mr. Stone were—

Senators Casady, Fairall, Fellows, Knoll, McCulloch, Mulkern—6.

Absent and not voting—

Senators Clark and Dunham—2.

So Mr. Gardner was declared duly elected Second Assistant Secretary.

Senator Lowry nominated Val Mendal, of Monroe county, for Sergeant-at-Arms.

Senator Knoll nominated Neil Keeney, of Johnson county, for same office.

Those voting for Mr. Mendal were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Conch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright—41.

Those voting for Mr. Keeney were—

Senators Casady, Fairall, Fellows, Knoll, McCulloch, Mulkern—6.

Absent and not voting—

Senators Clark, Dunham, and Newell—3.

So Mr. Mendal was declared duly elected to the office of Sergeant-at-Arms.

Senator Bulis nominated Geo. H. Ballou, of Scott county, for Engrossing Clerk.

Senator Knoll nominated Clark Harvey, of Lee county, for same office.

Those voting for Mr. Ballou were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—41.

Those voting for Mr. Harvey were—

Senators Casady, Fairall, Fellows, Knoll, McCulloch, and Mul-kern—6.

Absent or not voting—

Senators Clark, Dunham, and Larrabee—3.

So Mr. Ballou was declared duly elected to the office of Engrossing Clerk.

Senator McKean nominated E. G. Stanley, of Jones county, for Enrolling Clerk.

Senator Knoll nominated Ben. H. Barrows, of Scott county, for the same office.

Those voting for Mr. Stanley were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Chapin, Claussen, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—39.

Those voting for Mr. Barrows were—

Senators Casady, Fairall, Fellows, Knoll, McCulloch, and Mul-kern—6.

Absent or not voting—

Senators, Clark, Cathcart, Couch, Dunham, and Wright—5.

So Mr. Stanley was declared duly elected to the office of Enrolling Clerk.

Senator Newell nominated N. F. Webber, of Poweshiek county, for Doorkeeper.

Senator Knoll nominated Geo. M. Darling, of Allamakee county, for the same office.

Those voting for Mr. Webber were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

Those voting for Mr. Darling were—

Senators Casady, Fairall, Fellows, Knoll, McCulloch, and Mul-kern—6.

Absent or not voting—

Senators Clark, and Dunham—2.



So Mr. Webber was declared duly elected to the office of Doorkeeper.

Senator Bulis nominated Samuel Bigger of Washington county, Assistant Doorkeeper.

Those voting for Mr. Bigger were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—41.

Absent or not voting were—

Senators Atkins, Clark, Dunham, Fellows, Knoll, McCulloch, Mulkern, Murray, and Smyth—9.

So Mr. Bigger was declared duly elected to the office of Assistant Doorkeeper.

Senator Griffith nominated J. E. Guild of Warren county, for Janitor of the Senate.

Those voting for Mr. Guild were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Moore, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—41.

Absent or not voting—

Senators Clark, Dunham, Fairall, Fellows, Knoll, McKean, Mulkern, Murray, and Wright—9.

So Mr. Guild was declared duly elected to the office of Janitor.

Senator Campbell offered the following concurrent resolution:

*Resolved by the Senate, the House concurring,* That Geo. F. Work be elected Postmaster, Francis White, Assistant, and Ezra Rathbun Mail Carrier of the Thirteenth General Assembly.

Senator McNutt moved to amend, by striking out the name of Geo. F. Work and inserting the name of Robert D. Beard, and by striking out the name of Francis White, and inserting the name of Geo. F. Work.

The amendment was not agreed to.

The question recurring on the adoption of the resolution, the roll was called.

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—38.

Absent or not voting—

Senators Casady, Clark, Dunham, Fairall, Fellows, Knoll, Larrabee, McCulloch, McNutt, Mitchell, Mulkern, and Newell—12.

So the resolution was adopted.

Senator Hawley offered the following resolution :

*Resolved*, That Eddie Long, Del. A. Holmes, and G. W. Duffen be appointed Messengers, and O. Corton and E. M. Wright be appointed Paper Folders of the Senate.

Senator Wright moved to amend by striking out the name of Eddy Long.

The amendment was not agreed to.

The question being upon the adoption of the resolution,

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Keller, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, and West—40

The nays were—

Senator Wright—1.

Absent or not voting—

Senators Clark, Dunham, Fairall, Fellows, Hurley, Knoll, Mulkern, Newell, and Wolf—9.

So the resolution was adopted.

Senator Moore offered the following resolution which was adopted.

*Resolved*, that the several clergymen in actual charge of the churches in the city of Des Moines, be invited to officiate as chaplains of the Senate, and that they arrange among themselves the order in which they shall act.

Senator Bulis offered the following resolution.

*Resolved*, that a committee of five be appointed by the President, to report the amount of mileage to which each member of the senate is entitled.

The President announced as such committee, Senators Bulis, Donnan, Wright, Knoll, and McCulloch.

Senator Tuttle moved that a committee of three be appointed to inform the House that the senate is now organized and ready to proceed to business, which was agreed to; and the President appointed as such committee, Senators Tuttle, Beardsley and Fellows.

Senator Lowry moved that a committee of three be appointed to notify the Governor that the Senate is now organized, and ready to receive any communications which he may see proper to submit, which was agreed to; and the President appointed Senators Lowry, Patterson and Fairall, as such committee.

Senator Fellows moved that until otherwise ordered, the Senate

be governed by the rules of the Twelfth General Assembly, which was agreed to.

Senator Bulis offered the following resolution which was agreed to :

*Resolved by the Senate the House concurring,* That the Senate will meet the House in joint convention, for the purpose of canvassing the vote for Governor and Lieutenant-Governor, on Wednesday, January 12th, at 10 o'clock A. M.

Senator West offered the following resolution :

*Resolved,* That each member of the Senate be allowed five daily papers, or their equivalent in weeklies.

The Committee appointed to wait upon the Governor reported that they had performed that duty, and that he would present his Biennial Message this afternoon.

The Committee appointed to wait upon the House, and inform them of the organization of the Senate, reported that duty discharged.

The consideration of the resolution offered by Senator West was resumed.

Senator Bill moved to amend by striking out (5), and inserting (10), and by adding two dailies, or their equivalent in weeklies, to each officer of the Senate.

Senator Campbell moved that the whole matter be laid on the table, which was not agreed to.

Senator Mitchell moved to strike out 10 and insert 20.

Senators Havens, and Hamilton asked to be excused from voting on this question.

The Senators were excused.

The question being on the amendment to the amendment.

Senator Traverse called for the yeas and nays which were as follows :

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Claussen, Couch, Donnan, Dyeart, Fairall, Hurley, Ireland, Knoll, Larrabee, Lang, Lowry, McKean, McNutt, Mitchell, Mulkern, Murray, Newell, Rice, and Tuttle—23.

The nays were—

Senators Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Dixon, Fellows, Grimes, Hawley, Keller, McCulloch, Moore, Patterson, Pierce, Smyth, Traverse, Vale, Vermilion, West, Wolf, and Wright—22.

Absent or not voting were—

Senators Clark, Dunham, Griffith, Hamilton, and Havins—5.

So the amendment to the amendment prevailed.

The question then being on the amendment as amended, it was not agreed to.

Senator Patterson moved to amend by striking out 5 and inserting 15.

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

The yeas were—

Senators Allen, Bennett, Bill, Claussen, Fairall, Grimes, Hurley, Ireland, Knoll, Long, Lowry, Mulkern, Patterson, Tuttle—14.

The nays were—

Senators Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Hawley, Keller, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, Wolf, Wright—31.

Absent and not voting—

Senators Clark, Dunham, Hamilton, Havens, and Larrabee—5.

So the amendment did not prevail.

Senator Knoll moved to amend by striking out 5 and inserting 30.

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

The yeas were—

Senators Allen, Atkins, Bennett, Couch, Donnan, Dysart, Fairall, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Mulkern, Murray, Newell, Rice, Tuttle—19.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Fellows, Griffith, Grimes, Hawley, Hurley, Ireland, Keller, McCulloch, Moore, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, West, Wolf, Wright—27.

Absent and not voting—

Senators Clark, Dunham, Hamilton, Havens—4.

So the amendment was lost.

Senator Fellows moved to amend by striking out "5" and inserting "16."

Pending which, at 12 o'clock and 10 minutes, Senator Mulkern moved to adjourn until 2 o'clock P. M., which was agreed to, and the Senate adjourned.

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TWO O'CLOCK P. M.

Senate met pursuant to adjournment, and was called to order by the President *pro tem*.

The consideration relative to newspapers was resumed.

The question being on the amendment to strike out "5" and insert "16," the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bennett, Bill, Casady, Claussen, Donnan,

Dysart, Fellows, Grimes, Ireland, Long, Lowry, McKean, McNutt, Mitchell, Patterson, Rice, and Tuttle—18.

The nays were—

Senators Beardsley, Bulis, Campbell, Cathcart, Chapin, Dixon, Fairall, Keller, Knoll, Larrabee, Moore, Mulkern, Newell, Pierce, Smyth, Traverse, Vale, Vermillion, West, Wolf, and Wright—21.

Absent or not voting—

Senators Allen, Clark, Couch, Dunham, Griffith, Hamilton, Havens, Hawley, Hurley, McCulloch, and Murray—11.

So the amendment did not prevail.

Senator Casady moved to amend by striking out " 5 " and inserting " 8," which was not agreed to.

Senator Mulkern moved to amend by striking out " 5," and inserting " 25."

Pending which a Committee from the House announced that the House was organized and ready to proceed to business.

The question being on the amendment of Senator Mulkern, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Claussen, Donnan, Dysart, Fairall, Ireland, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Mulkern, Murray, Newell, Rice, and Tuttle—20.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Dixon, Fellows, Griffith, Grimes, Hawley, Hurley, Keller, McCulloch, Moore, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, West, Wolf, and Wright—25.

Absent or not voting—

Senators Clark, Couch, Dunham, Hamilton, and Havens—5.

So the amendment did not prevail.

The question being on the adoption of the resolution, it was not agreed to.

Senator Patterson moved that the Senate meet the House in joint convention at 3 o'clock to listen to the reading of the Governor's Message, and that a Committee of 2 be appointed to notify the House.

The motion did not prevail.

Senator Donnan offered the following resolution :

WHEREAS, By the laws of the Twelfth General Assembly, it is necessary that an account be kept with each member of this and future General Assemblies, of the amount of postage and stationery drawn by each member, therefore,

*Resolved by the Senate, the House of Representatives concurring,* That Lieut. G. B. Smeallie be appointed as stationery and postal clerk of this General Assembly, and that he draw from the Secretary of State such postage and stationery as may have been provided, and issue the same to the members, keeping true accounts thereof.

Senator McNutt offered the following substitute, which was adopted:

*Resolved*, That the Postmaster of this General Assembly be directed to furnish to each member of the Senate postage stamps to the amount of three dollars per week, and that the Secretary of State be directed to furnish said Postmaster the necessary postage stamps to enable him to comply with the requirements of this resolution.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has refused to concur in the resolution of the Senate in relation to Postmaster, Assistant Postmaster and Mail Carrier, and has passed the following, in which the concurrence of the honorable Senate is respectfully asked :

*Resolved by the House of Representatives, the Senate concurring*, That Robert B. Beardsley be appointed Postmaster, G. F. Work, Assistant Postmaster, and Ezra Rathburn, Mail Carrier, of this General Assembly.

I am also directed to inform the Senate that the House has passed the Senate resolution in regard to the joint convention of the two Houses to canvass the votes for Governor and Lieutenant-Governor.

CHARLES ALDRICH, *Chief Clerk.*

Senator Mulkern offered the following resolution :

*Resolved*, That the Senate shall hold but one session each day, and that in the forenoon, until otherwise ordered by a majority vote of the Senate.

On motion of Senator Smyth, the resolution was laid on the table.

House resolution in relation to Postmaster, Assistant Postmaster, and Mail Carrier, was taken up and considered, and the Senate refused to concur.

On motion of Senator McNutt, a Committee of two was appointed to confer with a similar Committee on the part of the House, and the President appointed Senators McNutt and Campbell as such Committee.

Senator Bulis moved to appoint a committee of two to confer with the Governor in regard to the time for holding the inauguration.

Which was lost.

Senator Fellows offered the following resolution :

*Resolved* By the Senate, and House of Representatives, that the Secretary of State be required to furnish to each member of the General Assembly stationary to the amount of two dollars per week.

Senator West moved to amend the resolution by adding "and the value of the package already delivered shall be deducted from the amount hereafter to be received."

The amendment was lost.

The resolution was then adopted.

The President announced as committee to wait on the Governor, Senators Bulis and Cassady.

At 3:15 Senator McKean moved to adjourn until 10 o'clock to-morrow morning.

Which was not agreed to.

Senator Fellows offered the following resolution :

*Resolved*, That each member of the Senate be allowed fourteen daily papers or their equivalent in weeklies during the session.

Pending which the committee appointed to wait upon the Governor report that they had performed that duty, and the Governor had suggested that the inauguration take place on Thursday next at 8 o'clock, p. m.

The Governor's biennial message was received at the hands of his private secretary, Wm. T. Fleming, Esq., and laid on President's table.

The consideration of the resolution offered by Senator Fellows, in relation to newspapers was resumed.

Senator Vermillion moved to amend by striking out "14" and inserting "7."

The amendment did not prevail.

Senator McKean moved to amend by striking out "14" and inserting "19."

Lost.

Senator McNutt moved to amend by striking out "14" and inserting "21."

Which was not agreed to.

Senator Smyth moved to strike out "14" and insert "12."

Which was lost.

Senator Ireland moved to amend by striking out "14" and inserting "18."

Lost.

Senator McCulloch moved to strike out "14" and insert "9."

Which was not agreed to.

Senator Murray moved to strike out "14" and insert "31."

The amendment was disagreed to.

Senator Larrabee moved to amend by striking out "14" and inserting "50."

Lost.

Senator Smythe moved to strike out "14" and insert "11."

The amendment did not prevail.

The question being on the adoption of the resolution, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Cassady, Claussen, Couch, Fellows, Grimes, Ireland, Keller, Long, Lowry, McCulloch, Mitchell, Patterson, Smyth, Tuttle, Vale, West, and Wolf—22.

The nays were—

Senators Beardsley, Campbell, Cathcart, Chapin, Dixon, Donnan, Dysart, Fairall, Griffith, Hawley, Hurley, Knoll, Larrabee, McKean, McNutt, Moore, Mulkern, Murray, Newell, Pierce, Rice, Traverse, Vermillion, and Wright—24.

Absent or not voting—

Senators Clark, Dunham, Hamilton, and Havins—4.

So the resolution was not adopted.

The Governor's Message was then taken up, and on motion of Senator McNutt the reading was dispensed with.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform the Senate that the House has passed the following resolution:

*Resolved by the House of Representatives the Senate concurring,* That the Secretary of State be directed to furnish each member of the General Assembly, a copy of the Revision of 1860, and of the Statutes, passed subsequent thereto, the latter bound in one volume.

The concurrence of the honorable Senate is respectfully asked.

CHAS. ALDRICH, *Chief Clerk.*

Senator Lowry offered the following resolution:

*Resolved,* That five thousand copies of the Governor's Message be printed in the English, two thousand in the German, one thousand in the Swedish, and five hundred in the Holland language.

Senator Fairall offered the following as a substitute.

*Resolved,* That there be printed of the Governor's Message one thousand copies.

Senator Knoll moved to amend the substitute by adding "five hundred in the German language."

Pending which Senator Larrabee moved that the further consideration of the subject be postponed until to-morrow, which was agreed to.

At 3 o'clock and 45 minutes, on motion of Senator McKean, the Senate adjourned until 10 o'clock to-morrow morning.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 12, 1870.

Senate convened at ten o'clock, A. M. The President, *pro tem*, in the Chair.

Prayer by Rev. Mr. Turnbull.

The Journal of yesterday was read, corrected, and approved.



The President administered the oath of office to Samuel Bigger, assistant doorkeeper of the Senate.

Senator Wolf offered the following :

*Resolved by the Senate, the House concurring*, that of all documents ordered printed, by either branch of this General Assembly, which would otherwise appear in the Journals, the State Printer shall print five hundred additional copies, which additional number shall be retained by the State Binder, who shall bind the same, with the legislative documents required to be bound together, by section 2, chapter 114, of the laws of the Tenth General Assembly, and such documents shall be excluded from the journals of the Houses of this General Assembly.

Senator McNutt moved to amend by adding except reports of visiting committees to charitable institutions, which shall also be printed with the journals.

The amendment was lost.

The resolution was then adopted.

A committee from the House announced that the House was ready to receive the Senate in joint convention, for the purpose of canvassing the votes for Governor and Lieutenant-Governor.

The President appointed as tellers on the part of the Senate, Senators Beardsley and Chapin.

At ten o'clock and thirty minutes, Senator Bulis moved that the Senate proceed to meet the House in joint convention.

Motion prevailed, and the Senate proceeded to the Hall of the House of Representatives.

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SENATE, AND HOUSE OF REPRESENTATIVES,  
IN JOINT CONVENTION, JANUARY 12, 1870.

Senator Bennett, President, *pro tem*, of the Senate in the chair, who called the joint convention to order, and announced that the convention had met to canvass the votes for Governor and Lieutenant-Governor of the State of Iowa, and to declare the result, and that Senators Beardsley and Chapin had been appointed teller on the part of the Senate.

The Speaker announced that Messrs. Green and O'Donnell were appointed tellers on the part of the House.

The Speaker proceeded to announce the votes of the several counties of the State.

Pending the counting of the votes, Mr. Irish moved that the joint convention take a recess until two o'clock P. M.

Motion prevailed, and joint convention took a recess.

TWO O'CLOCK, P. M.

Joint Convention re-assembled in the hall of the House of Representatives, where the canvass was concluded with the following result :

## FOR GOVERNOR.

Whole number of votes cast.....	154,507
Of which Samuel Merrill received.....	97,243
George W. Gillispie received.....	57,257
Scattering.....	7

## FOR LIEUTENANT GOVERNOR

Whole number of votes cast.....	154,270
Of which Madison M. Walden received.....	96,736
A. P. Richardson received.....	56,878
Scattering.....	656

Whereupon the President *pro tem* announced Samuel Merrill duly elected Governor of the State of Iowa, for the term of two years from the second Monday in January, 1870, and Madison M. Walden duly elected Lieutenant-Governor of the State of Iowa, for the term of two years from the second Monday in January, 1870, they having received a majority of all the votes cast at the election in October last, (1869), and certificates of their election were read and signed as follows :

REPRESENTATIVE HALL, }  
Des Moines, Iowa, January 12, 1870. }

*This is to certify,* That upon a canvass in joint convention, of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October election A. D., 1869, for the office of Governor of the State of Iowa, it appeared that Samuel Merrill received a majority of all the votes cast at said election for said office, and was therefore declared duly elected to said office for the term of two years and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 12th day of January, A. D., 1870.

G. G. BENNETT,  
*President pro tem of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
JAMES CHAPIN,  
*Tellers of the Senate.*

JOHN W. GREENE,  
FRED. O'DONNELL,  
*Tellers of the House of Representatives.*

REPRESENTATIVE HALL, }  
Des Moines, Iowa, January 12, 1870, }

*This is to certify,* That upon a canvass in joint convention, of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October election A. D., 1869, for the office of Lieutenant-Governor of the State of Iowa, it appeared that Madison M. Walden received a majority of all the votes cast at said election for said office, and was therefore declared duly elected to said office for the term of two years, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 12th day of January, A. D. 1870.

G. G. BENNETT,  
*President pro tem of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
JAMES CHAPIN,  
*Tellers of the Senate.*

JOHN W. GREENE,  
FRED. O'DONNELL,  
*Tellers of the House of Representatives.*

Mr. Dudley of the House moved that the Convention do now rise.

Which motion prevailed, and the joint convention dissolved.

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THIRTY MINUTES PAST TWO O'CLOCK.

The Senate having returned to its chamber, was called to order by the President *pro tem*.

Senator Bulis offered the following :

*Resolved by the Senate, the House concurring,* That the Senate will meet the House in joint convention on Thursday, January 13th, 1870, at 3 o'clock P. M., for the purpose of inaugurating the Governor and Lieutenant-Governor elect.

The resolution was adopted.

Senator Knoll moved that when the Senate adjourn, it adjourn to meet at two o'clock P. M. to-morrow, which was agreed to.

## UNFINISHED BUSINESS.

The resolution in regard to printing the Governor's message was taken up.

The question being to amend the substitute by adding five hundred in the German language, the amendment was not agreed to.

Senator Bulis moved to amend by adding five hundred copies in the Norwegian language, which was agreed to.

Senator Mulkern moved to amend by adding five hundred copies in the Irish language. Lost.

Senator Donnan moved to amend by adding one thousand copies in the German language.

The motion prevailed.

Senator Dysart moved to amend by adding five hundred copies in the Bohemian language, which was agreed to.

Senator McNutt moved to amend by adding five hundred copies in the Holland language, which motion prevailed.

Senator Mitchell moved to amend by adding five hundred copies in the Swedish language, which was agreed to.

Senator McNutt moved to amend by striking out one thousand and inserting three thousand in English.

The amendment did not prevail.

Senator Bulis moved to amend by inserting after the word "copies" the words "in English," which was agreed to, and the substitute as amended was agreed to, and the resolution as amended was adopted.

## HOUSE MESSAGES.

House resolution in relation to distributing to members the Revision and Laws was taken up.

Senator Fellows offered the following amendment:

*Provided*, That no copies shall be supplied under this resolution to members furnished under any resolution previously passed by either branch of the General Assembly.

The amendment was adopted, and the resolution as amended was concurred in.

Senator McNutt offered the following:

*Resolved*, That each member of the Senate be allowed twenty-four copies of daily papers, or their equivalent in weeklies, during the session, and for one week thereafter.

The yeas and nays were demanded.

Senator Tuttle asked that Senator Patterson be excused on account of sickness.

The Senator was excused.

The yeas were—

Senators Allen, Atkins, Bennett, Claussen, Couch, Donnan, Dysart, Fellows, Ireland, Knoll, Lowry, Larrabee, McKean, McNutt, Mitchell, Mulkern, Murray, Newell, and Tuttle—19.

The nays were—

Senators Beardaley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Griffith, Grimes, Keller, Long, McCulloch, Moore, Pierce, Smyth, Traverse, Vale, Vermillion, and West—10.

Absent or not voting—

Senators Clark, Dixon, Dunham, Fairall, Hamilton, Havens, Hawley, Hurley, Patterson, Rice, Wolf, and Wright—12.

So the resolution was not adopted.

The President appointed as Committee of Arrangements on the Inauguration of Governor and Lieutenant-Governor elect, Senators Bulis, Long, and Fairall.

Senator Bulis, at three o'clock, P. M., moved that the Senate do now adjourn.

Which motion prevailed, and the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 18—2 o'clock, P. M.

Senate convened pursuant to adjournment.

Prayer by Rev. Mr. Williams.

The Journal of yesterday was read and approved.

Senator McNutt, from the Committee on Conference, in relation to Postmaster and Assistant Postmaster, submitted the following report:

We, the Committee of Conference, to whom was referred the question of disagreement in regard to Postmaster and Assistant Postmaster of this General Assembly, have instructed me to report that they have unanimously agreed to recommend Geo. F. Work for Postmaster, and Robert B. Baird for Assistant Postmaster, and the adoption of the following resolution by the Senate, the House concurring.

*Be it resolved*, That George F. Work, of Jasper county, be appointed Postmaster; Robert B. Beard, of Muscatine county, Assistant Postmaster, and Ezra Rathbun, of Polk county, Mail Carrier for the Thirteenth General Assembly.

SAMUEL McNUTT, *For Committee.*

The report was adopted.

Senator Knoll offered the following:

*Resolved*, That the Secretary of the Senate be instructed to furnish to each member of the Senate 28 daily papers, or their equivalent in Weeklies. Also five copies to each officer of the Senate.

The yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Claussen, Couch, Donnan, Dunham, Dysart, Fellows, Ireland, Knoll, Larrabee, Lowry, McKean, McNutt, Mitchell, Mulkern, Murray, Newell, Tuttle—20.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Dixon, Griffith, Grimes, Hawley, Hurley, Keller, Long, McCulloch, Moore, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, West, Wright—24.

Absent and not voting—

Senators Clark, Fairall, Hamilton, Havens, Rice, and Wolf—6.

So the resolution did not prevail.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the Senate resolution in regard to the joint convention for the purpose of inaugurating the Governor and Lieutenant-Governor elect.

CHARLES ALDRICH, *Chief Clerk.*

Senator Fellows offered the following resolution :

*Resolved*, That the President and each Senator be allowed — daily newspapers, and each officer five daily newspapers, or their equivalent in weeklies, during the session, and that three of the number may be taken from without the State.

Senator McNutt moved to insert thirteen.

Senator Bulis moved to insert three.

Senator Larrabee moved to insert one.

Senator Patterson moved to insert eighteen.

Senator Fellows moved to insert twenty-three.

Senator Smyth moved to insert six.

Senator Knoll moved to insert twenty-six.

Senator Donnan moved to insert twenty-nine.

Senator Murray moved to insert thirty-five.

The question being taken on the motion to insert thirty-five, it was lost.

The question being taken on the motion to insert twenty-nine, it was not agreed to.

The question being taken on the motion to insert twenty-six, it did not prevail.

The question being taken on the motion to insert twenty-three, it was agreed to.

Senator Campbell offered the following as a substitute :

*Resolved*, That the Senate deem it inexpedient to vote any newspapers at this session of the General Assembly.

The yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bulis, Campbell, Cathcart, Dixon, Larrabee, Moore, Mulkern, Traverser, Vermillion, West, Wolf, and Wright—14.

The nays were—

Senators Allen, Atkins, Bennett, Bill, Casady, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hawley, Hurley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Smyth, Tuttle, and Vale—32.

Absent or not voting—

Senators Clark, Hamilton, Havens, and Rice—4.

So the substitute was not agreed to.

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

It was adopted.

At two o'clock and thirty-five minutes Senator Hawley moved that the Senate take a recess, until five minutes before three P. M.

Which was agreed to.

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FIVE MINUTES BEFORE THREE O'CLOCK.

Senate re-assembled.

A Committee from the House announced that the House was now ready to meet the Senate in joint convention, for the purpose of inaugurating the Governor and Lieutenant-Governor elect.

On motion of Senator Bulis the Senate then proceeded to the hall of the House of Representatives.

JOINT CONVENTION.

Senator Bennett, President *pro tem* of the Senate, announced the meeting of the joint convention for the purpose of the inauguration of the Governor and Lieutenant-Governor elect.

Mr. Irish moved that a committee be appointed to notify the Governor, and Lieutenant-Governor elect, that the joint convention was ready to receive them.

The President appointed Messrs. Irish, Miracle, and Senator Donnan as such committee.

Senator Bulis moved that a committee be appointed to invite the Judges of the Supreme Court and State Officers, to seats on the platform.

The motion prevailed.

The President appointed Senator Bulis, and Messrs. Butterfield, and Gibbons, to extend the invitations.

Mr. Miracle moved that the Judges of the District Court be invited to seats on the platform.

The motion prevailed.

The Sergeant-at-Arms announced the Governor and Lieutenant-Governor elect, Supreme Judges, State Officers, Ex-Governors and Lieutenant Governors, and Congressmen, who took seats on the platform.

The band playing.

President *pro tem* called the House to order.

Prayer by Rev. W. F. King, President of Cornell College.

Music by the band.

“Star spangled banner.”

The oath of office was then administered to the Governor and Lieutenant-Governor elect, by Chief Justice Cole.

Governor Merrill then proceeded to deliver his Inaugural Address.

Music by the band.

Mr. Irish moved that the joint convention do now adjourn.

The motion prevailed, and the joint convention dissolved.

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THREE O'CLOCK AND FORTY MINUTES.

The Senate Having returned to the Senate Chamber, was called to order by the President *pro tem*.

Senator Donnan offered the following:

*Resolved*, That the officers of the Senate be allowed one dollar and fifty cents each per week, and the messengers, paper folders, and janitor, fifty cents each per week, in postage, during the session of this General Assembly; *provided*, that the President of the Senate be allowed the same postage as each member of the Senate, viz: three dollars per week.

Which was adopted.

On motion of Senator Moore, the Senate at three o'clock and forty-five minutes adjourned until ten o'clock to-morrow morning.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 14, 1870—10 o'clock P. M.

Senate met pursuant to adjournment, the President *pro tem* in the chair.

Prayer by Rev. Mr. Geiger.

The Journal of yesterday was read and approved.



The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that Messrs. Cutts, Mahin, and Pratt have been appointed a Committee of Conference on the part of the House upon the disagreement both Houses in relation to Postmaster, Assistant Postmaster, and Mail carrier.

Also that the House has ordered printed the following numbers of copies of the Governor's biennial message:

1500 in the German language.  
 1000 " " Norwegian "  
 1500 " " Bohemian "  
 1000 " " Holland "

CHARLES ALDRICH, *Chief Clerk.*

Senator McNutt offered the following:

*Resolved by the Senate*, that each member shall be supplied with twenty copies daily of the Daily Bulletin, in addition to the number of papers already ordered, provided the same shall contain full phonographic reports of the proceedings, and be furnished at two cents per copy.

Senator Patterson moved to strike out "20" and insert "10."

Senator Traverse moved that the resolution lie on the table, which was agreed to.

The President *pro tem.* and Lieutenant-Governor Walden entering the Senate Chamber, the order of business was suspended.

The President *pro tem.*, on retiring from the Chair, addressed the Senate as follows:

Lieutenant-Governor Walden, on taking his seat, said:

SENATORS—Grateful to a generous public for selecting me to preside over your deliberations, at the same time I am fully conscious of the arduous nature of the duties to be performed, and should falter at the beginning, were it not for the belief that I shall have your full sympathy and forbearance whenever they may be needed.

It shall be my constant aim to enforce, without partiality, the rules which you may adopt for your government, observing at all times a due regard for the feelings and opinions of individual members.

It is not my province, nor would I presume to offer any counsel as to the work before you. The people have entrusted to you such interests of the State as can be conserved or effected by legislation. Many of you have had experience in this and the other branch of the General Assembly, while *all* of you were elected to this body for the reason that the people believed you worthy of the responsible trust.

I feel assured, therefore, that by your prudent deliberations, by broad and liberal views, by a firm adherence to those principles of

justice and economy under which Iowa has grown so great and prosperous, you will justify the people's confidence and enhance the public welfare.

To facilitate the transaction of business, order must be observed. I therefore trust that, while Senators may entertain conflicting views on the varied questions that shall come before us, and even defend them with zeal and earnestness, no one will ever so far forget the public good or the dignity of this body, as to do violence to the usual courtesies of debate.

That your labors may be marked by a spirit of harmony and wisdom, and that the public good may be enhanced by your deliberations, is my earnest desire.

Senator Bulis offered the following :

*Resolved*, That the thanks of the Senate be tendered to Hon. G. G. Bennett, President *pro tem.*, for the able, impartial, and efficient manner in which he has discharged the duties devolving upon him.

The resolution was unanimously adopted.

Senator Fairall offered the following resolution, which was unanimously adopted :

*Resolved*, That to the Hon. John Scott, for the uniform courtesy, unvarying impartiality, and distinguished ability which characterized his actions as presiding officer of the Senate, there is hereby tendered him this evidence of our kind regards, high esteem, and implicit confidence.

Senator Wright offered the following :

*Resolved*, That the rules of the Senate be amended by adding a standing Committee on Reform School, Agricultural College, Suppression of Intemperance, and Penitentiary.

The resolution was adopted

Senator Bulis offered the following :

*Resolved*, That there be ordered printed for the use of the Senate of the Governor's {Inaugural Messrge, five thousand copies in the English language,} one thousand in the Norwegian language, one thousand in the German, one thousand in the Bohemian, and five hundred in the Swedish languages.

Senator Fairall offered the following substitute :

*Resolved*, that there be printed for the use of the Senate, of the the Governors Inaugural, one thousand copies in the English language.

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

The yeas were—

Messrs. Atkins, Campbell, Cassady, Chapin, Conch, Donnan, Dunham, Fairall, Fellows, Griffith, Havens, Knoll, Larrabee, McKean, McNutt, Mitchell, Moore, Mulkern, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright.—31.

The nays were—

Messrs. Allen, Beardsley, Bennett, Bill, Bulis, Cathcart, Clausen, Dixon, Dysart, Grimes, Hamilton, Hawley, Hurley, Ireland, Keller, Long, Lowry.—17.

So the substitute was adopted, and the resolution as amended, was agreed to.

Senator McKean offered the following :

*Resolved if the House of Representatives concur*, that there be printed five hundred copies of the rules adopted by the two Houses, including the joint rules and standing committees, and the usual statistics of the members and officers of the same, and diagram of the halls of the two Houses. That two copies be delivered to each member and officer, and the remaining number be retained by the Secretary of State for subsequent use and the use of the next General Assembly.

The resolution was agreed to.

Senator Patterson offered the following :

*Resolved*, that J. G. Patterson is authorized to subscribe for, and transmit to Hon. R. B. Clark, his quota of papers and to draw his postage.

The resolution was agreed to.

At ten o'clock and fifty minutes, Senator Knoll moved that the Senate do no adjourn until ten o'clock to-morrow morning, which motion prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 15, 1870.

Senate met pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. De Forest.

Journal of yesterday read and approved.

#### INTRODUCTION OF BILLS.

By Senator McNutt, Senate File No. 1, A bill for an act to repeal chapter 171 of the acts of the Twelfth General Assembly.

#### RESOLUTIONS.

Senator Wright offered the following resolution, which was adopted :

*Resolved by the Senate, the House of Representatives concurring*, That Committees, consisting of one member of the Senate and two

members of the House, be appointed to visit the following State Institutions, to carefully examine their management, expenditures, and wants :

Penitentiary.

Insane Asylum, Mt. Pleasant.

“ “ Independence.

Deaf and Dumb Asylum, Iowa City.

“ “ “ Council Bluffs.

Blind “ “

Soldiers' Orphans' Home, Davenport.

“ “ “ Cedar Falls.

“ “ “ Glenwood.

State University.

Agricultural College and Farm.

Reform School.

Senator McNutt offered the following resolution :

*Resolved by the Senate, the House concurring,* That the Secretary of State and the Adjutant-General be requested to furnish each member of both Houses, who are not already supplied, with a full set of the Adjutant-General's Reports, provided there are a sufficient number of copies now on hand.

Senator Long offered the following substitute :

*Resolved by the Senate, the House concurring,* That one hundred copies of the Adjutant-General's Reports be placed in the State Library for the purpose of exchanging with other States for similar Reports.

Senator Tuttle moved to amend by adding, “ And that the remainder of the copies on hand be distributed among the members of the Legislature who may desire them, and who have not heretofore received any of such copies.”

Senator Larrabee moved to postpone further action in relation thereto until Monday.

The motion prevailed.

At ten o'clock and twenty-five minutes, on motion of Senator Bulis, the Senate adjourned until Monday morning at 10 o'clock.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 17, 1870.

Senate convened pursuant to adjournment, the President in the chair.

Journal of Saturday was read and approved.

The President then announced the Standing Committees as follows :

*Ways and Means*—Senators Larrabee, Couch, Hamilton, Newell, Smyth, Allen, Dysart, Wright, and Fellows.

*Judiciary*—Senators Bennett, Wolf, Donnan, Fairall, Traverse, Keller, McKean, Claussen, and Hurley.

*Federal Relations*—Senators Beardsley, Hawley, Moore, Havens, and Mitchell.

*Constitutional Amendments*—Senators Donnan, Hurley, Mulkern, Havens, Mitchell, Tuttle, and Bennett.

*Schools*—Senators Wolf, Long, Dysart, Bill, Fellows, West, and Beardsley.

*Agriculture*—Senators Dixon, Griffith, Wright, McNutt, West, Vale, and Cathcart.

*County and Township Organization*—Senators Moore, Pierce, Murray, Knoll, Vermillion, Campbell, Lowry, and Patterson.

*Railroads*—Senators Patterson, Bulis, Hawley, Lowry, Griffith, Vermillion, Murray, Tuttle, Rice, Beardsley, McCulloch, Mitchell, and Campbell.

*State University*—Senators Bulis, Newell, Smyth, McKean, Keller, Claussen, Traverse, Wolf, and Bennett.

*Military*—Senators Rice, Pierce, Donnan, Campbell, Traverse, Wolf, and Bennett.

*Elections*—Senators Keller, Hurley, Mulkern, Hawley, and McNutt.

*Claims*—Senators Hawley, Long, Smyth, Ireland, and Atkins.

*Banks*—Senators Smyth, Couch, Fellows, Hurley, and Moore.

*Commerce*—Senators Tuttle, Atkins, Rice, Campbell, and Larrabee.

*Public Buildings*—Senators Griffith, Donnan, Grimes, Newell, McKean and Casady.

*Charitable Institutions*—Senators Chapin, Long, Ireland, West, Casady, Allen, and Hamilton.

*Medical Institutions*—Senators Newell, Bulis, Ireland, Wright, and Vermillion.

*Incorporations*—Senators Hamilton, Rice, Griffith, Knoll, and Bennett.

*Manufactures*—Senators McNutt, Atkins, Knoll, Clark, and Larrabee.

*Printing*—Senators Traverse, Havens, Mulkern, Wolf, and Beardsley.

*Public Lands*—Senators Hurley, McNutt, Fellows, Grimes, and Hawley.

*Internal Improvements*—Senators Pierce, Bill, Lowry, Mitchell, and Patterson.

*Roads*—Senators McKean, Grimes, Clark, McCulloch, and Dixon.

*New Counties*—Senators Vermillion Atkins, Bill, Dunham, and Patterson.

*County Boundaries*—Senators Grimes, Cathcart, Clark, McCulloch, and Keller.

*State Library*—Senators Long, Claussen, and Traverse.

*Engrossed Bills*—Senators Bill, Knoll, and Dysart.

*Enrolled Bills*—Senators Mitchell, Havens, and Murray.

*Senatorial Districts*—Senators Murray, Bulis, Casady, Lowry, Moore, Tuttle, Atkins, Dunham, and Wolf.

*Representative Districts*—Senators Havens, Campbell, Ireland, Dunham, Tuttle, Clarke, McNutt, Tale, and Fairall.

*Orphan's Home*—Senators Couch, Chapin, Claussen, Allen, Hamilton, Dixon, Murray, Casady, and Larrabee.

*Horticulture and Forrestry*—Senators West, Cathcart, Vale, Dunham, and Chapin.

*Penitentiary*—Senators Wright, McKean, Newell, Couch, and McCulloch.

*Reform School*—Senators Lowry, West, Vale, Fairall, and Pierce.

*Suppression of Intemperance*—Senators Allen, Dixon, Claussen, Couch, and McCulloch.

*Agricultural College*—Senators Dysart, Cathcart, Wright, Chapin, and Mulkern.

The following messages was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body, that the House has concurred in the Senate amendment to the House resolution, relative to furnishing copies of the Revision and laws to members of the General Assembly, with the following amendment, strike out the "in" the last clause of the Senate amendment, and insert "this."

Also, that the House has ordered printed the following numbers of copies of the Governor's Inaugural Address:

Six thousand in the English language.

Two thousand in the German language.

One thousand in the Holland language.

One thousand in the Bohemian language.

One thousand in the Swedish language.

One thousand in the Norwegian language.

I am also, directed to inform your honorable body, that the House has concurred in the report of the Committee of Conference upon the disagreement of the two Houses, in relation to Post Master, Assistant Post Master, and Mail Carrier, for this General Assembly.

CHAS. ALDRICH, *Chief Clerk.*

#### PETITIONS AND MEMORIALS.

By Senator Claussen: The following memorials from the Mayor, City Council, and others of the city of Davenport, and other cities asking that persons under conviction for violation of city ordinances, be compelled to labor upon the public streets, and alleys, or other public grounds of such cities.

Referred to Committee on Judiciary.

By Senator Casady: A memorial from the Board of Supervisors of Pottawattamie county, asking for the enactment of a law allowing two mills additional to be levied for payment of county indebtedness.

Referred to Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Lowry: Senate File No. 2, A bill for an act to ratify an amendment to the Constitution of the United States of America.

Read first and second time and referred to Committee on Constitutional Amendments.

By Senator Donnan: Senate File No. 3, A bill for an act to authorize cities to receive donations of Library buildings, and to maintain free Public Libraries and Reading Rooms.

Read first and second time and referred to Committee on Incorporations.

By Senator Traverse: Senate File No. 4, A bill for an act to amend chapter 195, Revision of 1860, giving to defendant's the right to a change of venue in preliminary examination in criminal causes.

Read first and second time and referred to Committee on Judiciary.

By Senator Wright: Senate File No. 5, A bill for an act to amend the Revision of 1860.

Read first and second time and referred to Committee on Ways and Means.

By Senator Dysart: Senate File No. 6, A bill for an act to amend section 841, of the Revision of 1860.

Read first and second time and referred to Committee on Roads.

By Senator Murray: Senate File No. 7, A bill for an act reorganizing the Board of Supervisors, and defining their duties and manner of election.

Read first and second time and referred to Committee on County and Township Organization.

By Senator McNutt: Senate File No. 8, A bill for an act in relation to the penalty on certain taxes.

Read first and second time and referred to Committee on Ways and Means.

By Senator Wright: Senate File No. 9, A bill for an act to establish the office of County Attorney, and to regulate the duties and compensation of District Attorney.

Read first and second time and referred to Committee on Judiciary.

Also, Senate File No. 10, A bill for an act to repeal chapter 29, of the acts of the Twelfth General Assembly.

Read first and second time and referred to Committee on Schools.

Also, Senate File No. 11, A bill for an act for the Suppression of Intemperance, and to amend chapter 64, of the Revision of 1860.

Referred to Committee on Suppression of Intemperance.

#### RESOLUTIONS.

Senator West offered a joint resolution ratifying the amendment to the Constitution of the United States, in regard to the right of citizens of the United States to vote, which was read and referred to the Committee on Constitutional Amendments.

Senator Bulis offered the following :

*Resolved*, That until otherwise ordered, this Senate will hold but one session each day, commencing at 10 o'clock A. M.

Which was adopted.

Senator Moore offered the following resolution :

*Resolved*, That the Chairmen of the Committees on Ways and Means and County and Township Organization be authorized to employ a clerk for their joint use during the session of this General Assembly.

2. That the Chairmen of the Committees on Railroads and Judiciary be authorized to employ a clerk for their joint use during the session of this General Assembly.

The resolution was not adopted.

Senator wright offered the following :

*Resolved by the General Assembly of the State of Iowa*, that our Senators in Congress be instructed, and our Representatives be requested to use their influence to prevent any further appropriations for public buildings in Washington.

*Resolved*, that a copy of this resolution be forwarded by the Secretary of State, to each of our Senators and Representatives in Congress.

Senator Patterson moved to refer the resolution to the committee on Federal Relations, with instructions to inquire into the propriety of adding an additional clause in relation to removing the National Capitol to the Mississippi Valley, which was agreed to.

Senator Wolf asked for a leave of absence until Wednesday next, leave was granted.

Senator Bulis, from Committee on Mileage submitted the following report, which was adopted.

Your Committee appointed to ascertain the amount of mileage due each member of the Senate have performed that duty, as near as possible in accordance with the provisions of chapter 155, laws of Twelfth General Assembly, and respectfully submit their report of the same :

NAME OF SENATOR.	DIST.	AM'T.
E. S. McCulloch.....	1	\$54.00
J. G. Vale.....	2	45.00
H. C. Traverse.....	3	36.00



W. F. Vermillion.....	4	42.00
E. M. Bill.....	5	33.00
Jas. D. Wright.....	6	45.00
I. W. Keller.....	7	66.00
N. B. Moore.....	8	69.00
J. P. Casady.....	9	42.00
Chas Beardsley.....	10	48.00
J. P. West.....	11	42.00
A. R. Pierce.....	12	39.00
A. H. Hamilton.....	13	29.00
J. S. Hurley.....	14	59.00
G. G. Bennett.....	15	60.00
Samuel McNutt.....	16	54.00
J. W. Havens.....	17	30.00
J. N. Dixon.....	18	21.00
J. M. Oatcart.....	19	21.00
G. E. Griffith.....	20	6.00
B. F. Murray.....	21	12.00
R. Lowry.....	22	54.00
H. R. Claussen.....	22	54.00
A. B. Ireland.....	23	81.00
W. P. Wolf.....	24	51.00
S. H. Fairall.....	25	39.00
Matthew Long.....	26	33.00
Joseph Dysart.....	27	54.00
F. T. Campbell.....	28	12.00
B. F. Allen.....	29	3.00
L. B. Dunham.....	30	78.00
John McKean.....	31	72.00
Robert Smyth.....	32	63.00
James Chapin.....	33	66.00
W. S. Rice.....	34	39.00
F. M. Knoll.....	35	84.00
M. B. Mulkern.....	35	84.00
Joseph Grimes.....	36	78.00
W. G. Donnan.....	37	66.00
G. W. Couch.....	38	63.00
H. E. Newell.....	39	102.00
William Larrabee.....	40	90.00
L. E. Fellows.....	41	111.00
H. C. Bulis.....	42	90.00
J. G. Patterson.....	43	78.00
R. B. Clark.....	44	57.00
I. J. Mitchell.....	45	24.00
Marcus Tuttle.....	46	90.00
Theodore Hawley.....	47	27.00
Charles Atkins.....	48	63.00
Lientenant Governor Walden.....		42.00

Senator Wright moved that a committee of three be appointed to attend to the heating and ventilating of the Senate Chamber, which was agreed to.

Senators Wright, Murray, and McKean, were appointed such committee.

At 10 o'clock and 55 minutes, on motion of Senator Bennett, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 18, 1870.

Senate convened at ten o'clock, A. M.

The President in the Chair.

Prayer by Rev. Dr. Burns.

The Journal of yesterday was read and approved.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the accompanying resolution, ordering an investigation into the official conduct of Martin Heisey, Warden of the Penitentiary, in which the concurrence of the Senate is respectfully asked.

I also transmit herewith sundry affidavits upon which said action is predicated.

CHAS. ALDRICH, *Chief Clerk.*

*Resolved that the Senate concurring,* There be a joint committee of three from the House, and two from the Senate to investigate the charges as set forth in the affidavits of Sam'l Barr, James Deighton, John Elder, A. C. Smith, J. A. Montgomery and others, against Martin Heisey, Warden of the Penitentiary at Fort Madison, and that said Committee be authorized to visit the Penitentiary if they deem it necessary, and that they have full power to send for persons and papers.

PETITIONS AND MEMORIALS.

Senator Donnan presented a memorial from the Mayor and City Council of the city of Independence, in relation to the passage of an act empowering City Councils, Boards of Alderman, or Trustees, to compel persons under conviction for violation of city ordinances to labor on streets, alleys, or other public grounds.

Referred to Committee on Judiciary.

Senator Chapin presented a petition from Wm. Wallace, and

ninety other citizens of Benton county, praying that Justice's of Peace, shall have power to hear and determine cases of five hundred dollars and under.

Referred to Committee on Judiciary.

Senator Lowry presented a remonstrance from the physicians of Davenport, opposing any appropriations to the Medical Department of the State University.

Referred to Committee on State University.

Senator Vale presented a petition from S. S. Henry and others, citizens of Van Buren county, asking the passage of an act transferring the power of equalizing taxation of individual assessments from the Board of Supervisors to Township Trustees.

Referred to Committee on County and Township organization.

Senator Havens presented a petition from mothers of children entitled to admission to Orphans' Home, praying that the law in relation thereto be so modified that they can keep the children at home, and receive the sum allowed such orphans when an inmate of said Orphans' Homes.

Referred to Committee on Orphans' Homes.

Senator Lowry presented a petition from the Board of Supervisors of Scott county, praying for the enactment of a law providing for the employment of prisoners, without the limits of the jails, on roads and highways.

Referred to Committee on Judiciary.

Senator Casady presented a petition from the Board of Supervisors of Pottawattamie county, praying for an act giving the Boards of Supervisors more time to transact business.

Referred to Committee on County and Township Organization.

Senator Grimes presented a petition from Joseph Chapman and others, praying for the taxation of railroad corporations.

Referred to Committee on Railroads.

#### INTRODUCTION OF BILLS.

By Senator Knoll: Senate File No. 12, A bill for an act to authorize the sale of lands and town lots for taxes in certain cases, for an amount less than the tax, interest, and costs due thereon.

Read first and second time and referred to Committee on Ways and Means.

By Senator Traverse, Senate File No. 13, A bill for an act authorizing County Auditors to administer oaths and take acknowledgments, and providing a seal for said offices.

Read first and second time and referred to Committee on Judiciary.

By Senator Beardsley: Senate File No. 14, A bill for an act to amend chapter 118, acts of the Tenth General Assembly.

Read first and second time and referred to Committee on Public lands.

By Senator Bill : Senate File No. 15, A bill for an act to amend section 2, of chapter 76, acts of the Tenth General Assembly.

Read first and second time and referred to Committee on Roads.

By Senator Donnan : Senate File No. 16, A bill for an act to amend sections 1068, 1069, and 1070, of the Revision of 1860, and to provide additional means for the collection of charges, assessments, and taxes on lots of land within municipal corporations.

Read first and second time and referred to Committee on Incorporations.

By Senator Dysart : Senate File No. 17, A bill for an act to further define the duties of County Auditor, and authorize him to employ a deputy.

Read first and second time and referred to Committee on County and Township Organization.

By Senator Campbell : Senate File No. 18, A bill for an act creating a Board of County Commissioners, and prescribing their powers and duties.

Read first and second time and referred to Committee on County and Township Organization.

By Senator Hawley : Senate File No. 19, A bill for an act to repeal section 1586, of the Revision of 1860, and to provide a substitute therefor.

Read first and second time and referred to Committee on Judiciary.

By Senator Moore : Senate File No. 20, A bill for an act to repeal sections 16, 17, 18, 19, 20, 21, 22, and 24, of chapter eighty six of the acts of the Twelfth General Assembly, and providing for an appeal from the Circuit to the Supreme Court, and fixing the times of holding Courts.

Read first and second time and referred to Committee on Judiciary.

By Senator Vale : Senate File No. 21, A bill for an act to protect wool growing and confiscate dogs.

Read first and second time and referred to Committee on Judiciary.

By Senator Patterson : Senate File No. 22, A bill for an act fixing the compensation of certain county officers.

Read first and second time and referred to Committee on County and Township Organization.

By Senator Hawley : Senate File No. 23, A bill for an act to repeal section 3293 of the revision of 1860, and to provide a substitute therefor.

Read first and second time and referred to Committee on Judiciary.

By Senator McCulloch : Senate File No. 24, A bill for an act to legalize new indices in the Recorder's office of Lee county, Iowa, at Keokuk.

Read first and second time.

Senator McCulloch moved that the bill be ordered engrossed and read a third time to-morrow.

The motion did not prevail, and the bill was referred to Committee on Judiciary.

By Senator Fellows: Senate File No. 25, A bill for an act to legalize the sale of indemnity swamp lands and scrip in certain counties.

Read first and second time and referred to Committee on Judiciary.

Also Senate File No. 26, A bill for an act concerning fences, and construing section 1545 of the Revision of 1860.

Read first and second time and referred to Committee on Judiciary.

By Senator Wright: Senate File No. 27, A bill for an act regulating the leasing and sale of the lands belonging to the Iowa Agricultural College and Farm, and prescribing the evidence of forfeiture and abandonment of the contracts of lease and sale.

Read first and second time and referred to Committee on Judiciary.

The following message was received from the House:

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

House File No. 7, A bill for an act for changing the time of holding Courts in the 4th Judicial District.

House File No. 11, A bill for an act to amend chapter 115 of the Revision of 1860 relative to drawing jurors.

Also, that the House has passed the concurrent resolution of the Senate in regard to excluding certain documents from the Journals of the two Houses; also, that providing for the appointment of Committees to visit the public institutions; and also that in relation to the printing of the rules, joint rules, and statistics of the members of the two Houses.

CHARLES ALDRICH, *Chief Clerk.*

#### RESOLUTIONS.

Senator Hamilton offered the following:

*Resolved*, That there be added to the Standing Committee of the Senate a Committee of seven on the Compensation of Public Officers.

The resolution was agreed to.

Senator Hawley offered the following:

#### PEAMBLE AND JOINT RESOLUTION.

WHEREAS, The franking privilege now enjoyed by members of Congress has been, and is now, used for purposes other than those contemplated in the law granting the same, whereby the postal service of the country is greatly burdened by the carrying of large amounts of worthless documents, both public and private, and the people of the whole country are heavily taxed for the support of this monopoly; therefore,

*Be it resolved by the General Assembly of the State of Iowa,*

That our Senators in Congress be instructed, and our Representatives requested, to use their influence in procuring the abolition of the franking privilege, that the present burden of taxation may be lessened, the Postal Department of the Government may become self-supporting, and the people enjoy a cheaper and more perfect means of intercommunication.

*Resolved*, That the Secretary of State be directed to forward a copy of this preamble and joint resolution to each of our Senators and Representatives in Congress.

The resolution was adopted.

Senator Beardsley offered the following concurrent resolution, which was agreed to :

*Resolved by the Senate, the House concurring*, That the two Houses will meet in joint convention on Wednesday, January 19th, at 12 o'clock meridian, in accordance with an act of Congress, approved July 26, 1866, for the purpose of hearing the Journals of the Senate and House read, in relation to the election of United States Senators, and for other purposes required by said act of Congress.

Senator Bennett, for the Judiciary Committee, submitted the following report :

MR. PRESIDENT—I am directed by the Judiciary Committee to ask that the Senate authorize the employment of a clerk for said Committee.

The clerical work which will be required by the labor of the Committee is too much to ask of any one member to do, and it cannot be expected that the records of the Committee can be properly and correctly kept, should the duties devolve on the members alternately.

Your Committee believe that legislation will be facilitated, and the work when done be more accurate and complete, by giving to the leading Committees the assistance of a good, efficient clerk.

G. G. BENNETT, *Chairman*.

Senator Mulkern moved that the request be granted, which was agreed to.

Senator Lowry moved that the person employed act as clerk of the Railroad Committee, which was agreed to.

#### HOUSE MESSAGES.

House message in relation to the appointment of a committee to investigate certain charges preferred against Martin Heisey, Warden of the Penitentiary, was taken up.

Senator Campbell moved to amend by striking out the words, "There be a joint committee of three from the House and two from the Senate," and inserting the words, "The Committee to be appointed to visit the Penitentiary be empowered."

The question being, "shall the Senate concur in the House resolution as amended?" the yeas and nays were demanded, and

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Couch, Dixon, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Keller, Knoll, Long, Lowry, McCulloch, McNutt, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—34.

The nays were—

Senators Atkins, Bulis, Claussen, Donnan, Ireland, Larrabee, McKean, Moore, Mulkern, and Newell—10.

Absent and not voting—

Senators Clark, Fairall, Hurley, Mitchell, Murray, and Wolf—6.

So the resolution as amended was concurred in.

Senator Ireland moved that Senator Hurley be excused on account of sickness.

The Senator was excused.

Senator Atkins asked for leave of absence for Senator Mitchell on account of sickness.

Leave was granted.

Senator Keller asked for leave of absence for Senator Murray on account of sickness, which was granted.

Senator Bennett asked that Senator Fairall be granted a leave of absence until to-morrow.

Leave was granted..

Pursuant to the provisions of an act of Congress, entitled "An act to regulate the times and manner of holding elections for Senators in Congress," approved July 25th, 1866, on motion of Senator Bulis, the Senate proceeded to name a person for Senator in Congress for the term commencing March 4th, 1871.

Senator Bulis nominated George G. Wright.

Senator Knoll nominated Thomas W. Claggett.

The roll was called, with the following result:

Whole number of votes cast.....	45
Of which Mr. Wright received.....	39
Of which Mr. Claggett received.....	6

Whereupon George G. Wright having received a majority of all the votes cast, was declared to be the choice of the Senate for Senator in Congress for the term commencing March 4th, 1871.

Those voting for Mr. Wright were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, Moore, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—39.

Those voting for Mr. Clagget were—

Senators Casady, Dunham, Fellows, Knoll, McCulloch, and Mulkern—6.

Absent or not voting—

Senators Clark, Fairall, McNutt, Mitchell, and Murray—5.

On motion of Senator Bennett the Senate then proceeded to name a person for Senator in Congress, to fill the vacancy occasioned by the resignation of James W. Grimes

Senator Bennett nominated James B. Howell.

Senator Knoll nominated John T. Stoneman.

The roll was called with the following result:

Whole number of votes cast.....	46
Of which Mr. Howell received.....	40
Mr. Stoneman received.....	6

Whereupon James B. Howell having received a majority of all the votes cast, was declared to be the choice of the Senate for Senator in Congress, for the vacancy caused by the resignation of James W. Grimes.

Those voting for Mr. Howell were—

Senators Allen Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Moore, Newell, Patterson, Price, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

Those voting for Mr. Stoneman were—

Senators Casady, Dunham, Fellows, Knoll, McCulloch, and Mulkern—6.

Absent or not voting were—

Senators Clark, Fairall, Mitchell, and Murray—4.

At 11 o'clock and 55 minutes, on motion of Senator Knoll the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 19, 1870.

Senate convened at 10 o'clock A. M., and was called to order by the President.

Prayer by Rev. Dr. Black.

The Journal of yesterday was read, corrected and approved.



Senator Wolf asked permission to record his vote in favor of G. G. Wright and J. B. Howell for United States Senators.

Leave was granted.

Senator Hurley asked the same permission, which was granted.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform the honorable Senate that the House has concurred in the Senate Resolution in regard to the joint convention of the two Houses, at 12 o'clock meridian, this day for the purpose of having read the Journals of the two Houses in relation to the election of United States Senator.

CHARLES ALDRICH, *Chief Clerk.*

#### PETITIONS AND MEMORIALS

Senator Lowry presented a petition from 263 citizens of Scott county, praying for a herd law.

Referred to Committee on Agriculture.

Senator Hamilton presented a petition from G. W. Glime and others, Recorders of counties, praying for an increase of pay for county officers.

Referred to Committee on Compensation of Public officers.

Senator McKean presented a petition from W. H. Holmes, and 102 others, citizens of Jones county, asking for an appropriation for the relief of L. Thomas, on account of losses sustained as sub-contractor on the Iowa State Agricultural College.

Referred to Committee on Agricultural College and Farm.

Also a memorial of L. Thomas on same subject.

Referred to same Committee.

Senator Campbell presented a petition from H. E. Carpenter and others, praying for the enactment of a prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

Senator Allen presented the claim of S. A. Robertson, which was referred to Committee on Claims.

#### INTRODUCTION OF BILLS.

By Senator Mulkern: Senate File No. 28, A bill for an act to repeal chapter 196, of the laws of the 12th General Assembly, and to provide a substitute therefor.

Read first and second time and referred to Committee on Judiciary.

By Senator McNutt: Senate File No. 29, A bill for an act for the taxation of railroads.

Read first and second time and referred to Committee on Ways and Means.

By Senator Chapin : Senate File No. 30, A bill for an act to amend section 2, chapter 100 of the laws of the Twelfth General Assembly.

Read first and second time and referred to Committee on Roads.

By Senator Hamilton : Senate File No. 31, A bill for act to repeal section 4227 of the Revision of 1860, relating to the crime of arson, and to enact in lieu thereof the following :

Read first and second time and referred to Committee on Judiciary.

By Senator Wolf : Senate File No. 32, A bill for an act in relation to taxation of railroads, and to provide for the collection of taxes levied thereon.

Read first and second time and referred to Committee on Ways and Means.

By Senator Larrabee : (from Committee on Ways and Means), Senate File No. 33, A bill for an act making an appropriation for the payment of mileage of members of the Thirteenth General Assembly, and the *per diem* of the temporary officers and employees thereof, and for postage.

Read first and second time and passed on file.

By Senator Lowry : Senate File No. 34, A bill for an act regulating the duties of innkeepers, and fixing their liabilities for losses sustained by their guests.

Read first and second time and referred to Committee on Internal Improvements.

By Senator West : Senate File No. 35, A bill for an act limiting charges and defining duties of railroad companies.

Read first and second time and referred to Committee on Commerce, and ordered printed.

By Senator Lowry : Senate File No. 36, A bill for an act to promote the improvement of streets, alleys, and sidewalks.

Read first and second time and referred to Committee on Judiciary.

By Senator Couch : Senate File No. 37, A bill for an act to legalize acts of Notaries Public.

Read first and second time and referred to Committee on Judiciary.

Also, Senate File No. 38, A bill for an act to legalize official acts of Notaries Public.

Read first and second time and referred to same Committee.

By Senator Havens : Senate File No. 39, A bill for an act to amend section 7, chapter 102 of the laws of the Ninth General Assembly, relative to the publication of notices of estrays.

Read first and second time and referred to Committee on Agriculture.

#### HOUSE MESSAGES.

House concurrent resolution in relation to distribution of Revision

and laws, was taken up, and House amendment to the Senate proviso was concurred in.

House File No. 7, A bill for an act fixing the times for holding the terms of the District Court in the Fourth Judicial District, was taken up.

Read first and second time, and on motion of Senator Hurley, the eleventh rule was suspended, and the bill was read a third time.

On the question, "shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Ceady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Mulkern, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright—45.

The nays were none.

Absent and not voting—

Senators Bulis, Clark, Fairall, Mitchell, and Murray—5.

So the bill passed and the title was agreed to.

Senator Beardsley asked that Senator Bulis be excused.

The excuse was granted.

House File No. 11, A bill for an act to amend chapter 115, of the Revision of 1860, relative to drawing jurors, was taken up, read first and second time, and on motion of Senator Moore, the 11 rule was suspended and the bill read a third time.

On the question, "shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Ceady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Mulkern, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—44

The nays were none.

Absent or not voting—

Senators Bulis, Clark, Fairall, Ireland, Mitchell and Murray.—6.

So the bill passed and the title was agreed to.

#### REPORT OF COMMITTEES.

Senator Larrabee, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means, to whom was referred Senate File No. 8, have had the same under consideration, and have instructed me to report the same back with the recommendation that it do not pass.

LARRABEE, *Chairman.*

Ordered that the report pass on file.

Senator Bennett, from the Committee on Judiciary, submitted the following report, Senator Claussen dissenting from report on Senate File No. 25 :

MR. PRESIDENT—The Judiciary Committee have considered Senate File No. 4, A bill for an act to amend Chapter 195, of the Revision of 1860.

Senate File No. 13, A Bill for an act authorizing County Auditors to administer oaths, take acknowledgments, and providing a seal for said officers.

Senate File No. 25, A bill for an act to legalize the sale of indemnity swamp land and scrip in certain counties; and have instructed me to report the same back with the recommendation that they pass.

The Committee have also considered Senate File No. 21, A bill for an act to protect wool growers and confiscate dogs.

Also, Senate File No. 26, A bill for an act concerning fences, and constraining section 1545, of the Revision of 1860.

Which I am instructed to report back, with the recommendation that they be referred to the Committee on Agriculture.

Senate File No. 12, A bill for an act regulating the leasing and sale of the lands belonging to the Iowa Agricultural College and Farm, and prescribing the evidence of forfeiture and abandonment of the contract, if lease or sale, has been considered by the Committee, and I am instructed to report the same back, with the recommendation that it be referred to the Committee on Agricultural Farm and College.

The Committee have considered Senate File No. 19, A bill for an act to repeal section 1586, of the Revision of 1860, and to provide a substitute therefor, and report the same back, with the recommendation that it be amended by striking out the following :

“But the magistrate before whom such person is tried and convicted may remit any portion of such penalty,” and when so amended that it pass.

Senate File No. 9, A bill for an act to establish the office of County Attorney, and regulate the duties and compensation of District Attorney's, has been considered by the Committee, and I am instructed to report the same back with the recommendation that it do not pass.

The petition of William Wallace and others, asking that jurisdiction of Justices of the Peace be enlarged has been considered by the Committee, and the same is reported back.

The prayer of the petitioners cannot be granted, the jurisdiction of the Justices of the Peace being fixed by the Constitution of the State.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Senator Donnan from the Committee on Constitutional Amendments submitted the following report, Senator Mulkern dissenting.

MR. PRESIDENT—The Committee on Constitutional Amendments to whom was referred Senate File No. 2, and joint resolution No. 1, relative to the proposed XV amendment to the Constitution of the United States have had the same under consideration, and a majority of said Committee have instructed me to report the accompanying substitute, and recommend its passage.

W. G. DONNAN, *Chairman.*

On motion of Senator Donnan the rule was suspended, and the report taken up.

The substitute reported by the Committee entitled "Joint Resolution, ratifying the amendment to the Constitution of the United States, relating to the right of citizens of the United States to vote," was adopted.

On motion of Senator Donnan the eleventh rule was suspended, and the joint resolution was read a third time.

On the question shall the joint resolution pass.

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Moore, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were—

Senators Casady, Dunham, Fellows, Knoll, McCulloch, and Mulkern—6.

Absent or not voting were—

Senators Clark, Fairall, Mitchell, and Murray—4.

So the joint resolution was adopted.

By leave Senator McKean offered the following :

*Resolved by the Senate the House concurring,* That there shall be printed for the use of the Committees of this General Assembly, one thousand blank reports of Committees of the following form.

..... File No. ....

Report of Committee.....

Mr. ....

Your Committee... ..

on.. ..

to whom was referred the following bill..... File No.

..... A bill for an act.....

.....

beg leave to report that they have had the same under consideration,

and have instructed me to report the same back to the .....

with the recommendation.....

The resolution was adopted.

Senator Wright verbally reported that the Committee on heating and ventilating the Senate Chamber had investigated the subject, and asked further time.

Which was granted.

#### UNFINISHED BUSINESS.

Resolution in regard to distribution of Adjutant-General's Reports was taken up.

The question being on the amendment to the substitute.

The amendment was not agreed to.

On motion of Senator Larrabee the resolution was indefinitely postponed.

On motion of Senator Beardsley the Governor's Biennial Message was taken up and referred.

That part relating to Finances was referred to Committee on Ways and Means.

That relating to Indebtedness referred to same Committee.

That relating to Census was referred to Committee on Commerce.

That relating to Public Lands was referred to Committee on Public Lands.

That relating to Common Schools was referred to Committee on Schools.

That part relating to Normal Schools was referred to same Committee.

That relating to State University was referred to Committee on State University.

That relating to State Library was referred to Committee on State Library.

That relating to Adjutant and Quartermaster-General's Office was referred to Committee on Military Affairs.

That relating to War and Defense Claims was referred to Committee on Ways and Means.

That part relating to Geological Survey was referred to Committee on Commerce.

That relating to Institutions for the Education of the Blind was referred to Committee on Charitable Institutions.

That part relating to the Institution for the Deaf and Dumb was referred to same Committee.

That part relating to the Hospital for the Insane was referred to same Committee.

That relating to an additional Institution at Independence was referred to Committee on Public Buildings.

That relating to the Agricultural College was referred to the Committee on Agricultural College and Farm.

That relating to Soldiers' Orphans' Homes was referred to Committee on Soldiers' Orphans' Homes.

That relating to the State Penitentiary was referred to Committee on State Penitentiary.

That relating to Reform School was referred to Committee on Reform School.

That relating to the State Historical Society was referred to Committee on Claims.

That relating to the Capitol was referred to the Committee on Public Buildings.

That relating to extraordinary contingencies was referred to Committee on Ways and Means.

That relating to counties and cities was referred to the Committee on County and Township Organization.

That relating to Registry Law was referred to Committee on Elections.

That relating to Immigration was referred to Committee on Commerce.

That relating to Railroads was referred to Committee on Railroads.

That relating to Water Communication was referred to Committee on Internal Improvements.

That relating to the Wisconsin and Fox River Improvements was referred to same Committee.

That relating to Public Lands was referred to Committee on Public Lands.

That relating to School Fund and School Lands was referred to same Committee.

That referring to the Courts was referred to the Committee on Judiciary.

That referring to the Criminal Code was referred to same Committee.

That relating to the Codification of the Laws was referred to same Committee.

That relating to Constitutional Convention was referred to the Committee on Constitutional Amendments.

That relating to Constitutional Amendments was referred to same Committee.

That relating to Amendment to the Constitution of the United States was referred to same Committee.

At eleven o'clock and forty minutes, Senator Bennett moved that the Senate take a recess until five minutes before twelve.

The motion prevailed.

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ELEVEN O'CLOCK AND FIFTY-FIVE MINUTES.

The Senate was called to order.

A Committee from the House announced that the House was

ready to receive the Senate in joint convention for the purpose of hearing the Journals of both Houses read in relation to the election of United States Senators.

On motion of Senator Larrabee, the Senate proceeded to the Hall of the House of Representatives.

#### JOINT CONVENTION.

The President of the Senate called the Joint Convention to order at 12 o'clock M.

That portion of the House and Senate Journals relating to the election of United States Senators, on Tuesday, January 18th, were read and compared, whereupon it appeared that Geo. G. Wright had received a majority of all the votes cast in both Houses for United States Senator for the term of six years, commencing March 4th, 1871, and that James B. Howell had received a majority of all the votes cast in both Houses for United States Senator to fill the vacancy occasioned by the resignation of James W. Grimes.

Mr. Kasson offered the following resolution, which was agreed to :

*Resolved*, That George G. Wright be declared the Senator elect from the State of Iowa to the Congress of the United States, for the term commencing March 4th, 1871, and that James B. Howell be declared the Senator elect from the State of Iowa to the Congress of the United States, to fill the vacancy caused by the resignation of James W. Grimes.

Mr. Cutts presented a communication from Hon. G. G. Wright, and on motion of Mr. Murdock, it was read.

Senator Mulkern moved the Convention dissolve.

The motion did not prevail.

Senator Wright moved that a copy of the proceedings be forwarded to the Governor, which was agreed to.

Senator Mulkern moved that the Convention do now rise.

The motion prevailed, and the Joint Convention dissolved.

At 12 o'clock and 15 minutes, the Senate returned to the Senate Chamber, and was called to order by the President.

At 12 o'clock and 20 minutes, on motion of Senator Moore, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 20, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Dinsmore.

The Journal of yesterday was read and approved.



The following message was received from the House :

MR. PRESIDENT—I am directed to inform the honorable Senate that the House has adopted the joint rules of the last session as the joint rules of the two Houses for the present session.

The concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, *Chief Clerk.*

PETITIONS AND MEMORIALS.

Senator Knoll presented a petition from the Board of Supervisors of Dubuque county, asking the taxation of railroads.

Referred to Committee on Railroads.

Senator Hawley presented a petition from the society of Northmen's Union, praying the enactment of a law for the encouragement of immigration.

Referred to Committee on Commerce.

Senator Patterson presented a petition from the Mayor, Councilmen, and citizens of Charles City, praying for the enactment of a law authorizing the employment of prisoners on public works.

Referred to Committee on Judiciary.

Senator McNutt presented a petition from Gen. M. M. Trumbull, and others, praying for such legislation as shall secure to the widow and heirs of Col. J. B. Dorr the family homestead.

Referred to Committee on Claims.

The President announced the following Committees of the Senate :  
*Compensation of Public Officers*—Senators Newell, Smyth, McKean, Havens, Atkins, Hawley, and Mulkern.

TO VISIT STATE INSTITUTIONS.

*Penitentiary*—Senator Wright.

*Insane Asylum at Mount Pleasant*—Senator Pierce.

*Insane Asylum at Independence*—Senator Bennett.

*Deaf and Dumb Asylum at Iowa City*—Senator Smyth.

*Deaf and Dumb Asylum at Council Bluffs*—Senator Donnan.

*Asylum for the Blind*—Senator Couch.

*Orphans' Home at Davenport*—Senator Keller.

*At Cedar Falls*—Senator Grimes.

*At Glenwood*—Senator Griffith.

*State University*—Senator Beardsley.

*Agricultural College*—Senator Long.

*Reform School*—Senator Chapin.

INTRODUCTION OF BILLS.

By Senator Donnan: Senate File No. 40, A bill for an act to amend an act entitled an act in relation to jurors' fees.

Read first and second time and referred to Committee on Judiciary.

By Senator Bennett: Senate File No. 41, A bill for an act to repeal section 2498 of the Revision of 1860.

Read first and second time and referred to Committee on Judiciary.

By Senator Lowry: Senate File No. 42, A bill for an act relating to mining for coal, and for the protection of the lives of miners.

Read first and second time and referred to Committee on Internal Improvements.

By Senator Traverse: Senate File No. 43, A bill for an act to amend section 3079 of chapter 123 of the Revision of 1860.

Read first and second time and referred to Committee on Judiciary.

By Senator Hawley: Senate File No. 44, A bill for an act to repeal section 2800 of the Revision of 1860, and to enact a substitute therefor.

Read first and second time and referred to Committee on Judiciary.

By Senator Patterson: Senate File No. 45, A bill for an act to regulate the crossings of railroads, and to regulate the running of trains at such crossings.

Read first and second time and referred to Committee on Railroads.

By Senator Griffith: Senate File No. 46 A bill for an act to authorize counties to fund certain indebtedness.

Read first and second time and referred to Committee on Ways and Means.

By Senator Grimes: Senate File No. 47, A bill for an act to amend article three, section 1583 of the Revision of 1860.

Read first and second time and referred to Committee on Suppression of Intemperance.

#### HOUSE MESSAGES.

House message relating to the joint rules of the Thirteenth General Assembly was taken up, and the action of the House was concurred in.

#### REPORTS OF COMMITTEES.

By Senator Beardsley, from Committee on Federal Relations, submitted the following report:

The Committee on Federal Relations have considered the joint resolution in relation to appropriations for public buildings in Washington City and the removal of the National Capitol, and have instructed me to report the following substitute.

CHARLES B. BEARDSLEY, *Chairman.*

Ordered that the report pass on file.

Senator Hamilton, from the Committee on Incorporations, submitted the following report :

The Committee on incorporations, to whom was referred Senate File No. 3, A bill for an act to authorize cities to receive donations of ground and library buildings, and to maintain free public libraries and reading rooms, would respectfully report the bill back, with the recommendation that section 2 be stricken out, and that there be substituted therefor the following, to-wit :

SEC. 2. That the City Council shall appoint from time to time such trustees or officers, or both, of said public library and reading room as it shall deem proper, and confer upon them such authority, including the power to enact by-laws, as may be necessary for the government of and as will conduce to render such library and reading room of public utility.

The Committee further recommend that when so amended, the bill do pass.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

Also, the following :

The Committee on Incorporations, to whom was referred Senate File No. 16, A bill for an act to amend sections 1068, 1069, and 1070, of the Revision of 1860, and to provide additional means for the collection of charges, assessments, and taxes on lots of land in municipal corporations, would respectfully report that they recommend that the bill be amended by striking out of the same the 31st, 32d, 33d, 34th, and 35th lines thereof, the said lines being in words as follows : "and in the collection of the said charges, assessments, and taxes, said sections shall be deemed and treated as part of this act;" and that when so amended, the Committee recommend that the bill do pass.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

#### BILLS ON SECOND READING.

Senate File No. 33, A bill for an act making an appropriation for the payment of the mileage of the members of the Thirteenth General Assembly, and the *per diem* of the temporary officers and employees thereof, and for postage, was taken up, considered, and on motion of Senator Bulis, the rule was suspended and the bill read a third time.

On the question, "shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell,

Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Newell, Patterson, Pierce, Rice, Smyth, Traversæ, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were none.

Absent or not voting—

Senators Bill, Clark, Mitchell, Mulkern, and Murray—5.

So the bill passed and the title was agreed to.

Senator Traversæ asked that Senator Bill be excused on account of sickness.

The Senator was excused.

Senate File No. 8, A bill for an act in relation to the penalty on certain taxes, with report of the Committee recommending that the bill do not pass, was taken up and considered.

On motion of Senator McNutt, the bill was re-committed to the Committee on Judiciary.

Senate File No. 13, A bill for an act authorizing County Auditors to administer oaths and take acknowledgments, and providing a seal for said officers, with report of Committee that it do pass, was taken up and considered.

On motion of Senator Mulkern, the consideration of the bill was postponed for one week.

Senate File No. 4, A bill for an act to amend chapter 195, Revision of 1860, giving to defendants the right to a change of venue in preliminary examinations in criminal cases, with report of Committee, recommending that the bill do pass, was taken up and considered.

Ordered that the bill be engrossed and read a third time to-morrow.

Senator Fellows moved to reconsider the vote by which the bill was ordered engrossed, which motion prevailed.

Senator Patterson moved to strike out the word "one," in the last line of section 2, and insert in lieu thereof the word "two."

The amendment was agreed to.

Senator Patterson moved to amend, by inserting in Section 2, after the word "township," the words, "to whom no such objection is made."

Senator Fairall moved to re-commit the bill, with amendments, to the Committee on Judiciary, which was agreed to.

Senate File No. 25, A bill for an act to legalize the sale of indemnity swamp lands and scrip in certain counties, with report of Committee, recommending that the bill do pass, was taken up and passed on file.

Senate File No. 21, A bill for an act to protect wool growers and confiscate dogs, with report of Committee recommending that the bill be referred to Committee on Agriculture, was taken up.

The report of the Committee was adopted, and the bill was so referred.

Senate File No. 26, A bill for an act concerning fences, and constraining section 1645, of Revision of 1860, with report of Committee recommending that the bill be referred to Committee on Agriculture was taken up.

The report was adopted and the bill so committed.

Senate File No. 27, a bill for an act regulating the leasing and sale of lands belonging to the Iowa Agricultural College and Farm, and prescribing the evidence of forfeiture and abandonment of contracts of lease or sale, with report of Committee recommending that the bill be referred to Committee on Agricultural College and Farm, was taken up.

The report of the Committee was adopted.

Senate File No. 19, A bill for an act to repeal section 1568, of the Revision of 1860, and to provide a substitute therefor, with report of Committee and recommending amendments, and that the bill so amended do pass, was taken up and considered.

The amendments reported by the Committee was adopted.

On motion of Senator Wolf the bill was recommitted to Committee on Suppression of Intemperance.

Senator Donnan asked leave of absence for the Secretary James M. Weart, until Tuesday evening next, which was granted.

At twelve o'clock meridian, on motion of Senator Bulis, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 21, 1870.

Senate met pursuant to adjournment.

The President in the chair.

Prayer by Rev. Mr. Field.

The journal of yesterday read and approved.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform the Senate that the House has passed the following joint resolutions :

1. A joint resolution, ratifying the proposed Fifteenth Article of the Constitution of the United States.
2. A joint resolution in relation to the sale of the school lands of the State.

The concurrence of the honorable Senate is respectfully asked.

I also transmit a copy of a concurrent resolution of Congress.

entitled a resolution proposing an amendment to the Constitution of the United States, from the Department of State of the United States.

CHAS. ALDRICH, *Chief Clerk.*

*Be it resolved by the General Assembly of the State of Iowa,* That all the unsold school lands of the State of Iowa are hereby withdrawn from the market until the first day of March next, and that the Secretary of State be directed to inform all County Auditors of the passage of this resolution.

This resolution shall take effect from and after its publication in the State Register and Des Moines Bulletin.

The President presented a communication from the City Council of Keokuk, praying for the enactment of a law taxing railroads as other property.

Read and referred to Committee on Railroads.

#### PETITIONS AND MEMORIALS.

Senator Smyth presented a preamble and resolution of the Board of Supervisors of Linn county, asking increased fees for Justices of the Peace, Constables, and township officers.

• Referred to Committee on Compensation of Public officers.

Senator Wolf presented a petition from Wm. H. Tuthill and others, praying for the enactment of a stringent prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

Senator Grimes presented a petition from S. G. Knee, and fifty-four others, praying for the enactment of a law regulating the rates of tariff for freight and passengers over railroads in this State.

Referred to Committee on Railroads.

Senator Beardsley presented a communication from T. S. Trulock, Superintendent of Common Schools of Des Moines county, praying for certain amendments to school laws.

Referred to Committee on Schools.

Senator Hurley presented a memorial from Andrew Gombell and others, members of the Board of Supervisors of Louisa county, in relation to increasing the rate of interest on school fund loan.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Casady : Senate File No. 48, A Bill for an act providing to enlarge and complete the buildings for a Deaf and Dumb Asylum.

Read first and second time and referred to Committee on Public Buildings, and ordered printed.

By Senator Campbell: Senate File No. 49, A bill for an act to repeal section 1583, of the Revision of 1860.

Read first and second time and referred to Committee on Suppression of Intemperance.

By Senator Wolf: Senate File No. 50, a bill for an act to amend chapter 144, of the acts of the Twelfth General Assembly, in relation to the protection of crops against the invasion of stock.

Read first and second time and referred to Committee on Agriculture

#### RESOLUTIONS.

Senator Wright offered the following:

*Resolved by the Senate, the House of Representatives concurring,* That the Committees visiting the Public Institutions be allowed only their *per diem* and actual expenses (cash paid out), as per bill rendered.

The resolution was adopted.

Senator Griffith offered the following resolution, which was agreed to.

*Resolved,* That the Ways and Means Committee be requested to prepare and report a bill for the equalization of taxes, especially as between real estate and moneys and credits.

Senator Dysart offered the following:

*Resolved,* That the Committee on the Suppression of Intemperance be authorized to have Senate File No. 19, with the amendments, printed.

The resolution was adopted.

Senator Larrabee offered the following:

*Resolved,* That the Committee on Ways and Means, be authorized to have printed such bills as they may order.

Senator Mulkern moved to amend, by striking out the words, "Committee on Ways and Means," and inserting the words, "all committees."

The amendment prevailed, and the resolution as amended was agreed to.

Senator McNutt asked for a leave of absence until Tuesday next, which was granted.

Senator Bill asked for leave of absence for Senator Pierce, and for Val Mendal, Sergeant-at-Arms, until Tuesday next.

Leave was granted.

#### HOUSE MESSAGES.

House message in relation to the joint resolution, ratifying the proposed fifteenth article of the Constitution of the United States, was taken up.

Senator Bulis moved that the Senate concur in the House joint resolution.

Senator Donnan moved to amend, by inserting after the word "Senate," and before the word "concur," the words, "do not."

Senator Bennett moved to postpone the further consideration of the subject until to-morrow.

The motion did not prevail.

Senator Mulkern moved to postpone the further consideration of the whole matter until next Tuesday at 10 o'clock.

Senator Dysart raised the point of order that the Senate could not vote more than once on same day on a proposition to lay over to a certain day.

The President decided the point well taken.

Senator Mulkern moved to reconsider the vote by which the Senate refused to postpone the further consideration of the subject until to-morrow.

The motion did not prevail.

The question being on the amendment offered by Senator Donnan the yeas and nays were demanded, and

The yeas were—

Senators, Allen, Atkins, Bennett, Casady, Chapin, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Keller, Knoll, Larrabee, Long, McCulloch, McKean, McNutt, Mulkern, Patterson, Rice, Traverse, Tuttle, Vermillion, West, Wolf—30.

The nays were—

Senators, Beardsley, Bill, Bulis, Campbell, Cathcart, Claussen, Dunham, Lowry, Moore, Newell, Smyth, Vale, Wright—15.

Absent or not voting—

Senators, Clarke, Hawley, Mitchell, Murray, Pierce—5.

So the amendment prevailed.

The question being shall the Senate refuse to concur.

The yeas were—

Senators Allen, Atkins, Bennett, Casady, Chapin, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Keller, Knoll, Larrabee, Long, McCulloch, McKean, McNutt, Mulkern, Patterson, Rice, Traverse, Tuttle, Vermillion, West, Wolf—30.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Cathcart, Claussen, Dunham, Hurley, Ireland, Lowry, Moore, Newell, Smyth, Vale, Wright—15.

Absent or not voting—

Senators Clark, Hawley, Mitchell, Murray, Pierce—5.

So the Senate did not concur.

House concurrent resolution in relation to the sale of school lands was taken up.



On the question, "shall the Senate concur," the yeas and nays were demanded and

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Clanssen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Mulkern, Newell, Patterson, Rice, Smith, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright.—43.

The nays were—

Senator Campbell.—1.

Absent and not voting—

Senators Chapin, Clark, Hawley, Mitchell, Murray, and Pierce.—6.

So the resolution was concurred in.

#### REPORTS OF COMMITTEE.

Committee on Ways and Means submitted the following report:

Senator Larrabee from your Committee on Ways and Means, to whom was referred Senate File No. 12, offer the following amendments, and with their adoption recommend that the bill do pass.

Insert in section 1, after "1870," the words "and every year thereafter."

Insert after section 2, another section, as follows:

SECTION 3. The amount of taxes due on any real estate sold under the provisions of this act, in excess of the amount for which the same was sold, shall be audited as unavoidable tax to the county treasurer, by the county auditor, apportioning the amount among the different funds to which the same belong. The amount of such excess due to funds belonging to the State, shall be reported by the county auditor to the auditor of State as unavoidable, who shall give the counties credit for the same.

LARRABEE, *Chairman.*

Ordered, that the report pass on file.

Senator Bennett from Judiciary Committee submitted the following report:

MR. PRESIDENT.—The Committee on Judiciary have considered Senate File No. 23, "A bill for an act to repeal section 3293 of the revision of 1860 and provide a substitute therefor," and I am instructed by a majority of the Committee to report the same back with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman.*

Senator McKean, from same Committee, submitted the following minority report.

MR. PRESIDENT—The undersigned minority of the Judiciary Committee dissent from the opinion of the majority in regard to Senate File No. 23, for the following reasons :

The present stay law is unreasonable in many of its provisions; for instance it gives the same stay of execution on one hundred and fifty dollars that it does on any larger sum, however large it may be. That is a judgment for fifty dollars can be stayed from execution the same time that one can for fifteen thousand.

Again, it seems to go on the theory that the judgment debtor has no property or money, whatever, which he can use to pay his debts, and gives him time enough to earn the whole judgment, within the time that the execution is delayed.

To give a person six months time to raise from sixty to one hundred dollars seems to be unreasonable, and uncalled for. No man who has either good credit or a good reputation needs such time. A stranger from reading our law at present on this subject who was unacquainted with our people, would get the idea that in our great State money was a thing almost out of use, and good faith and credit, such as commerce always requires, had not yet been permanently established among us.

The present law was made about the time of financial disaster and ruin, when many of our people was largely in debt, and the money market disordered by a miserable currency, and motives of self-interest and self-preservation influenced largely in the enactment thereof.

In other words the law was made in the interest of debtors, and against the interests of creditors as an expedient to relieve citizens of Iowa, against creditors in other States for the time being. That occasion has long since passed away, yet the law remains unchanged and at the present time is unreasonable and unjust, and operates to the injury of capital in the State, and to exclude that which would naturally come to us, thus damaging our credit, commercial standing, and future wealth, and aggravating the evils it would seek to remedy, for when once involved in debt our collection laws are so unjustly discriminative against moneyed capital that it is almost impossible to obtain relief, and the burden remains permanently and grievously on the debtor. Our whole State loses thousands, and I may say millions, annually because of unjust and unwise discriminations in this regard, and I protest against it.

Yet it seems that we keep on our statutes the occasion of our loss in this particular, whilst in every other line we remit and solicit the presence of capital, railroads, banks, manufacturers, land speculation have free scope, and are *unlimited* as to rates and tariffs and profits, yet money the basis of all commercial transactions is wronged, hindered and delayed, by laws in the rate of interest of those who have obtained it, and yet wrongfully failed to

meet these objections. For the above reasons hastily given, and others I recommend that the said bill or some such an one pass the Senate.

JOHN McKEAN.

Ordered that the report do pass on file.

Senator Bennett from the Judiciary Committee submitted the following report:

MR. PRESIDENT—The Judiciary Committee have considered Senate File No. 40, A bill for an act to amend an act, entitled “an act in relation to juror’s fees,” and I am instructed by the Committee to report the same back, and recommend its passage.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also, the following:

MR. PRESIDENT—The Judiciary Committee have considered Senate File No. 28, A bill to repeal chapter 196 of the laws of the Twelfth General Assembly, and to provide a substitute therefor, and instructed me to report the same back, with the recommendation that it be referred to the Committee on Ways and Means.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also, the following:

MR. PRESIDENT—The Committee on Judiciary have considered Senate File No. 43, A bill for an act to amend section 3079 of chapter 123 of the Revision of 1860, and I am instructed by the Committee to report the same back and recommend its passage.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also, the following:

MR. PRESIDENT—The Judiciary Committee, to whom was referred Senate File No. 37, A bill for an act to promote the improvement of streets, alleys, and sidewalks, have considered the same, and recommend that it be referred to the Committee on Incorporations.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Senator Wolf, from same Committee, submitted the following report:

The Judiciary Committee, to whom was referred Senate File No. 41, A bill for act to repeal section 2498 of the Revision of 1860,

have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that the same be passed.

WOLF, *for Committee.*

Ordered that the report pass on file.

Senator Dixon, from Committee on Agriculture, submitted the following report:

Your Committee on Agriculture, to whom was referred Senate File No. 39, A bill for an act to amend section 7 of chapter 102 of the laws of the Ninth General Assembly, in relation to the publication of notices of estrays, recommend that it do pass.

JNO. A. DIXON, *Chairman.*

Ordered that the report pass on file.

Senator McKean, from the Committee on Roads, submitted the following report:

MR. PRESIDENT—Your Committee on Roads, to whom was referred the following bill: Senate File No. 15, A bill for an act to amend section two of chapter seventy-six of the acts of the Tenth General Assembly, have had the same under consideration, and instructed me to report the same back to the Senate, with the recommendation that the same do pass.

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

By leave Senator Smyth offered the following:

*Resolved by the Senate, the House of Representatives concurring,* That F. B. Zdrubeck, editor of the Pokrak, a Bohemian newspaper published at Cedar Rapids in this State, be authorized to print in the Bohemian language ——— copies of the Governor's biennial message to the 13th General Assembly of this State, and also ——— copies of his inaugural address, the numbers authorized to be printed in that language by this General Assembly.

Senator Mulkern moved to refer the resolution to Committee on Printing, with authority to contract for printing.

At 11 o'clock and 45 minutes, Senator Casady moved that the Senate adjourn until Monday morning.

The motion prevailed.

SENATE CHAMBER, DES MOINES, IOWA,  
January 24, 1870.

Senate met pursuant to adjournment.  
President in the chair.  
Prayer by Rev. Geiger.  
The Journal of Friday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House. .

MR. PRESIDENT—I herewith return Senate File No. 33, A bill for an act making an appropriation for the payment of the mileage of the members of the 13th General Assembly, and for the per diem of the temporary officers and employees thereof, and for postage.

I also return the senate resolutions in relation to the abolition of the franking privilege and for preparing certain blank reports for the committees of the two houses.

The above bill and resolutions have passed the House without amendment.

I also transmit herewith a joint resolution in regard to an increase of pensions to soldiers of the war of 1812, which has passed the House, and in which the concurrence of the Honorable Senate is respectfully asked.

Also that the House has concurred in the Senate amendment to the House resolution relative to an investigation into the charge against Martin Heisey, warden of the penitentiary.

I am also directed to inform the Senate that the House has ordered the printing of 1000 copies of the Governor's Biennial Message in the Swedish language

CHARLES ALDRICH, *Chief Clerk.*

The President presented a communication from the board of supervisors of Lee County, praying for a law requiring railway incorporations to be taxed the same as other property used for pecuniary purposes.

Referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

By Senator Donnan: Senate File No. 51, A bill for an act to amend section 4, chapter 98, of the laws of the Twelfth General Assembly in relation to school orders.

Read first and second time, and referred to Committee on Schools.

By Senator Bulis: Senate File No. 52, A bill for an act providing for finishing uncompleted portions of the work of the State Geological Survey, and for publishing the report of the State Geologist.

Read first and second time and referred to a Special Committee of five.

By Senator Lowry: Senate File No. 53, A bill for an act to punish and suppress prize fighting.

Read first and second time and referred to Committee on Reform School.

By Senator Bill: Senate File No. 54, A bill for an act to amend section 2, of chapter 46, of the acts of the Tenth General Assembly relative to salaries of sheriffs.

Read first and second time, and referred to Committee on Compensation of Public Officers.

By Senator Traverse: Senate File No. 55, A bill for an act to amend section 822, of the revision of 1860, relative to bridges.

Read first and second time and referred to Committee on Roads.

By Senator Moore: Senate File No. 56, A bill for an act to repeal section 2824, of chapter 120, of the revision of 1860, and to enact in lieu thereof, an act providing the manner of commencing actions where a county is defendant.

Read first and second time and referred to Committee on Judiciary.

By Senator Bulis: Senate File No. 57, A bill for an act for the annexation of the north half of section eighteen, section six, and seven, in township ninety-seven, range six, west, lands situated in Allamakee County, Iowa, to sub-district No. 2, in Frankville school district, Winneshiek County, Iowa. Also, to detach from the same, sections two, three and eleven, and the north-east quarter of section ten of township No. ninety-seven, range seven, west of the 5th Principal Meridian, lands situated in Winneshiek County, Iowa.

Read first and second time and referred to Committee on Schools.

By Senator Newell: Senate File No. 58, A bill for an act to establish an additional penitentiary at McGregor, Iowa.

Read first and second time and referred to Committee on Penitentiary.

#### RESOLUTIONS.

Senator Fairall introduced the following:

*Resolved*, That a Special Committee of nine, of which the Senator from Washington shall be chairman, be appointed by the President, the duty of which shall be to inquire the amount of bonds issued by each county, amount now due, including interest

and costs, and to consider and report to the Senate by bill or otherwise. The subject of relief of those counties and cities in this State which have become involved by an indebtedness created by the issuing of bonds to aid in the construction of railroads.

The resolution was agreed to.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House now concurs in the action of the Senate upon the resolution relative to the proposed 15th article to the Constitution of the United States.

Also, that the House asks a committee of conference upon the disagreement of the two Houses, and that Messrs. Kasson, Stone, and Mahin, have been appointed as such committee on the part of the House.

I also return the Senate resolution relative to the expenses of visiting committees, the same having passed the House without amendment.

CHARLES ALDRICH, *Chief Clerk.*

Senator Mulkern introduced the following preamble and joint resolution, in relation to the town of Peru, in Dubuque county.

Read first and second time.

Senator Newell moved to refer to Committee on Federal Relations.

The motion prevailed.

Senator Patterson introduced the following:

A memorial and joint resolution asking Congress for a grant of lands to aid in the construction of a railroad from O'Brien county, Iowa, to some point on the Missouri river, at or near Yankton, Decotah territory.

Read first and second time.

Senator Patterson, moved that the 11th rule be suspended and the resolution read a third time now.

Senator Fellows moved to refer to Committee on Public Lands.

The yeas and nays were demanded, and

The yeas were—

Senators Bennett, Campbell, Chapin, Donnan, Dysart, Fellows, Griffith, Grimes, Hurley, Ireland, Keller, Larrabee, Lowry, McCulloch, McKean, Moore, Mulkern, Murray, Newell, Patterson, Rice, Smyth, Traverse, Vale, Vermilion—25.

The nays were—

Senators Allen, Bill, Bulis, Cathcart, Claussen, Dunham, Fairall,  
—7.

Absent or not voting were—

Senators Atkins, Beardsley, Casady, Clark, Couch, Dixon, Hamilton, Havins Hawley, Knoll, Long, McNutt, Mitchell, Pierce, Tuttle, West, Wolf, and Wright—18

So the motion prevailed, and the joint resolution was so referred.

On motion the following Senators were excused:  
Messrs. Atkins, Beardsley, Casady, Couch, Dixon, Hamilton, Havens, Knoll, Long, Tuttle, West, Wolf, and Wright.

## HOUSE MESSAGES.

Joint resolution in relation to giving to soldiers of the war of 1812 the same pension as is now now granted to totally disabled soldiers, was taken up, considered, and

On motion of Senator Bennett, was referred to Committee on Military affairs.

House message asking the appointment of a Committee of Conference on the part of the Senate on the disagreement of the two Houses on joint resolution ratifying the proposed 15th article to the Constitution of the United States, was taken up, considered, and

On motion of Senator Donnan, the President was directed to appoint a committee of three to confer with a like committee on part of the House.

On motion of Senator Fellows the call for "bills, other matters, and unfinished business" was dispensed with.

The Committee on Enrolled Bills, submitted the following report:

MR. SPEAKER—The Committee on Enrolled Bills have examined the following resolution and find the same correctly enrolled, and present the same for your signature.

Joint resolution relative to the withdrawal of school lands from market.

B. F. MURRAY, *For Committee.*

At 11 o'clock and 35 minutes, on motion of Senator Mulkern the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 25, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Hobbs.

The Journal of yesterday was read and approved.

The following message was received from the House:

MR. PRESIDENT—I herewith transmit House File No. 2, A bill for an act to legalize the organization of independent school district of Ainsworth, Washington county, Iowa.



The above bill has passed the House of Representatives, and the concurrence of the honorable Senate is respectfully asked.

CHAS. ALDRICH, *Chief Clerk.*

Senator Murray, from Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—Committee on Enrolled Bills have examined the Senate File No. 33, and joint resolution relative to the abolition of the franking privilege, and find same correctly enrolled.

B. F. MURRAY, *For Committee.*

#### PETITIONS AND MEMORIALS.

Senator Casady presented a petition from the Board of Supervisors of Pottawattamie county, praying for the enactment of a law taxing railroads the same as other property.

Referred to Committee on Railroads.

Senator West presented a resolution from the Supervisors of Henry county, asking Legislature to memorialize Congress to define the jurisdiction of Federal and State Courts.

Referred to Committee on Federal Relations.

Senator Ireland presented a memorial from the City Council of the city of Clinton, asking the amendment of section 1125, of the Revision of 1860, so as to authorize the levy of ten mills.

Senator Ireland offered the following :

*Resolved,* That the resolution and petition of the City Council of City of Clinton, asking that section 1125, of the Revision of 1860, be amended, and be referred to Committee on Incorporations.

Resolution was adopted.

#### INTRODUCTION OF BILLS.

By Senator Mulkern : Senate File No. 59, A bill an act to amend section 840, of the Revision of 1860.

Read first and second time and referred to Committee on Judiciary.

By Senator McKean : Senate File No. 60, A bill for an act to permanently locate and provide for the erection and control of an additional Penitentiary.

Read first and second time and referred to Committee on Public Buildings, and ordered printed.

By Senator Tuttle : Senate File No. 61, A bill for an act to amend chapter 38, of the Tenth General Assembly, fixing the compensation of District Attorneys.

Read first and second time and referred to Committee on Compensation of Public Officers.

By Senator Vermillion: Senate File No. 62, A bill for an act to repeal section 2, chapter 160 of the acts of the Twelfth General Assembly.

Read first and second time, and referred to Committee on Roads.

By Senator Hurley: Senate File No. 63, A bill for an act fixing the rate of interest on loans of the Permanent School Fund.

Read first and second time, and referred to Committee on Schools.

#### RESOLUTIONS.

Senator Long offered the following:

*Resolved*, That W. L. Vestal, Will Porter and J. R. Hammond, reporters of the proceedings of this Senate for the STATE REGISTER, *Des Moines Evening Statesman* and *Des Moines Bulletin*, respectively, be furnished by the Secretary of State with necessary pens, paper, pencils, inkstands and ink for their use as reporters.

The yeas and nays were demanded, and

The yeas were—

Senators Allen, Beardaley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Moore, Mulkern, Murray, Newell, Patterson, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright.—42.

The nays were none.

Absent and not voting—

Senators Atkins, Clark, Dunham, Fairall, Knoll, McCulloch, Mitchell, and Pierce.—8.

So the resolution was adopted.

Senator Claussen asked for leave of absence for Senator Fairall. Leave was granted.

Senator Larrabee offered the following:

*Resolved*, That the Secretary of the Senate be, and is hereby directed to order for the use of each Senator, twenty-five (25) copies of the *Des Moines Bulletin's* Legislative Supplement, in single wrappers ready for mailing. *Provided*, the cost of the same will not exceed two (2) cents a day for each copy ordered for the same time that *per diem* pay is allowed to Senators; and, *provided, further*, that a full phonographic report of the proceedings of the Thirteenth General Assembly, from the commencement to the close of its sessions, are published in it.

Senator Campbell offered the following amendment, by adding:

*And provided further*, That the cost of the same shall be paid out of the *per diem* of the members of the Senate.

The yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Campbell, Chapin, Griffith, Grimes, Lowry, Moore, Traverse, Tuttle, Vermillion, Wolf, and Wright—12.

The nays were—

Senators Allen, Bennett, Bill, Bulis, Casady, Cathcart, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, McKean, McNutt, Mulkern, Murray, Newell, Patterson, Pierce, Rice, Smyth, and Vale—31.

Absent or not voting—

Senators Atkins, Clark, Dunham, Fairall, Knoll, McCulloch, and Mitchell—7.

So the amendment did not prevail.

Senator Griffith moved that the resolution be indefinitely postponed.

The yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bill, Bulis, Campbell, Cathcart, Chapin, Couch, Donnan, Dysart, Griffith, Grimes, Hamilton, Hurley, Ireland, Keller, Lowry, Pierce, Smith, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—25.

The nays were—

Senators Allen, Bennett, Casady, Claussen, Dixon, Fellows, Havens, Hawley, Larrabee, Long, McKean, McNutt, Moore, Mulkern, Murray, Newell, Patterson, and Rice—18.

Absent or not voting—

Senators Atkins, Clark, Dunham, Fairall, Knoll, McCulloch, and Mitchell—7.

So the motion prevailed.

Senator Bulis offered the following:

*Resolved*, That the Janitor of this House be regarded as one of its officers.

The Resolution was agreed to.

Senator Beardsley offered the following:

Resolutions in relation to John C. Abercrombie, of Des Moines county.

WHEREAS, Lieutenant Colonel John C. Abercrombie, for over three years a brave and efficient officer of the 11th Iowa Infantry, also, a member of the 1st Iowa Infantry during its existence, and having also, served as an enlisted man during the Mexican war, is now totally and hopelessly blind, and otherwise disabled as is believed from exposure and hardships endured while in the service of his country, and

*Whereas*, The origin of these disabilities is not susceptible of that clear and undoubted proof—tracing effect to cause—required by the pension Bureau; and

*Whereas*, Col. Abercrombie, recently bereft of a beloved wife,

has three small children with no means for their or his support, having already expended the accumulations he had been able to make; therefore,

*Resolved*, by the Senate the House concurring, That our Senators and Representatives in Congress be earnestly requested to use their best efforts to secure the passage of an act granting to Lieut. Col. John C. Abercrombie a full pension corresponding to his rank in the service.

*Resolved*, That we tender to Col. Abercrombie our admiration for his heroic and patriotic services and our deep sympathy with him in his present afflictions.

*Resolved*, That the Secretary of State be directed to forward a certified copy of this preamble and resolutions to each of our Senators and Representatives in Congress, to Hon. W. W. Belknap, Secretary of War, and to Col. John Abercrombie, at Burlington, Des Moines county, Iowa.

Senator Traverse moved to refer the resolutions to the Committee on Military Affairs.

The motion did not prevail.

The resolution was then adopted.

#### HOUSE MESSAGES.

House File No. 2, A bill for an act to legalize the organization of the independent school district of Ainsworth, Washington county, was taken up read first and second time, considered, and

On motion of Senator Bennett the 11th rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dy-sart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Moore, Mulkern, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wright—40.

The nays were—

Senator Dixon—1.

Absent and not voting—

Senators Atkins, Clark, Fairall, Knoll, McCulloch, Mitchell, Murray, Rice, Wolf—9.

So the bill passed and the title was agreed to.

#### REPORTS OF COMMITTEES.

Senator Bennett from the Judiciary Committee submitted the following report:

MR. PRESIDENT—The Committee on Judiciary have considered

Senate File No. 44, A bill for an act to repeal sec. 2800 of the Revision of 1860, and do enact a substitute therefor, and they direct me to report the same back with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman.*

Ordered, that the report pass on file.

Senator Moore from Committee on County and Township Organization submitted the following report :

The committee to whom was referred Senate File Nos. 7 and 8, beg leave to report the same back with a substitute therefor and a majority of the committee recommend that it do pass.

N. B. MOORE, *Chairman.*

Ordered that the report pass on file.

Senator Fellows by leave, and on motion, called up Senate File No. 25, A bill for an act to legalize the sale of Indemnity swamp lands and scrip in certain counties, which was considered.

Senator Fellows moved to suspend the rule and read the bill a third time.

Pending which, on motion of Senator Hurley the further consideration of the question was postponed until to-morrow morning at 11 o'clock.

The President announced the following special committees under the resolution of yesterday, introduced by Senator Fairall relative to the bonded indebtedness of counties and cities, created to aid in the construction of railroads :

Senators Bennett, McCullough, Fairall, Griffith, McKean, Hurley, Couch, Allen and Long.

Of conference on the disagreement of the two Houses on proposed 15th article of the Constitution of the United States :

Senators Donnan, McKean and McNutt.

On Senate File No. 52, A bill for an act providing for the uncompleted portions of the work of the State Geological Survey, and for publishing the report of the State Geologist :

Senators Bulis, Larrabee, Fairall, Bennett and Donnan.

At 12 o'clock and 15 minutes, on motion of Senator Mulkern, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 26, 1870.

Senate met pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Jones.

The Journal of yesterday was read and approved.

## MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT :— I herewith present for your signature the following Bills which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 33, A bill for an act making appropriation for the payment of the mileage of the members of the Thirteenth General Assembly, and the *per diem* of the temporary officers thereof, and for postage.

Also, a preamble and joint resolution relative to the abolition of the franking privilege.

CHARLES ALDRICH, *Chief Clerk.*

## PETITIONS AND MEMORIALS.

Senator Knoll presented a petition from the Board of Supervisors of Dubuque county, asking an amendment to loans on assessment of real estate.

Referred to Committee on Ways and Means.

Senator Claussen presented a petition from A. L. Ankeny and others, citizens of the city of Clinton, asking for the enactment of a law permitting the employment of prisoners, convicted of violating the city ordinances, on streets and public lands.

Referred to Committee on Judiciary.

Also the following :

A petition from Robert Turner and others in relation to the removal of the National Capital.

Referred to Committee on Federal Relations.

Senator Hawley presented a memorial from the Mayor, Trustees and other officers of the city of Fort Dodge, asking that Boards of Aldermen, City Councils, or Trustees of all cities within the State, may have power to employ prisoners, convicted of violating city ordinances without the limits of the jails, on public grounds.

Referred to Committee on Judiciary.

Also the following :

A petition from the citizens of Fort Dodge on same subject, which was referred to same committee.

Senator Beardsley presented a communication from Wm. Horner, Esq., Treasurer of Des Moines county, in relation to revenue laws.

Referred to Committee on Ways and Means.

Also, a communication from same party in relation to salary of County Treasurers.

Referred to Committee on Compensation of Public Officers.

Senator Chapin presented a memorial and joint resolution, asking Congress for a grant of lands to aid in the construction of a Railroad from O'Brien county, Iowa, to a point on the Missouri river at or near Yankton, in Dakota Territory.

Referred to Committee on Public Lands.

Senator Larrabee presented a petition from H. Peck, and other citizens of the town of Auburn, in relation to re-surveying and platting of said villiage.

Referred to Committee on Incorporations.

#### INTRODUCTIOT. OF BILLS.

By Senator Mulkern : Senate File No. 64, A bill for an act to amend section 95, of the laws of the Twelfth General Assembly.

Read first and second time and referred to Committee on Judiciary.

By Senator Larrabee : Senate File No. 65, A bill for an act to legalize the plat of the town of Auburn, in Fayette county, Iowa, and to legalize all conveyances of lots heretofore made by the number of lots and blocks, as now specified in said plat.

Read first and second time and referred to Committee on Incorporation.

By Senator Dysart : Senate File No. 66, A bill for an act to amend section 739, of the Revision of 1860, relative to the equalization of taxes.

Read first and second time and referred to Committee on Ways and Means.

By Senator Wright : Senate File No. 67, A bill for an act to amend section 4155, of chapter 112, and chapter 28, of the Revision of 1860.

Read first and second time and referred to Committee on Agriculture.

Also, Senate File No. 68, A bill for an act to regulate or prescribe the mode of assessing Railroads.

Read first and second time and referred to Committee on Ways and Means.

Also, Senate File No. 69, A bill for an act to regulate the tariff of Railroads in the State of Iowa.

Read first and second time and referred to Committee on Commerce.

By Senator Pierce : Senate File No. 70, A bill for an act to legalize the official acts of Daniel B. Miller, Notary Public, Jefferson county, Iowa.

Read first and second time and referred to Committee on Judiciary.

Senator Havens from the Committee on Enrolled Bills submitted the following reports :

The Committee on Enrolled Bills would report that they have examined House File Nos. 7, and 11, and find the same correctly enrolled.

J. W. HAVENS, *for the Committee.*

The Committee on Enrolled Bills would report that they have this day presented to the Governor for his approval, Senate File No. 33, also, preamble and joint resolution of the abolition of the Franking Privilege.

J. W. HAVENS, *for the Committee.*

RESOLUTIONS.

Senator Larrabee offered the following :

*Resolved by the Senate the House of Representatives concurring,* That both Houses of the General Assembly will take a recess from the tenth day of February next, until the 23d day of same month.

Senator Hawley moved to amend by striking out "10th," and inserting "17th," and strike out "23d same month," and insert in lieu thereof the words "3d of March."

Senator Patterson moved to amend the amendment by striking out "17th," and inserting "18th," and by striking out "3d," and inserting "1st."

On which the yeas and nays were demanded and were as follows :

The yeas were—

Senators Allen, Hawley, Patterson, Wolf—4.

The nays were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, Mitchell, Moore, Mulkern, Murray, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—41.

Absent or not voting—

Senators Clark, Donnan, Long, McKean, and McNutt—5.

So the amendment was not agreed to.

The question being on the amendment offered by Senator Hawley it was lost.

Senator Wright offered the following amendment :

*Provided,* that the *per diem* of members be not paid during the time of such recess except for such time as is occupied in duty on Committee.

The amendment was disagreed to.

Senator Fairall moved that the further consideration of the resolution be postponed until Monday next.

The motion did not prevail.

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

The yeas were

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley,



Ireland, Keller, Larrabee, Long, Lowry, Mitchell, Moore, Mulkern, Newell, Patterson, Rice, Smyth, Traverse, Tuttle, Vermillion, Wolf—37.

The nays were—

Senators Campbell, Dixon, Knoll, McCulloch, Murray, Pierce, Vale, West, and Wright—9.

Absent or not voting—

Senators Clark, Donnan, McKean and McNutt—4.

So the resolution was adopted.

Senator Lowry asked for leave of absence for Senator Mulkern for twelve days, which was granted.

#### GENERAL ORDER.

Senate File No. 25, A bill for an act to regulate the sale of indemnity swamp lands, and scrip in certain counties, was taken up.

The question being on the motion to suspend the 11th rule, and read the bill a third time now, the motion prevailed.

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

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Mulkern, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were—

Senators Claussen, Dixon, and Hurley—3.

Absent and not voting—

Senators Clark and McNutt—2.

So the bill passed and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT—I herewith return the Senate concurrent resolution relative to Col. John C. Abercrombie, the same having passed the House without amendment.

CHARLES ALDRICH, *Chief Clerk.*

#### REPORTS OF COMMITTEES.

Senator Wolf, from Committee on Schools, submitted the following report:

The Committee on Schools, to whom was referred Senate File No. 10, A bill for an act to repeal chapter 29 of the acts of the Twelfth General Assembly, respectfully report that they have had said bill

under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

(Signed)

WM. P. WOLF, *Chairman.*

Ordered that the report pass on file.

Also, the following :

The Committee on Schools, to whom was referred Senate File No. 51, A bill for an act to amend section 4 of chapter 98 of the laws of the Twelfth General Assembly, in relation to school orders, respectfully report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

WM. P. WOLF, *Chairman.*

Ordered that the report pass on file.

Senator Traverse, from Committee on Printing, submitted the following report :

The Committee on Printing, to whom was referred the concurrent resolution relative to printing the Governor's biennial message and inaugural address in the Bohemian language, have had the same under consideration, and have instructed me to report the same back, with the recommendation that it be adopted.

H. C. TRAVERSE, *Chairman.*

Ordered that the report pass on file.

Senator Beardsley, from Committee on Federal Relations, submitted the following report :

The Committee on Federal Relations have considered the preamble and joint resolution in relation to the town of Peru, in Dubuque county, and have instructed me to report it back with the recommendation that it do pass.

CHAS. BEARDSLEY, *Chairman.*

Ordered, that the report pass on file.

Senator Dixon, from Committee on Agriculture, submitted the following report:

The Committee on Agriculture, to whom was referred Senate File No. 26, A bill for an act concerning fences, and construing section 1545 of Revision of 1860, recommend that it do not pass.

JOHN N. DIXON, *Chairman.*

Ordered that the report pass on file.

Also the following :

The Committee on Agriculture, to whom was referred Senate File No. 50, A bill for an act to amend chapter 144 of the acts of the Twelfth General Assembly in relation to the protection of crops against the invasion of stock, recommend that it do pass.

JOHN N. DIXON, *Chairman.*

Ordered, that the report pass on file.

On motion of Senator Knoll, the joint resolution in relation to the town of Peru, was taken up, and the report of committee was adopted.

On motion of Senator Knoll, the rule was suspended, and the joint resolution was read a third time.

On the question, " Shall the joint resolution pass ? "

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dy-sart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Mulkern, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright—46.

The nays were none;

Absent and not voting—

Senators Bill, Clark, Donnan, Mitchell—4.

So the joint resolution was adopted.

On motion of Senator Smyth, the resolution in relation to print the Governor's Biennial Message and Inaugural Address in the Bohemian language was taken up, considered, and the resolution was adopted.

#### BILLS ON SECOND READING.

Senate File No. 9, A bill for an act to establish the office of County Attorney, and regulate the duties and compensation of District Attorney, with report of Committee, recommending that the bill do not pass, was taken up and considered.

Senator Wright moved to refer to Committee on County and Township Organization, which was not agreed to.

On motion, the report of the Committee was adopted.

Senator Moore moved that Substitute for Senate Files Nos. 7 and 18 be made the special order for to-morrow at 11 o'clock.

The motion was not agreed to.

Senate File No. 16, A bill for an act to amend sections 1068, 1069, and 1070, of the Revision of 1860, and to provide additional means for the collection of charges, assessments, and taxes on lots of land within municipal corporations, with report of committee,

recommending amendments, was taken up, considered, and the report of Committee was adopted.

On motion of Senator Donnan, the rule was suspended and the bill was read a third time.

On the question, " Shall the bill pass ?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Mulkern, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—47.

The nays were none.

Absent or not voting were—

Senators Bill, Clark, and Fellows—3.

So the bill passed and the title was agreed to.

By leave, Senator Donnan, from Committee on Conference, submitted the following report :

MR. PRESIDENT—The Committee of Conference, appointed by their respective Houses to take into consideration the disagreement of the two Houses upon the joint resolution ratifying the proposed Fifteenth article to the Constitution of the United States, after a full and free Conference thereon, have unanimously agreed to report and recommend to their respective Houses the adoption of the joint resolution referred to them, amended, so as to read as follows :

Joint resolution ratifying the proposed Fifteenth article to the Constitution of the United States, relative to the rights of citizens to vote.

WHEREAS, The Fortieth Congress of the United States has proposed to the Legislatures of the several states the following article of Amendment to the Federal Constitution, namely :

#### ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Therefore,

*Be it resolved by the General Assembly of the State of Iowa,*

That the State of Iowa, by its] Legislature, hereby ratifies, adopts, and assents to said amendment.

W. G. DONNAN,  
JOHN McKEAN,  
SAMUEL McNUTT,  
*Committee on part of the Senate.*  
JOHN A. KASSON,  
JOHN MAHIN,  
JOHN Y. STONE,  
*Committee on part of the House.*

On motion, report was taken up and considered, and report of Committee adopted.

On motion of Senator Bennett, the rule was suspended, and the joint resolution read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Sunyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were—

Senators Casady, Dunham, Fairall, Fellows, Knoll, McCulloch, and Mulkern—7.

Absent or not voting—

Senator Clark—1.

So the joint resolution passed and the title was agreed to.

At 12 o'clock *m.*, on motion of Senator Knoll the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 27, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Robinson.

The Journal of yesterday was read, and approved.

Senators Bill and McNutt asked leave to record their vote in the affirmative, on the proposed 15th article to the Constitution of the United States.

Leave was granted.

Senator Fellows asked leave to record his vote on same subject in the negative.

Leave was granted.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body, that the House has adopted the Senate Resolution in relation to recess with the following amendments, in which the concurrence of the honorable Senate is respectfully asked.

And no leave of absence shall be granted members of this General Assembly, except in cases of sickness, prior to the day fixed in this resolution for adjournment.

And that the various committees appointed to visit the different State Institutions, are instructed to do so during the vacation.

CHAS. ALDRICH, *Chief Clerk.*

#### PETITIONS AND MEMORIALS.

Senator McCulloch presented a petition from J. M. Anderson and others, citizens of Lee county, praying for the enactment of a law taxing Railroad Corporations, the same as other property.

Referred to Committee on Ways and Means.

Also, a memorial from the Board of Supervisors of Lee county, on same subject.

Referred to same Committee.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Senate that the House has adopted the report of the Committee of Conference upon the disagreement of the two Houses, upon the proposed 15th Article of the Constitution of the United States.

I also return the report of the Joint Committee of Conference transmitted from the Senate.

I also herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 7, A bill for an act fixing the times for holding the terms of the District Court in the Fourth Judicial District.

House File No. 11, A bill for an act to amend chapter 115 of the Revision of 1860, relative to drawing jurors.

I also herewith transmit a list of committees appointed on the part of the House to visit the various public institutes in the State.

CHAS. ALDRICH, *Chief Clerk.*

*Soldiers' Orphans' Home, Cedar Rapids*—Russell and Faville.

*Soldiers' Orphans' Home, Davenport*—Satterthwaite and Merritt.

*Soldiers' Orphans' Home, Glenwood*—Butler and Lacey.

*State University*—Stanchfield and Dudley.

*Agricultural College Farm*—Wilson, and Wright of Allamakee.  
*Asylum for the Insane, Mount Pleasant*—Miles of Washington and Ketcham.  
*Asylum for the Insane, Independence*—Sanborn and Carpenter.  
*Asylum for Deaf and Dumb, Iowa City*—Brown of Van Buren and Miller.  
*Asylum for Deaf and Dumb, Council Bluffs*—Rohlfis and Teale.  
*Institution for Education of the Blind*—Morrison and Crawford.  
*Reform School*—Norris and Stutsman.  
*Penitentiary*—Brown of Fayette and Murdock.

## INTRODUCTION OF BILLS.

By Senator Rice: Senate File No. 71, A bill for an act establishing a Normal School at Marshalltown, Iowa.

Read first and second time and referred to Committee on Schools.

By Senator Griffith: Senate File No. 72, A bill for an act to provide a State Capitol.

Read first and second time and referred to Committee on Public Buildings.

By Senator Allen: Senate File No. 73, A bill for an act to authorize and empower cities to build and maintain toll bridges, and to provide therefor.

Read first and second time and referred to Committee on Judiciary.

## RESOLUTIONS.

Senator Chapin offered the following:

*Resolved*, That the Committee on Compensation of Public Officers be and are hereby instructed to inquire into the propriety of raising the salaries of State and Judicial officers, and to report by bill or otherwise at an early day.

The resolution was adopted.

The President presented the following:

IOWA STATE AGRICULTURAL SOCIETY, }  
 Secretary's Office, Fairfield, Iowa, Jan. 25th, 1870. }

HON. MADISON M. WALDEN, *President of the Senate, Des Moines, Iowa.*

Sir: I have the honor to transmit herewith the annual report of the Board of Directors of this Society for the year 1869, as required by section 1705, Revision of 1860.

Your ob't. serv't., etc.

J. M. SHAFFER, *Sec'y.*

On motion of Senator Wright, the communication and report

were referred to Committee on Agriculture, with power to have printed.

#### HOUSE MESSAGES.

House message reporting amendments to Senate resolution relative to a recess, was taken up, considered, and House amendments were concurred in.

#### REPORTS OF COMMITTEES.

Senator Hurley, from the Committee on Public Lands, submitted the following report:

MR. PRESIDENT—Your Committee on Public Lands have had under consideration a memorial and joint resolution asking Congress for a grant of land to aid in the construction of a railroad from O'Brien county, Iowa, to a point on the Missouri river at or near Yankton, Dakota Territory, and have instructed me to report the same back to the Senate, with the recommendation that the same be indefinitely postponed.

HURLEY, *Chairman.*

Ordered that the report pass on file.

Also, the following:

Your Committee on Public Lands, to whom was referred a memorial and joint resolution asking Congress for a grant of lands to aid in the construction of a railroad from O'Brien county, Iowa, to some point on the Missouri river at or near Yankton, in Dakota Territory, have had the same under consideration, and a majority thereof have directed me to report the same back with the following amendment, and thus amended to recommend its passage: Insert after the words "rapidly constructed," in the 12th line thereof, "that a company, known as the Iowa Division of the Western Union Railroad Company, has been organized in the State of Iowa, to construct a railroad from a point on the Mississippi river, at or near the town of Sabula, in the county of Jackson, and westward by Maquoketa, in said county, Anamosa, in Jones county, Marion, in Linn county, Vinton, in Benton county, Buckingham, in Tama county, thence in a north-western direction to a point in O'Brien county, where the McGregor and Western Railroad intersects the Sioux City and St. Paul Railroad."

HURLEY, *Chairman.*

Ordered that the report pass on file.

Also the following:

Your Committee on Public Lands have had under consideration Senate File No. 14, A bill for an act to amend chapter 118, acts of



the 10th General Assembly, and have instructed me to report the same back with the following amendment, and thus amended, to recommend its passage.

Add to section one the following: "Except on the recommendation of the Census Board of the State, made in writing and addressed to the Board of Supervisors in the county in which such lands are situated, and in no case shall such lands be sold for less than one dollar and twenty-five cents per acre.

HURLEY, *Chairman.*

Ordered that the report pass on file.

Senator Bulis from the special committee on Geological Survey, submitted the following report:

MR. PRESIDENT—Your Special Committee on Geological Survey, to whom was referred Senate File No. 52, A bill for an act providing for the finishing of the uncompleted portion of the work of the State Geological Survey and for publishing the report of the State Geologist beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate without amendment, with the recommendation that it do pass.

H. C. BULIS, *Chairman.*

Ordered that the report pass on file.

On motion of Senator Bulis the bill was ordered printed.

#### BILLS ON SECOND READING.

Senate File No. 3, A bill for an act to authorize cities and towns to receive donations of grounds and library buildings and to maintain free public libraries and reading rooms, with report of committee recommending amendments, was taken up and considered, and the report of the committee adopted.

On motion of Senator Donnan the bill was ordered printed.

Joint resolution in relation to the removal of the National Capitol with report of committee recommending substitute was taken up and considered.

Senator Bennett moved that the original Joint Resolution and substitute reported by committee be printed.

The motion did not prevail.

The substitute was then adopted.

On motion of Senator Traverse the rule was suspended and the Joint Resolution was read a third time.

On the question "Shall the Joint Resolution pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan,

Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West Wolt, and Wright—47.

The nays were—

Senators Bulis—1.

Absent or not voting—

Senators Clark, and Mulkern—2.

So the Joint Resolution passed and the title was agreed to.

A communication was received from the Governor at the hands of his private secretary, and laid on the President's table.

Senate File No. 23, A bill for an act to repeal section 3293 of the Revision of 1860, and to provide a substitute therefor with a majority report recommending that the bill be indefinitely postponed, and a minority report recommending that the bill do pass was taken up and considered.

The question being "Shall the majority report be adopted?"

Senator McKean moved that the minority report be substituted therefor.

Pending which, at 12 o'clock and 10 minutes, on motion of Senator Donnan, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 28, 1870.

Senate convened pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Geiger.

The Journal of yesterday was read and approved.

The following message was received from the House.

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives have passed the following bills, in which the concurrence of the Senate is asked.

House File No. 81, A bill for an act to provide for the holding of two terms of the Circuit Court, annually, at Wheatland, in Clinton county, Iowa.

House File No. 70, A bill for an act to provide for the collection of the school-house tax, etc., in the Independent District of the Missouri Valley, Harrison county, Iowa.

House File No. 31, A bill for an act to amend section 2700, of chapter 114 of the Revision of 1860.

House File No. 39, A bill for an act to amend section 1763 of the Revision of 1860.

House File No. 33, A bill for an act to cure defects in the record of deeds, mortgages and other conveyances, in certain cases.

House File No. 28, A bill for an act for the abatement of taxes in the township of Clinton, county of Clinton, Iowa.

CHAS. ALDRICH, *Chief Clerk.*

PETITIONS AND MEMORIALS.

Senator Claussen presented a petition from the city council of the city of Keokuk, praying for the enactment of a law providing for the employment of prisoners, convicted of violating city ordinances without the limits of the jail, on streets, alleys and public lands.

Referred to Committee on Judiciary.

Also a petition from the inhabitants of the city of Keokuk in relation to same subject.

Referred to same committee.

Senator Moore presented a memorial from Adams county, Iowa, in relation to swamp lands.

Referred to Committee on Public Lands.

INTRODUCTION OF BILLS.

By Senator Patterson: Senate File No. 74, A bill for an act amending article 3, of chapter 55, of the revision of 1860, granting right of way to railroad corporations.

Read first and second time and referred to Committee on Railroads.

By Senator Keller: Senate File No. 75, A bill for an act regulating the manner of filing and allowing of claims against the estate of decedents.

Read first and second time and referred to Committee on Judiciary.

By Senator Fairall: Senate File No. 76, A bill for an act to provide for the submission of the question of calling a constitutional convention to the qualified electors of Iowa.

Read first and second time and referred to Committee on Constitutional Amendments.

By Senator Ireland: Senate File No. 77, A bill for an act to establish a Normal School.

Read first and second time and referred to Committee on Schools.

By Senator Wolf: Senate File No. 78, A bill for an act to amend section 4615, of the revision of 1860, in relation to Grand Jurors.

Read first and second time and referred to Committee on Judiciary.

## RESOLUTIONS.

Senator Long offered the following :

*Resolved*, that F. T. Cowley, reporter of the *Statesman*, be allowed stationery, as provided for in former resolutions of the Senate.

The resolution was agreed to.

Senator Allen offered the following joint resolution in relation to National Finances.

Read first and second time and referred to Committee on Federal Relations.

Senator McNutt offered the following :

WHEREAS, the State Superintendant of Public Instruction states on pages 26 and 27 of his last Annual Report, that the School Fund is annually sustaining serious losses, and that in 1869 the loss to said fund was \$34,745.41, greater than in the previous year, and, whereas, the Auditor's Report shows that losses have occurred during the past year, therefore,

*Resolved*, that the Auditor of State be hereby requested to communicate to this House, *the particular instances* of loss to the School Fund, the counties in which said losses have occurred, the names of the parties, if known, through whose neglect or fault the losses have been occasioned ; and any other facts he may deem necessary to place the blame where it belongs.

The resolution was agreed to.

Senator Bennett offered the following joint resolution, asking additional mail facilities.

Read first and second time.

On motion of Senator Bennett the 11th rule was suspended, and the joint resolution was read a third time.

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

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were none.

Absent or not voting—

Senators Bill, Clark, Fellows, Mulkern and Rice—5.

So the joint resolution passed and the title was agreed to.

Senator Bulis asked that Senator Bill be excused.

Excuse was granted.

## COMMUNICATIONS.

The communication from the Governor which laid on the Presidents table was taken up.

Senator Ireland moved that the reading be dispensed with, and that the communication lie on the table, and be printed.

Which was agreed to.

## HOUSE MESSAGES.

House File No. 81, A bill for an act to provide for holding two terms annually of the Circuit Court, at Wheatland, in Clinton county, was taken up.

Read first and second time and referred to Committee on Judiciary.

House File No. 33, A bill for an act to cure defects in the records of deeds, mortgages, and other conveyances of town lots in certain cases was taken up.

Read first and second time and referred to Committee on Judiciary.

House file No. 39, A bill for an act to amend an act, entitled an act to encourage the organization of Fire Companies, passed January 18th, 1857, was taken up.

Read first and second time and referred to Committee on Incorporations.

House File No. 31, A bill for an act to amend section 2700, of chapter 114, of the Revision of 1860, was taken up.

Read first and second time and referred to Committee on Judiciary.

House File No. 28, A bill for an act for the abatement of taxes in Clinton township, Clinton county, Iowa, was taken up.

Read first and second time and referred to Committee on Ways and Means.

House File No. 70, A bill for an act to provide for the collection of school-house tax, and tax for Library in the Independant School District of Missouri Valley, in Harrison county, Iowa, was taken up.

Read first and second time.

On motion of Senator Atkins the 11th rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were—

Senators Campbell, and Dixon—2.

Absent and not voting—

Senators Bill, Clark, and Mulkern— 3.

So the bill passed and the title was agreed to.

#### REPORTS OF COMMITTEES.

Senator Griffith, from the Committee on Public Buildings, submitted the following report :

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred Senate File No. 72, A bill for an act to provide a State Capitol, beg leave to report that they have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

GRIFFITH, *Chairman.*

Ordered that the report pass on file.

Senator Wright, from Committee on Penitentiary, submitted the following report :

MR. PRESIDENT—The Committee on Penitentiary, to whom was referred Senate File No. 58, direct me to report it back without recommendation.

JAMES D. WRIGHT, *Chairman.*

Ordered that the report pass on file.

Senator Griffith, from the Committee on Public Buildings, submitted the following report :

MR. PRESIDENT—Your Committee on Public Buildings to whom was referred Senate File No. 60, A bill for an act to permanently, locate, and provide for the erection and control of an additional Penitentiary, beg leave to report that they have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

GEO. E. GRIFFITH, *Chairman.*

Ordered that the report pass on file.

#### UNFINISHED BUSINESS.

Senate File No. 28, A bill for an act to repeal section 8293, of the Revision of 1860, and to provide a substitute therefor, with majority and minority reports of Committee, was taken up.

The question being on the motion to substitute the minority report for that of the majority, Senator Couch moved to re-commit the bill with the following instructions :

Add a section providing that this act shall apply only to indebtedness created after the taking effect of this act. Also, providing for the continuing in force of the present law, as applicable to present indebtedness, as well as all contracts entered into previous to the time of the taking effect of this act.

Senator Patterson moved that the Committee be also instructed to strike out the two last clauses.

Senator McNutt moved that the bill and amendments lie on the table, on which the yeas and nays were demanded and

The yeas were—

Senators Atkins, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Keller, Long, Lowry, McCulloch, McNutt, Mitchell, Murray, Newell, Pierce, Smyth, Traverse, Vermillion, Wright—30.

The nays were—

Senators Allen, Bulis, Couch, Hamilton, Hawley, Knoll, Larrabee, McKean, Moore, Patterson, Rice, Tuttle, Vale, West, Wolt—15.

Absent or not voting—

Senators Bill, Clark, Hurley, Ireland, and Mulkern—5.

So the motion prevailed.

Senator Bennett asked leave of absence for Senator Fairall until Monday next. Leave was granted.

Senate File No. 40, A bill for an act to amend an act entitled an act in relation to jurors fees, with report of committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Donnan, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were—none.

Absent and not voting—

Senators Bill, Campbell, Clark, Ireland, and Mulkern—5.

So the bill passed and the title was agreed to.

The following message was received from the Senate:

MR. PRESIDENT—I herewith present to you for your signature, House File No. 2, An act to legalize the organization of the independent school district, of Ainsworth, Washington county. This

bill has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

CHARLES ALDRICH, *Chief Clerk.*

Senate File No. 12, A bill for an act to authorize the sale of lands and town lots for taxes in certain cases, for an amount less than the taxes, interest, and costs due thereon, with report of committee reporting a substitute and recommending its adoption was taken up and the substitute was considered.

Senator Fellows moved to strike out of 2d line in 3d section, the word "audited," and insert "credited."

Which was agreed to.

And thus amended, the substitute was adopted.

On motion of Senator Knoll the rule was suspended and the bill was read a third time.

On the question "shall the bill pass?"

The yeas were—

Senators. Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—43.

The nays were—

Senators Moore, Patterson, and Wolf—3.

Absent or not voting—

Senators Bill, Clark, Fairall, and Mulkern—4.

So the bill passed and the title was agreed to.

A communication was received from the Governor at the hands of his private secretary, which was laid on the President's table.

Senate File No. 43, A bill for an act to amend section 3079 of chapter 123 of the Revision of 1860, with the report of the committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Traverse the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—46.

The nays were—none.



Absent and not voting—

Senators Bill, Clark, Fairall, and Mulkern—4.

So the bill passed and the title was agreed to.

On motion of Senator Donnan the Senate went into executive session.

When the doors were opened Senator Smyth moved that the Senate adjourn until Monday morning.

Which was not agreed to.

At 12 o'clock and 10 minutes, on motion of Senator Campbell, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 29, 1870.

Senate convened pursuant to adjournment, and the President being absent, was called to order by the Secretary.

On motion of Senator Beardsley, Senator Bennett was elected temporary President.

The Journal of Saturday was read and approved.

PETITIONS AND MEMORIALS.

Senator Beardsley presented a petition from Supervisors of Des Moines county in relation to County Supervisors.

Referred to Committee on County and Township Organization.

Senator Pierce presented a petition from Richard C. Gains and others, citizens of Jefferson county, in relation to Boards of Supervisors.

Referred to same Committee.

Senator McCulloch presented a petition from Sarah McCoolley and others, soldiers' widows, asking that the same pay be allowed soldiers' orphans at their homes as is now allowed inhabitants of Soldiers' Orphans' Homes.

Referred to Committee on Soldiers' Orphans' Homes.

Senator Wright asked that Senator Smyth be excused, which was granted.

Senator Larrabee asked leave of absence for Senator Bulis.

Leave was granted.

INTRODUCTION OF BILLS.

By Senator Hamilton: Senate File No. 79, A bill for an act to regulate the compensation of County Treasurers and County Recorders.

Read first and second time and referred to Committee on Compensation of Public Officers.

By Senator Vermillion: Senate File No. 80, A bill for an act to legalize the act of the Board of Supervisors of Appanoose county in exempting certain school-house bonds from taxation, except for State purposes.

Read first and second time and referred to Committee on Schools.

#### RESOLUTIONS.

Senator Rice offered the following:

*Resolved*, That the messengers and paper folders receive three daily papers and one dollar per week postage.

The resolution was not adopted.

#### REPORTS OF COMMITTEES.

Senator Beardsley, from the Committee on Federal Relations, submitted the following report:

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred a petition of citizens of Blue Grass and Buffalo townships Scott county, in reference to removal of the National Capitol, have had the same under consideration, and instructed me to report, that in the judgment of the Committee, the Senate has already taken such measures as are expedient at the present time, in the adoption of the joint resolution relative to this subject, on the 27th inst.

C. BEARDSLEY, *Chairman*.

Ordered that the report pass on file.

Senator Tuttle from the Committee on Commerce submitted the following report:

MR. PRESIDENT—Your Committee on Commerce to whom was referred certain portions of the Governor's Biennial Message, also, the resolution of the Northmen's Union Society of Fort Dodge, beg leave to report that they have had the same under consideration, and have instructed me to report the accompanying bill to the Senate, with the recommendation that it do pass.

M. TUTTLE, *Chairman*.

Senate File No. 81, A bill for an act providing for an appropriation to pay for printing and distributing documents, and to encourage immigration.

Read first and second time and passed on file.

Senator McKean from the Committee on Roads submitted the following report:

MR. PRESIDENT—Your Committee on Roads to whom was referred Senate File No. 62, A bill for an act to repeal section 2, of chapter 160, of the laws of the Twelfth General Assembly, beg leave to report that they have had the same under consideration, and a majority thereof have instructed me to report the same back to the Senate, with the accompanying amendments, and recommend that the amendment be adopted, and that the bill as amended do pass, for the reason that as the law now stands the power possessed by the Auditor in relation to the establishment of Roads seems to be somewhat uncertain and undefined with sufficient precision.

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Roads to whom was referred Senate File No. 55, A bill for an act to amend section 822, of the Revision of 1860, relative to bridges beg leave to report that they have had the same under consideration, and a majority thereof have instructed me to report the same back to the Senate, with the recommendation that it do pass.

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Roads to whom was referred Senate File No. 30, A bill for an act to amend section 2, chapter 100, laws of the Twelfth General Assembly, beg leave to report that they have had the same under consideration, and a majority thereof have instructed me to report the same back to the Senate, with recommendation that it do pass.

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

Senator Dixon, from Committee on Agriculture, submitted the following :

MR. PRESIDENT—The Committee on Agriculture, to whom was referred the report of the Secretary of the State Board of Agriculture, after a careful examination of the same, direct me to report the following Resolution :

*Resolved by the Senate, the House concurring,* That there be 5,000 copies of the report of the Secretary of the State Board of Agriculture, for the year 1869, printed for general distribution.

J. N. DIXON, *Chairman.*

On motion of Senator Dixon, the rule was suspended and the report was considered, and the resolution was adopted.

BILLS ON SECOND READING.

Senate File No. 41, A bill for an act to repeal section 2498, of the Revision of 1860, with report of Committee, recommending that the bill do pass, was taken up and considered.

On motion of Senator Traverse, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—43.

The nays were none.

Absent or not voting—

Senators Bill, Bulis, Clark, Dunham, Fairall, Mulkern, and Smyth—7.

So the bill passed and the title was agreed to.

Senate File No. 28, A bill for an act to repeal chapter 196, of laws of the Twelfth General Assembly, and to provide a substitute therefor, with report of Committee, recommending that the bill be recommitted to the Committee on Ways and Means, was taken up and considered, and the report was adopted.

Senate File No. 36, A bill for an act to promote the improvement of streets, alleys, and sidewalks, with report of Committee, recommending that the bill be recommitted to Committee on Incorporations, was taken up, considered, and report of Committee adopted.

Senate File No. 39, A bill for an act to amend section 7, chapter 102, of the laws of the Ninth General Assembly, relative to the publication of notices of estrays, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Havens, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright—42.

The nays were none.

Absent or not voting—

Senators Bill, Bulis, Clark, Dunham, Fairall, Fellows, Mulkern, and Smyth—8.

So the bill passed, and the title was agreed to.

Senate File No. 15, A bill for an act to amend section 2, of chapter 76 of the acts of the Tenth General Assembly, with report of committee recommending that the bill do pass, was taken up and considered.

The question being "Shall the bill be engrossed, and read a third time to-morrow?" it was lost.

Senate File No. 44, A bill for an act to repeal section 2800 of the Revision of 1860, and to enact a substitute therefor, with report of committee recommending that the bill be indefinitely postponed, was taken up, considered, and the report of committee was adopted.

Senate File No. 7, A bill for an act providing for reorganizing the Board of Supervisors, and defining their duties and manner of election.

Also, Senate File No. 18, A bill for an act creating a Board of County Commissioners, and prescribing their powers and duties, with report of committee recommending a substitute, was taken up and considered.

Senator McNutt moved that the bill be made the special order for Monday, the 28th day of February.

Senator Patterson moved to amend by striking out "28th," and inserting "2nd, at half-past 10 o'clock," which was agreed to, and the motion as amended was adopted.

Senate File No. 10, A bill for an act to repeal chapter 29 of the acts of the Twelfth General Assembly, with report of committee recommending that the bill be indefinitely postponed, was taken up, considered, and the report of committee was adopted.

Senate File No. 51, A bill for an act to amend section 4, chapter 98 of the Laws of the Twelfth General Assembly, in relation to school orders, with report of committee recommending that the bill be indefinitely postponed, was taken up and considered.

On motion of Senator Wolf, the bill was recommitted to Committee on Schools.

Senate File No. 26, A bill for an act concerning fences, and construing section 1545 of Revision of 1860, with report of committee recommending that the bill do not pass, was taken up and considered.

On motion of Senator McNutt, the bill was indefinitely postponed.

Senate File No. 50, A bill for an act to amend chapter 144 of the acts of the Twelfth General Assembly, in relation to the protection of crops against the invasion of stock, with report of committee recommending that the bill do pass, was taken up, considered, and the bill was ordered engrossed and read a third time to-morrow.

Memorial and joint resolution asking Congress for a grant of lands to aid in the construction of a railroad from O'Brien county, Iowa, to some point on the Missouri river, at or near Yankton, in Dakota Territory, with report of committee recommending that it be indefinitely postponed, was taken up, considered, and the report was adopted.

Memorial and joint resolution on same subject, with report of committee recommending amendments, was taken up, considered, and report of committee was adopted.

The joint resolution was then ordered engrossed and read a third time to-morrow.

Senate File No. 14, A bill for an act to amend chapter 118 of the acts of the Tenth General Assembly, with report of committee recommending amendments, and that the bill as amended do pass, was taken up and considered.

On motion of Senator Fellows, the bill was passed on file.

Senate File No. 72, A bill for an act to provide a State Capitol, with a majority report of committee recommending that the bill do pass, was taken up and considered.

Senator Campbell moved that the bill be made the special order for February 28th.

Senator Lowry moved to amend by striking out "28th" and inserting "1st," and by adding "11 o'clock."

Pending which, at 11 o'clock and 45 minutes, on motion of Senator Campbell, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
JANUARY 31, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Pomeroy.

Journal of Saturday was read and approved.

#### PETITIONS AND MEMORIALS.

Senator Claussen presented a memorial from the Board of Supervisors of Scott county, which was read and referred to Committee on County and Township Organization.

Also, a petition from the Mayor and Councilmen of the City of Lansing, praying for the enactment of a law providing for the employment of prisoners convicted of violating city ordinances without the limits of the jail.

Referred to Committee on Judiciary.

Senator McCulloch presented a petition from the members of the bar at Fort Madison, asking an enlargement of the jurisdiction of Circuit Courts.

Referred to Committee on Judiciary.

Also, a petition from A. C. Roberts and others, citizens of Lee county, asking the enactment of a law taxing railroads the same as other property.

Referred to Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Mitchell: Senate File No. 82, A bill for an act to legalize the action of the Board of Supervisors of Story county, Iowa, in relation to the issuance of bonds to the amount of \$7,000, for the purpose of purchasing land for a poor farm for said county, and for the erection of buildings thereon.

Read first and second time and referred to Committee on Judiciary.

By Senator Bulis: Senate File No. 88, A bill for an act to protect the citizens of Iowa from empiricism, and to prevent incompetent persons practicing medicine and surgery.

Read first and second time and referred to Committee on Medical Institutions.

By Senator Tuttle: Senate File No. 84, A bill for an act to legalize the devoting of the swamp and overflowed lands, and the indemnity lands obtained for swamp and overflowed lands, of Cerro Gordo county, Iowa, to the construction of the McGregor and Sioux City railway through said county.

Read first and second time and referred to Committee on Judiciary.

By Senator Patterson: Senate File No. 85, A bill for an act regulating election between dower and homestead.

Read first and second time and referred to Committee on Judiciary.

#### RESOLUTIONS.

Senator Beardsley rose and said:

MR. PRESIDENT:—I rise to formally announce the death of Hon. Charles L. Mathies, a Senator from Des Moines county. Since the organization of this body, twenty-three years ago, no member of it, if I am correctly informed, has been called upon to discharge a like duty. It is quite remarkable, indeed, that until within the last two years, death has never entered this chamber. But, during that time, two of the most honored and beloved members of the Senate have finished their labors on earth.

In view of these facts, it is certainly not unbecoming or inappropriate that we should lay aside for a brief hour the usual routine of business, and pay a proper tribute of respect to the memories of our

deceased associates. And the time thus spent will not be lost if it shall serve to impress our minds more deeply than before with the solemn truth that

“Life is real, life is earnest;”

and that while we bear its responsibilities and enjoy its gifts, we may well remember that we have no assurance, even for a single day, that we may not at any hour be called upon to give up all these things and follow in the way our lamented associates have passed. I further believe that a close scrutiny and contemplation of the characters of Senators Matthies and Needham will confirm the conviction which all men must sometimes feel that there is no true honor, no desirable reputation even, except that which is based upon an honest, conscientious, and faithful discharge of the duties and obligations resting upon us.

CHARLES LEOPOLD MATTHIES

was born in Bromberg, Prussia, on the 31st day of May, 1824. When sixteen years old, he entered the University of Halle, where he received a thorough military education. At the age of twenty, he entered the Prussian army, and by his bravery and good conduct won a commission, which he resigned in 1848, and immigrated to this country. Settling in Burlington, Iowa, the following year, he chose that city for his home during the remainder of his life. Engaging in mercantile pursuits, he continued in that business until the rebellion broke out. In the meantime, his military education was brought into requisition in drilling independent military companies, one of which he was Captain of during that terrible winter of doubts, and fears, and forebodings, which preceded the actual commencement of armed hostility to the Government. On the 9th of day of January, 1861, in a letter to the Governor of this State, he tendered the services of that company to aid in crushing the threatened revolt. It is claimed, and I believe the claim has never been successfully disputed, that this was the first offer of the kind anywhere in the United States. This fact should be mentioned here to the honor of Senator Matthies, to the honor of the State of Iowa, and to the honor of our adopted fellow-citizens, who have in the last nine years so gloriously vindicated their devotion to the institutions of this free land, which they have voluntarily chosen as a home for themselves and their posterity to the latest generation.

When the lurid lightnings of the gathering storm of rebellion flashed out at Fort Sumpter, and the proclamation of the President of the United States was issued calling for 75,000 men, Captain Matthies was one of the first to respond to that call; and his company, the “German Rifles,” formed a part of that illustrious band—the First



Iowa Infantry—whose deeds of valor in one short campaign immortalized its members, and placed our noble State in the van of loyal Commonwealths which lifted up the soiled banner at Sumpter, and re-wrote on its shining folds those magic words, "*Liberty and union, one and inseparable, now and forever.*"

Before the expiration of the three months for which the First Iowa Infantry entered the service, Captain Matthies was promoted to the Lieut.-Colonelcy of the Fifth Iowa Infantry, to which he at once reported and entered upon his duty as the second officer in that regiment. The early death of Col. Worthington devolved the command of the regiment on Col. Matthies, which he assumed and retained until April, 1863, when he was made a Brigadier-General for gallant and meritorious services in the field.

It is not my purpose to give a detailed history of the noble Fifth Iowa while it remained under the immediate command of Col. Matthies. The records of our State and the history of the war show that its achievements were not surpassed in brilliancy, nor in heroic bravery and endurance, by any in the service. A single incident will illustrate the manner in which it won its way to high renown, reflecting upon its brave command the greatest credit, and bringing to the State they represented imperishable laurels.

The battle of luka was fought on the evening of Sept. 19, 1862. Though the numbers engaged on either side were comparatively few, it was one of the most fierce and bloody engagements of the war. In that memorable conflict the Fifth Iowa, under its intrepid Colonel, led the main column of attack, and, during the battle, with two other regiments, supported a battery against which the enemy massed his forces in overwhelming numbers. The battery was taken and re taken, and defended our brave boys until the horses were killed, the gunners slain or disabled, and the battery itself a heap of ruins. It is simply impossible for a soldier to exhibit a more daring and invincible spirit than was shown by our defenders on that day. The Fifth Iowa lost nearly one-half its number in killed and wounded. Inspired by the presence and lofty courage of its heroic commander, its members faced the storm of death with the coolness and devotion of the storied "six hundred."

Gen. Rosecrans in his report says: "The glorious Fifth Iowa, under its brave and distinguished Matthies, bore the thrice-repeated charges and cross-fires of the rebel left and centre, with a valor and determination seldom equaled, and never excelled by the most veteran soldiery."

Gen. Hamilton in similar words remarks: "The Fifth Iowa, under its brave and accomplished Matthies, held its ground against four times its number, making three desperate charges with the bayonet, driving the foe in disorder each time; until, with every cartridge exhausted, it fell back slowly and sullenly, making every step a battle ground, and every charge a victory."

For his services at Iuka, Col. Matthies was commissioned a Brigadier-General, and given an important command. In this wider sphere he acquitted himself with equal ability and success, receiving the highest commendation of his superior officers, and winning the confidence and affection of his men.

At Mission Ridge, Gen. Matthies' brigade was in the thickest of the fight. The wound he received in that battle, and the failure of his health from hardships and exposures in the field, compelled his resignation. He would not remain in the service a single day after he was unable to discharge the duties of his position. The same high sense of honor and patriotism which caused him to quickly come to the defense of his imperilled country, impelled him to return at once to private life when he could no longer wield his sword in that defense.

The military record of Gen. Matthies is without a blot. As an officer he possessed that happy combination of faculties which enabled him, without relaxing the discipline of those under his command, to sympathize with them, and to make them feel that while he was above them in point of rank in the service, he stood on the same plane as a man and a patriot. Hence he was regarded by his soldiers as a friend whom they could trust, and on whom they could call in time of need with full assurance that they would receive not only his sympathy and counsel, but material aid, if necessary, to the extent of dividing the last dollar in the pocket of their beloved General.

In 1867, he was nominated by acclamation by the Republicans of Des Moines County for a seat in this body, and was elected without opposition. Though his health was much impaired, he remained at his post during most of the session of 1868, discharging his Legislative duties with the same fidelity, and in the same unselfish and generous spirit which ever characterized him as a true and faithful soldier.

During the summer of 1868, his health continued to decline, and on the 16th day of October, of that year, he quietly sank to rest. Loving friends watched and waited tenderly by his bedside during his last hours, and the whole community mourned the death of a man so noble and true. His remains sleep in Aspen Grove Cemetery, near the city of Burlington. During the past year voluntary contributions have been made to the Matthies Monument Fund, to the amount of about one thousand dollars, and in due time a suitable stone will mark his final resting place. On last Decoration Day, though no wife nor child of his—for he was never married—was there, yet little children with hands full of flowers, gathered about his grave, and strong men and women wept as they remembered the hero who came from a distant land and laid down his life for our flag—aye, the *old* flag, thank God it floats in beauty and glory above us to-day! Ah,

“How sleep the brave who sink to rest,  
By all their country wishes blest!”

Our departed associate has passed on to join that innumerable company of heroes and martyr's, whose

——“Silent tent are spread  
On fame's eternal camping ground.”

Evermore their countrymen will honor them. Evermore the friends of liberty will build monuments to their memory. But though we visit all quarries, and search out the fairest marble, fresh and pure as it came from the hand of the creator, and fashion it with all the deft and cunning skill of the sculptor, until their monuments gleam white in every cemetery of the land, and on every battle-field of the Union—still the greatest honor of all is the shrine we make for them in our own hearts.

“When the brave and good go down,  
Then statues do arise  
Within these temples of our own,  
Our fadeless memories.  
And when the sculptured marble falls,  
And art goes on to die,  
Their forms shall dwell in holier halls  
The pantheon of the sky!”

If, in the far future, there shall be marshalled on some celestial plain all those who have fought, or labored, or suffered, or died in defense of human liberty, or for the preservation of good government, there will not be one in all that shining host whose devotion to his country was more unselfish, whose love for his kind was more sincere, or whose loyalty to the lofty principles of justice and humanity was more simple and true, than that of Charles L. Matthies.

Honest man, pure patriot, brave soldier, upright legislator, hail and farewell!

Senator Beardsley then sent to the Secretary's desk the following resolutions:

*Resolved*, That the Senate has heard with sincere sorrow of the death of Hon. Charles L. Matthies, a Senator from Des Moines county.

*Resolved*, That as a mark of respect due to the memory of Senator Matthies, these resolutions and accompanying proceedings be spread upon the journal of the Senate.

Senator Bennett seconded the resolutions in the following remarks:

MR. PRESIDENT:—I arise for the purpose of seconding the resolutions, but feel incompetent to add anything to what has been so eloquently said by the Senator from Des Moines (Mr. Beardsley), or that can give new lustre to his name, fame, and memory of the

departed Senator. It was my good fortune to be intimately acquainted with General Matthies. I met him first in the military rendezvous at Burlington—our temporary resting place on the way to the front—on that memorable Sabbath—when the tidings of the reverses from Manassas fell like a funeral pall over the land. We parted there, going to the different parts of the field of conflict—and I met him no more until we took our seats together on this floor after the cloud of war had rolled away—and the battle-scarred soldier had returned to home and peace, and bruised arms were hung up for monuments. Brave and devoted to his adopted country in war, he was no less true and unswerving in her counsels of peace in the maintenance of the principles in the defence of which he drew his sword. His enthusiastic nature—his love of justice—his kindness of heart—and his unchanging friendship, won for him a place in the hearts and affections of all.

A stranger to the narrow confines of party ties, or the prejudices of nationality, his broad charity and universal philanthropy took in all mankind—and his sympathies were with the struggling and oppressed of all lands.

Well might we expect, Mr. President, a man born under the folds of our starry flag; who has been cradled in this land of liberty, whose whole life has been blessed with our country's glorious freedom, who has reaped the benefits of our enlightened land—to spring to her defense, and peril all for the Government that has given him all. But the man whose childhood's memories, and recollections of early manhood, are intertwined with a dear old Fatherland, on another continent, a land that claimed its first allegiance and love, and of which he could ever say—"If I forget thee let my right hand forget her cunning." Such a man we could scarce expect would be among the first to answer to the first call for 75,000 men, and then again when the Government called for "300,000 more."

But recognizing the duty of every citizen, whether naturalized or "to the manner born," to aid the preservation of the Government that guaranteed to him the blessings of freedom, holding dearer to his heart than life the principles in liberty in which this Union is cemented, and hating the system of slavery that gave birth to the rebellion, he sprang with alacrity to the front, and through decimating campaigns and bloody battles, proved the sincerity of his love for the land of his adoption, and never abandoned his part until the seed of disease and death implanted in his system, compelled him to turn his back to the field and his face toward home.

We to-day pay tribute to the worth and excellence of one more of God's noblemen, laid on the altar of our common country—another soldier gone to his long home. It was not his lot to go down amid the roar of battle and the crash of arms on the "field of glory"—but after the conflict had passed and victory

perched on our banners, and peace reigned over all the land. In the quiet of his home, surrounded by friends, he breathed his last, and his soul returned to God who gave it.

" On fame's eternal camping ground  
His silent tent is spread,  
While glory marks, with solemn round,  
The bivouac of the dead."

An occasion of this kind brings vividly to our recollections the price we paid for the preservation of our country—the hecatombs of the best and bravest we offered that the nation might live. If the Peri waiting at the gate of Paradise plead the last drop of blood shed in the defense of his country, and on its merits hoped to enter, what might we not ask or expect with every hill and valley from the sad plains of Manassas—from the swamps of the Chickahominy, and the graveyards on the James—by terrible Antietam and glorious Gettysburg—over the red heights of the Cumberland and the battle-ment crowned hills of the Tennessee to the occidental fields of victorious strife, are red with fresh baptismal blood, and the air still hangs heavy with the last and latest orisons of the unreturning brave.

If the young men of our land could be taught to appreciate the blessings of our free institutions—if they but cherish that love of country and devotion to principles which was implanted in the heart of Gen. Mathies, we would then have no fear of her in the future, when all could exclaim—

" Land of the forest and the rock,  
Of dark blue lake and mighty river,  
Of mountains reared aloft to mock  
The storm's career and lightning shock—  
*My own green land forever!*"

What more should I say! Let us hope the laurel that decked the brow of Gen. Mathies in life has but changed to a wreath fadeless beauty "in the land o' the leal."

Senator Hamilton said:

MR. PRESIDENT—It can hardly be expected that I should add much to what has been so well and ably said. Yet I feel it my duty which I cheerfully perform to pay a brief tribute of respect to the deceased.

Though my first acquaintance with Gen. Matthies was made several years since, yet I did not become so intimately acquainted with him as to learn the real character of the man until I met him in the session of this body two years ago. During that session we were, most agreeably to myself, thrown much together. We met daily around the same table, and frequently whiled away the long winter evenings around the same fireside, for we resided under the same roof. I very naturally learned to love the man and to seek

his society. His genial nature could not easily be resisted, and exerted a strong influence upon all who came into his presence. He was emphatically a social man in his disposition, and enjoyed with infinite zest free and frequent intercourse with his friends. I think of all the acquaintances I ever made there were few if any more companionable than he was. He was large-hearted, generous and sympathetic, studied assiduously to please, and never by word or deed, sought to injure the feelings of any one, nor to say anything in disparagement of another, unless indeed his sense of duty, sustained by his strong probity of character and love of the right, seemed to demand it. As an officer of the late war, none were braver, and no one was more devoted to his command and his country. His ripe experience in the profession of arms acquired in his Fatherland before his emigration to this country made him very efficient, and contributed largely to the success of the Union forces on many hotly contested fields. I venture the opinion which I should by no means like to make general in this favored State of ours, that under no circumstances could he have been induced to espouse the cause of the rebellion, not even though he had upon his emigration here taken up his abode upon Southern soil, and consequently been bound to the South by all the endearing ties which cluster around one's home. I speak thus because of my personal knowledge of his innate love of freedom and hatred of the oppressor. His cast of mind was such, his philanthropy so unbounded, that he never appeared to better advantage, nor was never more aroused than when pleading the cause of humanity everywhere.

Gen. Matthies exercised a strong influence over the German population of the State. Especially was this so in the First Congressional District and in the counties contiguous thereto. He was highly esteemed I know in my county by them. They regarded him as a man of honesty and integrity, and hence placed most implicit confidence in him, feeling that he would not lead them astray.

As a Senator, he was watchful and prudent, diligently guarding the interests of his constituents; and while he was affable, kind, and through his extreme courtesy very obliging, he was still firm in his convictions and stood earnestly by the right as he saw it. His adopted State and county owed him much which would doubtless have been in a measure paid, at least had he not been cut down in the prime of his life. As I honored and respected him while he lived, so now that he is gone I gladly bear this brief testimony to his high character as a friend, a citizen, a legislator, and a soldier.

By unanimous consent Senator Dixon offered the following:

WHEREAS, Hon John R. Needham, a member of this body from the county of Mahaska, a man honored by his fellow citizens by his election to the office of Senator in 1852, Lieutenant-Governor in

1861, and again a Senator in 1867—all of which positions he filled with signal credit to himself, and substantial benefit to the people whom he represented, has been removed by death during his term of service; therefore,

*Resolved by the Senate,* That it hereby expresses its sense of the public loss—its sorrow at the death of one of its most honored and trusted members—and its sympathy with those more immediately bereaved, by ordering this preamble and resolution to be spread upon the journal, and a copy thereof engrossed and sent to the family of the deceased.

MR. PRESIDENT—I feel conscious, indeed, that a mantle of the lamented Needham has fallen one quite too humble, and that at best I can but imitate and commend his virtues. After an acquaintance of twelve years, I can truly say, it has been my fortune to know but few such men. Affable and easy in his address, mild and unassuming in his manners, conscientious in everything he did and said, with a heart as tender as that of a child, to know him was but to love and respect. Honesty was his policy; but policy was not his honesty. To those of you who knew him there is nothing strange that he occupied so high a place in the affections and confidence of the people of his county and State. His constituents never had any fears about their interests while entrusted to his care.

Senator Needham was a moral hero—he overcame evil with good. The pathway of life he strewed with those jewels that do most adorn the human heart; he was God's noblest work—an honest man. Nothing I could say would add to the lustre of his fame or the endearment of his memory. His monuments are planted deeply in the hearts of those who knew him.

Senator Larrabee spoke as follows:

MR. PRESIDENT—I second the resolution, and will improve the opportunity to give a brief and feeble expression of my high appreciation of the noble character of our departed brother Senator, John R. Needham. Having observed for many years the character and genius that he showed in guiding and supplying the wants of a young and growing State, I felt that I knew him well when I met him for the first time in this Chamber at the commencement of the last session of this body.

His public character and faithful services demand prominent commendation. Throughout his life, whether public or private, he cherished a deep interest in public affairs, and the common welfare of the human family; and by his practical wisdom and sagacity, the fruit of more than ordinary intellectual endowment, matured thought, and general observation, and by the soundness of his opinions and the comprehensiveness and elevated tone of his politics he exerted at all times a great and most salutary influence upon the sentiment and policy of the community and State, and as a public officer during a period of many years, and in a crisis of affairs which demanded the

wisdom of the wisest, and the civil virtues of the best, he was distinguished among the most eminent men of the State for careful attention to all the duties of his trust, for moderation, for prudence, for fidelity to the principles of that party connection to which he was attached, for fidelity, still more conspicuous, and still more admirable, to the higher obligations of a thoughtful and enlarged patriotism.

This is the character of Mr. Needham, as recorded by the keen eye and discriminating judgment of public sentiment.

Of his early history I am not well informed, but know that he was most honored and trusted by those who knew him best. His example is worthy of imitation and to his labor and influence are we greatly indebted for the present proud position, and the bright prospective future of our young and thrifty State.

In relation to Senator Matthies, I can only reiterate the sentiments already so ably expressed. His memory will always be cherished by those who had the pleasure of his acquaintance, and his name should be recorded high on the roll of fame of Iowa's distinguished citizens.

Senator Fellows addressed the Senate as follows :

MR. PRESIDENT—My only acquaintance with Mr. Needham was formed during the last session of the Legislature, while we were both members of this Senate. That acquaintance, though not intimate, was sufficient to convince me of the high moral and generous character of the man, and I now do but simple justice to my feelings by offering a brief, it may be an unworthy, tribute to his memory.

Of his private and domestic virtues, sufficiently indexed as I think by his public life, a lack of personal knowledge can cause no hesitancy in believing all that has already been awarded to him by one of long and intimate acquaintance, and whose words are prompted by those noble impulses of the human heart which link men together by the mysterious ties of personal friendship.

For many years occupying important public position, acting a prominent part and exerting a powerful influence in organizing and building up our public institutions, moulding the character of our municipal Government, and developing the material resources of our noble, vigorous and rapidly growing young State, he established a reputation for honesty, integrity, and devotion to the public interests, that neither the jealousies engendered by disappointed ambition, nor the rancor of partisan strife, in which the actors are too often more zealous for the attainment of power than for the promotion of the public good—has ever succeeded in fastening a stain. Morality, temperance, unbending integrity and personal honor, that so adorn, and by which we estimate personal character, are in no less degree honorable and ornamental when carried into and made the governing principles of public life and political action. Whatever differences of opinion may exist as to the correctness of any particular theory of public policy, there is a plane, high above the arena of partisan politics, where the possessors of those public and private



virtues, so well illustrated in the public life of him whose memory we commemorate to-day, may meet, and with a common object in view, concentrate their efforts for its attainment.

He had the moral courage to resist the subtle and debasing influences that always surround the occupants of public institutions, the will to go straight forward in the discharge of his duties as he understood them, the ability to comprehend the true interests of the people, and the heart to labor earnestly for the promotion of those interests. Thoroughly unselfish, he exerted an influence, the power of which was more truly and highly estimated by others than by himself. With a clear and correct apprehension of the true basis of the strength and safety of a government of the people, by the people, his best efforts were directed to the promotion of our educational interests. Recognizing the justice of the claim of the unfortunate for care, education, and support at the expense of the State, our benevolent institutions ever found in him an earnest friend and generous supporter. His public career was alike honorable to himself and beneficial to the State. Many of us here to-day can bear witness to the faithfulness with which he stood at his post of duty during the last session, when his rapidly declining health so clearly indicated that those were the closing labors of his life. Always dignified and courteous, he commanded the respect, and won the confidence and friendship of all. While beneath the soil of his adopted State he rests from his labors, the records of his official acts, and the lasting impress of his moral influence, remain as enduring monuments to his fame.

Senator Donnan spoke as follows :

MR. PRESIDENT—I cannot refrain from adding a few remarks to the just and fitting words which have been already uttered, upon the resolutions offered by the Senator from Des Moines.

Yes, "man is born to die." Already two of those who occupied honored places in this Senate Chamber during the last session, are now no more. We turn aside to-day, from the usual routine of business, to pay a deserved tribute of respect to the cherished memory of those to whom Iowa looks up as to her honored sons, and as to her benefactors; to whom we to-day, and with us, the people of the State, acknowledge the merit and the debt of valuable service.

The one, Governor Needham, although for years past weak and diseased of body, was strong of mind, true of heart, and noble of soul. As an educator of the people, by means of the press, his was a bold and able advocacy of enlightenment for the masses, of honest, liberal government, of freedom and enfranchisement for all, of firmest, immovable faith in, and truest loyalty, to the Republic, throughout its long and terrible night of peril from treason.

As President of the Senate, his equanimity, his unquestioned fairness, his unbiased judgment, his calm and manly bearing, lent dignity

to the Senate, and won, as it deserved to win, unqualified and universal respect and esteem.

And who of us, enjoying the honor to sit with him here in legislative council, in the last year of his life, will ever forget his firm adherence to constitutional authority, and to all that was good and true, and for the public weal in legislative enactment? Or ever forget the quiet words of practical wisdom that fell from his thin, pale lips, prompted by that true heart, and issuing from that experienced and cultivated mind.

The other, General Matthies, although an adopted citizen, was earliest found among those "who went at their country's call." If he had the honor to command the brave and resolute ranks of Iowa soldiery, look and ever find him in the front of those brave and resolute ranks, in the battles of our country. If Iowa boasts her regiments second to none in the Nation's defense, look where you will among her living warriors, or fallen heroes, and where among them all shall we find a better or braver soldier than he. Fortunate man! By how much more fortunate than many of his gallant men! He lived through dangers unnumbered and untold, to see victory perch upon the standard of his loved and adopted country. He lived, to see the darkness of treason folded bank, and to behold the dawn, aye, the glorious daylight of renewed Peace. He lived to know that the sacred remains of those who paid the highest tribute that patriot can pay to his country—their heart's blood—that the sacred remains of those should repose in a redeemed soil which never more should be pressed by the foot of a slave. He lived, to accept honorable office, to which a grateful people elected him. Yet, he lived not to complete the term of civil office for which he had been chosen. While he lived, he had friends here, and elsewhere—only friends—friends all. Who that knew him, did not esteem and love General Matthies?

Yes, our friends and associates have been called from earnest labor, and the public station of honor and responsibility, to the dark chambers of death. They have gone, but not into forgetfulness, for the record of their wise counsels are a part of the history of free, happy, prosperous Iowa; and the earnest devotion of the one, and the heroic action of the other, have helped to save the life of an imperilled Republic. No, not to forgetfulness, for their cherished memory remains with the living, and will remain.

I hope the resolutions will be adopted by the Senate, standing, in token of respect; and in silence, as those voices which so recently mingled with our own within these walls, are now hushed in the stillness of the tomb.

Senator Fairall addressed the Senate as follows:

MR. PRESIDENT:—The occasion of the hour reminds us that in the battlefield of life, the captains of the host, as well as the footmen, must fall before the shaft of the insatiate archer—death. His ruthless hand strips the laurel alike from the brow of the warrior and

the civilian. The monarch and the peasant, the legislator and the governed, the strong and the weak, must all obey that dread summons to fall into the line of that innumerable caravan which leads to the silent halls of death.

In the midst of the exciting labor of life it is well to pause and contemplate those emblems of mortality surrounding us on all sides. The fading violet of early spring, the murmurs of the rivulet as they become less musical by the evaporation of midsummer, the falling leaf of autumn and icy breath of winter, chilling the heart of animated nature—all teach us that life is but a vapor, that our stay here is but temporary, and that we, too, must soon wrap the drapery of the couch about us and lie down in the sleep which has no awakening.

Such were the thoughts that possessed me when a few minutes before the introduction of the resolution, I was informed that the morning hour would be devoted to paying tributes of respect to the memory of the lamented Needham and the gallant Matthies.

Eight years ago, when I was honored by a generous constituency with a seat in the House of Representatives, it was my fortune to first meet the Lieutenant-Governor, and to form an acquaintance with him by me highly prized. On my appearance on this floor, two years ago, I found him here at his post, quietly but ably representing a people who ever loved to honor him. As a presiding officer he was just, efficient, dignified and courteous; as a legislator, able, industrious and faithful; as a citizen useful; as a neighbor, kind, and as a friend true. Now that he has left us, we feel like repeating the words of a favorite American poet:

“Green be the turf above thee,  
Friend of my better days:  
None knew thee but to love thee,  
Nor named thee but to praise.”

The late Senator from Des Moines, it was not my fortune to have met until on this floor at the opening of the Twelfth General Assembly. By reputation I knew him well, long before that. His fame was incorporated with the glory and bravery of our citizen soldiery in the late conflict for the preservation of the inheritance bequeathed us by a noble ancestry.

As a legislator, he was broad and charitable in his views, faithful to his constituents, and true to the trusts confided to his care.

It was on the tented field where his talents shone brightest. In the dark hour of our nation's peril, when the ungrateful sons of a generous country sought to tear down the fabric of our fathers, none were more ready to stay the tide of rebellion than this adopted son of the Republic. His indomitable bravery, heroic devotion and thorough knowledge of military science, early marked him as one competent to lead, and worthy to command where the danger was greatest and peril most imminent.

But after the able eulogies by the distinguished Senators who have preceded me, I feel incompetent to add anything to the interest of the occasion, or to the memory of the deceased. Of him it may be truly said :

“Thou art Freedom's now, and Fame's;  
One of the few the immortal names  
That were not born to die.”

Senator Newell addressed the Senate as follows :

MR. PRESIDENT:—My acquaintance with General Matthies dated back only to the commencement of the session of the Twelfth General Assembly, although long before this I was familiar with his heroic deeds, his valiant and intrepid conduct on the theatre of our late war. A foreigner by birth, he was educated thoroughly in the school of the soldier. There are others who will speak of the glory which he won on the bloody field of battle. It is my purpose only to advert to those honest, manly traits which he exhibited as a legislator. Actuated always by the purest of motives, his vote was cast on all occasions in accordance with the dictations of an honest heart. I remember on one occasion, during the session of the Twelfth General Assembly, he called me to his seat to consult in relation to a measure then pending, in which we had a mutual interest. After having carefully canvassed the prospects of the bill, he said to me, in the most earnest and emphatic manner, “Whatever may be its fate, we will not compromise our honor as Senators, our dignity as men, by entangling these measures with others which might give it strength; but let it rise or fall on its merits.” Such, sir, I apprehend was the keen sense of his honor, his manly purpose, that he could not stoop to the commission of an act which would in any way cast a reflection upon his character. Socially, (like the nation of which he was a bright representative) he had few equals. Courteous, kind, ever mindful of the sensitive nature of those with whom he was thrown in contact, by no ungentlemanly remark would he wound the feelings of the most humble. To him it is the last of earth. As a soldier, he won a national reputation. As a legislator, the respect and confidence of his associates. As a man, his social and affable character was worthy of our imitation. Senator, patriot, soldier, rest in peace !

Senator Rice made the following remarks :

MR. PRESIDENT:—I cannot afford to let an occasion of this kind pass without adding my testimony to that which has already been given by the Senator from Des Moines to Charles L. Matthies. I had the good fortune to be well acquainted with him while Lieutenant-Colonel of the Fifth Iowa Infantry. I held a subordinate position under him while he was acting in that capacity. He was well beloved by all the soldiers of his regiment, and respected by all of his officers. I am certain that all of the officers and soldiers of the Fifth Iowa Infantry will respond to the sentiments so well uttered

by Senator Beardsley in his eulogy on the late Gen. Matthies. I am only sorry that I am not able to say all I feel on this occasion.

Senator Wolf rose and said :

MR. PRESIDENT—As my constituency includes that small remnant of Company A, of the Fifth Iowa, yet surviving the sanguinary conflicts to which they were led by the brave and departed General, I feel that I must endorse the encomiums pronounced upon his memory by the Senator from Des Moines. Inspired by his example, and the love of the cause which he so devoutly cherished, they, with their regiment, formed the keystone of victory at Luka, by returning and sustaining without flinching the concentrated fire of the enemy, which made sad havoc in their heroic ranks. I am unable to add anything to that eulogium, and could not take one word from it. He has gone to mingle with those of his command who were swept down by the ruthless hand of treason, and whose remains now occupy silent dwelling places on many a field secured to freedom by their struggles, hallowed by their heroism and sanctified by their burial. He will rejoice with them over other glorious services. Let the memory of his actions and fidelity of his character improve us all. If I were even to use the utmost thought and preparation, no word of mine could add anything to the lustre of his fame. No word uttered by any man can detract therefrom.

Concerning the resolution in memory of the lamented Senator Needham, I also feel the utmost futility of frail human language. I have, therefore, since the introduction of the latter resolution, tried to embody what I have to say in one sentence, every word of which is more than true.

The unswerving fidelity and high sense of moral responsibility which characterized the public life of the departed Senator; the heartfelt cordiality, the unbounded sympathy and affection, and exemplary social character, which made him a confidante and favorite in private life, together with the quiet patience with which he long viewed the certain approach of death, and the smiling confidence with which he walked into the inevitable river, furnish an ever fresh and profitable page in the great book of human life, to which his acquaintances will delight often to refer.

Senator Bulis spoke as follows :

MR. PRESIDENT—After the eloquent eulogies that have been pronounced here this morning, it may appear like presumption in me to attempt any remarks, but the intimate relations which I sustained to Senator Needham during the session of 1868, forbid that I should permit this occasion to pass without paying my tribute of respect, slight though it may be, to one honored and beloved by all with whom he was associated. My acquaintance with the Hon. John R. Needham began with the opening of the last session of the General Assembly—we occupying the same desk, and he then occupying the chair which I now fill.

By reason of our close proximity we early became very intimate, and in an occasional moment of confidence, (and we all have such moments, sir,) he would relate to me some incident of his life that would give me a far deeper insight into his real character than any public act could possibly do; and it was thus that I came to regard him as one of the most noble characters of this generation. At a time when most men would have chosen to remain at home, surrounded by family and friends; at a time when a disease which he well knew must in a brief period terminate fatally, and which was surely and rapidly bringing him to the grave, he evinced the same indomitable will, the same unconquerable perseverance that had characterized his whole life. Upon one occasion, after assisting him to ascend the stairway leading to this chamber, and while halting a moment at the landing to enable him to recover from his exhaustion, I expressed my surprise that he in his condition, and knowing, as he did, that his time in this world was but short at the longest, should voluntarily deprive himself of all the comforts of home and come up here to resume the duties, the responsibilities and the labors of a legislator. His reply was that "a man had better wear out than rust out; that he abhorred inaction and preferred to die laboring for the extension and perpetuation of the principles of right and justice." This, sir, was the character of the man. At the same time that he was firm in his convictions and unmovable in his position, he freely allowed to all the utmost limit in their views, and was never disposed to assume a superiority of mind or more broad and extended views than were possessed by others. And now, sir, after having paid this tribute to the memory of one whom we honored while living, and whose death we now mourn, let us turn our thoughts inward to our own lives and examine carefully our past actions, that we know whether, in the event of death overtaking us unawares, it could be said of each and all as our honored friend, "An honest man and a Christian has gone to his reward."

Senator Beardsley said:

MR. PRESIDENT:—It was my fortune—my good fortune, as I esteemed it—to be associated in business for six or seven years with Senator Needham, and I can sincerely and heartily endorse everything that has been said in his praise to-day. I summered and wintered with him, met him daily, and knew him as thoroughly perhaps as it is permitted for one man to know another; and I think it may be said of him, as truthfully as of any other man I ever knew, that he was without guile. He was honest, and true, and trustworthy under all circumstances.

I remember an incident of his life, which will illustrate the fine sense of honor that always characterized his public as well as his private life. In the Republican Convention of Mahaska county, called to nominate a candidate for the Constitutional Convention, which was held in 1857, another name beside that of Mr. Needham

was presented. An informal ballot was taken, with the usual understanding that it would require a formal one to nominate. On the informal ballot the other candidate received a majority of the votes cast. A formal ballot was then taken. Mr. Needham receiving a majority, he was duly declared the nominee of the Convention. A few hours after the Convention adjourned, Mr. Needham was so impressed with the thought that there might be a possible doubt as to his fair nomination that he declined it, and another gentleman was taken up and elected. I remember that he told me at the time, that he would rather forego an election to any office, than there should be even a shadow of a doubt as to his fair and honorable nomination.

Mr. Needham possessed talents and acquirements in such a degree that he might have reasonably aspired to any office in the gift of the people of the State, had he been blessed with ordinary health. For fifteen years he battled with disease, and by careful attention to his diet and his habits of life, by his unconquerable will, and his faith in God, prolonged his stay among us several years. As has been justly said of him here to-day, he was honest and true and faithful in discharging the duties of life. He was highly honored by the citizens of his county and of the State, and the memory of his grand and noble life is a precious inheritance to his family, his friends, and to the State which he honored and loved so well.

At 11 o'clock and 45 minutes, Senator Beardsley offered the following:

*Resolved*, That as a further testimonial of respect for the remains of Senators Matthies and Needham, the Senate do now adjourn.

Which was unanimously adopted.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 1, 1870.

Senate convened at ten o'clock, A. M.

The President in the Chair.

Prayer by Rev. Mr. Rice.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I herewith return Senate File No. 25, A bill for an act to legalize the sale of indemnity swamp lands and scrip in certain counties, the same having passed the House without amendment.

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

*Resolved by the House, the Senate concurring,* That rule No. 12 of the joint rules be amended by striking out five hundred copies and inserting two hundred and fifty in lieu thereof.

BENJ. VAN STEENBURG, *Asst. Clerk.*

A communication was received from the Governor at the hands of his private secretary, which was laid on the President's table.

#### PETITIONS AND MEMORIALS.

Senator Casady presented a petition from the Board of Supervisors of Pottawattamie county asking for the passage of a law authorizing counties to bond their indebtedness.

Referred to Committee on Ways and Means.

Senator Ireland presented a remonstrance from J. H. Smith and other citizens of Clinton county in relation to holding terms of court at other places than the county-seat.

Referred to Committee on Judiciary.

Senator Campbell presented a petition from S. A. Lindley and 213 others, citizens of Jasper county, in relation to abolishing the Boards of Supervisors and creating county commissioners.

Referred to Committee on County and Township organization.

#### INTRODUCTION OF BILLS.

By Senator Knoll: Senate File No. 86, A bill for an act to carry out the provisions of an act of Congress, approved May 15, 1866, granting lands to Iowa to aid in the construction of railroads and to secure the early completion of the Tete Des Morts Branch of the Dubuque and Sioux City Railroad.

Read first and second time and referred to Committee on Rail Roads.

#### RESOLUTIONS.

Senator Beardsley offered the following:

WHEREAS, The Governor in his annual message, refers briefly to the Wisconsin and Fox river Improvements, and intimates that he may present his views more at length at a future time, therefore,

*Resolved,* That in view of the very great importance and necessity for enlarged and cheaper facilities for transportation between the west and the east, the Governor be requested to communicate to the General Assembly further facts and suggestions in relation to the Wisconsin and Fox River improvements.

The resolution was adopted.



Senator McNutt offered the following :

Joint resolution proposing amendment to the State Constitution to allow women to vote and hold office.

Read first and second time.

Senator McNutt moved to suspend the rule and read the joint resolution a third time now.

Senator Bulis moved to refer the joint resolution to Committee on Suppression of Intemperance.

Senator Donnan moved to amend by substituting Committee on Constitutional Amendments.

The amendment was adopted and the motion to refer as amended was agreed to.

Senator Knoll from Committee on Engrossed Bills submitted the following report :

MR. PRESIDENT—The Committee on Engrossed Bills have examined Memorial and Joint Resolutions asking Congress for a Grant of Lands to aid in the construction of a railroad from O'Brien County, Iowa, to some point on the Missouri River, at or near Yankton, in Dakota Territory, and report the same correctly engrossed.

F. M. KNOLL, *for Committee.*

#### COMMUNICATIONS.

A communication from the Governor, in relation to the Convention held at St. Louis for the removal of the National Capitol, was taken up.

On motion of Senator Bulis the reading was dispensed with, and the communication was ordered printed.

#### HOUSE MESSAGE.

House resolution in relation to amending rule 12, of the joint rules, was taken up and considered.

Senator Wolf moved to strike out "250" and insert "300."

The amendment was agreed to, and the resolution as amended was concurred in.

#### REPORTS OF COMMITTEES.

Senator Patterson from the Committee on Railroads submitted the following report :

MR. PRESIDENT—Your Committee on Railroads to whom was referred Senate File No. 45, A bill for an act to regulate the crossings of railroads, and to regulate the running of trains at such crossings, and at the crossings of streets and highways, beg leave to report that they have had the same under consideration, and a majority of the Committee have instructed me to report the same

back to the Senate, with the recommendation that the accompanying substitute be adopted in its stead, and that said substitute do pass

J. G. PATTERSON, *Chairman.*

Ordered that the report pass on file; also the following:

MR. PRESIDENT—Your Committee on railroads to whom was referred Senate File No. 74, A bill for an act to amend article 3, of chapter 55, of the revision of 1860, granting right of way to railroad companies, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

J. G. PATTERSON, *Chairman.*

Ordered, that the report pass on file,

Senator Pierce, from the Committee on Internal Improvements, submitted the following report:

MR. PRESIDENT—Your Committee on Internal Improvements, to whom was referred Senate File No. 34, A bill for an act regulating the duties of innkeepers, and fixing their liabilities for losses sustained by their guests, beg leave to report that they have had the same under consideration, and have instructed me to report the following substitute to the Senate, with the recommendation that it do pass.

A. R. PIERCE, *Chairman.*

Ordered that the report pass on file.

Senator Long, from the Committee on State Library, submitted the following report:

MR. PRESIDENT—Your Committee on State Library, to whom was referred that part of the Governor's message relating to the State Library, beg leave to report that they have had the same under consideration, and instructed me to report the following bill to the Senate, with the recommendation that it do pass.

MATTHEW LONG, *Chairman.*

Senate File No. 87, A bill for an act regulating the appointment and duties of State Librarian.

Read first and second time and passed on file.

Senator Mitchell, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—Your Committee on Enrolled Bills have examined the joint resolution in relation to Col. John C. Abercrombie, of Des Moines county, and find the same correctly enrolled.

They have also examined the joint resolution ratifying the proposed Fifteenth Article of Amendment to the Constitution of the United

States, relative to the right of citizens to vote, and find said resolution correctly enrolled.

T. J. MITCHELL, *Chairman.*

Senator Knoll, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT—The Committee on Engrossed Bills have examined Senate File No. 50, and report the same correctly engrossed.

F. M. KNOLL, *for Committee.*

BILLS ON THIRD READING.

A memorial and joint resolution asking Congress for a grant of lands to aid in the construction of a railroad from O'Brien county, Iowa, to some point on the Missouri river, at or near Yankton, in Dakota territory, was taken up and read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Grimes, Hawley, Hurley, Ireland, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Rice, Smyth, Tuttle, and West—35.

The nays were—

Senators Fellows, Griffith, Hamilton, Havens, Keller, Moore, Pierce, Traverse, Vale, Vermillion, and Wolf—11.

Absent and not voting—

Senators Clark, Dunham, Mulkern, and Wright—4.

So the joint resolution passed and the title was agreed to.

Senate File No. 50, A bill for an act to amend chapter 144, of the acts of the Twelfth General Assembly, in relation to the protection of crops against the invasion of stock was taken up, and read a third time.

On the question, "shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Pierce, Rice, Smyth, Vale, Vermillion, West, and Wolf—38.

The nays were—

Senators Campbell, Havens, Knoll, Patterson, and Traverse—5.

Absent or not voting—

Senators Bill, Clark, Couch, Dunham, Mulkern, Tuttle, and Wright—7.

So the bill passed and the title was agreed to.

The following message was received from the House.

MR. PRESIDENT—I herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 70, A bill for an act to provide for the collection of School-house tax, and for Library in the Independent School District of Missouri Valley, Harrison county, Iowa.

CHARLES ALDRICH, *Chief Clerk.*

UNFINISHED BUSINESS.

Senate File No. 72, A bill for an act to provide a State Capitol was taken up.

The question being on the motion to make the bill a special order for February 28th.

Senator Fairall moved to amend by striking out "28th," and inserting the "4th."

Pending which Senator Rice moved that the Senate do now adjourn, which was not agreed to.

The amendment was then adopted, and the motion as amended was agreed to.

By leave Senator Bulis offered the following:

*Resolved,* That the Census Board be requested to report at the earliest day practicable to this General Assembly, all their doings under the provisions of chapter 91, of the acts of the Twelfth General Assembly as required by section 6, of said act.

Senator Donnan moved to amend by striking out the words "at the earliest day practicable," and inserting in lieu thereof the words "on February 3d."

The amendment prevailed, and the resolution as amended was adopted.

At 11 o'clock and 55 minutes, on motion of Senator Casady, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 2, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. King.

The Journal of yesterday was read and approved.

The following message was received from the House :

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

Substitute for House File No. 64, A bill for an act to destroy Canada thistles.

I also return

Senate File No. 41, A bill for an act to repeal section 2495 of the Revision of 1860, the same having passed the House without amendment.

The House has also adopted the concurrent resolution of the Senate, in relation to printing 3000 copies of the report of the Secretary of the State Board of Agriculture.

CHAS. ALDRICH, *Chief Clerk.*

Senator Murray asked to be excused from serving on Committee on Enrolled Bills.

The Senator was excused, and the President appointed Senator Wolf in his place.

#### PETITIONS AND MEMORIALS.

Senator Knoll presented a petition from M. Allison and 200 others, in relation to the Tete Des Morte railroad.

Referred to Committee on Railroads.

Senator McCulloch presented petitions from citizens of Lee county, praying for the enactment of a law taxing railway corporations same as other property.

Referred to Committee on Ways and Means.

Senator Campbell presented a petition from John G. Walker and 94 others, citizens of Jasper county, praying for a law regulating the rates of freight and passenger tariff on land grant railroads.

Referred to Committee on Railroads.

Also, a petition of C. Buckhalter and 185 others, citizens of Jasper county, praying for the abolition of County Supervisors, and providing Commissioners instead.

Referred to Committee on County and Township Organization.

Senator Bill presented a petition from Samuel Noble and 116 others, praying for the enactment of a law taxing railway corporations same as other property.

Referred to Committee on Ways and Means.

Also, a petition from Steele & Ellis and 66 others, praying for the enactment of a law regulating rates of tariff on land grant railroads.

Referred to Committee on Railroads.

## INTRODUCTION OF BILLS.

By Senator Mitchell: Senate File No. 88, A bill for an act resuming certain lands heretofore granted to the Des Moines Valley Railroad Company, and to provide for the sale of the same.

Read first and second time, and referred to Committee on Railroads.

By Senator West: Senate File No. 89, A bill for an act to amend section 1, of chapter 92, of the acts of the Twelfth General Assembly.

Read first and second time and referred to Committee on Horticulture and Forestry.

By Senator Wolf: Senate File No. 90, A bill for an act to amend chapters 52 and 53, of the Revision of 1860, in relation to corporations.

Read first and second time and referred to Committee on Incorporations.

By Senator Murray: Senate File No. 91. A bill for an act to establish a Normal School at Winterset, Iowa.

Read first and second time and referred to Committee on Schools, and ordered printed.

## COMMUNICATIONS.

The President presented a communication from the Census Board, in relation to new Capitol, which was taken up.

On motion of Senator Bulis, the reading was dispensed with, and the communication was ordered printed.

## HOUSE MESSAGES.

House File No. 64, A bill for an act to destroy Canada thistles, was taken up.

Read a first and second time and referred to Committee on Agriculture.

The hour for the special order having arrived, it being Senate File No 7, A bill for an act providing for reorganizing the Board of Supervisors and defining their duties and manner of election.

Also, Senate File No. 18, A bill for an act creating a Board of County Commissioners, and prescribing their powers and duties, with substitute reported by Committee.

Senator Larrabee moved that the special order be postponed fifteen minutes, which was agreed to.

## REPORT OF COMMITTEE.

Senator Larrabee, from Committee on Ways and Means, submitted the following report:

**MR. PRESIDENT**—Your Committee on Ways and Means, to whom was referred House File No. 28, A bill for an act for assessment of taxes in the township of Clinton, of Clinton county, Iowa, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

LARRABEE, *Chairman.*

On motion of Senator Larrabee, the bill was taken up and considered.

Senator Larrabee moved that the rule be suspended and the bill read a third time now, which was agreed to.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—46.

The nays were none.

Absent and not voting—

Senators Clark, Dunham, Mulkern, and Wright—4.

So the bill passed and the title was agreed to.

Senator Larrabee, from the Committee on ways and Means, submitted the following report:

**MR. PRESIDENT**—Your Committee on Ways and Means, to whom was referred Senate File No. 28, A bill for an act to repeal chapter 196, of the laws of the Twelfth General Assembly, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

LARRABEE, *Chairman.*

On motion of Senator McNutt, the report was taken up, considered, and the report of Committee was adopted.

Senator Bennett, from the Committee on Judiciary, submitted the following report:

**MR. PRESIDENT**—Your Committee on Judiciary, to whom was referred petitions praying the enactment of a law authorizing the working of persons confined in the jails of the State, have considered the same, and have instructed me to report the accompanying bills, with the recommendation that they do pass.

G. G. BENNETT, *Chairman.*

Senate File No. 92, A bill for an act to authorize the working of persons confined in the jails of the State, and to protect prisoners. Read first and second time and passed on file, and ordered printed.

Senate File No. 93, A bill for an act authorizing cities and towns to punish for violations of ordinances and by-laws.

Read first and second time and passed on file.

Senator McNutt moved that the vote by which Senate File No. 28 was indefinitely postponed, be reconsidered.

The motion prevailed.

The question being on the motion to indefinitely postpone, the motion was withdrawn.

Ordered that the bill pass on file.

The hour for the special order having arrived, Senator Donnan moved that it be postponed fifteen minutes, which was not agreed to. The special order being Senate Files Nos. 7 and 18, with substitute reported by the Committee, was taken up.

On motion of Senator Bennett, the Senate resolved itself into Committee of the Whole, and after some time spent therein, the Committee rose, and the Chairman, Senator Bulis, reported that the Committee had had under consideration Senate Files Nos. 7 and 18, with substitute therefor reported by Committee, had made some progress, and asked leave to sit again.

The report was adopted.

On motion of Senator Patterson, the substitute was made the special order for February 3d, at 11 o'clock.

At twelve o'clock and eight minutes, on motion of Senator Newell, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 3, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Schobert.

The Journal of yesterday was read and approved.

The following message was received from the House:

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

Substitute for House File No. 26, A bill for an act to repeal section 722 of the Revision of 1860, and to provide a substitute therefor, and to prevent fraud in assessments.



House File No, 84, A bill for an act to provide for the election of a Police Judge, and the establishment of a Police Court, in cities acting under special charters.

House File No. 55, A bill for an act to legalize the acts of the Board of Supervisors of Wayne county, Iowa, in relation to the levy of taxes for the years 1861, 1862, 1863, 1864, 1865, 1866, 1867, and 1868.

House File No. 60, A bill for an act to amend chapter 29, article 3 of the Revision of 1860.

Substitute for House File No. 27, A bill for an act detaching certain lands in section 13, tp. 78, north range 3, east 5th P. M. from independent school district No. 1, Davenport township, Scott county, Iowa, and annexing the same to the district township of Davenport, in said county.

I am further directed to inform the Senate that the House has concurred in the Senate amendment in regard to printing bills, etc.

CHAS. ALDRICH, *Chief Clerk.*

#### PETITIONS AND MEMORIALS.

Senator Knoll presented a petition from Robert Wilmott and eighty-four others, praying for the enactment of a law regulating rates of tariff on land-grant railroads.

Referred to Committee on Commerce.

Senator Fellows presented a remonstrance of one hundred and seventy-five citizens of Ludlow Township, Allamakee County, against the enactment of a law setting off part of Allamakee County, to Winneshiek County, for school purposes.

Referred to Committee on Schools.

Senator Ireland presented a remonstrance from Jno. C. Polley and others, citizens of Clinton County, in relation to holding terms of court at Wheatland.

Referred to Committee on Judiciary.

#### INTRODUCTION OF BILLS.

By Senator Bennett: Senate File No. 94, A bill for an act providing for the appointment of commissioners in other States.

Read first and second time and referred to Committee on Judiciary.

Senator Bennett, from Judiciary Committee: Senate File No. 95, A bill for an act creating a commission to revise the statistics of Iowa, and defining their duties and providing for the publication and distribution of their report.

Read first and second time and passed on file.

By Senator Couch: Senate File No. 96, A bill for an act to amend section 1097, of the revision of 1860.

Read first and second time and referred to Committee on Judiciary.

By Senator Hawley: Senate File No. 97, A bill for an act providing for the taxation of coal and other minerals.

Read first and second time, and referred to Committee on Ways and Means.

By Senator Knoll: Senate File No. 98, A bill for an act to prescribe rules and regulations for railroads, and to establish uniform and reasonable rates of tariff for the transportation of certain freights thereon.

Read first and second time and referred to Committee on Railroads, and ordered printed.

#### HOUSE MESSAGES.

Substitute for House File No. 27, A bill for an act detaching certain land in section 13, township 78, north range 3, east 5th P. M., from independent school district No 1, Davenport township, Scott County, Iowa, and annexing the same to the district township of Davenport, in said County.

Read first and second time.

Senator Lowry moved to suspend the rule and read the bill a third time now.

Senator Fellows moved to refer the bill to Committee on Schools, which motion prevailed.

House File No. 60, A bill for an act to amend article 3, of chapter 29, of the revision of 1860.

Read first and second time and referred to Committee on Judiciary

House File No. 55, A bill for an act to legalize the acts of the Board of Supervisors of Wayne County, Iowa, in relation to the levy of taxes for the years, A. D. 1861, 1862, 1863, 1864, 1865, 1866, 1867, and 1868.

Read first and second time and referred to Committee on Judiciary.

House File No. 84, A bill for an act to provide for the election of a police judge, and the establishment of a police court in cities acting under special charters.

Read first and second time and referred to Committee on Judiciary, with instructions to report by Monday next.

Substitute for House File No. 26, A bill for an act to repeal section 722, of the revision of 1860, and to provide a substitute therefor, and to prevent fraud in assessments.

Read first and second time and referred to Committee on Ways and Means.

## REPORTS OF COMMITTEES.

Senator Bennett from the Committee on Judiciary submitted the following report :

MR. PRESIDENT—Your committee on Judiciary, to whom was referred Senate File No. 84, A bill for an act to legalize the devoting of the swamp and overflowed lands, and the indemnity lands for swamp and overflowed lands of Cerro Gordo county, Iowa, to the construction of the McGregor and Sioux City Railroad through said county, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass with the following amendments :

In section one, after "Cerro Gordo," in fourth line, insert "county ;" add to section one the following : " *Provided*, That nothing in this act contained, shall in anywise affect the legal or equitable rights of third persons, if any such there be, who may have acquired any right or interest in said lands before the same were granted or attempted to be granted and ceded to said McGregor and Sioux City Railway Company." Amend section two by adding "without expense to the State."

G. G. BENNETT, *Chairman*.

Ordered that the report pass on file.

Also the following :

Senator Bennett from the Committee on Judiciary submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 81, A bill for an act to repeal section 4227 of the Revision of 1860 relating to the crime of arson and to enact a substitute in lieu thereof, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman*.

Ordered that the report pass on file.

Senator Beardsley from the Committee on Federal Relations submitted the following report :

MR. PRESIDENT—Your Committee on Federal Relations to whom was referred a Joint Resolution in relation to National Finances beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be amended by adding to the last resolution the words "and secure to the west and south their just proportion thereof," and that it do pass.

CHARLES BEARDSLEY, *Chairman*.

Ordered that the report pass on file.

Senator Hamilton from the Committee on Incorporations submitted the following report :

MR. PRESIDENT—Your Committee on Incorporations to whom was referred House File No. 39, A bill for an act to amend section 1768 of the Revision of 1860 would respectfully report that they have had the same under consideration and have instructed me to report the same back with the recommendation that it do pass.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

#### BILLS ON SECOND READING.

Senate File No. 3, A bill for an act to authorize cities to receive donations of ground and library buildings and to maintain free public libraries and reading rooms, was taken up and considered.

On motion of Senator Donnan the rule was suspended and the bill was read a third time.

On the question " Shall the bill pass ? "

The yeas were—

Senators, Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright—42.

The nays were—

Senator Patterson—1,

Absent and not voting—

Senators, Bulis, Clarke, Dixon, Dunham, Fairall, Mulkern, Murray—7.

So the bill passed and the title was agreed to.

Senator McNutt asked that Senator Fairall be excused during the morning hour.

The excuse was granted.

Senator Grimes asked for leave of absence for Senator Dunham on account of sickness of family.

Leave was granted.

At 5 minutes before 11 o'clock, on motion of Senator McKean, the Senate resolved itself into Committee of the Whole for the consideration of Senate Files 7 and 18 with substitute reported by the Committee.

And after spending some time therein the Committee rose and the chairman, Senator Smyth, reported that they had had under consideration Senate Files 7 and 18 with substitute reported by the Committee had made some progress therein, and ask leave to sit again.

The report was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the House.

**MR. PRESIDENT.**—I herewith present for your signature the following Joint Resolution which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Joint Resolution ratifying the proposed fifteenth article of amendment to the Constitution of the United States relative to the right of citizens to vote.

Also, the following resolutions in relation to Col. John C. Abercrombie, of Des Moines county, Iowa.

House File No. 28, A bill for an act for the abatement of taxes in Clinton township, Clinton county, Iowa.

CHARLES ALDRICH, *Chief Clerk.*

Senator Bulis moved that the bills and substitute be made the special order for to-morrow at 11 o'clock.

Senator Patterson moved to amend by striking out the words "to-morrow at 11 o'clock" and inserting the words "this afternoon at 2 o'clock."

The amendment prevailed and the motion as amended was agreed to.

At 12 o'clock and 8 minutes, on motion of Senator Patterson, the Senate adjourned until 2 p. m.

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TWO O'CLOCK, P. M.

Senate convened pursuant to adjournment and was called to order by the President.

On motion of Senator Larrabee, the Senate resolved itself into Committee of the Whole for the consideration of Senate Files Nos. 7 and 18, and substitute therefor, and after spending sometime therein, the Committee rose, and the Chairman, Senator Patterson, reported that the Committee of the Whole have had under consideration Senate Files Nos. 7 and 18, and substitute reported by the Committee, have made various amendments to the substitute, and recommend the adoption of the substitute as amended.

The report of the Committee was adopted.

Senator Moore moved that the bill be engrossed and read a third time to-morrow.

Senator Fellows moved that the bill be indefinitely postponed, on which the yeas and nays were demanded, and

The yeas were—

Senators Bennett, Claussen, Couch, Donnan, Dysart, Fiarall, Fellows, Grimes, Havens Ireland, Knoll, McCulloch, McKean, McNutt, Newell, Smyth, Tuttle, and Wolf—18.

The nays were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Dixon, Griffith, Hamilton, Hawley, Hurley, Keller, Larrabee, Lowry, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Traverse, Vale, Vermilion, West, and Wright—27.

Absent and not voting were—

Senators Allen, Clark, Dunham, Long, and Mulkern—5.

So the motion did not prevail.

Senator Larrabee moved that the bill be recommitted to the Committee on County and Township Organization, and ordered printed.

Senator Newell moved that the rule be suspended and the bill be read a third time now, which motion prevailed.

Senator Hawley moved that there be a call of the Senate, which was sustained, and the roll was called with the following result :

All the Senators were present or excused except Senator Allen.

On motion of Senator Bulis, further proceedings under the call were dispensed with.

On the question, " Shall the bill pass ? "

The yeas were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Dixon, Griffith, Hamilton, Hawley, Hurley, Keller, Larrabee, Lowry, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Traverse, Vale, Vermillion, West, and Wright—27.

The nays were—

Senators Bennett, Claussen, Couch, Donnan, Dysart, Fairall, Fellows, Grimes, Havens, Ireland, Knoll, Long, McCulloch, McKean, McNutt, Newell, Smyth, Tuttle, and Wolf—19.

Absent and not voting—

Senators Allen, Clark, Dunham, and Mulkern—4.

After the roll had been called, and before the announcement of the vote, Senator Fellows raised the point of order that the 11th rule had not been suspended—not having received a two-third vote.

Senator Patterson raised the point of order that it was now too late to raise that question, as it should have been taken on the announcement of the vote to suspend the rule.

The President decided the last point of order as well taken.

The vote was announced as follows: — Yeas, 27. Nays, 19.

So the bill passed and title was agreed to.

At 3 o'clock and 40 minutes, on motion of Senator Hawley, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 4, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Turnbull.

The journal of yesterday read and approved.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House has ordered printed the usual number of copies of the Governor's messages, in relation to reprieves, pardons, remission of penalties, and the St. Louis Capital Convention.

CHAS. ALDRICH, *Chief Clerk.*

By leave, Senator Wright offered the following:

*Resolved*, That the best interests of the State, does not require the appropriation of money at this time to build a State House.

Senator Campbell moved to refer the resolution to Committee on Public Buildings.

Senator Griffith moved that the resolution lie on the table, which was agreed to.

Senator Griffith moved that the Senate do now take up the special order for to-day, it being Senate File No. 72, A bill for an act to provide a State Capitol.

Senator Bulis moved to making the bill the special order for February 25th at 11 o'clock.

Senator Wolf moved to amend by striking out "25th," and inserting "to-day."

The amendment prevailed, and the motion as amended was disagreed to.

The question being on the motion to take up the bill now, it was agreed to.

On motion of Senator Murray, the Senate resolved itself into a Committee of the Whole; and after spending sometime therein, the Committee rose, and the Chairman, Senator Wolf, reported: That the Committee of the Whole have had under consideration Senate File No. 72, have made some progress therein, but not having had time to go through with the same, have directed me to ask leave for the Committee to sit again at 2 o'clock this afternoon.

The report was adopted.

At 12 o'clock M. on motion of Senator Murray, the Senate adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

Senate met pursuant to adjournment, and was called to order by the President.

On motion of Senator Moore, the Senate resolved itself into Committee of the Whole, and after spending some time therein, the Committee rose, and the Chairman, Senator Pierce, reported that the Committee of the Whole having had under consideration Senate File No. 72, A bill for an act to provide a State Capitol, have made various amendments thereto, and have instructed me to recommend the adoption of the amendments, and that the bill as amended do pass.

Senator Moore moved that the amendment reported by Committee of the Whole, to strike out of the third line of the first section the words "and six other Commissioners," and insert "and one Commissioner from each Congressional District in the State," be not adopted.

The motion prevailed, and thus amended, the report was adopted.

Senator Long moved that the bill be read a third time now, on which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Casady, Chapin, Claussen, Donnan, Fairall, Fellows, Griffith, Hawley, Ireland, Keller, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, and Wolf—25.

The nays were—

Senators Bill, Bulis, Campbell, Cathcart, Couch, Dixon, Dysart, Hamilton, Havens, Hurley, Knoll, Larrabee, McCulloch, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—21.

Absent and not voting—

Senators Clark, Dunham, Grimes, and Mulkern—4.

The motion to suspend the rule not having received a two-third vote, did not prevail.

On motion of Senator Donnan, the bill was then ordered engrossed and read a third time to-morrow.

Senator Fairall, from Special Committee on County Indebtedness, submitted the following report :

MR. PRESIDENT—The Committee to whom was referred the resolution relative to the relief of counties, cities, and towns involved by indebtedness created to aid in the construction of railways, respectfully report that they have had the matter under consideration, and report the accompanying bill. They have been unable to ascertain with sufficient accuracy the amount of indebtedness to enable them to now report thereon, and ask leave to make further report on that subject. We suggest the propriety of printing the accompanying bill.

Respectfully submitted by

SAMUEL H. FAIRALL, *for Committee.*



Senate File No. 99, A bill for an act providing for the relief of certain Municipal Corporations, and authorizing the use and application of certain taxes therefor.

Read first and second time passed on file, and ordered printed.

By leave Senator Tuttle introduced Senate File No. 100, A bill for an act establishing a system of Normal Schools.

Read first and second time and referred to Committee on Schools, and ordered printed.

Senator Mitchell from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills report that they have this day presented to the Governor, for his approval the following joint resolutions:

Joint Resolutions in relation to Col. John C. Abercrombie, of Des Moines county.

Joint Resolution ratifying the proposed Fifteenth Article of Amendment to the Constitution of the United States, relative to the right of citizens to vote.

MITCHELL, *Chairman*.

At 4 o'clock and 20 minutes, on motion of Senator Hawley, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 5, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Williams.

The Journal of yesterday was read and approved.

#### PETITIONS AND MEMORIALS.

The President presented a petition from Rev. John Burgess, on the part of Bishop and Elders of the M. E. Church, in relation to increasing the salary of the Chaplain of the Iowa Penitentiary.

Referred to Committee on Penitentiary.

Senator Keller presented a petition from 42 citizens of Ringgold county, asking for the passage of a law regulating the charges for transportation of freights and passengers, and taxing railroads same as other property.

Referred to Committee on Railroads.

Senator Claussen presented a petition from the City Council of McGregor, praying for the enactment of a law authorizing the

employment of prisoners without the limits of the jails, on streets, alleys, and public roads.

Referred to Committee on Judiciary.

Senator Hamilton presented a petition from J. C. McClurg and others citizens of Wapello county in relation to increasing fees for certain township officers.

Referred to Committee on Compensation of Public Officers.

Senator Beardsley presented a petition from citizens of the city of Burlington, asking that Otto Theeme be re-imbursed for certain expenditures in attending the world's fair at Paris.

Referred to Committee on Claims.

Senator McCulloch presented a petition from John Burnet and numerous others, citizens of Lee county, praying for the enactment of a law taxing railroads same as other property.

Referred to Committee on Ways and Means.

Senator Bennett presented a petition from A. H. Holson and 37 others, paying for the enactment of a law establishing county roads on section lines.

Referred to Committee on Roads.

#### INTRODUCTION OF BILLS.

By Senator Claussen: Senate File No. 101, A bill for an act to provide for the purchase of J. Green's report of the decisions of the Supreme Court of Iowa.

Read first and second time and referred to Committee on Library.

By Senator Dysart: Senate File No. 102, A bill for an act to establish an industrial home for the blind.

Read first and second time and referred to Committee on Charitable Institutions.

By Senator Beardsley: Senate File No. 103, A bill for an act to reimburse Dr. Otto Thieme for expenses incurred by him as commissioner of the State of Iowa to the world's exposition in Paris, in the year 1867.

Read first and second time and referred to Committee on Claims.

#### REPORTS OF COMMITTEES.

Senator Knoll from the Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT—The Committee on Engrossed bills respectfully report that they have examined Senate File No. 72, being A bill for an act to provide a State Capitol, and find the same correctly engrossed.

F. M. KNOLL, *for Committee.*

Senator Mitchell from the Committee on Enrolled Bills submitted the following report :

MR. PRESIDENT.—The Committee on Enrolled Bills respectfully report that they have examined Senate Files Nos. 25 and 41 and find the same correctly enrolled.

I. J. MITCHELL, *Chairman.*

Senator Pierce from the Committee on Internal Improvement submitted the following report :

MR. PRESIDENT—Your Committee on Internal Improvement to whom was referred Senate File No. 42, A bill for an act relating to the mining of coal and to protect the lives of miners, beg leave to report that they have had the same under consideration, have amended section 5 of Senate File 42, and have instructed me to report the same back to the Senate as amended, with the recommendation that it do pass.

A. R. PIERCE. *Chairman.*

Ordered that the report pass on file.

Senator Wolf, from the Committee on Schools, submitted the following report :

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 27, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do not pass, for the reason that the law already provides sufficiently for what is sought to be accomplished by the bill.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No 80, A bill for an act to legalize the acts of the Board of Supervisors of Appanoose county, in exempting certain school house lands from taxation, except for State purposes, beg leave to report that they have had the same under consideration, and have instructed me to report the same back the Senate, with the recommendation that it be referred to the Judiciary Committee.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 51, A bill for an act to amend Section 4, of chapter 98, of the laws of Twelfth General Assembly, in relation to school

orders, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Schools to whom was referred Senate File No. 63, A bill for an act fixing the rate of interest on loans of the permanent school fund, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the Recommendation that it do pass.

Petitions on the same subject are reported herewith.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 57, A bill for an act for the annexation of the north half of section 18, sections 6 and 7, range 6, west, lands situated in Allamakee county, Iowa, to sub-district No. 2, in Frankville school district, of Winneshiek county, Iowa ; also, to detach from the same sections 2, 3, 11, and the northeast quarter of section 10, of township 97, range 7, west of the 5th P. M., lands situated in Winneshiek county, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

Petitions and remonstrances on the same subject are herewith reported.

WOLF, *Chairman.*

Ordered that the report pass on file.

Senator Lowry from the Committee on Reform School submitted the following report :

MR. PRESIDENT—Your Committee on Reform School to whom was referred Senate File No. 53, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

ROBERT LOWRY, *Chairman.*

Ordered that the report pass on file.

Senator Bennett from the Committee of Judiciary submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary to whom was

referred House File No. 31, A bill for an act to amend section 2700, of chapter 114, of the Revision of 1860, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass after being amended as follows, viz :

Insert the word "male" after the word "white" in 4th line, section 1st, also, strike out section 2nd.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 59, A bill for an act to amend section 840, of the Revision of 1860, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be referred to the Committee on Roads.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 78, A bill for an act to amend section 4615, of the Revision of 1860, in relation to Grand Jurors have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the bill pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 24, A bill for an act to legalize indexes in the Recorder's office at Keokuk, Lee county, Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended as follows :

Affix to section one the words "Provided, that nothing in this act shall be construed to effect the rights of purchasers, or incumbences accrued prior to the passage hereof," and being so amended the Committee recommended that the bill do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was

referred House File No., 84, A bill for an act to provide for the election of a police judge, and the establishment of a police court in cities acting under special charters, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 60, A bill for an act to amend article 3, chapter 29, of the revision of 1860, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be referred to the Committee on the Compensation of Public Officers.

G. G. BENNETT, *Chairman.*

Senator West, from the Committee on Horticulture submitted the following report :

MR. PRESIDENT—Your Committee on Horticulture and Forestry, to whom was referred Senate File No. 89, A bill for an act to amend section 1, of chapter 92, of the acts of the Twelfth General Assembly, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

J. P. WEST, *Chairman.*

Ordered that the report pass on file.

Senator Lowry moved to take up Senate File No. 53, A bill for an act to punish and suppress prize-fighting.

The motion did not prevail.

Senator Vermillion asked leave to call up Senate File No. 80, A bill for an act to legalize the acts of the Board of Supervisors of Appanoose County, in exempting certain school-house bonds from taxation, except for State purposes.

For the purpose of adopting the report of Committee recommending that the bill be referred to Committee on Judiciary.

Leave was granted, and the report of Committee was adopted.

Senator Mitchell asked leave of absence for Senator Hawley, on account of sickness, which was granted.

Senator Ireland asked that Senator Hurley be granted leave of absence, which was granted.

Senator McNutt moved that House File No. 84, A bill for an act to provide for the election of a police judge and the establishment of a police court in cities acting under special charters, be taken up.

The motion prevailed.

On motion of Senator McNutt, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Keller, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright—41.

The nays were—

Senators Campbell, Knoll, Patterson—3.

Absent or not voting were—

Senators Clark, Dunham, Hawley, Hurley, and Mulkern—5.

So the bill passed, and the title was agreed to.

Senator West moved that the vote by which Senate File No. 72, A bill for an act to provide a State Capitol, was ordered to a third reading, be reconsidered.

The motion did not prevail.

#### BILLS ON THIRD READING.

Senate File No. 72, A bill for an act to provide a State Capitol, was read a third time.

Senator McNutt asked leave of absence for himself. Leave was granted.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Casady, Cathcart, Chapin, Claussen, Donnan, Fairall, Fellows, Griffith, Hawley, Ireland, Keller, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Tuttle, and Wolf—27.

The nays were—

Senators Bulis, Campbell, Couch, Dixon, Dysart, Hamilton, Havens, Knoll, Larrabee, McCulloch, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—18.

Absent and not voting—

Senators Clark, Dunham, Grimes, Hurley, and Mulkern,—5.

So the bill passed and the title was agreed to.

At eleven o'clock and fifty-five minutes, on motion of Senator Bennett, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 7, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Bresee.

The Journal of Saturday was read and approved.

INTRODUCTION OF BILLS.

By Senator Lowry: Senate File No. 104, A bill for an act to carry out the provisions of an act of Congress, approved May 15th, 1856, granting lands to Iowa to aid in the construction of railroads, and to secure the early completion of the Tete Des Mort branch of the Dubuque and Sioux City Railroad.

Read first and second time and referred to Committee on Railroads and ordered printed.

By Senator Donnan: Senate File No. 105, A bill for an act to provide for the completion of the central building, the north wing, rear center unilding, engine house, and chimney and ducts, and improvements of the grounds and farm of the Iowa Insane Asylum at Independence.

Read first and second time and referred to Committee on Public Buildings, and ordered printed.

By Senator Wright: Senate File No. 106, A bill for an act to establish Normal Schools, and provide for their support.

Read first and second time and referred to Committee on Schools.

By Senator Murray: Senate File No. 107, A bill for an act to amend chapter 42 of the laws of the Sixth General Assembly, entitled an act to incorporate the city of Winterset.

Read first and second time and referred to Committee on Judiciary.

By Senator Knoll: Senate File No. 108, A bill for an act to provide for the election of Township Assessors, and to fix their compensation.

Read first and second time and referred to Committee on County and Township Organization.

By Senator Rice: Senate File No. 109, A bill for an act to amend section 824 of the Revision of 1860, relating to the manner of establishing county roads.

Read first and second time, and referred to Committee on Roads.

By Senator Dysart: Senate File No. 110, A bill for an act to provide information concerning the blind.

Read first and second time, and referred to Committee on Charitable Institutions.



## RESOLUTIONS.

Senator Donnan offered the following :

*Resolved*, That the Committee on Ways and Means, be instructed to inquire into the expediency of so changing the Revenue laws, that not more than six months shall elapse after the assessment is made, until the tax upon personal property can be collected by law ; and report by bill or otherwise.

The resolution was adopted.

Senator Bennett offered the following :

*Resolved*, That during the recess the officers in charge of the Capitol building, be required to put up two wood heating stoves in the Senate Chamber.

The resolution was agreed to.

Also the following :

*Resolved by the Senate, the House of Representatives concurring*, That the President of the Senate and the Speaker of the House of Representatives, be authorized to adjourn their respective Houses on Tuesday, February 10th, at 8 o'clock, A. M., to the 23rd day of February, at 10 o'clock, A. M.

The resolution was adopted.

## MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

House File No. 99, A bill for an act to repeal chapter 22 of the acts of the Twelfth General Assembly, and revive and re-enact the last paragraph of section 1, chapter 45 of the acts of the Eleventh General Assembly, fixing the times of holding District Court in Hardin county.

Substitute for House File No. 90, A bill for an act to amend the School Laws of Iowa.

CHAS. ALDRICH, *Chief Clerk*.

Senator Bennett offered the the following resolution, which was adopted :

WHEREAS, The Sergeant-at-Arms of the Senate, has been called home on account of severe illness in his family, therefore

*Resolved*, That the Sergeant-at-Arms be granted leave of absence until otherwise ordered ; and that the Assistant Doorkeeper be authorized to act as Sergeant-at-Arms during his absence.

## HOUSE MESSAGES.

House File No. 99, A bill for an act to repeal chapter 22 of the

acts of the Twelfth General Assembly, and revive and re-enact the last paragraph of section 1 of chapter 45 of the acts of the Eleventh General Assembly, fixing the time of holding the District Court in Hardin county, was taken up.

On motion of Senator Donnan, the 11th rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were —

Senators Allen Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Hamilton, Havens, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were none.

Absent and not voting were—

Senators Clark, Dunham, Grimes, Hawley, Hurley, McNutt, Mulkern, and Murray—8.

So the bill passed and the title was agreed to.

Substitute for House File No. 90, A bill for an act to amend the school laws of Iowa, was taken up.

Read first and second time and referred to Committee on Schools.

#### REPORTS OF COMMITTEES.

Senator Long, from the Committee on State Library, submitted the following report.

MR. PRESIDENT—Your Committee on State Library, to whom was referred Senate File No. 101, A bill for an act to provide for the purchase of Greene's Reports of the decisions of the Supreme Court of Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

MATTHEW LONG, *Chairman.*

On motion of Senator Traverse, Senate File No. 13, A bill for an act authorizing County Auditors to administer oaths and take acknowledgments, and providing a seal for said officers, was taken up and considered.

Senator Moore moved to amend by striking out of section 1 the words, "and to take and certify the acknowledgment of instruments in writing.

The amendment was agreed to.

On motion of Senator Traverse, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Hamilton, Havens, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were none.

Absent or not voting—

Senators Clark, Dunham, Fairall, Grimes, Hawley, Hurley, McNutt, and Mulkern—8.

So the bill passed and the title was amended by striking out the words, "and take acknowledgments," and agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House ;

MR. PRESIDENT—I herewith transmit a memorial to the honorable Senate and House of Representatives of the Congress of the United States in relation to the improvement of the Fox and Wisconsin Rivers.

Also a preamble and joint resolution praying Congress to establish a postal telegraph system.

The above resolutions have passed the House and the concurrence of the honorable Senate is respectfully asked.

I return herewith the Senate memorial and joint resolution in relation to a land grant for a railroad from O'Brien county westward the same having passed the House without amendment.

I also return the Senate resolution in relation to the removal of the National Capitol with an amendment, in which the concurrence of the Senate is asked, as follows :

After the word "Columbia," in first resolution, insert the following ; "except so far as the same may be absolutely necessary.

I also herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 41, A bill for an act to repeal section 2498 of the Revision of 1860.

Senate File No. 25 A bill for an act to legalize the sale of indemnity swamp lands and scrip in certain counties.

BENJ. VAN STEENBURG, *Asst Clerk.*

On motion of Senator Long, Senate File No. 87, A bill for an act regulating the appointment and duties of State Librarian was taken up.

Senator Donnan moved that the bill pass on file and be printed which motion prevailed.

Senator McKean moved that Senate File No. 60, and Senate File No. 58 be taken up in the order named and made a special order for March 4, 1870, at 11 o'clock a. m.

On which question the yeas and nays were demanded and

The yeas were—

Senators Allen, Beardsley, Bennett, Casady, Cathcart, Chapin, Claussen, Donnan, Dysart, Fellows, Griffith, Keller, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Newell, Pierce, Smyth, Vale, Vermillion, and Wolf—25.

The nays were—

Senators Bill, Bulis, Campbell, Couch, Dixon, Hamilton, Havens, Larrabee, Patterson, Traverse, Tuttle, West, and Wright—13.

Absent or not voting—

Senators Atkins, Clark, Dunham, Fairall, Grimes, Hawley, Hurley, Ireland, McNutt, Mulkern, Murray and Rice—12.

So the motion not having received a two-third vote did not prevail.

On motion of Senator Fellows, Senate File No. 57, A bill for an act for the annexation of certain territory of Allamakee county to Franklinville school district, Winneshiek county, and detaching certain territory from same township, was taken up.

On motion of Senator Bulis the bill was indefinitely postponed.

Senator Larrabee moved to take up the memorial in relation to Fox and Wisconsin rivers and that it be referred to Committee on Commerce which was agreed to.

By leave, Senator Smyth introduced Senate File No. 111, A bill for an act to amend section 40, of chapter 138, of the Twelfth General Assembly to regulate Insurance Companies.

Read first and second time and referred to Committee on Incorporations.

#### BILLS ON SECOND READING.

Senate File No. 52, A bill for an act providing for finishing incompleated portions of the State Geological Survey, and for publishing the report of the State Geologist was taken up, and on motion of Senator Bulis was made the special order of February 25th.

At 12 o'clock and 10 minutes, on motion of Senator Beardsley, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 8, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. DeForrest.

The Journal of yesterday was read and approved.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives, has adopted the concurrent resolution of the Senate, authorizing the President of the Senate and Speaker of the House, to adjourn their respective bodies on Thursday, 10th day of February, at 8, A. M., until the 23d day of February, 10, A. M.

I also, herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 84, A bill for an act to provide for the election of Police Judge, and the establishment of a Police Court, in cities voting under special charters.

CHAS. ALDRICH, *Chief Clerk.*

## PETITIONS AND MEMORIALS.

Senator Lowry presented a remonstrance from the physicians of Scott county, in relation to any appropriation for the medical department of the State University.

Referred to Committee on Medical Institutions.

Senator Wolf presented a petition from Wm. H. Tuthill and others, citizens of Cedar county, in favor of appropriation for State University and State Normal School.

Referred to Committee on Medical Institutions.

Senator Havens presented a petition from D. D. Robinson and ninety-eight others, citizens of Keokuk county, asking for the passage of an act making all sections lines roads.

Referred to Committee on Roads.

Senator McCulloch presented a petition from Wm. Werner and others, praying for the enactment of a law taxing railroads the same as other property.

Referred to Committee on Ways and Means.

Senator Tuttle presented a petition from A. B. Coates and ninety others, asking that chapter 159, acts of the Twelfth General Assembly, be so amended as to permit counties and townships to regulate the sale of liquors.

Referred to Committee on Suppression of Intemperance.

Senator Mitchell, from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills report that they have this day presented to the Governor for his approval the following bills, viz : Senate Files Nos. 25 and 41.

MITCHELL, *Chairman.*

#### INTRODUCTION OF BILLS.

By Senator Bulis : Senate File No. 112, A bill for an act authorizing graduates of the Normal Department of the Iowa State University to teach in any of the schools of this State without further examination.

Read first and second time and Referred to Committee on Schools.

#### RESOLUTIONS.

Senator Havens offered the following, which was agreed to.

*Resolved*, That the Secretary of State, Auditor of State, State Treasurer, Superintendent of Public Instruction, and Register of State Land Office, be each requested to report to this General Assembly, as early as possible, the total amounts of fees received by them ; and that the Auditor of State be requested to include in his report a statement of the amount of fees received from Insurance Companies, giving the amounts received from each Company. The reports asked for by this resolution are expected to cover the years 1868 and 1869.

Senator Larrabee offered the following :

*Resolved*, That the Committee on County and Township Organization be instructed to prepare and present a bill for the purpose of providing against the organization of any of the new counties until they shall have attained a certain minimum of population, and that the proceedings toward such organization be had in the District Court, after due notice of the same.

The resolution was adopted.

On motion of Senator Bulis, the vote by which the Senate refused to make Senate Files Nos. 60 and 58 a special order, was reconsidered.

The question being on the motion of Senator McKean to make Senate Files Nos. 60 and 58 special order for March 4th, it was agreed to.

#### HOUSE MESSAGE.

Joint resolution in relation to establishing a postal telegraph system, was taken up.

Read first and second time and referred to Committee on Federal Relations.

REPORTS OF COMMITTEES.

Senator Bennett, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 94, A bill for an act providing for the appointment of commissioners in other States, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended as follows, viz:

Section 4, fourth line, strike out "a seal and use it for his," and insert "an," in twelfth and thirteenth lines; section 4, strike out "for which he has been appointed," and insert "in which he has been commissioned to act;" section 8, sixth line, strike out "in his opinion;" section 12, nineteenth line, strike out "the," and insert "such;" in twenty-eighth line, strike out "presumes," and insert "claims;" in section 13, strike out "acts of 1864," and insert "Tenth General Assembly," being thus amended the Committee recommend that the bill do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Senator Donnan, from the Committee on Constitutional Amendments, submitted the following report:

MR. PRESIDENT—Your Committee on Constitutional Amendments, to whom was referred Senate File No. 76, A bill for an act to provide for the submission of the question of calling a constitutional convention to the qualified electors of Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by inserting the word "State" before the word "canvassers," in the ninth line of section 3 thereof, and when so amended, that the bill do pass.

WM. G. DONNAN, *Chairman.*

Ordered that the report pass on file.

Senator Wolf, from Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 90, A bill for an act to amend the school laws of Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WM. P. WOLF, *Chairman.*

Ordered that the report pass on file.

Senator Moore, from the Committee on County and Township Organization, submitted the following report :

MR. PRESIDENT—Your Committee on County and Township Organization, to whom was referred Senate File No. 22, A bill for an act fixing the compensation of public officers, have instructed me to report the same back to the Senate, with the recommendation that it be referred to Committee on Compensation of Public Officers.

N. B. MOORE, *Chairman.*

The report was considered and adopted.

Also the following :

MR. PRESIDENT:—Your Committee on County and Township Organization, to whom was referred the petition of S. S. Henry and others, citizens of Van Buren county, asking that the Township Trustees be made the Board of Equalization of Individual Assessments, and that the Board of Supervisors be made the Board of Equalization of Township Assessments, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the prayers of the petitioners be not granted.

N. B. MOORE, *Chairman.*

Ordered, that the report pass on file.

Also the following :

MR. PRESIDENT:—Your Committee on County and Township Organization, to whom was referred Senate File No. 17, A bill for an act further defining the duties of County Auditors, and authorizing them to appoint a Deputy, have had the same under consideration, and have instructed me to report the same back to the Senate, with a substitute for section 3, as follows: That the County Auditor be authorized to appoint a Deputy, subject to the approval of the Board of Supervisors, for whose acts he shall be responsible, and whose compensation shall be paid out of the county treasury ; and so amended that the bill do pass.

N. B. MOORE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT:—Your Committee on County and Township Organization, to whom was referred Senate File No. 108, A bill for an act to provide for the election of Township Assessors, and to fix their compensation, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

N. B. MOORE, *Chairman.*



Ordered that the report pass on file.

Senator Chapin from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT:—Your Committee on Charitable Institutions, to whom was referred Senate File No. 110, A bill for an act to provide information concerning the blind, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

CHAPIN, *Chairman*.

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT:—Your Committee on Charitable Institutions, to whom was referred Senate File No. 102, A bill for an act to establish an Industrial Home for the blind, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by adding in section 4, after the word "order," the words "to be approved by the Governor," and in the 5th section, after "Iowa," the words "or so much thereof as may be necessary," and that when so amended, the bill do pass.

JAS. CHAPIN, *Chairman*.

Ordered that the report pass on file.

Senator Hamilton, from the Committee on Incorporations, submitted the following report:

MR. PRESIDENT:—Your Committee on Incorporations, to whom was referred Senate File No. 65, A bill for an act to legalize the survey and town plat of Auburn, in Fayette county, Iowa, respectfully report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

HAMILTON, *Chairman*,

Ordered that the report pass on file.

#### BILLS ON THIRD READING.

Joint resolution in relation to the removal of the National Capitol was taken up, and House amendments were concurred in.

On motion of Senator Claussen, Senate File No. 101, a bill for an act to purchase G. Greene's Reports of the decisions of the Supreme Court of Iowa, was taken up and considered.

On motion of Senator Claussen, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Hamilton, Havens, Ireland, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Patterson, Rice, Traverse, Tuttle, Vale, Vermillion, and Wolf—31.

The nays were—

Senators Beardsley, Bulis, Campbell, Cathcart, Dysart, McNutt, Newell, Pierce, Smyth, West, and Wright—11.

Absent and not voting—

Senators Clark, Dunham, Grimes, Hawley, Hurley, Keller, Larrabee, and Mulkern—8.

So the bill passed.

Senator McNutt moved to amend the title by adding the words, "and appropriating \$8,000 therefor."

The amendment did not prevail.

The title was then agreed to.

On motion of Senator Beardsley, House File No 90. A bill for an act to amend the school laws of Iowa, was taken up and considered.

On motion of Senator Beardsley, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Hamilton, Havens, Ireland, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—41.

The nays were none.

Absent or not voting were—

Senators Bennett, Clark, Dunham, Grimes, Hawley, Hurley, Keller, Larrabee, and Mulkern—9.

So the bill passed and the title was agreed to.

On motion of Senator Tuttle, Senate File No. 84, A bill for an act to legalize the devoting of the swamp and overflowed lands, and the indemnity lands obtained for swamp and overflowed lands of Cerro Gordo county, Iowa, to the construction of the McGregor and Sioux City railway through said county, with report of Committee recommending amendments, was taken up, considered, and report of Committee was adopted.

On motion of Senator Donnan, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dyeart, Fairall, Fellows, Griffith, Hamilton, Havens, Ireland, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—40.

The nays were—none

Absent or not voting—

Senators Clark, Dunham, Grimes, Hawley, Hurley, Keller, Larrabee, Mulkern, Pierce, and Wolt,—10.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

Substitute for House File No. 3, A bill for an act to restrain stock from running at large.

I am also directed to inform your honorable body that the House of Representatives has passed the following joint resolution in which the concurrence of the Senate is asked.

A bill for an act relating to the construction of the Sioux City Branch of the Union Pacific Railway.

BENJ. VAN STEENBURG, *Chairman.*

On motion of Senator McCulloch, Senate File No. A 24, bill for an act to legalize new indices in the Recorder's office of Lee county, Iowa, at Keokuk, with report of committee recommending amendment, was taken up and considered and report of Committee was adopted.

On motion of Senator McCulloch, the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dyeart, Fairall, Fellows, Griffith, Hamilton, Havens, Ireland, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf and Wright—42.

The nays were—none

Absent or not voting—

Senators Atkins, Clark, Dunham, Grimes, Hawley, Hurley, Keller, and Mulkern,—8.

So the bill passed and the title was agreed to.

By leave, Senator Couch introduced Senate File No. 113, A bill for an act creating an Insurance Department.

Read first and second times and referred to Committee on Incorporations, and ordered printed.

By leave, Senator Vale introduced Senate File No. 114, A bill for an act to enable the owner of wet lands to drain and reclaim them when the same cannot be done without affecting the lands of others.

Read first and second times and referred to Committee on Agriculture.

By leave, Senator Atkins introduced Senate File No. 115, A bill for an act relating to lands conveyed and to be conveyed to the Des Moines Valley Railroad Company.

Read first and second times and referred to Committee on Railroads.

On motion of Senator Knoll Joint Resolution relating to the construction of the Sioux City Branch of the Union Pacific Railroad, was taken up and read a second and third time.

#### BILLS ON SECOND READING.

Senate File No. 81, A bill for an act providing for an appropriation to pay for printing and distributing documents, etc., to encourage immigration, with report of committee recommending that the bill do pass, was taken up.

Passed on file.

Senate File No. 62, A bill for an act to repeal section two of chapter 160 of the acts of the 12th General Assembly, with report of committee recommending amendments, was taken up and considered.

Senator Balis moved that the bill be recommitted to Committee on Roads.

Senator Wolf moved to amend by instructing the committee to report an amendment fixing the time when the auditor shall act on road matters, and more clearly defining the power and duties of the auditor and board of supervisors in relation to road matters.

Pending which, at 12 o'clock, on motion of Senator Murray, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 9, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Dinsmore.

The Journal of yesterday was read, and approved.

Senator Mitchell from the Committee on Enrolled Bills, submit the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined the memorial and joint resolution asking Congress for a grant of lands to aid in the construction of a railroad from O'Brien county, Iowa, to some point on the Missouri river at or near Yankton, in Dakota territory.

Also, joint resolution in relation to the removal of the national capitol.

Also, Senate File No. 84, and find the same correctly enrolled.

MITCHELL, *Chairman.*

#### HOUSE MESSAGES.

The following message was received from the House :

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

Substitute for House File No. 1, A bill for an act to amend section 3 of chapter 118 of the laws of the Tenth General Assembly, and section 11 of chapter 148 of the laws of the Ninth General Assembly.

House File No. 108, A bill for an act legalizing certain elections in the city of Council Bluffs.

House File No. 63, A bill for an act to amend chapter 127 of the Revision of 1860.

Also, return herewith the following bill which has passed the House without amendment.

Senate File No. 84, A bill for an act to legalize the devoting of the swamp and overflowed lands of Cerro Gordo county, Iowa, to the construction of the McGregor, and Sioux City railway through said county.

I also herewith present for your signature the following memorial and joint resolution which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

Memorial and joint resolution asking Congress for a grant of land to aid in the construction of a railroad from O'Brien county, Iowa, to some point on the Missouri river, at or near Yankton in Dakota territory.

Senate File No. 84, A bill for an act to legalize the devoting of the Swamp and Overflowed Lands, and the Indemnity Lands obtained for swamp and overflowed lands of Cerro Gordo county, Iowa, to the construction of the McGregor and Sioux City Railroad through said county.

House File No. 90, A bill for an act to amend the School Laws of Iowa.

House File No. 99, A bill for an act to repeal Chapter 22, of the acts of the Twelfth General Assembly, and revive and re-enact the last paragraph of section 1, of chapter 45, of the acts of the Eleventh General Assembly, fixing the time of holding the District Court in Hardin county.

CHARLES ALDRICH, *Chief Clerk.*

Senator Vale moved that the vote by which Senate File No-101, A bill for an act for the purchase of G. Green's reports of the decisions of the Supreme Court of Iowa, was passed to be reconsidered.

Pending which a communication was received from the Governor, at the hands of his Private Secretary, which was laid on the President's table.

The question being on the motion to reconsider the vote on Senate File No. 101.

The yeas and nays were demanded.

The yeas were—

Senators Beardsley, Bill, Bulis, Campbell, Cathcart, Chapin, Couch, Dysart, Griffith, Hamilton, Havens, Ireland, Larrabee, Lowry, McCulloch, McNutt, Newell, Pierce, Smyth, Tuttle, Vale, West, Wolf, and Wright—24.

The nays were—

Senators Allen, Atkins, Bennett, Casady, Claussen, Dixon, Donnan, Fairall, Fellows, Knoll, Long, Mc-Kean, Mitchell, Moore, Murray, Patterson, and Rice—17.

Absent and not voting—

Senators Clark, Dunham, Grimes, Hawley, Hurley, Keller, Mulkern, Traverse, and Vermillion—9.

So the motion prevailed.

On motion Senators Traverse and Vermillion were excused.

Senator Campbell moved that the House be requested to return Senate File No. 101, to the Senate.

The motion prevailed.

#### REPORTS OF COMMITTEES.

Senator Beardsley from the Committee on Federal Relations submitted the following report:

MR. PRESIDENT—Your Committee on Federal Relations to whom was referred the joint resolution, relating to the construction of the Sioux City branch of the Union Pacific Railroad, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

CHAS. BEARDSLEY, *Chairman.*

Ordered that the report pass on file.

Senator Griffith, from the Committee on Public Buildings, submitted the following report:

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred Senate File No. 105, A bill for an act to provide for the completion of the center building, the north wing, rear center building, engine house, chimney and ducts, and improvement of the grounds and farm of the Iowa Insane Asylum at Independence, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

GEO. E. GRIFFITH, *Chairman.*

Ordered that the report pass on file.

Also, the following:

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred Senate File No. 48, A bill for an act providing to enlarge and complete the buildings for a Deaf and Dumb Asylum, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

GEO. E. GRIFFITH, *Chairman.*

Ordered that the report pass on file.

Senator Hamilton, from the Committee on Incorporations, submitted the following report:

MR. PRESIDENT—Your Committee on Incorporations, to whom was referred Senate File No. 111, A bill for an act to amend section 40 of chapter 138 of the acts of the Twelfth General Assembly, to regulate Insurance Companies, have had the same under consideration, and instructed me to report the same back to the Senate, with an amendment thereto, and when so amended that it pass, the amendment being the insertion of the words, "Except the Secretary," immediately following the words, "and employees," in the twelfth line of said section 40.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

Also, the following:

MR. PRESIDENT—Your Committee on Incorporations, to whom was referred Senate File No. 90, A bill for an act to amend chapters 52 and 53 of the Revision of 1860, have had the same under consideration, and instructed me to report the same back to the Senate, with the recommendation that it do pass.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

By leave, Senator Wolf introduced Senate File No. 116, A bill for an act in relation to Judicial salaries.

Read first and second time and referred to Committee on Compensation of Public Officers.

Senator Moore, from the Committee on County and Township Organization, submitted the following report:

MR. PRESIDENT—Your Committee on County and Township Organization, to whom was referred the memorial of the Board of Supervisors of Scott county, asking the passage of a law authorizing the Board of Supervisors to deposit moneys in the hands of Treasurers with banks, and to make contracts for interest thereon, have had the same under consideration, and have instructed me to report to the Senate a bill, authorizing the corporate authorities of cities and towns and counties to make deposits with banks of Issue or deposit, and to make contracts for interest, and recommend its passage

N. B. MOORE, *Chairman,*

Senate File No. 117, A bill for an act to authorize cities, towns, and counties to deposit the money of said corporations with banks of deposit.

Read first and second time and passed on file.

The following message was received from the House:

MR. PRESIDENT—I herewith return Senate File No. 101, at the request of the Senate.

CHAS. ALDRICH, *Chief Clerk.*

The President presented the following communication from the Superintendent of Public instruction:

STATE OF IOWA, DEPARTMENT OF EDUCATION,  
DES MOINES, FEBRUARY 8, 1870.

M. M. WALDEN, *President of the Senate:*

DEAR SIR—The receipt of the resolution of this date, passed by your honorable body, requesting a report of all fees received by me and my immediate predecessor during the years 1868-9, is hereby acknowledged.

I take pleasure in informing you that no fees were received in this office within the period named.

Very respectfully,

A. S. KISSELL,  
*Superintendent of Public Instruction.*



Senator Mitchell, from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following, viz. :

Memorial and joint resolution asking Congress for a grant of land to aid in the construction of a railroad from O'Brien county, Iowa, to some point on the Missouri river, at or near Yankton, in Dacotah Territory.

Also, Senate File No. 84.

MITCHELL, *Chairman.*

A communication from the Governor, in relation to the Fox and Wisconsin River Improvement, was taken up.

On motion of Senator Beardsley, the reading was dispensed with and the communication laid on the table, and 1,000 copies were ordered printed.

At 11 o'clock and 55 minutes, on motion of Senator Murray, the Senate adjourned until 5 minutes before eight o'clock to-morrow morning.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 10, 1870.

Senate called to order pursuant to adjournment.

In accordance with the resolution heretofore adopted the Chair announced that the Senate stood adjourned until February 23d, 1870, at 10 o'clock A. M.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 23, 1870.

Senate convened pursuant to adjournment, and the President being absent was called to order by the Secretary.

On motion of Senator Moore, Senator Bennett was chosen temporary President.

Prayer by Rev. Mr. Fields.

The Journal of February 9th and 10th were read and approved.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature a joint resolution in relation to the removal of the National Capitol, the same having passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

CHARLES ALDRICH, *Chief Clerk.*

PETITIONS AND MEMORIALS.

Senator Donnan presented a petition from L. W. Rich and 75 others, citizens of Buchanan county, asking for a law prohibiting all kind of stock from running at large.

Referred to Committee on Agriculture.

Also, a petition of David Guthrie and fifty-eight others, on the same subject.

Referred to same Committee.

Also, a petition of H. H. Potter and numerous others, on same subject.

Referred to same Committee.

Also, a petition from H. Craig and others, on same subject.

Referred to same Committee.

Senator Lowry presented a petition from H. Price and others, asking a transfer of the lands heretofore granted to the Tete Des Mortes Railroad, to the Davenport and St. Paul Railroad Company.

Referred to Committee on Railroads.

Senator Beardsley presented a petition from Wm. Homer and eighty-seven others, citizens of Des Moines county, asking for the passage of a law taxing the property of Railway Corporations the same as other property.

Referred to Committee on Ways and Means.

Senator Ireland presented a remonstrance from A. B. Headley and numerous others, citizens of Clinton county, in relation to holding a term of circuit court of Clinton county at Wheatland.

Referred to Committee on Judiciary.

HOUSE MESSAGES.

Substitute for House File No. 3, A bill for an act to restrain stock from running at large, was taken up.

Read first and second time, and referred to Committee on Agriculture.

House File No. 108, A bill for an act legalizing certain elections in the city of Council Bluffs, and also legalizing the acts of the officers elected thereat, was taken up.

Read first and second time, and referred to Committee on Judiciary.

House File No. 63, A bill for an act to amend chapter 124 of the

Revision of 1860, relative to attachment and garnishment, was taken up.

Read first and second time, and referred to Committee on Judiciary.

Substitute for House File No. 1, A bill for an act to amend section 3 of chapter 118 of the laws of the Tenth General Assembly, and section 11 of chapter 148 of the laws of the Ninth General Assembly, and to regulate the sale of school lands, was taken up.

Read first and second time, and referred to Committee on Schools:

#### BILLS ON SECOND READING.

Senate File No. 62, A bill for an act to repeal section 2 of chapter 160 of the acts of the Twelfth General Assembly, with motion to recommit with instructions, which was under consideration at time of adjournment on the 8th inst., was taken up.

The question being on instructing committee to report an amendment, fixing the time when the Auditor shall act on road matters, and more clearly defining the powers and duties of the Auditor and Board of Supervisors in relation to road matters. It was not agreed to.

The question being on the motion to recommit to Committee on Roads, it was adopted.

Senate File No. 55, A bill for an act to amend section 822 of the Revision of 1860 relative to bridges, with the report of Committee recommending that it do pass, was taken up, considered, and ordered engrossed and read a third time tomorrow.

Senator Hamilton asked leave of absence for Senator Newell until the second of March.

Leave was granted.

Senate File No. 30, A bill for an act to amend section 2, chapter 100, of the laws of the 12th General Assembly, with report of committee recommending that the bill do pass was taken up and considered.

On motion of Senator Chapin the rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Griffith, Grimes, Ireland, Long, Lowry, McCulloch, McKean, Moore, Murray, Patterson, Rice, Tuttle, and West,—23.

The nays were—

Senators Campbell, Casady, Cathcart, Hamilton, Havens Hurley, Keller, Knoll, Mulkern, Smyth, Vale, and Vermillion—12

Absent and not voting—

Senators Bill, Bulis, Clark, Couch, Dunham, Fellows, Hawley, Larrabee, McNutt, Mitchell Newell, Pierce, Traverse, Wolf, and Wright—15.

So the bill having failed to receive a constitutional majority did not pass.

Senator Knoll moved that the vote just taken be reconsidered which was agreed to.

On motion of Senator Knoll the vote by which the bill was ordered to a third reading was also re-considered.

On motion of Senator Mulkern the further consideration of the bill was postponed until the third day of March.

The report of the Committee on Federal Relations on the petitions of the citizens of Blue Grass and Buffalo townships in Scott county Iowa, in relation to the removal of the National Capital, was taken up and considered.

On motion of Senator Smythe the report of Committee was concurred in.

Senate File No. 14, A bill for an act to amend chapter 118, acts of the 10th General Assembly, with report of committee recommending amendments, and that so amended the bill do pass, was taken up and considered.

On motion of Senator Beardslee the bill was re-committed to Committee on Schools.

Senate File No. 45, A bill for an act to regulate the crossings of railroads and to regulate the running of trains at such crossings and at the crossings of streets and highways, with report of committee reporting a substitute and recommending its passage, was taken up, considered, and substitute was adopted.

On motion of Senator Patterson the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, Moore, Murray, Patterson, Rice, Smyth, Tuttle, Vale, Vermillion, and West—33.

The nays were none.

Absent or not voting—

Senators Allen, Bill, Bulis, Clark, Couch, Dunham, Fellows, Hawley, Larrabee, McNutt, Mitchell, Mulkern, Newell, Pierce, Traverse, Wolf, and Wright—17.

So the bill passed and the title was agreed to.

Senator Donnan asked that Senator Couch be excused until to-morrow.

Leave was granted.

Senate File No. 74, A bill for an act amending article 3, of chapter 55, of the Revision of 1860, granting right of way to railroad companies, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Patterson, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, Moore, Mulkern, Murray, Patterson, Rice, Smyth, Tuttle, Vale, Vermillion, and West—34.

The nays were none.

Absent or not voting—

Senators Allen, Bill, Bulis, Clark, Couch, Dunham, Fellows, Hawley, Larrabee, McNutt, Mitchell, Newell, Pierce, Traverse, Wolf, and Wright—16.

So the bill passed and the title was agreed to.

Senate File No. 34, A bill for an act regulating the duties of innkeepers, and fixing their liabilities for losses sustained by their guests, with report of Committee recommending a substitute, was taken up, considered, and the substitute was adopted.

Senator Knoll moved that the rule be suspended and the bill be read a third time, which was not agreed to.

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

Senate File No. 87, A bill for an act regulating the appointment and duties of State Librarian, reported by Committee, was taken up and considered by sections.

On motion of Senator Moore, the word "quarterly," in the second line of 18th section, was stricken out, and the word "monthly" was inserted.

On motion of Senator Griffith, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Casady, Cathcart, Chapin, Claussen, Donnan, Dysart, Fairall, Griffith, Hamilton, Hurley, Ireland, Keller, Long, Lowry, McCulloch, McKean, Moore, Mulkern, Murray, Patterson, Rice, Smyth, Tuttle, Vale, and West—27.

The nays were—

Senators Beardsley, Bennett, Campbell, Dixon, Grimes, Havens, Knoll, and Vermillion—8.

Absent or not voting—

Senators Bill, Bulis, Clark, Couch, Dunham, Fellows, Hawley, Larrabee, McNutt, Mitchell, Newell, Pierce, Traverse, Wolf, and Wright—15.

So the bill passed and the title was amended by adding the words "and a Board of Commissioners," and so amended the title was agreed to.

At eleven o'clock and fifty-five minutes, on motion of Senator Campbell, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 24, 1870.

Senate convened pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Dinsmore.

The Journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT :— I am directed to inform your honorable body that the House of Representatives have passed the following bills, in which the concurrence of the Senate is asked :

House File No. 80, A bill for an act to legalize the organization of the independent school district of Dunlap, county of Harrison, Iowa.

House File No. 164, A bill for an act to legalize the incorporation of Toledo, Iowa.

House File No. 199, A bill for an act to amend section 40, chapter 158, of the laws of the Twelfth General Assembly, in relation to insurance companies.

House File No. 171, A bill for an act legalizing the incorporation of the regular Baptist Church at Jordan's Grove, in Linn county, Iowa.

House File No. 50, A bill for an act to authorize the building of bridges across the Maquoketa river, in Jackson county, Iowa.

I also return herewith Senate File No. 16, A bill for an act to amend sections 1068, 1069, and 1070, of the Revision of 1860, and to provide additional means for the collection of charges, assessments, and taxes on lots of land within municipal corporations, the same having passed the House without amendment.

CHAS. ALDRICH, *Chief Clerk.*

PETITIONS AND MEMORIALS.

Senator Lowry presented a petition from T. C. Camell and four hundred and forty-five others, citizens of Clinton and Jackson counties, praying that the lands granted the Tete Des Morte Railroad Company be transferred to the Davenport and St. Paul Railroad

Referred to Committee on Railroads.

Senator McCulloch presented a petition from Alonzo Burton and numerous others, praying for a law taxing Railway Corporations the same as other property.

Referred to Committee on Ways and Means.

Senator Ireland presented a remonstrance from F. C. Jones and others, citizens of Clinton county, in relation to holding a term of the Circuit Court at Wheatland.

Referred to Committee on Judiciary.

Senator Beardsley presented a petition from E. D. Rand & Co., and one hundred others, citizens of Des Moines county, asking the passage of a law regulating rates of tariff on railroads.

Referred to Committee on Railroads.

#### INTRODUCTION OF BILLS.

By Senator Moore: Senate File No. 118, A bill for an act to amend section 2546, of the Revision of 1860.

Read first and second time and referred to Committee on Judiciary.

Also, Senate File No. 119, A bill for an act to amend sections 2517, 2519, 1520, 2521, 2522, 2527, 2528, and 2530, of the Revision of 1860, and section 3, of chapter 86, of the acts of the Twelfth General Assembly.

Read first and second time and referred to Committee on Judiciary.

By Senator McNutt: Senate File No. 120, A bill for an act to appropriate money for the State Reform School.

Read first and second time and referred to Committee on Ways and Means.

By Senator McCulloch: Senate File No. 121, A bill for an act changing the time of holding the District Court at Keokuk, Lee county.

Read first and second time and referred to Committee on Judiciary.

By Senator Campbell: Senate File No. 122, A bill for an act to legalize the incorporation of the town of Monroe, and also, to legalize the acts and doings of the Common Council of said town, under said act of Incorporation.

Read first and second time and referred to Committee on Judiciary.

By Senator McNutt: Senate File No. 123, A bill for an act to permanently locate the State Reform School for juvenile offenders.

Read first and second times and referred to Committee on Public Buildings, and ordered printed.

By Senator Rice: Senate File No. 124, A bill for an act to amend section 3293, of chapter 125, of the Revision of 1860.

Read first and second times and referred to Committee on Judiciary.

## RESOLUTIONS.

Senator Fairall offered the following :

**WHEREAS**, By an act of the Seventh General Assembly, approved March 15th, 1858, the Treasurer of State was authorized to loan to the College of Physicians and Surgeons at Keokuk, the sum of fifteen thousand dollars out of the school fund, for the term of ten years, with interest at the rate of ten per cent per annum, payable annually, to be secured by mortgage; and

**WHEREAS**, One J. C. Hughes received said money, and to secure its payment gave a note purporting to be in behalf of said College, and signed by himself and others as sureties, as also a mortgage; and

**WHEREAS**, Neither the principal nor interest of said loan has been paid, and it is claimed that there are serious doubts as to the sufficiency of the security, therefore

*Resolved*, By the Senate that the Attorney General be, and he is hereby instructed to, at as early a day as practicable, ascertain the condition of said loan, of the security therefor; to take such steps to secure and collect the same due the State, as he deems for its best interest, and if possible to report to the Senate at this session the condition of such loan and security, and if he cannot this session, to make report to the Governor of State relative thereto.

On motion of Senator Moore the resolution was referred to Committee on Ways and Means.

Senator Patterson offered the following :

*Resolved*, That the Committee of Ways and Means be instructed to examine the assessment-laws of this State, and ascertain if some further legislation is not necessary to provide for the assessment and taxation of the property of persons residing in other States, and dealing in agricultural implements and other machinery in this State, through agencies and commission houses in this State, and that they be instructed to report by bill or otherwise.

The resolution was adopted.

Senator Campbell offered the following :

*Resolved*, That the Committee on Ways and Means be instructed to report to the Senate at the earliest day practicable, a bill for an act providing for the taxation of the property of railroad companies on the same basis that other property is now taxed.

The resolution was adopted.

Senator Bulis offered the following :

*Resolved*, That on and after Monday, February 28th, unless otherwise ordered, this Senate will hold two sessions each day, commencing at 10 o'clock A. M., and 2½ o'clock P. M., except on Saturday, when there shall be but one session.

Senator Mulkern moved to amend by striking out the words "but one," and inserting the word "no."

The amendment was agreed to, and the resolution as amended was adopted.



## COMMUNICATIONS ON PRESIDENT'S TABLE.

The following communication from Hon. C. C. Carpenter, Register of the State Land Office, was taken up, read, and referred to Committee on Compensation of Public Officers :

OFFICE REGISTER OF THE STATE LAND OFFICE,  
DES MOINES February 9th, 1870.

HON. M. M. WALDEN, *President of the Senate* :

SIR—In response to a resolution adopted by the Senate February 8th, requiring of this Department a report of the fees received by me during the years 1868 and 1869, I have the honor to report that the fees received by me during the two years named, amount to the sum of five hundred and eighty-six dollars. It may be proper for me to add, that the larger part of this sum was received for furnishing copies of the original field notes, of which this office was made the depository by act of the Twelfth General Assembly, to the counties of Dallas, Page, Wapello, and Greene, and one township in Guthrie county, and for furnishing copies of original plats to Wm. J. Barney, of Chicago, a large portion of which work I hired done, (as the current business of the office constantly employed myself and Deputy) and paid for the extra work out of the proceeds reported above. I paid for this, as near as I can estimate, about one hundred and seventy five dollars, leaving clear four hundred and eleven dollars for the two years named in the resolution.

I also deem it proper to say that I kept no exact account of fees, and consequently can only approximate a true statement; but there have been so few transactions in the office for which fees were received, that I have been able to make up an aggregate that will not vary materially from the exact figures.

Respectfully submitted,

C. C. CARPENTER, *Register*.

The following communication from Hon. Samuel E. Rankin, Treasurer of State, was taken up and read, and referred to Committee on Compensation of Public Officers.

OFFICE OF TREASURER OF STATE,  
Des Moines, Iowa, February 10, 1870.

HON. M. M. WALDEN, *President of the Senate*.

SIR:—In compliance with resolution of the Senate, passed Feb. 8th, 1870—a copy of which has been delivered to me by your Secretary—requesting the Secretary of State, Auditor of State, Treasurer

of State, Superintendent of Public Instruction, and Register of State Land Office, to report to the General Assembly the total amount of fees received by them during the years 1868 and 1869, I have the honor to report that I have not since entering upon my duties as Treasurer of State, January 7, 1867, to the present date, received any fees. The law, fixing the compensation of the Treasurer of State, provides that, in addition to his salary, "he may receive fees allowed by law," but I know of no law that allows him any fees, and have neither charged nor received any.

All of which is respectfully submitted.

SAMUEL E. RANKIN, *Treasurer of State.*

The following communication was received from Hon. Ed. Wright, Secretary of State, was taken up, read, and referred to Committee on Compensation of Public Officers.

OFFICE OF SECRETARY OF STATE,  
Des Moines, Iowa, February 9, 1870.

HON. M. M. WALDEN, *President of the Senate.*

SIR: — Pursuant to the provisions of a resolution of the Senate, a certified copy of which has been placed on file in this office, I have the honor to report to your honorable body the amount of fees received as Secretary of State, and appropriated by me as a portion of my compensation for the years 1868 and 1869.

For the year 1868, I can only give the amount of the fees in the aggregate, as I neglected to keep an account of the items; but for the year 1869, I caused to be kept an account of items, and am able to report the amount of fees received for each of the several duties for which fees are charged.

From the 1st day of January, 1868, to the 31st day of December, 1868, the total amount of fees received was \$1028 37.

For the year ending December 31, 1869, the total amount of fees received was as follows:

For Notarial Commissions,.....	\$ 874 45
For Commissioners of other States. ....	28 80
For Recording,.....	78 45
For Certificates,.....	65 90
For Copying,.....	90 65
For Extradition Warrants,.....	22 00

Total for the year 1869,..... \$1,160 25

Total for the years 1868 and 1869,..... \$2,188 62

All of which is most respectfully submitted.

ED WRIGHT, *Secretary of State.*

The following communication from the Hon. John A. Elliott, Auditor of State, was taken up, read, and referred to Committee on Compensation of Public Officers.

OFFICE OF AUDITOR OF STATE,  
February 19, 1870

TO THE HONORABLE SENATE.

*Gentlemen* :—In response to the Resolutions introduced by Senator Havens, and adopted by your honorable body, February 9th. I have the honor to report as follows :

The only source from which this office claims any fees, is from Insurance companies. Knowing that the fees thus received belonged to me by law, I have not kept an account of the same as particularly as I would have done under other circumstances ; but from the best information derived from the records in my office, I have ascertained that the amount received during the years 1868 and 1869, (both years included,) is \$13,675.

All of which is most respectfully submitted.

JNO. A. ELLIOTT, *Auditor of State.*

The President also presented a communication from the Auditor of State in reference to losses of the Permanent School Fund, which, on motion of Senator Bennett, was laid on the table and ordered printed.

Senator Knoll, from the Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT—The Committee on Engrossed Bills, respectfully report that they have examined Senate File No. 55, being A bill for an act to amend section 822, of the revision of 1860, relative to bridges, and find the same correctly engrossed.

F. M. KNOLL, *for Committee.*

Also the following :

MR. PRESIDENT—The Committee on Engrossed Bills, respectfully report that they have examined substitute for Senate File No 34, being a bill for an act regulating the duties of inn keepers, and fixing their liabilities for losses sustained by their guests, and find the same correctly engrossed.

F. M. KNOLL, *for Committee.*

By leave, Senator Mulkern introduced Senate File No. 125, A bill for an act to prescribe rules and regulations for railroads, and

to establish uniform and reasonable rates of tariff for transportation of certain freights thereon.

Read first and second time and referred to Committee on Railroads

HOUSE MESSAGES.

House File No. 50, A bill for an act authorizing the building of bridges across the Maquoketa river, in Jackson county, was taken up, read first and second times, and referred to Committee on Roads.

House File No. 171, A bill for an act to legalize the incorporation of the regular Baptist Church at Jordan's Grove, Linn county, State of Iowa, was taken up, read first and second time, and referred to Committee on Incorporations.

House File No. 164, A bill for an act to legalize the incorporation of the town of Toledo, in Tama county, was taken up and read first and second time.

On motion of Senator Dysart, the 11th rule was suspended, and the bill was read a third time.

On the question "shall the bill pass?"

The yeas were—

Senators. Allen, Atkins, Beardsley, Bennett, Bulie, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Mulkern, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, and West—43.

The nays were none,

Absent and not voting—

Senators Bill, Fellows, Mitchell, Newell, Wolf, and Wright—6.

So the bill passed and the title was agreed to.

House File No. 80, A bill for an act to legalize the organization of the independent school district of Dunlap, county of Harrison, Iowa, was taken up and read first and second time. The publication clause was amended by adding, "and the Harrisonian, a newspaper published in Missouri Valley, Harrison county, Iowa."

On motion of Senator Atkins, the 11th rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulie, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Moore, Mulkern, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, and West—40.

The nays were none.

Absent and not voting—

Senators Bill, Dunham, Fairall, Fellows, Larrabee, Mitchell, Newell, Wolf, and Wright—9.

So the bill passed and the title was agreed to.

House File No. 199, A bill for an act to amend section 40, chapter 138, of the laws of the 12th General Assembly, entitled an act to regulate insurance companies, was taken up.

Read first and second times and referred to Committee on Incorporations.

#### BILLS ON THIRD READING.

Senate File No. 55, A bill for an act to amend section 822 of the Revision of 1860 relative to bridges was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mulkern, Murray, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, and West—37.

The nays were—

Senators Bennett, Moore, Patterson, and Smyth—4.

Absent and not voting—

Senators Beardsley, Bill, Fairall, Fellows, Mitchell, Newell, Wolf, and Wright—8.

So the bill passed and the title was agreed to.

Substitute for Senate File No. 34, A bill for an act regulating the duties of innkeepers and fixing their liabilities for losses sustained by their guests was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Bennett, Bulis, Casady, Cathcart, Dixon, Donnan, Dysart, Fairall, Hamilton, Hawley, Hurley, Keller, Knoll, Larrabee, Lowry, Murray, Patterson, Pierce, Rice and Tuttle—21.

The nays were—

Senators Atkins, Beardsley, Campbell, Chapin, Claussen, Couch, Dunham, Griffith, Grimes, Havens, Ireland, Long, McCulloch, McKean, McNutt, Moore, Mulkern, Smyth, Traverse, Vale, Vermillion and West—22.

Absent or not voting—

Senators Bill, Fellows, Mitchell, Newell, Wolf, and Wright—6.

So the bill not having received a constitutional majority, was lost.

#### BILLS ON SECOND READING.

Senate File No. 28, A bill for an act to repeal chapter 196 of the

aws of the 12th General Assembly and to provide a substitute therefor, with report of committee recommending that the bill be indefinitely postponed, was taken up and considered.

On motion of Senator Mulkern the bill was re-committed to Committee on Ways and Means.

Senate File No. 92, A bill for an act to authorize the working of persons confined in the jails of the State, and to protect prisoners, reported by committee, was taken up and considered by sections.

Senator Mulkern moved to amend section 1 by inserting after the word "yeas" in second line. the words "and not over fifty years."

The amendment was agreed to.

Senator Patterson moved to amend the first section by inserting in the third line, after the word "the" the word "final."

The amendment prevailed.

At 12 o'clock, on motion of Senator Casady, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY, 25, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. A. I. Hobbs.

The Journal of yesterday was read and approved.

HOUSE MESSAGES.

The following message was received from the House.

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

Substitute for House File No. 103, A bill for an act to provide for the funding of county indebtedness, and for the payment thereof.

House File No. 94, A bill for an act to amend section 4538 of the Revision of 1860, in relation to Clerk's Certificates.

House File No. 173, A bill for an act authorizing counties to build bridges.

CHARLES ALDRICH, *Chief Clerk.*

The President called attention to the fact that Senate File No. 51, A bill for an act providing for finishing uncompleted portions of the work of the State Geological Survey, and for publishing the report of the State Geologist, had been made the special order for today without fixing the hour for its consideration.

Senator Bulis moved that it be considered at 11 o'clock, which was agreed to.

Senator McCulloch moved that Senate File No. 99, A bill for an act providing for the relief of certain municipal corporations, and authorizing the use and application of certain taxes therefor, be taken up.

The motion prevailed.

Senator McCulloch moved that the bill be made the special order for March 3rd, at 2½ o'clock, P. M.

Senator Bennett moved to amend by striking out "3rd" and inserting "7th," which prevailed, and the motion as amended was agreed to.

Senator Bulis moved to reconsider the vote by which Senate File No. 52, was made the special order for to-day at 11 o'clock.

The motion prevailed.

On motion of Senator Bulis, the bill was made the special order for to-morrow morning at 11 o'clock.

Senator Havens, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, joint resolution in relation to the removal of the National Capitol.

Also that they have examined Senate File No. 16, and find the same correctly enrolled.

J. W. HAVENS, *for the Committee.*

#### PETITIONS AND MEMORIALS.

Senator Couch presented a petition from J. H. Hawkins and others, for amending the law establishing Circuit and District Courts.

Referred to Committee on Judiciary.

Senator Lowry presented a petition from 310 citizens on the line of Davenport and St. Paul railroad, asking a transfer of the lands granted the Tete des Morte railroad to the Davenport and St. Paul railroad.

Referred to Committee on Railroads.

Senator Pierce presented a petition from B. D. Pierce and 33 others, asking for a law to abolish corporal punishment in public schools.

Referred to Committee on Schools.

Also a petition from A. Charles and 42 others, on same subject.

Referred to same Committee.

Senator Beardsley presented a petition from C. McCrary and 45 others, citizens of Des Moines county, asking for a law taxing railroad corporations the same as other property.

Referred to Committee on Ways and Means.

Senator Vale presented a memorial from the Board of Supervisors

of Grundy county, praying for an act prohibiting stock from running at large.

Referred to Committee on Agriculture.

Senator McKean presented a memorial from the Presbyterian Synod of Iowa (Old School), concerning the observance of the Sabbath.

Referred to Committee on Suppression of Intemperance.

Senator Hawley presented a petition from Thomas C. Stewart and others, asking for a law requiring owners of mill dams to make sluices to their dams for the passage of fish.

Referred to Committee on Agriculture.

Senator Hawley presented a memorial from the Board of Supervisors of Louisa county, asking the enactment of a law taxing railroad property the same as other property.

Referred to Committee on Ways and Means.

Senator Beardsley presented a petition from Paul Lange and others, citizens of Des Moines county, in relation to exempting the property of Turners' Societies from taxation.

Referred to Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Fairall: Senate File No. 126, A bill for an act authorizing the conveyance of certain property in Iowa City by Register of the State Land Office.

Read first and second time and referred to Committee on Ways and Means.

By Senator Pierce: Senate File No. 127, A bill for an act making further provisions for soldiers' orphans.

Read first and second time and referred to Committee on Soldiers' Orphans' Homes, and ordered printed.

By Senator McNutt: Senate File No. 128, A bill for an act for the relief of the widow and heirs of Joseph B. Dorr, late Colonel, 8th Iowa Cavalry.

Read first and second time and referred to Committee on Claims.

By Senator Griffith: Senate File No. 129, A bill for an act relative to the establishment of lost corners, and defining the duties of County Surveyors thereto.

Read first and second time and referred to Committee on Public Lands.

On motion of Senator Bennett, the present order of business was suspended, and the Senate proceeded to the consideration of

#### RESOLUTIONS.

Senator Dysart offered the following:

*Resolved*, that the Committee on Railroads be instructed to



report as soon as possible, a bill to establish uniform and reasonable rates of tariff for freights for railroads in this State, and for a uniform rate of passenger fare.

Senator Bulis moved to refer the resolution to Committee on Ways and Means.

On which question the yeas and nays were demanded and were as follows :

The yeas were—

Senators Allen, Atkins, Bulis, Casady, Cathcart, Claussen, Dixon, Grimes, Larrabee, Lowry, McCulloch, Moore, Patterson, Pierce, Rice, Smyth, Tuttle, and Vermillion—18.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Chapin, Couch, Donnan, Dysart, Fairall, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Long, McKean, McNutt, Mulkern, Murray, Vale, West, and Wolf—25.

Absent and not voting—

Senators Dunham, Fellows, Mitchell, Newell, Traverse, and Wright—6.

So the motion did not prevail.

Senator Patterson moved that the resolution be laid on the table.

On which question the yeas and nays were demanded and were as follows.

The yeas were—

Senators Allen, Atkins, Bulis, Casady, Cathcart, Claussen, Couch, Dixon, Donnan, Dunham, Griffith, Havens, Hawley, Ireland, Larrabee, Lowry, Moore, Patterson, Smyth, Tuttle, and Vermillion—21.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Chapin, Dysart, Fairall, Grimes, Hamilton, Hurley, Keller, Knoll, Long, McCulloch, McKean, McNutt, Mulkern, Murray, Pierce, Rice, Traverse, Vale, West, and Wolf—24.

Absent or not voting—

Senators Fellows, Mitchell, Newell, and Wright—4.

So the motion did not prevail.

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

The yeas were—

Senators Beardsley, Bennett, Bill, Campbell, Chapin, Donnan, Dysart, Fairall, Grimes, Hamilton, Hawley, Hurley, Keller, Knoll, Long, McCulloch, McKean, McNutt, Mulkern, Murray, Pierce, Traverse, Vale, West, and Wolf—25.

The nays were—

Senators Allen, Atkins, Bulis, Casady, Cathcart, Claussen, Couch, Dixon, Dunham, Griffith, Havens, Ireland, Larrabee, Lowry, Moore, Patterson, Rice, Smyth, Tuttle, and Vermillion.—20.

Absent or not voting—

Senators Fellows, Mitchell, Newell, and Wright—4.

So the resolution was adopted.

Senator Doorman addressed the Senate as follows :

MR. PRESIDENT—Just before the adjournment of the Senate on yesterday, the sad official intelligence reached me from the Executive office, the formal announcement of which I now rise to make, by leave of the Senate. I refer to the death of one of our number, the Hon. Rufus B. Clarke, Senator elect from the Forty-Fourth Senatorial District, comprised of the counties of Bremer, Butler, and Grundy. The county of his residence, Bremer, I had the honor to represent upon this floor at the last session.

Since our first assembling here in January, a vacant seat has awaited an occupant. To the question so often asked during the first days of the session, "Where is Senator Clarke?" the answer as often came, "At home, sick—too sick to be here." Often we have wished to meet him—to greet him—to welcome him to this Senate among us. Often we have heard his name called among our own, from the roll of the Senate, but without response. Just before the recess, we received the cheering intelligence, through the papers, that he was much better, and would probably soon occupy his seat. We indulged the hope that upon our reassembling here on day before yesterday, we should be permitted to take his hand, and enjoy the pleasure of hearing his voice mingling with our own. But it was not so to be. Whilst we were at home receiving the warm greetings of friends and the loved ones there, he was solemnly called away from his friends and from his loved ones, and that forever.

I had not the pleasure of a personal acquaintance with our deceased brother, and such, I am informed, is also the case with all of the members of this Senate, with the exception of the Senators from Floyd and Cerro Gordo. From other sources of information, I have learned as follows of his personal history :

Rufus B. Clarke was born in Connecticut; he obtained by his own efforts a liberal education; engaged in the profession of medicine; removed to Wisconsin; served our country during the terrible conflict against rebellion in the capacity of surgeon in the 41st regiment of Wisconsin volunteers. Soon after his return home he removed with his family to Iowa in the year 1865 or 1866, and subsequently settled at Janesville, in Bremer county, where he continued to reside until his decease. I am informed that he was a successful practitioner in his profession, but of late years had devoted much of his time to agricultural pursuits. In his political belief, he was an earnest Republican; in his religious faith, he was attached to the Baptist church. As a husband, father, and citizen, he was kind, affable, genial, and hence uniformly respected and beloved. He was, I believe, in the forty-seventh year of his age at the date of his

decease. He leaves a widow and several children to mourn their irreparable loss. From a manly letter, however, written by a son of his, in the father's absence, replying to a business letter of mine, I derive much satisfaction in the belief that he will prove a comfort and a source of reliance to the bereaved family. May the God of the widow and the fatherless be their God!

Although Senator Clarke had been but a few years a resident of our State, yet he had won the esteem and confidence of his neighbors and of his District; and I doubt not, had he been permitted to occupy his seat in this Chamber, he would likewise have won the esteem and confidence of this entire Senate.

Soon after the election last October, he took occasion, in correspondence with me, to refer, in a most genial manner, to the acquaintances and friendships which he hoped to form among us here at this session. Later in the autumn his health began rapidly to decline, and before the commencement of the session in January, he was unable to leave his sick room. His disease, I am told, was consumption, that most delusive of all complaints, which fosters hope of recovery so long as life remains; so that only a short time was it, before his death, that he relinquished the hope of representing his large constituency in the councils of the State.

But recovery was not for him. An inscrutable Providence had ordered it *far* otherwise. On the 17th of the present month, he was called from the labors and responsibilities of earth. His name is now stricken from the list of enrolled members of *this* General Assembly; but we entertain the bright hope—the glad assurance that his name is now enrolled in *that* "General Assembly and Church of the first born whose names are written in Heaven."

But a few days have passed since we were called upon to pay a tribute of respect to two other departed associates. Scarcely have the echoes of the eloquent words then spoken by you, Senators, died away within these walls, when the sad privilege again recurs.

It is gratifying, indeed, to us, and a most precious consolation to the bereaved, to know that the deceased, had long been a useful man, a true friend, and a sincere christian.

"So, 'mid the darkness and the gloom,  
The good man's virtues light his tomb."

Death has again entered the Chamber of the Senate! That stern messenger has again passed by *us*, and taken *him*! Let us learn from this sad event, the great lesson of preparation for that inevitable change, through which he so recently has passed. Let us cherish his memory—emulate his virtues—and attain his christian faith; that in due time, his eternal reward, may through riches of Grace, be also ours.

I offer, Mr. President, the following resolutions, and move their adoption by a rising vote of the Senate.

*Resolved*, That this Senate has learned with profound sorrow of the death of the Hon. Rufus B. Clarke, the Senator elect from the forty-fourth Senatorial District of the State of Iowa.

*Resolved*, That the members of this Senate do hereby most cordially extend their sincere condolence and heartfelt sympathy to the widow and family of the deceased in this most afflicting bereavement

*Resolved*, That these resolutions be printed in the IOWA STATE REGISTER, and that the Secretary of the Senate be directed to forward a copy thereof to the widow of the deceased.

*Resolved*, That a copy of these resolutions be communicated to the House of Representatives.

*Resolved*, As a further mark of respect to the memory of the deceased, Senator Clarke, that the Senate do now adjourn.

Senator Patterson seconded the resolutions, and made the following remarks :

Senator Patterson—

MR. PRESIDENT:— I rise to second the motion of the Senator from Buchanan, and so doing will take occasion to say that I am probably more intimately acquainted with our deceased brother than any other member of this body.

Senator Clarke was a man whom to know, was to respect and love.

I have been intimately acquainted with him since 1866, and will ever hold in pleasing remembrance, the many hours of social intercourse I have had with the deceased Senator.

Mr. Clarke was, in every sense of the word, a self-made man.

Bereaved of his parents in his infancy, his youth was spent amid strangers, and without the care and love of kind and doting parents. His foster father, a Mr. Baker, though careful of his ward's welfare, could not bestow the natural affection, so essential to childhood. At an early day, young Clarke showed a decided taste for literature, and embraced the earliest opportunity to secure the advantages of a good scientific education.

He then studied medicine, and entered into the practice of his chosen profession, and at the age of about 26 years, fired with an ambition to overcome the embarrassments of his limited pecuniary circumstances, and to find a new and broader field of labor, he left his native State, and sought the broad prairies of the West. He first settled in Rockford, Ill., and after about seven years of devotion to his profession at that place, he removed to Racine, Wis., where he soon became the leading physician, and earned for himself an enviable reputation, and a pecuniary competency.

By days and nights of weary toil in alleviating the pains of suffering humanity, his constitution became shattered, and that fell destroyer, consumption, began preying upon his vitals. But when the clang of arms resounded throughout the land, our young men

were hastening to the front, and every breeze from the South echoed with the groans of our sick and wounded soldiers, regardless of the endearments of a home, blessed with a loving wife, and loved and dependent babies, though laboring under bodily disease, he did not hesitate to brave the toils and privations of a soldier's life, to administer at his country's call, to the wants of our suffering soldiery. He remained in the army until his declining health, rendered further service impossible. He returned home and was honored with the appointment of director of the medical dispensary of Chicago, which place he filled until by repeated prostrations with consumption, through some of which, his physicians supposed it impossible for him to live, he found it necessary to seek the purer air of Northern Iowa. He came to Floyd county in 1866, where his health so far improved that he was again enabled to enter upon practice of the profession he loved so dearly, and the pursuit of which, it seemed impossible for him to relinquish.

But a renewal of his labors, brought with it a return of his disease, and he was finally compelled to entirely abandon his profession, and retire to the less arduous and exciting business of farming, and in the spring of 1868, he removed to his farm in Bremer county, where he has since resided, and from whence he was on the 17th day of this month summoned with the call, "Well done good and faithful servant, enter into the joys of thy Lord."

Dr. Clarke was a man of most extraordinary energy of mind, and though in the latter years of his life he was physically stooped and broken down with disease he was ever on the path of duty, faltering at no difficulty, grasping every subject with the energy of robust youth, ever cheerful social and companionable, he bore his physical sufferings with undaunted courage and resolution.

I was told by his physician, who had attended him through severe attacks of his disease in Racine and Chicago, and who attended him in his last sickness, that nothing but his mental energy had preserved his life for years, and that he never knew a man with so much power of will and tenacity of life.

Hon. Rufus B. Clark was last fall chosen by the people of his district to represent them in this chamber. Soon after his election he was severely attacked by his old disease, and though at times before this session commenced it was supposed he could not survive a day, still he was ever buoyed up by a hope that he would be able to join us in our labors, and during the early part of our session he so far recovered that he made preparations to come to the Capital and take his seat with us. And about two weeks before his death, I had a communication from him, stating he was so far recovered that he would come to Des Moines with us after the recess. But He who holds us in the hollow of His hand, the great Ruler and Governor of all, had prepared for our brother a higher sphere of action.

As a politician, he was an ardent Republican. His warm sympathies forbade that he should be other than the friend of the oppressed

and down-trodden, and it was the labor of his life to elevate humanity; and his clear judgment, his correct purpose, his unflinching integrity, and manly courage to do battle for the right, would have made him invaluable as a legislator. Knowing him as I did, I most sincerely regret that you had not all the privilege of knowing him personally.

As a husband and father, he was kind, loving, and indulgent, and I could weep bitter tears of sorrow with his broken hearted wife and little her ones, in this their sad hour of bereavement.

As a man, he was moral, just, and upright, respected and beloved by all who knew him.

As a friend and neighbor, he was kind, accommodating, courteous, and genial, ever meeting you with a happy smile, contributing to your comfort and happiness, forgetting and forgiving your faults.

As a Christian, he was devoted and humble. Death had no terrors for him, as he lived in humble reliance on the promise of Him who hath said, "Blessed are the poor in spirit, for their's is the kingdom of Heaven.

He saw death approaching nearer and nearer, day after day, for the last half score years of his life, but never repining, never complaining, he patiently awaited the summons, when it should best please the Master to send it.

Dr. Clarke was a man of rare mental endowments, and in his death the State has lost one of her best citizens. Though during his years of patient study and unremitting toil in a profession requiring the keenest perception, the profoundest reason, the best stored memory, and the warmest and kindest of hearts, he never entered the arena of active political life, and sought not the honor of power and place, he was none the less qualified to fill any position in the State with credit to himself and honor to his country. Yes Mr. President, though never in his seat in this Chamber, though never an active legislator, he was nevertheless the peer of the best. He was emphatically a man of the people. He sprang from the people, grew up with the people, loved and labored for the people, and was by the people chosen from among their number to represent them on this floor. And had his life and health permitted, he would have returned to them, covered with honors as a prudent and wise legislator, but he is gathered to his fathers, and the people mourn. His dust has returned to dust, and his spirit to God who gave it.

Mr. President, these repeated warnings admonish us that we, too, are rapidly traveling "to that undiscovered country from whose bourne no traveler returns." That, though our brother has gone before us, it is, as it were, but a few moments. How soon will we all pass away, and these halls be peopled by our children! It seems but a moment since our fathers were here, and we were in our cradles. Now we have crowded them off the stage of action, and are already passing away ourselves. And in a few

brief days "the place that now knows us will know us no more forever." It is sad to lose a good man, to have him cut down in the midst of his usefulness, and his family, kindred, friends, neighbors, and countrymen feel deeply his loss. But to a good man it is not sad to die. When the summons comes, he goes not "like a quarry slave, scourged to his dungeon," but with a consciousness of a well spent life, he looks across the dark waters, and sees no terror in venturing upon its unknown realities.

Whilst we mourn our deceased brother, and offer our condolence to his bereaved friends and relatives, let us in the discharge of our duties here, endeavor to be able when we are called from the stage of action, to feel that we have done our duty and our full duty.

Senator Tuttle addressed the Senate as follows :

Senator Tuttle—

MR. PRESIDENT: — Again do we hear the official announcement, in our Legislative Halls, that still another of the chosen representatives of the people of the State of Iowa has fallen by the ruthless hand of Death. Yes! The Hon. Rufus B. Clarke has gone to that bourne from whence no traveler returns. One place in this body is left vacant, and it is doubly sad to repeat that, that seat and desk is marked with the name of a Senator who never has been permitted, for even one short hour, to occupy it.

It is eminently fit and proper, on such occasions, to pause for a little time in our deliberations, and turning aside from our usual duties, reflect that truly "in the midst of life we are in death." This afflicting dispensation comes home, and seriously to us all; but to few perhaps, more forcibly, than to myself; from the fact, that two of the counties that looked to Senator Clarke to represent their interests in this Senate, formed a part of my District during the last session of the General Assembly. It never was my privilege to enjoy a very intimate, personal acquaintance with the deceased, but in business circles I have frequently met, and known him as an active, energetic and prompt business man. Sanguine in temperament, hopeful in disposition, in the prime of life, in regard to age, he doubtless looked forward to many years of active, useful and honored life. Though in declining health for some time past, he was yet very slow to believe, that the fears of his many friends would be realized by his early demise. Again and again has the report gone abroad, that he lay at the point of death, or was already dead. Yet only a few weeks since, I saw a letter written by him to a fellow Senator, in which he stated that he felt better, and hoped soon to be able to take his seat among us. But he has received a summons from a higher power; and during the recess from our legislative duties he has received an eternal release, not only from official duty, but from all the busy cares and ever changing vicissitudes of mental life.

With his bereaved family and friends, we cannot but drop a sympathetic tear. Though words of condolence may not assuage

this brief, we trust that our heartfelt sympathy may perhaps soften and lighten their deep affliction, and turn their hearts upward to "Him who doeth all things well."

Though his response to the Senate roll call has never been heard in our midst yet we trust that his name is enrolled among the redeemed in the Lambs Book of Life; and he has been allotted a higher seat by the "God in whom he placed his trust," in that "Glorious building, that House not made with hands eternal in the Heavens."

The resolutions were unanimously adopted by a rising vote, and the Senate adjourned until 10 o'clock to-morrow morning.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 26, 1870.

Senate convened pursuant to adjournment and was called to order by the President.

Prayer by Rev. Mr. Jones.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Senator Ireland presented a petition from the sheriff and 1400 others, citizens of Clinton County, asking for a law authorizing the holding of a term of the Circuit Court at Wheatland.

Referred to Committee on Judiciary.

Senator Lowry presented a petition from 245 citizens of Northern Iowa, praying for a transfer of the lands heretofore granted the Tets Des Mottes Railroad Company, to the Davenport and St. Paul Railroad Company.

Referred to Committee on Railroads.

Senator Beardsley presented a petition from E. Chamberlain and Company, and 300 others, citizens of Des Moines County, asking the passage of a law taxing the property of Railroad corporations the same as other property.

Referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

By Senator Bennett: Senate File No. 130, A bill for an act to amend chapter 86 of the laws of the Twelfth General Assembly, establishing Circuit and General Term Courts.

Read first and second time, and referred to Committee on Judiciary.



By Senator Traverse: Senate File No. 131, A bill for an act limiting and restraining the right of appeal in certain civil cases.

Read first and second time, and referred to Committee on Judiciary.

By Senator McCulloch: Senate File No. 132, A bill for an act to provide for the maintenance of insane persons who have not obtained a residence in any county of the State.

Read first and second time, and referred to Committee on Ways and Means.

By Senator Campbell: Senate File No. 133, A bill for an act regulating billiard saloons, and the use of billiard tables.

Read first and second time, and referred to Committee on Judiciary.

By Senator Hamilton: Senate File No. 134, A bill for an act to regulate the compensation of District Attorneys.

Read first and second time, and referred to Committee on Compensation of Public Officers.

#### RESOLUTIONS.

Senator Vale offered the following:

*Resolved*, that the Secretary of the Senate be directed to order for the President and each member of the Senate, ten copies of the Des Moines *Bulletin* Supplement, containing the phonographic reports of proceedings of this General Assembly, also three copies of same for each officer, *provided*, the supplement is furnished from the beginning of the session, and the price shall not exceed two cents per copy for each day.

Senator Donnan moved to amend by striking out "ten," and inserting "five." Which was agreed to.

Senator Lowry moved to strike out "ten," and insert "eight."

The motion did not prevail.

Senator Bulis moved to indefinitely postpone the resolution.

The motion did not prevail.

Senator Griffith moved to amend by striking out "ten" and inserting "one."

The motion was lost.

Senator Murray moved to amend by striking out the word "cents" and inserting "dollars," and to add the words "during the session," on which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Claussen, Dixon, Donnan, Fairall, Fellows, Hawley, Ireland, Knoll, Larrabee, Lowry, McKean, McNutt, Moore, Murray, Patterson, Smyth, Vale, and West—21.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Casady, Oathcart, Chapin, Couch, Dunham, Dysart, Griffith, Grimes, Hamilton,

Havens, Hurley, Keller, Long, McCulloch, Pierce, Rice, Traverse, Tuttle, and Wolf—23.

Absent and not voting—

Senators Mitchell, Mulkern, Newell, Vermillion, and Wright—5.

So the motion did not prevail.

Senator Donnan moved to amend by striking out "ten" and inserting "six," pending which the President announced that the hour for the special order had arrived, it being Senate File No. 52, A bill for an act providing for finishing uncompleted portions of the work of the State Geological Survey, and for publishing the report of the State Geologist.

On motion of Senator Patterson, the special order was postponed fifteen minutes.

The question being on the amendment offered by Senator Donnan, Senator Dysart moved the previous question, which was seconded.

The motion to strike out "ten," and insert "six," was lost.

The question being on the adoption of the resolution, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Claussen, Couch, Dixon, Dysart, Fairall, Fellows, Hawley, Ireland, Knoll, Larrabee, Lowry, McKean, McNutt, Moore, Murray, Mulkern, Patterson, Smyth, Vale, and West—23.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Donnan, Dunham, Griffith, Grimes, Hamilton, Havens, Hurley, Keller, Long, McCulloch, Pierce, Rice, Traverse, Tuttle, and Wolf—22.

Absent and not voting—

Senators Mitchell, Newell, Vermillion, and Wright—4.

So the resolution was adopted.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 164, A bill for an act to legalize the incorporation of the town of Toledo, in Tama county.

Senate File No. 16, A bill for an act to amend sections 1068, 1069 and 1070 of the Revision of 1860, and to provide additional means for the collection of charges, assessments and taxes on lots of land within municipal corporations.

CHARLES ALDRICH, *Chief Clerk.*

#### HOUSE MESSAGES

House File No. 173, A bill for an act authorizing counties to build bridges, was taken up.

Read first and second time, and referred to Committee on Roads. Substitute for House File No. 103, A bill for an act to provide for the funding of county indebtedness, and for the payment thereof, was taken up.

Read first and second time, and referred to Committee on Ways and Means.

House File No. 94, A bill for an act to amend section 4538 of the Revision of 1860, in relation to Clerk's Certificates, was taken up.

Read first and second time, and referred to Committee on Judiciary. The hour for the special order having arrived, it being Senate File No. 52, it was taken up and considered by sections.

Senator Bulis moved to amend the first section, by striking out of the fourth line, the words "five thousand," and inserting "twenty hundred."

Senator Fellows moved to amend by striking out all of the first section after the enacting clause.

Pending which, Senator Bulis moved that the bill be made the special order for next Monday at half-past 10 o'clock.

The motion prevailed.

#### REPORTS OF COMMITTEES.

Senator Bennett, from Committee on Judiciary, submitted the following report:

MR. PRESIDENT:—Your Judiciary Committee, to whom was referred Senate File No. 107, A bill for an act to amend chapter 42, Laws of the Sixth General Assembly, have considered the same, and beg leave to report that, in their opinion, inasmuch as the General Assembly has no power to pass a special act for the incorporation of any city or town, it has not the power to amend any such act passed prior to the adoption of the new constitution. Your Committee therefore recommend that the bill be indefinitely postponed.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT:—Your Committee on Judiciary, to whom was referred Senate File No. 56, A bill for an act to repeal section 2824 of chapter 120 of the Revision of 1860, and to enact a substitute therefor, have had the same under consideration, and have instructed me to report the same back to the Senate with the accompanying substitute, with the recommendation that the substitute do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT:—Your Committee on Judiciary, to whom was referred a petition to enlarge Circuit Court jurisdiction, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that the prayer of the petitioners be not granted.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 119, A bill for an act to amend sections 2517, 2520, 2521, 2522, 2527, 2528, and 2530, of the Revision of 1860, and section 3, of chapter 86, of the acts of the 12th General Assembly, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the accompanying substitute be adopted in its stead, and do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No 63, A bill for an act to amend chapter 124, of the Revision of 1860, relative to attachment and garnishment, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by striking out the third cause and rendering the remaining causes consecutively, and being so amended, the Committee recommend its passage.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 122, A bill for an act legalizing the incorporation of the town of Monroe, and also to legalize the acts and doings of the Common Council of said town under said act of incorporation, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by inserting in the fifth line of section 1, after the word "passed," the words, "and duly recorded," and being so amended, the Committee recommend that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 33, A bill for an act to cure defects in the records of deeds, mortgages, and other conveyances, in certain cases, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 96, A bill for an act to amend section 1097, of the Revision of 1860, being an act in relation to the erection and repair of bridges, have had the same under consideration, and have instructed me to report the same back to the Senate, with the accompanying substitute, with the recommendation that the substitute do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on File.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 121, A bill for an act changing the time of holding the District Court at Keokuk, Lee county, Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by striking out section 1, and substituting therefor the following :

“Be it enacted by the General Assembly of the State of Iowa, that chapter 21, of the acts of the Eleventh General Assembly be, and the same are hereby repealed, and the following enacted in lieu thereof. That a term of the District Court shall be held in Keokuk, in Lee county, Iowa, on the Tuesday, before the first Monday in September, in the year A. D., 1870, and in each year thereafter,” and being so amended the Committee recommend that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 64, A bill for an act to amend section 1, of chapter 95, of the laws of the Twelfth General Assembly, taking from City Authorities the power to relieve, have had the same under consideration, and have instructed me to report the same

back to the Senate, with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 124, A bill for an act to amend section 3293, of chapter 125, of the Revision of 1860, had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

At 12 o'clock and 15 minutes, on motion of Senator Beardsley, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
FEBRUARY 28, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Guild.

The Journal of Saturday was read and approved.

The following message was received from the House :

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

House File No. 216, A bill for an act to regulate the passenger fare on railroads.

House File No. 214, A bill for an act to legalize the election of corporation officers in the town of Le Claire.

CHARLES ALDRICH, *Chief Clerk.*

PETITIONS AND MEMORIALS.

Senator Ireland presented a petition from B. H. A. Hemmingson and 21 others praying for an act taking the transfer books from the auditor's office, and placing them in the office of Recorder of Deeds.

Referred to Committee on Judiciary.

Senator Hawley presented a petition from Albert Bush and others,

citizens of Kossuth county, asking the legislature to resume the lands granted the Des Moines Valley Railroad.

Referred to Committee on Railroads.

Also a petition from J. R. Anderson and others on same subject.

Referred to same committee.

Senator Lowry presented a petition from 167 citizens of Scott county, praying for a transfer of the lands heretofore granted to the Tete Des Mortes Railroad Company, to the Davenport and St. Paul Railroad Company.

Referred to Committee on Railroads.

Senator Beardsley presented a petition from the Board of Supervisors, the Grand Jury, and many citizens of Des Moines county asking for a law taxing railroads the same as other property.

Referred to Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Moore: Senate File No. 135, A bill for an act to provide for the taxation of the real and personal property of express and telegraph companies.

Read first and second times and referred to Committee on Ways and Means.

By Senator Murray: Senate File No. 136, A bill for an act to amend section 4192 of the Revision of 1860.

Read first and second times and referred to Committee on Judiciary.

By Senator Grimes: Senate File No. 137, A bill for an act to punish slander and defamation.

Read first and second times and referred to Committee on Judiciary.

By Senator Ireland: Senate File No. 138, A bill for an act to regulate the practice of medicine and surgery, and to prevent empiricism.

Read first and second time and referred to Committee on Medical Institutions.

By Senator Tuttle: Senate File No. 139, A bill for an act to protect fish.

Read first and second times and referred to Committee on Agriculture.

#### RESOLUTIONS.

Senator Patterson offered the following:

Memorial and Joint Resolution in relation to the retirement of the National Bank currency.

Read first and second times and referred to Committee on Banks.

Senator Mitchell offered the following:

*Resolved*, That the Secretary of State be requested to have the

desks of the Senate chamber so arranged that the three desks in the east and west ends of the chamber, nearest the stove be placed at a greater distance therefrom.

The resolution was adopted.

By leave, Senator Bulis introduced Senate File No. 140, A bill for an act to amend section 3227 of Revision of 1860, as to the duties of certain treasurers.

Read first and second times and referred to Committee on Judiciary.

By leave, Senator Hawley introduced Senate File No. 141, A bill for an act authorizing the Register of the State Land Office to convey to A. E. Haskell certain lots in Estherville, Iowa.

Read first and second time and referred to Committee on Public Lands.

The hour for the special order having arrived, it being Senate File No. 52, A bill for an act providing for finishing uncompleted portions of the State Geological Survey and for publishing the report of the State Geologist.

On motion of Senator Campbell the special order was postponed fifteen minutes.

Senator Campbell moved to suspend the rules and take up Senate File No. 122, A bill for an act to legalize the incorporation of the town of Monroe and also to legalize the acts any doings of the Common Council of said town under said act of incorporation.

The motion did not prevail.

#### HOUSE MESSAGES.

House File No. 216, A bill for an act to regulate passenger fare on railroads, was taken up.

Read first and second time.

Senator Bulis moved that the bill be referred to Committee on Railroads, on which question the yeas and nays were demanded.

The yeas were—

Senators Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Claussen, Couch, Dixon, Donnan, Dunham, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larabee, Lowry, McCulloch, Mitchell, Moore, Mulkern, Murray, Paterson, Pierce, Rice, Smyth, Tuttle, Vale, and West—35.

The nays were—

Senators Atkins, Chapin, Dysart, Fairall, Fellows, KcKean, McNutt, Traverse, and Wolf—9.

Absent or not voting—

Senators Allen, Long, Newell, Vermillion, and Wright—5.

So the motion prevailed.

Senator Moore asked leave of absence for Senator long on account of sickness.

Leave was granted.



House File No. 214, A bill for an act to legalize the election of corporation officers in the town of Le Claire, county of Scott, and State of Iowa, on the first Monday of March, A. D. 1869, was taken up.

Read first and second time and referred to Committee on Elections.

REPORTS OF COMMITTEES.

Senator McKean, from the Committee on roads, submitted the following report:

MR. PRESIDENT—Your Committee on Roads, to whom was referred House File No. 50, A bill for an act to authorize the building of bridges across the Maquoketa river, in Jackson county, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Roads, to whom was referred a petition of H. H. Holson and 37 others, also, D. L. Robinson and 95 others, praying for an act establishing county roads on every section line, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the prayer of the petitioners is inexpedient and impracticable, and should be denied.

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

Senator Larrabee, from the Committee on Ways and Means, submitted the following report:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred the resolution concurring in a loan of \$15,000 to the College of Physicians and Surgeons at Keokuk, have had the same under consideration, and have instructed me to report the enclosed to the Senate, with the recommendation that it be adopted as a substitute for the resolution, and that it be adopted.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 46, A bill for an act to authorize counties to fund certain indebtedness, have had the same under

consideration, and have instructed me to report the same back to the Senate, with the recommendation that House File No. 103 be adopted as a substitute therefor, and it do pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred a resolution enquiring into the expediency of so changing the revenue laws that not more than six months shall elapse after the assessment is made until tax upon personal property can be collected by law, have had the same under consideration, and deem the change impracticable, and have instructed me to report the same back to the Senate.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Senator Wolf, from the Committee on Schools, submitted the following:

MR. PRESIDENT—Your Committee on Schools, to whom was referred substitute for House File No. 1, A bill for an act to amend section 3 of chapter 118 of the laws of the Tenth General Assembly, and section 11 of chapter 148 of the laws of the Ninth General Assembly, and to regulate the sale of school lands, have had the same under consideration, and have instructed me to report the same back to the Senate with the accompanying substitute, with the recommendation that the substitute be adopted and passed.

WM. P. WOLF, *Chairman.*

Ordered that the report pass on file.

Senator Hawley, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your Committee on Claims, to whom was referred the claim of S. A. Robertson for compensation for extra work done on the State House, have had the same under consideration, and have instructed me to report the same back to the Senate with the following bill, with the recommendation that the bill do pass.

THEO. HAWLEY, *Chairman.*

Ordered that the report pass on file.

Senate File No. 142, A bill for an act relative to the claim of S. A. Robertson, for work done on State House.

Read first and second time and passed an file.

Senator Hamilton, from the Committee on Incorporations, submitted the following report:

MR. PRESIDENT—Your Committee on Incorporations, to whom was referred House File No. 171, A bill for an act legalizing the incorporation of the Regular Baptist Church of Jordan's Grove, in Linn county, Iowa, beg leave to report that they have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

*Resolved by the House of Representatives the Senate concurring,*  
That the Committees on Schools be authorized to employ a clerk, who shall serve the two Committees.

CHAS. ALDRICH, *Chief Clerk.*

The hour for the special order having arrived, it being Senate File No. 52, it was taken up and considered, the question being on the motion to strike out all of the first section after the enacting clause, pending which Senator Dysart moved that the bill be made the special order for 2½ o'clock this afternoon.

The motion prevailed.

At 12 o'clock and 5 minutes, on motion of Senator Beardsley, the Senate adjourned.

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TWO O'CLOCK P. M.

Senate convened pursuant to adjournment, and was called to order by the President.

The consideration of Senate File No. 52, was resumed.

The question being on the motion to strike out all of the 1st section after the enacting clause.

The amendment was agreed to.

Senator Fellows moved to amend the 2nd section, by adding the words, "and that there be appropriated for the publication of said report the sum of \$7,000 or so much thereof as may be required for that purpose."

Senator Campbell moved that the bill be committed to the Committee on Printing, which was not agreed to.

The question being on the amendment of Senator Fellows.

The amendment was adopted.

Senator Knoll moved to amend the 2nd section, by striking out in third line the words "named in the preceeding section," and insert the words "previously made, and which remains unexpended."

The amendment prevailed.

Senator Knoll moved to amend same section in sixth line, by inserting after the word "well" the words "and cheaply."

The amendment was agreed to.

Senator Fellows moved that the vote by which seven thousand dollars were appropriated to print the work of the State Geologist, be reconsidered.

The motion prevailed.

The question being on the adoption of the amendment it was withdrawn.

Senator McNutt moved to reconsider the vote by which the Senate refused to re-commit the bill to Committee on Printing, which was agreed to.

The question being on the motion to commit to Committee on Printing.

Senator Patterson offered the following instructions:

That the Committee be instructed to ascertain the cost of printing respectively 8000, 6000, 5000, 3000, and 7000 copies, and disposing to the printer of the copy-right of the work, and also, the cost the State retaining the copy-right.

Senator McNutt moved to amend the proposed instruction by striking out the words, "and disposing of the copy-right to the printer," which was not agreed to.

The amendment offered by Senator Patterson was then adopted.

On motion of Senator Donnan Senate File No. 105, A bill for an act to provide for the completion of the central building, North wing, rear central building, engine house, and chimney and ducts, and improvement of the ground and farm, of the Iowa Insane Asylum at Independence was taken up, and was made special order for March 8th, at 10½ o'clock.

By leave Senator Fairall offered the following:

*Resolved*, That from and after this day, the Senate meet at 9½ o'clock A. M., and adjourn at 1 o'clock P. M., and hold but one session each day except Saturday, when there shall be no session.

The resolution was adopted.

Senator Chapin asked leave of absence for Senator McCulloch, until March 2nd.

Leave was granted.

At 4 o'clock and 15 minutes, on motion of Senator McNutt, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 1, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Paxton.

The journal of yesterday was read and approved.

Senator Bennett moved that the rule be suspended, and the Senate take up Senate File No. 122, A bill for an act to legalize the incorporation of the town of Monroe, and also to legalize the acts and doings of the Common Council of said town under said act of incorporation.

The motion prevailed; and the bill, with report of committee recommending amendments, was taken up, considered, and report of committee was adopted.

On motion of Senator Bennett, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, McNutt, Mitchell, Moore, Mulkern, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf—42.

The nays were none.

Absent and not voting—

Senators Allen, Bill, Claussen, Long, McCulloch, Newell, and Wright—7.

So the bill passed and the title was agreed to.

On motion of Senator McKean, the rule was suspended, and House File No. 50, A bill for an act to authorize the building of bridges across the Maquoketa river, in Jackson county, Iowa, with report of committee recommending that the bill do pass, was taken up and considered.

On motion of Senator McKean, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, McNutt, Mitchell, Moore, Mulkern, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—43.

The nays were none

Absent and not voting—

Senators Allen, Claussen, Long, McCulloch, Newell, and Wright  
—6.

So the bill passed and the title was agreed to.

Senator Wolf moved that substitute for House File No. 1, A bill for an act to amend section 3 of chapter 118 of the laws of the 10th General Assembly, and section 11 of chapter 148 of the laws of the 9th General Assembly be made the special order for to-morrow at 10 o'clock.

The motion was agreed to.

#### PETITIONS AND MEMORIALS.

Senator Smyth presented a petition from J. L. Love and others, citizens of Linn and Jones counties in relation to the establishment of an additional penitentiary in Jones county.

Referred to Committee on Penitentiary.

Also a petition from D. F. McAbbee and 72 others, on same subject.

Referred to same committee.

Senator Pierce presented a petition from M. K. Horney and others asking that the transfer books be placed in the office of recorder of deeds.

Referred to Committee on County and Township Organization.

Senator Hurley presented a memorial from the board of supervisors of Louisa county, Iowa, asking relief on account of burglary committed on the 18th day of February 1868.

Referred to Committee on Ways and Means.

Senator Beardslee presented a petition from Theo. Waldschmith and others, citizens of Des Moines county, asking that railroads may be taxed the same as other property.

Referred to Committee on Ways and Means.

Also a petition from John Katin and others on same subject.

Referred to same committee.

Senator Hawley presented a petition from J. M. Bell and others, citizens of Webster county, praying the legislature to resume the lands granted the Des Moines Valley Railroad, which was referred to Committee on Railroads.

Also a petition from John Knoll and others on same subject.

Referred to same committee.

Also a petition from D. K. Lincoln and others on same subject.

Referred to same committee.

Senator Claussen presented a petition from S. E. Brown and others, lawyers of Davenport, Iowa, asking that the general term of the Circuit Court be abolished.

Referred to Committee on Judiciary.

Senator Mitchell presented a petition from S. A. Hull and others, citizens of Boone county, asking the legislature to resume the lands granted the Des Moines Valley Railroad.

Referred to Committee on Railroads.

Also a petition from Tilghman H. Shaeffer and others, on the same subject.

Referred to same Committee.

Also a petition from P. A. Swanson and others, on same subject.

Referred to same Committee.

On motion of Senator Beardsley, House resolution, allowing the Committees on Schools to employ a clerk, was taken up and the resolution was concurred in.

Senator McKean presented a petition from Thomas Greene and others, praying for the establishment of a branch penitentiary at the stone quarries near Anamossa, Iowa.

Referred to Committee on Penitentiary.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

House File No. 220, A bill for an act to authorize Thomas Mitchell and others to cut a canal across a strip of land to the Des Moines River.

BENJ. VAN STEENBURG, *Ass't Clerk.*

#### INTRODUCTION OF BILLS.

By Senator Hurley: Senate File No. 143, A bill for an act for the relief of Louisa County, Iowa, for money stolen from the safe on the night of the 18th of February, A. D. 1868.

Read first and second time, and referred to Committee on Ways and Means.

By Senator Pierce: Senate File No. 144, A bill for an act to repeal section 3, of chapter 160 of the Twelfth General Assembly, and to revise chapter 61, of the Eleventh General Assembly, changing the transfer records from Auditor's to the Recorder's office.

Read first and second time and referred to Committee on County and Township Organizations.

#### HOUSE MESSAGES.

House File No. 220, A bill for an act to authorize Thomas Mitchell and others, to cut a canal across a strip of land to straighten the Des Moines River, was taken up.

Read first and second time and referred to Committee on Internal Improvements.

REPORTS OF COMMITTEES.

Senator Hamilton, from the Committee on Incorporations, submitted the following report:

MR. PRESIDENT—Your Committee on Incorporations, to whom was referred Senate File No. 36, A bill for an act to promote the improvement of streets, alleys, and sidewalks, beg leave to report that they have had the same under consideration, and a majority of the Committee have instructed me to report a substitute back to the Senate, with the recommendation that the substitute be adopted and passed.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

Senator Beardsley from Committee to visit the State University submitted a report.

On motion of Senator Bulis the report was laid on the table, and ordered printed.

BILLS ON SECOND READING.

Senate File No. 92, A bill for an act to authorize the working of persons confined in the Jails of the State, and to protect prisoners, reported by Committee was taken up, and considered by sections.

Senator Lowry moved to amend the second section, by striking out of the first line the words "may be on the roads, streets, or public highways," and inserting the words "shall be within inclosures."

On which question, the yeas and nays were demanded, and

The yeas were—

Senators Dysart, Fellows, Havens, Larrabee, Lowry, McNutt, Pierce, Smyth, Vale, Vermillion, and West—11.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Keller, Knoll, McKean, Mitchell, Moore, Mulkern, Murray, Patterson, Rice, Traverse, Tuttle, and Wolf—34.

Absent and not voting—

Senators Long, McCulloch, Newell, and Wright—4.

So the motion did not prevail.

Senator Couch moved to amend section 5, by adding "Provided such punishment shall be inflicted within the Jail and Jail enclosures."

Senator Mulkern moved to amend the amendment by adding "Provided further, that the time spent within the Jail enclosure



for refusal to work shall not be considered as any part of the time for which the prisoner is sentenced, which was not agreed to.

The amendment offered by Senator Couch was then adopted.

The hour for adjournment having arrived, Senator Patterson moved to suspend the rule for adjournment 15 minutes.

The motion was lost, and the President declared the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 2, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Morgan.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS

Senator Knoll presented a petition from S. G. Van Anda and 1200 others, citizens of Northern Iowa, asking that reasonable and uniform rates of freights, and charges be fixed upon the Railroads of the State.

Referred to Committee on Railroads.

Senator Donnan presented a petition from Chas. E. Kent and others, asking the establishment of a branch Penitentiary at the stone quarries near Anamosa, in Jones county

Laid on the table to be considered with the bill on that subject.

Also, the petition of Geo. Josselyn and others on same subject, which was disposed of in like manner.

Senator Dysart presented a petition from C. H. Conklin and others, on same subject, which was disposed of in like manner.

Senator Grimes presented a petition from S. G. Van Anda and others, on same subject, which was disposed of in like manner.

Senator McKean presented a petition from M. Burns and numerous others; on same subject, which was disposed of in like manner.

Senator Smyth presented a petition from John Hallenbeck and others, on same subject, which was disposed of in like manner.

Also, a petition from A. R. West and others, on same subject, which was disposed of in like manner.

INTRODUCTION OF BILLS.

By Senator Casady: Senate File No. 145, A bill for an act to repeal chapter 61, of the laws of the Eleventh General Assembly;

and section 3, of chapter 160, of the laws of the Twelfth General Assembly.

Read first and second time and referred to Committee on County and Township Organization.

By Senator Hamilton : Senate File No. 146, A bill for an act to aid the advancement of medical science.

Read first and second time and referred to Committee on Medical Institutions.

By Senator Cathcart : Senate File No. 147, A bill for an act to legalize the erection of sub-district in Perry Township, Marion County Iowa.

Read first and second time, and referred to Committee on Schools.

By Senator Lowry : Senate File No. 148, A bill for an act to carry out the provisions of an act of Congress, approved May 15th, 1856, granting lands to Iowa to aid in the construction of railroads, and to grant the lands conferred upon the Dubuque, Bellevue and Sabula Railroad Company, by chapter 124, of the acts of the Twelfth General Assembly of the State of Iowa, which have been resumed by the State upon the Davenport and St. Paul Railroad Company.

Read first and second time, and referred to Committee on Railroads.

By Senator Couch : Senate File No. 149, A bill for an act authorizing Circuit Courts to appoint commissioners to examine reports of executors, and providing reasonable compensation therefor.

Read first and second times, and referred to Committee on Judiciary.

#### RESOLUTIONS.

Senator Larrabee offered the following :

Joint Resolution authorizing the State Census Board to cancel certain unavoidable accounts against ex-county Treasurers on the books of the Auditor of State : and, also, to settle by compromise or otherwise, with certain defaulting county treasurers.

Read first and second time, and referred to Committee on Ways and Means.

#### REPORT OF COMMITTEE.

Senator Larrabee from the Committee on Ways and Means submitted the following report.

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 132, A bill for an act to provide for the maintenance of insane persons who have not obtained a residence in any county of the State, have had the same under con-

sideration, and have instructed me to report the accompanying bill as a substitute therefor, to the Senate.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following.

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred a resolution instructing said Committee “to examine the assessment laws, and ascertain if some further legislation is not necessary, to provide for the assessment and taxation of the property of persons residing in other States, and dealing in Agricultural Implements and other machinery in this State through agencies and Commission Houses,” have had the same under consideration, and have instructed me to report the same back to the Senate, as impracticable.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following.

MR. PRESIDENT—Your Committee on Ways and Means to whom was referred Senate File No. 126, A bill for an act authorizing the conveyance of certain lots in Iowa City, by Register of State Land Office, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WM. LARRABEE, *for Committee.*

Ordered, that the report pass on file,

Senator Dixon from the Committee on Agriculture submitted the following report:

MR. PRESIDENT—Your Committee on Agriculture to whom was referred substitute for House File No. 3, A bill for an act to restrain stock from running at large, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

J. N. DIXON, *Chairman.*

Ordered that the report pass on file.

Also the following.

MR. PRESIDENT—Your Committee on Agriculture to whom was referred substitute for House File No. 64, A bill for an act to destroy Canada Thistles, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

J. N. DIXON, *Chairman.*

Ordered that the report pass on file.

Senator Keller from the Committee on Elections submitted the following report:

MR. PRESIDENT.—Your Committee on Elections to whom was referred House File No. 214, A bill for an act to legalize the election of corporation officers of the town of Le Claire, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

KELLER, *Chairman.*

Ordered that the report pass on file.

Senator Hawley, from the Committee on Compensation of Public Officers, submitted the following report:

MR. PRESIDENT:—Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 116, A bill for an act in relation to judicial salaries, have had the same under consideration, and have instructed me to report the same back to the Senate, with the accompanying substitute, and the recommendation that the substitute be adopted.

THEO. HAWLEY, *for Committee.*

Ordered that the report pass on file.

Senator Smyth, from Committee on Compensation of Public Officers, submitted the following report:

MR. PRESIDENT:—Your Committee on Compensation of Public Officers, to whom was referred Senate File No 134, A bill for an act to regulate the compensation of District Attorneys, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be amended in the tenth line of the 2d section, by inserting after the word "felony," "except murder;" and in the same line after the word "dollars," insert "and in each jury trial, in cases of murder, twenty-five dollars," and that as thus amended the bill do pass.

R. SMYTH, *for Committee.*

Ordered that the report pass on file.

Senator Bennett, from Committee on Judiciary, submitted the following report:

MR. PRESIDENT:—Your Committee on Judiciary, to whom was referred Senate File No. 82, A bill for an act to legalize the action of the Board of Supervisors of Story county, Iowa, in relation to the issuance of bonds to the amount of \$7,000, for the purpose of purchasing lands for a Poor Farm for the use of said county, and for the erection of buildings thereon, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT:— Your Committee on Judiciary, to whom was referred Senate File No. 140, A bill for an act to amend section 3275 of the Revision of 1860, as to the duties of certain Treasurers, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman*.

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT:— Your Committee on Judiciary, to whom was referred House File No. 81, A bill for an act to provide for holding two terms of the Circuit Court, annually, at Wheatland, in Clinton county, Iowa, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman*.

Ordered that the report pass on file.

Senator Chapin from committee to visit Reform school submitted a report which was read and referred to Committee on Reform school.

By leave, Senator Claussen presented a petition from E. H. Hazen and others, members of the medical profession in Scott county, Iowa, asking an appropriation for the medical department of the State University.

Referred to committee on State University.

The hour for the special order having arrived it being substitute for House File No. 1, A bill for an act to amend section 3 of chapter 118 of the laws of the 10th General Assembly, and section 11 of chapter 148 of the laws of the 9th General Assembly and to regulate the sale of school lands, with report of committee recommending a substitute. It was taken up and considered.

Senator Hawley moved to amend the first section by adding the following :

Provided, however, that the sale of section No. 16, township 92, range 31, and lots No. 2, 3, 4, 5, 6, and 7, in section 16, township 93, range 34, in Pocahontas county, sold by the board of supervisors of said county, prior to the receipt of the resolution of this General Assembly withdrawing school lands from sale by the auditor of said county shall not be affected by the passage of said resolution.

The amendment prevailed.

The substitute as amended was adopted.

On motion of Senator Wolf the rule was suspended and the bill was read a third time.

On the question, " Shall the bill pass ?"

The yeas were—

Senators Allen, Atkins, Beardslee, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, McNuit, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West and Wolf—43.

The nays were—none

Absent and not voting—

Senators Fairall, Long, McCulloch, Mulkern, Newell and Wright—6.

So the bill passed and the title was agreed to.

Senator Ireland asked leave of absence for Senator Fairall on account of sickness.

Leave was granted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

House File No. 16, A bill for an act appropriating funds to the State University of Iowa.

BENJ. VAN STEINBURG, *Asst. Clerk.*

#### BILLS ON SECOND READING.

Senate File No. 92, A bill for an act to authorize the working of persons confined in the jails of the State, and to protect prisoners, which was under consideration at the time of adjournment, was taken up.

Senator Patterson moved to amend as follows:

Strike out in the second line of section 6, the words, "the, or."

Which was agreed to.

Senator Beardsley moved to amend section 1, by striking out in second line the word "fourteen," and inserting "sixteen," which prevailed.

Senator Wolf moved to amend as follows:

Strike out of second and third line of section 1 the words "whether the sentence be at hard labor or not," and add to said section the following:

And such Court or other tribunal, when passing final judgment of imprisonment, whether for non-payment of fine or otherwise, shall have the power to determine, and shall determine, whether such imprisonment shall be at hard labor or not, as contemplated in this bill.

Also strike out of second line of section 3 the words "may require," and insert in lieu thereof the words, "shall superintend."

Also, strike out of third line of fourth section, the words, "may compel," and insert the words, "shall superintend."

Senator West moved the previous question, which was seconded, and the main question ordered.

The amendments offered by Senator Wolf were adopted.

The question being, "shall the bill be engrossed for a third reading?" the yeas and nays were demanded, and

The yeas were—

Senators, Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, McKean, Mitchell, Moore, Mulkeru, Murray, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, and Wolf—35.

The nays were—

Senators Dunham, Dysart, Fellows, Larrabee, Lowry, McNutt, Smvth, Vermillion, and West—9.

Absent and not voting—

Senators Fairall, Long, McCulloch, Newell, and Wright—5.

So the bill was ordered engrossed for a third reading.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith transmit a resolution which has passed the House, in which the concurrence of the Senate is respectfully asked.

*Resolved by the House of Representatives, the Senate concurring,* That Professor S. A. Knapp, Superintendent of the Institution for the Blind, be invited to visit the General Assembly during the present session, with as many of the teachers and pupils of the institution as he may see fit.

CHARLES ALDRICH, *Chief Clerk.*

Senate File No. 93, A bill for an act authorizing cities and towns to punish for the violation of ordinances and by-laws, reported by Committee, was taken up, considered, and ordered engrossed for a third reading.

Senate File No. 95, A bill for an act creating a commission to revise the statutes of Iowa, and defining the duties, and providing for the publication and distribution of their reports, reported by Committee, was taken up and considered.

Senator Beardsley moved that the bill be printed and be made the special order for March 10th at ten o'clock.

Senator Fellows moved to indefinitely postpone the bill, on which question the yeas and nays were demanded, and

The yeas were—

Senators Bulis, Campbell, Dysart, Fellows, Grimes, Lowry, Patterson, and West—8.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, McKean, McNutt, Mitchell, Moore, Mulkern, Murray, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, and Wolf—33.

Absent and not voting—

Senators Dunham, Fairall, Long, McCulloch, Mulkern, Newell, Rice, and Wright—8.

So the motion did not prevail.

The question being on the motion of Senator Beardsley, it was adopted.

Senate File No. 31, A bill for an act to repeal section 4227 of the Revision of 1860, relating to the crime of arson, and to enact a substitute in lieu thereof, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Hurley, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—43.

The nays were none.

Absent and not voting—

Senators Fairall, Long, McCulloch, Mulkern, Newell, and Wright—6.

So the bill passed and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 80, A bill for an act to legalize the organization of the Independent School District of Dunlap, county of Harrison, Iowa.

House File No. 50, A bill for an act authorizing the building of bridges across the Maquoketa river, in Jackson county.

CHARLES ALDRICH, *Chief Clerk.*



On motion of Senator Donnan House messages were taken up.

House File No. 16, A bill for an act appropriating funds to the State University of Iowa, was taken up.

Read first and second time and referred to Committee on State University.

House Resolution inviting Prof. Knapp, Superintendent of the Institution for the Blind, and whatever number of pupils he may deem necessary, to visit the General Assembly during the present session, was taken up and adopted.

#### BILLS ON SECOND READING.

Joint Resolution relative to National Finances with report of Committee recommending amendments, and that the joint resolution do pass, was taken up, considered, and report of Committee was adopted.

Senator Bulis moved to strike out all in relation to increasing the currency.

The motion was lost.

On motion of Senator Beardsley the rule was suspended, and the joint resolution was read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Casady, Cathcart, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Hamilton, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, Mitchell, Moore, Murray, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, and West—31.

The nays were—

Senators Atkins, Bill, Bulis, Campbell, Claussen, Grimes, Havens, Hawley, McNutt, Patterson, Vermilion, and Wolf—12.

Absent and not voting were—

Senators Fairall, Long, McCulloch, Mulkern, Newell, and Wright—6.

So the joint resolution passed, and the title was agreed to.

House File No. 39, A bill for an act to amend an act entitled an act to encourage the organization of fire companies, passed January 28th, 1857, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator Patterson moved that the rule be suspended, and the bill be read a third time now.

Senator McNutt moved to amend the bill by adding at the end of first section, the words "on account of poll tax," which was agreed to.

The question being on the motion to suspend the rule and read the bill a third time, it was agreed to, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas and nays were demanded and were as follows :

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Hamilton, Havens, Hurley, Keller, Knoll, Lowry, McKean, Murray, Patterson, Rice, Tuttle, Vermillion, and Wolf—28.

The nays were—

Senators Atkins, Bulis, Dunham, Grimes, Ireland, Larrabee, McNutt, Mitchell, Moore, Pierce, Smyth, Traverse, Vale, and West—14.

Absent and not voting—

Senators Fairall, Hawley, Long, McCulloch, Mulkeru, Newell, and Wright—7.

So the bill passed, and the title was agreed to.

By leave, Senator Smyth, from Committee on Compensation of Public Officers, offered the following :

*Resolved*, that the Attorney General be requested to report the amount of fees collected by him as such officer during the two years last past.

The resolution was adopted.

Senator Vale asked leave of absence for Assistant Secretary Hull, until March 4th.

Leave was granted.

The hour for adjournment having arrived, the President declared the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
March 3, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Dimmett.

The Journal of yesterday was read and approved.

#### PETITIONS AND MEMORIALS.

By Senator McNutt : A petition from the Physicians of Muscatine, praying for such appropriations to the State University as shall put the medical department in successful operation.

Referred to Committee on State University.

By Senator Claussen : A petition from citizens of Scott County, praying for the repeal of the Usury Laws.

Referred to Committee on Judiciary.

By Senator Clausen: A petition from James Thompson and others, asking for a law regulating freight charges on railroads.

Referred to Committee on Railroads.

By Senator Mitchell: A petition from citizens of Des Moines township, Boone county, asking that the State resume certain lands granted to the Des Moines Valley Railroad.

Referred to Committee on Railroads.

By Senator Smyth: A petition from citizens of Linn county, asking for the location of a branch Penitentiary at the stone quarries near Anamosa, Iowa.

Laid on the table, to be considered with the bill on same subject.

By Senator Hawley: A memorial to Congress, praying for a grant of land to extend by a main trunk the several railroads concentrating on the Western boundary of Iowa, at or near the parallel of 42½ degrees of north latitude to the Pacific ocean.

Referred to Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

By Senator Dysart: Senate File No. 150, A bill for an act to provide a system of Common Schools.

Read first and second time and referred to Committee on Schools.

By Senator Beardsley: Senate File No. 151, A bill for an act to carry out the provisions of an act of Congress, approved May 15th, 1856, granting lands to Iowa to aid in the construction of railroads, and to grant the lands conferred upon the Dubuque, Bellevue and Sabula Railroad Company by chapter 124 of the acts of the Twelfth General Assembly of the State of Iowa, and which have been resumed by the State of Iowa, upon the Burlington, Cedar Rapids and Minnesota Railway Company,

Read first and second time and referred to Committee on Railroads.

By Senator Fairall: Senate File No. 152, A bill for an act to amend section ten of chapter twenty-two (22) of the acts of the Tenth General Assembly.

Read first and second time and referred to Committee on Judiciary.

By leave, Senator Hamilton introduced the following resolution:

*Resolved by the Senate, the House concurring,* That there be printed for distribution by the Auditor of State one thousand copies of his report of the standing and business of Insurance Companies doing business in this State, in addition to the number now required by section 37 of chapter 188 of the laws of the Twelfth General Assembly.

The resolution was adopted.

Senator Lowry moved that the report of the Joint Committee appointed to visit the Reform School, be printed, which prevailed.

## MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

House File No. 40, A bill for an act to amend section 2, chapter 100, laws of the Twelfth General Assembly.

House File No. 43, A bill for an act to amend section 1125 of chapter 51 of the Revision of 1860.

House File No. 100, A bill for an act to provide for the compilation and publication of the road laws, and the distribution of the same.

House File No. 119, A bill for an act to amend chapter 46 of the laws of the Tenth General Assembly.

House File No. 237, A bill for an act to legalize certain acts of the Board of Supervisors of Marshall county, Iowa.

I also return herewith

Senate File No. 122, A bill for an act legalizing the incorporation of the town of Monroe ; also to legalize the acts and doings of the Common Council, which has passed the House without amendment.

CHAS. ALDRICH, *Chief Clerk.*

## HOUSE MESSAGES.

House File No. 119, A bill for an act to amend chapter 46 of the Laws of the Tenth General Assembly of the State of Iowa, was taken up.

Read first and second time, and referred to Committee on Compensation of Public Officers.

House File No. 100, A bill for an act to provide for the compilation and publication of the Road Laws, and the distribution of the same, was taken up.

Read first and second time, and referred to Committee on Roads.

House File No. 43, A bill for an act to amend section 1125 of chapter 51 of the Revision of 1860, was taken up.

Read first and second time, and referred to Committee on Incorporations.

House File No. 40, A bill for an act to amend section 2, chapter 100, Laws of the Twelfth General Assembly, was taken up.

Read first and second time.

Senator Chapin moved that the 11th rule be suspended, and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Casady, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Knoll, Lowry, McKean, McNutt, Mitchell, Mulkern, Murray, Patterson, Rice, Tuttle, West, Wolf—27.

The nays were—

Senators Atkins, Bill, Bulis, Campbell, Dunham Hurley, Ireland, Keller, Larrabee, Moore, Pierce, Smyth, Traverser, Vale, Vermillion—15.

Absent and not voting—

Senators Cathcart, Couch, Havens, Long, McCulloch, Newell, and Wright—7.

So the bill passed and the title was agreed to.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed the following concurrent resolution, asking for additional mail facilities in Allamakee county, Iowa, in which the concurrence of the Senate is asked.

BENJ. VAN STEINBURG, *Asst Clerk.*

Senator Knoll from Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined Senate File No. 92, being a bill for an act to authorize the working of prisoners confined in the jails of the State, and to protect prisoners, and find the same correctly engrossed.

F. M. KNOLL, *for Committee.*

Also the following :

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined Senate File No. 93, being a bill for an act authorizing cities and towns to punish for the violation of ordinances and by-laws, and find the same correctly engrossed.

F. M. KNOLL, *for Committee.*

House File No. 237, A bill for an act to legalize certain acts of the Board of Supervisors of Marshall county, Iowa, was taken up.

Read first and second time and referred to Committee on Judiciary.

By leave, Senator Bennett introduced Senate File No. 153, A bill for an act to amend section 17, chapter 172, of the laws of the Ninth General Assembly, which was read first and second time, and referred to Committee on Schools.

House concurrent resolution asking additional mail facilities in Allamakee county, was taken up.

Read and concurred in.

The President presented the following communication from the Attorney General, which was read, and referred to Committee on Compensation of Public Officers :

ATTORNEY-GENERAL'S OFFICE,  
Des Moines, March 3, 1870.

*To the President of the Senate :*

SIR—I have the honor to acknowledge the receipt of the following resolution passed by your honorable body :

*Resolved,* That the Attorney General be requested to report the amount of fees collected by him, as such officer during the two years last past.

In reply, I beg to submit the following, viz :

For the fiscal year ending October 30, 1869.....	\$1125.00
Fees since the last date.....	370.00
Total.....	<u>\$1495.00</u>

It is proper that I should state that out of these fees all my traveling expenses are paid, and that the duties of the office involve the necessity of very considerable travel in the course of the year.

Very respectfully yours,

HENRY O'CONNOR, *Attorney General.*

By leave, Senator Rice presented a petition of E. N. Chapin and others, citizens of Marshall county, asking that certain acts of the Board of Supervisors of said county be legalized, which was referred to the Committee on Judiciary.

#### REPORTS OF COMMITTEES.

Senator Larrabee from the Committee on Ways and Means submitted the following report :

MR. PRESIDENT—Your Committee on Ways and Means to whom was referred Senate File No. 135, A bill for an act to provide for the taxation of real and personal property of express and telegraph companies, have had the same under consideration, and have instructed me to report the same back to the Senate, with the following amendment, and recommend its passage.

Amend section 2, by adding after the word "reported," and all taxes heretofore levied upon forty per cent of gross receipts of such companies, and remaining unpaid are hereby remitted.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Senator Larrabee, from the Committee on Ways and Means, submitted the following report :

MR. PRESIDENT—Your Committee on Ways and Means to whom was referred Senate File No. 120, A bill for an act to appropriate money for the State Reform School, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be referred to the Committee on Reform School.

WM. LARRABEE, *Chairman.*

On motion of Senator Fairall, the bill, Senate File No. 120, was taken up and considered.

On motion of Senator Fairall, the first section was amended by striking out the word "six," in the sixth line, and inserting "seven," and by striking out the words "a debt," in the seventh line, and inserting the words "an indebtedness," and by inserting the word "and," after the word "offenders" in the 9th line.

On motion of Senator Lowry, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bearsdley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, McNutt, Mitchell, Moore, Mulkern, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, and Wolf—43.

The nays were none.

Absent and not voting—

Senators Campbell, Long, McCulloch, Newell, Vermillion, and Wright—6.

So the bill passed and the title was agreed to.

By leave, Senator Bulis introduced the following joint resolution in relation to taxation and revenue, which was read first and second time.

Senator Bulis moved that the 11th rule be suspended and the resolution be read a third time now.

Senator Larrabee moved that the resolutions be referred to Committee on Federal relations and be printed, on which question the yeas and nays were ordered, and

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Lowry, McKean, Mitchell, Moore, Murray, Patterson, Pierce, Tuttle, Vale, Vermillion, West, and Wolf—30.

The nays were—

Senators Atkins, Bulis, Campbell, Casady, Cathcart, Clausen, Fairall, Fellows, Grimes, Knoll, McNutt, Mulkern, Rice, and Traverse—14.

Absent and not voting—

Senators Long, McCulloch, Newell, Smyth, and Wright—5.

So the motion prevailed.

Senator Mitchell from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have presented to the Governor, for his approval the following bills, viz: Senate File No. 12.

MITCHELL, *Chairman.*

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined Senate File No. 122, and find the same correctly enrolled.

MITCHELL, *Chairman.*

The following message was received from the House ;

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 122, A bill for an act to legalize the Incorporation of the town of Monroe, and also, to legalize the acts and doings of the Common Council of said town, under said act of Incorporation.

I am also instructed to inform the Senate that the House refuses to concur in the Senate substitute to substitute for House File No. 1, A bill for an act to amend section 3, of chapter 118, of the laws of the Tenth General Assembly, and section 11, of chapter 148, of the laws of the Nineteenth General Assembly, and to regulate the sale of School Lands.

The House asks a Committee of Conference upon the disagreement, and has appointed Messrs. Ketcham, Harper, and Mahir, said Committee on the part of the House.

CHAS. ALDRICH, *Chief Clerk.*

#### BILLS ON THIRD READING.

Senate File No. 92, A bill for an act to authorize the working of persons confined in the jails of the State, and to protect prisoners, was read a third time.

On the question, "Shall the bill pass?"



The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, McKean, Mitchell, Moore, Mulkern, Murray, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, and Wolf—35.

The nays were—

Senators Dysart, Fellows, Larrabee, Lowry, McNutt, Smyth, Vermillion, and West—8.

Absent and not voting—

Senators Campbell, Dunham, Long, McCulloch, Newell, and Wright—6.

So the bill passed, and the title was agreed to.

Senate File No. 93, A bill for an act authorizing cities and towns to punish for the violation of ordinances and by-laws, was read a third time.

On the question, "Shall the bill pass?"

The yeas and nays were demanded and were as follows:

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Lowry, McKean, Mitchell, Mulkern, Murray, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—38.

The nays were—

Senator Dysart—1.

Absent and not voting were—

Senators Allen, Dunham, Larrabee, Long, McCulloch, McNutt, Moore, Newell, Patterson, and Wright—10.

So the bill passed and the title was agreed to.

#### BILLS ON SECOND READING.

Senate File No. 42, A bill for an act relating to the mining of coal, and to protect the lives of miners, with report of Committee recommending a substitute for section 5 of the bill, was taken up and considered.

Senator Lowry moved to amend the amendment recommended by Committee by striking out in second line the words "one thousand," and inserting "six hundred."

Pending which, on motion of Senator Fellows, the bill was committed to the Committee on Judiciary.

By leave, Senator West introduced Senate File No. 154, A bill for an act to legalize the tax lists of Henry County, Iowa, for the year A. D. 1869.

Read first and second time, and on motion of Senator West the eleventh rule was suspended and the bill was read a third time.

The question, being "Shall the bill pass?"

The yeas and nays were demanded and were as follows:

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, McNutt, Mitchell, Mulkern, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—43.

The nays were none—

Absent or not voting were—

Senators Couch, Long, McCulloch, Moore, Newell, and Wright—6.

So the bill passed and the title was agreed to.

Senator Mitchell from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following bills, viz: Senate File No. 122.

MITCHELL, *Chairman.*

By leave, Senator Ireland offered the following resolution, which was adopted:

*Resolved*, That from and after this day, and until otherwise ordered the Senate meet at 9 o'clock, A. M., and adjourn at 12½ P. M., except Saturday, when there shall be no session.

By leave, and on motion of Senator Casady Senate File No. 48, A bill for an act providing to enlarge and complete the buildings for a Deaf and Dumb Asylum, was taken up and made the special order for March 9, at 10½ o'clock A. M.

At 12 o'clock and 30 minutes P. M., on motion of Senator Beardsley, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH, 4, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Rice.

The Journal of yesterday was read and approved.

The following message was received from the House:

MR. PRESIDENT—I herewith transmit a joint resolution asking

for additional mail facilities in Clayton county, which has passed the House, and in which the concurrence of the honorable Senate is asked.

I am also, directed to inform the Senate, that the House has concurred in the Senate's amendments to House File No. 39.

I also, transmit a joint resolution relating to the civil contest in the Island of Cuba, which has passed the House, and in which the concurrence of the Senate is asked.

CHAS. ALDRICH, *Chief Clerk.*

#### PETITIONS AND MEMORIALS.

Senator Fellows presented a memorial from S. H. Davis, late Second Lieutenant, of the Ninth Iowa Cavalry, claiming pay for certain services.

Referred to Committee on Military Affairs.

Senator Smyth presented a petition from Darendorf & Co. and 167 others, citizens of Cedar Rapids, Linn county, asking the enactment of a law regulating the rates of tariff on the Railroads of the State.

Referred to Committee on Railroads.

Senator Hawley presented a petition from J. M. Mulronev and others, asking the Legislature to resume certain lands heretofore granted to the Des Moines Valley Railroad Company.

Referred to Committee on Railroads.

#### INTRODUCTION OF BILLS.

By Senator Beardsley: Senate File No. 155, A bill for an act for the government of the State University.

Read first and second time, and referred to Committee on State University, and ordered printed.

#### RESOLUTIONS.

Senator Mulhern offered the following resolution, which was adopted.

*Resolved*, That J. R. Hammond and W. L. Vestal, reporters of the Des Moines *Daily Bulletin* and IOWA STATE REGISTER, be allowed the same postage as the officers of this Senate.

#### HOUSE MESSAGES.

Joint resolution asking for a tri-weekly mail route from the town of Strawberry Point, Clayton county, Iowa, to the town of Elkader, county seat of same county, was taken up and read first and second time.

On motion of Senator Larrabee, the 11th rule was suspended, and the joint resolution was read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Campebl, Casady, Cathcart, Chapin, Clausen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, Mitchell, Moore, Murray, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf—39.

The nays were none.

Absent and not voting—

Senators Allen, Bil, Long, McCulloch, McNutt, Mulkern, Newell, Pierce, Rice, and Wright—10.

So the joint resolution passed, and the title was agreed to.

Joint resolution relating to the civil contest in the Island of Cuba, was taken up.

Read first and second time, and referred to Committee on Federal Relations.

#### REPORTS OF COMMITTEES.

Senator Larrabee, from the Committee on Ways and Means, submitted the following report :

MR. PRESIDENT:—Your Committee on Ways and Means, to whom was referred resolution authorizing the State Census Board to cancel certain unavailable accounts, against ex-county Treasurers, on the books of the Auditor of State, and also to settle by compromise or otherwise with certain defaulting County Treasurers, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be adopted.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Senator Bulis from the Committee on State University submitted the following report :

MR. PRESIDENT—Your Committee on State University to whom was referred House File No. 16, A bill for an act appropriating funds to the State University of Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

H. C. BULIS, *Chairman.*

Ordered that the report pass on file.

Senator Keller from the Committee on Elections submitted the following report :

MR. PRESIDENT—Your Committee on Elections to whom was

referred Senate File No. 1, A bill for an act to repeal chapter 171, of the Twelfth General Assembly, entitled an act for the registry of voters, and prevent fraudulent voting, have had the same under consideration, and a majority of said Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

J. M. KELLER, *Chairman.*

Ordered that the report pass on file.

By leave, Senator Mitchell introduced Senate File No. 156, A bill for an act to legalize the actions of the officers of the independent school district of the town of Moingona, in the County of Boone.

Read first and second time, and referred to Committee on Judiciary.

By leave, Senator Atkins introduced Senate File No. 157, A bill for an act to legalize the sale of certain lands held by Carroll County as indemnity for swamp and overflowed lands.

Read first and second time, and referred to Committee on Judiciary.

By leave, Senator West presented a petition from John B. Knowland and numerous other, citizens of Henry County, asking for a law taxing railroads the same as other property, and regulating rates of tariff thereon.

Referred to Committee on Ways and Means.

#### BILLS ON SECOND READING.

Substitute for House File No. 27, A bill for an act detaching certain land in section 13, in township 78, north range, 3 east 5th P. M. from independent school district No. 1, Davenport township, Scott County, Iowa, and annexing the same to the district township of Davenport, in said County, with report of Committee recommending that the bill do not pass, was taken up and considered.

On motion of Senator Donnan, the bill was indefinitely postponed.

Senate File No. 57, A bill for an act to amend section 4, chapter 98, of the laws of the Twelfth General Assembly, in relation to school orders, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Donnan, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Claassen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens,

Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, Mitchell, Moore, Mulkern, Murray, Patterson, Smyth, Traverser, Tuttle, Vale, Vermillion, West, and Wolf—40.

The yeas were none.

Absent and not voting—

Senators Bill, Bulis, Long, McCulloch, McNutt, Newell, Pierce, Rice, and Wright—9.

So the bill passed and the title was agreed to.

Senator Havens asked leave of absence for Senator Pierce until Monday.

Leave was granted.

Senate File No. 63, A bill for an act fixing the rate of interest on loans of the permanent school fund, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Beardsley, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McKean, Mitchell, Moore, Murray, Patterson, Rice, Smyth, Traverser, Tuttle, Vale, Vermillion, West, and Wolf—41.

The nays were—

Senator Mulkern—1.

Absent and not voting—

Senators Bill, Long, McCulloch, McNutt, Newell, Pierce, and Wright—7.

So the bill passed and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 39, A bill for an act to amend an act entitled an act to encourage the organization of Fire Companies passed January 28th, 1857.

CHAS. ALDRICH, *Chief Clerk.*

Senate File No. 53, A bill for an act to punish and suppress prize-fighting, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator Fellows moved to amend by striking out of section 3, in lines 6, 7, and 8, the words: "And give notice to the Prosecuting Attorney, whose duty it shall be to immediately attend before said Judge, Justice, or Mayor, and upon the proper affidavit being filed

prosecute the complaint," and inserting the words "and cause the proper information to be filed.

The amendment was agreed to.

Senator Mulkern moved to strike out all after the enacting clause, on which question the yeas and nays were demanded, and

The yeas were—

Senators Dixon and Mulkern—2.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Patterson, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West and Wolf—41.

Absent and not voting—

Senators Dunham, Long, McNutt, Newell, Pierce, and Wright—6.

So the motion did not prevail.

Senator Fairall moved to amend the third section by striking out all after the word "charge" in the ninth line and insert "proceed against the parties complained of, as is provided in chapter 184 of the Revision of 1860," which prevailed.

Senator Fairall moved to strike out the fourth section.

The motion prevailed.

Senator Fairall moved to amend the fifth section by striking out of the fifth line the words "of the Circuit Court."

The amendment was agreed to.

Senator Bennett moved to amend by striking out the sixth and seventh sections.

The amendment was adopted.

Senator Claussen moved to amend section 1 by striking out of the third line the word "penitentiary," and inserting "county jail;" and in the fourth line strike out the word "less" and insert the word "more," and strike out in the same line the words "nor more than ten years;" pending which Senator McKean moved that the special order for eleven o'clock to-day, being Senate File No. 60, A bill for an act to permanently locate and provide for the erection and control of an additional penitentiary, and Senate File No. 58, A bill for an act to establish an additional penitentiary at McGregor, Iowa, be taken up and made the special order for March 9th at 11½ o'clock.

The motion prevailed.

The question being on the amendment offered by Senator Claussen to amend the first section, the yeas and nays were demanded, and

The yeas were—

Senators Bennett, Bill, Claussen, Dixon, Dunham, Hamilton, Hawley, Patterson, Traverse, Tuttle, and Vermillion—11.

The nays were—

Senators Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart

Chapin, Couch, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Huriey, Ireland, Keller, Knoll, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Rice, Smyth, Vale, West and Wolf—30.

Absent and not voting—

Senators Allen, Larrabee, Long, McNutt, Mulkern, Newell, Pierce, and Wright—8.

Senator Mulkern asked to be excused from voting.

Excuse was granted.

So the motion did not prevail.

Senator Claussen moved to amend the 2d section, by striking out of the second line, the words "or reporter."

The amendment was lost.

Senator Bennett moved to amend the third line of the 1st section, by striking out the words "and kept at hard labor," which was agreed to.

Senator McKean moved to amend by adding the following as section 5 :

"Any person, printer, editor, dealer, or publisher, who shall directly or indirectly, knowingly write, print, or publish, or sell, or dispose of in any manner, any indecent or scandalous description of any prize fight, shall, on conviction thereof, be fined in any sum not exceeding \$100, or by imprisonment in the common jail not exceeding thirty days.

The amendment was disagreed to.

The bill was then ordered engrossed for a third reading.

By leave, Senator Bulis introduced Senate File No. 158, A bill for an act to repeal an act, entitled an act authorizing General Banking in the State of Iowa, passed March 22, 1858.

Read first and second time, and referred to Committee on Banks.

Also, Senate File No. 159, A bill for an act entitled an act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs.

Read first and second time, and referred to Committee on Banks.

House File No. 31, A bill for an act to amend section 2700 of chapter 114 of the Revision of 1860, with report of committee recommending amendments, was taken up, and report of the committee was adopted.

Senator Bennett offered the following amendment, which was agreed to : That said section be further amended by inserting in the third line, after the word "he," the words "or she."

On motion of Senator Bulis, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Cathcart, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Hamilton, Havens, Hawley, Ireland, Keller,



Knoll, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Patterson, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf—38.

The nays were none.

Absent and not voting—

Senators Casady, Hurley, Long, McNutt, Newell, Pierce, and Wright—6.

So the bill passed and the title was agreed to.

Senate File No. 59, A bill for an act to amend section 840 of the Revision of 1860, with report of committee recommending that the bill be committed to Committee on Roads, was taken up, considered, and report of committee was adopted.

By leave, Senator Beardsley introduced Senate File No. 160, A bill for an act to provide public parks, and broad streets and alleys, in cities and towns.

Read first and second time, and referred to Committee on Incorporations.

Senate File No. 78, A bill for an act to amend section 4615 of the Revision of 1860, in relation to Grand Jurors, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Larrabee moved to suspend the rule, and read the bill a third time now.

Senator Fairall moved to amend the first section by inserting in the ninth line the words, "or any other cause prescribed by statute."

The amendment did not prevail.

The question being on the motion to suspend the rule, and read the bill a third time.

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

On the question, "shall the bill pass?"

The yeas were—

Senator Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Lowry, McKean, Mitchell, Moore, Murray, Patterson, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—37.

The nays were—

Senators Casady Fairall, Fellows, Hamilton, Knoll, McCulloch, and Mulkern—7.

Absent and not voting—

Senators Long, McNutt, Newell, Pierce, and Wright—5.

So the bill passed and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body,

that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 116, A bill for an act to repeal section 3969, of the Revision of 1860, and to provide a substitute therefor.

House File No. 51, A bill for an act to protect fur-bearing animals in the State of Iowa.

I also return herewith the following Senate bills which have passed the House, without amendment.

Senate File No. 154, A bill for an act to legalize the tax lists of Henry county, Iowa.

Senate File No. 120, A bill for an act to appropriate money for the State Reform School.

I also, transmit a House joint resolution asking mail facilities in Page and Montgomery counties, and return the Senate concurrent resolution in relation to printing the Insurance Report, the same having passed the House without amendment.

CHARLES ALDRICH, *Chief Clerk.*

House File No. 60, A bill for an act to amend article 3, of chapter 29, of the Revision of 1860, with report of Committee recommending that the bill be committed to Committee on Compensation of Public Officers, was taken up, and considered and report of Committee was adopted.

Senate File No. 89, A bill for an act to amend section 1, of chapter 92, of the acts of the Twelfth General Assembly, with report of Committee recommending that the bill do pass was taken up, and considered.

On motion of Senator West the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Mulkern, Murray, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—43.

The nays were none.

Absent and not voting—

Senators Long, McNutt, Newell, Pierce, Rice, and Wright—6.

So the bill passed and the title was agreed to.

At 12 o'clock and 25 minutes, on motion of Senator Hawley, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 7, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Schofield.

The Journal of Friday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the house has ordered printed the usual number of copies of the reports of the Visiting Committees of the House and Senate to the State Reform School, Deaf and Dumb Asylum, and the Agricultural College and Farm.

I also transmit House Substitute for House File No. 184, A bill for an act to encourage immigration to the State of Iowa, which has passed the House, and in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, *Chief Clerk.*

PETITIONS AND MEMORIALS.

Senator Knoll presented a petition from W. H. Rumph and 575 others, citizens of Dubuque county, asking for the enactment of a law establishing just and uniform rates of tariff on land grant railroads.

Referred to Committee on Railroads.

Senator Campbell presented a petition from Wm. H. Hough and 108 others, citizens of Johnson county, on same subject.

Referred to same Committee.

Also a petition from O. J. Adams and 47 others, on same subject.

Referred to same Committee.

Also a petition from J. H. Moses and 48 others, on same subject.

Referred to same Committee.

Also a petition from John Gray and 43 other, on same subject.

Referred to same Committee.

Senator McNutt presented a petition from A. Hebuling and 89 others, citizens of Muscatine county, on same subject.

Referred to same Committee.

Also a petition from N. Gaskell and 92 others, on same subject.

Referred to same Committee.

Also a petition from A. Smith and others, on same subject.

Referred to same Committee.

Senator Lowry presented a petition from J. C. Brownell and others, citizens of Scott county, on same subject.

Referred to same Committee.

Also a petition from Henry Donnan and others, on same subject.

Referred to same Committee.

Also a petition from H. Goring and others, on same subject, with same reference.

Also a petition from W. H. Carter and others, on same subject, with same reference.

Senator Claussen presented a petition from Jacob A. Hillees and 600 others, on same subject, with same reference.

Senator Dysart presented a petition from O. G. Adams and 49 others, on same subject with same reference.

Also a petition from Geo. Phillips and others, on same subject, with same reference.

Also a petition from T. T. Worthington and others, on same subject.

Referred to same Committee.

Senator Bennett presented a petition from A. Anderson and others, on same subject, with same reference.

Senator Smyth presented a petition from Caleb Gregg and 45 others, on same subject.

Referred to same Committee.

Senator Wolf, presented a petition from L. J. Miles and others, on same subject.

Referred to same Committee.

Also a petition from Thomas Tem and numerous others, on same subject, with same reference.

Senator McKean presented a petition from W. M. Skinner and 300 others on same subject.

Referred to same Committee.

Also a petition from H. D. Sherwan and 286 others, on same subject.

Referred to same Committee.

Senator Havens presented a petition from J. A. Coffman and others, on same subject, with same reference.

Also a petition from J. M. Adams and others, requesting the repeal of the usury laws, or such modification thereof as will allow parties to contract for any rate of interest, not exceeding 15 per cent.

Referred to Committee on Banks.

Senator Ireland presented a petition from Chas. H. Lathrop and others, physicians, asking for an appropriation for the medical department of the State University.

Referred to Committee on Medical Institutions.

Senator Mulkern presented a petition from C. Denlinger and others, praying the enactment of a law taxing Railroads the same as other property, and regulating rates of tariff thereon.

Referred to Committee on Railroads.

Senator Fairall presented a petition from J. N. Landus and 80 others, on same subject.

Referred to same Committee.

Also a petition from Geo. Andrews and 75 others, on same subject, with same reference.

Senator Patterson presented a petition from W. H. McNabb and 1,000 others, on same subject, with same reference.

Senator Chapin presented a petition from G. A. Lawrence and 540 others, on same subject.

Referred to same Committee.

Senator Smyth presented a petition from L. Stowe and 325 others, on same subject, with same reference.

Senator Donnan presented a petition from M. A. Goodlin and 324 others, on same subject.

Referred to same Committee.

Senator Mitchell presented a petition from R. S. Padgett and 858 others, on same subject.

Referred to same Committee.

Senator Bulis presented a petition from Wm. H. Rowley and 57 others, asking a repeal or modification of the usury laws.

Referred to Committee on Banks.

Senator Wolf presented a resolution from the temperance council of Cedar County, asking a more stringent prohibitory liquor law.

Senator Lowry presented the preamble and resolutions adopted by the State Medical Institution or association, in reference to the medical department of the State University.

Referred to Committee on Medical Institutions.

#### HOUSE MESSAGES.

Joint resolution asking the establishment of a daily mail from Valiska, Montgomery county, Iowa, to Marysville Missouri, by way of Hawleyville and Clarinda, Page county, Iowa, was taken up.

Read first and second time and considered.

On motion of Senator Moore the 11th rule was suspended and the joint resolution was read a third time.

On the question "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Moore, Mulkern, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, and Wolf—38.

The nays were none.

Absent and not voting were—

Senators Atkins, Bill, Dixon, Hamilton, Long, Mitchell, Murray, Pierce, Rice, West, and Wright—11.

So the joint resolution passed and the title was agreed to.

Senator Dysart asked leave of absence for Senator West until tomorrow.

Leave was granted.

House File No. 51, A bill for an act to protect fur bearing animals in the State of Iowa, was taken up.

Read first and second time and referred to Committee on Agriculture.

Senator Ireland asked that Senator Atkins be excused on account of sickness.

Excuse was granted.

Senator Traverse asked that Senator Bill be excused until tomorrow.

Leave was granted.

House File No. 116, A bill for an act to repeal section 3969 of the Revision of 1860, and to provide a substitute therefor, was taken up.

Read first and second time and referred to Committee on Judiciary.

House File No. 184. A bill for an act to encourage immigration to the State of Iowa, was taken up, read first and second times and referred to Committee on Commerce.

Senator Knoll from the Committee on Engrossed Bills submitted the following report :

MR. PRESIDENT—Your Committee on Engrossed Bills respectfully report that they have examined Senate File No. 53, being a bill for an act to punish and suppress prize fighting and find the same correctly engrossed.

F. M. KNOLL, *for Committee.*

#### REPORTS OF COMMITTEES.

Senator Larrabee from the Committee on Ways and Means submitted the following report :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 28, a bill for an act to repeal chapter 196, of the laws of the Twelfth General Assembly, etc., have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it lie on the table.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means, to whom

was referred Senate File No. 143, a bill for an act for the relief of Louisa county, have had the same under consideration, and have instructed me to report that we find the facts to be as set forth in the bill.

The Committee further report that they have serious doubts as to the propriety of the State's assuming the losses of counties under such circumstances.

The Committee, therefore, recommend that the bill do not pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 32, A bill for an act in relation to the taxation of railroads, and to provide for the collection of taxes levied thereon, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that, with the following amendments, the bill do pass :

Strike out section 2, and insert in lieu thereof: "The State Treasurer shall levy on said gross receipts a tax as follows: On the first \$4,000, or part thereof, per mile, one per centum; and upon the receipts over \$4,000, and under \$7,000 per mile, two per centum; and upon all receipts over \$7,000 per mile, three per centum."

Add to section three: "One-half of said taxes, levied and collected as aforesaid, shall be equally apportioned by the Treasurer of State to the several counties through which the railroads respectively run, in proportion to the number of miles of main track of road in each county, and shall be paid over by him to the County Treasurer of each county.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 29, A bill for an act for the taxation of railroads, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it lie on the table.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on File.

Also the following :

MR. PRESIDENT—Our Committee on Ways and Means, to whom was referred a resolution instructing said Committee to report to the Senate, at the earliest time practicable, A bill for an act providing for the taxation of the property of railroad companies on the same

basis that other property is now taxed, have had the same under consideration, and the majority have instructed me to report the accompanying bill to the Senate, with the recommendation that it do not pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Senate File No. 161, A bill for an act providing for the taxation of the property of Railroad Companies.

Read first and second time and passed on file.

Senator Bennett, from the Committee on Judiciary, submitted the following report :

MR. PRESIDENT : — Your Committee on Judiciary, to whom was referred Senate File No. 75, A bill for an act regulating the filing and allowing claims against the estate of decedents, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Senator Donnan, from the Committee on Constitutional Amendments, presented the following report :

MR. PRESIDENT : — Your Committee on Constitutional Amendments, to whom was referred the joint resolution proposing amendments to the State Constitution, to allow women to vote and hold office, have had the same under consideration, and a majority of said committee have instructed me to report the following substitute therefor, to the Senate, with the recommendation that it do pass.

WM. G. DONNAN, *Chairman.*

Ordered that the report pass on file.

Senator Patterson, from Committee on Railroads, presented the following report :

Senate File No. 125 and House File No. 216.

MR. PRESIDENT : — Your Committee on Railroads, who were instructed, by resolution of the Senate, to report as soon as possible a bill to establish uniform and reasonable rates of tariff on freights for railroads in this State, and also a uniform rate of passenger fare, have had under consideration Senate File No. 125, A bill for an act to prescribe rules and regulations for railroads, and to establish uniform and reasonable rates of tariffs for the transportation of certain freights thereon; also House File No. 216, A bill for an act to regulate passenger fare on railroads; and your Committee, believing that these bills are as perfect and as nearly comply with the requirements of your resolution of instruction as any bill the Committee can frame,



and deeming it unwise and inexpedient to enact any law upon that subject; and farther believing that the Legislature has not sufficient knowledge on the subject of railroad freights and tariffs to enact a law that would be just in its operations, either to the railroads or to the shippers; and believing further, that it is a subject which cannot be regulated by legislation directly prescribing freights and tariffs, a majority of your Committee have instructed me to report the said bills back to the Senate with the recommendation that they do not pass.

J. G. PATTERSON, *Chairman.*

Senator Campbell, from same Committee, submitted the following minority report:

MR. PRESIDENT—The undersigned, a minority of your Committee on Railroads, disagreeing with the majority in their report upon Senate File No. 125, beg leave to submit the following minority report:

The present freight charges upon the railroads of Iowa are unreasonable and excessive, not uniform in their operations, are capriciously distributed, to bear with peculiar severity upon certain neighborhoods and localities, and generally made in such wise as to cripple the industry and prosperity of the State, by depriving its people of the advantages of moderate tariffs, and of different competing routes to the markets of the world. These charges in Iowa are nearly double those of the neighboring States of Illinois and Wisconsin, upon the staple productions of our farming population, and upon the coarse and heavy manufactures and merchandise consumed by them.

This unreasonable double-charge weighs with peculiar severity upon this class of population at this time. Our farmers, as a rule, are making nothing above a lean living, while our railroad companies are reaping larger and still larger profits with each returning year. The price of grain and other farm product are each day declining, while the high rates of transportation upon our railroads, established in war times upon the basis of a largely depreciated currency, continue without change. The people of Iowa demand a modification of these rates, and a regulation of the unjust discriminations made in many instances in favor of one point and against another.

These roads have received munificent donations of lands from the State, in many instances more than enough in value to build and equip them, while the main East and West lines of Illinois and Wisconsin have not received an acre as donation. Is it then unreasonable to ask that the railroads of Iowa should give to her people rates of transportation approximatingly as low as those given to the people of our neighboring States?

For these and many other reasons, the people of Iowa demand, as the numerous petitions to this General Assembly abundantly demonstrate, some judicious law (equitable and just toward both

people and railroad companies) to regulate and reduce the present freight charges upon the railroads of this State.

The undersigned, therefore, recommend the passage of the bill to which reference is made above—Senate File No. 125, for “An Act to prescribe rules and regulations for Railroads, and to establish uniform and reasonable rates of tariff for the transportation of certain freights thereon.”

F. T. CAMPBELL,  
E. S. McCULLOCK,  
CHARLES BEARDSLEY.

On motion of Senator Hawley, the majority and minority reports were ordered printed, and the reports and bills were made the Special Order for March 11th, at 10 o'clock.

Senator Smyth from the Committee on Banks submitted the following report :

MR. PRESIDENT—Your Committee on Banks to whom was referred the joint resolution to the retirement of the National Bank currency, have had the same under consideration, and have instructed me to report the same back to the Senate, with their recommendation that it be indefinitely postponed.

R. SMYTH, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Banks, to whom was referred Senate File No. 158, A bill for an act to repeal an act entitled an act authorizing General Banking in the State of Iowa, passed March 22, 1858, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended, by striking out the second section, and that thus amended the bill do pass.

R. SMYTH, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee to whom was referred Senate File No. 159, A bill for an act to repeal an act entitled an act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by striking out the second section of the bill, and that as thus amended it do pass.

R. SMYTH, *Chairman.*

Ordered that the report pass on file.

Senator McKean from the Committee on Roads submitted the following report:

MR. PRESIDENT—Your Committee on Roads to whom was referred House File No. 100, A bill for an act to provide for the completion and publication of the road laws, and the distribution of the same, have had the same under consideration, and a majority thereof have instructed me to report the same back to the Senate, with the recommendation that it do pass.

JOHN McKEAN, *Chairman.*

Ordered, that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Roads to whom was referred Senate File No. 59, A bill for an act to amend section 840, of the Revision of 1860, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

Senator Smyth, from Committee on Compensation of Public Officers, submitted the following report:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred the communication of the several State Officers, stating the amount of fees collected by them, have had the same under consideration, and have instructed me to report the same back to the Senate with the accompanying bill, defining and establishing the salary of the Governor and other State Officers, with the recommendation that it pass.

R. SMYTH, *for Committee.*

Ordered that the report pass on file.

Reporting Senate File No. 162, A bill for an act defining and establishing the salary of the Governor and other State Officers.

Read first and second time and passed on file.

Also the following:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred House File No. 119, A bill for an act to amend chapter 46 of the Laws of the Tenth General Assembly, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

R. SMYTH, *for Committee.*

Ordered that the report pass on file.

Senator Mitchell, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined Senate Files Nos. 120 and 154, and find the same correctly enrolled.

MITCHELL, *Chairman.*

HOUSE MESSAGE.

The following message was received from the House:

MR. PRESIDENT—I herewith transmit a joint resolution relative to the terminus of the U. P. R. R., in which the concurrence of the Honorable Senate is respectfully asked.

CHAS. ALDRICH, *Chief Clerk.*

On motion of Senator Beardsley, Senate File No. 161, A bill for an act providing for the taxation of the property of railroad companies, and report of Committee, was made the special order for March 14th, at 10 o'clock.

On motion of Senator Bulis, Senate File No. 162, was ordered printed.

On motion of Senator Casady, joint resolution relative to the initial point of the Union Pacific Railroad, was taken up.

Read first and second time.

On motion of Senator Casady, the eleventh rule was suspended, and the joint resolution was read a third time.

On the question "Shall the joint resolution pass?"

The yeas and nays were demanded and were as follows:

The yeas were—

Senators Allen, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCullock, McKean, McNutt, Mitchell, Moore, Mulkern, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—41.

The nays were none.

Absent and not voting—

Senators Atkins, Bill, Dixon, Long, Murry, Pierce, and Wright—7.

So the joint resolution passed, and the title was agreed to.

On motion of Senator Larrabee, Senate File No. 32, A bill for an act in relation to taxation of Railroads, and to provide for the collection of taxes levied thereon, was taken up and made the special order for March 14th, at 10½ o'clock.

Senator Hurley moved to suspend the rule and take up Senate

File No. 140, A bill for an act to amend section 3275, of the revision of 1860, as to the duties of certain treasurers.

The motion prevailed, and the bill was considered.

On motion of Senator Hurley, the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

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

The yeas were—

Senators Allen, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Mulkern, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—42.

The nays were none.

Absent and not voting—

Senators Atkins, Bill, Donnan, Long, Murray, Rice, and Wright—7.

So the bill passed, and the title was agreed to.

#### BILLS ON THIRD READING.

Senate File No. 53, A bill for an act to punish and suppress prize fighting, was taken up and read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Couch, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf—36.

The nays were—

Senators Claussen, and Mulkern—2.

Absent and not voting—

Senators Atkins, Bill, Bulis, Dixon, Donnan, Dunham, Larrabee, Long, Murray, Rice, and Wright—11:

So the bill passed and the title was agreed to.

#### HOUSE MESSAGES.

The following message was received from the House.

MR. PRESIDENT—I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 40, A bill for an act to amend section 2, chapter 109 of the Laws of the Twelfth General Assembly.

House File No. 31, A bill for an act to amend section 2700 of chapter 114 of the Revision of 1860.

Also, joint resolution to secure additional mail facilities from Postville *via* Myron and Ludlow, in Allamakee county, Iowa.

Also, joint resolution to secure tri-weekly mail from Strawberry Point, in Clayton county, *via* St. Sebald and Volga City, to Elkader, the county seat of Clayton county.

Senate File No. 154, A bill for an act to legalize the tax lists of Henry county, Iowa, for the year A. D. 1869.

Senate File No. 120, A bill for an act to appropriate money for the State Reform School.

CHAS. ALDRICH, *Chief Clerk.*

On motion of Senator Fairall, Senate File No. 99, A bill for an act providing for the relief of certain municipal corporations, and authorizing the use and application of certain taxes therefor, reported by special committee, was taken up and considered by sections.

Senator Bennett moved to amend the 1st section, by inserting after the word "indebtedness," in seventh line, the words, "on the increased valuation of the taxable property of such county, as shown by the annual assessment rolls, over and above the amount of the assessment roll of the year 1864.

Pending which Senator Donnan from Committee to visit the Deaf and Dumb Asylum, at Council Bluffs, submitted a report which was passed on file.

Senator Bulis moved that the bill be made the special order for 2½ o'clock this afternoon, and that when the Senate adjourn, it adjourn until that hour.

The motion prevail.

At 12 o'clock and 30 minutes, on motion of Senator Fellows, the Senate adjourned.

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TWO AND A-HALF O'CLOCK, P. M.

Senate convened pursuant to adjournment, the President in the chair.

The consideration of Senate File No. 99, was resumed.

The question being on the amendment offered by Senator Bennett, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Dysart, Fairall, Fellows,

Griffith, Havens, Hawley, Hurley, Knoll, Long, McCulloch, McKean, McNutt, Murray, Patterson, West, and Wolf—26.

The nays were—

Senators Bulis, Claussen, Dixon, Grimes, Hamilton, Ireland, Keller, Larrabee, Lowry, Mitchell, Moore, Newell, Pierce, Smyth, Traverse, Tuttle, Vale, and Vermillion—18.

Absent and not voting—

Senators Atkins, Bill, Mulkern, Rice, and Wright—5.

So the motion prevailed.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives have passed the following bills in which the concurrence of the Senate is asked.

House File No. 153, A bill for an act allowing the counties of Hamilton, Franklin, and Wright, to take their causes to the argument term of the Supreme Court at the city of Dubuque.

House File No. 235, A bill for an act entitled an act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs.

House File No. 236, A bill for an act to repeal an act entitled an act authorizing general banking in the State of Iowa, passed March 22d, 1858.

House File No. 114, A bill for an act to amend chapter 61, of the revision of 1860.

Also a joint resolution changing the name of Skunk River.

I also return herewith, Senate File. No. 50, A bill for an act to amend chapter 144, of the acts of the Twelfth General Assembly, in relation to the protection of crops against the invasion of stock.

The same having passed the House without amendment.

I also herewith transmit a joint resolution asking for additional postal facilities in various parts of the State, which has passed the House, and in which the concurrence of the honorable Senate is respectfully asked.

CHAS. ALDRICH, *Chief Clerk.*

Senator Fellows moved that the bill be indefinitely postponed.

Senator Fairall moved that he bill be re-committed.

Senator Murray moved the previous question, which was seconded.

The question being "Shall the main question be now put?"

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

The yeas were—

Senators Allen, Beardsley, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Keller, Larrabee, Lowry, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, and Vermillion—32.

The yeas were—

Senators Bennett, Casady, Fairall, Hawley, Hurley, Knoll, Long, McCulloch, McKean, McNutt, West, and Wolf,—12.

Absent and not voting—

Senators Atkins, Bill, Mulkern, Rice, and Wright—5.

So the main question was ordered.

The question being "Shall the bill be engrossed for a third reading?"

The yeas and nays were demanded and were as follows:

The yeas were—

Senators Beardsley, Bennett, Casady, Fairall, Griffith, Hawley, Hurley, Knoll, Long, McCulloch, McKean, McNutt, and Vale—13.

The nays were—

Senators Bulis, Campbell, Cathcart, Chapin, Clausen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Grimes, Hamilton, Havens, Ireland, Keller, Larrabee, Lowry, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vermillion, West, and Wolf—30.

Absent or not voting—

Senators Allen, Atkins, Bill, Mulkern, Rice, and Wright—6.

So the bill was lost on engrossment.

At 6 o'clock and 15 minutes, on motion of Senator Traverse the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 8, 1870.

Senate convened pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Turnbull.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Senator Lowry presented a petition from A. H. Davenport and 50 others, citizens of Scott County, asking the enactment of a law taxing railroads the same as other property.

Referred to Committee on Railroads.

Also a petition from C. J. Brigg and others, on same subject, with same reference.

Also a petition from R. M. Lyttle and others, on same subject, with same reference.

Also a petition from J. N. Ross and others, on same subject.

Referred to same Committee.



Also a petition from D. B. Connelly and others, on same subject, with same reference.

Also a petition from B. F. Jacobs and others, on same subject, with same reference.

Senator Tuttle presented a remonstrance from Palo Alto County, numerously signed, against any unfriendly legislation to the Des Moines Valley Railroad.

Referred to Committee on Railroads.

Also a remonstrance from F. Chamberlin and others, on same subject.

Referred to same Committee.

Senator Dysart presented a petition from S. Snyder and 64 others, citizens of Poweshiek County, asking the enactment of a law taxing railroads the same as other property.

Also a petition from James E. Johnson and 96 others, on same subject, with same reference.

Also a petition from O. A. Armstrong and 121 others, on same subject, with same reference.

Senator Murray presented a petition from David Stanton and 100 others, citizens of Madison County, asking the passage of a law regulating charges on railroads.

Referred to Committee on Railroads.

Also a petition from citizens of Guthrie County, on same subject, with same reference.

Senator Grimes presented a memorial from J. A. Straight, in relation to reimbursement for subsistence of company "E," 23d Iowa infantry; also, pay for transportation.

Referred to Committee on Claims.

Senator Dixon presented a petition from S. E. Rhinehart and others, in relation to a repeal or modification of our usury laws.

Referred to Committee on Ways and Means.

Senator Lowry presented a petition from Christian Conrad and others, citizens of Iowa county, asking for a law regulating charges on railroads.

Referred to Committee on Railroads.

Also a petition from R. C. Broughton and others, on same subject, with same reference.

Also a petition from Geo. H. Bender and others, on same subject, with same reference.

Also a petition from John N. Randall and others, citizens of Polk county, on same subject, with same reference.

Also a petition from G. B. Baker and others, on same subject.

Referred to same Committee.

Also a petition from H. J. Grisner and others, on same subject, with same reference.

Senator Knoll presented a petition from David Ward and 240

others, citizens of Dubuque county, asking for a law limiting charges on railroads.

Referred to Committee on Railroads.

Senator Wolf presented a petition from James D. Wolf and others, asking an increase of the salaries of Supreme, District, and Circuit Judges.

Referred to Committee on Compensation of Public Officers.

#### INTRODUCTION OF BILLS.

By Senator Vermillion : Senate File No. 163, A bill for an act to carry out the provisions of an act of Congress, approved May 15th, 1856, granting lands to Iowa to aid in the construction of railroads, and to grant the lands conferred upon the Dubuque, Bellevue, and Sabula railroad company, by chapter 124, of the acts of the Twelfth General Assembly of the State of Iowa, and which have been resumed by the State of Iowa, upon the Iowa Southern Railroad Company.

Read first and second time and referred to Committee on Railroads.

By Senator Hawley : Senate File No. 164, A bill for an act to legalize the incorporation of the City of Ft. Dodge, Iowa, and the ordinances enacted by the City Council of said city.

Read first and second time and referred to Committee on Judiciary.

By Senator Lowry : Senate File No. 165, A bill for an act to locate permanently the State Reform School for Juvenile Offenders in Linn county, Iowa.

Read first and second time and referred to Committee on Reform School.

By Senator Tuttle : Senate File No. 166, A bill for an act to enable Forest City township, Howard county, to hold a special election for Township Trustees and Township Clerk.

Read first and second time.

On motion of Senator Tuttle, the 11th rule was suspended and the bill was read a third time.

On the question " Shall the bill pass ? "

The yeas were —

Senators Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixor, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, West, and Wolf—40.

The nays were none.

Absent or not voting—

Senators Allen, Bennett, Bill, Fairall, Long, Mulkern, Newell, Rice, and Wright—9.

So the bill passed and the title was agreed to.

On motion of Senator Lowry Senate File No. 36, A bill for an act to promote the improvement of streets, alleys, and sidewalks, with report of Committee recommending a substitute was taken up, considered and substitute was adopted.

On motion of Senator Lowry the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Tuttle, Vale, Vermillion, West, and Wolf—41.

The nays were none.

Absent or not voting—

Senators Bennett, Dunham, Fairall, Long, Mulkern, Rice, Traverse, and Wright—8.

So the bill passed and the title was agreed to.

The following message was received from the House :

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

House File No. 106, A bill for an act to consolidate taxes which are uniform in civil townships, and Independent School Districts, and to amend section 746, of the Revision of 1860.

MARY E. SPENCER,

*Engrossing Clerk House of Representatives.*

#### HOUSE MESSAGES.

House File No. 236, A bill for an act to repeal an act entitled an act, authorizing general banking in the State of Iowa, passed March 22, 1858, was taken up.

Read first and second time and referred to Committee on Judiciary.

Joint Resolution changing the name of Skunk river to the original name of Chicaqua was taken up.

Read first and second time.

Senator Bulis moved that the joint resolution be referred to Committee on Federal Relations.

Lost.

Senator Patterson moved to refer to Committee on Internal Improvement, which was not agreed to.

On motion of Senator McNutt, the joint resolution was referred to Committee on Manufactures.

House File No. 153, A bill for an act allowing the counties of Ham-

ilton, Franklin and Wright, to take their causes to the Argument Term of the Supreme Court at Dubuque, was taken up.

Read first and second time and referred to Committee on Judiciary.

House File No. 235, A bill for an act to repeal an act entitled an act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs, was taken up and read first and second time.

Senator Bulis moved that the 11th rule be suspended, and the bill be read a third time.

Senator Casady moved that the bill be referred to Committee on Judiciary, which was agreed to.

House File No. 114, A bill for an act to amend chapter 61 of the Revision of 1860, concerning fences, was taken up.

Read first and second time, and referred to Committee on Agriculture.

House File No. 106, A bill for an act to consolidate taxes which are uniform in civil townships and independent school districts, and to amend section 746 of the Revision of 1860, was taken up.

Read first and second time, and referred to Committee on Ways and Means.

Joint resolution asking increased mail facilities in Iowa, was taken up.

Read first and second time, and referred to Committee on Federal Relations.

On motion of Senator Smyth, House File No. 171. A bill for an act to legalize the incorporation of the Regular Baptist Church, at Jordan's Grove, Linn county, State of Iowa, was taken up and considered.

On motion of Senator Smyth, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Mulkern, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, West, Wolf—44.

The nays were none.

Absent and not voting—

Senators Allen, Couch, Rice, Vermillion, and Wright—5.

So the bill passed and the title was agreed to.

#### REPORTS OF COMMITTEES.

Senator Mitchell, from Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined Senate File No. 50, and find the same correctly enrolled.

MITCHELL, *Chairman*.

Also the following :

MR. PRESIDENT—Your Committee on Enrolled Bills, respectfully report that they have this day presented to the Governor for his approval the following bills, viz. :

Senate Files Nos. 120 and 154.

MITCHELL, *Chairman*.

On motion of Senator Hawley, Substitute for House File No. 1, A bill for an act to amend section 3, of chapter 118, of the laws of the Tenth General Assembly, and section 11, of chapter 148, of the laws of the Ninth General Assembly, and to regulate the sale of School lands, was taken up.

The question being, "Shall the Senate recede from its amendments thereto?" it was decided in the negative, and the President appointed as a Committee of Conference on the part of the Senate, Senators Wolf and Smyth.

The President submitted the following report from the Commission of Legal Inquiry :

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

The Commission of Legal Inquiry, as the result of their labors, submit for your consideration the accompanying bill, with the hope they may meet your approval.

Sometime previous to the first day of January last, the Commission caused notices to be published in the newspapers of the State, asking the Judges and bar to report any omissions, discrepancies, or other evident imperfections of the laws of civil or criminal procedure that may have come under their observation, but, with an exception or two, no reports were received; and most of what was suggested consisted of a few suggestions that were foreign to the objects for which the Commission was appointed. None of the Judges saw fit to make any report whatever.

The Commission, therefore, have done the best they could under the circumstances. It was impossible, within the time the Commission should report, so that it could be acted on by the General Assembly, for the undersigned to examine all the Legislation amendatory to the Revision, that has taken place since the passage thereof. No attempt has been made to do so, for the simple reason above stated. The few suggestions made are mostly the result of our individual experience, and as such the same is respectfully submitted.

W. H. SEEVERS.  
SAMUEL H. FAIRALL,  
JAMES O. CROSBY.

*Commission of Legal Inquiry.*

Referred to Committee on Judiciary.

Senator McNutt moved that the report be printed.

The motion did not prevail.

Senator Bennett submitted a report from Committee to Visit the Insane Asylum at Independence, which was laid on the table and ordered printed.

The hour for the special order having arrived, it being Senate File No. 105, A bill for an act to provide for the completion of the center building, the north wing, rear center building, engine house, chimney and ducts, and the improvement of the grounds and farm of the Iowa Insane Asylum at Independence, was taken up and considered by sections.

Senator Donnan moved to amend section 1 by striking out of the third line the words "Insane Asylum," and inserting the words "Hospital for the Insane."

Senator Bulis moved to amend the amendment by inserting "Independence Hospital for the Insane," which was lost.

The amendment was then adopted.

Senator Bill moved to amend section 5 by striking out of the second line the word "three," and inserting "one," pending which Senator Larrabee moved that the bill be made the special order for to-morrow morning at 9½ o'clock.

Senator West moved to amend by striking out "9½," and inserting "2½ P. M.," pending which the hour for adjournment having arrived, the President declared the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 9, 1870.

Senate convened pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Williams.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Substitute for House File No. 6, A bill for an act to amend section 2, chapter 95, laws of the Twelfth General Assembly.

CHARLES ALDRICH, *Chief Clerk.*

On motion of Senator Donnan, Senate File No. 105, A bill for an act to provide for the completion of the center building, the north wing, rear center building, engine house and chimney and ducts, and improvements of the grounds and farm of the Iowa Insane Asylum at Independence, which was under consideration at the time of adjournment, was taken up and made the special order for 2½ o'clock this afternoon.

Senator Donnan moved that when the Senate adjourn, it be until 2½ o'clock P. M., which was agreed to.

#### PETITIONS AND MEMORIALS.

Senator Newell presented a petition from C. A. Dean and others asking the passage of a law legalizing the issuance of bonds by the independent school district of Monona, Clayton county, Iowa.

Referred to Committee on Judiciary.

Senator Wolf presented a petition from H. C. Piatt and other asking for a law taxing railroads the same as other property.

Referred to Committee on Railroads.

Senator Lowry presented a petition from A. R. Fuller and others, asking a law regulating the rates of tariff on railroads.

Referred to Committee on Railroads.

Also a petition from Frank Waid and others on same subject.

Referred to same committee.

Also a petition from M. G. Thompson and 48 others on same subject, with same reference.

Senator Smyth presented a petition from A. Daniels and others, asking the location of branch penitentiary at the stone quarries near Anamosa.

Passed on file, to be considered with bill on same subject.

#### INTRODUCTION OF BILLS.

By Senator Newell: Senate File No. 167, A bill for an act to legalize the acts of the independent school district of Monona, Iowa.

Read first and second time and referred to Committee on Judiciary.

#### HOUSE MESSAGES.

Substitute for House File No. 60, A bill for an act to amend section two of chapter 95 of the laws of the 12th General Assembly was taken up, read first and second time and referred to Committee on Charitable Institutions.

## REPORTS OF COMMITTEES.

Senator Bennett, from the Committee on Judiciary submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 108, A bill for an act legalizing certain elections in the city of Council Bluffs, and also legalizing the acts of officers elected thereat, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 116, A bill for an act to repeal section 3969 of the Revision of 1860 and to provide a substitute therfor, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 237, A bill for an act to legalize certain acts of the board of supervisors of Marshall county, Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Senator Moore, from Committee on County and Township Organization, submitted the following report :

MR. PRESIDENT—Your Committee on County and Township Organization, to whom was referred Senate File No. 145, A bill for an act to repeal chapter 161 of the Laws of the Eleventh General Assembly, and section 3 of chapter 160 of the Laws of the Twelfth General Assembly, have had the same under consideration, and a majority of the committee have instructed me to report the same back to the Senate with the recommendation that it do pass.

N. B. MOORE, *Chairman,*

Ordered that the report pass on file.



Also the following:

MR. PRESIDENT—Your Committee on County and Township Organization, to whom was referred Senate File No. 144, A bill for an act to repeal section 3 of chapter 160 of the Twelfth General Assembly, and to revive chapter 61 of the Eleventh General Assembly, changing the transfer records from the Auditor's to the Recorder's office, beg leave to report that they have had the same under consideration, a majority of whom have instructed me to report the same back to the Senate with the recommendation that it do not pass.

N. B. MOORE, *Chairman.*

Ordered that the report pass on file.

On motion of Senator Dysart, Substitute for House File No. 3, A bill for an act to restrain stock from running at large, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Moore moved that the bill be indefinitely postponed.

Pending which, the hour for the special order having arrived, it being Senate File No. 48, A bill for an act providing to enlarge and complete the buildings for a Deaf and Dumb Asylum, with report of committee recommending that the bill do pass.

On motion of Senator Hawley, the special order was postponed 15 minutes.

The question being on the motion to indefinitely postpone Substitute for House File No. 3, Senator Dysart moved the previous question, which was seconded, and the main question was ordered.

Senator Patterson moved to reconsider the vote by which the main question was ordered.

The motion did not prevail.

The question being "Shall the bill be engrossed for a third reading?" the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bulis, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Hamilton, Hawley, Hurley, Ireland, Keller, Long, Lowry, McKean, McNutt, Mitchell, Moore, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, Wolf, Wright—35.

The nays were—

Senators Atkins, Campbell, Casady, Grimes, Havens, Knoll, Larrabee, McCulloch, Mulkeru, Patterson, Vermillion—11.

Absent and not voting—

Senators Allen, Bill, and Murray—3.

So the bill was ordered engrossed for a third reading.

Senator Fairall moved to reconsider the vote just taken.

Senator Beardsley moved to lay the motion on the table, which motion prevailed.

The hour for the special order having arrived it being Senate File No. 48, it was taken up and considered.

Pending which the following messages was received from the House:

MR. PRESIDENT—I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and are duly enrolled and signed by the Speaker of the House.

House File No. 171, A bill for an act to legalize the incorporation of the regular Baptist Church, at Jordan's Grove, Linn county, State of Iowa.

Also, joint resolution asking for additional mail facilities in Montgomery and Page counties

I also transmit House File No. 7, A bill for an act for the more effectual prevention of cruelty to animals.

This bill has passed the House, and the concurrence of the honorable Senate is respectfully asked.

CHAS. ALDRICH, *Chief Clerk.*

The hour for the special order having arrived it being Senate File No. 60, A bill for an act to permanently locate and provide for the erection of an additional Penitentiary.

And Senate File No. 58, A bill for an act to establish an additional Penitentiary at McGregor, Iowa.

On motion of Senator McKean, the bills and reports of Committee were made the special order for March 16th, at 10 o'clock, A. M.

The consideration of Senate File No. 48, was resumed.

Senator McNutt offered a substitute for the bill.

Senator Bennett moved that the bill be re-committed to Committee on Public Buildings, with instructions to report such amendments as will provide for a sufficient appropriation to complete the centre building and east wing, now in course of erection, together with such out buildings and other improvements as are necessary, to place the institution in a condition to be occupied.

On which motion the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bill, Bulis, Cathcart, Claussen, Couch, Dixon, Dysart, Fellows, Hamilton, Hawley, Ireland, Keller, Knoll, Larrabee, Long, McCulloch, Newell, Patterson, Pierce, Smyth, Traversee, Tuttle, Vale, Vermillion, Wolf, and Wright—28.

The nays were—

Senators Atkins, Casady, Chapin, Donnan, Fairall, Griffith, Grimes, Hurley, Lowry, McKean, McNutt, Moore, Rice, and West—14.

Absent and not voting—

Senators Allen, Campbell, Dunham, Havens, Mitchell, Mulkern, and Murray—7.

So the motion prevailed.

Senator Keller asked for leave of absence for Senator Murray, on account of sickness in his family.

Leave was granted.

By leave, Senator Donnan introduced Senate File No. 168, A bill for an act to facilitate the acquisition of the right of way over the line of abandoned railways, and to facilitate the construction of the same.

Read first and second time and referred to Committee on Judiciary.

At 12 o'clock and 15 minutes, on motion of Senator McKean, the Senate adjourned.

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TWO O'CLOCK, P. M.

Senate met pursuant to adjournment.

President in the chair.

Senator Bennett moved a call of the senate which was ordered.

The roll was then called with the following result:

Absent without leave, Senators Allen, Dunham, Long, Mulkern, and Rice.

On motion Senators Long and Mulkern were excused.

On motion of Senator Fellows, farther proceedings under the call were dispensed with.

The hour for the special order having arrived, it being Senate File No. 105, it was further considered.

The question being on the motion of Senator Bill to strike out of second line of the section the words "three hundred," and insert "one hundred.

Senator Bulis moved to amend the amendment by striking out "one hundred," and inserting "one hundred and sixty-five," which was accepted by Senator Bulis.

On the adoption of the amendment the yeas and nays were demanded and

The yeas were—

Senators Beardsley, Bennett, Bill, Bulis, Campbell, Dixon, Hamilton, Havens, McNutt, Pierce, Smyth, Traverse, Vermillion and Wright—14.

The nays were—

Senators Allen, Atkins, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch,

McKean, Moore, Mulkern, Newell, Patterson, Tuttle, Vale, West, and Wolf—31.

Absent and not voting—

Senators Long, Mitchell, Murray, and Rice—4.

So the motion did not prevail.

Senator Donnan moved to amend the 5th section by inserting after the word "appropriated," in the 6th line, the words "and the unexpended portion of the appropriation heretofore made," which was agreed to.

Senator Patterson moved to amend section 8 by inserting after the word "deemed," in first line, the words "by the General Assembly" which was agreed to.

On motion of Senator Donnan, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Mulkern, Newell, Patterson, Smyth, Tuttle, Vale, West, and Wolf—35.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Dixon, McNutt, Pierce, Traverse, Vermillion, and Wright—10.

Absent or not voting—

Senators Bennett, Long, Murray, and Rice—4.

So the bill passed and the title was amended by inserting after the word "Iowa," the words, "Hospital for the," and by striking out after the word "Insane," the word "Asylum," and so amended, the title was agreed to.

By leave, Senator Hamilton, from the Committee on Incorporations, submitted the following report :

MR. PRESIDENT—Your Committee on Incorporations, to whom was referred House File No. 43, A bill for an act to amend section 1125, of chapter 51, of the Revision of 1860, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it be amended, by striking out the word "five," in the last line thereof, and inserting in its stead, the word "two," and when so amended that the gill do pass.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Incorporations, to whom was referred Senate File No. 113, A bill for an act creating a Department of Insurance, beg leave to report that they have had the same

under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it be amended as hereinafter named, and that so amended, it do pass :

First amendment: Strike out the words, "during the session of the Legislature," in the second line of second section.

Second amendment: Insert, after the word "advice," in the third line of second section, the words, "and consent."

Third amendment: Strike out the word "from," in fourth line of second section, and insert instead thereof the word, "for."

Fourth amendment: Strike out all after the word "officers," in fourth line of second section, and insert in place thereof the following :

"He shall receive as a full compensation for his services, a salary of twenty-four hundred dollars per annum, and the further sum of \$600 per annum in satisfaction of all traveling expenses and other incidental expenses connected with the duties of said office, not otherwise provided for. He shall appoint a Deputy, who shall possess the powers and perform the duties of, attached by law to the office of the Principal, and said Deputy shall receive as his full compensation for his services a salary of twelve hundred dollars per annum. These salaries, together with the six hundred dollars aforesaid, shall be paid out of the State Treasury in monthly installments, on the last day of each month, in the same manner as the other State officers are paid. All fees paid by insurance companies, under the provisions of chapter 128 and 175, of the laws of the Twelfth General Assembly, shall be collected by the Superintendent and paid into the State Treasury."

Fifth amendment: Insert after the word "Superintendent," "or his Deputy."

Sixth amendment: Strike out of the 8th line of the 8th section the words, "or provided," and the word "proof."

Seventh amendment: Strike out after "and original," in the 10th line of the 8th section, the following words:

"All impressions of said seal directly on paper, shall be valuable, as if made on a wafer or wax.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

At four o'clock and twenty-five minutes, on motion of Senator Hawley, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 10, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Bresee.

The Journal of yesterday was read, and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

House File No. 137, A bill for an act to repeal section 2824 of chapter 120 of the Revision of 1860, and enact a substitute therefor.

I am also directed to inform the Senate that the House has ordered printed the usual number of copies of the report of the Joint Committee appointed to visit the Insane Asylum.

CHARLES ALDRICH, *Chief Clerk.*

PETITIONS AND MEMORIALS.

Senator Mitchell presented a petition from John Phillips and one hundred others, asking the resumption of the lands heretofore granted to the Des Moines Valley Railroad Company.

Referred to Committee on Railroads.

Senator Casady presented a remonstrance from two hundred and twenty-five citizens of Pottawattamie county, against the passage of a herd law.

Referred to Committee on Agriculture.

Senator McCulloch presented a remonstrance from citizens of Pocahontas county against any hostile legislation in relation to the Des Moines Valley Railroad Company.

Referred to Committee on Railroads.

Senator Grimes presented a petition from A. E. House and eighty-nine others, asking a resumption of the lands granted the Tetes des Mortes Railroad Company, and granting the same to the Davenport and St. Paul Railroad Company.

Referred to Committee on Railroads.

Senator Wright presented a petition from H. Gipe and others, in relation to the abolition of the franking privilege.

Referred to Committee on Railroads.

Senator McNutt presented a memorial of A. P. Wood in relation to his history of Iowa troops in the war of the rebellion.

Referred to Committee on Military affairs.

Senator Campbell presented a petition from J. C. Cook and 183 others, citizens of Jasper County, asking for a law regulating the rates of tariff on railroads.

Referred to Committee on Railroads.

Senator Mitchel. presented a petition from J. R. Biggs and 70 others, asking a repeal of our usury laws.

Referred to Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Knoll: Senate File No. 169, A bill for an act to amend section 720, of chapter 45, of the revision of 1860, in relation to revenue.

Read first and second time, and referred to Committee on Ways and Means.

By Senator Hawley: Senate File No. 170, A bill for an act to amend section 1020, of the revision of 1860, and to provide for orders for the record of village plats to be made by a circuit or district judge, in vacation.

Read first and second time, and referred to Committee on Judiciary.

By Senator Bill: Senate File No. 171, A bill for an act to regulate the construction of rail-ways at the crossings of public high-ways.

Read first and second time, and referred to Committee on Roads.

#### HOUSE MESSAGES.

House File No. 137, A bill for an act to repeal section 2824, of chapter 120, of the revision of 1860, and to enact a substitute in lieu thereof, was taken up.

Read first and second time, and referred to Committee on Judiciary.

House File No. 79, A bill for an act for the more effectual prevention of cruelty to animals, was taken up.

Read first and second time, and referred to Committee on Agriculture.

#### REPORTS OF COMMITTEES.

Senator Hurley, from the Committee on Public Lands submitted the following report:

MR. PRESIDENT—Your Committee on Public Lands, to whom was referred Senate File No. 141, A bill for an act authorizing

the Register of the State Land Office to convey to A. E. Hoskell, certain lots in Esterville, Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

HURLEY, *Chairman,*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT.—Your Committee on Public Lands, to whom was referred a memorial from the supervisors of Adams County, Iowa, asking legislation in regard to their swamp lands, have had the same under consideration, and have instructed me to say that, notwithstanding the arguments contained in said memorial, and the argument of Senator Moore, the Committee are of the opinion that the question on which memorialists ask legislation, have all been determined by the Supreme Court of this State, and, therefore, recommend that any further action thereon by this body, be indefinitely postponed.

HURLEY, *Chairman.*

Ordered that the report pass on file.

Senator Traverse, from the Committee on Judiciary, submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 131, A bill for an act limiting and restricting the right of appeal in certain civil cases, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by striking out the second section of the bill, and thus amended, that the bill do pass.

H. C. TRAVERSE, *For Committee.*

Ordered that the report pass on file.

Senator Pierce, from the Committee on Internal Improvements, submitted the following report :

MR. PRESIDENT—Your Committee on Internal Improvements, to whom was referred House File No. 220, A bill for an act to authorize Thomas Mitchell and others to cut a canal across a strip of land, to straighten the Des Moines River, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

A. R. PIERCE, *Chairman.*

Ordered that the report pass on file.



Senator Pierce, from Committee to visit the Iowa Insane Asylum at Mt. Pleasant, submitted a report, which was laid on the table.

Senator Smyth, from Committee to visit the Deaf and Dumb Asylum at Iowa City, submitted a report, which was laid on the table and ordered printed.

#### BILLS ON THIRD READING.

Substitute for House File No. 3, A bill for an act to restrain stock from running at large, was read a third time.

On the question " Shall the bill pass ? "

The yeas were—

Senators Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Havens, Hawley, Hurley, Keller, Long, Lowry, McKean, McNutt, Mitchell, Newell, Pierce, Smyth, Traverse, Vale, West, and Wright—32.

The nays were—

Senators Atkins, Casady, Grimes Hamilton, Knoll, Larrabee, McCulloch, Moore, Mulkern, Patterson, Tuttle, and Vermillion—12.

Absent and not voting—

Senators Allen, Ireland, Murray, Rice, and Wolf—5.

So the bill passed and the title was agreed to.

On motion of Senator Bulis, House File No. 16, A bill for an act appropriating funds to the State University of Iowa, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator Fairall moved to suspend the rule and read the bill a third time now, pending which, the hour for the special order having arrived, it being Senate File No. 95, A bill for an act creating a Commission to revise the statutes of Iowa, and defining their duties, and providing for the publication and distribution of their report.

On motion of Senator Fairall the special order was postponed 30 minutes.

The consideration of Senate File No. 16 was resumed.

Senator Moore moved to postpone further consideration of the bill for one week, which was lost.

The hour for the special order having arrived, it being Senate File No. 95, on motion of Senator McKean the special order was postponed 20 minutes.

The consideration of House File No. 16 was resumed.

The question being on the motion of Senator Fairall to suspend the rule and read the bill a third time.

Senator Hamilton moved that the further consideration of the bill be postponed until the 16th at 11 o'clock.

The hour for the special order having arrived, it being Senate File

No. 95, Senator Newell moved that the special order be postponed 10 minutes, which was agreed to.

The consideration of House File No. 16 was resumed.

The question being on the motion of Senator Hamilton to postpone the further consideration of the bill until the 16th at 11 o'clock.

Senator Newell moved to amend the motion by striking out 16th at 11 o'clock and inserting this afternoon at 2½ o'clock, which was disagreed to.

The motion to postpone was then adopted.

On motion of Senator Fellows, the special order being Senate File No. 95, was taken up and considered.

Senator Bulis moved to amend the 1st section by striking out of the 2d line the name of John C. Polly, of Clinton, and inserting the name of E. E. Cooley of Winneshiek.

Senator Dysart moved to amend by striking out all of the first section after the enacting clause, and inserting "That there shall be elected by this General Assembly in joint convention, three commissioners who shall perform the duties herein specified," which was not agreed to.

Senator Newell moved to amend the amendment by striking out the name of E. E. Cooley, of Winneshiek, and inserting the name of J. O. Crosby, of Clayton, which was lost.

The amendment was then disagreed to.

Senator West moved to amend 1st section, 2d line, by striking out the name of John C. Polley, of Clinton," and inserting the name of T. W. Woolson, of Henry," which was lost.

Senator Larrabee moved to amend section 3 by striking out of the third line the words "or been declared unconstitutional by the Supreme Court.

On which question the yeas and nays were demanded and

The yeas were—

Senators Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Donnan, Dysart, Fellows, Griffith, Havens, Ireland, Knoll, Larrabee, Long, Lowry, McKean, Moore, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, and Wright—25.

The nays were—

Senators Beardsley, Bennett, Campbell, Dixon, Dunham, Fairall, Grimes, Hamilton, Hawley, Hurley, Keller, McCulloch, McNutt, Mitchell, Traverse, Vale, Vermillion, West, and Wolf—19.

Absent or not voting—

Senators Allen, Atkins, Couch, Mulkern, and Murray—5.

So the motion prevailed.

Senator Fellows moved to amend section 4 by adding: "*Provided*, That the Commissioners shall not enter upon the discharge of their duties until after the general election in 1870; and if at the said election, the people shall vote in favor of holding a convention to revise the Constitution of the State, the said Commissioners shall

not, previous to the meeting of the next General Assembly, perform any of the duties imposed by this act."

The amendment was agreed to.

Senator Patterson moved to amend the 1st section, by inserting after the word "Dubuque," in second line, the words "R. G. Reiniger, of Floyd county."

Pending which, the hour for adjournment having arrived, the President declared the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 11, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. DeForrest.

The journal of yesterday was read and approved.

The following message was received from the House :

HOUSE MESSAGE.

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

House File No. 180, A bill for an act to increase the penalty for violating section 4392, Revision of 1860, an act for the observance of the Sabbath.

BENJ. VAN STEINBURG, *1st Asst. Clerk.*

PETITIONS AND MEMORIALS.

Senator Hamilton presented a petition from S. B. Mills and others, in relation to regulating rates of tariff on railroads.

Referred to Committee on Railroads.

Senator Grimes presented a petition from W. G. Graham and 68 others, asking a transfer of the lands heretofore granted to the Tete Des Morte Railroad, to the Davenport and St. Paul Railroad Company.

Referred to Committee on Railroads.

Also a petition from C. W. Price and 58 others, on same subject, with same reference.

Senator Campbell presented a petition from James Herron and others, asking for a law regulating rates of tariff on railroads.

Referred to Committee on Railroads.

Senator Vale presented a petition from Rev. Milton Sutton and 190 others, asking for a law establishing a Chaplaincy for the Insane Asylum at Mt. Pleasant.

On motion of Senator Smyth the petition was referred to select Committee of three, consisting of Senators Bulis, Ireland, and Wright.

#### INTRODUCTION OF BILLS.

By Senator Pierce: Senate File No. 172, A bill for an act making further appropriations for the Hospital for the Insane, at Mt. Pleasant.

Read first and second time and Referred to Committee on Public Buildings.

#### HOUSE MESSAGES.

House File No. 180, A bill for an act to increase the penalty for violating section 4392, Revision of 1860, an act for the observance of the Sabbath, was taken up.

Read first and second time and referred to Committee on Judiciary.

#### REPORTS OF COMMITTEES.

Senator Tuttle from the Committee on Commerce submitted the following report:

MR. PRESIDENT—Your Committee on Commerce to whom was referred House File No. 184, A bill for an act to encourage immigration to the State of Iowa, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

M. TUTTLE, *Chairman.*

Ordered that the report pass on file.

Senator Beardsley from the Committee on Federal Relations submitted the following report:

MR. PRESIDENT—Your Committee on Federal Relations to whom was referred a joint resolution in relation to the establishment by Congress of a postal telegraph system, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

CHAS. BEARDSLEY, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Federal Relations to whom was referred a joint resolution for increased mail facilities in Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

CHAS. BEARDSLEY, *Chairman.*

Ordered that the report pass on file

Also the following:

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred a memorial to Congress praying for a grant of land to aid in the construction of an additional railroad to the Pacific, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

CHAS. BEARDSLEY, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred joint resolutions relating to the civil contest in the island of Cuba, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that they do pass.

CHAS. BEARDSLEY, *Chairman.*

Ordered that the report pass on file.

Senator Hawley, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate File No. 128, A bill for an act for the relief of the widow and heirs of Joseph B. Dorr, late Col. of 8th Iowa Cavalry, have had the same under consideration, and have instructed me to report the same back to the Senate with a substitute therefor, with the recommendation that the substitute do pass.

THEO. HAWLEY, *Chairman.*

Ordered that the report pass on file.

Senator Griffith, from the Committee on Public Buildings, submitted the following report:

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred Senate File No. 48, A bill for an act providing to enlarge and complete the buildings for a Deaf and Dumb Asylum, with instructions, beg leave to report that they have had the same

under consideration, and to such amendments as to them seem proper, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

GEO. E. GRIFFITH, *Chairman.*

On motion of Senator Griffith, substitute for Senate File No. 48, A bill for an act making further appropriations for Deaf and Dumb Asylum, reported by Committee, was taken up, considered, and the substitute was adopted.

On motion of Senator Griffith, the eleventh rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Duham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—44.

The nays were—

Senator Dixon—1.

Absent and not voting—

Senators Allen, Dysart, McCulloch, and Mulkern—4.

So the bill passed and the title was agreed to.

Senator Lowry asked leave of absence for Senator Dysart, on account of sickness.

Leave was granted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following bill, which has passed both branches of the General Assembly, and been duly enrolled and signed by the speaker of the House:

Senate File No. 50, A bill for an act to amend chapter 144, of acts of the Twelfth General Assembly, in relation to the protection of crops against the invasions of stock.

Also, joint resolution relating to the initial point of the U. P. Railroad.

BENJ. VAN STEINBURG,  
*1st Assistant Clerk.*

Senator Long, from Committee to visit the Agricultural College and Farm, submitted a report, which was laid on the table.

Senator Bennett, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 235, A bill for an act to repeal an act entitled An act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Also the following:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 236, A bill for an act to repeal an act entitled an act to authorize general banking in the State of Iowa, passed March 22, 1858, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Senator Donnan moved that the two reports just submitted by the Judiciary Committee be taken up, which motion prevailed, and House File No. 235, A bill for an act to repeal an act entitled an act to incorporate the State Bank of Iowa and to enable it to wind up its affairs wastaken up and considered.

On motion of Senator Donnan the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Hamilton, Havens, Hawley, Ireland, Larrabee, Long, Lowry, Mitchell, Moore, Murray, Newell, Patterson, Rice, Smyth, Traverse, Tuttle, West and Wright—35.

The nays were—

Senators Casady, Grimes, Knoll, McKean, McNutt, Mulkern, Vale, Vermillion, and Wolf—9.

Absent or not voting—

Senators Dysart, Hurley, Keller, McCulloch, and Pierce—5.

So the bill passed and the title was agreed to.

Senator Donnan asked leave of absence for the Secretary until Tuesday.

Leave was granted.

House File No. 236, A bill for an act to repeal an act entitled an act authorizing general banking in the State of Iowa, passed March 22, 1858, was taken up and considered.

On motion of Senator Bennett the rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Griffith, Hamilton, Havens, Hawley, Ireland, Larrabee, Long, Lowry, Mitchell, Moore, Murray, Newell, Patterson, Rice, Smyth, Traverse, Tuttle, West, and Wright—34.

The nays were—

Senators Casady, Grimes, Knoll, McKean, McNutt, Mulkern, Vale, Vermillion, and Wolf—9.

Absent and not voting—

Senators Dysart, Fellows, Hurley, Keller, McCulloch, and Pierce—6.

So the bill passed and the title was agreed to.

On motion of Senator Rice, House File No. 237, A bill for an act to legalize certain acts of the board of supervisors of Marshall county was taken up and laid on the table.

On motion of Senator Moore, Senate File No. 101, A bill for an act to provide for the purchase of G. Green's reports of the decisions of the Supreme Court of Iowa, was taken up.

The question being "Shall the bill pass?"

By unanimous consent, Senator Larrabee moved to amend by striking out "400," and inserting "350."

Senator Bulis moved to amend the amendment by striking out "350" and inserting "100."

Pending which the hour for the special order having arrived, it being Senate File No. 125, A bill for an act to prescribe rules and regulations for railroads, and to establish uniform and reasonable rates of tariff for the transportation of certain freights thereon, and House File No. 216, A bill for an act to regulate the passenger fare on railroads.

Senator Bennett moved that the special order be postponed twenty minutes.

The motion prevailed.

The consideration of Senate File No. 101 was resumed.

The question being on the motion of Senator Bulis, to amend the amendment, it was lost.

Senator McNutt moved to amend the amendment by striking out "350," and inserting "200," which was not agreed to.

The amendment offered by Senator Larrabee was then adopted.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Casady, Claussen, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Hawley, Hurley, Keller, Knoll, Larrabee, Lowry, McKean, Mitchell, Moore, Mulkern, Murray, Newell, Patterson, Rice, Traverse, and Wolf—27.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Cathcart, Chapin,



Couch, Grimes, Hamilton, Havens, Ireland, McNutt, Pierce, Smyth, Tuttle, Vale, Vermillion, West, and Wright—19.

Absent and not voting—

Senators Dysart, Long, and McCulloch,—3.

So the bill passed and the title was agreed to.

On motion of Senator Smyth, Senate File No. 111, A bill for an act to amend section 40 of chapter 138 of the acts of the Twelfth General Assembly, to regulate insurance companies, with report of Committee recommending amendments, was taken up, considered, and report of Committee was adopted.

Senator Smyth moved to amend section one by striking out the word "5," and inserting "7," pending which the hour for the special order having arrived, it being Senate File No. 125 and House File No 216, on motion of Senator Newell, the special order was postponed fifteen minutes.

The question being on the motion to strike out "five," and insert "seven," it was agreed to.

On motion of Senator Knoll, the 11th rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Cathcart, Chapin, Clausen, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Hamilton, Keller, Knoll, Larrabee, Long, Lowry, McKean, Mitchell, Murray, Newell, Patterson, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—30.

The nays were—

Senators Beardsley, Bulis, Campbell, Casady, Dunham, Grimes, Havens, Hawley, Hurley, Ireland, Moore, Traverse, Vermillion, and West—14.

Absent and not voting—

Senators Dysart, McCulloch, McNutt, Mulkern, and Pierce—5.

So the bill passed and the title was agreed to.

The hour for the special order having arrived it being Senate File No. 125, and House File No. 216.

Senate File No. 125, with majority report recommending that the bills do not pass, and a minority report recommending that the bills do pass, was taken up and considered.

Senator Murray moved that the bill be indefinitely postponed.

Senator Wright offered a substitute for the bill.

Pending which Senator Beardsley moved to postpone the further consideration of the bills until March 17th, at 10 o'clock.

Senator Murray moved to amend by striking out "17th at 10 o'clock," and inserting "this afternoon at 2 o'clock," which did not prevail.

The motion was then adopted.

On motion of Senator Casady House File No. 108, A bill for an

act legalizing certain elections in the city of Council Bluffs, and also, legalizing the acts of officers elected thereat was taken up, and on motion the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Paterson, Pierce, Rice, Snyth, Traversee, Tuttle, Vale, Vermillion, West, and Wolf—42.

The nays were none.

Absent and not voting—

Senators Dunham, Dysart, Hawley, Ireland, McCulloch, Mul-kern, and Wright—7.

So the bill passed and the title was agreed to.

On motion Senator Ireland was excused until Wednesday, on account of sickness in his family.

By leave, Senator Grimes offered the following resolution which was adopted:

*Resolved*, That the Postmaster and Assistant Postmaster, be considered as officers of the Senate, for the purpose of drawing postage.

By leave, Senator Donnan introduced Senate File No. 173, A bill for an act to amend section 3112, of the Revision of 1860.

Read first and second time and referred to Committee on Judiciary.

Senator Keller from Committee to visit Soldier's Orphans' Home at Davenport, submitted a report which was laid on the table, and ordered printed.

At 12 o'clock and 30 minutes, on motion of Senator Fellows, the Senate adjourned until Monday morning at 9 o'clock.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 14, 1870.

Senate convened pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Geiger.

The journal of Friday was read and approved.

The following message was received from the House:

## HOUSE MESSAGE.

Mr. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bill in which the concurrence of the Senate is asked.

House File No. 250, A bill for an act to legalize the tax levy of the district township of Toledo, and the independent district of Toledo, in the township of Toledo, in Tama county, Iowa.

BENJ. VAN STEINBURG, *Asst. Clerk.*

## PETITIONS AND MEMORIALS.

By Senator Grimes: A petition from citizens of Dubuque county, asking that the grant of land heretofore made by the United States to the State of Iowa, in aid of the Dubuque and Tete Des Morts railroad, be transferred to the Davenport and St. Paul road.

Referred to Committee on Railroads.

Also, a petition from Will. G. Field and others from Delaware county, on same subject.

Referred to Committee on Railroads.

Also a petition from David Le Roy and others, from same county, on same subject.

Referred to Committee on Railroads.

## RESOLUTIONS.

Senator Lowry introduced the following :

*Resolved by the Senate, the House concurring,* That the present session of the General Assembly of the State of Iowa, will adjourn *sine die* on Wednesday, the 6th day of April next at 12 o'clock noon.

By general consent, the consideration of the resolution was postponed till to-morrow morning.

Senator Grimes offered the following :

Joint resolution in relation to the Pension Laws.

Read first and second time, and referred to Committee on Federal Relations.

Senator McNutt moved to take up Senate File No 92, A bill for an act to legalize the action of the Board of Supervisors of Story county, Iowa, in relation to the issuance of bonds to the amount of \$7,000 for the purpose of purchasing land for a poor farm for the use of said county, and for the erection of buildings thereon, which motion prevailed.

On motion of Senator Donnan, the rule was suspended, and the bill was read a third time.

On the question, " Shall the bill pass ? "

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Chapin, Claussen, Couch, Donnan, Fairall, Fellows, Grimes, Havens, Hurley, Keller, Larrabee, Long, Lowry, McKean, McNutt, Moore, Murray, Newell, Patterson, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—31.

The nays were none.

Absent and not voting—

Senators Allen, Cathcart, Campbell, Dixon, Dunham, Dysart, Griffith, Hamilton, Hawley, Ireland, Knoll, McCulloch, Mitchell, Mulkern, Pierce, Rice, Smyth, and Wright—18.

So the bill passed and the title was agreed to.

On motion, leave of absence was granted Senators Cathcart, Smyth, and Griffith.

On motion of Senator Larrabee, Senate File No. 65, A bill for an act to legalize the plat of the town of Auburn in Fayette county, Iowa, and to legalize all conveyances of lots heretofore made by the number of lots and blocks as now specified in said plat, was taken up and considered.

Senator Larrabee moved that the rule be suspended and the bill read a third time now, which was agreed to, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Chapin, Claussen, Couch, Donnan, Dunham, Fairall, Fellows, Grimes, Havens, Hurley, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Moore, Murray, Newell, Patterson, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—33.

The nays were none.

Absent and not voting—

Senators Allen, Campbell, Cathcart, Dixon, Dysart, Griffith, Hamilton, Hawley, Ireland, McCulloch, Mitchell, Mulkern, Pierce, Rice, Smyth, and Wright—16.

So the bill passed and the title was agreed to.

On motion of Senator Fairall Senate File No. 126, A bill for an act authorizing the conveying of certain property in Iowa City, by Register of State Land Office, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator McNutt offered the following amendment to section 2, "for any compensation, reward or remuneration whatever to any party or parties, now or hereafter."

The amendment was lost.

On motion of Senator Fairall the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady,

Chapin, Claussen, Couch, Donnan, Dunham, Fairall, Fellows, Grimes, Hamilton, Havens, Hurley, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Tuttle, Vale, Vermillion, West, and Wolf—35.

The nays were none.

Absent and not voting—

Senators Campbell, Cathcart, Dixon, Dysart, Griffith, Hawley, Ireland, Mitchell, Mulkern, Pierce, Rice, Smyth, Traverse, and Wright—14.

So the bill passed and the title was agreed to.

#### HOUSE MESSAGES.

House File No. 250, A bill for an act to legalize the tax levy of the District Township of Toledo, and the Independent District of Toledo, in the township of Toledo in Tama county, for the year 1869.

Read first and second time and referred to Committee on Schools.

On motion of Senator Lowry House File No. 214, A bill for an act to legalize the election of Corporation Officers of the town of Le Claire, county of Scott, and State of Iowa, on the 1st Monday of March, A. D., 1869, with report of Committee, recommending that the bill do pass, was taken up and considered.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Chapin, Claussen, Couch, Donnan, Fairall, Fellows, Grimes, Hamilton, Havens, Hurley, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—35.

The nays were none.

Absent and not voting—

Senators Campbell, Cathcart, Dixon, Dunham, Dysart, Griffith, Hawley, Ireland, Mitchell, Mulkern, Pierce, Rice, Smyth, and Wright—14.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 108, A bill for an act to repeal an act entitled An act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs.

BENJ. VAN STEINBURG, *Ass't Clerk.*

Senator Beardsley moved to take up the Joint Resolution in relation to the civil contest in the Island of Cuba, which was agreed to, and the joint resolution was taken up and considered.

Senator Larrabee moved to insert after the word "Cuba," in first resolution, second line, the words, "and Winnipeg."

Senator Wolf moved to make the joint resolution the special order for March 16th at ten o'clock.

Senator Bulis moved that the joint resolution lie on the table, on which question the yeas and nays were demanded, and

The yeas were—

Senators Bulis, Havens, Larrabee, and Patterson—4.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Grimes, Hamilton, Hurley, Keller, Knoll, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—32.

Absent and not voting—

Senators Campbell, Cathcart, Dysart, Griffith, Hawley, Ireland, Long, Mitchell, Mulkern, Pierce, Rice, Smyth, and Wright—13.

So the motion did not prevail.

The question being on the motion to postpone the resolution until the 16th inst., Senator Larrabee moved to amend the motion by striking out the "16th," and inserting the "24th."

The amendment was lost and the motion was then disagreed to.

The hour for the special order having arrived, it being Senate Files Nos. 82 and 161, on motion of Senator Beardsley, the special order was postponed 15 minutes.

Senator Beardsley moved to suspend the rule and the joint resolution a third time now.

Senator Donnan moved to strike out the fourth resolution, on which question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bulis, Couch, Dixon, Donnan, Fellows, Hamilton, Havens, Keller, Larrabee, Newell, Traverse, and Wolf—13.

The nays were—

Senators Allen, Beardsley, Bennett, Bill, Casady, Chapin, Claussen, Dunham, Fairall, Grimes, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Patterson, Tuttle, Vale, Vermillion, and West—24.

Absent and not voting—

Senators Campbell, Cathcart, Dysart, Griffith, Hawley, Ireland, Mitchell, Mulkern, Pierce, Rice, Smyth, and Wright—12.

So the motion to strike out the fourth resolution did not prevail.

Senator Larrabee moved to amend the third resolution by striking out of the fourth line the words "to recognize them as belligerents within the pale of international law," pending which the hour for

the special order having arrived, on motion of Senator Beardsley, the special order was postponed ten minutes.

The question being on the motion of Senator Larrabee, the yeas and nays were demanded, and

The yeas were—

Senators Bulis, Havens, Larrabee, and Patterson—4.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hurley, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Traversee, Tuttle, Vale, Vermillion, West, and Wolf—33.

Absent and not voting—

Senators Campbell, Casady, Cathcart, Dysart, Hawley, Ireland, Mitchell, Mulkern, Pierce, Rice, Smyth, and Wright—12.

So the motion did not prevail.

Senator Fellows moved to amend the fourth resolution by inserting in the first line, after the word "has," the word "not," pending which the hour for the special order having arrived, it being Senate Files Nos. 82 and 161, Senator Fellows moved to take up the special order, which was not agreed to.

Senator Patterson raised a point of order, that the special order would now be before the Senate, unless a vote to postpone it was taken.

The chair decided the point not well taken.

Senator McNutt moved to reconsider the vote by which the Senate refused to take up the special order, which prevailed.

The question being on the motion to take up the special order, it was disagreed to.

Senator Moore moved the previous question, which was not seconded.

Senator Donnan moved to strike out the second resolution, which was not agreed to.

Senator McKean moved to strike out in the first and second lines of the second resolution the words "has become historically a part of the law of nations, applicable to the relations of the American continent to the older world," and insert the words "is our opinion."

Lost.

On the question "shall the resolutions be read a third time now?" the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Chapin, Claussen, Couch, Dixon, Dunham, Fairall, Griffith, Grimes, Long, Lowry, McCulloch, McNutt, Moore, Murray, Newell, Tuttle, Vale, and Vermillion—25.

The nays were—

Senators Donnan, Fellows, Hamilton, Havens, Hurley, Keller, Larrabee, McKean, Patterson, Traversee, and Wolf—11.

Absent and not voting—

Senators Campbell, Cathcart, Dysart, Hawley, Ireland, Knoll, Mitchell, Mulkern, Pierce, Rice, Smyth, West, and Wright—13.

So the motion to suspend the rule prevailed, and the joint resolutions were read a third time.

On the question "Shall the Joint Resolutions pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Casady, Chapin, Clausen, Couch, Dixon, Dunham Fairall, Griffith, Grimes, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Traverse, Tuttle, Vale, Vermillion, and West—29.

The nays were—

Senators Bulis, Donnan, Fellows, Hamilton, Havens, Keller, Larrabee, Patterson, and Wolf—9.

Absent and not voting—

Senators Campbell, Cathcart, Dysart, Hawley, Ireland, Mitchell, Mulkern, Pierce, Rice, Smyth, and Wright—11.

So the joint resolution passed and the title was agreed to.

By leave, Senator Bennett introduced memorial of the Thirteenth General Assembly of the State of Iowa, to the United States Congress, relative to water communication between the Atlantic and Mississippi via the Ohio, Kanawah, and James Rivers.

Referred to Committee on Federal Relations.

By leave, Senator Chapin introduced Senate File No. 174, A bill for an act to amend section 3 of chapter 27 of the acts of the 12th General Assembly.

Read first and second time and referred to Committee on Judiciary.

Also a petition from citizens of Benton county on same subject.

Referred to same committee.

Senator McNutt moved to take up Senate File No. 32, A bill for an act in relation to taxation of railroads, and to provide for the collection of taxes thereon, with report of committee recommending amendments and that so amended the bill do pass.

And Senate File No. 161, A bill for an act providing for the taxation of the proerty of railroad companies, with report of Committee recommending that the bill do not pass, which was made the special order for 10½ o'clock to-day, and which was not taken up, be now taken up and considered.

The motion prevailed.

The question being on the amendments offered by the committee to Senate File No. 32.

Senator Fellows moved to amend the first amendment offered by the committee, by striking out "\$7000" and inserting "\$6000," which was lost.

Senator McNutt moved to substitute Senate File No. 161 for Senate File No. 32, and amendments reported by committee.



Pending which, Senator Beardslep moved that the bills under consideration be made the special order for to-morrow morning at 10 o'clock.

Senator Patterson moved to amend by striking out the words "to-morrow morning at 10 o'clock," and inserting "this afternoon at 2 o'clock."

The amendment was lost.

The motion was then adopted.

At 12 o'clock and 20 minutes, on motion of Senator Vermillion the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 15, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Fields.

The Journal of yesterday was read and approved.

The following message was received from the House :

MESSAGE FROM THE HOUSE.

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bills in which the concurrence of the Senate is asked.

House File No. 201, A bill for an act to legalize the acts of Ashford B. Elwood, a Deputy Recorder of Montgomery county, Iowa.

House File No. 128, A bill for an act to abolish the General Term Court, and to amend chapter 86, acts of the Twelfth General Assembly.

I also return herewith Senate File No. 48, A bill for an act making further appropriations for the Deaf and Dumb Asylum, the same having passed the House without amendment.

I also transmit herewith a memorial for the relief of homestead settlers, which has passed the House, and in which the concurrence of the honorable Senate is respectfully asked.

I also communicate to the Senate the resolutions of respect and sympathy adopted by the House upon the occasion of the death of Hon. Abijah Conner, a Representative elect from Washington county.

CHARLES ALDRICH, *Chief Clerk.*

## INTRODUCTION OF BILLS.

By Senator Chapin, from Committee on Charitable Institutions : Senate File No. 175, A bill for an act to provide for furnishing the Deaf and Dumb Asylum at Council Bluffs, and for the removal and maintenance of the school.

Read first and second time and passed on file.

On motion, Senator Havens was excused on account of sickness.

## HOUSE MESSAGES.

House File No. 201, A bill for an act to legalize the acts of Ashford B. Elwood, a Deputy Recorder of Montgomery county, Iowa, was taken up.

Read first and second time and referred to Committee on Judiciary.

House File No. 128, A bill for an act to abolish the General Term Court, and to amend chapter 86, acts of the Twelfth General Assembly, was taken up.

Read first and second time and referred to Committee on Judiciary.

Memorial and joint resolution for the relief of homestead settlers, was taken up.

Read first and second time.

On motion of Senator Casady, the 11th rule was suspended, and the memorial and joint resolution was read a third time.

On the question "Shall the Joint Resolution pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Hamilton, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—37.

The nays were none.

Absent and not voting—

Senators Allen, Cathcart, Dysart, Grimes, Havens, Hawley, Hurley, Ireland, Mitchell, Moore, Mulkern, and Smyth—12.

So the joint resolution passed and the title was agreed to.

## REPORTS OF COMMITTEES.

Senator Claussen, from the Committee on Judiciary, submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 20, A bill for an act to repeal sections 16, 17, 18, 19, 20, 21, 22, and 24, of chapter 86 of the acts of the Twelfth General Assembly, providing for appeal to the Supreme Court, and fixing time for holding Courts, have had the same under

consideration, and have instructed me to report the same back to the Senate, with the recommendation that the accompanying substitute be adopted, and do pass in its stead.

CLAUSSEN, *for Committee.*

Ordered that the report pass on file.

Senator Bulis, from the Committee on State University, submitted the following report:

MR. PRESIDENT—Your Committee on State University, to whom was referred Senate File No. 155, A bill for an act for the government of the State University, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

H. C. BULIS, *Chairman.*

Ordered that the report pass on file.

Senator Dixon, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House File No. 51, A bill for an act to protect fur bearing animals in the State of Iowa, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

J. N. DIXON, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred House File No. 114, A bill for an act to amend chapter 61 of the Revision of 1860, concerning fences, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

J. N. DIXON, *Chairman.*

Ordered that the report pass on file.

Senator Knoll moved to take up joint resolution relating to the constructions of the Sioux City Branch of the Union Pacific Railroad.

The motion prevailed, and the joint resolution was taken up and considered.

On motion of Senator Knoll, the rule was suspended and the joint resolution was read a third time.

On the question "Shall the joint resolution pass?"

The yeas and nays were demanded and were as follows :

The yeas were—

Senators Beardsley, Bennett, Bill, Chapin, Dixon, Donnan, Dunham, Fellows, Griffith, Hamilton, Keller, Knoll, Long, McCulloch, McKean, Moore, Newell, Pierce, Tuttle, West, and Wolf—21.

The nays were—

Senator Atkins, Campbell, Casady, Claussen, Couch, Larrabee, Lowry, Murray, Patterson, Rice, Traverse, Vermillion, and Wright—13

Absent and not voting—

Senators Allen, Bulis, Cathcart, Dysart, Fairall, Grimes, Havens, Hawley, Hurley, Ireland, McNutt, Mitchell, Mulkern, Smyth, and Vale—15.

So the joint resolution, not having received a constitutional majority, was lost.

Senator Wright, from Joint Committee to investigate certain charges preferred against Marlin Heisey, Warden of the Penitentiary, submitted the following report :

MR. PRESIDENT—The Joint Committee from the Senate and House of Representatives, appointed to investigate certain charges against Martin Heisey, Warden of the Penitentiary, would respectfully submit the following report :

At 8 o'clock A. M., February 28th, 1870, your Committee met at the Court House in Ft. Madison, Iowa, and proceeded to the investigation of the following charges against the said Heisey, to-wit :

1. Letting contract for the construction of sewer for Penitentiary in 1866, to his son J. W. Heisey, at that time clerk of the Penitentiary, in name of W. W. Hopkins.
2. Charging pork lost in the fire of 1868, (May,) to the State of Iowa, after the same had been burned.
3. Use of profane language to, and in the presence of prisoners.
4. Intemperance.
5. Purchasing goods for prison use at private value and higher prices than such goods were offered in bids for contracts.
6. Taking prison stores for private use.
7. Using public funds to purchase furniture for the Warden's residence.
8. Fraud in purchase of stone for cell room.
9. Engaging in other business.
10. Neglect of duty.
11. Taking false vouchers.
12. Using convict labor for private purposes.
13. Defrauding the State in the sale of pork.

The prosecution was conducted by Col. S. S. Curtis, and S. B. Maltby, and the defense by J. Van Valkenburg.

After a careful and patient investigation extending through a period of eight days, we find as follows :

1st charge—Not sustained.

2d charge—The evidence shows that in November, 1867, Martin Heisey put 28 barrels of superior pork of his own packing, into the prison cellar for the use of the State; that the convicts were fed on the same from that date, and that the price, \$25 per barrel was not unreasonable.

3d, 4th, 5th, and 6th charges—Not sustained.

7th charge—As this matter had been previously examined by an officer of the State, and reported to the Governor as judiciously expended, we did not particularly inquire into the items.

The evidence shows that the Census Board had directed the expenditure, and under that direction Mr. Heisey acted in good faith, and we believe that the Census Board made the direction with the belief that they were acting in accordance with right and justice.

8th charge—Not sustained.

9th charge—The testimony shows that during his administration ten hours had been devoted to the purchase of hogs for his own benefit.

10th charge—Aside from the showing on 9th charge not sustained.

11th, 12th, 13th, charges—Not sustained.

And your Committee deem it but simple justice to Mr. Heisey, to add that they are fully persuaded that his faithful, efficient, and untiring devotion to his official duties has but few parallels.

The testimony taken by your Committee comprising about three hundred pages is herewith submitted.

AARON BROWN,  
SAMUEL MURDOCK,  
JAMES D. WRIGHT.

Ordered that the report pass on file.

Senator Beardsley moved that the report be printed.

Pending which Senator McNutt moved to postpone the special order ten minutes.

The motion was disagreed to.

The hour for the special order having arrived it being Senate File No. 32, A bill for an act in relation to taxation of railroads, and to provide for the collection of taxes levied thereon, with report of Committee recommending amendments.

And Senate File No. 161, A bill for an act providing for the taxation of the property of Railroad Companies, with report of Committee recommending that the bill do not pass.

It was taken up and considered.

The question being on the motion of Senator McNutt, to substitute Senate File No. 161, for Senate File No. 32, and amendments reported by Committee.

Pending which the following message was received from the House:

MR. PRESIDENT—I herewith present for your signature House File No. 108, A bill for an act legalizing certain elections in the city of Council Bluffs, and also, legalizing the acts of officers elected thereat.

The same having passed both branches of the General Assembly, and been duly enrolled, and signed by the Speaker of the House.

CHARLES ALDRICH, *Chief Clerk.*

The consideration of the motion of Senator McNutt was resumed.

Pending which the following message was received from the House:

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

House File No. 274, A bill for an Act to amend chapter 123, laws of the 11th General Assembly.

I also, herewith return the following bills, which have passed the House without amendment.

Senate File No. 65, A bill for an act to legalize the survey and town-plat of Auburn, Fayette county, Iowa.

Senate File No. 82, A bill for an act to legalize the action of the Board of Supervisors of Story county, Iowa, in relation to the issuance of bonds to the amount of seven thousand dollars for the purpose of purchasing land for a "poor farm," for the use of said county, and for the erection of buildings thereon.

MARY E. SPENCER,  
*Engrossing Clerk.*

The motion of Senator McNutt to substitute Senate File No. 161, for Senate File No. 32, and amendments reported by Committee was further considered.

Pending, which by leave Senator Wolf offered the following resolution, which was agreed to:

The Committee on Schools of the two Houses, having requested the Superintendent of Public instruction to re-write the school laws, and the same having been done, and the bill is now printed and re-written therefore.

*Resolved*, That Hon. A. S. Kissell, Superintendent of Public Instruction be invited to address the members of the General Assembly on this Revision, in the Hall of Representatives, tomorrow (Wednesday) evening.

By leave Senator Chapin introduced Senate File No. 176, A bill for an act to establish a State normal school.

Read first and second time and referred to Committee on Schools.

Senator Vermillion moved that the Senate do now adjourn, which was lost.

On motion of Senator Beardsley, Senate File No. 32 and Senate File No. 161, with reports of Committee were made the special order for March 18th at 10 o'clock.

At 12 o'clock and 10 minutes, on motion of Senator McNutt, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 16, 1870.

Senate met pursuant to adjournment, and the President being absent, was called to order by Assistant Secretary Hull.

On motion of Senator West, Senator McNutt was elected temporary president.

Prayer by Rev. Mr. Geiger.

The journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Senator Knoll presented a petition from Christian Vath and 75 other citizens of Dubuque city, praying for the enactment of a law exempting the property of incorporated societies of physical and mental development commonly known as "turner societies," from taxation.

Referred to Committee on Ways and Means.

Senator Grimes presented a petition from Silas Lawrence and 18 others, citizens of Delaware county, Iowa, asking that a branch Penitentiary be located at the Stone quarries, in Jones county.

Passed on file, to be considered with bill on same subject.

Senator McKean presented a petition from W. F. Coon and others, citizens of Clinton county, asking that a branch Penitentiary be located at the Stone quarries in Jones county, Iowa.

Passed on file, to be considered with bill on same subject.

Also a petition from W. H. Peabody and 85 others, citizens of Dubuque county, on same subject.

Passed on file to be considered with bill on same subject.

Also a petition from Peter Malendy and 20 others, citizens of Cedar Falls, on same subject, with same reference.

Also a petition from M. C. Woodruff and others, of Iowa Falls, on same subject with same reference.

Senator Tuttle presented a remonstrance from J. P. Lord and others, against hostile legislation in relation to the Des Moines Valley Railroad.

Referred to Committee on Railroads.

#### INTRODUCTION OF BILLS.

By Senator Fairall: Senate File No. 177, A bill for an act to empower cities to take private property and appropriate the same to public uses in certain cases.

Read first and second time and referred to Committee on Judiciary.

Senator McKean asked leave of absence for Senators Smyth and Hawley, the Secretary and Enrolling Clerk of the Senate.

Leave was granted.

By Senator Vale: Senate File No. 178, A bill for an act to amend section 2218, of the Revision of 1880, in relation to Tenants.

Read first and second time, and referred to Committee on Judiciary.

By Senator Hamilton, Senate File No. 179, A bill for an act to abolish the Medical Department of the Iowa State University.

Read first and second time.

Senator Hamilton moved that the 11th rule be suspended and the bill be read a third time now, on which question the yeas and nays were demanded.

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Casady, Chapin, Claussen, Couch, Donnan, Dunham, Fairall, Fellows, Griffith, Keller, Knoll, McCulloch, McNutt, Murray, Newell, Patterson, Rice, Tuttle, and Wright—23.

The nays were—

Senators Bill, Campbell, Dixon, Grimes, Hamilton, Havens, Larrabee, Lowry, Moore, Pierce, Traverse, Vale, Vermilion, West, and Wolt—16.

Absent and not voting were—

Senators Cathcart, Dysart, Hawley, Hurley, Ireland, Long, McKean, Mitchell, Mulkern, and Smyth—10.

So the motion not having received a two-third's vote was lost.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith return Senate File No. 166. A bill for an act to enable Forest City township, Howard county, to hold a special election for the election of township officers, which has passed the House without amendment.

CHAS. ALDRICH, *Chief Clerk.*



On motion of Senator Hamilton Senate File No. 179, was then ordered engrossed and read a third time to-morrow.

On motion, Senators Cathcart and Mitchell were excused until to-morrow.

#### RESOLUTIONS.

Senator Wright introduced the following :

WHEREAS, The Senate ordered 10 copies of the supplement to the Bulletin to be furnished to each member that he might, without delay distribute the information of the proceedings of the Senate to his constituents, and,

WHEREAS, The said paper has not been furnished, except back numbers, and is from one to two weeks behind, reporting the proceedings, rendering the paper valueless for the purpose for which it is taken, therefore,

*Resolved*, That the Secretary of the Senate notify the publishers that the State will not pay for any more papers than has been furnished up to this date.

Senator Larrabee offered the following substitute :

*Resolved*, That the publishers of the Bulletin Supplement, be requested to employ a larger force to enable them to give an earlier report.

Senator Fellows moved that the resolution and substitute be laid on the table.

On which question the yeas and nays were demanded.

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bliss, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Hamilton, Havens, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, West, and Wolf—35.

The nays were—

Senators Campbell, Dunham Grimes, Keller, Vermillion and Wright—6.

Absent and not voting—

Senators Cathcart, Dysart, Hawley, Hurley, Ireland, Mitchell, Mulkern, and Smyth—8.

So the motion prevailed.

Senator Grimes submitted a report of the special committee appointed to visit Soldiers' Orphans' Home at Cedar Falls, which was laid on the table and ordered printed.

The hour for the special order having arrived, it being Senate File No. 60, A bill for an act to permanently locate and to provide for erection and control of an additional penitentiary with majority report recommending that the report do pass.

And Senate File No. 58, A bill for an act to establish an additional penitentiary at McGregor Iowa.

On motion of Senator Wright the special order was postponed 15 minutes.

Senator Wright, from Special Committee to visit the Penitentiary, submitted a report, which was laid on the table and ordered printed.

By leave, Senator Wright introduced Senate File No. 180, A bill for an act to prohibit the use of the lash as a means of discipline in the Iowa State Penitentiary.

Read first and second time.

Senator Lowry moved to suspend the eleventh rule and read the bill a third time.

Senator Fellows moved that the bill be referred to Committee on Judiciary, which motion prevailed.

By leave, Senator Wright introduced Senate File No. 181, A bill for an act for the improvement of the Penitentiary, and to provide for the salary and compensation of the Warden.

Read first and second time and referred to Committee on Ways and Means.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 156, A bill for an act to improve the tax system, of the State, and to avoid errors in assessments of taxes.

Substitute for Senate File No. 12, A bill for an act to authorize the sale of lands and town lots for taxes in certain cases for an amount less than the taxes, interest, and costs due thereon.

MARY E. SPENCER, *Eng. Clerk.*

The hour for the special order having arrived, it being Senate File No. 60 and Senate File No. 58, it was taken up, and Senate File No. 60 was considered, pending which Senator Fairall moved to take up House File No. 16, A bill for an act appropriating funds to the State University of Iowa, and make it the special order for March 22d, at 9½ o'clock A. M.

The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General

Assembly, and been duly enrolled and signed by the Speaker of the House.

Substitute for House Files No. 3, and 18, A bill for an Act to restrain stock from running at large.

House File No. 236, A bill for an act to repeal an act authorizing General Banking, in the State of Iowa, passed March 22, 1858.

CHAS. ALDRICH, *Chief Clerk.*

The consideration of Senate File No. 60, was resumed.

Pending which Senator Newell moved that Senate File No. 58, and Senate File No. 60, be made the special order for March 23d, at 10 o'clock, A. M.

Which was agreed to.

On motion of Senator Griffith, Senate File No. 46, A bill for an act to provide for funding of county indebtedness, with report of Committee recommending a substitute, was made the special order for March 24th, at 10 o'clock.

By leaves Senator Newell presented a memorial from the city of McGregor, in relation to an additional Penitentiary at that place, which was read and referred to Committee on Ways and Means.

#### HOUSE MESSAGES.

House File No. 274, A bill for an act to amend chapter 123, of the laws of the 11th General Assembly, relating to the grey uniform furnished to certain members of the 2d, and 3d Iowa Infantry, was taken up.

Read first and second time, and referred to Committee on Military Affairs.

House File No. 156, A bill for an act to improve the tax system of this State, and to avoid errors in the assessment of real estate, was taken up.

Read first and second time and referred to Committee on Ways and Means.

Substitute for Senate File No. 12, A bill for an act to authorize the sale of lands and town lots, for taxes in certain cases for an amount less than the taxes, interest, and costs due thereon, was taken up.

Read first and second time and referred to Committee on Ways and Means.

Senator Wolf from Committee on Conference submitted the following report:

The Committee on Conference upon the disagreeing votes of the two Houses, upon House File No. 1, A bill &c., after a full and free conference have agreed to recommend, and do recommend to

their respective Houses that the House do concur in the Senate amendment to said bill.

WM. P. WOLF.

*Committee on the part of the Senate.*

J. P. KETCHAM,

WM. HARPER,

JOHN MAHIN,

*Committee on the part of the House.*

By leave, Senator Bennett offered the following concurrent resolution.

*Resolved by the Senate the House concurring:* That the Senate will meet the House in joint convention on Friday, the 18th day of March 1870, at 2 o'clock, P. M., for the purpose of electing a State Printer, State Binder, and Warden of the State Penitentiary.

The resolution was agreed to.

Senator Larrabee asked leave to take up special message of the Governor, to the 13th General Assembly, in reference to the proposed improvements of the Fox and Wisconsin rivers, which was agreed to, and the message was taken up.

Referred to Committee on Commerce.

#### BILLS ON SECOND READING.

Senate File No. 110, A bill for an act to provide information concerning the blind was taken up and considered.

On motion of Senator Donnan the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Cathcart, Dysart, Hawley, Hurley, Ireland, Mitchell, Mulkern, Patterson, and Smyth—9.

So the bill passed, and the title was agreed to.

Senate File No. 94, A bill for an act for the apportionment of commissioners in other States, with report of Committee recommending amendments was taken up and considered, and report of Committee was adopted.

On motion of Senator Larrabee the rule was suspended and bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were—none

Absent and not voting—

Senators Cathcart, Dunham, Dysart, Hawley, Hurley, Ireland, Mitchell, Mulkern, and Smyth,—9.

So the bill passed and the title was agreed to.

At twelve o'clock and twenty minutes, on motion of Senator Vale, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 17, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Morton.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS

Senator Griffith presented a memorial from John M. Folger, asking reimbursement for labor on agricultural college.

Referred to Committee on Claims.

RESOLUTIONS.

Senator Campbell offered the following :

*Resolved*, That on and after Monday, March 21st, the Senate will hold two sessions a day, commencing at 9 A. M. and 2 P. M., except Saturday, when there shall be a forenoon session only.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Campbell, Grimes, Havens, Keller, Knoll, McCulloch, Moore, Murray, Patterson, Smyth, Vale, West, and Wright—13.

The nays were—

Senators Atkins, Beardsley, Bulis, Casady, Chapin, Claussen, Couch, Donnan, Dunham, Fellows, Griffith, Hamilton, Hurley, Lowry, McNutt, Newell, Rice, Traverse, Vermillion and Wolf—20.

Absent and not voting—

Senators Allen, Bennett, Bill, Cathcart, Dixon, Dysart, Fairall, Hawley, Ireland, Larrabee, Long, McKean, Mitchell, Mulkern, Pierce, and Tuttle—16.

So the resolution was not adopted.

On motion of Senator Larrabee, Senator Fairall was excused for to-day.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

House File No. 280, A bill for an act to legalize the acts of the incorporated town of Leon, Decatur County, Iowa.

Substitute for House File No. 69, A bill for an act to provide for the prohibition of the sale of ale, wine, and beer in counties, by a vote of the people.

I am also directed to inform the Senate that the House has adopted the concurrent resolution of the Senate in relation to the holding of a joint Convention of the two Houses, on Friday, the 18th instant, at 2 P. M., for the purpose of electing a State Printer, State Binder, and Warden of the Penitentiary.

CHAS. ALDRICH, *Chief Clerk.*

On motion of Senator Lowry, the resolution in relation to final adjournment on the 6th of April next, was taken up and considered.

Senator Donnan moved to amend the resolution by striking out the word "six," and inserting the "13th," and strike out the word "noon."

Senator Bulis moved to amend the amendment by striking out the "13th," and inserting "March 30th," on which question the yeas and nays were demanded, and

The yeas were—

Senators Bulis, Campbell, Couch, Dunham, Havens, Hurley, Larrabee, McCulloch, Moore, Murray, Newell, Rice, Smyth, Vermillion, and Wright—15.

The nays were—

Senators Atkins, Beardsley, Casady, Chapin, Claussen, Donnan, Fellows, Griffith, Grimes, Hamilton, Keller, Knoll, Lowry, McNutt, Patterson, Pierce, Traverse, Vale, West, and Wolf—20.

Absent and not voting—

Senators Allen, Bennett, Bill, Cathcart, Dixon, Dysart, Fairall, Hawley, Ireland, Long, McKean, Mitchell, Mulkern, and Tuttle—14.

So the amendment was disagreed to.

The question being on the amendment offered by Senator Donnan, Senator Hamilton demanded a division of the question, and on the question of striking out the word "noon."

The yeas and nays were demanded and were as follows:

The yeas were—

Senators Atkins, Bill, Casady, Claussen, Couch, Donnan, Fellows, Griffith, Havens, Hurley, Keller, Knoll, McCulloch, McNutt, Murray, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, and Vale—22.

The nays were—

Senators Beardsley, Bulis, Campbell, Cathcart, Chapin, Dixon, Dunham, Grimes, Hamilton, Lowry, Moore, Smyth, Vermillion, West, Wolf, and Wright—16.

Absent and not voting—

Senators Allen, Bennett, Dysart, Fairall, Hawley, Ireland, Larrabee, Long, McKean, Mitchell, and Mulkern—11.

So the motion prevailed.

The question being on the motion to strike out "6th," and insert "13th."

Senator Fellows moved to postpone further consideration of the subject for one week.

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

The yeas were—

Senators Beardsley, Bill, Chapin, Couch, Dixon, Donnan, Fellows, Grimes, Hawley, Keller, Knoll, McCulloch, McKean, McNutt, Newell, Patterson, Pierce, Vale, West, and Wolf—20.

The nays were—

Senators Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Claussen, Dunham, Griffith, Hamilton, Havens, Hurley, Larrabee, Lowry, Moore, Murray, Rice, Smyth, Traverse, Tuttle, Vermillion, and Wright—21.

Absent and not voting—

Senators Allen, Dysart, Fairall, Ireland, Long, Mitchell, and Mulkern—7.

So the motion did not prevail.

The question being on the motion of Senator Donnan.

Senator Tuttle moved to amend the amendment by striking out the words "Wednesday the 13th," and inserting "not earlier than the 6th, and not later than the 13th."

On which question the yeas and nays were demanded and were as follows:

The yeas were—

Senators Newell, Patterson, Tuttle, and Vermillion—4.

The nays were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Clark, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley,

Hurley, Keller, Knoll, Larrabee, Lowry, McCulloch, Moore, Murray, Pierce, Rice, Smyth, Traverse, Vale, West, Wolf, and Wright—35.

Absent and not voting—

Senators Allen, Bennett, Dysart, Ireland, Long, McKean, McNutt, Mitchell, and Mulkern—10.

So the amendment to the amendment did not prevail.

The question being on the amendment offered by Senator Donnan, Senator West moved to lay the resolution on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Chapin, Couch, Dixon, Donnan, Fellows, Griffith, Grimes, Hamilton, Hawley, Knoll, McCulloch, McKean, McNutt, Moore, Patterson, Pierce, Smyth, and West—20.

The nays were—

Senators Bill, Bulis, Campbell, Casady, Cathcart, Claussen, Dunham, Havens, Hurley, Keller, Larrabee, Lowry, Murray, Newell, Rice, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—21.

Absent and not voting—

Senators Allen, Bennett, Dysart, Fairall, Ireland, Long, Mitchell, and Mulkern—8.

So the motion did not prevail.

The question being on the amendment offered by Senator Donnan, the yeas and nays were demanded and

The yeas were—

Senators Atkins, Beardsley, Bill, Campbell, Cathcart, Chapin, Claussen, Dixon, Donnan, Fellows, Griffith, Hawley, Hurley, Keller, Knoll, Larrabee, McKean, McNutt, Newell, Patterson, Pierce, Smyth, Traverse, and West—24.

The nays were—

Senators Bulis, Casady, Dunham, Grimes, Hamilton, Havens, Lowry, McCulloch, Moore, Murray, Rice, Tuttle, Vale, Vermillion, Wolf, and Wright—16.

Absent and not voting—

Senators Allen, Bennett, Couch, Dysart, Fairall, Ireland, Long, Mitchell, and Mulkern—9.

So the amendment was agreed to and the resolution as amended was adopted.

The following message was received from the House.

MR. PRESIDENT—I herewith present for your signature the following Bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 214, A bill for an act to legalize the election of corporation officers in the town of Le Claire, county of Scott, and State of Iowa, on the first Monday of March, A. D. 1869.



Memorial for the relief of Homestead Settlers.

Joint Resolution relating to the civil contest in the island of Cuba.

MARY E. SPENCER, *Engrossing Clerk.*

Senator Havens from the Committee on Enrolled Bills submitted the following report :

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined Senate File No. 166 and find the same correctly enrolled.

J. W. HAVENS, *for the Committee.*

#### HOUSE MESSAGES.

House File No. 280, A bill for an act to legalize the incorporation of Leon, Decatur Co., Iowa, was taken up, read first and second time, and on motion of Senator Keller the 11th rule was suspended and the bill read a third time.

On the question, "shall the bill pass?"

The yeas were—

Senators Bulis, Campbell, Casady, Cathcart, Claussen, Couch, Dixon, Donnan, Dunham, Griffith, Grimes, Hamilton, Havens, Hawley, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—34.

The nays were none.

Absent and not voting were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Chapin, Dyart, Fairall, Fellows, Hurley, Ireland, Long, Mitchell, Mulkern, and Pierce,—15.

So the bill passed, and the title was agreed to.

House File No. 69, A bill for an act to provide for the prohibition of the sale of ale, wine, and beer, in counties by a vote of the people, was taken up, read first and second time, and referred to Committee on Suppression of Intemperance.

#### REPORTS OF COMMITTEES.

Senator Larrabee: from the Committee on Ways and Means submitted the following report :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred substitute for Senate File No. 12, A bill for an act to authorize the sale of lands and town lots for taxes in certain cases for an amount less than the taxes, interest, and cost due thereon, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate

with the following amendment and recommend that it do pass. Strike out section 1 and 2, and insert section 1, "That it shall be the duty of the several county treasurers of this State on the 1st Monday in October, A. D., 1870, or any adjourned sale thereafter to offer and sell at public sale to the highest bidder therefor all lands and town lots which there remain liable to sale for delinquent taxes and which have heretofore been advertised and offered at public sale and passed for want of bidders for two or more years by giving general notice of such sale for six weeks previous thereto in the official paper of each of their respective counties, which said notice shall refer to embrace the general provisions of this act,

WM. LARRABEE, *Chairman.*

Ordered that the report pass on File.

The hour for the special order having arrived, it being Senate File No. 125, A bill for an act to prescribe rules and regulations for railroads, and to establish uniform and reasonable rates of tariff for the transportation of certain freights thereon, with majority and minority reports.

And House File No. 216, A bill for an act to regulate passenger fare on railroads with report of Committee.

It was taken up and Senate File No. 125 was considered.

The question being on the amendment offered by Senator Wright,

The yeas and nays were demanded and were as follows :

The yeas were—

Senators Bill, Cathcart, Dunham, Hamilton, Moore, Patterson, Tuttle, Vermillion, Wolf, and Wright—10.

The yeas were —

Senators Allen, Atkins, Beardsley, Bliss, Campbell, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Grimes, Havens Hawley, Hurley, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mulkern, Murray, Newell, Pierce, Rice, Smyth, Traverse, Vale, and West—34.

Absent and not voting—

Senators Bennett, Dysart, Ireland, Long, and Mitchell—5.

So the amendment was lost.

On motion, Senator Long was excused for two days.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has concurred in the report of the Committee of Conference on Senate Substitute for House Substitute for House File No. 1, A bill for an act to amend section 3, chapter 118, of the laws of the 10th General Assembly, and section 11, of

chapter 148, of the laws of the 9th General Assembly, and to regulate the sale of school lands.

MARY E. SPENCER, *Engrossing Clerk.*

The question being on the motion of Senator Murray to indefinitely postpone the bill.

Pending which, Senator Beardsley moved to make the bills the special order for March 25th, at 10 o'clock a. m., and continued until disposed of.

Senator Larrabee moved to amend by striking out the "25th," and inserting "this afternoon at 2½ o'clock."

The amendment was lost.

The motion was then adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bills in which the concurrence of the Senate is asked.

House File No. 219, A bill for an act to annex certain lands to the independent school district of Strawberry Point, for school purposes.

Substitute for House File No. 45, A bill for an act to empower school boards to procure school-house sites.

I also herewith return Senate File No. 110, A bill for an act to provide information concerning the blind, which has passed the House without amendment.

CHARLES ALDRICH, *Chief Clerk.*

By leave, Senator Fairall introduced Senate File No. 182, A bill for an act repealing the argument terms of the Supreme Court at Davenport, and establishing them at Iowa City.

Read first and second time and referred to Committee on Judiciary.

By leave, Senator Traverse introduced Senate File No. 183, A bill for an act to amend section 4881 of the Revision of 1860, laws of Iowa.

Read first and second time and referred to Committee on Judiciary.

Senator Keller asked leave of absence for Asst. Sec. Gardner until to-morrow evening.

Leave was granted.

On motion of Senator Donnan, substitute for Senate File No. 12, A bill for an act to authorize the sale of lands and town lots for

taxes in certain cases for an amount less than the taxes, interest, and costs due thereon, with report of Committee recommending amendments, was taken up, considered, and report of Committee was adopted.

On motion of Senator Larrabee, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Cathcart, Chapin, Claussen, Couch, Donnao, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Keller, Knoll, Larrabee, Lowry, McKean, Mulkern, Murray, Newell, Patterson, Rice, Smyth, Tuttle, Vale, Vermillion, West, Wolf and Wright—35.

The nays were—

Senators Bill, Campbell, Casady, Dixon, Havens, Moore, Pierce, and Traverse—8.

Absent and not voting—

Senators Dysart, Ireland, Long, McCulloch, McNutt, and Mitchell—6.

So the bill passed and the title was agreed to.

By leave, Senator Bennett, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 94, A bill for an act to amend section 4538 of the Revision of 1860, in relation to Clerk's certificates, have had the same under consideration, and have instructed me to report the same back to the Senate, with the accompanying substitute, with the recommendation that the substitute do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred the petition of Chas. W. Chase and other citizens of Clinton, Iowa, asking that the transfer books be placed in charge of the Recorder, or that the law requiring such records to be kept be repealed, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be referred to the Committee on County and Township Organization.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

At twelve o'clock and twenty-five minutes, on motion of Senator Griffith, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 18, 1870.

Senate met pursuant to adjournment and was called to order by the President.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

Senator Hamilton presented a petition from B. F. Whitney and nine others, asking that the Constitution of the State of Iowa, be amended by striking out the word "male."

Laid on the table to be considered with bill on same subject.

Senator Lowry presented a resolution from the Independent School District of Davenport, asking the establishment of a Normal School.

Referred to Committee on Schools.

INTRODUCTION OF BILLS.

By Senator Griffith: Senate File No. 184, A bill for an act making appropriations for the several Orphans' Homes, and for the support of the Orphans therein.

Read first and second time and referred to Committee on Soldiers' Orphans' Homes.

RESOLUTIONS.

Senator Fairall offered the following:

*Resolved*, That the Secretary of the Senate be directed to select and report to the Senate, all the bills of a local character now on file and undisposed of, and all bills reported adversely to by Committees, and that a time be fixed by the Senate for action thereon.

The resolution was adopted.

HOUSE MESSAGES.

Substitute for House File No. 45, A bill for an act to empower school boards to procure school-house sites, was taken up.

Read first and second time and referred to Committee on Schools.

House File No. 219, A bill for an act to annex certain lands to the Independent School District of Strawberry Point for school purposes, was taken up.

Read first and second time and referred to Committee on Schools.

## REPORT OF COMMITTEE.

Senator McNutt from the Committee on Manufactures submitted the following report :

MR. PRESIDENT—Your Committee on Manufactures to whom was referred substitute for House File No. 172, a joint resolution changing the name of the Skunk river to the original name of Chicaqua, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be adopted.

SAMUEL McNUTT, *Chairman.*

Ordered that the report pass on file.

Senator Griffith from the Committee on Public Buildings submitted the following report :

MR. PRESIDENT—Your Committee to whom was referred Senate File No. 172, A bill for an act making further appropriations for the Insane Asylum at Mt. Pleasant, beg leave to report that they have had the same under consideration, and report the item making an appropriation of \$5,000 to build a barn, back without recommendation.

That the item of two thousand five hundred for contingent fund be amended so as to read one thousand dollars, and that so amended the bill do pass.

GEO. E. GRIFFITH, *Chairman.*

Ordered that the report pass on file.

Senator Mitchell, from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled bills respectively report that they have presented to the Governor for his approval the following bill, viz :

Senate File No. 50.

MITCHELL, *Chairman.*

Senator Vale asked for leave of absence for Senator Traverser and Bill.

Leave was granted.

Senator Griffith from Joint Committee to visit Soldiers' Orphans' Home at Glenwood, submitted a report which was laid on the table and ordered printed.

On motion of Senator Tuttle House File No. 184, A bill for an act to encourage immigration to the State of Iowa, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator Tuttle moved to suspend the rule and read the bill a third time.

Senator Wright moved to amend section 6 by inserting after the word "appoint" in the 1st line the words "or send."

Senator West moved to lay the bill on the table.

The motion did not prevail.

The amendment offered by Senator Wright was lost.

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

The question, being "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bulis, Casady, Cathcart, Claussen, Couch, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Ireland, Knoll, Larrabee, Lowry, McKean, Mitchell, Moore, Rice, Smyth, Tuttle, Vale, and Wright—27.

The nays were—

Senators Beardsley, Campbell, Chapin, Dixon, Dysart, Havens, McCulloch, McNutt, Murray, Patterson, Pierce, Vermillion, West, and Wolf—14.

Absent or not voting were—

Senators Bennett, Bill, Hurley, Keller, Long, Mulkern, Newell, and Traverse—8.

So the bill passed and the title was agreed to.

Senator Knoll asked leave of absence for Senator Mulkern on account of sickness.

Leave was granted.

Senator Donnan offered the following:

*Resolved*, that the clerk of Judiciary and Railroad Committees be allowed the same postage and papers as the other clerks of the Senate.

On motion of Senator Fellows, the resolution was laid on the table.

#### BILLS ON THIRD READING.

Senate File No. 179, A bill for an act to abolish the medical department of the Iowa State University, was read a third time.

Senator Wolf moved a call of the Senate, which was ordered, and the roll was called with the following result:

Absent without excuse, Senators Allen, Bennett, and Newell.

On motion of Senator Hawley, further proceedings under the call was dispensed with.

On the question "Shall Senate File No. 179, pass?"

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

The yeas were—

Senators Beardsley, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Dysart, Grimes, Hamilton, Havens, Hawley, Hurley, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Newell, Patterson, Pierce, Tuttle, Vale, Vermillion, West, and Wright—26.

The nays were—

Senators Atkins, Casady, Claassen, Donnan, Dunham, Fairall, Fellows, Griffith, Ireland, Knoll, McNutt, Murray, Rice, Smyth, and Wolf—15.

Absent and not voting—

Senators Allen, Bennett, Bill, Keller, Long, Mulkern, and Traverse—8.

So the bill passed and the title was agreed to.

#### BILLS ON SECOND READING.

Senate File No. 76, A bill for an act to provide for the submission of the question of calling a constitutional convention to the qualified electors of Iowa, with report of Committee recommending amendments, was taken up considered, and report of Committee was adopted.

On motion of Senator Donnan, the rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

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

The yeas were—

Senators Allen, Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claassen, Couch, Dixon, Donnan, Dunham, Dygart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Moore, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Bennett, Bill, Keller, Long, Mitchell, Mulkern, Murray, Newell, and Traverse—9.

So the bill passed and the title was agreed to.

Petitions for equalizing assessments, with report of Committee, recommending that the prayer of the petitioners be not granted, was taken up, and report of Committee was adopted.

Senate File No. 17, A bill for an act to further define the duties of County Auditors and authorize them to employ a Deputy, with report of Committee recommending amendments, was taken up and considered.

Senator Wright moved to amend the amendment by inserting after the word "be" and before the word "paid," the words, "fixed by the Board of Supervisors, and," which was agreed to, and the amendments reported by Committee, as amended, were adopted.

The bill was then ordered engrossed for a third reading.

The hour for the special order having arrived, it being Senate File No. 32, A bill for an act in relation to taxation of railroads, and to provide for the collection of taxes thereon, with report of Committee recommending amendments, and Senate File No. 161, A bill



for an act providing for the taxation of the property of railroad companies, with report of Committee, recommending that the bill do not pass, it was taken up.

The question being on the motion of Senator McNutt to substitute Senate File No 161 for Senate File No. 82, Senator McNutt moved to postpone the Special order until 11 o'clock to-day.

The motion did not prevail.

Senator Lowry moved to reconsider the vote just taken, which was agreed to.

The question being on the motion to postpone until 11 o'clock, the yeas and nays were demanded, and.

The yeas were—

Senators Allen, Beardeley, Bennett, Casady, Cathcart, Fairall, Grimes, Havens, Hawley, Ireland, Keller, Lowry, McKean, McNutt, Murray, and Wolt—16.

The nays were—

Senators Atkins, Bulis, Campbell, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Hamilton, Hurley, Knoll, Larrabee, Mitchell, Moore, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, and Wright—27.

Absent and not voting—

Senators Bill, Dunham, Long, McCulloch, Mulkern, and Traverse—6.

So the motion did not prevail.

The following message was received from the House:

MESSAGE FROM THE HOUSE.

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

House File No. 264, A bill for an act providing for the taxation of property of railroad companies.

CHAS. ALDRICH, *Chief Clerk.*

Senator McNutt moved to take up House Messages, which motion prevailed.

House File No. 264, A bill for an act providing for the taxation of property of railroad companies, was taken up.

Read first and second time and considered instead of Senate Files 32 and 161.

Senator Vermillion moved that the bill be referred to Committee on Ways and Means.

Senator Beardsley moved to amend by striking out "Ways and Means" and inserting "Railroads."

Senator Fairall moved to amend by adding the following instruction: "And that the committee be instructed to report the bill back on Monday next, with the amount of tax and distribution thereof, as therein fixed."

On which question the yeas and nays were demanded, and

The yeas were —

Senators Beardsley, Bennett, Cathcart, Claussen, Dunham, Dysart, Fairall, Hurley, Knoll, Long, McCulloch, McKean, McNutt, Vale, West, and Wolf—16.

The nays were—

Senators Allen, Atkins, Bulis, Campbell, Casady, Chapin, Couch, Dixon, Donnan, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Keller, Larrabee, Lowry, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vermillion, and Wright—29.

Absent and not voting were—

Senators Bill, Hawley, Mulkern, and Traverse—4.

So the motion did not prevail.

The amendment offered by Senator Beardsley was adopted.

The question being on the motion to commit as amended, the yeas and nays were demanded, and

The yeas were —

Senators Allen, Beardsley, Bulis, Cathcart, Chapin, Couch, Donnan, Dunham, Fellows, Hamilton, Havens, Ireland, Keller, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Tuttle, and Vermillion—26.

The nays were—

Senators Atkins, Bennett, Campbell, Casady, Claussen, Dysart, Fairall, Griffith, Grimes, Hurley, Knoll, Long, McNutt, Rice, Vale, West, and Wolf—18.

Absent or not voting—

Senators Bill, Dixon, Hawley, Mulkern, Traverse, and Wright—5

So the motion to commit prevailed.

Senator Beardsley moved that the committee be instructed to report House File No. 264, back to the Senate and that it be made the special order for Tuesday next at 11 o'clock.

Senator Larrabee moved to amend by making the bill the special order for March 26th at 11 o'clock.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bulis, Campbell, Cathcart, Couch, Donnan, Griffith, Havens, Ireland, Keller, Larrabee, Moore, Murray, Patterson, Pierce, Tuttle, and Vermillion—18.

The nays were—

Senators Beardsley, Bennett, Casady, Chapin, Claussen, Dysart, Fairall, Fellows, Grimes, Hamilton, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Newell, Rice, Smyth, Vale, West, Wolf and Wright—25.

Absent and not voting—

Senators Bill, Dixon, Dunham, Hawley, Mulkern, and Traverse  
—6

So the amendment did not prevail.

The motion of Senator Beardsley was then disagreed to.

By leave, Senator Mitchell, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 188, A bill for an act resuming certain lands heretofore granted to the Des Moines Valley Railroad Company and to provide for the sale of the same, have had the same under consideration, and a majority of the committee have instructed me to report the same back to the Senate with the recommendation that it be amended by striking out sections 2, 3, and 4, and, being so amended, recommend that it do pass.

MITCHELL, *Chairman.*

Ordered that the report pass on file.

Senator Patterson from the Committee on Railroads submitted the following report:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 115, A bill for an act relating to lands conveyed, and to be conveyed to the Des Moines Valley Railroad Company have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do not pass.

J. G. PATTERSON, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate Files Nos. 86, 148, 151, 163, and 104, bills for acts with reference to the Dubuque, Bellevue, and Sabula Railroad Company's land grant, have had the same under consideration, and a majority of the Committee not being able to agree as to the disposal to be made of said land grant, have instructed me to report these bills back to the Senate without recommendation, and they have also directed me to report the following bill and recommend its passage.

H. PATTERSON, *Chairman.*

Ordered that the report pass on file.

Senate File No. 185, A bill for an act resuming the lands granted to the Dubuque, Bellevue, and Sabula Railroad Company, by chapter 124 of the acts of the Twelfth General Assembly, reported by Committee, was read first and second times.

On motion of Senator Patterson, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Clausen, Couch, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Smyth, Tuttle, Vale, Vermillion, West, Wolf, and Wright—39.

The nays were none.

Absent and not voting—

Senators Bill, Dixon, Dunham, Hawley, Larrabee, McNutt, Mulkern, Pierce, Rice, and Traverse—10.

So the bill passed and the title was agreed to.

Senator Patterson moved that the report of Railroad Committee on Senate Files Nos. 86, 148, 151, 163, and 104, bills in reference to the Dubuque, Bellevue, and Sabula Railroad Company's land grant, be made the special order for March 28th, at 10 o'clock A. M.

The motion prevailed.

Senator Wolf moved that the Committee on Railroads be requested to report House File No. 264 back on Tuesday morning next.

Senator Fellows moved to amend by striking out "Tuesday," and inserting "Monday."

Senator Vermillion moved to lay the motion upon the table, on which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Bulis, Griffith, Havens, Ireland, Keller, Moore, Murray, Patterson, and Vermillion—10.

The nays were—

Senators Atkins, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Clausen, Couch, Donnan, Dysart, Fairall, Fellows, Grimes, Hamilton, Hurley, Knoll, Long, Lowry, McKean, McNutt, Newell, Rice, Smyth, Tuttle, Vale, West, Wolf, and Wright—29.

Absent and not voting—

Senators Bill, Dixon, Dunham, Hawley, Larrabee, McCulloch, Mitchell, Mulkern, Pierce, and Traverse—10.

So the motion did not prevail.

The amendment offered by Senator Fellows was lost.

The motion of Senator Wolf was then adopted.

On motion of Senator Bennett, House message was taken up.

#### HOUSE MESSAG

WHEREAS, Intelligence has been received by this House of the death of the Hon. Abijah Connor, Representative elect, from the twenty-sixth district, Therefore,

*Resolved,* By the House of Representatives that with deep sorrow we deplore the event that has deprived this General Assembly of a wise counsellor, and a noble, earnest, and talented Representative.

*Resolved,* That we deeply sympathize with the widow and family of our deceased brother, in their great affliction, and hope that their wounded hearts may be soothed by the consolations of Him who "doeth all things well."

*Resolved,* That these resolutions be published in the *Iowa State Register*, the *Des Moines Bulletin*, the *Washington Press*, and the *Washington Gazette*, and that the Secretary of State be instructed to forward a copy thereof to the widow of the deceased.

*Resolved,* That these resolutions be transmitted to the Senate.

*Resolved,* That as a token of respect to the deceased, this House do now adjourn.

Senator Bennett rose and addressed the Senate as follows :

MR. PRESIDENT—A message from the House informs us that one of its members, Hon. Abijah Conner, Representative from the 26th District, is dead. How frequent have been such announcements during the sitting of this General Assembly : they bear with them their own admonition, and no words can add to their chilling appeals. We are stopped in the hot and fevered race or life, to lay to rest by the way some friend or comrade. We drop the tear of love and affection, the kind mother earth closes over all that is mortal, and we turn away, feeling there is another and holier tie that binds to the mysterious hereafter, and as time rolls by we lose gradually our hold on life, and feel our interest deepening in the land beyond the shadows. "The cup of life is sweetest at the brim, but its flavor is impaired as we drink deeper, and the dregs are made bitter, so that we may not struggle when it is taken from our lips." From the convening of the House the name of Conner has been called without an answer, and his seat has stood vacant, awaiting his coming. But he has answered to a higher call. With him "the hills and valleys of time are all passed; the wear and fever, the disappointment and sorrow of life are over, and he has set down in the house not made with hands eternal in the Heavens; in the homestead, over whose roof fall no shadows, or even clouds, and over whose threshold the voice of sorrow is never heard; built upon the eternal hills, and standing with its spires and pinnacles of celestial beauty, among the palm trees of the "city on high."

I believe there is no Senator on this floor, except myself, who had the pleasure of a personal acquaintance with Mr. Conner, and I am conscious that nothing that I may say can give to you any proper conception of his character and mental endowments, his life of hope and patient labor. He died in the forty-first year of his age; twelve years of that time he had devoted to his chosen profession, the ministry; a faithful, earnest worker, not content with

simply standing in the banqueting hall of his Master and announcing that all things were ready—but going out into the streets and lanes of the city, out into the highways and hedges. In religion as in every day life he was a practical man—leaving the past dead to bury its dead, and hastening on to deal with the earnest issues of the living present. Theories that could work out no practical good to mankind he passed by and left for idle dreamers.

Throughout all his labor, he never lost sight of the sublime truth couched in the reason following this sentence: "For I was an hungered and ye gave me no meat, thirsty and ye gave me no drink, naked and ye clothed me not, sick and in prison, and ye visited me not;" and he passed by as spurious all professions of religion that had not so much as a cup of cold water to give in the Master's name, and had eliminated from the Lord's Prayer that searching, limiting clause in the petition for forgiveness—"As I forgive them that trespass against me."

As a pastor, he was warm hearted and affectionate, first at the bedside of the sick, last to leave the house of mourning. He was a living and bright exemplification of the prophet's sublimely uttered thought—"How beautiful upon the mountains are the feet of him that bringeth good tidings, that publisheth peace, that sayeth unto Zion, thy God reigneth."

About one year ago, his health began failing so rapidly that he was compelled to quit the ministry and seek relief in the pure air and invigorating climate of the Rocky Mountains, from which he thought he derived great benefit; but soon his disease assumed a more serious form, and about the 1st of January he began rapidly to decline, and gradually grew weaker until the evening of March 7th. At about the hour of nine o'clock, he remarked to a friend standing near by, "*I am going to die now, let there be perfect quiet,*" and there, with his house set in order, with those that were loved and dear about him, without a struggle he peacefully breathed his last. The years of my acquaintance with Mr. Connor were few, but as my pastor I knew him intimately. Truth and constancy were prominent characteristics of his nature. As a friend, the same through sunshine and shadow, generous and charitable. He loved a truth better than his own life, and despised cant and sham, whether in religion or politics. With a finely cultivated mind, with energy of intellect and indomitable will, he was no laggard in the world of thought; was a believer in the dignity of labor, whether of the hand or the brain, and had but little faith in that sort of excellence which may be conferred by birth or bought with wealth. He believed with Scotia's bard that

"The rank is but the guinea's stamp,  
The man's the gold for a' that.  
A King can make a better Knight,  
A Marquis, Duke, and a' that;  
But an honest man's aboon his might,

Guid faith, maunna fa' that,  
 For a' that and a' that.  
 Their dignities and a' that,  
 Their faith o' sense, and pride o' worth,  
 Are higher ranks than a' that."

As an independent thinker, with liberal views, and a mind well stored on all subjects, he would have brought to the discharge of his duties as a legislator, qualities of the highest and most practical order. An earnest and effective speaker, and a clear, logical reasoner, he would have been the peer of all and inferior to none. He would have dared to do what he deemed right regardless of consequences. As a minister of the Gospel of Peace, he magnified his office; as a Christian, he walked worthy of his high vocation; as a citizen, loyal and true; an ardent lover of liberty, and an ever sympathizing friend of the humble and oppressed.

But he has been cut down in the prime and vigor-time of life,

Gone with the wealth of truth that dwelt,  
 Heart kept with holy thoughts and high,  
 Gone like the clouds of evening melt,  
 Beyond a dark and solemn sky.

We mourn his loss, and a wife and four children weep at the new made grave. May He who "tempers the wind to the shorn lamb," be the widow's God and the friend of the fatherless. Shall we remember that we, too, shall soon lie down together in the dust?

Build thee more stately mainsons, oh, my soul!  
 As the swift seasons roll,  
 Leave thy low vaulted past;  
 Let each new temple, nobler than the last,  
 Lift thee to Heaven with a dome more vast,  
 Till thou at length art free;  
 Leaving thine outgrown shell  
 On life's unresting sea.

I offer the following resolutions, and move their adoption:

WHEREAS, The Hon. Abijah Conner, late a member of the 26th Representative District, has been called from the scene of his earthly labors; therefore,

*Be it resolved by the Senate,* That we receive the announcement of his death with unfeigned regret, and with becoming reverence bow to the decree which deprives the State of a useful legislator, society of a worthy member, and his family of a kind protector.

2. That we extend to the family of the deceased such consolation as human sympathy can afford, invoking of Him who "tempers the wind to the shorn lamb" that relief which he alone can give.

3. That the Secretary of the Senate be directed to furnish the widow of the deceased with a copy of these resolutions.

Mr. Fairall spoke as follows :

MR. PRESIDENT—While “man’s inhumanity to man,” has furnished the grandest tragedies in the world’s drama and darkened with “woes unnumbered,” page after page of its annals, it is the crowning glory of the race, that when the silent messenger from the spirit land snaps the silvery strand which binds the mortal to the immortal, the aggressive element of his nature vanishes over the inanimate clay of a departed one, he drops the silent tear; plants a sprig of accacia or otherwise renders tribute to the dead which shows that after all we are of one brotherhood, united by the strongest of ties.

Let us meet where we may, the pageant of death, or, suddenly come upon a scene where the last sad rites are being performed, whether the departed one be a friend or stranger, there is one impulse of our humanity, which impels us irresistably to feel that we, too, have lost a brother. It is this feeling that reached my sympathy this morning as I heard read the resolutions relative to the death of the Honorable Abijah Conner.

When in the walks of private life we are called upon to follow to the portals of the grave the last there is of earth of a neighbor, a loved one, in the solitude of our homes we shed the silent tear, contemplate the evanescence of our pilgrimage here, and realize the necessity of preparation to meet those who have gone before. But when in high places, those who have been chosen by the people to rule in the land fall as the golden grain before the sickle, we fully realize the force of the dread decree that all are mortal, and that neither place nor position, wealth nor power, can avert the shaft of the fell destroyer.

This General Assembly has been forcibly reminded of this sad fact by the loss of the lamented Needham, the gallant Matthies, the noble Clark, and now of the christian Conner. It was not my pleasure to have personally known the deceased, but from those who were more fortunate in this respect I have learned that he was a useful member of society, a good neighbor, a kind father, a true patriot, and a faithful christian : in short, one who will not be wanting when the Master comes to make up his jewels in the crown of his glory. Let us imitate his virtues and prepare to meet him on those shores where the shadows of the Death Angel never come.

The resolutions were unanimously adopted.

At 11 o’clock and 45 minutes, Senator Larrabee moved that as a token of respect to the deceased, the Senate do now adjourn until this afternoon at 2 o’clock.

The motion prevailed and the Senate adjourned.



TWO O'CLOCK P. M.

Senate met pursuant to adjournment, and was called to order by the President.

A Committee from the House announced that the House is now ready to receive the Senate in Joint Convention, for the purpose of electing a State Printer, State Binder, and Warden of the Penitentiary.

Senator Newell moved that the Senate do now proceed to the Hall of the House of Representatives.

The motion prevailed.

## JOINT CONVENTION.

The Joint Convention was called to order by the President of the Senate, who stated that the Joint Convention had met for the purpose of electing a State Printer, State Binder, and Warden of the Penitentiary.

Senator Bennett was announced as teller on the part of the Senate, and Mr. Dickerson as teller on the part of the House.

On motion of Mr. Dudley, the Joint Convention proceeded to the election of a State Printer.

Senator Dixon nominated G. W. Edwards, of Des Moines county.

Senator Knoll nominated Joseph W. Snow, of Polk county.

The joint roll was then called with the following result:

Whole number of votes cast.....	111
Necessary to a choice.....	56
Mr. Edwards received.....	106
Mr. Snow received.....	5

Mr. Edwards having received a majority of all the votes cast, was declared duly elected to the office of State printer for the term of two years from May 1871.

Those voting for Mr. Edwards were—

Messrs. Applegate, Arnold, Atkins, Ball, Beardsley, Beatty, Bennett, Beresheim, Bonewitz, Brown of Fayette, Brown of Van Buren, Bundy, Butterfield, Butler, Campbell of Guthrie, Campbell of Jasper, Carpenter, Carver, Cathcart, Chapin, Claussen, Couch, Cutts, Day, Dickerson, Dixon, Donnan, Dudley, Dumont, Durham, Dysart, Elbert, Evans, Griffith, Grimes, Hamilton, Harper, Harrington, Harrison, Hartshorn, Havens, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Jones, Keables, Keller, Ketcham, Lacey, Lee, Lommen, Long, Mahin, Marks, McGavren, McKean, Merritt, Miles of Washington, Miles of Wayne, Millard, Miller, Mir-

acle, Moore, Moorrison, Murdock, Murray, Newbold, Newell, Noel, Norris, Patterson, Pierce, Pratt, Rogers, Rohls, Rosser, Rowell, Russell, Sanborn, Sater, Satterthwaite, Smyth, Snow, Spencer, Stanchfield, Stewart, Stone, Stutsman, Swan, Taylor, Teale, Toliver, Vale, Vermillion, Warner, Wasson, West, Williams, Wilson, Wolf, and Wright of Sac—106.

Those voting for Mr. Snow were—

Messrs. Bell, DeGroat, Fellows, Knoll, and O'Donnell—5.

Absent and not voting—

Messrs. Allen, Bill, Bulis, Casady, Cotton, Christoph, Crawford, Dunne, Dunham, Fairall, Faville, Gibbons, Green, Hartenbower, Hawley, Hirschler, Hood, Irish, Kasson, Larrabee, Lowry, McCoun, McCulloch, McNutt, Mills, Mitchell, Mulkern, Parsons, Rice, Tait, Traer, Traverse, Tufts, Tuttle, Wood, Wright of Allamakee, and Wright of Lucas—37.

On motion of Mr. Dudley, the joint convention proceeded to the election of a State Binder.

Mr. O'Donnell nominated William Lee, of Johnston county.

Mr. Russell nominated J. J. Smart, of Black Hawk county.

The joint roll was then called with the following result :

Whole number of votes cast.....	112
Necessary to a choice.....	57
Mr. Smart received.....	107
Mr. Lee received.....	5

Mr. Smart having received a majority of all the votes cast, was declared duly elected to the office of State Binder, for the term of two years from May, A. D., 1871.

Those voting for Mr. Smart were—

Messrs. Applegate, Arnold, Atkins, Ball, Beardsley, Beatty, Bennett, Beresheim, Bonewitz, Brown of Fayette, Brown of Van Buren, Bundy, Butterfield, Butler, Campbell of Guthrie, Campbell of Jasper, Carpenter, Carver, Cathcart, Chapin, Claussen, Cotton, Couch, Cutts, Day, Dickerson, Dixon, Donnan, Dudley, Dumont, Durham, Dysart, Elbert, Evans, Griffith, Grimes, Hamilton, Harper, Harrington, Harrison, Hartshorn, Havens, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Jones, Keables, Keller, Ketcham, Lacey, Lee, Lommen, Long, Mahin, Marks, McGavren, McKean, Merritt, Miles of Washington, Miles of Wayne, Millard, Miller, Miracle, Moore, Morrison, Murdock, Newbold, Newell, Noel, Norris, Parsons, Patterson, Pierce, Pratt, Rogers, Rohls, Rosser, Rowell, Russell, Sanborn, Satterthwait, Smyth, Snow, Spencer, Stanchfield, Stewart, Stone, Stutsman, Swan, Tait, Taylor, Teale, Tolliver, Vale, Vermillion, Warner, Wasson, West, Williams, Wilson, Wolf, and Wright of Sac—107.

Those voting for Mr. Lee were—

Messrs. Bell, De Groat, Hirschler, Knoll, and O'Donnell—5.

Absent and not voting—

Messrs. Allen, Bill, Bulis, Casady, Christoph, Crawford, Dunne, Durham, Fairall, Faville, Fellows, Gibbons, Green, Hartenbower, Hawley, Hood, Irish, Kasson, Larrabee, Lowry, McCoun, McCulloch, McNutt, Mills, Mitchell, Mulkern, Murray, Rice, Sater, Traer, Traverse, Tufts, Tuttle, Wood, Wright of Allamakee, and Wright of Lucas—36.

On motion of Mr. Millard, the joint convention proceeded to elect a Warden for the State Penitentiary.

Mr. Murdock nominated Martin Heisey, of Lee county.

Mr. O'Donnell nominated John G. Kennedy, of Lee county.

The joint roll was then called with the following result :

Whole number of votes cast.....	106
Necessary to a choice.....	54
Mr. Heisey received.....	102
Mr. Kennedy received.....	4

Mr. Heisey having received a majority of all the votes cast, was declared duly elected Warden of the Penitentiary, for the term of two years from and after the expiration of the term of the present incumbent.

Those voting for Mr. Heisey were—

Messrs. Applegate, Arnold, Atkins, Ball, Beardsley, Beatty, Bennett, Beresheim, Bonewitz, Brown of Fayette, Brown of Van Buren, Bundy, Butler, Campbell of Guthrie, Carpenter, Carver, Cathcart, Claussen, Cotton, Couch, Cutts, Day, Dickerson, Dixon, Donnan, Dudley, Durham, Dysart, Elbert, Evans, Griffith, Grimes, Hamilton, Harper, Harrington, Harrison, Hartshorn, Havens, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Jones, Keables, Keller, Ketcham, Lacey, Lee, Lommen, Long, Mahin, Marks, McGavren, McKean, Merritt, Miles of Washington, Miles of Wayne, Millard, Miracle, Moore, Morrison, Murdock, Murray, Newbold, Newell, Noel, Norris, Parsons, Patterson, Pierce, Pratt, Rogers, Rohlf, Rosser, Rowell, Russell, Sanborn, Satterthwaite, Smyth, Snow, Spencer, Stanchfield, Stone, Stutsman, Swan, Tait, Taylor, Tolliver, Traer, Vale, Warner, Wasson, West, Williams, Wilson, Wolf, and Wright of Sac—102.

Those voting for Mr. Kennedy were—

Messrs. Bell, DeGroat, Knoll, and O'Donnell—4.

Absent and not voting—

Messrs. Allen, Bill, Bulis, Butterfield, Campbell of Jasper, Casady, Chapin, Christoph, Crawford, Dumont, Dunne, Dunham, Fairall, Faville, Fellows, Gibbons, Green, Hartenbower, Hawley, Hirschler, Hood, Irish, Kasson, Larrabee, Lowry, McCoun, McCulloch, McNutt, Miller, Mills, Mitchell, Mulkern, Rice, Sater, Stewart, Traverse, Tufts, Tuttle, Vermillion, Wood, Wright of Allamakee, and Wright of Lucas—42.

The following certificates were then signed and read in the presence of the joint convention:

REPRESENTATIVE HALL, }  
DES MOINES, IOWA, March 18, 1870. }

*This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Friday, the 18th day of March, A. D. 1870, for the purpose of electing a State Printer, G. W. Edwards, having received a majority of all the votes cast for said office, was declared duly elected as State Printer for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.*

Signed in the presence of the joint convention, this 18th day of March, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST:

GRANVILLE G. BENNETT,  
*Teller of the Senate.*

D. DICKERSON,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL, }  
DES MOINES, IOWA, March 18, 1870 }

*This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Friday, the 18th day of March, A. D. 1870, for the purpose of electing a State Binder, J. J. Smart, having received a majority of all the votes cast for said office, was declared duly elected as State Binder for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.*

Signed in the presence of the joint convention, this 18th day of March, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST:

GRANVILLE G. BENNETT,  
*Teller of the Senate.*

D. DICKERSON,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL, }  
DES MOINES IOWA, March 18, 1870. }

*This is to certify*, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Friday, the 18th day of March, A. D. 1870, for the purpose of electing a Warden of the Penitentiary, Martin Heisey, having received a majority of all the votes cast for said office, was declared duly elected as Warden of the Penitentiary for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 18th day of March, A. D. 1870.

M. M. WALDEN,  
*President of the Senate*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST :

GRANVILLE G. BENNETT,  
*Teller of the Senate.*

D. DICKERSON,  
*Teller of the House of Representatives.*

Mr. Dudley moved that the joint convention do now rise.  
The motion prevailed, and the joint convention dissolved.

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TWO O'CLOCK AND FIFTY-FIVE MINUTES.

The Senate having returned to the chamber was called to order by the President.

At 12 o'clock and 57 minutes, on motion of Senator Beardsley, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH, 21, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Guild.

The Journal of Friday was read, corrected and approved.

## PETITIONS AND MEMORIALS.

Senator McKean presented a petition from Wm. T. Shaw and 34 others, citizens of Jones county, asking for a repeal or modification of usury laws.

Referred to Committee on Judiciary.

Senator Dunham presented a petition from numerous citizens of school district No. 8, Farmer's Creek township, Jackson county, asking the legislature to legalize their organization as an independent school district.

Referred to Committee on Schools.

Senator Hawley presented a petition from numerous citizens of Webster county, asking the passage of a law to protect fish.

Referred to Committee on Agriculture.

Senator Bulis presented a petition from H. S. Canfield, and 56 other citizens of Winneshiek county asking a repeal or modification of the usury laws.

Referred to Committee on Judiciary.

Also a petition from J. W. Curtis and 45 others on same subject, with same reference.

Also a petition from J. J. March and 43 others on same subject, referred to same committee.

Senator Griffith presented a remonstrance from J. B. Young and many others, against the passage of House File No. 220, allowing Thomas Mitchell and others to cut a canal through a bend in the Des Moines river.

Passed on file to be considered with House File No. 220.

## HOUSE MESSAGE.

The following message was received from the House:

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

House File No. 262, A bill for an act relating to the acknowledgement and recording of deeds in certain cases, and rendering valid the acknowledgement of deeds and instruments in writing.

House File No. 212, A bill for an act to amend section 711, of chapter 45, of the Revision of 1860.

House File No. 208, A bill to legalize the sale of certain Lands by Polk county.

House File No. 278, A bill for an act to legalize the sale of the Indemnity Swamp Lands, of Ida county, Iowa.

House File No. 295, A bill for an act to prohibit the use of the lash in the Iowa Penitentiary.

Substitute for House File No. 115; A bill for an act entitled an act to legalize the organization of the Red Jacket Fire and Hose

Company, in the village of Waterloo, and the organization of the Waterloo Hook and Ladder Company.

I also, transmit herewith a preamble and joint resolution relative to the improvement of the Des Moines Rapids of the Mississippi river, and joint resolution for the relief of W. B. Critchfield, and Henry C. Anderson, late Soldiers of the 13th Iowa Infantry.

These joint resolutions have passed the House of Representatives, and the concurrence of the honorable Senate is respectfully asked.

I return herewith the following Senate bill which has passed the House without amendment.

Senate File No. 74, A bill for an act to amend article 3, of chapter 55, of the Revision of 1860, granting right of way to Railroad Companies.

I also return the following bills:

Senate File No. 94, A bill for an act providing for the appointment of Commissioners in other States, with the following amendments: Add to the title the words "and to regulate the powers of Commissioners of other States in this State," strike out "five" in section 13, and insert three before the word "dollars."

Substitute for Senate File No. 12, A bill for an act to authorize the sale of town lots for taxes in certain cases, for an amount less than the taxes, interest, and costs due thereon, the House having adopted the Senate amendments.

MR. PRESIDENT—I also, herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 166, A bill for an act to enable Forest City township, Howard county, to hold a special election for Township Trustees, and Township Clerk.

Substitute for House File No. 1. A bill for an act to amend section 3, of chapter 118, of the laws of the 10th General Assembly, and section 11, of chapter 148, of the laws of the 9th General Assembly, and to regulate the sale of school lands.

House File No. 280, A bill for an act to legalize the Incorporation of the town of Leon, Decatur county, Iowa.

CHARLES ALDRICH, *Chief Clerk.*

#### INTRODUCTION OF BILLS.

By Senator Knoll: Senate File No. 186, A bill for an act to provide for surveying and platting lands, in certain cases, before conveying or assessing the same.

Read first and second time, and referred to Committee on Ways and Means, and ordered printed.

By Senator McCulloch: Senate File No. 187, A bill for an act to amend chapter 95, of the acts of the 12th General Assembly,

being an act to provide for the relief of certain classes of indigent persons.

Read first and second times and referred to Committee on Charitable Institutions.

By Senator Larrabee: Senate File No. 188, A bill for an act to enable Townships, Incorporated Towns and Cities, to aid in the construction of Railroads.

Read first and second time, and referred to Committee on Ways and Means, and ordered printed.

By Senator Dunham: Senate File No. 189, A bill for an act to legalize the organization of the Independent School District of Esgate, in the township of Farmer's Creek, Jackson county.

Read first and second time, and referred to Committee on Schools.

#### RESOLUTIONS.

Senator Claussen offered the following resolution which was adopted.

*Resolved*, That there be printed, of the report of Commissioners of Legal Inquiry, as amended by Judicial Committee, one thousand copies.

Senator Bulis offered the following:

*Resolved*, That the Committee on Judiciary be instructed to report a bill repealing the usury laws of the State, or so far modifying them that parties shall be permitted to contract for any rate of interest not exceeding 15 per cent per annum.

Senator Donnan moved that the resolution lie on the table.

On which question the yeas and nays were demanded. and

The yeas were—

Senators Beardsley, Campbell, Cathcart, Chapin, Conch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Keller, Lowry, McCulloch, Murray, Smyth, Vale, Wolf and Wright—21.

The nays were—

Senators Allen, Atkins, Bulis, Casady, Claussen, Fairall, Havens, Hawley, Ireland, Knoll, Larrabee, McKean, Moore, Patterson, Rice, and Tuttle—16.

Absent or not voting—

Senators Bennett, Bill, Hurley, Long, McNutt, Mitchell, Mulkern, Newell, Pierce, Traverse, Vermillion, and West—12.

So the motion prevailed.

Senator Hamilton asked leave of absence for Senator Vermillion until Wednesday.

Leave was granted.

Senator Dysart asked leave of absence for Senators Mitchell, West, and McNutt until tomorrow.

Leave was granted.



Senator Havens, from the Committee on Enrolled Bills submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval, the following bills, viz: Senate File No. 166.

J. W. HAVENS, *for Committee.*

Senator Knoll, from the Committee on Engrossed Bills submitted the following report:

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined Senate File No. 17, being a bill for an act to further define the duties of county auditor, and authorize him to appoint a deputy, and find the same correctly engrossed.

F. M. KNOLL, *Chairman.*

#### HOUSE. MESSAGES.

House File No. 295, A bill for an act to prohibit the use of the lash as a means of discipline in the Iowa Penitentiary, was taken up.

Read first and second time and referred to Committee on Penitentiary.

House File No. 262, A bill for an act relating to the acknowledgment and recording of deeds, in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing, was taken up.

Read first and second time and referred to Committee on Judiciary.

Substitute for House File No. 115, A bill for an act entitled an act to legalize the organization of the Red Jacket Fire and Hose Company in the village of Waterloo, and the organization of the Waterloo Hook and Ladder Company, was taken up.

Read first and second time and referred to Committee on Incorporations.

House File No. 278, A bill for act to legalize the sale of the indemnity swamp lands of Ida county, was taken up.

Read first and second time and referred to Committee on Judiciary.

House File No. 208, A bill for an act to legalize the sale of certain lands in Polk county, was taken up.

Read first and second time and referred to Committee on Judiciary.

House File No. 212, A bill for an act to amend section 711, of chapter 45, of the Revision of 1860, was taken up.

Read first and second time and referred to Committee on Ways and Means.

Preamble and joint resolution in relation to improvement of Des Moines Rapids of the Mississippi river, was taken up.

Read first and second time and referred to Committee on Federal Relations.

Joint resolution for the relief of Wm. B. Critchfield and Henry C. Anderson, late soldiers of the 13th Iowa Infantry, was taken up.

Read first and second time and referred to Committee on Military affairs.

#### REPORTS OF COMMITTEES.

Senator McKean, from the Committee on Roads, submitted the following report :

MR. PRESIDENT—Your Committee on Roads, to whom was referred Substitute for House File No. 173, A bill for an act authorizing counties to build bridges, have had the same under consideration, and a majority thereof have instructed me to report the same back to the Senate, with the recommendation that it be amended by inserting after the word "that," in first line thereof, the words, "the Board of Supervisors of," and that thus amended, the bill do pass.

JOHN McKEAN, *Chairman.*

Ordered, that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Roads, to whom was referred Senate File No. 109, A bill for an act to amend section 824, of Revision of 1860, relating to the manner of establishing county roads, have had the same under consideration, and have instructed me to report the same back to the Senate with the accompanying substitute, and recommend the adoption of the substitute, and that it do pass.

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Roads, to whom was referred Senate File No. 171, A bill for an act to regulate the construction of railways at the crossings of public highways, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by striking out from the two last lines thereof, the words, "where the land is inclosed, and inserting in lieu thereof, "except in cities and towns."

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

Senator Wolf, from the Committee on Schools, submitted the following report :

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 250, A bill for an act to legalize the tax levy of the district township of Toledo, in the independent district of Toledo, in the township of Toledo, in Tama county for the year 1869, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Schools to whom was referred Senate File No. 71, A bill for an act to establish a State Normal School at Marshalltown, have had the same under consideration and a majority have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Schools to whom was referred Senate File No. 77, A bill for an act to establish a normal school, have had the same under consideration and a majority have instructed me to report the same back to the Senate with the recommendation that it do not pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Schools to whom was referred Senate File No. 91, A bill for an act to establish a normal school at Winterset have had the same under consideration and a majority have instructed me to report the same back to the Senate with the recommendation that it do not pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Schools to whom was referred Senate File No. 106, A bill for an act to establish normal schools and provide for their support, have had the same under consideration and a majority of said committee have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee to whom was referred Senate File No. 100, A bill for an act establishing a system of normal

schools have had the same under consideration and a majority have instructed me to report the same back to the Senate with the recommendation that it do not pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 14, A bill for an act to amend chapter 118 of the acts of the Tenth General Assembly, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following.

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 176, A bill for an act to establish a State Normal School, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it be amended as follows :

1. Strike out all of section 17 after the word "dollars," in the 10th line.

2. Strike out section 18 and insert as follows : The Trustees shall receive four dollars per day and all necessary expenses, for the time actually engaged in attending meetings of the Board ; but such compensation and expenses shall not be paid for more than four meetings, and such meetings shall not exceed ten days in duration in any one year.

And that as amended the same do pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Senator Griffith asked leave to withdraw report of Committee on Public Buildings on Senate File No. 172.

Leave was granted.

Senator Fellows moved to take up local bills selected by the Secretary, under the resolution adopted by the Senate.

The motion prevailed.

Senate File No. 121, A bill for an act changing the time of holding the District Court at Keokuk, Lee county, with report of Committee recommending amendments, was taken up, considered, and report of Committee was adopted.

The bill was then ordered engrossed for a third reading.

House File No. 81, A bill for an act to provide for holding two terms of the Circuit Court annually at Wheatland, in Clinton county, with report of Committee recommending that the bill be indefinitely postponed, was taken up, considered, and report of Committee was adopted.

House File No. 220, A bill for an act to authorize Thomas Mitchell and others to cut a canal across a strip of land to straighten the Des Moines river, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Allen, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Moore, Rice, Smyth, Tuttle, Vale, Wolf and Wright—35.

The nays were none.

Absent and not voting—

Senators Bennett, Bill, Couch, Hurley, McNutt, Mitchell, Mulkern, Murray, Newell, Patterson, Pierce, Traverse, Vermillion, and West—14.

So the bill passed and the title was agreed to.

Senate File No. 141, A bill for an act authorizing the Register of the State Land Office to convey to A. E. Haskell certain lots in Estherville, Iowa, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Hawley, the rule was suspended and the bill was read a third time now.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Moore, Murray, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—35.

The nays were—

Senator Campbell—1.

Absent or not voting—

Senators Bennett, Bill, Hurley, Ireland, McNutt, Mitchell, Mulkern, Newell, Patterson, Pierce, Traverse, Vermillion, and West—13.

So the bill passed and the title was agreed to.

Senate File No. 128, A bill for an act for the relief of Joseph B. Dorr, late Colonel of the 8th Iowa Cavalry, with report of Committee recommending the adoption of a substitute, was taken up, considered, and on motion of Senator Moore, the bill and report of Committee was referred to Committee on Judiciary.

Joint resolution changing the names of the Skunk rivers to their original name of Chicaqua, with report of Committee recommending that the same do pass, was taken up and considered.

Senator Campbell moved that the joint resolution be postponed, on which the yeas and nays were demanded, and

The yeas were—

Senators Allen, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Moore, Mulkern, Murray, Patterson, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—38.

The nays were—

Senator Atkins—1.

Absent and not voting—

Senators Bennett, Bill, Hurley, McNutt, Mitchell, Newell, Pierce, Traverse, Vermillion and West—10.

So the motion prevailed.

Joint resolution asking increased mail facilities on certain routes in Iowa, with report of Committee, recommending that the bill do pass, was taken up and considered.

On motion, the rules were suspended and the joint resolutions were read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Moore, Murray, Patterson, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—36.

The nays were—none.

Absent and not voting—

Senators Allen, Bennett, Bill, Hamilton, Hurley, McNutt, Mitchell, Mulkern, Newell, Pierce, Traverse, Vermillion, and West—13.

So the joint resolution passed and the title was agreed to.

Senate File No. 142, A bill for an act relative to the claim of S. A. Robertson for work done on the State House with report of committee recommending that the bill do pass, was taken up and considered.

And the bill was ordered engrossed for a third reading.

On motion of Senator Dysart, House File No. 250, with report of committee and recommending that the bill do pass was taken up and considered.

On motion of Senator Dysart the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall,

Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Patterson, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—35.

The nays were—none.

Absent or not voting—

Senators Bennett, Bill, Dunham, Hurley, McNutt, Mitchell, Moore, Mulkern, Murray, Newell, Pierce, Traverse, Vermillion, and West—14.

So the bill passed and the title was agreed to.

By leave Senator Larrabee offered the following :

*Resolved*, That the census board be requested to report as to their doings under the provisions of chapter 91, acts of the 12th General Assembly.

Senator Fellows moved to amend the resolution by inserting before the word "chapter" the words "section 5." The amendment was agreed to, and the resolution as amended was adopted.

On motion of Senator Couch, substitute for House File No. 115 was taken up and considered.

Senator Couch moved to strike out the word "village" wherever it occurs therein, and insert in lieu thereof the word "town." The amendment was adopted.

On motion of Senator Couch the 11th rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Moore, Murray, Patterson, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—36.

The nays were none.

Absent and not voting—

Senators Atkins, Bennett, Bill, Hurley, Keller, McNutt, Mitchell, Mulkern, Newell, Pierce, Traverse, Vermillion, and West—13.

So the bill passed and the title was agreed to.

On motion of Senator Larrabee the resolutions in relation to money loaned Prof. J. C. Hughes, with report of Committee recommending a substitute, was taken up, considered, and report of Committee was adopted.

The resolutions were ordered engrossed for a third reading.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith transmit a concurrent resolution providing for the transmission of a copy of the State Geological

Report to the Department of Agriculture, at Washington, D. C., and another, in relation to furnishing the State library with a set of the volumes of the American Naturalist.

In which the concurrence of the Honorable Senate is respectfully asked

CHAS. ALDRICH, *Chief Clerk.*

On motion of Senator Hawley, Senate File No. 88, A bill for an act resuming certain lands heretofore granted to the Des Moines Valley Railroad Company, and to provide for the sale of the same with report of Committee, was taken up and made the special order for March 24th, at 11 o'clock A. M.

On motion of Senator Smyth, substitute for House File No. 173, with report of Committee recommending amendments, and that the bill do pass, was taken up and considered.

On the question "Shall the bill be ordered to a third reading?" The yeas and nays were demanded and were as follows:

The yeas were—

Senators Allen, Atkins, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hawley, Knoll, Larrabee, Long, Lowry, McKean, Moore, Murray, Rice, and Smyth—22.

The nays were—

Senators Beardsley, Bulis, Campbell, Claussen, Dixon, Dysart, Hamilton, Havens, Ireland, Keller, McCulloch, Patterson, Tuttle, Vale, Wolf, and Wright—16.

Absent and not voting—

Senators Bennett, Bill, Hurley, McNutt, Mitchell, Mulkern, Newell, Pierce, Traverse, Vermillion, and West—11.

So the bill was ordered to a third reading.

Senator Havens, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate Files Nos. 12, 48, 82, and 110, and find the same correctly enrolled.

J. W. HAVENS, *for the Committee.*

#### BILLS ON THIRD READING.

Senate File No. 17, A bill for an act to further define the duties of County Auditor, and authorize him to appoint a deputy, was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Campbell, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Keller,



Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Moore, Murray, Patterson, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—36.

The nays were—

Senator Bulis—1.

Absent and not voting—

Senators Bennett, Bill, Cathcart, Hurley, McNutt, Mitchell, Mulkern, Newell, Pierce, Traverse, Vermillion, and West—12.

So the bill passed and the title was agreed to.

Senate File No. 94, A bill for an act providing for the appointment of Commissioners in other States, with House amendments was taken up.

On the question, "Shall the Senate concur in the House amendments?"

The yeas were—

Senators Allen, Atkins, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Moore, Patterson, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—34.

The nays were—

Senators Beardsley, Campbell, Havens, and Murray—4.

Absent or not voting—

Senators Bennett, Bill, Hurley, McNutt, Mitchell, Mulkern, Newell, Pierce, Traverse, Vermillion, and West—11.

So the House amendments were concurred in.

#### BILLS ON SECOND READING.

Senate File No. 108, A bill for an act to provide for the election of Township Assessor's and to fix their compensation, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Knoll the rule was suspended, and the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bulis, Cathcart, Chapin, Claussen, Dixon, Dunham, Dysart, Fairall, Griffith, Havens, Ireland, Knoll, Long, Lowry, McKean, Moore, Murray, Patterson, Rice, Smyth, and Tuttle—23.

The nays were—

Senators Atkins, Campbell, Donnan, Fellows, Grimes, Hamilton, Keller, Larrabee, McCulloch, Vale, Wolf, and Wright—14.

Absent and not voting—

Senators Bennett, Bill, Casady, Couch, Hawley, Hurley, McNutt, Mitchell, Mulkern, Newell, Pierce, Traverse, Vermillion, and West—14.

So the bill not having received a constitutional majority was lost.

Senate File No. 102, A bill for an act to establish an Industrial Home for the Blind, with report of Committee recommending amendments, was taken up and considered.

On motion of Senator Bulis, the bill was re-committed to Committee on Charitable Institutions.

At 12 o'clock and 25 minutes, on motion of Senator Donnan, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 22, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Merritt.

The Journal of yesterday was read, and approved.

PETITIONS AND MEMORIALS.

Senator Knoll presented a memorial of the Thirteenth General Assembly of the State of Iowa, to the United States Congress, relative to water communication between the Atlantic and Mississippi.

Read first and second time, and referred to Committee on Federal Relations.

Senator Grimes asked leave of absence for Senator Dunham until Thursday next.

Leave was granted.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives have passed the following bills, in which the concurrence of the Senate is asked.

House File No. 150, A bill for an act for the relief of Marion County, for money stolen from the county safe.

Substitute for House File No. 167, A bill for an act to repeal section 3, chapter 173, of the acts of the Ninth General Assembly and to increase the compensation of assessors.

House File No. 258, A bill for an act to attach certain lands to Maine Township, Linn County, for school purposes.

House File No. 181, A bill for an act to constitute township trustees a board of equalization.

House File No. 290, A bill for an act to authorize the State Censens Board to compromise and collect unavoidable balances and accounts with defaulting county treasurers.

House File No. 204, A bill for an act to amend the laws in respect to liens of mechanics and others.

I also return the following bill which has passed the House without amendment.

Senate File No. 3, A bill for an act to authorize cities to receive donations of ground and library buildings, and to maintain public libraries and reading rooms.

CHARLES ALDRICH, *Chief Clerk.*

#### INTRODUCTION OF BILLS.

By Senator Larrabee: Senate File No. 190, A bill for an act to repeal section 799, of the revision of 1860, and to provide a substitute therefor, in relation to time of payment of money from county treasury into State treasury.

Read first and second time, and referred to Committee on Ways and Means.

By Senator Fairall: Senate File No. 191, A bill for an act regulating the allowance and issuing of injunctions, and the appointment of receivers in certain cases.

Read first and second time, and referred to Committee on Judiciary.

By Senator Couch: Senate File No. 192 A bill for an act to legalize the organization, election of officers, and acts of the city of Waterloo as a city of the second class.

Read first and second time.

On motion of Senator Couch the eleventh rule was suspended, and the bill was read a third time,

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Smyth, Tuttle, Vale, West, and Wolf—38.

The nays were none.

Absent or not voting—

Senators Allen, Bennett, Bill, Dunham, McCulloch, Mulkeru, Pierce, Rice, Traverse, Vermillion, and Wright—11.

So the bill passed and the title was agreed to.

Senator Campbell moved to reconsider the vote by which Senate File No. 108, A bill for an act to provide for the election of Township Assessors, and to fix their compensation was lost.

The motion prevailed.

Senator Fellows moved to reconsider the vote by which the bill was ordered to a third reading.

Which was agreed to.

Senator Fellows moved to amend by striking out all of the first section after the enacting clause.

The motion did not prevail.

The hour for the special order having arrived it being House File No. 16, A bill for an act appropriating funds to the State University of Iowa.

On motion of Senator Fairall, the special order was postponed 15 minutes.

Senator Vale moved to amend the second section, by striking out the words "and fifty cents."

The motion was disagreed to.

On the question of ordering the bill to a third reading the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Dysart, Fairall, Griffith, Havens, Hawley, Hurley, Ireland, Knoll, Long, Lowry, Mitchell, Moore, Patterson, Smyth, Tuttle, and West—24.

The nays were—

Senators Atkins, Couch, Donnan, Fellows, Grimes, Hamilton, Keller, Larrabee, McCulloch, McKean, Newell, Vale, Wolf, and Wright—14.

Absent and not voting—

Senators Allen, Bennett, Bill, Dunham, McNutt, Mulkern, Murray, Pierce, Rice, Traverse, and Vermillion—11.

So the bill was ordered to a third reading.

The hour for the special order having arrived it being House File No. 16, it was taken up, and considered, and ordered to a third reading.

#### HOUSE MESSAGES.

Substitute for House File No. 167, A bill for an act to repeal section 3, of chapter 173, of the laws of the 9th General Assembly, and to enact a substitute therefor, was taken up.

Read first and second time, and referred to Committee on Compensation of Public Officers.

House File No. 150, A bill for an act for the relief of Marion county, for money stolen from the county safe, was taken up.

Read first and second time, and referred to Committee on Judiciary.

House File No. 258, A bill for an act to attach certain lands to Maine township, Linn county, for school purposes, was taken up.

Read first and second time and referred to Committee on Schools.

House File No. 181, A bill for an act to constitute township trustees a board of equalization, was taken up.

Read first and second time and referred to Committee on County and Township Organization.

House File No. 290, A bill for an act to authorize the State Census Board to compromise and collect unavailable balances and accounts, with defaulting County Treasurers, was taken up.

Read first and second time and referred to Committee on Ways and Means.

House File No. 204, A bill for an act to amend the law in respect to the liens of mechanics and others, was taken up.

Read first and second time and referred to the Committee on Judiciary.

House concurrent resolution in relation to authorizing commissioners of State Library to procure back volumes of the American Naturalist, was taken up and concurred in.

House concurrent resolution in relation to furnishing the Department of Agriculture at Washington, with a copy of the Geological Survey of the State of Iowa, was taken up and concurred in.

By leave, Senator West introduced Senate File No. 193, A bill for an act for the government of hospitals for the insane, defining the legal relations of insane persons, and providing for their care and protection.

Read first and second time and referred to Committee on Charitable Institutions, with authority to print.

#### REPORTS OF COMMITTEES.

Senator Larrabee, from the Committee on Ways and Means submitted the following report :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 181, A bill for an act for the improvement of the penitentiary and to provide for the salary and compensation of the warden, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the adoption of the following amendments, and recommend its passage.

Strike out "for the purpose of extending the prison limits to the west line of the land belonging to the State, the sum of twenty thousand dollars."

Strike out section 3, and insert in lieu thereof, "Sec. 3. The warden shall be allowed, in addition to the salary now allowed by law, provision for his family.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means to whom was referred House File No. 106, A bill for an act to consolidate taxes which are uniform in civil townships and independent school districts, and to amend section 746 of the Revision of 1860, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Substitute for House File No. 26, A bill for an act to repeal section 722 of the Revision of 1860, and to provide a substitute therefor, and to prevent fraud in assessments, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means to whom was referred Senate File No. 169, A bill for an act to amend section 720 of chapter 45 of the Revision of 1860, in relation to revenue, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred House File No. 156, A bill for an act to improve the tax system of this State, and to avoid errors in assessments, beg leave to report that they have had the same under consideration, and have instructed me to report the accompanying substitute to the Senate, with the recommendation that it do pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Senator Griffith, from the Committee on Public Buildings, submitted the following report :

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred Senate File No. 172, A bill for an act making further appropriations to the Hospital for the Insane at Mt. Pleasant, after due consideration, have instructed me to report the same back to the Senate, with the following amendments, and as amended that the bill do pass :

*1st amendment*—That the item of \$2,500 for contingent expenses be amended so as to read \$1,000.

*2d amendment*—Insert this additional section :

SEC. — There is hereby appropriated \$2,500 for the purchase of a tract of land known as the 57½ acre tract, lying on the south-west side of and adjoining the lands now owned by the State, provided the said 37½ acres can be secured in fee-simple to the State of Iowa for the said sum of \$2,500; otherwise the money shall not be drawn from the State Treasury.

GEO. E. GRIFFITH, *for Committee.*

Ordered that the report pass on file.

Senator Patterson, from the Committee on Railroads submitted the following report :

MR. PRESIDENT—Your Committee on Railroads, to whom was referred House File No. 264, A bill for an act for the taxation of railroad property, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that in addition to the amendments incorporated in the printed bill, it be further amended as follows, to wit :

Add to section 1 the words " or by any two of them."

Strike out section 2 as far as the word " which " in the fifth line, and insert in lieu thereof, " The State Treasurer shall levy on such gross receipts a tax as follows, viz : On the first three thousand dollars or part thereof, one per centum per mile ; and on the receipts over three thousand dollars and under six thousand, per mile two per centum ; and on all receipts of six thousand dollars and over, per mile three per centum."

Amend further by striking out all of section 6.

And being thus amended, the Committee recommend its passage.

J. G. PATTERSON, *Chairman.*

Ordered that the report pass on file.

#### MINORITY REPORT.

We, the undersigned, members of the Committee on Railroads,

dissent from the opinion of the majority on the amendment proposed to section 2 of substitute for House File No. 264.

CHAS. BEARDSLEY,  
F. T. CAMPBELL,  
THEO. HAWLEY,  
ROBERT LOWRY,  
E. S. McCULLOCH.

Ordered that the report pass on file.  
Also the following :

MINORITY REPORT ON RESUMING THE DES MOINES RIVER LAND GRANT.

We, the undersigned, members of the Committee on Railroads, dissenting from the majority, beg leave to report, that having heard the proofs and arguments presented before that Committee, on the subject of resuming from the Des Moines Valley Railroad Company the remainder of the lands belonging to the Des Moines river land grant, not already patented to said Company, we find that the Twelfth General Assembly refused to confine said Company in building their road to a line within the limits of the land grant, thereby expressly giving said company to understand that the State would not require the road to be built inside the limits of said grant.

That said company were thereby left to select the route from Des Moines to Fort Dodge most practicable for construction and operation, and no further from the Des Moines river than such route could be found.

That any route nearer the Des Moines river than the one adopted by said company, and over which the road is now constructed, would have been nearly, if not quite, as long as the line adopted, would have rendered the construction much more expensive, and above all would have subjected the road to the maintenance of bridges and the construction of grades, which would, for all to time to come, have rendered travel less safe and transportation of freight more expensive than over the line of road adopted.

That said company have until the 1st day of January, 1871, to complete their road from its present terminus into Fort Dodge, a distance of thirteen miles.

That we therefore agree that said Company have reasonably complied with the letter and spirit of the law making the grant, and recommending that Senate File No. 88, be indefinitely postponed.

H. C. BULIS,  
CHAS. BEARDSLEY,  
E. S. McCULLOCH,  
J. G. PATTERSON.

Ordered that the report pass on file.



Senator Knoll from the Committee on Engrossed bills submitted the following report :

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined resolution concerning loan of \$15,000, to Medical College at Keokuk, and find the same correctly engrossed.

F. M. KNOLL, *Chairman.*

Senator Knoll from the Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined Senate File No. 121, being A bill for an act changing the time of holding the District Court at Keokuk, Lee county, and find the same correctly engrossed.

F. M. KNOLL, *for Committee.*

By leave, Senator Smyth offered the following :

*Resolved*, That the compensation per day of the officers and employes of the Senate, shall be as follows :

Secretary.....	\$7 00
First and Second Assistant Secretary, each.....	6 00
Engrossing and Enrolling Clerk, each.....	5 00
Clerks of Committees.....	5 00
Sergeant-at-Arms, Door-keeper, Assistant Door-keeper, and Janitor, each.....	5 00
Paper-folders, each.....	4 00
Messengers, each.....	3 00

Senator Wright moved to amend by striking out “\$7,” and inserting “6,” striking out “6,” and inserting “5,” and allowing Sergeant-at-Arms, Door keeper, Assistant Door-keeper, and Janitor “\$1.00 per day each.

The amendment was lost.

The resolution was then adopted.

Senator Beardsley moved to take up House File No. 244, A bill for an act for the taxation of Railroad property.

The motion did not prevail.

Senator Smyth moved to take up Senate File No. 162, A bill for an act defining and establishing the salary of the Governor, and other State Officers, introduced by Committee on Compensation of Public Officers.

The motion prevailed.

Senator Moore moved to amend section 2, by inserting after the words “Treasurer of State,” the words “Superintendent of Public Instruction,” and strike out section 3.

The amendment was adopted.

Senator McNutt moved to amend section 4, by striking out at the end of the section the words "except Superintendent of Public Instruction."

The amendment was agreed to.

Senator Bulis moved to amend fifth section, by adding after the words "Treasurer of State," in second line the words Superintendent of Public Instruction.

The motion prevailed.

Senator Beardsley moved to amend by adding to section 4, "except the Superintendent of Public Instruction, who shall receive his actual traveling expenses which shall not exceed \$500 a year.

Senator Griffith moved to amend the amendment by striking out \$500, and inserting \$250.

The amendment to the amendment was adopted.

Senator Smyth offered the following substitute for the amendment, add to section 4, except the Superintendent of Public Instruction, who shall be allowed the sum of \$250 per annum for expense of traveling, and of indexing and distributing the school laws.

The substitute was adopted.

Senator Patterson moved to amend section 1, by inserting after the words, "Governor of State," the words "and of each of the Judges of the Supreme Court."

Senator Patterson moved that the bill and amendment be referred to the Committee on Compensation of Public Officers, with instruction to incorporate in the bill provisions increasing the salaries of the Judges of the Supreme, District, and Circuit Courts.

Senator McNutt moved to amend the instructions by adding: "And further, that the Committee hold the same under consideration, until it is determined whether or not all property in the State shall pay its share of the burdens of taxation."

The amendment was lost.

Senator Wright moved to amend by including all other State Officers.

The motion did not prevail.

Senator McNutt moved to amend by adding: "And further that the Committee hold the same under consideration, until it is determined whether or not Railroad property shall be subject to increased taxation, and further that the Committee consider the question of taxing three-fourths of the State to pay the debts of Muscatine county

On which question the yeas and nays were demanded, and

The yeas were—

Senators Bulis, Couch, McNutt, and West—4.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland,

Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—39.

Absent and not voting were—

Senators Bill, Dunham, Fairall, Mulkern, Traverse, and Vermillion—6.

So the amendment did not prevail.

The question being on the motion of Senator Patterson, the yeas and nays were demanded, and

The yeas were—

Senators Campbell, Casady, Cathcart, Claussen, Couch, Donnan, Dysart, Fairall, Fellows, Grimes, Hurley, Ireland, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Murray, Patterson, Pierce, Tuttle, Vale, West, and Wright—26.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Chapin, Dixon Griffith, Hamilton, Havens, Hawley, Keller, McKean, Moore, Newell, Rice, Smyth, and Wolf—18

Absent and not voting—

Senators Bill, Dunham, Mulkern, Traverse, and Vermillion—5.

So the motion prevailed and the bill was re-committed.

On motion of Senator Bennett, Senate File No. 20, A bill for an act to repeal sections 16, 17, 18, 19, 20, 21, 22, and 24, of chapter 86, of the acts of the Twelfth General Assembly, providing for appeals to the Supreme Court, and fixing the times of holding Courts, with report of Committee reporting a substitute, was taken up and considered.

Senator Bennett moved to amend section 2 by adding :

*Provided further,* And when the time for appeal from the District or Circuit Court to the General Term, as provided by chapter 86, of the acts of the Twelfth General Assembly, has expired before the taking effect of this act, and no appeal has been perfected, that the right of appeal is not revived by this act, and no appeal shall lie.

The amendment was adopted.

Senator Bennett moved to amend section 2 by striking out "within three months," in proviso.

The motion prevailed.

Senator Bennett moved to amend by adding section 4 :

SECTION 4. All appeals pending or taken to the General Term, at and before the passage of this act, and which remain undisposed of, shall be deemed pending in the Supreme Court, without further notice, and the Clerk of the District Court having charge of such records, shall immediately certify the same to the Supreme Court, and the Clerk of the Supreme Court shall docket the same, as though the appeal had been taken directly to said Supreme Court.

The amendment was adopted.

The substitute was then adopted.

On motion of Senator Bennett, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Smyth, Tuttle, and Vale—35.

The nays were—

Senators Couch, Donnan, Fellows, West, and Wolf—5.

Absent and not voting—

Senators Bill, Dixon, Dunham, Mitchell, Mulkern, Rice, Traverse, Vermillion, and Wright—9.

So the bill passed and the title was amended by inserting the words "District and," before the word "Circuit," and thus amended, was agreed to.

A communication was received from the Governor, at the hands of his private Secretary, which was laid on the President's table.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Substitute for Senate File No. 12, A bill for an act to authorize the sale of land and town lots for taxes in certain cases, for an amount less than the taxes, interests and costs due thereon.

Senate File No. 82, A bill for an act to legalize the action of the Board of Supervisors of Story County, Iowa, in relation to the issuance of bonds to the amount of seven thousand dollars for the purpose of purchasing land for a poor farm for the use of said county, and for the erection of buildings thereon.

Senate File No. 48, A bill for an act making further appropriations for the Deaf and Dumb Asylum.

Senate File No. 110, A bill for an act to provide information concerning the blind.

MARY E. SPENCER,  
*Engrossing Clerk.*

#### COMMUNICATIONS ON PRESIDENT'S TABLE.

The President submitted the following communication from the Governor:

EXECUTIVE OFFICE,  
Des Moines, March, 22, 1870.

*Gentlemen of the Senate :*

I herewith return to your honorable body, in which it originated, with my objections "An act to enable Forest City township, Howard Co., to hold a special election for township trustees and township clerk."

The first section of the bill provides that there shall be held, in the township named in the title "on the last Monday of March, 1870," a special election for the choice of three trustees and a clerk.

Section second provides that the "posting up of a copy of this act in three public places in said township for *ten days* before the day fixed for said election, etc., shall be sufficient notice of such election." This notice, it is manifest, cannot now be given, there being only a week between the time the bill was presented for my approval (yesterday), and the date of the proposed election.

I need not perhaps assign any further reason for returning the bill, but I cannot omit availing myself of the opportunity it presents for calling attention to the questionable constitutionality of this class of legislation. Section 30 of article 3, of the Constitution, prohibits the General Assembly from having *special* or *local* laws in certain cases which are therein specified, and it is added, "in all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State." The bill before me, I apprehend, proposes to meet a case, when the offices of township trustee and township clerk are all vacant at the same time, and where at present there is no provision of law for filling the vacancies. Such a combination of circumstances is of rare occurrence, and for that reason, undoubtedly, a special act is deemed desirable in this case.

But upon mature reflection I am forced to the conclusion that this is peculiarly a case where a general law *can be made applicable*, and where consequently, a special law is inadmissible. Such a general act, while free from all doubt as to its constitutionality, would alike meet present emergencies and provide for future contingencies.

SAMUEL MERRILL.

On the question "Shall the bill pass?" notwithstanding the Governor's objections.

The yeas were none.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Balis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens,

Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Tuttle, Vale, West, Wolf, and Wright—42.

Absent and not voting—

Senators Bill, Dunham, McKean, Mulkern, Rice, Traverse, and Vermillion—7.

So the bill was lost.

By leave, Senator Bennett introduced Senate File No. 194, A bill for an act to amend chapter 179, laws of the Twelfth General Assembly.

Read first and second time, and referred to Committee on Charitable Institutions.

#### BILLS ON THIRD READING.

Preamble and joint resolution relative to a loan of \$15,000 to the College of Physicians and Surgeons at Keokuk, was read a third time.

On the question "Shall the joint resolution pass?"

The yeas and nays were demanded and were as follows:

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, West, Wolf, and Wright—41.

The nays were none.

Absent and not voting—

Senators Allen, Bill, Dunham, Hawley, McKean, Mulkern, Traverse, and Vermillion,—8.

So the joint resolution passed, and the title was agreed to.

Senate File No. 121, A bill for an act changing the time of holding District Court, at Keokuk, Lee County, was read a third time.

On the question "Shall the bill pass?"

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

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Vale, and Wright—36.

The nays were none.

Absent and not voting—

Senators Bill, Couch, Dunham, Hawley, Long, McKean, McNutt, Mulkern, Traverse, Tuttle, Vermillion, West, and Wolf—13.

So the bill passed and the title was agreed to.

House File No. 173, A bill for an act authorizing counties to build bridges, was taken up and read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Bennett, Bulis, Casady, Cathcart, Chapin, Conch, Dixon, Fellows, Griffith, Grimes, Hurley, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Rice, Smyth, and Wright—25.

The nays were—

Senators Atkins, Beardsley, Campbell, Claussen, Donnan, Dysart, Hamilton, Havens, Ireland, Keller, McCulloch, Patterson, Pierce, Vale, West, and Wolf—16.

Absent and not voting—

Senators Bill, Dunham, Fairall, Hawley, Mulkern, Traverse, Tuttle, and Vermillion—8.

So the bill not having received a constitutional majority was lost.

Senator Knoll, from the Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT—Your Committee on Engrossed Bills respectfully report that they have examined Senate File No. 142, being a bill for an act relative to the claim of S. A. Robertson for work done on the State House, and find the same correctly engrossed.

F. M. KNOLL, *Chairman.*

Senate File No. 142, A bill for an act relative to the claim of S. A. Robertson for work done on the State House, was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Campbell, Casady, Cathcart, Chapin, Claussen, Conch, Dixon, Donnan, Fairall, Fellows, Griffith, Hamilton, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Newell, Patterson, Pierce, Rice, Smyth, Vale, and Wolf—33.

The nays were—

Senators Bulis, Dysart, Grimes, Havens, McNutt, West, and Wright—7.

Absent and not voting—

Senators Bennett, Bill, Dunham, Hawley, Mulkern, Murray, Traverse, Tuttle, and Vermillion—9.

So the bill not having received a constitutional majority was lost.

Senator Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following bills, viz:

Senate Files No. 48, 82, 110, and substitute for Senate File No. 12.

MITCHELL, *Chairman.*

By leave, Senator Wright offered the following :

*Be it resolved by the General Assembly of the State of Iowa :*

That the Auditor of State be, and he is hereby directed to apportion all the interest due from the permanent school fund to the counties as provided by law for said distribution, deducting from said apportionment to the several counties the amount of interest due to said fund from each county.

On motion of Senator Fellows the resolution was referred to Committee on Ways and Means.

#### BILLS ON SECOND READING.

Senate File No. 90, A bill for an act to amend chapters 52 and 53 of the Revision of 1860, with report of committee recommending that the bill do pass, was taken up, considered, and was ordered engrossed for a third reading.

Senate File No. 117, A bill for an act to authorize cities, towns, and counties to deposit the moneys of said corporations with banks of deposit with report of committee recommending that the bill do pass, was taken up and considered.

Senator Claussen moved to amend first section by inserting in second line the words, "and school districts," and strike out at the end of the section the words "which said interest shall not be less than 6 per cent per annum.

The amendment was agreed to.

Senator Fellows moved to lay the bill on the table.

The motion did not prevail.

On motion of Senator McNutt, the bill was indefinitely postponed.

The hour for adjournment having arrived, the President declared the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 23, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Guild.

The journal of yesterday was read and approved.

#### HOUSE MESSAGE.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body



that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked :

Substitute for House File No. 17, A bill for an act to define the manner in which the re-survey of lands shall be made.

House File No. 304, A bill for an act to amend section 1187, of the Revision of 1860, relating to Incorporations.

Also a joint resolution and memorial to the Congress of the United States, relative to a change in the pension laws.

CHARLES ALDRICH, *Chief Clerk.*

Senator Griffith moved to reconsider the vote by which the resolution fixing the *per diem* of the officers and employes of the Senate was passed.

The motion prevailed, and on motion of Senator Griffith, the resolution was referred to Committee on Compensation of Public Officers.

The President submitted the following communication from the Census Board :

EXECUTIVE OFFICE, March 23, 1870.

HON. M. M. WALDEN, *President of the Senate.*

SIR:—Pursuant to the provisions of a resolution, passed by the Senate on the 23d, the Census Board have the honor to present the following report of their doings under the provision of section 3, of chapter 91, acts of the Twelfth General Assembly. Said section makes an appropriation of fifteen thousand dollars, or so much thereof as might be necessary, for the construction of a fire proof vault, and making such other repairs as might be considered necessary to render the present Capitol building fit for the purposes for which it is used, until a new Capitol building could be erected.

Soon after the adjournment of the General Assembly, the Board held a meeting, for the purposes of deciding upon the repairs necessary to make the building safe, and put it in proper condition for the uses for which it was designed.

An examination disclosed the fact that the foundation was giving away under the entire building, with the exception of a few feet at each corner, where the foundation had been removed by direction of the General Assembly in 1858. It was also ascertained that the bottom of the foundation was several feet below the established grade of the street at the north east corner, and from ten to twelve feet at the south west corner.

The Board, after carefully examining the matter, decided that it would be for the best interest of the State to grade the lot down to the established grade on Walnut street, and thereby give room for a basement story under the entire building. The Board arrived at this conclusion for the reason that the room was needed by the State for storage, and other purposes, and that in the end it would cost less

than to only put a foundation under the building, leaving the surface of the lot as it then was, and rendering necessary the building of a stone wall around the outside of the lot for protection.

The Board found the roof would require renewing, and that the roof timbers were giving away in many places, and would require either to be renewed or strengthened by the use of iron bolts and stirrups, and we deem it proper to state here that the Board have grave doubts of the sufficiency of the appropriation to make the required repairs. But it was evident that the foundation would have to be renewed, and that soon, or the building would tumble to the ground. And believing that it was our duty to proceed with the repairs at as early a day as possible, a notice was inserted in the papers of the city that proposals would be received until the first of June for making said repairs, including the grading down of the lot, etc.

Seven propositions were received by parties residing in this city and elsewhere, some for the entire work, and others for parts of the work only.

June 4th, the Board met and examined the bids, when it was ascertained that S. A. Robertson, of this city, had made the lowest and best bid, and a contract was entered into with said Robertson. The original of which, together with the specifications and bond, is herewith submitted and made a part of this report. The contract was conditional that said Robertson should give to the State of Iowa a good and sufficient bond in the sum of forty thousand dollars, conditioned that the work should be well done, and that the building should not be in any way injured during the progress thereof. The bond was thought large by the contractor, but the Board deemed it necessary to protect the interest of the State in the proper preservation of the building. The contract provided that all the inside or partition walls should be thirteen inches thick; as the work progressed it was ascertained that the sleepers or lower joice were so short that the partition walls would have to be increased in thickness in order that the sleepers should have the proper support, and it became a question, also, as to whether a thirteen inch wall was sufficient to support the weight and make the building permanent. For the reasons stated above an arrangement was made with the contractor by which the partition walls were increased in thickness the length of one brick, except the walls on either side of the vault which were to be increased only the width of one brick. For this increase of work, the contractor was to receive such remuneration as should be granted by the General Assembly, not to exceed fourteen hundred dollars. The Board deemed it impossible to carry out the spirit and intention of the act making this appropriation, without making this change in the contract. The work was done in good faith, and in the opinion of the Board the contractor should be remunerated for all the extra expense occasioned by the change of contract.

The attention of your honorable body is called to the contract specification herewith submitted and made a part of this report, and you are further requested to examine the work done under said contract, that justice may be done all parties.

All of which is respectfully submitted.

SAMUEL MERRILL,  
ED WRIGHT,  
JNO. A. ELLIOTT,  
SAM'L E. RANKIN,  
*Census Board.*

Senator Dysart moved to reconsider the vote by which Senate File No. 142, a bill for an act relative to the claim of S. A. Robertson for work done on the State House, was lost.

The motion prevailed.

On the question, "Shall the bill pass?"

The yeas and nays were demanded and were as follows:

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Clauseen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Knoll, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Murray Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—41.

The nays were—

Senator McNutt—1.

Absent and not voting—

Senators Bill, Dunham, Keller, Long, Mulkern, Rice, and Wright—7.

So the bill passed and the title was agreed to.

#### PETITIONS AND MEMORIALS.

Senator Traverse presented a petition from T. J. Ray and others, citizens of Davis county, asking an amendment to the fence law making four feet a lawful fence.

Referred to Committee on Agriculture.

Senator Vermillion presented a petition from L. C. Mechem and others, asking an increase of salaries for District Judges.

Referred to Committee on Compensation of Public Officers.

Senator Beardsley presented a memorial in relation to the use of stenography in the Courts of the State.

Referred to Committee on Judiciary.

Senator Knoll presented a remonstrance of J. Helsing and 155 others, citizens of Jackson county, against the diversion of the Tete Des Morts land grant.

Referred to Committee on Railroads.

## INTRODUCTION OF BILLS.

By Senator Lowry: Senate File No. 195, A bill for an act amending chapter 59 of the laws of the Twelfth General Assembly, regulating the punishment of juvenile offenders.

Read first and second time.

On motion of Senator Lowry, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were none.

Absent and not voting—

Senators Bill, Dunham, Keller, and Mulkern—4.

So the bill passed, and the title was agreed to.

Senator West moved to reconsider the vote by which substitute for House File No. 173, A bill for an act authorizing counties to build bridges, was lost.

The motion prevailed.

Senator Campbell moved to reconsider the vote by which the bill was ordered to a third reading.

The motion was not agreed to.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Casady, Chapin, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Grimes, Hurley, Knoll, Long, Larrabee, Lowry, McKean, McNutt, Mitchell, Newell, Patterson, Rice, Smyth, Tuttle, Vale, West, and Wright—28.

The nays were—

Senators Beardsley, Bulis, Campbell, Cathcart, Claussen, Dysart, Hamilton, Havens, Hawley, McCulloch, Moore, Murray, Pierce, Traverse, Vermillion, and Wolf—17.

Absent and not voting—

Senators Bill, Dunham, Keller, and Mulkern—4.

So the bill passed and the title was agreed to.

By Senator Bennett: Senate File No. 196, A bill for an act to amend section 2833, of the Revision.

Read first and second time.

On motion of Senator Bennett the eleventh rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Paterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—43.

The nays were—

Senator Havens—1.

Absent and not voting—

Senators Bill, Dunham, Fairall, Keller, and Mulkern—5.

So the bill passed and the title was agreed to.

By Senator Hurley: Senate File No. 197, A bill for an act to regulate road taxes, and road labor in certain cases.

Read first and second time and referred to Committee on Judiciary.

#### RESOLUTIONS.

Senator Fairall offered the following Resolution which was adopted.

*Resolved*, That the Secretary be directed to select the local bills, and bills reported adversely by Committees each day, and report to the Senate when order No. 8, of the daily order of business is reached, when local bills shall be taken up and considered.

Senator Knoll asked leave to withdraw certain petitions, in order that they might be presented to the House.

Leave was granted.

#### HOUSE MESSAGES.

House File No. 304, A bill for an act to amend section 1187, of the Revision of 1860, in relation to Incorporations, was taken up.

Read first and second time, and referred to Committee on Incorporations.

Joint resolutions and memorial to the Congress of the United States, relative to a change in the pension laws, was taken up.

Read first and second time, and referred to Committee on Federal Relations.

Substitute for House File No. 17, A bill for an act to define the manner in which the re survey of lands shall be made, was taken up.

Read first and second time, and referred to Committee on Public Lands.

Senator Knoll from the Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined Senate File No. 90, being A bill for an act to amend chapters 52, and 53, of the Revision of 1860, and find the same correctly engrossed.

F. M. KNOLL, *Chairman*.

## REPORTS OF COMMITTEES.

Senator Wright from Committee on Ways and Means substituted the following minority report :

The minority of the Committee on Ways and Means not being able to agree with the majority in their report on Senate File No. 181, beg leave to submit the following reasons for their opinion :

1st. That that the State of Iowa needs but one Penitentiary, and will not need but one for the next fifty years ; it being found much more economical to keep 1800 prisoners together than to divide them in two prisons.

2d. If the present Penitentiary is to be abandoned it is bad economy to expend any more money on it, as it will not add to the future value of the property, and will be an entire loss. For all the convicts over the present contract should be removed to the location of the new Penitentiary and worked in building it, thus making more cells and other expenditures useless at Ft. Madison.

3d. The present prison-yard can be enlarged for \$20,000, so as to make all yard room for cells, work shops, and other necessary buildings, to accommodate over 1,000 prisoners. The work can now be done by convict labor that is not under contract, and which can be more economically used now than hereafter when it will be more valuable with increased facilities for using it profitably, we would therefore recommend the adoption of the original bill

JAMES D. WRIGHT.

Ordered that the report pass on file.

Senator Bennett, from the Committee on Judiciary submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 157, A bill for an act to legalize the sale of certain lands held by Carroll county as idemnty for swamps and overflowed lands, have had the same under consideration and a majority of the committee have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 164, A bill for an act to legalize the incorporation of the city of Ft. Dodge, Iowa, and the ordinances enacted by the city council of said city, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 173, A bill for an act to amend section 3112 of the Revision of 1860, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it be amended by striking out 4th line of section 1, and prefixing "that" to fifth line, and being thus amended its passage is recommended.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 128, A bill for an act for the relief of the widow and heirs of Joseph P. Dorr, late Col. 8th Iowa cavalry, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that the accompanying substitute prepared by the Committee on Claims be adopted, and when so amended that the bill do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 178, A bill for an act to amend section 2218 of the Revision of 1860 in relation to tenants, have had the same under consideration and have instructed me to report the same back to the Senate, without recommendation.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 137, A bill for an act to punish slander and defamation have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be amended by striking out "one year," and inserting "thirty days," in 15th and 16th lines of section 2, and in 17th line of section 2 strike out "thousand" and insert "hundred."

Being so amended, the committee recommend its passage.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 80, A bill for an act to legalize the acts of the board of supervisors of Appanoose county, in exempting certain school-house bonds from taxation except for State purposes, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman.*

On motion of Senator Vermillion the report was taken up and adopted.

Also the following :

MR. PRESIDENT:—Your Committee on Judiciary, to whom was referred House File No. 201, A bill for an act to legalize the acts of Ashford B. Elwood, a deputy recorder of Montgomery county, Iowa, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be amended by adding "therefore" after last line of preamble, and in 5th line of section 1, after recorder, insert "of Montgomery county Iowa," and being so amended, that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 85, A bill for an act regulating election between dower and homestead, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 167, A bill for an act to legalize the acts of the independent school district of Monona, Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on File.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 182, A bill for an act repealing the argument terms of the Supreme Court at Davenport, and establishing



them at Iowa City, have had the same under consideration, and have instructed me to report the same back to the Senate, without recommendation.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Senator Bennett, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 170, A bill for an act to amend section 1020 of the Revision of 1860, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 180, A bill for an act to prohibit the use of the lash as a means of discipline in the Iowa State Penitentiary, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Senator Tuttle, from the Committee on Commerce, submitted the following report:

MR. PRESIDENT—Your Committee on Commerce, to whom was referred a memorial to the Senate and House of Representatives of the United States upon the question of uninterrupted water communication between the Mississippi river and the Atlantic seaboard, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

M. TUTTLE, *Chairman.*

Ordered that the report pass on file.

Senator Rice, from the Committee on Military, submitted the following report:

MR. PRESIDENT—Your Committee on Military, to whom was referred a joint resolution for the relief of Wm. R. Critchfield and Henry C. Anderson, late soldiers of 13th Iowa Infantry, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

Ordered that the report pass on file.

Senator Chapin, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable institutions, to whom was referred substitute for House File No. 6, A bill for an act to amend section 2, chapter 95, laws of twelfth General Assembly, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

JAS. CHAPIN, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate File No. 187, A bill for an act to amend chapter 95, laws of Twelfth General Assembly, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

JAS. CHAPIN, *Chairman.*

Ordered that the report pass on file.

The hour for the special order having arrived, it being Senate File No. 60, A bill for an act to permanently locate and provide for the erection and control of an additional Penitentiary, with report of Committee recommending that the bill do pass, and Senate File No. 58, A bill for an act to establish an additional Penitentiary at McGregor, Iowa, reported without recommendation.

On motion of Senator Newell, the special order was taken up.

On motion of Senator Bennett, the Senate resolved itself into Committee of the Whole for the consideration of all bills relating to the Penitentiary.

And after some time spent therein, the Committee rose, and the Chairman thereof, Senator Donnan, reported that the Committee have had under consideration Senate Files Nos. 58 and 60, and Senate File No. 181, A bill for an act for the improvement of the Penitentiary, and to provide for the salary and compensation of the Warden, and recommend the passage of Senate File No. 181, after being amended as recommended by the Committee on Ways and Means.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 294, A bill for an act to legalize the election of a sub-district or in district No. 5, in the district township of Grant, in the county of Cass, and State of Iowa, on the 12th day of March, 1870.

I also herewith return the following which have passed the House without amendment.

Senate File No. 140, A bill for an act to amend section 3275 of the Revision of 1860, as to the duties of certain treasurers.

The Senate Joint resolution relative to a loan to the college of physicians and surgeons at Keokuk.

A bill for an act to legalize the organization of election of officers and acts of the city of Waterloo as a city of the second class, which has passed the House without amendment.

I also herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 184, A bill for an act to encourage immigration to the State of Iowa.

House File No. 220, A bill for an act to authorize Thomas Mitchell and others to cut a canal across a strip of land to straighten the Des Moines river.

Also, a joint resolution asking increased mail facilities on certain routes in Iowa.

I am also directed to inform the Senate that the House has concurred in the Senate amendment to substitute House File No. 115.

CHARLES ALDRICH, *Chief Clerk.*

The question being on the adoption of report of committee.

Senator Wolf moved that the 1st section be amended by striking out the words "for the purpose of supplying the prison with water by sinking an artesian well the sum of \$400. Provided the contractors for the prison labor will spend an equal amount for the completion of said well if it should be found necessary."

Which was not agreed to.

Senator Campbell move to strike out of the 1st section the words "for the purpose of furnishing and repairing the Warden's house the sum of \$1200.

The motion did not prevail.

Senator Patterson moved to amend by adding at the end of the section the words "and guests."

The amendment was agreed to.

And the report of Committee of Ways and Means was accepted.

On motion of Senator Fellows the rule was suspended and the bill was read a third time.

The question, being "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Casady,

Chapin, Claussen, Couch, Dixon, Fellows, Hamilton, Havens, Hurley, Ireland, Larrabee, Long, McCulloch, Moore, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, West, and Wright—27.

The nays were—

Senators Campbell, Cathcart, Donnan, Dysart, Griffith, Grimes, Hawley, Knoll, Lowry, McKean, McNutt, Mitchell, Newell, Smyth, and Wolf—15.

Absent or not voting were—

Senators Bill Dunham, Fairall, Keller, Mulkern, Murray, and Vermillion—7.

So the bill passed and the title was agreed to.

Senator Newell, from the Committee on Compensation of Public Officers, submitted the following report :

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred House File No. 60, A bill for an act to amend article 3, chapter 29 of the Revision of 1860, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do pass.

H. E. NEWELL, *Chairman*,

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 54, A bill for an act to amend section 2, chapter 46, of the laws of the 10th General Assembly, relative to salaries of sheriffs, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do not pass.

H. E. NEWELL, *Chairman*.

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 61, A bill for an act to amend chapter 58 of the acts of the 10th General Assembly fixing the compensation of prosecuting attorneys, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do not pass.

H. E. NEWELL, *Chairman*.

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 22, A bill for an act

fixing the compensation of certain county officers, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do not pass.

H. E. NEWELL, *Chairman.*

Ordered that the report pass on file.

Senator Smyth from the Committee on Compensation of Public Officers submitted the following report:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred and re-committed Senate File No. 162, A bill for an act defining and establishing the salary of the Governor and other State officers with amendments and instructions to incorporate into the bill, provisions increasing the salaries of the judges of the Supreme, District, and Circuit court, have had the same under consideration and have instructed me to report the accompanying bill as a substitute for the same, with the recommendation that it do pass.

ROBT. SMYTH, *for Committee.*

Ordered that the report pass on file.

Senator Bennett from the Committee on Judiciary submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred petitions praying for repeal of the usury law, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that they lie upon the table, deeming any change in the usury laws inexpedient at this time,

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 153, A bill for an act allowing the counties of Hamilton, Franklin, and Wright, to take their causes to the argument term of the Supreme Court, at the City of Dubuque, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 177, A bill for an act to empower cities to take private property, and appropriate the same to public uses in

certain cases, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 128, A bill for an act to abolish the General Term Court, and to amend chapter 86, acts of the Twelfth General Assembly, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it lie upon the table, the Senate having passed a bill accomplishing the same purpose.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following.

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 8, A bill for an act in relation to the penalty on certain taxes, have had the same under consideration, and have instructed me to report the same back to the Senate, without recommendation.

G. G. BENNETT, *Chairman.*

Ordered, that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 73, A bill for an act to empower cities to build toll bridges and issue bonds, have had the same under consideration, and have instructed me to report the same back to the Senate, without recommendation.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 208, A bill for an act to legalize the sale of certain lands in Polk County, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was

referred House File No. 137, A bill for an act to repeal section 2824 of chapter 120, of the revision of 1860, and to enact a substitute therefor, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it lie upon the table, this Committee having already reported a bill back, covering the same ground, with the recommendation that it pass.

G. G. BENNETT, *Chairman*.

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 180, A bill for an act to increase the penalty for violating section 4392, revision of 1860, an act for the observance of the Sabbath, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman*.

Ordered that the report pass on file.

Senator Claussen, from the Committee on Judiciary, submitted the following :

#### MINORITY REPORT.

Senator Claussen moves that the bill increasing the punishment for violation of the Sabbath law be indefinitely postponed, for the following reasons :

1. Because the Sabbath law is unconstitutional. Article 1, section 3, of the Constitution of Iowa, provides that the General Assembly shall make no law respecting an establishment of religion. The observance of the Sabbath is a religious ceremony. Apart from Christian or Jewish notions, there is nothing in the seventh revolution of the earth around its axis, which can make fishing, hunting, dancing, working, selling, and buying, immoral or criminal. A really immoral act is immoral all the days of the week, because immorality is the very nature and character of the act. But what is not immoral in itself cannot become so, merely because the earth moves once more around its axis. The Sabbath law has, therefore, no foundation whatever in *reason*. The justification of a Sabbath law is sought in the Bible. But an enactment intending to force the people to conform their actions to Bible notions of a certain Christian verb, is establishing a religious ceremony. The General Assembly might as well ordain circumcision, prohibit the eating of bacon, command baptism or the Lord's Supper. These ceremonies are rites of the Christian or Jewish religion, but not more so than

the observation of the Sabbath. The General Assembly, under our Constitution, has no right to establish any of these religious ceremonies.

In the United States, the State and Church are separate, each society having its separate and peculiar purposes. The State, a society of Christians, Jews, and Infidels, is formed for the protection of life, liberty, and prosperity, for education and internal improvements. The object of the State is not the propagation of Christianity. The State has nothing to do with Christianity, though a majority of the citizens profess to be Christians. A majority in a railroad company may be Christians, and yet the corporation is not a Christian corporation, because Christianity is not their purpose. The State, having no Christian purposes, should not attempt to obtrude the the notions of a peculiar Christian sect to citizens who disapprove such notions.

2. A further reason against the Sabbath law is, that it is impracticable, inoperative, and contrary to the notions of a greater portion of the Christians.

Not much over one-fourth of the inhabitants of the earth are Christians, nearly three-fourths are not Christians. Of the Christians, calculated to be about three hundred and eighty millions, there are about three hundred millions in Europe, about eighty millions in North and South America. Of these eighty millions of American Christians, there are about fifty millions Catholics and thirty millions Protestants. Of the three hundred million European Christians, there are a small number who are opposed to dancing, fishing, and hunting on Sunday. Nearly all the European Christians on the continent go in the morning to church, but in the afternoon they enjoy and resort to places of amusements, to be found in every town of several thousand inhabitants. There is dancing on Sunday afternoon and in the evening almost in any town on the European continent, where several thousand people live together. Christian orthodoxy does not object to such amusements. The kings, though generally orthodox, do not prohibit such amusements, but regulate them by their police officers. There are on the European Continent few, if any, adherents to such a Puritan Sabbath as is enjoined by our law. Only a comparatively small number of Christians have embraced the doctrine of a Puritan Sabbath. About nine-tenths of all the Christians disapprove that doctrine. The attempt to obtrude such notions on such as disapprove them is despotism, not justifiable by any purpose for which the State is framed.

Probably all the Postmasters in the State, all the companies who run steamboats, railroads, horse cars in the cities, and all the keepers of hotels, of livery stables, and their employees, violate constantly our Sabbath laws, which are very seldom enforced, and often abused from spite or to cover immorality.

Legislators are either bound or not bound to re-enact the law of



Moses. If thus bound, they must re-enact all the laws of Moses, must make the seventh year a Sabbath year, and the fiftieth year a jubilee year, and inflict capital punishment upon any one who does any work on the Sabbath day.—(Leviticus, chap. 25.) It is, on all sides, admitted that the very numerous laws of Moses about prohibition of food, uncleanness, etc., and a good many other Mosaic laws, are unsuitable to our climate and condition of life. They are nowhere in any Christian land fully adopted. But there is no proof that one of these laws has more binding force than any other. Hence legislators are either bound by all or by none; but they being not bound by all, consequently not by any, there is nothing in the Bible to justify a Sabbath law.

Hence there is nowhere any good reason for a provision that an act, innocent in itself, shall become criminal by every seventh revolution of the earth around its axis.

Respectfully submitted.

H. R. CLAUSSEN.

The undersigned agree with Senator Claussen in his motion to indefinitely postpone, but express no opinion as to the reasons assigned by him therefor, believing there is no use of further legislation.

W. P. WOLF,  
SAM. H. FAIRALL.

Senator Newell moved that the report pass on file and be printed.

On which question the yeas and nays were demanded and

The yeas were—

Senators Arkins, Beardsley, Campbell, Casady, Chapin, Claussen, Dixon, Fairall, Fellows, Hamilton, Havens, Hawley, Hurley, Knoll, Larrabee, Lowry, McCulloch, Mitchell, Newell, Patterson, Pierce, Rice, and Wright—23.

The nays were—

Senators Allen, Bennett, Bulis, Cathcart, Couch, Donnan, Dy-sart, Griffith, Grimes, Ireland, Long, McKean, McNutt, Moore, Smyth, Tuttle, Vale, West, and Wolf—19.

Absent and not voting—

Senators Bill, Dunham, Keller, Mulkern, Murray, Traverse, and Vermilion—7.

So the motion prevailed.

Senator Wolf, from Committee on Schools submitted the following report:

MR. PRESIDENT—Your Committee on Schools have had under consideration Senate File No. 147, A bill for an act to legalize the erection of sub-district No. 3, of Perry township, Marion county, Iowa,

have directed me to report the same back to the Senate with the recommendation that it do pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Senator McKean moved to make Senate Files Nos. 58 and 60 the special order for March 30th at 10 o'clock a. m., which was agreed to.

On motion of Senator Wright, Senate File No. 7, A bill for an act to amend section 4155, of chapter 112 and chapter 28 of the Revision of 1860, now in hands of Committee on Agriculture was referred to Committee on Public Lands.

The hour for adjournment having arrived, the President declared the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
MARCH, 24, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Guild.

The Journal of yesterday was read, and approved.

On motion of Senator Campbell, Senate File No. 157, A bill for an act to legalize the sale of certain lands held by Carroll county as indemnity for swamp and overflowed lands, was taken up and re-committed to Committee on Judiciary.

By leave, Senator Traverse introduced Senate File No. 198, A bill for an act releasing to James H. Jordan, of Davis county, Iowa, the interest of the State of Iowa, in and to the north half of section 10, township 70, north of range 12, west in Davis county.

Read first and second time and referred to Committee on Ways and Means.

Senator Fairall moved to take up House File No. 264, A bill for an act providing for the taxation of property of Railroad Companies, and make it the special order for March 29th, at 9½ o'clock a. m.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Campbell, Casady, Cathcart, Clausen, Donnan, Dysart, Fairall, Grimes, Hawley, Hurley, Knoll, Lowry, McCulloch, McKean, McNutt, Vale, West, Wolf, and Wright—21.

The nays were—

Senators Atkins, Bulis, Couch, Dixon, Fellows, Griffith, Hamilton, Ireland, Larrabee, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, and Vermillion—19.

Absent and not voting—

Senators Allen, Bill, Chapin, Dunham, Havens, Keller, Long, Mitchell, and Mulkern—9.

So the motion not having received a two-third's vote was lost.

Senator Murray asked leave of absence for Senator Keller, on account of sickness.

Leave was granted.

Senator Mitchell from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate File No. 140, and find the same correctly enrolled.

MITCHELL, *Chairman.*

#### PETITIONS AND MEMORIALS.

Senator Pierce presented a petition from S. A. James and 125 others, citizens of Keokuk county asking for the passage of a law to prevent destruction of fish.

Referred to Committee on Agriculture.

#### INTRODUCTION OF BILLS.

By Senator Wright: Senate File No. 199, A bill for an act to protect the permanent school fund, secure the prompt payment of the interest on the same, and amend section 1975, of the Revision of 1860.

Read first and second time and referred to Committee on Schools.

By Senator Moore: Senate File No. 200, A bill for an act providing for letting the Public Printing of the State of Iowa, to the lowest responsible bidder, and regulating the manner in which the same shall be done.

Read first and second time, and referred to Committee on Ways and Means.

#### HOUSE MESSAGES.

House File No. 294. A bill for an act to legalize the election of a sub-division in District No. 5, in the District Township of Grant, in the county of Cass, and State of Iowa, on the 12th day of March, 1870.

Read first and second time, and referred to Committee on Judiciary.

#### REPORTS OF COMMITTEES.

Senator Larrabee from the Committee on Ways and Means submitted the following report :

MR. PRESIDENT—Your Committee on Ways and Means to whom was referred House File No. 212, A bill for an a

711, chapter 45, of the Revision, beg leave to report that they had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT :—Your Committee on Ways and Means, to whom was referred resolution in relation to apportionment of school fund beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 188, A bill for an act to enable townships, cities, and towns to aid in the construction of railroads, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Senator Fairall, from Committee on Judiciary, submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 152, A bill for an act to amend section 10, of chapter 22, of acts of Tenth General Assembly, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it, with accompanying amendments, do pass.

S. W. FAIRALL, *for Committee.*

Ordered that the report pass on file.

Senator Beardsley, from the Committee on Federal Relations, submitted the following report :

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred a joint resolution relative to improvement of the Des Moines Rapids of the Mississippi river, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

CHAS. BEARDSLEY, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Federal Relations, to whom was referred two memorials to the Congress of the United States, relative to the water communication between the Atlantic and Mississippi via the Ohio, Kanawha, and James Rivers, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate without recommendation.

CHAS. BEARDSLEY, *Chairman.*

Ordered that the report pass on file.

By leave Senator Donnan offered the following resolution which was adopted :

*Resolved,* That the Committee on Compensation of Public Officers be requested to report by bill or otherwise, a reasonable compensation for services and expenses of the members of the Commission of Legal Inquiry.

BILLS ON THIRD READING.

Senate File No. 90, A bill for an act to amend chapters 52 and 53 of Revision of 1860.

Was read a third third.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Knoll, Larrabee, Lowry, McCulloch, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—39.

The nays were—

Senators McKean, and McNutt—2.

Absent and not voting were—

Senators Bennett, Bill, Dunham, Havens, Keller, Long, Mulhern, and Newell—8.

So the bill passed, and the title was agreed to.

Senate File No. 108, A bill for an act to provide for the election of township assessors and to fix their compensation.

Was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Bulis, Campbell, Casady, Chapin, Claussen, Dysart, Fairall, Griffith, Hawley, Hurley, Ireland, Knoll, Lowry, McKean, Mitchell, Moore, Murray, Pierce, Smyth, Vermillion, and West—22.

The nays were—

Senators Atkins, Beardsley, Bennett, Cathcart, Couch, Dixon, Donnan, Fellows, Grimes, Hamilton, Larrabee, McCulloch, McNutt, Newell, Rice, Wolf, and Wright—17.

Absent and not voting—

Senators Bill, Dunham, Havens, Keller, Long, Mulkern, Patterson, Traverse, Tuttle, and Vale—10.

So the bill not having received a constitutional majority was lost, House File No. 16, A bill for an act appropriating funds to the State University of Iowa.

Was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Casady, Cathcart, Clausen, Couch, Donnan, Dysart, Fairall, Fellows, Griffith, Hawley, Hurley, Ireland, Knoll, Larrabee, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Rice, Smyth, Traverse, Tuttle, and Wolf—31.

The nays were—

Senators Beardsley, Campbell, Dixon, Grimes, Hamilton, Lowry, Pierce, Vale, Vermillion, West, and Wright—11.

Absent and not voting—

Senators Bill, Chapin, Dunham, Havens, Keller, Long, and Mulkern—7.

So the bill passed and the title was agreed to.

#### BILLS ON SECOND READING.

House File No. 201, A bill for an act to legalize the acts of Ashford B. Elwood, a Deputy Recorder of Montgomery County, Iowa, with report of Committee recommending amendments, was taken up, considered, and report of Committee was adopted.

On motion of Senator Casady, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

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

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—41.

The nays were none.

Absent and not voting—

Senators Bill, Chapin, Dunham, Fairall, Havens, Keller, Long, and Mulkern—8.

So the bill passed and the title was agreed to.

Senate File No. 147, A bill for an act to legalize the erection of sub-district No. 3, Perry Township, Marion County, Iowa, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Cathcart, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas and nays were demanded and were as follows :

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Hawley, Ireland, Knoll, Larrabee, Lowry, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—38.

The nays were none.

Absent and not voting—

Senators Bill, Dunham, Fairall, Havens, Hurley, Keller, Long, McCulloch, Mitchell, Moore, and Mulkern—11.

So the bill passed and the title was agreed to.

House File No. 208, A bill for an act to legalize the sale of certain lands by Polk County, with report of Committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Allen, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

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

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Griffith, Grimes, Hamilton, Hawley, Ireland, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse Tuttle, Vale, Vermillion, West, Wolf, and Wright—41.

The nays were none.

Absent and not voting—

Senators Bil, Dunham, Fellows, Havens, Hurley, Keller, Long, and Mulkern—8.

So the bill passed and the title was agreed to.

Senate File No. 167, A bill for an act to legalize the acts of the independent school district of Monona, Iowa, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator Smyth moved to amend by adding to the publication clause, the words "without expense to the State."

Which was agreed to.

On motion of Senator Newell, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

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

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Knoll, Larrabee, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were none.

Absent and not voting—

Senators Couch, Dunham, Havens, Keller, Long, Lowry, and Mulkern—7.

So the bill passed, and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 115, A bill for an act entitled an act to legalize the organization of the Red Jacket Fire and Hose Company in the town of Waterloo.

House File No. 250, A bill for an act to legalize the tax levy of district township of Toledo, and the independent district of Toledo, in the township of Toledo, in Tama County, Iowa, for the year 1869.

BENJ. VAN STEINBURG,  
*1st Assistant Clerk.*

The hour for the special order having arrived, it being Senate File No. 46, A bill for an act to authorize counties to fund certain indebtedness, with report of Committee recommending that House File No. 108, be adopted as a substitute, it was taken up and the substitute was considered.

Senator Fairall moved to amend the first section, by inserting after the word "State," in second line, the words "having a population exceeding three thousand inhabitants."

The amendment was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bills in which the concurrence of the Senate is asked.



House File No. 311, A bill for an act to legalize the action of the board of supervisors of Jackson county in relation to the disbursement of swamp land funds.

House File No. 292, A bill for an act to legalize the incorporation of the town of Mason City, Iowa, and the election of officers of said incorporation, also to legalize the acts of *de facto* officers.

I also return herewith substitute for Senate File No. 20, A bill for an act to repeal sections 16, 17, 18, 19, 20, 21, 22, and 24 of chapter 86, of the acts of the 12th General Assembly, and providing for appeals from the District and Circuit Courts to the Supreme Court, and for fixing the times for holding Circuit Courts.

The House has amended the above bill as follows, in which the concurrence of the Senate is asked.

House amendment to substitute for Senate File No. 20.

Add to section 4 the following: "And in all cases wherein the judges of either court have reserved their decision under section 22 of chapter 86, acts of the 12th General Assembly, and said General Term Court has not yet acted thereon, the said causes shall be returned to the court in which said causes have originated; but in such cases where appeals have been taken to the Supreme Court after the General Term Court has rendered a decision thereon, then the Supreme Court shall hear and determine the same with the same force and effect as provided in chapter 86, aforesaid.

CHAS. ALDRICH, *Chief Clerk.*

Senator Hawley moved to amend the 1st section by striking out of 5rd line the word "majority," and inserting in lieu thereof, the words two-thirds.

The amendment prevailed.

Senator Casady moved to amend the 2nd section by striking out of 5th line the word "January" and inserting "May."

The amendment was adopted.

Senator McNutt moved to amend the 2nd section by striking out of the 4th line the words "sell the same or."

Pending which the hour for the special order having arrived, it being Senate File No. 88, A bill for an act resuming certain lands heretofore granted to the Des Moines Valley Railroad Company, and to provide for the sale of same, with majority report recommending amendments, and that the bill do pass, and, minority report recommending that the bill be indefinitely postponed.

Senator Fairall moved that the special order be taken up.

The motion did not prevail.

The amendment offered by Senator McNutt was disagreed to.

Senator McNutt moved to amend section 2 by striking out of the 9th line the words "and other legal evidences of county indebtedness."

The amendment was lost.

Senator Smyth moved to amend section 2 by inserting in the 4th line after the word "for" the words "any legal."

The substitute was then adopted, and on motion of Senator Casady the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Knoll, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverser, Tuttle, Vale, Vermillion, West, Wolf, and Wright—43.

The nays were—

Senators McNutt—1.

Absent and not voting—

Senators Dunham, Havens, Keller, Long, and Mulkern—5.

So the bill passed and the title was agreed to.

Senate File No. 88, with majority and minority report of committee, which was made the special order for 11 o'clock to-day, and which was passed was taken up and considered.

The question being on the amendments reported by majority of committee.

Pending which, Senator Fellows moved that when the Senate adjourn it be until 2 o'clock this afternoon.

The motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 16, A bill for an act to provide additional endowment for the State University.

CHARLES ALDRICH, *Chief Clerk.*

At 12 o'clock and 15 minutes, on motion of Senator Beardsley, the Senate adjourned.

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TWO O'CLOCK P. M

Senate met pursuant to adjournment, and was called to order by the President.

By leave Senator Wright offered the following resolution :

WHEREAS, the clergy of Des Moines have failed to attend the opening of the Senate for three successive days, besides sundry other times during the session, thereby showing great neglect to the spiritual welfare of the members,

*Resolved*, that the Senate employ Rev. J. G. Guild and Rev. Wells for the remainder of the session, and that they receive compensation in proportion to the time of services rendered by them.

Senator Patterson moved to amend by striking out the word "sundry."

Which was agreed to.

Senator Tuttle moved to amend by striking out the name of "Rev. Wells."

Which was not agreed to.

On motion of Senator Smyth the resolution was laid on the table. Senator Mitchell asked leave to withdraw certain petitions in relation to Des Moines Valley resumption, from the Senate.

Leave was granted.

By leave, and on motion of Senator Fairall, Senate File No. 20, A bill for an act to repeal sections 16, 17, 18, 19, 20, 21, 22, and 24, of the acts of the Twelfth General Assembly, providing for appeals from the district and circuit courts to the Supreme Court, and fixing the time for holding courts, with House amendments was taken up.

On the question "Shall the Senate concur in House amendments?"

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

The yeas were —

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Knoll, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, West, Wolf, and Wright—36.

The nays were none.

Absent or not voting—

Senators Allen, Chapin, Couch, Dunham, Havens, Keller, Larrabee, Long, Moore, Mulkern, Rice, Vale, and Vermillion—13.

So the House amendment was concurred in.

Senate File No. 88, with majority and minority reports, which was under consideration at the time of adjournment, was taken up.

The question being on the amendments offered by Committee.

The report was adopted.

On the question "Shall the bill be engrossed for a third reading?"

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

The yeas were —

Senators Allen, Campbell, Chapin, Donnan, Dysart, Fairall, Griffith, Grimes, Hawley, Knoll, Larrabee, Lowry, McKean,

McNutt, Mitchell, Newell, Tuttle, Vermillion, Wolf, and Wright—20.

The nays were—

Senators Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Clausen, Couch, Dixon, Fellows, Hamilton, Ireland, McCulloch, Moore, Murray, Patterson, Pierce, Smyth, Traverse, Vale, and West—21.

Absent and not voting were—

Senators Atkins, Dunham, Havens, Hurley, Keller, Long, Mulhern, and Rice—8.

So the bill was lost on engrossment.

At 5 o'clock and 5 minutes P. M., on motion of Senator Moore, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 25, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Guild.

The Journal of yesterday was read and approved.

#### PETITIONS AND MEMORIALS.

Senator Casady presented a petition from the independent school district of Atlantic, Cass county, asking a change in school law.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Donnan: Senate File No. 201, A bill for an act for the better protection of employes of railroad companies.

Read first and second time and referred to Committee on Judiciary.

By Senator Traverse: Senate File No. 202, A bill for an act authorizing counties, cities, and towns, owning real estate to donate or sell said real estate to railroad companies.

Read first and second time and referred to Committee on Judiciary.

#### HOUSE MESSAGES.

House File No. 292, A bill for an act to legalize the incorporation of the town of Mason City, Iowa, and the election officers for said incorporation; also to legalize the acts of *de facto* officers, was taken up.

Read first and second time and referred to Committee on Judiciary. Senate File No. 311, A bill for an act to legalize the action of the Board of Supervisors of Jackson county, was taken up.

Read first and second time and referred to Committee on Judiciary.

#### REPORTS OF COMMITTEES.

Senator Tuttle, from the Committee on Commerce, submitted the following report :

MR. PRESIDENT—Your Committee on Commerce to whom was referred the Governor's special message on the subject of the improvement of the Fox and Wisconsin rivers, beg leave to report that they have had the same under consideration, and have instructed me to draft and report the memorial and resolutions presented herewith with the recommendation that they be adopted.

M. TUTTLE, *Chairman.*

By Committee on Commerce :

*Be it resolved by the Senate of the State of Iowa, the House concurring,* That the Committee on Ways and Means are hereby instructed to insert in the special appropriation bill the amount of \$2000, to be placed at the disposal of the State Census Board with authority to use so much thereof as they may deem necessary for the purpose of defraying expenses of printing and diffusing information on the subject of the improvement of the Fox and Wisconsin rivers, and pressing the measure upon the attention of Congress in accordance with the recommendation of the Governor in his special message on that subject.

Memorial to Congress in relation to the improvement of the Fox and Wisconsin rivers.

Read first and second time.

Senator Donnan moved to suspend the 11th rule and read the memorial a third time now.

Senator McNutt moved to amend the memorial by striking out the words "in public lands in the States of Iowa, Minnesota, and Wisconsin, or."

On motion of Senator Campbell the memorial in relation to water communication between the Mississippi river and the Atlantic ocean, now on file, was taken up.

Pending which,

By leave and on motion of Senator Wolf, Senate File No. 176, A bill for an act to establish a State Normal School, and all other bills on that subject was taken up and made the special order for March 29th at 10 o'clock.

By leave and on motion of Senator Larrabee, Senate File No. 188, A bill for an act to enable townships, incorporated towns and cities

to aid in the construction of railroads was taken up and made the special order for March 31st, at 9½ o'clock.

Senator McNutt moved that House File No. 264, A bill for an act providing for the taxation of railroad companies be taken up and made the special order for March 31st at 9½ o'clock.

The motion did not prevail.

Senator McNutt moved to take up House File No. 264 and make it the special order for April 1st at 10 o'clock.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dysart, Fairall, Grimes, Hawley, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Smyth, Traverse, Vale, West, Wolf, and Wright—27.

The nays were—

Senators Allen, Atkins, Bulis, Dixon, Donnan, Fellows, Griffith, Hamilton, Ireland, Keller, Larrabee, Moore, Murray, Newell, Patterson, Pierce, Rice, Tuttle, and Vermillion—19.

Absent or not voting—

Senators Dunham, Havens, and Mulkern—3.

So the motion not having received a two-third vote was lost.

The hour for the special order having arrived, it being Senate File No. 125, A bill for an act to prescribe rules and regulations for railroads, and to establish uniform and reasonable rates of tariff for the transportation of certain freights thereon, with majority and minority reports, and House File No. 216, A bill for an act to regulate passenger fare on railroads, with report of Committee, on motion of Senator Fairall, the special order was taken up, and Senate File No. 125 was considered.

The question being on the motion to indefinitely postpone the bill, Senator Beardsley moved to amend section 14 by striking out of the third line the word "four," and inserting "five."

Pending which Senator Bennett moved that when the Senate adjourns, it be until 2 o'clock this afternoon.

The motion prevailed.

Senator Couch moved to reconsider the vote by which Senate File No. 88, A bill for an act resuming certain lands heretofore granted the Des Moines Valley Railroad, and to provide for the sale of the same, was lost on engrossment.

Senator Hawley moved to postpone the consideration of the motion until April 4th.

The motion prevailed.

At twelve o'clock and fifteen minutes, on motion of Senator Bennett, the Senate adjourned.

TWO O'CLOCK P. M.

Senate convened pursuant to adjournment, and was called to order by the President.

By leave, Senator Fairall, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred the report of the Commission of Legal Inquiry, and the bills accompanying it, beg leave to report that they have had the same under consideration, and have instructed us to report the same back to the Senate, with the recommendation that the said bills, as amended by this Committee, do pass, being seven in number.

H. R. CLAUSSEN,  
S. H. FAIRALL,  
*For Committee.*

Senate File No. 203, A bill for an act to amend section 1794 of the Revision of 1860, and regulating the negotiability of certain instruments.

Read first and second time and passed on file.

Senate File No. 204, A bill for an act to amend chapter 101 of the Revision of 1860, pertaining to husband and wife, and regulating their rights and liabilities.

Read first and second time and passed on file.

Senate File No. 205, A bill for an act to amend chapter 100 of the Revision of 1860, in relation to the estates of decedents.

Read first and second time and passed on file.

Senate File No. 206, A bill for an act to amend section 2532, of the Revision of 1860, in relation to divorce and alimony.

Read first and second time and passed on file.

Senate File No. 207, A bill for an act to amend chapter 86, laws of the Twelfth General Assembly, in relation to the Circuit Courts.

Read first and second time and passed on file.

Senate File No. 208, A bill for an act to amend the Code of Civil Practice.

Read first and second time and passed on file.

Senate File No. 209, A bill for an act to amend Part IV, of the Revision of 1860, in relation to crimes, punishments, and proceedings in criminal cases.

Read first and second time and passed on file.

On motion of Senator Fairall, the bills and report were made the special order for March 29th, at 11 o'clock.

By leave, Senator Dysart, from Committee on Agricultural College, submitted the following report:

MR. PRESIDENT—Your Committee on Agricultural College, to whom was referred Senate File No. 27, A bill for an act regulating the leasing and sale of the lands belonging to the Iowa Agricultural College and Farm, and prescribing the evidence of forfeiture and abandonment of the contracts of lease or sale, have had the same under consideration, and have provided a substitute therefor, and have instructed me to report the same back to the Senate, with the recommendation that the substitute be adopted, and after adoption t hatit do pass.

JOSEPH DYSART, *Chairman.*

Ordered that the report pass on file.

Senator Beardsley, from Special Committee, submitted the following report :

MR. PRESIDENT—Your Special Committee to whom was referred a petition of Rev. Milton Sutton and other citizens, praying the enactment of a law establishing a chaplaincy for the Hospital for the Insane at Mount Pleasant, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the prayer of the petitioners be not granted, a majority of said Committee being of opinion that it would not be expedient at the present time to change the chaplaincy service of that institution, which is now performed by the ministers of Mount Pleasant.

CHAS. BEARDSLEY, *Chairman.*

The report was adopted.

Senator Hurley, from Committee on Public Lands, submitted the following report :

MR. PRESIDENT—Your Committee on Public lands, to whom was referred Senate Files Nos. 67 and 129, also Substitute for House File No. 17, beg leave to report that they have had the same under consideration, and have instructed me to report all of said Files back to the Senate, and recommend that the Substitute for House File No. 17 do pass.

HURLEY, *Chairman,*

Senator Chapin from the Committee on Charitable Institutions umitted the following report :

MR. PRESIDNET.—Your Committee on Charitable Institutions, to whom was referred Senate File No. 102, A bill for an act to establish an Industrial Home for the Blind, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended as follows : Strike out section 2, and insert (as attached in



the margin of the bill), also strike out of section 3, all after the word Institution in 4th line, and insert (as attached in margin of the bill), also, strike out all of section 4, also, add to section 5, the following: Provided no part of said appropriation shall be used for the erection of buildings.

J. CHAPIN, *Chairman*.

Ordered that the report pass on file.

The following message was received from the House.

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

House File No. 113, A bill for an act in relation to Omnibuses, Transfer Companies, and common carriers generally.

House File No. 314, A bill for an act to legalize the acts of the Trustees, Mayor, and Recorder of the town of Iowa Falls, Iowa.

House File No. 315, A bill for an act to legalize the proceedings of the regular annual meeting of the electors of the Independent School District of Vandalia, Jasper county, Iowa.

Also, return herewith Senate File No. 147, A bill for an act to legalize the election of sub-district No. 3, in Perry township, Marion county, Iowa, which has passed the House without amendment.

BENJ. VAN STEINBURG, *First Ass't Clerk*.

Senator Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following bill, viz: Senate File No. 82.

MITCHELL, *Chairman*.

Senator Mitchell from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills report that they have examined Senate Files Nos. 20, 192, 65, 3, 24, 91, a joint resolution relating to a loan of \$15,000.00 to the College of Physicians and Surgeons, at Keokuk, and find the same correctly enrolled.

MITCHELL, *Chairman*.

The consideration of Senate File No. 125, was resumed.

The question being on the motion to strike out of 3d line of 14th section, the word "four," and insert "five."

The amendment was adopted.

The following message was received from the House.

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 173, A bill for an act authorizing counties to build bridges.

Senate File No. 140, A bill for an act to amend section 3275, of the Revision of 1860.

H. C. RIPPEY, *Asst. Clerk.*

The question being on the motion to indefinitely postpone Senate File No. 125.

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

The yeas were—

Senators Allen, Atkins, Bulis, Cathcart, Couch, Dixon, Griffith, Ireland, Keller, Larrabee, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vermillion, and Wright—20.

The nays were—

Senators Beardsley, Bennett, Bill, Chapin, Claussen, Donnan, Dysart, Fairall, Fellows, Grimes, Hawley, Hurley, Knoll, Long, McCulloch, McKean, McNutt, Mulkern, Vale, West, and Wolf—21.

Absent and not voting—

Senators Campbell, Casady, Dunham, Hamilton, Havens, Lowry, Mitchell, and Rice—8.

So the motion was lost.

Senator Grimes asked leave of absence for Senator Casady.

Leave was granted.

Senator Couch asked leave of absence for Senator Mitchell.

Which was granted.

Senator Long asked leave of absence for Senator Lowry.

Leave was granted.

Senator Hamilton, being paired with Senator Campbell, was excused from voting.

On the question "Shall the bill be engrossed for a third reading?"

The yeas and nays were demanded and were as follows:

The yeas were—

Senators Beardsley, Bennett, Bill, Chapin, Claussen, Donnan, Dysart, Fairall, Grimes, Hawley, Hurley, Knoll, Long, McCulloch, McKean, McNutt, Mulkern, Vale, West, and Wolf—20.

The nays were—

Senators Allen, Atkins, Bulis, Cathcart, Couch, Dixon, Fellows, Griffith, Ireland, Keller, Larrabee, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vermillion and Wright—21.

Absent and not voting—

Senators Campbell, Casady, Dunham, Hamilton, Havens, Lowry, Mitchell, and Rice—8.

So the bill was lost on engrossment.

Senator Fellows moved to re-consider the vote just taken, and, also, to postpone consideration of that motion until March 29th, at 9½ o'clock, A. M.

The motion prevailed.

House File No. 216, on motion of Senator Beardsley, was laid on the table.

By leave Senator Traverse offered the following:

*Resolved by the Senate*, that on and after March 28th, no Senator shall occupy more than fifteen minutes, at one time, in speaking on any question under consideration, except by consent of all the members present.

Senator Wolf asked leave of absence for Senator McKean until Tuesday.

Leave was granted.

At 4 o'clock and 50 minutes, on motion of Senator Vermillion, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 28, 1870.

Senate met pursuant to adjournment, and the President being absent, was called to order by the Secretary.

On motion of Senator Smyth, Senator Bennett was chosen temporary President.

Prayer by Rev. Mr. Williams.

The Journal of Friday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

House File No. 22, A bill for an act to regulate the execution and transfer of notes given for patent rights.

House File No. 85, A bill for an act to amend section 4881 of chapter 218 of the Revision of 1860.

House File No. 120, A bill for an act to legalize the acts of David Conrad while acting as Justice of the Peace in Deep Creek township, in Clinton county, Iowa.

House File No. 197, A bill for an act to prescribe rules and regulations for railroads, and to establish uniform and reasonable rates of tariff for the transportation of certain freights thereon.

House File No. 272, A bill for an act to legalize the acts of A. T. Reeve, a Notary Public in and for Franklin county, Iowa.

House File No. 317, A bill for an act to amend section 664 of the Revision of 1860.

I also return Senate File No. 92, A bill for an act to authorize the working of persons confined in the jails of the State, and to protect prisoners, which has passed the House without amendment.

BENJ. VAN STEINBURG, *1st Asst. Clerk.*

Senator Knoll moved that the Senate on next Thursday, the 31st day of March, elect a President *pro tem.*

The motion prevailed.

#### INTRODUCTION OF BILLS.

By Senator Lowry: Senate File No. 210, A bill for an act to amend the school laws of Iowa.

Read first and second time and referred to Committee on Schools.

By Senator Bill: Senate File No. 211, A bill for an act to resume and re-grant certain lands in Taylor county, Iowa.

Read first and second time and referred to Committee on Public Lands.

Also Senate File No. 212, A bill for an act requiring insurance companies to deposit securities with State Treasurer.

Read first and second time and referred to Committee on Incorporations.

By Senator Pierce Senate File No. 213, A bill for an act to legalize the organization, acts, ordinances, orders, notices, and proceedings of the city of Fairfield as a city of the second class.

Read first and second time and referred to Committee on Judiciary.

#### HOUSE MESSAGES.

House File No. 113, A bill for an act in relation to omnibuses, transfer companies, and common carriers generally, was taken up.

Read first and second time and referred to Committee on Judiciary.

House File No. 314, A bill for an act to legalize the acts of the trustees, mayor, and recorder of the town of Iowa Falls, Iowa.

Was taken up, read first and second time.

Senator Couch moved to suspend the 11th rule and read the bill a third time now.

Senator Patterson moved to amend publication clause by adding "providing such publication shall be without expense to the State."

Which was agreed to.

The motion to suspend the 11th rule was adopted.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dunham, Dysart, Fairall, Fellows, Grimes, Ireland, Keller, Knoll, Long, Lowry, McNutt, Moore, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, West, and Wright—31.

The nays were none.

Absent and not voting—

Senators Atkins, Dixon, Donnan, Griffith, Hamilton, Havens, Hawley, Hurley, Larrabee, McCulloch, McKean, Mitchell, Mulkern, Murray, Newell, Rice, Tuttle, and Wolf—18.

So the bill passed and the title was agreed to.

On motion, Senators Tuttle, Larrabee, Atkins, and Murray were excused.

House File No. 315, A bill for an act to legalize the proceedings of the regular annual meeting of the electors of the Independent School District of Vandalia, Jasper county, Iowa.

Was taken up, read first and second time.

On motion of Senator Campbell, the 11th rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Dunham, Dysart, Fairall, Fellows, Grimes, Ireland, Keller, Knoll, Long, Lowry, McNutt, Moore, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—31.

The nays were—none.

Absent or not voting—

Senators Allen, Atkins, Claussen, Dixon, Donnan, Griffith, Hamilton, Havens, Hawley, Hurley, Larrabee, McCulloch, McKean, Mitchell, Mulkern, Murray, Tuttle, and Wolf—18.

So the bill passed and the title was agreed to.

House File No. 22, A bill for an act to regulate the execution and transfer of notes given for patent-rights, was taken up.

Read first and second time, and referred to Committee on Judiciary.

House File No. 85, A bill for an act to amend section 4881, of chapter 218, of the Revision of 1860, was taken up.

Read first and second time, and referred to Committee on Judiciary.

House File No. 197, A bill for an act to prescribe rules and regulations for railroads, and to establish uniform and reasonable rates of tariff for the transportation of certain freights thereon, was taken up.

Read first and second time, and passed on file to be considered to-morrow in connection with Senate File No. 125.

House File No. 317, A bill for an act to amend section 664, of the Revision, was taken up.

Read first and second times, and referred to Committee on Elections.

House File No. 272, A bill for an act to legalize the acts of A. T. Reeve, a Notary Public, in and for Franklin county, Iowa, was taken up.

Read first and second time, and referred to Committee on Judiciary.

By leave, on motion of Senator Ireland House File No. 43, A bill for an act to amend Section 1125, of chapter 51, of the Revision of 1860, with report of Committee recommending an amendment, was taken up, considered, and the report adopted.

On motion of Senator Ireland, the eleventh rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Bennett, Bulis, Casady, Cathcart, Chapin, Clausen, Couch, Dunham, Dysart, Fairall, Fellows, Grimes, Ireland, Keller, Long, Lowry, Moore, Paterson, Pierce, Rice, Vale, and Wright—23.

The nays were—

Senators Beardsley, Campbell, Knoll, McNutt, Newell, Smyth, Vermillion, and West—8.

Absent or not voting—

Senators Atkins, Bill, Dixon, Donnan, Griffith, Hamilton, Havens, Hawley, Hurley, Larrabee, McCulloch, McKean, Mitchell, Mulkern, Murray, Traverse, Tuttle, and Wolf—18.

So the bill not having received a constitutional majority was lost.

By leave, and on motion of Senator Wright, joint resolutions for the relief of Wm. B. Critchfield, and Henry C. Anderson, late Soldiers of Thirteenth Iowa Infantry, with report of Committee recommending that the same do pass, were taken up and considered.

On motion of Senator Wright the rule was suspended, and the joint resolutions were read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Clausen, Couch, Dysart, Fairall, Fellows, Grimes, Ireland, Keller, Knoll, Long, Lowry, McNutt, Moore, Newell, Patterson, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—30.

The nays were none.

Absent or not voting—

Senators Atkins, Bill, Dixon, Donnan, Dunham, Griffith, Hamilton, Havens, Hawley, Hurley, Larrabee, McCulloch, McKean, Mitchell, Mulkern, Murray, Pierce, Tuttle, and Wolf—19.

So the joint resolution passed and the title was agreed to.

## REPORTS OF COMMITTEES.

Senator Fairall from the Committee on Judiciary submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 150, A bill for an act for the relief of Marion county, for money stolen from the county safe, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

SAMUEL FAIRALL, *for majority of Committee.*

Ordered that the report pass on file.

Senator Allen, from the Committee on Suppression of Intemperance, submitted the following report:

MR. PRESIDENT—Your Committee on Suppression of Intemperance, to whom was referred a resolution from the Cedar County Temperance Council, have had the same under consideration, and have instructed me to report the same back to the Senate, without recommendation.

B. F. ALLEN, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Suppression of Intemperance, to whom was referred Senate File No. 49, A bill for an act to repeal section 1583, of the Revision of 1860, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, without recommendation.

B. F. ALLEN, *Chairman.*

Ordered, that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Suppression of Intemperance, to whom was referred Senate File No. 47, A bill for an act to amend article 3, of section 1583, of the Revision of 1860, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate without recommendation.

B. F. ALLEN, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Suppression of Intemperance, to whom was referred House File No. 69, A bill for an act to

provide for the prohibition of the sale of ale, wine, and beer in the counties by a vote of the people, have had the same under consideration, and a majority of said Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

B. F. ALLEN, *Chairman.*

Ordered that the report pass on file.

Senator Claussen, from Committee on Suppression of Intemperance, submitted the following minority report on House File No. 69, respecting a bill proposing to submit the question of prohibition of wine, beer, and cider to the vote of each county :

In our opinion said bill should not pass.

*First.*—Because it is, under the decision of the Supreme Court of Iowa, in the case of *Geebrick vs. the State of Iowa*, (5 Iowa Rep. p. 571) unconstitutional. We need not argue that question; the mere reference to that decision is sufficient. The court expressly says: "The General Assembly cannot legally submit to the people the proposition whether an act shall become a law or not; and that the people have no power in their primary capacity to make laws. They must do this by their representatives." The case decided is very similar to the present case. The question was whether each county by its vote would adopt or reject the license law of Jan. 29, 1857. The court held that that question could not be decided by the counties for two reasons, because the vitality and force of a law could not depend upon the vote of the counties who have no legislative power, and because the law would not have an uniform operation; some counties might vote for, others against a license law. In our opinion is the proposed law exactly liable to the same objections as the act of Jan. 27, 1857, "to license and regulate the sale of malt, spirituous, and vinuous liquor," which the court declared to be unconstitutional.

2d. Our principal objection to the bill, however, is, that a natural right is violated when a majority assumes to dictate the food for a minority, when such a beverage as wine is prohibited, though it has been in extensive and constant use by nearly all the nations of the earth, from the time of which we have a recorded history, up to the present time. The Hebrews, Greeks, and Romans, used wine extensively, and praised it very highly. In modern Europe, wine is used in the vine growing countries about in the same way in this country as tea and coffee. It is such an article of commerce that it would take the value of all the real estate and personal property of about nine such States as Iowa to buy, at American market prices, the wine crops raised in Europe in one year. France raises annually thirty-eight million Hectolitre wine, equal to thirty-eight millions of bottle wine, at the rate of seventy-five cents per bottle, \$28,500,000, equal to the *assessed* value of nine such States as Iowa, or to the



real value of three such States. France raises about one-third of all the wine raised in Europe. Hence one wine crop in Europe, (if judiciously sold for American market prices,) would pay three times our national debt in gold. For all the cotton raised the last year in the world, about six millions of bales, worth six hundred millions of dollars, you can purchase on American market not quite one fourth of the wine raised annually in France. All the gold collected in California since 1848, about nine hundred millions of dollars, would purchase, at American prices, one-third of the French wine crops of one year. A population probably about as large as the whole people of the United States is engaged in Europe, during life-time, in raising, manufacturing, and selling wine. And a great proportion of such a wine raising population has been thus engaged long time before the Christian era. Now we ask, who possesses such a boldness, (to use a mild expression,) as to pronounce that such a population has been engaged more than three thousand years in a *nefarious* business, and that an article of merchandise of such magnitude and value is a *nuisance*? We have about wine the testimony from Noah down to the present time. What is it? The 104 Psalm praises God among other things for producing "wine that maketh glad the heart of man." Paul writes to Timothy (1 Timothy, chap. v. 35), "Drink no longer water, but use a little wine for thy stomach's sake and thine oft infirmities." In 1 Timothy, chap. II, Paul says: "Deacons shall not be given to *much* wine." The immoderate use is here undoubtedly prohibited, but the moderate use licensed. In the excellent argument written by Governor Andrew, of Massachusetts, in 1867, entitled "The Errors of Prohibition," there are numerous citations from scientific works of Professor Liebig, and others, showing the beneficial influences of the moderate use of wine. Liebig, whose reputation as a chemist and physiologist is perhaps more generally known than the renown of any other scientific man, says: "As a restorative, a means of refreshment, when the powers of life are exhausted, of giving animation and energy, where man has to struggle with days of sorrow, as a means of correction and compensation, where misproportion occurs in nutrition, wine is surpassed by no product of nature or art. In no part of Germany do the apothecaries' establishments bring so low a price, as in the rich cities on the Rhine; for there wine is the universal medicine of the healthy as well as of the sick. It is considered as milk for the age." We will not multiply citations. Every man who will moderately use good unadulterated wine can easily find, by his own experience and observations, that the wine promotes digestion, prevents dyspepsy, dispels distemper, arouses the imagination, quickens all the functions of animal and mental life. The whole character of a nation is somewhat changed by the daily use of wine. In wine growing countries, you find the people more spirited, more

social and warm-hearted, less cold, retired and egotistical, less stern, grim and austere.

Science has demonstrated that alcoholic drinks belong to what is called respiratory food. In the process of combustion, of which animal life consists, alcohol furnishes fuel, so to speak, and thereby saves other fuel. Liebig says: "Besides fat and those substances which contain carbon and the elements of water man consumes in the shape of alcohol of fermented liquors, another substance, which in his body plays exactly the same part as the non-nitrogenized constituents of food." Governor Andrew, in his excellent argument, relates that Cornoro from his fortieth year restricted himself to a daily allowance of twelve ounces of solid food and fourteen ounces of wine. He lived ninety-nine years. The Iowa law, strictly enforced against that man, would have taken from his life fifty-nine years. In the Encyclopedia Britannica, in the article "food," it is said: "There appears to be little doubt but that in order to attain the full perfection of the mental and bodily faculties, an admixture of animal and vegetable articles of food is essential and also that a portion of the carbonaceous supply should be derived from alcoholic drinks; and independently of other objections, there is reason to fear that the offspring of those who abstain entirely from fermented drinks, become, in a generation or two, *enervated in mind and body*. It is probably in this last mentioned manner that the decadence of the different Mahomedan nations and races is to be accounted for, at least in part."

For these and other reasons, we are of opinion that Iowa should, respecting wine and beer, abandon the principles of the Mahomedan religion and come back to the reasonable doctrine of the Christian religion. There is almost an unanimous conviction of mankind, of scientific men and of the common people, from the dawn of recorded history up to the present time, that wine, if modestly used, is beneficial to our system, is respiratory food, and that it is unreasonable to prohibit that wholesome food entirely. Nearly the same thing can be truly said about beer.

3d. The argument, that wine and beer is abused by a few and that therefore the use should be prohibited to all, merits hardly any refutation. Knives and pistols are abused by the murderers; steam on steamboats and railroads causes too often wholesale slaughters; conflagrations of whole cities are effected by fire either intentionally or through negligence. The printing press, in the south, the most powerful aider and abettor of slavery and of the formidable southern rebellion, is fearfully abused every day. When we conclude to prohibit the use of steam, fire, revolvers and knives, and of the press, on account of its abuses, then, and not until then, may we also consistently prohibit the use of wine and beer. Shall we not use fire because our neighbor may commit arson? Punish him, if he does, but do not restrain the liberty of innocent men because some other man may commit a crime.

4th. Iowa, on account of her opposition to the enlightened ideas of mankind, comes in a very remarkable conflict with herself. The Code provides, (section 1560), that in Iowa the sale of imported liquor in the original caskets is lawful, even if the liquor is sold to be used as a beverage. The importer can obtain judgment in our courts for the purchase money of said liquor; so can a vendor who sold liquors not in this State to Iowa citizens. (Section 1571 of the Revision). A court then may on the same day punish an act, and declare *essentially* the same act to be lawful. Nay, the United States derive a large revenue from the importation, fabrication and sale of intoxicating liquors. Iowa is a partner in this business of aiding and abetting a traffic which is denounced as nefarious; Iowa gets her share in the profit. Does Iowa, does the people of the United States, derive payment for the permission of crime and sin?

5th. We will only briefly mention that prohibition cannot be enforced, will be evaded; that the prohibitory liquor law has the tendency to direct the tide of immigration to other more liberal States, and that it retards the improvement of the State, and that the law proposed, if it should pass, and be enforced, would be very injurious to the farmers raising barley, and to the brewers, having invested large capital in breweries, and also to the farmers raising wine.

Respectfully submitted,

H. R. CLAUSSEN.

I agree with the minority report so far as it relates to the constitutional question, and so far as it relates to wine and cider in the main.

E. S. McCULLOCH.

Ordered that the report pass on file.

On motion of Senator Newell the majority and minority reports were ordered printed.

Also the following:

MR. PRESIDENT—Your Committee on Suppression of Intemperance to whom was referred Senate File No. 19, A bill for an act to repeal section 1568 of the Revision of 1860, and to provide a substitute therefor, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do pass.

B. F. ALLEN, *Chairman*.

Ordered that the report pass on file.

MR. PRESIDENT—Your Committee on Suppression of Intemperance to whom was referred House File No. 11, A bill for an act for suppression of intemperance beg leave to report that they have had the

same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do not pass.

B. F. ALLEN, *Chairman.*

Ordered that the report pass on file.

Senator Fairall, from Committee on Judiciary, submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 168, beg leave to report that they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it do pass as amended.

SAMUEL FAIRALL, *for Committee.*

Ordered that the report pass on file.

Senator Wright from Committee on Penitentiary submitted the following report :

MR. PRESIDENT—Your Committee on Penitentiary, to whom was referred House File No. 295, A bill for an act to prohibit the use of the lash in the Iowa State Penitentiary, beg leave to report that they have had the same under consideration and a majority have instructed me to report the same back with the recommendation that it do pass.

JAMES D. WRIGHT, *Chairman.*

Ordered that the report pass on file.

By leave, and on motion of Senator Chapin, Senate File No. 10, A bill for an act to establish an Industrial Home for the Blind, with report of committee recommending amendments was taken up considered, and report of committee was adopted.

On motion of Senator Chapin, the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dunham, Dysart, Fairall, Fellows, Grimes, Hamilton, Ireland, Keller, Knoll, Long, Lowry, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—33.

The nays were none.

Absent and not voting—

Senators Atkins, Dixon, Donnan, Griffith, Havens, Hawley, Hurley, Larrabee, McCulloch, McKean, Mitchell, Moore, Murray, Mulkern, Tuttle, and Wolf—16.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Patterson, the vote by which House File No. 317, A bill for an act to amend section 664 of the Revison was referred to Committee on Elections, was reconsidered and the bill was taken up and considered.

On motion of Senator Patterson the 11th rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dunham, Dysart, Fairall, Grimes, Hamilton, Ireland, Keller, Knoll, Long, Lowry, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—32.

The nays were—none

Absent and not voting—

Senators Atkins, Dixon, Donnan, Fellows, Griffith, Havens, Hawley, Hurley, Larrabee, McCulloch, McKean, Mitchell, Moore, Mulkern, Murray, Tuttle, and Wolf,—17.

So the bill passed and the title was agreed to.

The hour for the special order having arrived it being Senate File Nos. 86, 104, 148, 151, and 163, bills for acts with reference to the Dubuque, Bellevue & Sabula Railroad Company's land grant.

Senator Patterson moved to postpone the special order, until March 31st, at 10 o'clock a. m.

By leave, Senator Campbell presented a petition from A. K. Campbell and others, praying for a change of the school laws.

Referred to Committee on Schools.

#### BILLS ON SECOND READING.

Senate File No. 128, A bill for an act for the relief of the widow and heirs of Joseph B. Dorr, late Colonel of the 8th Iowa Cavalry, with report of Committee recommending a substitute, was taken up, considered, and a substitute was adopted.

On motion the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Grimes, Hamilton, Ireland, Keller, Knoll, Long, Lowry, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Vermillion, West, and Wright—28.

The nays were none.

Absent and not voting—

Senators Allen, Atkins, Bill, Donnan, Fairall, Fellows, Griffith, Havens, Hawley, Hurley, Larrabee, McCulloch, McKean, Mitchell, Moore, Mulkern, Murray, Traverse, Tuttle, Vale, and Wolf—21.

So the bill passed and the title was agreed to.

House File No. 153, A bill for an act allowing the counties of Hamilton, Franklin, and Wright, to take their causes to the argument term of the Supreme Court, at the city of Dubuque, with report of Committee recommending that the bill do pass, was taken up, and considered.

On motion of Senator Knoll the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fellows, Grimes, Hamilton, Ireland, Keller, Knoll, Long, Lowry, McNutt, Newell, Patterson, Pierce, Rice, Traverse, Vale, Vermillion, West, and Wright—31.

The nays were none.

Absent or not voting—

Senators Allen, Atkins, Donnan, Fairall, Griffith, Havens, Hawley, Hurley, Larrabee, McCulloch, McKean, Mitchell, Moore, Mulkern, Murray, Smyth, Tuttle, and Wolf—18.

So the bill passed and the title was agreed to.

Joint resolution relative to improvement of the Des Moines Rapids of the Mississippi river, with report of Committee recommending that the joint resolutions do pass, was taken up, and considered.

On motion of Senator Beardsley the rule was suspended, and the joint resolutions were read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Dixon, Dysart, Fairall, Hamilton, Ireland, Keller, Knoll, Long, Lowry, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, and West—27.

The nays were—

Senators Campbell, Dunham, and Grimes—3.

Absent and not voting—

Senators Allen, Atkins, Couch, Donnan, Fellows, Griffith, Havens, Hawley, Hurley, Larrabee, McCulloch, McKean, Mitchell, Moore, Mulkern, Murray, Tuttle, Wolf, and Wright—19.

By leave and on motion of Senator Beardsley, Joint resolutions in relation to the establishment by Congress of a postal telegraph system, with report of committee recommending that the joint resolution do not pass, was taken up and considered.

Senator Bulis moved that the joint resolution be indefinitely postponed.

The motion was adopted.

Senator Fairall moved that the vote by which Senate Files Nos. 203, 204, 205, 206, 207, 208, and 209 were made the special order for March 29th, be reconsidered.

The motion prevailed.

On motion of Senator Fairall the bills were taken up.

Senate File No. 203, A bill for an act to amend section 1794 of the Revision of 1860, and regulating the negotiability of certain instruments, was considered, and on motion of Senator Fairall was recommitted to Committee on Judiciary.

Senate File No. 204, A bill for an act to amend chapter 101 of the Revision of 1860, pertaining to husband and wife, and regulating their rights and liabilities was considered, and ordered engrossed for a third reading.

Senate File No. 205, A bill for an act to amend chapter 100 of the Revision of 1860, in relation to the estates of decedents was considered, and was ordered engrossed for a third reading.

Senate File No. 206, A bill for an act to amend section 2532 of the Revision of 1860, in relation to divorce and alimony was taken up and ordered engrossed for a third reading.

Senate File No. 207, A bill for an act to amend chapter 86 of the laws of the Twelfth General Assembly, in relation to the circuit courts was considered and ordered engrossed for a third reading.

Senate File No. 208. A bill for an act to amend the code of civil practice was considered by sections.

Senator Patterson moved to amend the 35 section by striking out "2742."

Which were not agreed to.

The bill was then ordered engrossed for a third reading.

Senate File No. 209, A bill for an act to amend part fourth of the Revision of 1860, in relation to crimes, punishments, and proceedings in criminal cases was considered by sections.

Senator McNutt moved to strike out the 2nd section.

Senator Beardsley moved to amend the amendment by striking out of the 4th line the words "by death or."

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Campbell, Casady, Chapin, Claussen, Dixon, Dysart, Fairall, Fellows, Grimes, Keller, Knoll, Lowry, Patterson, Pierce, Rice, and Vermillion—16.

The nays were—

Senators Allen, Bill, Bulis, Cathcart, Couch, Dunham, Hamilton, Hurley, Ireland, Long, McNutt, Moore, Newell, Smyth, Traverse, Vale, West, and Wright—18.

Absent and not voting—

Senators Atkins, Bennett, Couch, Donnan, Griffith, Havens, Hawley, Larrabee, McCulloch, McKean, Mulkern, Murray, Newell, Tuttle, and Wolf—15.

So the motion did not prevail.

Senator Vale moved to reconsider the vote just taken, which was agreed to.

The question being on the amendment to the amendment, pending

which a message was received from the Governor, at the hands of his private Secretary, in relation to a decision of the Supreme Court in reference to the Des Moines River lands.

Senator Newell moved that it be referred to a Special Committee of five, consisting of Senators Mitchell, Allen, Fellows, Beardsley, and Hurley, with authority to print, which was agreed to.

On motion of Senator Donnan, Senate File No. 209 was made the special order for 9½ o'clock tomorrow morning.

The hour for adjournment having arrived, the President declared the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 29, 1870.

Senate met pursuant to adjournment, and the President being absent, was called to order by the Secretary.

On motion of Senator Bulis, Senator Fellows was chosen temporary President.

Prayer by Rev. Mr. Bresee.

The journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 96, A bill for an act to repeal chapter 127, of the acts of the Eleventh General Assembly.

House File No. 239, A bill for an act to amend section 1, of chapter 77, of the laws of the Ninth General Assembly.

House File No. 270, A bill for an act to legalize the organization of the independent school district of Missouri Valley, Harrison county, Iowa.

House File No. 303, A bill for an act to equalize the levy of taxes in sub district No. 6. in Lick Creek township, Davis county, Iowa.

House File No. 321, A bill for an act empowering the governor to release certain lands.

House File No. 325, A bill for an act to provide for the publication and distribution of the laws of the Thirteenth General Assembly, of the State of Iowa.

I also return herewith Senate File No. 24, A bill for an Act to legalize the indexes in the Recorder's Office at Keokuk, Lee county, Iowa.



Senate File No. 121, A bill for an Act changing the time of holding the District Court of Keokuk, Lee county.

Senate File No. 142, A bill for an act in relation to the claims of S. A. R. bertson, for work done on the State House.

Senate File No. 167, A bill for an act to legalize the acts of the Independent School District of Monona, Iowa, all of which has passed the House without amendment.

Also, joint resolution relating to swamp land sections made by agents of the State, subsequent to March 3d, 1854, in which the concurrence of the Senate is asked.

BENJ. VAN STEINBURG, *Asst. Clerk.*

I also, herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 208, A bill for an act to legalize the sale of certain lands in Polk county.

Senate File No. 94, A bill for an act providing for the appointment of Commissioners in other States and to regulate the power of Commissioners of other States, in this State.

Senate File No. 192, A bill for an act to legalize the organization, election of officers, and acts of the city of Waterloo, as a city of the second class.

Senate File No. 65, A bill for an act to legalize the plat of the town of Auburn, in Fayette county, Iowa, and to legalize all conveyances of lots heretofore made, by the number of lots and blocks as now specified in said plat.

BENJ. VAN STEINBURG, *Asst. Clerk.*

#### PETITIONS AND MEMORIALS.

Senator Patterson presented a remonstrance from C. Taylor and others, citizens of Davis county, against the passage of House File No. 298.

Passed on file.

#### RESOLUTIONS.

Senator Fellows offered the following :

*Resolved*, That on and after Wednesday, the 30th inst., the Senate will hold two sessions each day, except Saturday, commencing at 9½ a. m., and 2 p. m.

Senator Claussen moved to amend by striking out "9½," and inserting "9," and striking out "2," and inserting "2½."

The amendment was disagreed to.

The resolution was then adopted.

Senator Larrabee offered the following :

*Resolved*, That the Committee on Judiciary be directed to inquire into the expediency of providing by law that individual tax payers, in counties or cities, who are indebted in bonds, coupons or otherwise, for the construction of railroads, may relieve their (the said tax payers), property of any claim for future taxation thereon, by paying the full amount of their share of said indebtedness, on all property which they may own in said county or city, and relieving said property of any further liability on said bonds or coupons, and that said Committee be directed to report by bill or otherwise.

Pending which the hour for the special order having arrived it being the motion to reconsider the vote by which Senate File No. 125, A bill for an act to prescribe rules and regulations for railroads, and to establish uniform and reasonable rates of tariff, for the transportation of certain freights thereon, was lost on engrossment.

Also, the consideration of House File No. 197, on same subject.

Senator Fellows moved to postpone the special order until March 31st, at 9½ o'clock.

Senator Moore moved to lay the whole subject on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bulis, Casady, Claussen, Couch, Dixon, Dunham, Fellows, Griffith, Hamilton, Havens, Ireland, Keller Larrabee, Lowry, Moore, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vermillion, and Wright—26.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Cathcart, Chapin, Donnan, Dysart, Fairall, Grimes, Hurley, Knoll, Long, McKean, McNutt, Vale, and West—27.

Absent and not voting—

Senators Hawley, McCulloch, Mitchell, Mulkern, Murray, and Wolf—6.

So the motion did prevail.

Senator Fellows moved to reconsider the vote by which the bills for an act in reference to the Dubuque, Bellevue, and Sabula Railroad Company's land grant were made the special order for March 31st.

The motion did not prevail.

Senator Knoll, from the Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined Senate File Nos. 204, 205, 206, 207, and 208, and find the same correctly engrossed.

F. M. KNOLL, *for Committee.*

Senator Havens, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills, respectfully report that they have this day presented to the Governor for his approval the following bill, viz.:

Senate File No. 140.

J. W. HAVENS, *for Committee.*

#### REPORTS OF COMMITTEES.

Senator Newell, from the Committee on Medical Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Medical Institutions, to whom was referred Senate File No. 146, A bill for an act to aid the advancement of medical science, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

H. E. NEWELL, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Medical Institutions, to whom was referred Senate File No. 83, A bill for an act to protect the people of Iowa from empiricism, and to prevent incompetent persons practicing medicine and surgery, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

H. E. NEWELL, *Chairman.*

Ordered that the report pass on file.

Senator Bennett, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 156, A bill for an act to legalize the organization of the independent school district of Moingona, and the official acts of the officers of said district, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Also the following:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 278, A bill for an act to legalize the sale of the indemnity swamp lands of Ida county, Iowa, have had the same

under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 204, A bill for an act to amend the law in respect to the liens of mechanics and others, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 201, A bill for an act for the better protection of employees of railroad companies, have had the same under consideration, and have instructed me to report the same back to the Senate, with the accompanying substitute, with the recommendation that the substitute be adopted, and that the bill so amended do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 311, A bill for an act to legalize the action of the Board of Supervisors of Jackson county, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 191, A bill for an act regulating the allowance and issuing of injunctions, and the appointment of receivers in certain cases, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 294, A bill for an act to legalize the election of sub-district in township school district of Grant, Cass county, Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 292, A bill for an act to legalize the incorporation of the town of Mason City, Iowa, and the election of officers of said incorporation ; also to legalize the acts of *de facto* officers, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 118, A bill for an act to amend section 2546 of the Revision of 1860, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed, your Committee being of the opinion that the provisions of the bill would not change the law as it now stands.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file,

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 8, A bill for an act in relation to the penalty on certain taxes, have had the same under consideration, and have instructed me to report the same back to the Senate, without recommendation.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 136, A bill for an act to amend section 4192, Revision of 1860, have had the same under consideration

and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

On motion of Senator Claussen, Senate File No. 191, A bill for an act regulating the allowance, and issuing of injunctions, and the appointment of Receivers in certain cases, was ordered printed.

Senator McNutt moved that House File No. 264, A bill for an act providing for the taxation of property of Railroad Companies, be made the special order for March 31st, at 2 o'clock p. m.

The motion prevailed.

The special order Senate File No. 209, A bill for an act to amend part 4th, of the Revision of 1860, in relation to crimes, punishment, and proceedings in criminal cases, was taken up, and considered.

The question being on the amendment to strike out of second section the words "by death or."

The yeas and nays were demanded and

The yeas were—

Senators Atkins, Beardsley, Casady, Chapin, Claussen, Dixon, Dysart, Grimes, Keller, Knoll, Moore, Patterson, Pierce, Rice, Tuttle, Vale, and Vermillion—17.

The nays were—

Senators Allen, Bennett, Bill, Bulis, Campbell, Cathcart, Couch, Donnan, Dunham, Fairall, Fellows, Griffith, Hamilton, Havens, Hurley, Ireland, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Newell, Smyth, Traverse, West, and Wright—27.

Absent and not voting—

Senators Hawley, Mitchell, Mulkern, Murray, and Wolf—5.

So the motion did not prevail.

The question being on the motion to amend by striking out the second section.

It was lost.

Senator Fellows moved to amend section 3, by adding after the word accordingly in the fifth line the words: "In case the jury shall fail to return in their verdict the penalty to be inflicted, the court shall render a judgment of imprisonment for life."

Senator Moore moved to amend the amendment, by striking out of third and fourth lines of third section the words: "The jury shall by their verdict determine whether."

Which was not agreed to.

Senator Donnan offered the following substitute for Senator Fellows amendment.

Strike out of 3d and 4th lines of the 3d section, the words: "Shall by their verdict determine whether the defendant shall be punished with death or imprisonment for life," and insert the words,

"may by their verdict determine that the defendant shall be published with death, if they do not so find, the punishment shall be imprisonment for life."

The substitute was adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 3, A bill for an act to authorize cities to receive donations of grounds and library buildings, and to maintain free public libraries and reading rooms.

House File No. 63, A bill for an act fixing the rate of interest on loans of the permanent school fund.

Senate File No. 20, A bill for an act to repeal sections 16, 17, 18, 19, 20, 21, 22, and 24, of chapter 86 of the acts of the Twelfth General Assembly, and providing for appeals from the District and Circuit Courts to the Supreme Court, and fixing times of holding Courts.

Preamble and joint resolution relative to a loan of \$15,000 to the College of Physicians and Surgeons at Keokuk.

Also the House has concurred in Senate amendment to House File No. 314.

MARY E. SPENCER,  
*Engrossing Clerk.*

Senator McNutt moved to amend the 13th section by striking out of the second, third, and fourth lines the words "The defendant in all criminal proceedings is a competent witness in his own behalf, but an omission to avail himself of this privilege shall not be considered as evidence of guilt."

Senator West moved to amend the twelfth section by striking out of the second line the words "is a competent," and inserting the words "may be a," which was agreed to.

Senator Patterson moved to amend the twelfth section by adding: "But if a defendant testify in his own behalf, he shall not be exempted from answering any question on the ground that such answer would tend to criminate himself on the charge for which he is being tried," which was not agreed to.

The question being on the amendment offered by Senator McNutt, it was lost.

Senator Campbell moved to strike out the twelfth section.

The motion did not prevail.

Senator Claussen moved to strike out the fourteenth section, on which question the yeas and nays were demanded, and

The yeas were—

Senators Casady, Claussen, Grimes, Keller, Knoll, McKean, McNutt, Moore, Patterson, Rice, Smyth, and Tuttle—12.

The nays were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Cathcart, Chapin, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Long, Lowry, McCulloch, Newell, Vale, Vermillion, West, and Wright—26.

Absent and not voting—

Senators Allen, Campbell, Dunham, Hawley, Larrabee, Mitchell, Mulkern, Murray, Pierce, Traverse, and Wolf—11.

So the amendment did not prevail.

On motion of Senator McKean, the fifteenth section was stricken out.

Senator Bennett moved to amend section 1 by inserting in the second line, after the figures "4236," the figures "4247," which was agreed to.

Senator Bennett offered the following as an additional section :

SEC. 6. (SEC. 4247.) If any person having been before convicted of larceny in any Court of this State, afterwards commit another larceny, he shall be deemed guilty of an offense punishable by imprisonment in the Penitentiary not less than one nor more than ten years, and upon conviction for second offense shall be punished as in this section provided.

The motion prevailed.

Senator Fairall moved to amend the fourteenth section, by adding after the figures "1860," the words, "and all acts and parts of acts inconsistent with this act."

The amendment was agreed to.

On the question, "Shall the bill be engrossed and read a third time?" the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, Moore, Newell, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, and Wright—37.

The nays were—

Senators Beardsley, McKean, McNutt, Patterson, and Smyth—5.

Absent and not voting—

Senators Campbell, Dunham, Hawley, Mitchell, Mulkern, Murray, and Wolf—7.

So the bill was ordered engrossed for a third reading.

By leave, Senator Rice introduced Senate File No. 214, A bill for an act to carry out the provisions of an act of Congress, approved May 15th, 1856, granting lands to Iowa to aid in the construction of railroads, and to re-grant the land conferred upon the Dubuque,



Bellevue and Sabula Railroad Company, by chapter 124, of the acts of the Twelfth General Assembly of the State of Iowa, which have been resumed by the State upon and to the Central Railroad Company of Iowa.

Read first and second time and referred to Committee on Railroads.

Senator Havens, from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following bills, viz. :

Senate Files Nos. 65, 94, and 192.

J. W. HAVENS, *for Committee.*

Senator Chapin, from Committee on Charitable Institutions, submitted the following report :

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate File No. 193, A bill for an act, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with certain amendments interlined and words inserted, as appears at the end of section 1, in fourth line of section 3, in first and second line of section 5, in twenty-fourth line of section 22, in second line of section 38, in first, second, third, and tenth lines of section 50, in 21st line and close of section 50, and that when so amended, recommend that the bill do pass, except as to section 48, which section is reported back without recommendation.

JAS. CHAPIN, *Chairman.*

On motion the bill and report were referred to Committee on Judiciary.

Senator Vermillion moved to reconsider the vote by which House File No. 43, A bill for an act to amend section 1125, of chapter 51, of the Revision of 1860, was lost.

The motion prevail.

On motion of Senator Vermillion, the vote by which the bill was ordered to a third reading was reconsidered, and the bill was passed on file

By leave, Senator Bennett from the Committee on Judiciary submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred a memorial in relation to the use of stenography in the courts of the State, have had the same under consideration, and a majority have instructed me to report the same back to the Senate,

with the accompanying bill with the recommendation that the bill do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Senate File No. 215, A bill for an act to provide for the appointment of official short hand reporters of legal proceedings, and the preservation of evidence, was read first and second time, and passed on file.

On motion of Senator Dysart Senate File No. 176, A bill for an act establishing a State Normal School, and all bills on that subject were made the special order for March 30th, at 2 o'clock p. m.

By leave, and on motion of Senator Donnan Senate File No. 201, A bill for an act to amend section 7, laws of the Ninth General Assembly, with report of Committee reporting a substitute, and recommending its passage, was taken up, considered, and substitute was adopted.

On motion of Senator Donnan the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Moore, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, and West—35.

The nays were—

Senators Bulis, Patterson, and Wright—3.

Absent and not voting were—

Senators Allen, Campbell, Couch, Dunham, Hawley, Larrabee, Mitchell, Mulkern, Murray, Vermillion, and Wolf—11.

So the bill passed, and the title was agreed to.

On motion of Senator McNutt, the joint resolution proposing amendments to the State Constitution, allowing women to vote and hold office, was made the special order for April 1st, at 2 o'clock p. m.

At 12 o'clock and 28 minutes, on motion of Senator Bennett the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
MARCH 30, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. DeForrest.

The Journal of yesterday was read, and approved.

## INTRODUCTION OF BILLS.

By Senator Fairall: Senate File No. 216, A bill for an act to confirm and legalize the acts of the Board of Supervisors of Johnson county, Iowa.

Read first and second time and referred to Committee on Judiciary.

By Senator Dysart: Senate File No. 217, A bill for an act making appropriations for the Iowa State Agricultural College and Farm.

Read first and second time and referred to Committee on Ways and Means.

## RESOLUTIONS.

Senator Bulis offered the following resolution which was agreed to.

*Resolved*, That from and after April 5th, no bill shall be introduced into the Senate except through the proper committee.

## MESSAGE FROM THE HOUSE.

The following message was received from the house:

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 301, A bill for an act to legalize the acts of Ashford B. Elwood, a deputy recorder of Montgomery county, Iowa.

House file No. 103, A bill for an act to provide for the funding of county indebtedness, and for the payment thereof.

House File No. 317, A bill for an act to amend section 664 of the Revision.

House File No. 314, A bill for an act to legalize the acts of the trustees, mayor, and recorder of the town of Iowa Falls:

House File No. 315, A bill for an act to legalize the proceedings of the regular annual meeting of the electors of the independent school-district of Vandalia, Jasper county, Iowa.

House File No. 153, A bill for an act allowing the counties of Hamilton, Franklin, and Wright to have their causes heard at the argument term of the Supreme Court held at Dubuque.

I also transmit herewith House File No. 306, A bill for an act to authorize the Vinton Water Power Company to construct a dam across Cedar river, in Taylor of Cedar township, Benton county.

This bill has passed the House and the concurrence of the honorable Senate is respectfully asked.

CHARLES ALDRICH, *Chief Clerk.*

## HOUSE MESSAGES.

House File No. 120, A bill for an act to legalize the acts of Daniel Conrod while acting as justice of the peace in Deep creek township in Clinton county, was taken up and read first and second time.

On motion of Senator Ireland the 11th rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—42.

The nays were none.

Absent and not voting—

Senators Chapin, Fellows, Hawley, Mitchell, Mulkern, Rice, and Vermillion—7.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Fairall, Senate File No. 185, A bill for an act to provide for the taxation of the real and personal property of express and telegraph companies, with report of Committee recommending amendments, and so amended recommend that the bill do pass, was taken up, considered, and report of Committee was adopted.

Senator Fairall moved to suspend the rule and read the bill a third time now.

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

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—44.

The nays were none.

Absent and not voting—

Senators Bill, Hawley, Mitchell, Mulkern, and Rice—5.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith transmit a joint resolution which has been agreed to by the House of Representatives, providing for an

amendment to the Constitution so as to allow women to vote, and rendering them eligible to seats in the General Assembly.

The concurrence of the honorable Senate is respectfully asked.

MARY E. SPENCER, *Engrossing Clerk.*

The hour for the special order having arrived, it being Senate File No. 58, A bill for an act to permanently locate an additional Penitentiary at McGregor, Iowa, and Senate File No. 60, A bill for an act to establish and permanently locate an additional Penitentiary, the special order was taken up and considered.

Senator McKean offered a substitute for Senate File No. 60.

Senator Patterson moved to amend the first section by striking out "Anamosa," and inserting "Charles City."

The amendment was disagreed to.

Senator Newell moved to amend the first section by striking out "Anamosa," and inserting "McGregor,

On which question the yeas and nays were demanded and were as follows.

The yeas were—

Senators Allen, Atkins, Bulis, Larrabee, Long, McCulloch, Moore, Newell, Tuttle, and Wright—10.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claassen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Ireland, Keller, Knoll, Lowry, McKean, McNutt, Murray, Pierce, Smyth, Traverser, Vermillion, West, and Wolf—31.

Absent and not voting—

Senators Fellows, Hawley, Hurley, Mitchell, Mulkern, Patterson, Rice, and Vale—8.

So the amendment did not prevail.

Senator Knoll moved to amend first section by striking out the word "Anamosa." and inserting "Farley."

Which was not agreed to.

Senator Bulis moved to lay the substitute on the table.

On which question the yeas and nays were demanded and were as follows:

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Claassen, Couch, Fellows, Hamilton, Havens, Ireland, Larrabee, McCulloch, Pierce, Traverser, Tuttle, Vermillion, West, and Wright—18.

The nays were—

Senators Allen, Beardsley, Campbell, Casady, Cathcart, Chapin, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hurley, Keller, Knoll, Long, Lowry, McKean, McNutt, Moore, Murray, Newell, Smyth, Vale, and Wolf—26.

Absent and not voting—

Senators Hawley, Mitchell, Mulkern, Patterson, and Rice—5.

So the motion did not prevail.

Senator Couch asked leave of absence for Senator Rice.

Leave was granted.

Senator Campbell moved to amend first section by striking out "Anamosa," and inserting "Des Moines."

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

The yeas were—

Senators Atkins, Bill, Bulis, Campbell, Griffith, Havens, Hurley, McCulloch, Moore, Murray, Traverse, Tuttle, Vermillion, and Wright—14.

The nays were—

Senators Beardsley, Bennett, Casady, Cathcart, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Grimes, Hamilton, Ireland, Keller, Knoll, Long, Lowry, McKean, McNutt, Newell, Patterson, Pierce, Smyth, West, and Wolf—27.

Absent and not voting—

Senators Allen, Claussen, Hawley Larrabee, Mitchell, Mulkern, Rice, and Vale—8.

So the amendment was lost.

The question being on the adoption of the substitute, the yeas and nays were demanded, and

The yeas were—

Senators Bennett, Campbell, Casady, Cathcart, Chapin, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Keller, Knoll, Long, Lowry, McKean, McNutt, Murray, Smyth, Tuttle, Vermillion, and Wolf—23.

The nays were—

Senators Allen, Atkins, Beardsley, Bill, Bulis, Claussen, Couch, Fellows, Hamilton, Havens, Hurley, Ireland, Johnson, McCulloch, Moore, Newell, Patterson, Pierce, Traverse, Vale, West, and Wright—21.

Absent and not voting—

Senators Hawley, Larrabee, Mitchell, Mulkern, and Rice—5.

So the substitute was adopted.

The question being on ordering the bill engrossed for a third reading, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Bennett, Casady, Cathcart, Chapin, Dixon, Donnan, Dunham, Dysart, Griffith, Grimes, Keller, Knoll, Long, Lowry, McKean, McNutt, Smyth, and Wolf—19.

The nays were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Claussen, Couch, Fellows, Hamilton, Havens, Hurley, Ireland, McCulloch, Moore, Murray, Newell, Patterson, Pierce, Traverse, Tuttle, Vale, Vermillion, West, and Wright—24.

Absent and not voting—

Senators Fairall, Hawley, Larrabee, Mitchell, Mulkern, and Rice—6.

So the bill was lost on engrossment.

On motion of Senator Fellows, Senate File No. 58 was laid on the table.

By leave, and on motion of Senator Smyth, Senate File No. 162, A bill for an act defining and establishing the salary of the Governor and other State officers, with report of committee recommending a substitute, was taken up and considered.

Senator West moved to postpone the consideration of the bill until the 5th day of April, and that the substitute be printed. Pending which,

By leave, Senator Bennett, from the Committee on Judiciary submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 55, A bill for an act to legalize the act of the Board of Supervisors of Wayne county, Iowa, in relation to the levy of Taxes for the years A. D., 1861, 1862, 1863, 1864, 1865, 1866, 1867, and 1868, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it be amended as follows : add to the end of section 1 “ nor in any manner affect suits now pending, and as so amended that the bill do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

At 12 o'clock, on motion of Senator Bennett, the Senate adjourned.

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TWO O'CLOCK, P. M

Senate met pursuant to adjournment, and was called to order by the President.

The consideration of Senate File No. 162 was now resumed.

The question being on the motion to postpone the consideration of the bill until April 5th and print.

The amendment was disagreed to.

The bill was then considered by sections.

Senator West moved to amend the 2d section by striking out the word “ four.”

On which question the yeas and nays were demanded, and

The yeas were—

Senators Bill, Bulis, Campbell, Casady, Cathcart, Dysart,

Grimes, McCulloch, McNutt, Pierce, Traverse, Tuttle, Vale, West, and Wright—16.

The nays were—

Senators Atkins, Beardsley, Bennett, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Griffith, Hamilton, Havens, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McKean, Moore, Murray, Newell, Patterson, Smyth, and Wolf—25.

Absent and not voting—

Senators Allen, Fairall, Hawley, Hurley, Mitchell, Mulkern, Rice, and Vermillion—8.

So the motion did not prevail.

On motion, Senator Hurley was excused for to-day.

Senator West moved to amend the fifth section by striking out the word, "four," on which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bulis, Cathcart, Dunham, Dysart, McCulloch, McNutt, Pierce, Vale, West, and Wright—11.

The nays were—

Senators Atkins, Bennett, Bill, Campbell, Casady, Claussen, Couch, Dixon, Donnan, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McKean, Moore, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vermillion, and Wolf—29.

Absent or not voting were—

Senators Allen, Chapin, Fairall, Hawley, Hurley, Mitchell, Mulkern, Rice, and Vermillion—9.

So the motion did not prevail.

Senator Donnan moved to amend the sixth section by striking out the words "eighteen hundred," and inserting the words, "two thousand."

On which question the yeas and nays were demanded, and

The yeas were—

Senators Bennett, Casady, Chapin, Claussen, Couch, Donnan, Dysart, Fellows, Hamilton, Ireland, Knoll, Larrabee, Long, Lowry, Moore, Murray, Newell, Traverse, Vale, West, and Wolf—21.

The nays were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Cathcart, Dixon, Dunham, Grimes, Havens, Keller, McCulloch, McKean, McNutt, Patterson, Pierce, Smyth, Tuttle, and Wright—19.

Absent and not voting—

Senators Allen, Fairall, Griffith, Hawley, Hurley, Mitchell, Mulkern, Rice, and Vermillion—9.

So the amendment was adopted.

Senator Donnan moved to amend section 6 by inserting after the word "present," the words, "Supreme or District," which was agreed to.



Senator Wolf moved to amend section 6, by striking out the words "from and after the 1st day of January, 1871," and insert after the word "shall," and before the word "be," the word "hereafter."

The amendment was adopted.

Senator Patterson moved to strike out the proviso of the 6th section, which was not agreed to.

On motion of Senator Smyth, the rule was suspended and the bill was read a third time.

The question, being "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McKean, Moore, Murray, Newell, Patterson, Smyth, Tuttle, and Wolf—27.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Cathcart, Dunham, Dysart, McCulloch, McNutt, Pierce, Traverse, Vale, Vermillion, and Wright—14.

Absent and not voting—

Senators Allen, Fairall, Hawley, Hurley, Mitchell, Mulkern, Rice, and West—9.

So the bill passed and the title was agreed to.

The hour for the special order having arrived, it being Senate File No. 176, A bill for an act to establish a State Normal School, and all other bills on that subject.

Senate File No. 176, was taken up and considered.

Senator Moore moved to lay the bill on the table.

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

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Couch, Dixon, Fellows, Griffith, Havens, Keller, Knoll, Larrabee, Lowry, McKean, Moore, Newell, Pierce, Traverse, Vale, Vermillion, West, and Wright—25.

The nays were—

Senators Allen, Beardsley, Chapin, Claussen, Donnan, Dysart, Grimes, Hamilton, Ireland, Johnson, Long, McCulloch, Murray, Paterson, Smyth, Tuttle, and Wolf—16.

Absent and not voting—

Senators Dunham, Fairall, Hawley, Hurley, McNutt, Mitchell, Mulkern, and Rice—8.

So the motion prevailed.

On motion of Senator Moore the other bills on same subject, were laid on the table.

By leave, Senator Newell, from Committee on Compensation of Public Officers, submitted the following report:

MR. PRESIDENT—Your Committee on Compensation of Public

Officers, to whom was referred a resolution fixing the compensation per day of the officers of the Senate, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the compensation of the

Secretary be.....	\$8.00
First and Second Assistant Secretary, .....	7.00
Engrossing and Enrolling Clerk, .....	6.00
Clerks of Committees.....	5.00
Sergeant-at-Arms, Door-keeper, Assistant Door-keeper, and Janitor, .....	5.00
Paper-folders, .....	4.00
Messengers, .....	3.00

H. NEWELL, *Chairman.*

Senator Donnan moved that the report of Committee be adopted.

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

The yeas were—

Senators Allen, Atkins, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Griffith, Grimes, Hamilton, Havens, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Moore, Newell, Patterson, and Tuttle—26.

The nays were—

Senators Beardsley, Bennett, Campbell, Dixon, Fellows, Keller, Murray, Pierce, Smyth, Vale, Vermillion, West, Wolf, and Wright—14.

Absent and not voting—

Senators Fairall, Hawley, Hurley, Ireland, McNutt, Mitchell, Mulkern, Rice, and Traverse—9.

So the report of Committee was adopted, and the resolution as amended was agreed to.

#### HOUSE MESSAGES.

Joint resolutions providing for amendments to the Constitution of the State of Iowa, was taken up.

Read first and second time.

Senator Murray moved to suspend the eleventh rule, and read the joint resolutions a third time.

Senator West moved to refer the joint resolutions to Committee on Constitutional Amendments, with instructions to report a bill submitting the question to the women of Iowa, who are hereby requested to represent their wishes by a vote, to be taken at the General election in 1871, their votes to be received by the judges of the election, and kept in a separate box, and the vote properly returned to the Secretary of State.

The motion did not prevail.

The motion to suspend the rule prevailed, and the joint resolutions were read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Dysart, Griffith, Hamilton, Havens, Ireland, Keller, Long, Lowry, McKean, McNutt, Moore, Murray, Newell, Pierce, Smyth, Traverse Tuttle, Vale, Vermillion, West, Wolf, and Wright—32.

The nays were—

Senators Atkins, Bill, Bulis, Claussen, Dixon, Fellows, Grimes, Knoll, Larrabee, McCulloch, and Patterson—11.

Absent and not voting—

Senators Fairall, Hawley, Hurley, Mitchell, Mulkern, and Rice—6.

So the joint resolution passed and the title was agreed to.

By leave, Senator Donnan introduced Senate File No. 218, A bill for an act to provide for proper reference and publication of proposals to amend the Constitution of the State of Iowa.

Read first and second time.

On motion of Senator Donnan, the eleventh rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Dysart, Griffith, Hamilton, Havens, Ireland, Keller, Lowry, McKean, McNutt, Moore, Murray, Newell, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—31.

The nays were—

Senators Atkins, Bill, Bulis, Claussen, Dixon, Fellows, Grimes, Knoll, Larrabee, McCulloch, and Patterson—11.

Absent and not voting—

Senators Fairall, Hawley, Hurley, Long, Mitchell, Mulkern, and Rice—7.

So the bill passed and the title was agreed to.

House File No. 306, A bill for an act to authorize the Vinton Water Power Company to construct a dam across Cedar river, in Taylor or Cedar townships, Benton county, wa. taken up, read first and second time, and referred to Committee on Internal Improvement.

House File No. 321, A bill for an act empowering the Governor to release certain lands, was taken up, read first and second time, and referred to Committee on Public Lands.

House File No. 96, A bill for an act to repeal chapter 127 of the acts of the Eleventh General Assembly, was taken up, read first and second time, and referred to Committee on Roads.

House File No. 239, A bill for an act to amend section 1 of chapter 77 of the laws of the Ninth General Assembly, was taken

up, read first and second time, and referred to Committee on County and Township Organization.

House File No. 270, A bill for an act to legalize the organization of the independent school district of Missouri Valley, Harrison county, was taken up, read first and second time, and referred to Committee on Schools.

House File No. 303, A bill for an act to legalize the levy of taxes in sub-district No. 6, in Lick Creek township, Davis county, Iowa, was taken up, read first and second time, and referred to Committee on Schools.

House File No. 325, A bill for an act to provide for publication and distribution of laws of the Thirteenth General Assembly of the State of Iowa, was taken up and read first and second time.

On motion of Senator Wolf, the eleventh rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Bill, Donnan, Fairall, Hawley, Hurley, Mitchell, Mulhern, Rice, and Smyth—9.

So the bill passed, and the title was agreed to.

Joint resolution relating to swamp land selections made by agents of the State subsequent to March 3, 1857, was taken up, read first and second time, and referred to Committee on Public Lands.

By leave, Senator Newell introduced Senate File No. 219, A bill for an act to reimburse Captain R. S. Freeman, of Elkader, Iowa, Capt. Co. "K," First Iowa Cavalry, for subsistence furnished said Company during its organization in the spring and summer of 1861.

Read first and second time and referred to Committee on Claims.

By leave, Senator Allen introduced Senate File, No. 220, A bill for an act supplementary and amendatory to chapter 64 of the Revision of 1860 of the laws of Iowa.

Read first and second time and referred to Committee on Suppression of Intemperance.

By leave, Senator Larrabee introduced Senate File No. 221, A bill for an act requiring all future mortgage trust deeds made by railroad companies to be recorded in the office of Secretary of State.

Read first and second time and referred to Committee on Railroads.

By leave, Senator Griffith from the Committee on Public Buildings, submitted the following report :

MR. PRESIDENT—Your Committee on Public Buildings, to whom was referred Senate File No. 123, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that it be referred to Committee on Orphan's Home.

GEO. E. GRIFFITH, *Chairman.*

The report was, on motion of Senator Griffith, adopted.

#### RESOLUTIONS.

By leave, Senator Larrabee offered the following resolution :

WHEREAS, By a decision of the Supreme Court of the United States at the Dubuque term 1869, entitled Burlington and Missouri River Railroad Company vs. Freemont county, the county maintained its title to over 12,000 acres of swamp land which had been selected under the grant of 1850, but had been rejected by the rulings of the Land department at Washington.

And whereas a large number of counties in the State of Iowa have failed to get their swamp land claims adjusted by direct application to the Land Department.

And whereas many counties have heretofore employed agents, who having secured the certification of the tract belonging to the grant in the county upon which there was no conflict and have collected for their agency in the matter a large per centage of the amount obtained, for doing what required but a simple letter calling the attention of the commissioner of the General Land Office to the claim.

And whereas it is important that the large fees heretofore paid to agents with such limited results should be stopped, and that the serious conflict of opinion in the construction of this grant should be finally and speedily adjusted. Therefore, be it

*Resolved by the Senate, the House of Representatives concurring,* That the Register of the State Land Office. be empowered under the advice of the Governor to take such steps as will secure the final settlement of these claims through the courts.

Referred to Committee on Public Lands.

At 3 o'clock and 40 minutes.

On motion of Senator Smyth the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
March 31, 1870.

Senate met pursuant to adjournment, and the President being absent was called to order by the Secretary.

On motion of Senator Bulis, Senator McNutt was chosen temporary President.

Prayer by Rev. Mr. Dinsmore.

The Journal of yesterday was read and approved.

Senator Couch presented the credentials of Emmons Johnston, Senator elect for the 44th District.

On motion of Senator Couch the credentials were received and the Senator elect then took and subscribed to the following oath :

You do solemnly swear that you will support the constitution of the United States and the constitution of the State of Iowa, and that you will faithfully discharge the duties of the office of Senator.

On motion of Senator Patterson the Senate then proceeded to the election of a president pro tem.

Senator Lowry nominated Senator H. C. Bulis.

The roll was then called with the following result :

Those voting for Senator Bulis were—

Senators Atkins, Bill, Beardsley, Bennett, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were none.

Absent and not voting—

Senators Allen, Bulis, Fairall, Mulkern and Rice—5.

Senator Bulis having received all the votes cast was declared duly elected president pro tem.

MESSAGE FROM THE HOUSE. -

The following message was received from the House :

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

*Resolved by the General Assembly of the State of Iowa, That it is with the profoundest sorrow and regret that we have heard of the sudden death of that noble soldier and true patriot, General George A. Thomas.*

That his gallant services in the defense of his country entitle him to the gratitude and esteem of every American citizen.

That we recognize in his death a national loss, and as a token of our respect for his memory, that this resolution be entered upon the journals of this General Assembly.

House File No. 222, A bill for an act to tax land owned by counties within the limits of the counties.

CHAS. ALDRICH, *Chief Clerk.*

The hour for the special order having arrived, it being Senate File No. 188, A bill for an act to enable townships, incorporated towns, and cities to aid in the construction of railroads, with report of committee recommending that the bill do pass.

On motion of Senator Larrabee the special order was taken up and considered by sections.

Senator Fellows moved to amend section 2, by striking out the word "ten" in 20th line, and inserting the word "twenty."

The amendment was adopted.

Senator Campbell moved to amend section 2, by striking out "five" in 18th line and inserting the word "three."

The amendment was disagreed to.

Senator McNutt moved to amend same section by striking out the words "one-third," in the second line and inserting the words "one half," which was lost.

Senator West moved to lay the bill on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Bennett, Campbell, Casady, Chapin, Grimes, Hawley, McCulloch, McNutt, Pierce, Vale, and West—11.

The nays were—

Senators Atkins, Beardsley, Bill, Bulis, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McKean, Mitchell, Moore, Mulkern, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vermillion, Wolf, and Wright—34.

Absent and not voting were—

Senators Allen, Cathcart, Fairall, Long, and Rice—5.

So the motion did not prevail.

Senator Hawley moved to amend second section, by inserting in 9th line, after the word "townships," the words, "Incorporated town or city," and in section 3, by striking out of 5th line the words, "in accordance with the terms of," and inserting the words, "in the township, incorporated, town or city specified in."

Senator Fellows demanded a division of the question.

The question being on the amendment offered to second section, it was adopted.

The question being on the amendment offered to the third section it was disagreed to.

Senator Tuttle moved to amend the third section, by inserting between the words "and" and "the," in the fifteenth line, the words, "upon petition of one-third of the tax payers of said city, town, or township, asking that the question be submitted to the voters thereof, whether the funds thus forfeited shall be granted to the same or some other railroad company, for the purpose of aiding in the construction of some other specified line of railroad. Said question shall be submitted as hereinbefore provided, and if not thus voted to any company."

The amendment was not agreed to.

Senator Hawley moved to amend the third section by striking out of the thirteenth line the word "two," and inserting "one."

The amendment was lost.

Senator Donnan moved to amend the fourth section, by striking out of second line the words, "are hereby declared public highways," and inserting the words, "shall be," which was adopted.

Senator McKean moved to amend the same section, by striking out of third line the words, "reasonableness of the."

The amendment was adopted.

Senator McKean moved to amend second section, by striking out of the seventeenth and eighteenth lines the words, "for any one year," and by striking out of the nineteenth line the words, "for that year," which was agreed to.

Pending the further consideration of the bill, the following message was received from the House :

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bills in which the concurrence of the Senate is asked.

House File No. 331, A bill for an act to authorize cities now or hereafter organized under special charters, to amend, abolish, or organize with new charters of incorporation, under chapter 51, of the Revision of 1860.

House File No. 152, A bill for an act to confer certain powers upon the Judges of the Circuit Courts.

I also return the following bill, which has passed the House without amendment :

Senate File No. 36, A bill for an act to authorize the improvement of streets and alleys.

House File No. 333, A bill for an act in relation to the land department of the State University.

I also return Senate File No. 105, A bill for an act to provide for the completion of the center building, the north wing, rear center building, engine house, chimney, and ducts, and the improvement of



the grounds and farm of the Iowa Hospital for the Insane, at Independence, which has passed the House with the following amendments, in which the concurrence of the Senate is respectfully asked.

1st. Strike out of the title the words "the centre building."

2d. Strike out of line 3, section 2, the words "front center building."

3d. In the second and third lines of section 5, strike out the words "three hundred," and insert one hundred and sixty-five.

CHARLES ALDRICH, *Chief Clerk.*

Senator McNutt moved to amend section 2, by adding :

*Provided*, that in no case shall the voters of any township, incorporated town or city, vote a tax to aid any road unless said road or some part of it shall run through said township, incorporated town or city."

The amendment was lost.

Senator Hawley moved to amend the first section, by inserting after the word city in second line, the words "having a population of five hundred inhabitants."

Senator Smyth moved to amend the amendment by striking out "five" and inserting "two."

Pending which, Senator McNutt moved to adjourn.

The motion did not prevail.

The amendment to the amendment was disagreed to, and the amendment was lost.

Senator Hawley offered the following :

Section 5. No land-grant railroad of this State shall be entitled to the benefit of the provisions of this act.

Which was not adopted.

Senator Smyth moved to amend the second section by the words, "which shall not be more than ten miles distant from the township, town or city, voting the tax.

Which was not agreed to.

On motion of Senator Fellows, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas and nays were demanded and were as follows :

The yeas were—

Senators Allen, Atkins, Bill, Bulis, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McKean, Mitchell, Moore, Murray, Newell, Patterson, Smyth, Tuttle, Vermillion, Wolf, and Wright—32.

The nays were—

Senators Beardsley, Bennett, Campbell, Casady, Dunham,

Grimes, Hawley, Long, McCulloch, McNutt, Pierce, Vale, and West—13.

Absent and not voting—

Senators Fairall, Hurley, Mulkern, Rice, and Traverse—5.

So the bill passed, and the title was agreed to.

Senator Mitchell from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate Files Nos. 92 and 147, and find the same correctly enrolled.

MITCHELL, *Chairman.*

Senator Patterson from the Committee on Railroads submitted the following report :

MR. PRESIDENT—Your Committee on Railroads to whom was referred Senate File No. 214, a bill for an act conveying certain lands to the Central Railroad of Iowa, have had the same under consideration, and being unable to agree as to the disposition of the lands therein mentioned, and have instructed me to report the same back to the Senate, with the recommendation that it be placed on file, and made a special order with Senate Files Nos. 86, 148, 151, 163, and 204, which all relate to the same subject, and without further recommendation.

J. G. PATTERSON, *Chairman.*

Senator Patterson moved that Senate File Nos. No. 86, 148, 151, 163, 104, and 214, bills for acts in relation to the land grant to the Dubuque, Bellevue, & Sabula Railroad be now taken up.

The yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bulis, Campbell, Chapin, Couch, Donnan, Dysart, Fellows, Hamilton, Ireland, Johnson, Keller, Kuoll, Larrabee, Long, Murray, Newell, Patterson, Smyth, Tuttle, and Wright—22.

The nays were—

Senators Beardsley, Bennett, Bill, Casady, Cathcart, Clauseen, Dixon, Griffith, Grimes, Havens, Hawley, Lowry, McCulloch, McKean, McNutt, Moore, Pierce, Vale, Vermillion, West, and Wolf—21.

Absent or not voting—

Senators Dunham, Fairall, Hurley, Mitchell, Mulkern, Rice, and Traverse—7.

So the motion prevailed.

At 12 o'clock and 10 minutes, Senator Fellows moved that the Senate do now adjourn:

The motion did not prevail.

Senator Moore moved that Senate Files Nos. 86, 148, 151, 163,

104, and 214, be made the special order for April 5, at 10 o'clock a. m.  
The motion prevailed.

At 12 o'clock and 15 minutes, on motion of Senator McNutt, the Senate adjourned.

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TWO O'CLOCK, P. M.

Senate convened pursuant to adjournment, and was called to order by the President.

By leave, Senator Bennett from the Committee on Judiciary submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 213, A bill for an act to legalize the organization and acts, ordinances, orders, notices, and proceedings, of the city of Fairfield, as a city of the second class, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

On motion Senator Bennett the bill was considered, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis Campbell, Casady, Cathcart, Claussen, Couch, Dixon, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Tuttle, Vale, Vermillion, and West—38.

The nays were—

Senator Wolf—1.

Absent and not voting—

Senators Allen, Chapin, Donnan, Dunham, Fairall, Long, McCulloch, Mulkern, Rice, Traverse, and Wright—11.

So the bill passed and the title was agreed to.

Senator Couch, from the Committee on Orphan's Homes submitted the following report :

MR. PRESIDENT—Your Committee on Orphan's Homes, to whom was referred Senate File No. 184, A bill for an act making appropriations for the several orphan's homes and for the support of the orphan's therein, beg leave to report that they have had the same under consideration and have prepared a substitute therefor, and have

instructed me to report the same back to the Senate, with the recommendation that the substitute do pass.

G. W. COUCH, *Chairman.*

Ordered that the report pass on file.

Also the following.

MR. PRESIDENT—Your Committee on Orphan's Homes to whom was referred Senate File No. 127, A bill for an act making further provisions for soldiers' orphans have had the same under consideration and a majority of the committee have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

G. W. COUCH, *Chairman.*

Ordered that the report pass on file.

Senator Pierce moved that the reports and bills be made the special order for April 5th, at 2 o'clock, P. M.

The motion prevailed.

On motion of Senator Tuttle House File No. 292, A bill for an act to legalize the incorporation of the town of Mason City, Iowa, and the election of officers for said incorporation; also to legalize the acts of *de facto* officers, was taken up and considered.

On motion of Senator Tuttle the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Claussen, Couch, Dixon, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Bill, Chapin, Donnan, Fairall, McCulloch, Mulkern, Rice, and Traverse—10.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Lowry, House File No. 294, A bill for an act to legalize the election of sub-director in district No. 5 in the district township of Grant, in the county of Cass, and the State of Iowa, on the 12th day of March 1870, with report of committee recommending that the bill do pass was taken up and considered.

On motion of Senator Lowry the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McKean, Mitchell, Moore, Patterson, Pierce, Smyth, Tuttle, Vale, Vermillion, and West—34.

The nays were—

Senators Dixon, and McNutt—2.

Absent and not voting—

Senators Bennett, Bill, Donnan, Dunham, Fairall, Hawley, McCulloch, Mulkern, Murray, Newell, Rice, Traverse, Wolf, and Wright—14.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Dysart, Senate File No. 217, A bill for an act making appropriations for the Iowa State Agricultural College and Farm, was made the special order for April 6th at 2 o'clock p. m.

By leave, and on motion of Senator West, Senate File No. 8, A bill for an act in relation to the penalty on certain taxes, was taken up and considered.

Senator West offered a substitute for the bill.

Senator Campbell moved to amend first section by inserting after the word "court," the words "in this State."

The amendment was disagreed to.

The question being on the adoption of the substitute the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Havens, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Smyth, Traverse, Tuttle, Vale, West, and Wright—35.

The nays were—

Senators Campbell, and Claussen—2.

Absent and not voting—

Senators Allen, Bill, Dixon, Fairall, Hamilton, Hawley, Johnson, Mulkern, Patterson, Pierce, Rice, Vermillion, and Wolf—13.

So the substitute was adopted.

On the motion of Senator West, the rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Couch, Dunham, Fellows, Griffith, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Pierce, Smyth, Traverse, Tuttle, Vale, West, and Wright—32.

The nays were—

Senators Campbell, Claussen, Donnan, Dysart, Hamilton, Havens, Vermillion, and Wolf—8.

Absent and not voting—

Senators Allen, Bill, Dixon, Fairall, Grimes, Hawley, Johnson, Mulkern, Patterson, and Rice—10.

So the bill passed, and the title was agreed to.

By leave, Senator Newell, from the Committee on Compensation of Public Officers, submitted the following report :

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred substitute for House File No. 167, A bill for an act to repeal section 3, chapter 173, of the acts of the Ninth General Assembly, and to increase the compensation of Assessors, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

H. E. NEWELL, *Chairman.*

Ordered that the report pass on file.

Senator Larrabee, from the Committee on Ways and Means, submitted the following report :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 198, A bill for an act releasing to Jas H. Jordan, of Davis County, Iowa, the interest of the State of Iowa in and to the north half of section 10, township 70, north of range 12 west, in Davis County, Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that with the following amendment it do pass. Add as follows :

*Provided*, that the said James H. Jordan shall pay to the Treasurer of the Iowa State University, the sum of four hundred dollars.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 190, A bill for an act to repeal section 799, of the revision of 1860, and provide a substitute therefor in relation to time of payment of money from county treasury with the State Treasury, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that with the following amendment it do pass :

Insert after the word "State," in the 14th line, " and a like copy in the same manner to the State Treasurer."

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 97, A bill for an act to provide for the taxation of coal and other minerals, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it do lie on the table.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Also the following.

MR. PRESIDENT.—Your Committee on Ways and Means, to whom was referred House File No. 290, A bill for an act authorizing the State Census Board to compromise and collect unavailable balances, and accounts with defaulting County Treasurers, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

Senator Hamilton, from Committee on Incorporation, submitted the following report:

MR. PRESIDENT—Your Committee on Incorporations to whom was referred House File No. 199, A bill for an act to amend section 40, chapter 138, of the laws of the Twelfth General Assembly, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do lie on the table.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Incorporations to whom was referred House File No. 304, A bill for an act to amend section 1187, of the Revision of 1860, relating to Incorporations, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

Senator Knoll asked leave of absence for Senator Mulkern, for an indefinite length of time on account of sickness.

Leave was granted.

The hour for the special order having arrived it being House File No. 264, A bill for an act for the taxation of railroad property, with

majority report recommending amendments, and minority report dissenting to the amendments, it was taken up and considered.

Senator Larrabee moved to substitute Senate File No. 32, A bill for an act in relation to taxation of railroads, and provide for the collection of taxes levied thereon, with report of Committee of Ways and Means, recommending amendments for House File No. 264, and amendments proposed by the Committee.

The question being on the first amendment to Senate File No. 32.

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

The yeas were—

Senators Allen, Atkins, Bulis, Cathcart, Couch, Donnan, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Larrabee, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, and Vermillion—23.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Dunham, Dysart, Grimes, Hawley, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Vale, West, and Wolf—21.

Absent and not voting—

Senators Dixon, Fairall, Mitchell, Mulkern, Rice, and Wright—6.

So the first amendment was adopted.

Senator Bennett moved to amend the second amendment reported by Committee on Ways and Means, by striking out the words "one-half," and inserting the words "four-fifths."

On which question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Dysart, Griffith, Grimes, Hamilton, Hurley, Ireland, Johnson, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Smyth, Traverse, Vale, West, Wolf, and Wright—29.

The nays were—

Senators Allen, Bulis, Couch, Dixon, Donnan, Dunham, Fellows, Havens, Keller, Larrabee, Moore, Murray, Newell, Patterson, Tuttle, and Vermillion—16.

Absent and not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the amendment to the amendment prevailed.

Senator Larrabee moved to amend the second amendment reported by the Committee, by striking out the word "counties," and inserting the words "school district."

On which question the yeas and nays were demanded, and

The yeas were—

Senators Havens, Larrabee, Murray, and Vermillion—4.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Hurley,



Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—41.

Absent and not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the motion did not prevail.

The amendments reported by Committee as amended were adopted.

Senator Smyth moved to reconsider the vote by which the first amendment, reported by Committee of Ways and Means, was adopted.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Dysart, Grimes, Hurley, Knoll, Long, McCulloch, McKean, McNutt, Smyth, Tuttle, Vale, West, Wolf, Wright—21.

The nays were—

Senators Allen, Atkins, Bulis, Cathcart, Couch, Dixon, Dunham, Dunham, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Larrabee, Lowry, Mitchell, Moore, Murray, Newell, Patterson, Traverse, Vermillion—24.

Absent and not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the motion did not prevail.

The bill was then considered by sections.

Senator Patterson moved to strike out all of the 4th section to, and including the word "sale," and insert the following: "If any railroad company shall fail to furnish the sworn statement required by this act, on or before the time herein provided, the Treasurer of the State shall, on or before the first day of March, ascertain as nearly as possible the gross earnings of such delinquent company, and shall assess thereon the tax as herein provided, together with a penalty thereon of 30 per cent, for such neglect, which tax and penalty shall be collected as other taxes assessed on railroads."

The amendment was adopted.

Senator Lowry moved to amend section 5 by striking out the words, "and necessary buildings for operating the road," which was not agreed to.

Senator Patterson moved to amend the 5th section, by inserting in the fifth line after the words "road-bed," the words "right of way."

Adopted.

Senator Patterson moved to amend the 1st section by adding the words "any two of them," which was adopted.

The question being on the motion to substitute Senate File No. 32 for House File No. 264, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bulis, Cathcart, Couch, Dixon, Dunham, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Larrabee, Moore, Murray, Newell, Patterson, Traverse, Tuttle, Vermillion, Wright—22.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Donnan, Dysart, Fellows, Grimes, Hawley, Hurley, Knoll, Long, Lowry, McCulloch, McNutt, McKean, Mitchell, Smyth, Vale, West, Wolf—24.

Absent and not voting—

Senators Fairall, Mulkern, Pierce, and Rice—4.

So the bill was not adopted as a substitute for House File No. 264.

Senator Fellows moved that House File No. 264 be laid on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Bulis, Cathcart, Couch, Dixon, Dunham, Fellows, Griffith, Havens, Hawley, Ireland, Keller, Larrabee, Moore, Murray, Newell, and Vermillion—17,

The nays were—

Senators Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Donnan, Dysart, Grimes, Hamilton, Hurley, Johnson, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—29.

Absent or not voting—

Senators Fairall, Mulkern, Pierce, and Rice—4.

So the motion did not prevail.

Senator Larrabee moved that the Senate do now adjourn.

On which question, the yeas and nays were demanded, and

The yeas were —

Senators Allen, Atkins, Bulis, Cathcart, Couch, Dixon, Dunham, Fellows, Griffith, Havens, Hawley, Ireland, Johnson, Keller, Larrabee, Moore, Murray, Newell, and Vermillion—19.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Donnan, Dysart, Grimes, Hamilton, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—26.

Absent and not voting were—

Senators Fairall, Mulkern, Pierce, and Rice—4.

So the motion did not prevail.

Senator Beardsley moved the previous question which was not seconded.

Senator Murray moved to strike out all after the enacting clause.

Senator Vermillion moved a call of the Senate.

The motion did not prevail.

Senator Murray moved that the Senate do now adjourn.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bulis, Couch, Dixon, Donnan, Dunham, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson,

Keller, Larrabee, Moore, Murray, Newell, Traverse, and Vermillion—20.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Dysart, Grimes, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Smyth, Tuttle, Vale, West, Wolf, and Wright—25.

Absent or not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the motion did not prevail.

Senator Beardsley moved the previous question.

On the question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Dysart, Grimes, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Smyth, Tuttle, Vale, West, Wolf, and Wright—25.

The nays were—

Senators Allen, Atkins, Bulis, Couch, Dixon, Donnan, Dunham, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Larrabee, Moore, Murray, Newell, Traverse, and Vermillion—20.

Absent or not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the previous question was seconded.

The question being shall the main question be now put.

The yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Dysart, Grimes, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Smyth, Tuttle, Vale, West, Wolf, and Wright—24.

The nays were—

Senators Allen, Atkins, Bulis, Cathcart, Couch, Dixon, Donnan, Dunham, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Larrabee, Moore, Murray, Newell, Traverse, and Vermillion—21.

Absent or not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the main question was ordered.

The question being on the first amendment reported by committee.

The yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Dysart, Fellows, Grimes, Hamilton, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—27.

The nays were—

Senators Atkins, Bulis, Cathcart, Couch, Dixon, Donnan, Dunham, Griffith, Havens, Ireland, Johnson, Keller, Larrabee, Moore, Murray, Newell, and Vermillion—17.

Absent and not voting—

Senators Allen, Fairall, Hawley, Mulkern, Pierce, and Rice—6.

So the first amendment was adopted.

The question being on the second amendment reported by committee.

The yeas and nays were demanded, and

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Casady, Chapin, Clausen, Dysart, Griffith, Grimes, Hamilton, Hurley, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—29.

The nays were—

Senators Atkins, Bulis, Campbell, Cathcart, Couch, Dixon, Donnan, Dunham, Fellows, Havens, Ireland, Larrabee, Moore, Murray, Newell, and Wright—16.

Absent and not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the second amendment reported by committee was adopted.

The question being on the third amendment.

The yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bulis, Casady, Cathcart, Couch, Dixon, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Larrabee, Mitchell, Moore, Murray, Newell, Patterson, Traverse, Tuttle, Vermillion, and Wolf—24.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Chapin, Clausen, Donnan, Dunham, Dysart, Grimes, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Smyth, Vale, West, and Wright—21.

Absent and not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the third amendment was agreed to.

The fourth and fifth amendments reported by committee were then adopted.

The question being on the sixth amendment reported by the committee.

The yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bulis, Casady, Cathcart, Clausen, Couch, Dunham, Dysart, Grimes, Hamilton, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Tuttle, Vale, Vermillion, West, and Wolf—29.

The nays were—

Senators Allen, Atkins, Bill, Campbell, Chapin, Dixon, Donnan, Fellows, Griffith, Havens, Hurley, Johnson, Mitchell, Moore, and Wright—15.

Absent and not voting—

Senators Fairall, Hawley, Mulkern, Pierce, Rice, and Traverse—6.

So the amendment was adopted.

The question being on the 7th amendment reported by committee, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Campbell, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hurley, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Newell, Patterson, Smyth, Tuttle, Vale, West, and Wolf—28.

The nays were—

Senators Allen, Atkins, Bill, Bulis, Cathcart, Dunham, Hamilton, Havens, Ireland, Johnson, Keller, Long, Moore, Murray, Traverse, Vermillion, and Wright—17.

Absent and not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the amendment was adopted.

The question being on the motion to strike out all after the enacting clause.

The yeas and nays were demanded, and

The yeas were—

Senators Allen, Bulis, Cathcart, Couch, Dixon, Dunham, Fellows, Hamilton, Havens, Ireland, Keller, Larrabee, Moore, Murray, Newell, and Vermillion—16.

The nays were—

Senators Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Donnan, Dysart, Griffith, Grimes, Hurley, Johnson, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—29.

Absent and not voting—

Senators Fairall, Hawley, Mulkern, Pierce, and Rice—5.

So the motion did not prevail.

On the question shall the bill be ordered to have a third reading, the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Donnan, Dysart, Grimes, Hurley, Johnson, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Smyth, Tuttle, Vale, West, Wolf, and Wright—27.

The nays were—

Senators Allen, Atkins, Bulis, Couch, Dixon, Dunham, Fellows,

Griffith, Hamilton, Havens, Ireland, Keller, Larrabee, Moore, Murray, Newell, Traverse, and Vermillion—18.

Absent or not voting—

Sanators Fairall, Hawley, Mulkern, Pierce, and Rice—5

So the bill was ordered to a third reading.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the Senate concurrent resolution fixing the time of the adjournment of the General Assembly, with the following amendment, in which the concurrence of the Senate is respectfully asked :

Add to the resolution the following, "at 11 o'clock noon."

CHAS. ALDRICH, *Chief Clerk.*

At 5 o'clock and 45 minutes, on motion of Senator Donnan, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
APRIL, 1, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Fields.

The Journal of yesterday was read and approved.

MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following proposition to amend the Constitution of the State of Iowa :

*Be it resolved by the General Assembly of the State of Iowa,* That the following amendment to the Constitution of the State of Iowa is hereby proposed :

Strike out the word "white" from section 4 of article 3 thereof.

The House has also passed the following bill :

House File No. 337, A bill for an act to amend section 3 of chapter 72 of the laws of the Eleventh General Assembly.

In all of which the concurrence of the honorable Senate is respectfully asked.

CHARLES ALDRICH, *Chief Clerk.*

Senator Patterson moved to reconsider the vote by which House File No. 264, A bill for an act providing for the taxation of the property of railroad companies, was ordered to a third reading.

Senator McNutt moved to lay the motion to reconsider on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bill, Campbell, Casady, Claussen, Dysart, Fairall, Grimes, Hawley, Hurley, Knoll, Lowry, McCulloch, McKean, McNutt, Smyth, Vale, West—19.

The nays were—

Senators Allen, Atkins, Bulis, Cathcart, Couch, Dixon, Donnan, Dunham, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Larrabee, Mitchell, Moore, Murray, Newell, Patterson, Tuttle, Vermillion, Wolf—24.

Absent and not voting—

Senators Chapin, Long, Mulkern, Pierce, Rice, Traverse, and Wright—7.

So the motion did not prevail.

Senator McNutt moved to postpone the consideration of the motion to reconsider until the 6th day of April, which was disagreed to.

The question being on the motion of Senator Patterson, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bulis, Couch, Dixon, Donnan, Dunham, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Larrabee, Mitchell, Moore, Murray, Newell, Patterson, Traverse, Tuttle, Vermillion, Wolf—24.

The nays were—

Senators Beardsley, Bennett, Bill, Campbell, Cathcart, Chapin, Claussen, Dysart, Fairall, Grimes, Hawley, Hurley, Knoll, Lowry, McCulloch, McKean, McNutt, Smyth, Vale, West—20.

Absent and not voting—

Senators Casady, Long, Mulkern, Pierce, Rice, and Wright—6.

So the motion to reconsider prevailed.

Senator Campbell moved to reconsider the vote by which the 2nd section of the bill was amended.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Campbell, Casady, Chapin, Claussen, Dysart, Fairall, Grimes, Hawley, Hurley, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Smyth, Vale, West—20.

The nays were—

Senators Allen, Atkins, Bulis, Couch, Dixon, Donnan, Dunham, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Larrabee, Mitchell, Moore, Murray, Newell, Patterson, Traverse, Tuttle, Vermillion, Wolf, and Wright—25.

Absent and not voting—

Senators Bill, Cathcart, Mulkern, Pierce, and Rice—5.

So the motion to reconsider did not prevail.

Senator Patterson moved to amend section 2 by striking out the words "all receipts of \$6,000 and over," and inserting the words "the excess of receipts over \$6,000."

On which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bill, Bulis, Casady, Couch, Dixon, Donnan, Dunham, Fellows, Griffith, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Larrabee, Mitchell, Moore, Murray, Newell, Patterson, Traverse, Tuttle, Vale, Vermillion, and Wright—28.

The nays were—

Senators Beardsley, Bennett, Campbell, Chapin, Claussen, Dysart, Fairall, Grimes, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Smyth, West, and Wolf—17.

Absent and not voting—

Senators Cathcart, Hawley, Mulkern, Pierce, and Rice—5.

So the amendment was adopted.

Senator Beardsley moved the previous question, which was seconded, and the main question was ordered.

The question being "Shall the bill be ordered to a third reading?"

The yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Griffith, Grimes, Hurley, Johnson, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Murray, Patterson, Smyth, Traverse, Tuttle, Vale, Wolf, and Wright—31.

The nays were—

Senators Bulis, Dunham, Dysart, Fairall, Fellows, Hamilton, Havens, Keller, Larrabee, McNutt, Moore, Newell, Vermillion, and West—14.

Absent and not voting—

Senators Hawley, Ireland, Mulkern, Pierce, and Rice—5.

So the bill was ordered to a third reading.

On motion of Senator Bennett the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Griffith, Grimes, Hamilton, Hurley, Ireland, Johnson, Knoll, Lowry, McCulloch, McKean, Mitchell, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—36.



The nays were—

Senators Dysart, Fairall, Fellows, Havens, Keller, Larrabee, McNutt, Moore, and West—9.

Absent and not voting—

Senators Hawley, Long, Mulkern, Pierce, and Rice—5.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Traverse, Senate File No. 198, A bill for an act releasing to James H. Jordan of Davis county, Iowa, the interest of the State of Iowa in and to the north half of section 10 township 70, north of range 12 west, in Davis county Iowa, with report of committee recommending amendments, and so amended that the bill do pass, was taken up and considered.

Senator Bulis moved to refer the bill and report of Committee to Committee on State University.

Senator Fairall moved to amend report of committee by adding "and shall pay all costs incurred in the suit now pending in relation to this land."

Which was not agreed to.

The motion to refer was lost.

The amendments reported by committee were agreed to.

On motion of Senator Traverse the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Couch, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—38.

The nays were—

Senators Bulis, and Fairall—2.

Absent and not voting—

Senators Cathcart, Dixon, Dunham, Hawley, Long, McCulloch, Moore, Mulkern, Pierce, and Rice—10.

So the bill passed, and the title was agreed to.

Senator Bennett asked leave of absence for Senator Moore until Tuesday morning.

Leave was granted.

By leave, and on motion of Senator Ireland, House File No. 43, A bill for an act to amend sections 1125, of chapter 51, of the revision of 1860, was taken up.

The question being, "Shall the bill pass?"

The yeas and nays were demanded, and were as follows.

The yeas were—

Senators Allen, Atkins, Bennett, Campbell, Casady, Cathcart, Chapin, Claussen, Dounan, Dysart, Fairall, Griffith, Grimes,

Havens, Hawley, Hurley, Ireland, Johnson, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Murray, Patterson, Traverse, Tuttle, Vale, and Wright—29.

The nays were—

Senators Beardsley, Bulis, Couch, Knoll, McNutt, Newell, Smyth, West, and Wolf—9.

Absent and not voting—

Senators Bill, Dixon, Dunham, Fellows, Hawley, Hamilton, Keller, Moore, Mulkern, Pierce, Rice, and Vermillion—12.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Allen, Senate File No. 73, A bill for an act to authorize and empower cities to build and maintain toll bridges, and to provide therefor, reported back without recommendation, was taken up and considered.

On motion of Senator Allen, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

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

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Claussen, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—36.

The nays were—

Senators Couch, Donnan, and Knoll—3.

Absent and not voting—

Senators Bill, Chapin, Dixon, Dunham, Fairall, Fellows, McNutt, Moore, Mulkern, Pierce, and Rice—11.

So the bill passed and the title was agreed to.

By leave, Senator Hurley introduced Senate File No. 222, A bill for an act to provide for leasing the convict labor in the Iowa Penitentiary.

Read first and second time.

Senator Hurley moved to suspend the 11th rule, and read the bill a third time now.

Senator West moved to refer the bill to Committee on Penitentiary, which was lost.

The rule was then suspended, and the bill was read a third time.

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Campbell, Casady, Cathcart, Claussen, Couch, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—34.

The nays were—

Senators Bulis—1.

Absent and not voting—

Senators Bill, Chapin, Dixon, Dunham, Fairall, Fellows, McCulloch, McKean, McNutt, Mitchell, Moore, Mulkern, Pierce, Rice, and Vermillion—15.

So the bill passed and the title was agreed to.

By leave, Senator West presented a petition in relation to the establishment of an independent school district in Center township, Henry county, Iowa.

Referred to Committee on Schools.

At 12 o'clock and 10 minutes, on motion of Senator Casady, the Senate adjourned.

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TWO O'CLOCK P. M

Senate met pursuant to adjournment, and was called to order by the President, *pro tem*.

Senator Lowry moved to take up concurrent resolution in relation to final adjournment.

The motion prevailed.

The question being, "Shall the Senate concur in House amendments?" Senator Bennett moved to postpone the consideration of the subject until the 11th day of April.

The motion was lost.

Senator West moved to postpone the further consideration of the resolution until April 8th, which did not prevail.

Senator McNutt moved to postpone the consideration of the resolution until 9½ o'clock on April 8th, which was not agreed to.

Senator McNutt moved to postpone the consideration of the subject until April 8th, at 10 o'clock.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bennett, Casady, Chapin, Fairall, Fellows, Grimes, Hawley, Knoll, Long, McCulloch, McKean, McNutt, Mitchell, Murray, Patterson, Tuttle, and West—18.

The nays were—

Senators Beardsley, Bill, Bulis, Campbell, Cathcart, Couch, Dixon, Donnan, Dunham, Dysart, Griffith, Hamilton, Havens, Hurley, Ireland, Johnson, Larrabee, Lowry, Newell, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—25.

Absent and not voting—

Senators Allen, Claussen, Keller, Moore, Mulkern, Pierce, and Rice—7.

So the motion did not prevail.

The question being shall the Senate concur in House amendments.

The yeas and nays were demanded, and

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Hamilton, Havens, Hurley, Ireland, Johnson, Larrabee, Lowry, McKean, Mitchell, Murray, Newell, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—31.

The nays were—

Senators Casady, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hawley, Keller, Knoll, Long, McCulloch, McNutt, and Patterson.—14.

Absent and not voting—

Senators Allen, Moore, Mulkern, Pierce, and Rice—5.

So the House amendments were concurred in.

By leave, and on motion of Senator Couch, House File No. 60,\* A bill for an act to amend article 3 of chapter 29 of the Revision of 1860, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Couch moved to suspend the rule and read the bill a third time now.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, Mitchell, Murray, Newell, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—38.

The nays were—

Senators Beardsley, Bill, McNutt, and Patterson—4.

Absent and not voting—

Senators Allen, Campbell, Dunham, McKean, Moore, Mulkern, Pierce, and Rice—8.

So the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Murray, Newell, Smyth, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—38.

The nays were—

Senators Beardsley, Bill, Bulis, Dunham, McNutt, Patterson, and West—7.

Absent and not voting—

Senators Allen, Moore, Mulkern, Pierce, and Rice—5.

So the bill passed and the title was agreed to.

Senator Hawley moved to reconsider the vote by which Senate

File No. 222, A bill for an act to provide for leasing the convict labor of the Iowa Penitentiary, was passed.

The motion prevailed.

On motion of Senator Hawley, the vote by which the bill was ordered to a third reading was reconsidered, and the bill was referred to the Committee on Penitentiary.

By leave, and on motion of Senator Bennett, Senate File No. 95, A bill for an act creating a Commission to revise the Statutes of Iowa, and defining their duties, and providing for the publication and distribution of their report, was taken up and considered.

The question being on the motion of Senator Patterson to amend 1st section, by inserting in the second line the words, "R. G. Reiniger, of Floyd county."

The amendment was lost.

On motion of Senator Bennett, the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were none.

Absent and not voting—

Senators Allen, Couch, McKean, Mitchell, Moore, Mulkern, Pierce, and Rice—8.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Casady, Senate File No. 175, A bill for an act to provide for furnishing the Deaf and Dumb Asylum at Council Bluffs, and for the removal and maintenance of the school, was taken up and considered.

Senator Chapin offered the following:

SECTION 4. To meet the ordinary expenses of the institutions, including furniture, books, school apparatus, and compensation of officers and teachers, there is hereby appropriated the sum of \$8,000 per annum, or so much thereof as may be necessary.

SEC. 5. All acts or parts of acts, inconsistent with this act, are hereby repealed.

The amendment was adopted.

On motion of Senator Casady, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland

Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—39.

The nays were—

Senators Bill, Campbell, and Cathcart—3.

Absent and not voting—

Senators Allen, Johnson, McKean, Moore, Mulkern, Murray, Pierce, and Rice—8.

So the bill passed, and the title was agreed to.

By leave, and on motion of Senator Larrabee, the memorial to Congress of the United States relative to the Fox and Wisconsin river improvements was taken up and considered.

The question being on the motion of Senator McNutt, to strike out the words "in public lands in the State of Iowa, Minnesota, and Wisconsin."

It was disagreed to.

Senator Bulis moved to amend by adding to first resolution, "provided that any appropriation of land or money made by Congress in aid of the Wisconsin and Fox river improvement, shall be upon condition that the rights of any company at present having control of any part of said work shall be extinguished and that said work when completed shall be free from toll except for the necessary maintenance of the improvement to be fixed in such manner as Congress may provide.

The amendment was adopted.

On motion of Senator Bulis the rule was suspended and the resolution was read a third time.

On the question "Shall the joint resolution pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion-West, Wolf, and Wright—39.

The nays were—

Senators Campbell, and Hamilton—2.

Absent and not voting were—

Senators Allen, Bill, Dysart, McNutt, Moore, Mulkern, Murray, Pierce, and Rice—9.

So the joint resolution passed and the title was agreed to.

The concurrent resolution in relation to a special appropriation of \$2000, for expenses of distributing documents on the subject of the Fox and Wisconsin river improvement was taken up, and on motion of Senator Campbell was laid on the table.

Memorials and joint resolutions in relation to water communications between the Atlantic and Mississippi, was taken up and considered.

On motion of Senator Bulis the memorial was laid on the table.

Memorial and joint resolution on the same subject, the Fox and Wisconsin rivers, was taken up and considered, and on motion of Senator Beardsley, was laid on the table.

Senator Lowry moved to reconsider the vote by which the Senate passed the joint resolution in reference to the improvement of the Fox and Wisconsin rivers.

Which was disagreed to.

By leave, and on motion of Senator McCulloch, Senate File No. 182, A bill for an act to provide for the maintenance of insane persons who have not obtained a residence in any county of the State, with report of committee reporting a substitute and recommending its passage was taken up and considered.

On motion of Senator West, the bill and report of committee were referred to Committee on Judiciary.

Senator Bulis moved to reconsider the vote by which Senate File No. 8, A bill for an act in relation to the penalty on certain taxes, passed the Senate.

Senator Bennett moved to lay the motion to reconsider on the table.

The motion prevailed.

By leave, and on motion of Senator Griffith, Senate File No. 172, A bill for an act making further appropriation for the Hospital for the Insane at Mt. Pleasant, with report of committee recommending amendments was taken up.

The question being on the first amendment reported by committee it was lost.

The question being on the second amendment reported by committee.

Pending which, Senator Campbell moved to make the bill the special order for April 4th at 10 o'clock.

Which was not agreed to.

The question being on the second amendment reported by the committee.

It was adopted.

On motion of Senator Griffith, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fair, all, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—41.

The nays were—none

Absent and not voting—

Senators Bill, Campbell, Dunham, Fellows, Hawley, Moore, Mulkern, Pierce, and Rice—9.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Mitchell, Senate File No. 156, A bill for an act to legalize the independent school district of Moingona and the official acts of the officers of said district, with report of committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Mitchell, the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—39.

The nays were none.

Absent and not voting—

Senators Allen, Beardsley, Campbell, Dixon, Dunham, Moore, Mulkern, Patterson, Pierce, Rice, and West—11.

So the bill passed and the title was agreed to.

Senator Mitchell from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate Files Nos. 36, 167, 24, 121, 74, and 142, and find the same correctly enrolled.

MITCHELL, *Chairman.*

Senator Knoll, from the Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined Senate File No. 209, being A bill for an act to amend part fourth, of the Revision of 1860, in relation to crimes, punishments, and proceedings in criminal cases, and find the same correctly engrossed.

F. M. KNOLL, *Chairman.*

Senator Lowry moved that when the Senate adjourn, it be until to-morrow morning at 9½ o'clock.

On which question, the yeas and nays were demanded, and

The yeas were—

Senators Casady, Cathcart, Claussen, Fairall, Fellows, Griffith, Grimes, Havens, Hurley, Knoll, Lowry, McCulloch, Mitchell, Patterson, Tuttle, Vale, and Vermillion—17.



The nays were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Chapin, Couch, Donnan, Dysart, Hamilton, Hawley, Ireland, Johnson, Keller, Larrabee, Long, McKean, McNutt, Murray, Newell, Smyth, Traverser, West, Wolf, and Wright—25.

Absent and not voting—

Senators Allen, Campbell, Dixon, Dunham, Moore, Mulkern, Pierce, and Rice—8.

So the motion did not prevail.

By leave, Senator Donnan introduced Senate File No. 223, A bill for an act providing for a rehearing of chancery causes in certain cases.

Read first and second time and referred to Committee on Judiciary.

Senator Vermillion moved to adjourn, which was not agreed to.

Senator Wright moved a call of the Senate, which was not seconded.

By leave, Senator Bennett, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 42, A bill for an act relating to the mining of coal, and to protect the lives of miners, have had the same under consideration, and have instructed me to report the same back to the Senate, with accompanying substitute, with the recommendation that the substitute be adopted.

G. G. BENNETT, *Chairman.*

On motion of Senator Bennett, the bill and report were considered, and substitute reported by Committee was adopted.

Senator Donnan moved to suspend the rule and read the bill a third time now; which was agreed to, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bill, Casady, Cathcart, Claussen, Chapin, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Grimes, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Patterson, Smyth, Traverser, Tuttle, Vale, West, Wolf, and Wright—34.

The nays were—

Senators Beardsley, Bulis, Dysart, Havens, McNutt, and Vermillion—6.

Absent and not voting—

Senators Allen, Campbell, Dunham, Hamilton, Moore, Mulkern, Murray, Newell, Pierce, and Rice—10.

So the bill passed and the title was agreed to.

By leave, Senator Hurley, from the Committee on Public Lands, submitted the following report;

MR. PRESIDENT—Your Committee on Public Lands, to whom was referred House File No. 321, A bill for an act empowering the Governor to release certain lands in Pocahontas county to the United States, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

HURLEY, *Chairman.*

On motion of Senator Hurley, the report and bill were considered now.

On motion of Senator Hurley, the rule was suspended, and the bill was read a third time.

By unanimous consent the 2d section was amended so as to read, "a newspaper published at Des Moines, and in the Pocahontas Journal, a newspaper published in Pocahontas county, Iowa: *provided* such publication be made without expense to the State."

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, Wright—38.

The nays were none.

Absent and not voting—

Senators Allen, Campbell, Dunham, Hamilton, McCulloch, Mitchell, Moore, Mulkern, Murray, Newell, Pierce, and Rice—12.

So the bill passed and the title was agreed to.

At 5 o'clock and 5 minutes, on motion of Senator Fairall, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
APRIL 4, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Geiger.

The Journal of Friday was read and approved.

## MESSAGES FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bills and resolutions in which the concurrence of the Senate is asked.

House File No. 205, A bill for an act to legalize the notarial acts of Ira E. Draper, a notary public of Johnson county, Iowa.

Substitute for House File No. 256, A bill for an act to enable counties to supply justices of the peace with Conklin's Iowa Justice.

House File No. 844, A bill for an act to legalize the issue of certain school bonds by the board of directors of the district township of St. Charles, in Floyd county, Iowa, and the levy of taxes to pay the same.

House File No. 848, A bill for an act to legalize certain acts of the auditor of Poweshiek county.

Joint resolution in relation to Money Order Office.

I also return herewith the following bills which have passed the House without amendment :

Senate File No. 213, A bill for an act to legalize the organization and acts, ordinances, orders, notes and proceedings of the city of Fairfield as a city of the second class.

Senate File No. 175, A bill for an act to provide for furnishing the Deaf and Dumb Asylum, at Council Bluffs, and for the removal and maintenance of said Institution.

Senate File No. 73, A bill for an act to empower cities to build toll bridges, and issue bonds.

Senate File No. 95, A bill for an act creating a commission to revise the statutes of Iowa, and defining their duties, and providing for the publication and distribution of the report.

Senate File No. 198, A bill for an act relating to James H. Jordan, of Davis county, Iowa, the interest of the State of Iowa, in and to the north  $\frac{1}{2}$  of section 10, township 70, north of range 12 west, in Davis county, Iowa.

Senate File No. 156, A bill for an act to legalize the organization of the Independent School District of Moingona, and the official acts of the officers of said District.

I am also directed to inform your honorable body that the House of Representatives, has concurred in the Senate amendments to House File No. 43, A bill for an act to amend section 1125, chapter 51, of the Revision of 1860, and that the House has refused to concur in the Senate's amendments to House File No. 264, A bill for an act providing for the taxation of railroad property.

I also present for your signature the following bills which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 120, A bill for an act to legalize the acts of Daniel

Conrad, while acting as Justice of the Peace in Deep Creek township, in Clinton county.

House File No. 325, A bill for an act to provide for the publication and distribution of the laws of the Thirteenth General Assembly, of the State of Iowa.

Preamble and joint resolution, in relation to improvement of Des Moines Rapids of the Mississippi river.

Joint Resolution a proposal to amend the Constitution of the State of Iowa, and to provide for its reference and publication.

House File No. 321, A bill for an act empowering the Governor to release certain lands in Pocahontas county, to the United States.

House File No. 43, A bill for an act to amend section 1125, of chapter 51, of the Revision of 1860.

House File No. 292, A bill for an act to legalize the incorporation of the town of Mason City, Iowa, and the election of officers of said incorporation, also, to legalize the acts of the *de-facto* officers.

House File No. 294, A bill for an act to legalize the election of a sub-director in district No. 5, in the district township of Grant, in the county of Cass, State of Iowa, on the 12th day of March, 1870.

Senate File No. 92, A bill for an act to authorize the working of persons confined in the jails of the State, and to protect prisoners.

Senate File No. 147, A bill for an act to legalize the erection of sub-district No. 3, Perry township, Marion county, Iowa.

Senate File No. 167, A bill for an act to legalize the acts of the Independent School District of Monona, Iowa.

Senate File No. 121, A bill for an act changing the time of holding the District Court at Keokuk, Lee county, Iowa.

Senate File No. 36, A bill for an act to authorize the improvement of streets and alleys.

Senate File No. 74, A bill for an act amending article 3, of chapter 55, of the Revision of 1860, granting right of way to Railroad Companies.

Senate File No. 24, A bill for an act to legalize new indices in the Recorder's office of Lee county, at Keokuk.

Senate File No. 142, A bill for an act relative to the claim of S. A. Robertson, for work done on State House.

Also, joint resolution for the relief of William B. Critchfield, and Henry C. Anderson, late soldiers of 13th Iowa Infantry.

CHARLES ALDRICH, *Chief Clerk.*

Senator McNutt presented the following protest against the passage of Substitute for Senate File No. 42 :

MR. PRESIDENT—The undersigned begs leave to enter his earnest protest against the passage of substitute for Senate File No. 42, entitled A bill for an act to protect persons engaged in any business, and for the protection of the mining of coal.

I protest against the passage of said bill, because I regard many of its provisions as uncalled for by any condition of things existing in Iowa, because some of those provisions are unwise in their conception, and cruel and tyrannical in their execution, should they ever be literally carried out. I have not yet learned that the men who follow coal mining in Iowa are sinners and criminals above all other men, and this bill, which is directed especially against them, I regard, if enacted into a law, as unworthy of a free people. I regard some of the provisions of the bill as flagrant violations of section 6, section 7, and section 17 of the Bill of Rights of the Constitution of Iowa.

I protest against the second section of the bill in question, because, among other things, it provides that if any persons, "by suggestions of danger," shall prevent other persons "from being employed," the persons making such suggestions shall be subject to a fine not exceeding one hundred dollars, or thirty days imprisonment in the county jail. For example: If I know that a certain coal mine is badly ventilated, has foul air in it, or is otherwise dangerous to life, and I state that fact in the hearing of any coal miner, who is thereby deterred from going to work in that foul and unwholesome mine, I am by this law made subject to a fine of one hundred dollars, or thirty days' imprisonment.

A provision of law that may be put to such bad uses as this, I forbear to characterize in the terms that are befitting to it. It is clearly a violation of section 7 of the bill of rights in the Constitution, which provides that the Legislature shall pass no law abridging the liberty of speech.

I protest against the third section of said bill, for the reason that it punishes by excessive fines and unreasonable imprisonment an act entirely harmless in itself, and which, at the most, is only an act of simple trespass already provided against by law. This section declares that if *any person*, other than a peace officer, shall enter the coal banks of another without his permission, such person shall be fined in a sum not exceeding five hundred dollars, or punished by imprisonment in the county jail not exceeding six months.

This section does not provide against persons entering said coal banks with evil intentions, but it *does provide* for punishing *any person*, no matter how good his intentions may be—no matter on what errand of charity or of mercy he may be bent on. Neither minister of the Gospel on an errand of peace, nor wife nor child on an errand of love, or with a warning of danger, dare approach the husband or the father, when his foot once crosses the forbidden boundary of the coal banks. Not even a physician or a surgeon in the line of his profession and in the discharge of his duty dare render medical assistance without the permission of the owner or manager.

Such a law as this would be more fitting in a slave code than on

our statute books, for it is one of the manifestations of the spirit of capital against labor, that spirit which would reduce the laboring man to a mere machine, at the mercy, control, and disposal of an avaricious master.

When laws are made with a special view to protect and build up the interests of capital, great care should be taken that the rights of labor are not infringed upon. The bill in question is not so carefully guarded in this respect as it should be, and for this reason I protest against it.

Let the law provide that owners of coal mines shall have them properly ventilated and take all necessary precautions for the care and protection of the miners, and then let evil disposed persons be punished for wrongful acts. But the bill fails entirely to do this. It provides no protection for miners, while it burdens them and loads them down with penalties, and is altogether one-sided and unjust.

I therefore dissent from and earnestly protest against the bill aforesaid, and ask that these reasons be entered upon the journal of the Senate in accordance with the provisions of section ten of article three of the constitution.

SAMUEL McNUTT.

#### INTRODUCTION OF BILLS.

By Senator McCulloch : Senate File No. 224, A bill for an act to locate county seats in certain cases.

Read first and second time.

Senator McCulloch moved to suspend the 11th rule and read the bill a third time now.

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

On the question " Shall the bill pass ?"

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Campell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Patterson, Traverse, Tuttle, Vale, Vermillion, and West—38.

The nays were none.

Absent and not voting—

Senators Allen, Beardsley, Dysart, Mitchell, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—12.

So the bill passed and the title was agreed to.

Senator Bulis asked leave of absence for Senators Beardsley and Newell.

Leave was granted.

On motion, Senators Wolf and Smyth were excused.

## INTRODUCTION OF BILLS.

By Senator Claussen : Senate File No. 225, A bill for an act to define the rights and duties of county auditors in road cases and to prescribe the rules for a review or appeal from their orders and decisions therein.

Read first and second time.

On motion of Senator Claussen the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McCulloch, Mitchell, Murray, Patterson, Traverse, Tuttle, and Vale—32.

The nays were—

Senators Dixon, McKean, McNutt, Vermillion, and West—5.

Absent and not voting—

Senators Allen, Beardsley, Bill, Dysart, Long, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—13.

So the bill passed and the title was agreed to.

By Senator Tuttle : Senate File No. 226, A bill for an act to authorize counties to establish high schools.

Read first and second time and referred to Committee on Schools.

By Senator Larrabee : Senate File No. 227, A bill for an act relating to the fees of the clerk of the supreme court.

Read first and second time and referred to Committee on Compensation of Public Officers.

Senator Lowry, from Committee on Reform School, introduced Senate File No. 228, A bill for an act making appropriations for State Reform School, authorizing its location, and pertaining to the erection of new buildings therefor.

Read first and second time.

Senator Lowry moved to suspend the 11th rule, and read the bill a third time now.

Senator Chapin moved that the bill pass on file and be printed, which motion prevailed.

By leave, and on motion of Senator Fairall, Senate File No. 177, A bill for an act to empower cities to take private property and appropriate the same to public uses in certain cases, was taken up and considered.

On motion of Senator Fairall, the rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Campbell, Casady,

Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Havens, Hurlev, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, Murray, Patterson, Vale, West—31.

The nays were—

Senators Hamilton, Vermillion—2.

Absent and not voting were—

Senators Beardsley, Bill, Dysart, Hawley, Larrabee, McNutt, Mitchell, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Wolf, and Wright—17.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Vale, Senate File No. 178, A bill for an act to amend section 2218 of the Revision of 1860 in relation to tenants, was taken up and considered.

Senator Vale moved to suspend the rule and read the bill a third time now.

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

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Knoll, Lowry, McCulloch, McNutt, Mitchell, Traverse, Tuttle, Vale, Vermillion, and West—29.

The nays were—

Senators Bennett, Campbell, Dunham, Keller, and Long—5.

Absent and not voting—

Senators Beardsley, Dysart, Fairall, Hawley, Larrabee, McKean, Moore, Mulkern, Murray, Newell, Patterson, Pierce, Rice, Smyth, Wolf, and Wright—16.

So the bill passed and the title was agreed to.

#### HOUSE MESSAGES.

On motion of Senator Donnan, House messages was taken up.

House File No. 331, A bill for an act authorizing cities and towns now or hereafter organized under special charters, to amend, abolish or organize with new charters under chapter 51 of the Revision of 1860.

Read first and second time, and referred to Committee on Incorporations.

House File No. 152, A bill for an act to confer certain powers upon the judges of the circuit courts.

Read first and second time, and referred to Committee on Judiciary.

House File No. 222, A bill for an act to tax lands which are owned by counties within the limits of other counties.

Read first and second time, and referred to Committee on County and Township Organization.



House-File No. 333, A bill for an act in relation to the Law Department of the State University.

Read first and second time and referred to Committee on State University.

House File No. 337, A bill for an act to amend section 3, of chapter 72, of the laws of the Twelfth General Assembly.

Read first and second time and referred to Committee on Judiciary.

Substitute for House File No. 256, A bill for an act to enable counties to furnish Justices of the Peace with Conklin's Iowa Justice for the use of their respective offices.

Read first and second time and referred to Committee on Judiciary.

House File, No. 205, A bill for an act to legalize the notarial acts of Ira E. Draper, a notary public of Jasper county, Iowa.

Read first and second time.

On motion of Senator Bennett, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Murray, Patterson, Traverse, Tuttle, Vale, Vermillion, and West—38.

The nays were none.

Absent and not voting were—

Senators Allen, Beardsley, Dysart, McKean, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—12.

So the bill passed and the title was agreed to.

House File No. 344, A bill for an act to legalize the issue of certain school warrants by the board of directors of the district township of St. Charles, in Floyd county, Iowa, and the levy of taxes to pay the same, was taken up.

Read first and second time.

On motion of Senator Patterson, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Murray, Patterson, Traverse, Tuttle, Vale, Vermillion, and West—37.

The nays were none.

Absent and not voting—

Senators Beardsley, Bill, Claussen, Dysart, McKean, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—13.

So the bill passed and the title was agreed to.

House File No. 348, A bill for an act to legalize certain acts of the Auditor of Poweshiek county, was taken up.

Read first and second time and referred to Committee on Judiciary.

Joint resolution in regard to money order offices was taken up.

Read first and second time.

On motion of Senator Grimes, the 11th rule was suspended, and the joint resolution was read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Patterson, Traverse, Tuttle, Vale, Vermillion, and West—39.

The nays were none.

Absent and not voting—

Senators Atkins, Beardsley, Dysart, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—11.

So the joint resolution passed, and the title was agreed to.

Joint resolution proposing to amend the Constitution of the State of Iowa was taken up, read first and second time, and on motion of Senator Donnan, the eleventh rule was suspended and the resolution was read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Chapin, Claussen, Couch, Dixon, Donnan, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Patterson, Traverse, Vale, Vermillion, and West—32.

The nays were—

Senators Casady, Dunham, Fellows, Knoll, and McCulloch—5.

Absent and not voting—

Senators Beardsley, Cathcart, Dysart, Moore, Mulkern, Murray, Newell, Pierce, Rice, Smyth, Tuttle, Wolf, and Wright—13.

So the joint resolution passed and the title was agreed to.

Joint resolutions of respect to the memory of Gen. Geo. H. Thomas were taken up and read first and second time.

Senator Bennett offered the following additional resolution, which was adopted:

*Resolved*, That the flag on the Capitol building be placed at half mast during the remainder of the session.

On motion the eleventh rule was suspended, and the joint resolutions were read a third time.

On the question "Shall the joint resolutions pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Traverse, Tuttle, Vale, Vermillion, and West—39.

The nays were none.

Absent and not voting—

Senators Beardsley, Dysart, Moore, Mulkern, Murray, Newell, Pierce, Rice, Smyth, Wolf, and Wright—11.

So the joint resolutions passed and the title was agreed to.

Senate File No. 105, A bill for an act to provide for the completion of the center building, the north wing, rear center building, engine house, chimney, and ducts, and the improvement of the grounds and farm of the Iowa Hospital for the Insane at Independence, with House amendments was taken up.

The question being shall the Senate concur in the House amendments,

The yeas were—

Senators Bill, Bulis, Campbell, Dixon, Dunham, Hamilton, McNutt, and Vermillion—8.

The nays were—

Senators Allen, Atkins, Bennett, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Murray, Patterson, Traverse, Tuttle, Vale, and West—32.

Absent and not voting—

Senators Beardsley, Dysart, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—10.

So the Senate refused to concur in House amendments.

House File No. 264, A bill for an act providing for the taxation of the property of railroad companies was taken up.

The question being shall the Senate recede from its amendments,

The yeas were—

Senators Campbell, Donnan, Fairall, Grimes, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Vale, and West—12.

The nays were—

Senators Allen, Atkins, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Larrabee, Mitchell, Murray, Patterson, Traverse, Tuttle, and Vermillion—27.

Absent and not voting—

Senators Beardsley, Dysart, Hamilton, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—11.

So the Senate refused to recede from its amendments.

Senator Bennett moved that a Committee of Conference be appointed on the disagreement of the two Houses on House File No. 264.

Which motion prevailed, and the President appointed Senators Bennett, Larrabee, and Vermillion.

Senator Griffith moved to take from the table concurrent and joint resolution in relation to water communication between the Atlantic and Mississippi.

The motion prevailed and the concurrent resolution to instruct the Ways and Means Committee to insert in special appropriation bill \$2,000 to encourage improvement of Fox and Wisconsin Rivers, was first considered.

Senator McNutt moved to amend by striking out "2,000," and inserting "200."

The motion did not prevail.

Senator McNutt moved to amend by striking out "2,000," and inserting "2 cents," which was disagreed to.

The question being on the adoption of the resolution, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Chapin, Claussen, Couch, Donnan, Fellows, Griffith, Grimes, Hawley, Johnson, Knoll, Larrabee, Long, McKean, Patterson, Tuttle, and West—19.

The nays were—

Senators Bill, Bulis, Campbell, Casady, Cathcart, Dixon, Dunham, Fairall, Hamilton, Havens, Ireland, Lowry, McCulloch, McNutt, Mitchell, Murray, and Vermillion—17.

Absent and not voting—

Senators Beardsley, Dysart, Hurley, Keller, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Traverse, Vale, Wolf, and Wright—15.

So the resolution was adopted.

Memorial and joint resolution in relation to water communication between the Mississippi and Atlantic *via* the Fox and Wisconsin rivers, was considered, and on motion of Senator Donnan, the joint resolutions were ordered engrossed and read a third time on April 5th, at 10½ o'clock A. M.

Senator Lowry offered the following :

*Resolved*, That the Senate on and after to-day, and until otherwise ordered, will meet at nine o'clock A. M. and at half past two o'clock P. M.

Pending which, at 12 o'clock and 5 minutes, on motion of Senator Larrabee, the Senate adjourned.

TWO O'CLOCK P. M.

Senate convened pursuant to adjournment, and was called to order by the President.

The hour for the special order having arrived, it being Senate Files Nos. 127 and 184, bills for acts in relation to Soldiers' Orphans' Homes, they were made the special order for April 5th, at 2½ o'clock P. M.

The resolution offered by Senator Lowry, and which was under consideration at the time of adjournment, was taken up.

Senator Murray moved to lay the resolution on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bill, Casady, Cathcart, Chapin, Couch, Dunham, Fellows, Hamilton, Havens, Ireland, Keller, Knoll, McKean, McNutt, Mitchell, Murray, Traverse, Vermillion, and West—20.

The nays were—

Senators Bulis, Claussen, Donnan, Fairall, Grimes, Hurley, Johnson, Larrabee, Long, Lowry, Patterson, Tuttle, and Vale—13.

Absent or not voting—

Senators Allen, Beardsley, Bennett, Campbell, Dixon, Dysart, Griffith, Hawley, McCulloch, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—17.

So the motion prevailed.

By leave, Senator Johnson offered the following :

*Resolved*, That the Secretary of State be instructed to furnish to the family of the late Senator R. B. Clarke, as a memento, the usual package of stationery laid on the desks of Senators at the beginning of the session.

The resolution was adopted.

By leave, and on motion of Senator Fairall, Senate File No. 168, A bill for an act to facilitate the acquisition of the right of way over the line of abandoned railways, and secure the early completion of the same, with report of committee recommending amendments, was taken up, considered, and report of committee was adopted.

Senator McNutt moved a call of Senate, which was not seconded.

On motion of Senator Fairall, the rule was suspended, and the bill was read a third time.

On the question, " Shall the bill pass ? "

The yeas were—

Senators Atkins, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Patterson, Traverse, Tuttle, Vale, Vermillion, and West—36.

The nays were none.

Absent and not voting—

Senators Allen, Beardsley, Bennett, Campbell, Dysart, Griffith, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—14.

So the bill passed and the title was agreed to.

Senator West asked leave of absence for Senator Wright till to-morrow.

Leave was granted.

By leave, and on motion of Senator Hawley, Senate File No. 170, A bill for an act to amend section 1020 of the Revision of 1860, and to provide for orders for the record of village plats to be made by a circuit or district judge in vacation, with report of committee recommending that the bill do pass, was taken up and considered.

On motion of Senator Hawley, the rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Patterson, Traverse, Tuttle, Vale, Vermillion, West—37.

The nays were none.

Absent and not voting—

Senators Beardsley, Dysart, Fellows, Griffith, Moore, Mulkern, Murray, Newell, Pierce, Rice, Smyth, Wolf, and Wright—13.

So the bill passed and the title was agreed to.

By leave, Senator Bennett offered the following:

*Resolved by the Senate, the House concurring,* That the Secretary of State be, and is, hereby instructed to order from the publishers of the Des Moines Bulletin seven hundred and fifty bound copies of the phonographic report of the Thirteenth General Assembly, containing full report from the commencement to the close of its session, in place of the same number of House Journals, and to distribute them in the same manner the Journals are distributed. *Provided,* The cost of the same will not be more than would be the cost of the same number of Journals.

On motion, the resolution was referred to Special Committee of five, consisting of Senators Fellows, Bennett, Bill, McKean, and Hamilton.

By leave, Senator Long, from Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools beg leave to introduce the accompanying bill for an act to enable independent school districts to borrow money, with the recommendation that said bill do pass.

WOLF, *Chairman.*

Senate File No. 229, A bill for an act to enable independent school districts to borrow money.

Read first and second time.

On motion of Senator Long, the 11th rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Couch, Dixon, Dunham, Fairall, Fellows, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Long, Lowry, McCulloch, McKean, McNutt, Murray, Tuttle, and West—29.

The nays were—

Senators Campbell, Knoll, Patterson, Traverse, Vale, and Vermillion—6.

Absent or not voting—

Senators Beardsley, Claussen, Donnan, Dysart, Griffith, Larabee, Mitchell, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—15.

So the bill passed, and the title was agreed to.

By leave, and on motion of Senator Hamilton, Senate File No. 134, A bill for an act to regulate the compensation of District Attorneys, with report of Committee recommending amendments, was taken up and considered.

Senator Donnan moved to amend fifth line of section 1, by striking out "600," and inserting "1000."

On motion of Senator Fairall, the bill was referred to Committee on Judiciary.

Senator Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following bills, viz.:

Senate Files Nos. 92, 147, 167, 36, 74, 24, 142, and 121.

I. J. MITCHELL, *Chairman.*

#### REPORTS OF COMMITTEES.

Senator Bennett, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 203, A bill for an act to amend section 1794, of the Revision of 1860, and regulating the negotiability of certain instruments, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended as follows, and do pass: Add to section 1, provided, that the provisions of this act shall not apply to dealers

in agricultural implements, merchants, or other persons where the consideration is a patented article, and the property is delivered at, or before the time the note is given.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 132, A bill for an act to provide for insane persons, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it lie upon the table.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No 262, A bill for an act relating to the acknowledgment and recording of deeds in certain cases, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that that portion of section 1, which reads as follows : " And all deeds and conveyances which shall hereafter be executed, acknowledged or proven in accordance with the laws of the State where executed," be stricken out, and when so amended that the bill do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 197, A bill for an act to regulate road taxes and road labor in certain cases, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 85, A bill for an act to amend section 4881, of chapter 208, of the Revision of 1860, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it lie upon the table.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.



Also the following :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 113, A bill for an act in relation to Omnibusses, Transfer Companies, and common carriers generally, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 22, A bill for an act to regulate the execution and transfer of notes given for patent rights, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it lie upon the table.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file,

Also the following :

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 216, A bill for an act to confirm and legalize the acts of the supervisors of Johnson Co., Iowa, have had the same under consideration, and a majority (Senator Fairall dissenting) have instructed me to report the same back to the Senate, with the recommendation that it lie on the table.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

By leave Senator Allen introduced Senate File No. 280, A bill for an act to extend the city limits of Des Moines.

Read first and second time and referred to Committee on Judiciary.

Senator Dixon from Committee on Agriculture submitted the following report :

MR. PRESIDENT—The Committee on Agriculture, to whom was referred House File No. 79, A bill for an act for the more effectual prevention of cruelty to animals, recommend the following amendments : strike out in the 1st line in section 1 the word "overdrives," and all in the 2d line of section 1 before the word "tortures," also all after the word "overdriven," in the 3d line, and before the word "tortured," in the 4th line, and so amended we recommend its passage.

J. N. DIXON, *Chairman.*

On motion of Senator Long the bill and report were taken up and considered.

Senator Lowry moved to suspend the rule and read the bill a third time now.

Senator Hawley moved to refer the bill to Committee on Judiciary.

The motion prevailed.

Senator Patterson, from Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads to whom was referred Senate File No. 221, A bill for an act requiring all future mortgages and trust deeds made by railroad companies to be recorded in the office of the Secretary of State, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do not pass.

J. G. PATTERSON, *Chairman.*

Ordered that the report pass on file.

Senator Wolf, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred substitute for House File No. 45, A bill for an act to empower School Boards to procure school-house sites, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended as follows:

1. Strike out of lines 7, 8, and 9, of section 1, the words "for the location and construction of a school-house and convenient use of the school," and insert the words "for the purpose of a school-house site."

2. Strike out of the 34th line of the 8d section the words "which appeal," and insert "and the decision of the Circuit Court shall be final."

And when so amended that it do pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 153, A bill for an act to amend section 17, chapter 172 of the laws of the Ninth General Assembly, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation by a majority of the Committee that it do pass.

W. P. WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 270, A bill for an act to legalize the organization of the independent school district of Missouri Valley, Harrison county, Iowa, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 189, A bill for an act to legalize the organization of the independent school district of Esgate, Jackson county, Iowa, with accompanying petition, have had the same under consideration, and a majority have instructed me to report the said bill back to the Senate, with the recommendation that it do pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 112, A bill for an act authorizing the graduates of the Iowa State University to teach in the public schools of the State without further examination, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 219, A bill for an act to annex certain lands to the Independent School District of Strawberry Point for School purposes, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Senator Hurley, from the Committee on Public Lands submitted the following report:

MR. PRESIDENT—Your Committee on Public Lands to whom was referred a joint resolution relating to swamp land selections made

by agents of the State subsequent to March 3d, 1857, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be adopted.

HURLEY, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Public Lands, to whom was referred a concurrent resolution in regard to the settlement of swamp land claims, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be adopted.

HURLEY, *Chairman.*

Ordered that the report pass on file.

Senator Larrabee moved that the concurrent resolutions just reported be adopted.

The motion prevailed.

By leave, and on motion of Senator Allen, House File No. 156, A bill for an act to improve the tax system of this State, and to avoid errors in assessments, with report of Committee recommending a substitute, was taken up and considered.

Senator Larrabee moved to amend by inserting after the word "assessment," in 5th line of section 1, the words "and collections."

Which was agreed to, and the substitute was then adopted.

On motion of Senator Murray, the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Patterson, Traverse, Tuttle, Vale, Vermillion, and West—35.

The nays were none.

Absent and not voting—

Senators Beardsley, Dysart, Fairall, Ireland, Johnson, Keller, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—15.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body

that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 293, A bill for an act for the protection of birds.

House File No. 310, A bill for an act to define the rights of church corporations in certain cases.

House File No. 301, A bill for an act for the relief of Patriok Hamill.

House File No. 352, A bill for an act to legalize the issue of warrants by the directors of the independent school district of Strawberry Point, in Clayton county, Iowa.

Substitute for House File No. 231, A bill for an act to authorize foreign guardians to receive the property within this State belonging to non-resident minors.

I also return the following bills which have passed the House without amendment :

Senate File No. 93, A bill for an act authorizing cities and towns to punish for the violation of ordinances and by-laws.

Senate File No. 177, A bill for an act to empower cities and towns to take private property and appropriate the same to public uses in certain cases.

CHARLES ALDRICH, *Chief Clerk.*

By leave, and on motion of Senator Allen, House File No. 69, A bill for an act to provide for the prohibition of the sale of ale, wine, and beer in counties by a vote of the people, with majority report recommending that the bill do pass, and minority report recommending that the bill do not pass, was taken up and considered.

Senator Campbell moved to strike out the 3d section.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Bill, Campbell, Cathcart, Hawley, Hurley, Long, McNutt, Traverse, Vermillion, and West—10.

The nays were—

Senators Allen, Atkins, Bennett, Bulis, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, Murray, Patterson, Tuttle, and Vale—26.

Absent and not voting—

Senators Beardsley, Casady, Dysart, Mitchell, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—12.

So the amendment did not prevail.

Senator Fairall moved to amend the 1st section by inserting, after the word "malt," in second, fourth, and seventh lines, the words "or intoxicating."

On which question the yeas and nays were demanded, and

The yeas were—

Senators Bill, Casady, Claussen, Fairall, Fellows, Knoll, and Lowry—7.

The nays were—

Senators Allen, Atkins, Bennett, Bulis, Chapin, Couch, Dixon, Donnan, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Larrabee, Long, McCulloch, McKean, McNutt, Mitchell, Murray, Patterson, Traverse, Tuttle, Vale, Vermillion, and West—30.

Absent and not voting—

Senators Beardsley, Campbell, Cathcart, Dunham, Dysart, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—13.

So the motion did not prevail.

The question being, "Shall the bill be ordered to a third reading?" the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Donnan, Griffith, Grimes, Hamilton, Hawley, Ireland, Keller, Larrabee, Long, McKean, McNutt, Mitchell, Murray, Traverse, Tuttle, Vale, Vermillion, and West—28.

The nays were—

Senators Casady, Claussen, Fairall, Fellows, Havens, Hurley, Knoll, Lowry, and McCulloch—9.

Absent or not voting—

Senators Beardsley, Dunham, Dysart, Johnson, Moore, Mulkern, Newell, Patterson, Pierce, Rice, Smyth, Wolf, and Wright—13.

So the bill was ordered to a third reading.

By leave, and on motion of Senator Donnan, Senate File No. 173, A bill for an act to amend section 3112, of the Revision of 1860, with report of Committee recommending amendments, was taken up, considered, and report of Committee was adopted.

On motion of Senator Donnan, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Bennett, Bulis, Casady, Cathcart, Chapin, Couch, Donnan, Fairall, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Larrabee, Lowry, McKean, Murray, Patterson, Tuttle, Vale, and West—24.

The nays were—

Senators Bill, Campbell, Claussen, Dixon, Fellows, Knoll, McCulloch, McNutt, Traverse, and Vermillion—10.

Absent and not voting—

Senators Allen, Atkins, Beardsley, Dunham, Dysart, Hawley, Long, Mitchell, Moore, Mulkern, Newell, Pierce, Rice, Smyth, Wolf, and Wright—16.

So the bill not having received a constitutional majority, was lost.

Senator Larrabee moved to take up Senate File No. 190, A bill for an act to repeal section 799, of the Revision of 1860, and to provide a substitute therefor, in relation to time of payment of money from County Treasurers into the State Treasury.

The motion did not prevail.

Senator Murray moved to reconsider the vote by which the Senate concurred to House amendments to resolution in relation to final adjournment.

Senator Bennett moved to postpone the consideration of the motion until April 8th, at 10½ o'clock A. M.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Substitute for House Files Nos. 59 and 98, A bill for an act to provide for the draining of land.

House File No. 312, A bill for an act to amend section 7, chapter 169, of the laws of the Ninth General Assembly.

I am also directed to inform the Senate that the House has appointed Messrs. Russell, Cutts, and Williams as members of the Committee of Conference upon the disagreement of the two Houses upon House File No. 264, A bill for an act providing for the taxation of the property of railroad companies.

CHARLES ALDRICH, *Chief Clerk.*

By leave, Senator Hurley from the Committee on Public Lands, submitted the following report:

MR. PRESIDENT—Your Committee on Public Lands, to whom was referred that part of the Governor's message relating to swamp lands, beg leave to report that they have had the same under consideration and believing further legislation to be necessary in order to have an early settlement with the general government in regard thereto, have instructed me to report the accompanying bills, and recommend the passage of the same.

HURLEY, *Chairman.*

Ordered that the report pass on file.

Senate File No. 231, A bill for an act to regulate the sale of indemnity swamp lands.

Read first and second time and ordered passed on file.

Senate File No. 232, A bill for an act to amend chapter 160 of the acts of the 9th General Assembly entitled, an act to authorize

the governor, and board of supervisors to appoint agents in regard to swamp lands belonging to the State of Iowa, and defining their duties, approved April 8, 1862.

Read first and second time and ordered passed on file.

Senate File No. 233, A bill for an act to repeal chapter 79 of the acts of the 11th General Assembly, and chapter 135 of the acts of 12th General Assembly.

Read first and second time and ordered passed on file.

On motion of Senator Fellows, the vote by which House File No. 321, A bill for an act to empower the governor to release certain lands in Pocahontas county to the United States was reconsidered.

On motion of Senator Fellows the vote by which the bill was ordered to a third reading was reconsidered and the bill was referred to Committee on Public Lands.

At 5 o'clock and 30 minutes, on motion of Senator Griffith, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
APRIL 5, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Jones.

On motion of Senator McNutt, reading of the Journal was dispensed with.

#### RESOLUTIONS.

Senator Larrabee offered the following concurrent resolution :

*Resolved by the Senate, the House concurring,* That the compensation of postmaster and assistant postmaster to the Thirteenth General Assembly shall be \$7 per day each.

The resolution was not agreed to.

#### HOUSE MESSAGES.

House File No. 312, A bill for an act to amend section 7, chapter 169 of the laws of the Ninth General Assembly, was taken up.

Read first and second time, and referred to Committee on Judiciary.

Substitute for House File No. 59, A bill for an act to provide for the draining of land, was taken up.

Read first and second time, and referred to Committee on Judiciary.



Substitute for House File No. 231, A bill for an act to authorize foreign guardians to receive the property within this State belonging to non-resident minors, was taken up.

Read first and second time, and on motion of Senator Fairall, the 11th rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Murrav, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were none.

Absent and not voting—

Senators Allen, Dunham, McKean, Moore, and Mulkern—5.

So the bill passed and the title was agreed to.

House File No. 310, A bill for an act to define the rights of church corporations in certain cases, was taken up.

Read first and second time, and referred to Committee on Judiciary.

House File No. 293, A bill for an act for the protection of birds, was taken up.

Read first and second time, and on motion of Senator West, the 11th rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bulis, Campbell, Casady, Cathcart, Couch, Dixon, Donnan, Dysart, Grimes, Hawley, Hurley, Ireland, Johnson, Larrabee, Lowry, McCulloch, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, West, Wolf, and Wright—29.

The nays were—

Senators Atkins, Claussen, Fellows, Hamilton, Havens, Keller, Knoll, Traverse, Vale, and Vermillion—10.

Absent and not voting—

Senators Allen, Bennett, Bill, Dunham, Fairall, Griffith, Long, McKean, Mitchell, Moore, and Mulkern—11.

So the bill passed and the title was agreed to.

House File No. 352, A bill for an act to legalize the issue of warrants in the Independent School District of Strawberry Point, Clayton county, was taken up.

Read first and second time.

And on motion of Senator Newell the 11th rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart,

Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—44.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, McNutt, Moore, Mulkern, and Wolf—6.

So the bill passed and the title was agreed to.

Senator Larrabee asked leave of absence for Senator Allen, during the morning session.

Leave was granted.

House File No. 301, A bill for an act for the relief of Patrick Hamil, was taken up.

Read first and second time and referred to Committee on Judiciary.

Senator Donnan moved to reconsider the vote by which Senate File No. 173, A bill for an act to amend section 8112, of the Revision of 1860, was lost.

Senator Fellows moved to lay the motion to reconsider on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Claussen, Couch, Dixon, Dunham, Fellows, Grimes, Ireland, Knoll, Long, Lowry, McCulloch, McNutt, Smyth, West, and Wright—16.

The nays were—

Senators Atkins, Bill, Bulis, Campbell, Casady, Cathcart, Donnan, Dysart, Fairall, Griffith, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, McKean, Mitchell, Murray, Newell, Patterson, Rice, Traverse, Tuttle, Vale, and Wolf—26.

Absent and not voting—

Senators Allen, Bennett, Chapin, Larrabee, Moore, Mulkern, Pierce, and Vermillion—8.

So the motion did not prevailed.

The motion to reconsider was then agreed to.

The question being, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Donnan, Dysart, Fairall, Griffith, Hawley, Hurley, Johnson, Keller, McKean, Mitchell, Murray, Patterson, Rice, Traverse, Tuttle, Vale, West, Wolf, and Wright—25.

The nays were—

Senators Beardsley, Claussen, Couch, Dunham, Fellows, Grimes, Hamilton, Havens, Ireland, Knoll, Long, McCulloch, McNutt, Newell, and Smyth—16.

Absent and not voting—

Senators Allen, Bennett, Dixon, Larrabee, Lowry, Moore, Mulkern, Pierce, and Vermillion—9.

So the bill not having received a constitutional majority was lost.

After the announcement of the vote on Senate File No. 173, Senator Larrabee asked leave to record his vote on the bill.

Objection being raised, Senator Patterson moved to suspend the fifth rule.

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

The yeas were—

Senators Atkins, Bill, Bulis, Casady, Cathcart, Chapin, Clausen, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hawley, Hurley, Johnson, Keller, McKean, Mitchell, Murray, Patterson, Traverse, Tuttle, Vale, and Wolf—25.

The nays were—

Senators Beardsley, Campbell, Couch, Fellows, Hamilton, Havens, Ireland, Knoll, Long, Lowry, McCulloch, McNutt, Newell, Rice, Smyth, Vermillion, West, and Wright—18.

Absent and not voting—

Senators Allen, Bennett, Dixon, Larrabee, Moore, Mulkern, and Pierce—7.

So the motion to suspend the rule, not having received a two-third vote, was lost.

Senator Knoll, from the Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined memorial to Congress in relation to water communication between the Atlantic and Mississippi, via the Fox and Wisconsin Rivers, and find the same correctly engrossed:

F. M. KNOLL, *Chairman.*

The hour for the special order having arrived, it being Senate files Nos. 86, 148, 151, 163, 104, and 214, bills for acts with reference to the Dubuque, Bellevue, and Sabula Railroad Company land grant, reported back by Committee without recommendation.

On motion of Senator Patterson, the special order was taken up and considered.

Senator Dysart presented a petition from T. G. Brainard and 60 others, on same subject, which was considered with the bills.

Senator Dixon moved to postpone the consideration of the special order until the 7th day of April, at 10 o'clock.

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

The yeas were—

Senators Beardsley, Bennett, Bill, Cathcart, Dixon, Keller, Lowry, Mitchell, Rice, Vermillion, and West—11.

The nays were—

Senators Atkins, Bulis, Campbell, Casady, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Knoll, Larrabee, Long, McKean, McNutt, Murray, Newell, Paterson, Pierce, Smyth, Traverse, Tuttle, Vale, Wolf, and Wright—  
35.

Absent and not voting—

Senators Allen, McCulloch, Moore, and Mulkern--4.

So the motion did not prevail.

Senate File No. 86 was considered.

Senator Bennett moved that the bill under consideration, and all other bills relating to the same subject, be referred to a Special Committee of five, with instructions to report a bill, granting the land referred to in the bill under consideration in the following proportion to the following railway companies, to-wit :

One-fourth to the Central Iowa Railway Company.

One-fourth to the Davenport and St. Paul Railroad Company.

One-fourth to Burlington and Southwestern Railroad Company.

One-fourth to the Iowa Northern Central Railroad Company, and he Keokuk and Minnesota Railway Company.

Senator Couch moved to amend by adding the Burlington, Cedar Rapids and Minnesota Railway Company.

Senator Larrabee moved to amend the amendment by changing the instructions so as to divide the land among all the railroads in the State, which was agreed to.

Pending which, at 12 o'clock, Senator Murray moved that the Senate do now adjourn, which motion prevailed, and the Senate adjourned.

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TWO O'CLOCK, P. M

Senate met pursuant to adjournment, and was called to order by the President.

By leave, Senator Hamilton presented a petition from J. W. Caldwell, asking compensation for recruiting, and commutation of rations.

Referred to Committee on Military affairs.

Senator Larrabee moved to reconsider the vote by which the resolution fixing the compensation of Postmaster and Assistant Postmaster was lost.

The motion prevailed.

Senator Wright moved to amend the resolution by striking out the word "seven," and inserting "four."

Senator McNutt moved to amend the amendment by striking out "four" and inserting "five," which was adopted, and the amendment as amended was agreed to.

The question being on the adoption of the resolution as amended, the yeas and nays were demanded, and

The yeas were—

Senators Bill, Campbell, Casady, Cathcart, Couch, Dixon, Donnan, Dysart, Fellows, Grimes, Hurley, Johnson, Keller, Larrabee, McKean, McNutt, Murray, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—26.

The nays were—

Senators Atkins, Bulis, Claussen, Dunham, Fairall, Griffith, Havens, Ireland, Knoll, Long, Lowry, Patterson, and Wolf—13.

Absent or not voting—

Senators Allen, Beardsley, Bennett, Hamilton, Hawley, McCulloch, Mitchell, Moore, Mulkern, Newell, and Rice—11.

So the resolution was adopted.

By leave Senator Dysart introduced Senate File No. 234, A bill for an act to authorize the common council of the incorporated town of Belle Plain to appropriate a certain portion of the road tax for the years 1870, 1871, and 1872, belonging to said town for the purpose of repairing a certain road leading to said town.

Read first and second time and referred to Committee on Roads.

By leave, Senator Hawley introduced Senate File No. 235. A bill for an act legalizing the Incorporation of the regular Baptist Church of Algona, in Kossuth county, Iowa.

Read first and second time and referred to Committee on Judiciary.

By leave, Senator Fairall, from the Committee on State University, introduced Senate File No. 236, A bill for an act to authorize the Governor to patent certain University lands situate in Lucas county

Read first and second time, and on motion of Senator Fairall the 11th rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—42.

The nays were none.

Absent or not voting—

Senators Allen, Bennett, Hamilton, Larrabee, Moore, Mulkern, Rice, and Vermillion—8.

So the bill passed and the title was agreed to.

By leave, Senator Campbell introduced Senate File No. 237, A bill for an act for the relief of Jasper county for money stolen from the county safe.

Read first and second time and referred to Committee on Judiciary.

By leave Senator Wolf presented a remonstrance from the business men and shippers of Mechanicsville in relation to regulating the rates of tariff on railroads.

Passed on file.

Also a petition in favor of taxing railroads the same as other property.

Passed on file.

Also a petition for the repeal or modification of the usury laws so as to allow parties to contract for any rate not exceeding fifteen per cent.

Passed on file.

By leave, Senator Bulis from the Committee on State University, submitted the following report :

MR. PRESIDENT—Your Committee on State University to whom was referred House File No. 333, A bill for an act relating to the law department of the State University, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

H. C. BULIS, *Chairman.*

Ordered that the report pass on file.

Senator Traverse, from the Committee on Printing, submitted the following report :

MR. PRESIDENT—Your Committee on Printing, to whom was referred Senate File No. 52, A bill for an act for publishing the report of the State Geologist, to estimate the cost of the same, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the following estimate :

That the entire cost of furnishing complete the first 1000 copies, \$10 per copy, amounting to \$10,000; for each copy in excess of 1000, \$4,00 per copy.

H. C. TRAVERSE, *Chairman.*

Ordered that the report pass on file.

Senator Traverse, from the Committee on Judiciary, submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 202, A bill for an act authorizing counties, cities, and towns owning real estate to donate or sell said real estate to said railroad companies, beg leave to report that they have had the same under consideration, and have instructed me to report a substitute to the Senate, with the recommendation that the substitute do pass.

H. C. TRAVERSE, *for Committee.*

Ordered that the report pass on file.

Senator Pierce, from the Committee on Internal Improvements, submitted the following report :

MR. PRESIDENT—Your Committee on Internal Improvements, to whom was referred House File No. 306, A bill for an act to authorize the Vinton Water Power Company to construct a dam across Cedar river, in Taylor or Cedar townships, Benton county, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass, with the following amendment to section 2 :

*Provided further*, Said Company shall put and maintain in their dam a chute for fish, not less than ten feet wide, and at an angle not exceeding 45 degrees with the water level.

A. R. PIERCE, *Chairman.*

Ordered that the report pass on file.

MR. PRESIDENT—Your Select Committee, to whom was referred concurrent resolution in regard to bound copies of Bulletin reports of Legislative proceedings, have had the same under consideration, and have instructed me to report the accompanying substitute, and recommend its passage.

FELLOWS, *Chairman.*

On motion of Senator Fellows, the resolution was adopted.

By leave, Senator Smyth offered the following :

*Resolved by the Senate, the House concurring*, That the compensation of the mail carrier for this General Assembly shall be six dollars per day.

The resolution was adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has concurred in the Senate's amendment to the joint resolution of respect to the memory of Maj. Gen. George H. Thomas.

Also that the House has passed the following bills, in which the concurrence of the Senate is asked :

House File No. 356, A bill for an act to legalize the incorporation of the town of Afton, and the official acts of officers thereunder.

House File No. 357, A bill for an act to legalize the election of officers and directors of the independent school district of Ackley, Hardin county, Iowa, of March 14, 1870.

I also return the following bill, which has passed the House without amendment.

Senate File No. 102, A bill for an act to establish an industrial home for the blind.

CHAS. ALDRICH, *Chief Clerk.*

The consideration of Senate File No. 86, A bill for an act to carry out the provisions of an act of Congress, approved May 15, 1856, granting lands to Iowa to aid in the construction of railroads, and to secure the early completion of the Tete Des Morte Branch of the Dubuque & Sioux City Railroad, was resumed.

The question being on the amendment offered by Senator Couch as amended, Senator McNutt moved to amend by adding the Muscatine, Tipton & Anamosa Railroad Company, which was disagreed to.

The amendment of Senator Couch was lost.

Senator Wright offered the following amendment, which was not agreed to:

That the land be divided amongst the members of the Senate, and that each member have full power and authority to donate his portion to such road as in his judgment may direct, or any other charitable institution.

Senator Vermillion moved to amend the instruction by striking out the word "fourth," where it occurs in the resolution, and insert the word "fifth," and add after Keokuk & Minnesota Railroad Company, and "one-fifth to the Iowa Southern Railroad Company."

Senator Wolf moved to amend the amendment by striking out the word "fifth," and inserting "sixth," and by adding the words "the Muscatine, Tipton & Anamosa Railroad Company," which did not prevail.

Senator McKean moved to amend by adding: Provided, also, that as soon as the Midland Railroad Company have completed their railroad as far west as Maquoketa, in Jackson county, it shall be entitled to one-sixth part of said lands, which did not prevail.

The question being on the motion of Senator Vermillion, it was agreed to.

Senator Fairall moved to amend by striking out the word "south-western," and inserting "Cedar Rapids and Minnesota," which was agreed to.

Senator Lowry moved to amend by striking out the instructions.

On which question the yeas and nays were demanded, and

The yeas were —

Senators Beardsley, Bill, Chapin, Couch, Dixor, Dysart, Grimes, Lowry, Traverse, Tuttle, West, and Wright—12.

The nays were—

Senators Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Claussen, Donnan, Dunham, Fairall, Fellows, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larabee, Long, McCulloch, McKean, McNutt, Murray, Newell, Paterson, Pierce, Smyth, Vale, Vermillion, and Wolf—33.



Absent or not voting—

Senators Allen, Mitchell, Moore, Mulkern, and Rice—5.

So the amendment was disagreed to.

The question being on the adoption of the resolution.

The yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bill, Claussen, Dixon, Fairall, Grimes, Keller, Lowry, McCulloch, McNutt, Pierce, Rice, Traverse, Vale, Vermillion, and West—17.

The nays were—

Senators Atkins, Bulis, Campbell, Casady, Chapin, Conch, Donnan, Dunham, Dysart, Fellows, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Knoll, Larrabee, Long, McKean, Murray, Newell, Patterson, Smyth, Tuttle, Wolf, and Wright—28.

Absent and not voting—

Senators Allen, Cathcart, Mitchell, Moore, and Mulkern—5.

So the resolution was disagreed to.

Senator Campbell offered the following :

*Resolved*, That this question be referred to Committee on Schools, with instructions to report a concurrent resolution instructing our Senators, and requesting our Representatives, to use their efforts to secure the passage of a bill through Congress, permitting the State to divert the "Tete Des Mortes Land Grant," to the use of the permanent school fund of Iowa.

The resolution was not adopted.

Senator Knoll offered a substitute for the bill which was considered by sections.

The substitute was adopted.

On motion of Senator Knoll the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Smyth, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were—

Senators Bill, Claussen, Dixon, and Rice—4.

Absent and not voting—

Senators Allen, Mitchell, Moore, Mulkern, Pierce, and Traverse—6.

So the bill passed and the title was agreed to.

On motion Senators Griffith and West were excused for to-day.

On motion of Senator McKean, all other bills on same subject were laid on the table.

On motion of Senator Donnan, memorial and joint resolution relative to water communication between the Atlantic and Mississippi, via. of Fox and Wisconsin rivers, was taken up.

Senator Bill moved a call of the Senate which was ordered, and the roll was called with the following result, absent but not excused Senators Dunham, McKean, and Mitchell.

Senator McKean was presented by the Sergeant-at-Arms at the bar of the Senate, and on motion of Senator Newell was excused.

On motion of Senator Beardsley, further proceedings under the call were dispensed with.

The joint resolution was read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis Casady, Cathcart, Claussen, Chapin, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Grimes, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Newell, Patterson, Rice, Smyth, Tuttle, Vale, and Wolf—32.

The nays were—

Senators Bill, Campbell, Havens, Murray, Traverse, and Wright—6.

Absent and not voting—

Senators Allen, Dunham, Griffith, Hamilton, Hawley, McKean, Mitchell, Moore, Mulkern, Pierce, Vermillion, and West—12.

So the joint resolution passed, and the title was agreed to.

Senator Bennett, from Committee on Conference submitted the following report:

MR. PRESIDENT—The undersigned, appointed a Committee to meet a similar Committee appointed by the House to consider the disagreement of the two Houses on House file No. 264, have discharged said duty, and beg leave to report that the Committees are unable to agree, and return the bill.

G. G. BENNETT,  
Wm. LARRABEE,  
W. F. VERMILLION.

Senator Bennett moved that there be appointed another Committee on Conference on the disagreement of the two Houses on House file No. 264.

The motion prevailed, and the President appointed as such Committee, Senators Beardsley, Couch, and Traverse.

A communication was received from the Governor, at the hands of his private Secretary, which was laid on the President's table.

The hour for the special order having arrived, it being Senate file No. 127, A bill for an act making further provisions for soldiers' orphans with majority report of Committee recommending that the bill do not pass.

And Senate File No. 184, A bill for an act making appropriations for the several Orphans' Homes, and for the support of the orphans therein, with report of Committee recommending a substitute.

On motion of Senator Pierce, Senate File No. 127, was taken up and considered.

On motion of Senator Fellows, the bill was laid on the table.

Senate File No. 184, was taken up and considered, and substitute was adopted.

On motion of Senator Fellows the rule was suspended, and the bill was read a third time.

On the question " Shall the bill pass ?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—40.

The nays were none.

Absent and not voting were—

Senators Allen, Bill, Griffith, Hawley, Lowry, Mitchell, Moore, Mulhern, Tuttle, and West—10.

So the bill passed and the title was agreed to.

The President submitted the following communication from the Governor.

*Gentlemen of the Senate :*

I have the honor to return to you House File No. 821, entitled an act empowering the Governor to release certain lands, &c., in accordance with your resolution of April 4th.

SAMUEL MERRILL, *Governor.*

The bill was referred to Committee on Judiciary.

On motion of Senator Fairall, bills on third reading were taken up.

Senate File No. 204, A bill for an act to amend chapter 101, of the Revision of 1860, pertaining to husband and wife, and regulating their liabilities, was read a third time.

On the question, " Shall the bill pass ?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vermillion, Wolf, and Wright—39.

The nays were—

Senator Vale—1.

Absent and not voting—

Senators Allen, Bill, Fellows, Griffith, Hawley, Mitchell, Moore, Mulkern, Tuttle, and West—10.

So the bill passed and the title was agreed to.

Senate File No. 205, A bill for an act to amend chapter 100, of the Revision of 1860, in relation to the estates of decedents.

Was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Grimes, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—38.

The nays were none.

Absent and not voting—

Senators Allen, Beardsley, Bennett, Griffith, Hamilton, Johnson, Mitchell, Moore, Mulkern, Patterson, Tuttle, and West—12.

So the bill passed and the title was agreed to.

Senate File No. 206, A bill for an act to amend section 2532 of the Revision of 1860, in relation to divorce and alimony, was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—41.

The nays were none.

Absent and not voting—

Senators Allen, Beardsley, Bennett, Griffith, Mitchell, Moore, Mulkern, Tuttle, and West—9.

So the bill passed and the title was agreed to.

Senate File No. 207, A bill for an act to amend chapter 86 of the laws of the Twelfth General Assembly, in relation to the Circuit Courts, was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Allen, Beardsley, Bill, Bennett, Griffith, Mitchell, Moore, Mulkern, Tuttle, and West—10.

So the bill passed and the title was amended by striking out the words "the circuit," and so amended the title was agreed to.

Senate File No. 208, A bill for an act to amend the code of civil practice, was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Rice, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Griffith, Johnson, Mitchell, Moore, Mulkern, Pierce, Tuttle, and West—10.

So the bill passed and the title was agreed to.

Senate File No. 209, A bill for an act to amend section 4 of the Revision of 1860 in relation to crimes, punishment, and proceedings in criminal cases, was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Donnan, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, Murray, Newell, Rice, Traverse, Vale, Vermillion, Wolf, and Wright—30.

The nays were—

Senators Beardsley, Hawley, McKean, McNutt, and Smyth—5.

Absent and not voting were—

Senators Allen, Bennett, Dunham, Griffith, Johnson, Larrabee, Mitchell, Moore, Mulkern, Patterson, Pierce, Tuttle, and West—3.

So the bill passed and the title was agreed to.

House File No. 69, A bill for an act to provide for the prohibition of the sale of ale, wine, and beer in counties by a vote of the people, was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Donnan, Dysart, Grimes, Hamilton, Ireland, Keller, Larrabee, Long, McKean, McNutt, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—28.

The nays were—

Senators Claussen, Dunham, Fairall, Fellows, Havens, Hurley, Knoll, Lowry, McCulloch, Newell, and Rice—11.

Absent and not voting—

Senators Allen, Casady, Griffith, Hawley, Johnson, Mitchell, Moore, Mulkern, Murray, Tuttle, and West—11.

So the bill passed, and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives, has appointed Messrs. Wilson, Wright of Allamakee, and Dudley, as a Committee of Conference on the disagreement of the two Houses, on House File No. 264, A bill for an act providing for the taxation of property belonging to Railroad Companies.

CHAS. ALDRICH, *Chief Clerk.*

On motion of Senator Fairall, Senate File No. 203, A bill for an act to amend section 1794, of the Revision of 1860, regulating the negotiability of certain instruments, with report of committee recommending amendments, and so amended that the bill do pass.

And House File No. 22, A bill for an act to regulate the execution and transfer of notes given for patent-rights, with report of committee recommending that the bill lie on the table, were taken up.

And Senate File No. 203, was considered.

Senator Fairall moved to amend 1st section, by adding "and be it further provided, that the provisions of this act shall not apply to instruments executed prior to the passage thereof."

Which was agreed to

Senator McKean moved to substitute House File No. 22 for Senate File 203.

Which was not agreed to.

The amendments reported by committee were adopted.

Senator Larrabee moved to postpone the further consideration of the bill until the 6th day of April, at 9½ o'clock, and that the bill be made the special order for that hour.

Which was not agreed to.

The question being, shall the bill be engrossed for a third reading.

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

The yeas were—

Senators Bennett, Campbell, Casady, Cathcart, Chapin, Dixon, Dysart, Fairall, Fellows, Grimes, Hawley, Hurley, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Murray, Newell, Pierce, Rice, Smyth, Vale, Vermillion, and Wolf—27.

The nays were—

Senators Atkins, Bill, Bulis, Claussen, Donnan, Dunham, Hamilton, Havens, Ireland, Johnson, McKean, Patterson, and Wright—13.

Absent and not voting—

Senators Allen, Beardsley, Couch, Griffith, Mitchell, Moore, Mulkern, Traverse, Tuttle, Wolf, and West—10.

So the bill was ordered engrossed.

By leave, Senator Hawley, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate File No. 113, A bill for an act to reimburse Dr. Oto Theine for expenses incurred by him as Commissioner of the State of Iowa to the World's Exhibition in Paris, in the year 1867, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the blank therein be filled by inserting "seven hundred and fifty," and by further amending the first section by adding the following: "Providing that the same shall be in full satisfaction of all claims against the State of Iowa for all expenses incurred by him as such Commissioner;" and as so amended, recommend that it do pass.

THEO. HAWLEY, *Chairman.*

By leave, Senator Donnan introduced Senate File No. 238, A bill for an act to legalize the organization of the independent school district of Fairbanks.

Read first and second time and referred to Committee on Judiciary.

At 5 o'clock and 35 minutes, on motion of Senator McNutt, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
APRIL 6, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

On motion of Senator Cathcart, the reading of the Journal was dispensed with.

#### PETITIONS AND MEMORIALS.

Senator Fellows presented a petition from Waldo Skinner and others, of Harper's Ferry, Allamakee county, asking some legislation to prevent trespass on the islands in the Mississippi river.

Referred to Committee on Public Lands.

By leave, Senator Hurley introduced Senate File No. 239, A bill

for an act to enable municipal and public corporations at their election to settle, adjust, and compound their indebtedness, and to provide for the issue of new bonds, and for the payment of such new bonds, by the levy of specific taxes, and for this purpose of altering and amending existing charters and laws.

Read first and second time.

Senator Hurley moved to suspend the rule and read the bill a third time now.

Which was agreed to, and the bill was read a third time.

By leave, Senator McNutt moved to amend by adding a proviso, that the terms of the compromise shall also be submitted to the people.

Which was disagreed to.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Clausen, Couch, Dixon, Dunham, Dy-sart, Fairall, Fellows, Griffith, Grimes, Hamilton, Haveus, Haw-ley, Hurley, Ireland, Johnson, Keller, Larrabee, Long, Lowry, McCulloch, Mitchell, Moore, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—41.

The nays were—

Senators Bulis, Knoll, McKean, McNutt, and Murray—5.

Absent and not voting—

Senators Donnan, Mulkern, Tuttle, and Wolf—.

So the bill passed and the title was agreed to.

Senator Griffith asked leave of absence for Senator Donnan, on account of sickness.

Leave was granted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 200, A bill for an act for the relief of Harrison County, Iowa, for money stolen from the county safe.

House File No. 313, A bill for an act to organize the County of Crocker.

House File No. 351, A bill for an act to provide for the erection of schools from territory lying in adjoining counties.

I also herewith return, Senate File No. 170, A bill for an act to amend section 1020, of the revision of 1860, which has passed with-out amendment.

Concurrent resolution authorizing Secretary of State to have printed three thousand copies of the journals of the Thirteenth General Assembly.

BENJ. VAN STEINBURG, *Asst. Clerk.*



Senator Mitchell, from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate Files Nos. 170, 73, 156, 175, 198, 177, 95, 213, 102, and 93, and find the same correctly enrolled.

MITCHELL, *Chairman.*

By leave, Senator Wright introduced Senate File No. 240, A bill for an act to regulate the tariff on railroads in the State of Iowa.

Read first and second time, and referred to Committee on Railroads.

By leave, Senator McKean, from Committee on Roads, submitted the following report :

MR. PRESIDENT—Your Committee on Roads, to whom was referred Senate File No. 234, A bill for an act to authorize the common council of the incorporated town of Belle Plaine to appropriate a certain portion of the road tax for the years 1870, 1871, and 1872, for the purpose of repairing a certain road, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be referred to the Judiciary Committee; as it appears to involve a question of constitutional law.

JOHN McKEAN, *Chairman.*

On motion of Senator McKean, the report was adopted, and the bill was so referred.

Senator Fairall, from Committee on Judiciary, submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 223, A bill for an act for a rehearing in certain cases, beg leave to report that they have had the same under consideration, and have instructed me to report back to the Senate with the recommendation that it pass a substitute for the original bill.

S. H. FAIRALL, *for Committee.*

Ordered that the report pass on file.

Senator Moore, from Committee on County and Township Organization, submitted the following report :

MR. PRESIDENT—Your Committee on County and Township Organization, to whom was referred House File No. 181, A bill for an act to constitute township trustees a board of equalization, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate without recommendation.

N. B. MOORE, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on County and Township Organization, to whom was referred House File No. 222, A bill for an act to tax lands owned by counties within the limits of other counties, beg leave to report that they have had the same under consideration, and a majority of the committee have instructed me to report the same back to the Senate with the recommendation that it do pass.

N. B. MOORE, *Chairman.*

Ordered that the report pass on file.

Also the following.

MR. PRESIDENT—Your Committee on County and Township Organization, to whom was referred House File No. 229, A bill for an act to amend section 1 of chapter 77 of the laws of the Ninth General Assembly, providing for the submission of the question to the people of their county whether swamp lands shall be appropriated to certain purposes by the board of supervisors, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate without recommendation.

N. B. MOORE, *Chairman.*

Ordered that the report pass on file.

Senator Hawley, from Committee on Claims, submitted the following report :

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate File No. 219, A bill for an act to reimburse Capt. R. L. Freeman, of Elkader, Iowa, Capt. Co. K, First Iowa Cavalry, for subsistence furnished said Company during its organization, in the spring and summer of 1861, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

THEO. HAWLEY, *Chairman.*

Ordered that the report pass on file.

Senator Knoll, from the Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT—The Committee on Engrossed Bills respectfully report that they have examined Senate File No. 203, being A bill for an act to amend section 1794 of the Revision of 1860, and regulating the negotiability of certain instruments, and find the same correctly engrossed.

F. M. KNOLL, *Chairman.*

By leave, Senator Hawley offered the following :

*Resolved*, That the Judiciary Committee be instructed to enquire

into the expediency of providing for the establishment of a Court of Claims, and to report at as early a day as possible, by bill or otherwise.

Which was agreed to.

By leave, Senator Hamilton introduced Senate File No. 241, A bill for an act for the relief of Joseph W. Caldwell.

Read first and second time and referred to Committee on Military Affairs.

By leave, Senator Bennett, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 198, A bill for an act for the government of Hospitals for the Insane, defining the legal relations of insane persons, and providing for their care and protection, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended as follows, and do pass:

1. Add to first section, "The Governor of the State shall be *ex officio* a member of the Board."

2. Fill the blank in the second section with the names of Maturin L. Fisher, George W. Bemis, and E. G. Morgan.

SEC. 6. In twelfth line, after the word "may," strike out the words "at their pleasure." In thirteenth line, after the word "officer," strike out the remainder of the section and insert "or any other employee of such institution."

SEC. 7. In first line, after the word "hold," insert the words "in the name of the State."

SEC. 10. In first line, after the word "to," insert "the State of Iowa," and after the word "Hospital," in same line, insert ("naming which") in parenthesis.

Strike out section 14 and section 23.

SEC. 26. Strike out all after the word "and," in third line, and insert, "A bill of particulars shall be presented to the Board of Supervisors of the county sought to be charged, which shall be allowed and paid the same as other claims."

SEC. 30. In the ninth line strike out the word "guardian," and insert the word "custodian," and add to the end of the section the words "in charge of the Sheriff."

SEC. 42. In fourth line strike out the words "who is," and in fifth line the word "is."

Adopt the amendments noted by Committee on Charitable Institutions.

G. G. BENNETT, *Chairman.*

On motion of Senator Bennett, the bill and report were taken up and considered.

The question being on the amendments reported by Committee,

the amendments were adopted, except that relating to the filling of the blank in the second section.

Senator Fairall moved to amend the 50th section, by inserting after the word "employed," in the 11th line, the words, "and mileage, the same as is allowed him in other cases," which was agreed to.

Senator Wolf moved to amend the first section, by striking out the words, "Mount Pleasant Hospital for the Insane," and inserting "Iowa Hospital for the Insane at Mount Pleasant," and by striking out the words, "Independence Hospital for the insane," and inserting Iowa Hospital for the Insane at Independence."

The amendment was adopted.

Senator Wolf moved to amend section 6 by adding :

"*Provided*, The salary of the Superintendent shall not be more than \$1500, the salary of the Assistant Physician not more than \$600, the salary of the Steward not more than \$700, and the salary of the Matron not more than \$300 per annum."

Which was agreed to.

Senator Bennett moved to amend section 2, by filling the blank as follows :

M. L. Fisher, of Clayton county; Dr. Asa Horr, of Dubuque county, C. Sanborn, of Delaware county; G. W. Bemis, of Buchanan county; E. G. Morgan, of Webster county; J. M. Boggs, of Buchanan county; and C. C. Parker of Fayette county.

Senator Vale moved to amend by striking out the name of Dr. Asa Horr, of Dubuque county, and inserting the name of H. F. Cleaver, of Lee county.

Senator Larrabee moved to amend the amendment by striking out the name of C. Sanborn.

Senator Smyth moved to refer the amendments to a committee of one from each Congressional District, of which Senator Bulis should be Chairman.

The motion prevailed, and the President announced as such committee Senators Bulis, West, Smyth, Chapin, Wright, and Hawley.

On motion of Senator Bennett, the bill was made the special order for this afternoon at 2 o'clock.

Senator Dysart moved to reconsider the vote by which the concurrent resolution directing the Secretary of State to subscribe for 1500 copies of the Bulletin Supplement, for distribution, was adopted, on which question the yeas and nays were demanded, and

The yeas were—

Senators Beardley, Campbell, Cathcart, Chapin, Dunham, Dysart, Grimes, Hurley, Lowry, Murray, Pierce, Traverse, Vermillion, West, and Wright—15.

The nays were—

Senators Bennett, Bulis, Casady, Claussen, Coch, Dixon, Fairall, Fellows, Griffith, Havens, Hawley, Johnson, Knoll, Larrabee,

Long, McCulloch, McKean, McNutt, Mitchell, Moore, Newell, Patterson, Rice, Smyth, Vale, and Wolf—26.

Absent and not voting—

Senators Allen, Atkins, Bill, Donnan, Hamilton, Ireland, Keller, Mulkern, and Tuttle—9

So the motion did not prevail.

On motion of Senator Fellows, House resolution in relation to the printing of 3,000 copies of the Journals of the two Houses, was taken up.

Senator Fellows moved to amend by striking out the words, "three thousand copies," and inserting the words, "fifteen hundred copies of the Senate Journals, and fifteen hundred copies of House Journals."

Which was agreed to, and so amended the resolution was concurred in.

By leave, Senator Bennett from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 237, A bill for an act for the relief of Jasper county, for moneys stolen from county safe, have had the same under consideration, and have instructed me to report the same back to the Senate, with recommendation that it do pass.

G. G. BENNETT, *Chairman.*

On motion of Senator Bennett, the report was taken up and considered.

Pending which Senator Newell moved that the Senate take a recess for 15 minutes.

Senator Traverser moved that the Senate do now adjourn, which motion prevailed, and the Senate adjourned.

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TWO O'CLOCK, P. M.

Senate met pursuant to adjournment, and was called to order by the President.

The President submitted the following communication:

SENATE CHAMBER, APRIL 6, 1870.

MR. PRESIDENT—The undersigned having at a special election, been chosen by the people of Washington county, Iowa, to represent them in part, in the other branch of this General Assembly, hereby tenders his resignation of the position he has heretofore held, as

assistant door keeper of the Senate, and in doing so, he begs the President, members, and officers of the Senate to accept his sincere thanks, for the kind and courteous manner in which he has been treated by them, one and all, during the brief period of his connection with them as a subordinate officer.

SAM'L BIGGER.

On motion of Senator McMutt the resignation was accepted.

On motion of Senator Long, the office of assistant door-keeper was abolished.

On motion of Senator Hamilton, Senate File No. 113, A bill for an act creating a Department of Insurance, with report of committee recommending amendments, was taken up and considered.

Senator Lowry moved to amend the 1st amendment, by striking out the words, "he shall be appointed during the session of the legislature by the Governor, by and with the advice of the Senate," and inserting the words, "he shall be elected by the people at the next general election."

On which question the yeas and nays were demanded, and

The yeas were—

Senators Campbell, Casady, Dixon, Dysart, Havens, Lowry, McKean, McNutt, Murray, Newell, Smyth, and Wright—12.

The nays were—

Senators Atkins, Beardsley, Bennett, Bulis, Claussen, Conch, Fairall, Fellows, Grimes, Hamilton, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, McCulloch, Mitchell, Moore, Patterson, Traverse, Tuttle, Vale, West, and Wolf—26.

Absent and not voting—

Senators Allen, Bill, Cathcart, Chapin, Donnan, Dunham, Griffith, Hawley, Mulkern, Pierce, Rice, and Vermillion—12.

So the motion did not prevail.

The first amendment was adopted.

The second, third, and fourth amendments were adopted.

The question being on the sixth amendment, Senator McNutt moved to lay it on the table, which did not prevail, and the sixth and seventh amendments were adopted.

Senator Campbell moved to indefinitely postpone the bill.

Pending which, a communication was received from the Governor at the hands of his Private Secretary, which was laid on the President's table.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

Substitutes for House Files Nos. 140 and 95, bills for an act to protect the citizens of Iowa from empiricism, and to elevate the standard of the medical profession.

I also return the following Senate bills, which have passed the House without amendment.

Substitute for Senate File No. 86, A bill for an act to carry out the provisions of an act of Congress, approved May 15, 1856, granting lands to Iowa to aid in the construction of railroads, and to secure the early completion of the Tete Des Morte Branch of the Dubuque & Sioux City Railroad.

Senate File No. 224, A bill for an act to locate county seats in certain cases.

I also transmit concurrent resolution relative to printing 500 copies of the memorial to Congress in regard to the Wisconsin and Fox river improvement, which has passed the House, and in which the concurrence of the Senate is respectfully asked.

I also herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 205, A bill for an act to legalize the notarial acts of Ira E. Draper, a notary public of Jasper county, Iowa.

House File No. 60, A bill for an act to amend article 3 of chapter 29 of the Revision of 1860.

House File No. 344, A bill for an act to legalize the issue of certain school warrants by the board of directors of the district township of St. Charles, in Floyd county, Iowa, and the levy of taxes to pay the same.

House File No. 325, A bill for an act to legalize the issue of warrants in the independent School district of Strawberry Point, Clayton County, Iowa.

Also, joint resolutions relative to the establishment of Money Order Offices, and of respect to the memory of Maj. Gen. George H. Thomas.

CHAS. ALDRICH, *Chief Clerk.*

The consideration of the motion of Senator Campbell was resumed. Pending which, at 2 o'clock and 50 minutes, on motion of Senator Bulis, the Senate took a recess for fifteen minutes.

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THREE O'CLOCK AND FIVE MINUTES.

Senate convened and was called to order by the President.

The question being on the motion to indefinitely postpone Senate File No. 113, the yeas and nays were demanded, and

The yeas were—

Senators Campbell, Dixon, Fellows, Grimes, McCulloch, McKean, McNutt, Rice, Smyth, Traverse, Vermillion, and West—12.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dysart, Griffith, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, Mitchell, Moore, Patterson, Tuttle, Vale, Wolf, and Wright—30.

Absent and not voting were—

Senators Donnan, Dunham, Fairall, Hawley, Mulkern, Murray, Newell, and Pierce—8.

So the motion did not prevail.

Senator Bennett moved to add, "This act shall take effect and be in force from and after its publication in the Daily State Register, and Des Moines Statesman, newspapers published at Des Moines, Iowa.

Which was agreed to.

Senator Newell moved to amend the 4th section, by striking out of fourth line the word "January," and inserting the word "June."

The amendment did not prevail.

Senator Fellows moved to amend section 3, by adding the words, "the first Superintendent appointed under the provisions of this act, shall enter upon the duties of his office on the 1st of January, 1871, and his salary shall commence from that time."

Which was agreed to.

Senator Smyth moved to amend section 2, by striking out of eighth line the words, "six hundred," and inserting the words "two hundred and fifty."

The amendment was adopted.

On motion of Senator Hamilton the rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dysart, Griffith, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Larrabee, Long, Lowry, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Tuttle, Vale, Wolf, and Wright—32.

The nays were—

Senators Campbell, Dixon, Dunham, Fellows, Grimes, Hawley, Knoll, McCulloch, McKean, McNutt, Newell, Smyth, Traverse, Vermillion, and West—15.

Absent and not voting—

Senators Donnan, Fairall, and Mulkern—3.

So the bill passed, and the title was agreed to.

On motion of Senator Bennett, Senate File No. 193, A bill for an



act for the government of Hospitals for the Insane, defining the legal relations of insane persons, and providing for their care and protection, was taken up and further considered.

Senator Bulis from Select Committee submitted the following report :

MR. PRESIDENT—Your Select Committee on Senate File No. 193, to which was referred the matter of selecting the candidates for Trustees of the Independence Hospital for the Insane, have had the subject under consideration, and present the following named gentlemen, and recommend that they be chosen.

Maturin L. Fisher, of Clayton county.

Dr. John F. Ely, of Linn county.

F. W. Fawcette, of Lucas county.

G. W. Bemis, of Buchanan county.

E. G. Morgan, of Webster county.

J. M. Boggs, of Buchanan county.

Dr. C. C. Parker, of Fayette county.

BULIS, *for Committee.*

The report was adopted.

On motion of Senator Bennett the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—43:

The nays were—

Senator Knoll—1.

Absent and not voting—

Senators Cathcart, Donnan, Fairall, Long, Mulkern, and Pierce—6.

So the bill passed and the title was agreed to.

By leave, and on motion of Senator Traverse, Senate File No. 202, A bill for an act authorizing counties, cities, and towns owning real estate, to donate or sell said real estate to railroad companies, with report of Committee recommending a substitute, was taken up, considered, and the substitute was adopted.

Senator Traverse moved to suspend the rule and read the bill a third time.

Which was agreed to, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dysart, Hurley, Ireland, Johnson, Knoll, Larrabee, McCulloch, Murray, Newell, Pierce, Rice, Traverse, Tuttle, Vale, and West—26.

The nays were—

Senators Campbell, Fellows, Griffith, Grimes, Havens, Hawley, Lowry, McKean, McNutt, Mitchell, Moore, Smyth, Vermillion, Wolf, and Wright—15.

Absent and not voting—

Senators Allen, Donnan, Dunham, Fairall, Hamilton, Keller, Long, Mulkern, and Paterson—9.

So the bill passed and the title was agreed to.

By leave, Senator Larrabee, from the Committee on Ways and Means, submitted the following report :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 217, A bill for an act making appropriations for the Iowa State Agricultural College and Farm, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that with the following amendments the bill do pass :

Strike out in fourth line, "for the construction and completion of a dormitory, the sum of eighty thousand dollars," and add to section 1, "for one professor's dwelling house, four thousand five hundred dollars."

WM. LARRABEE, *Chairman.*

On motion of Senator Dysart, the bill was taken up and considered, and amendment reported by Committee was adopted.

The bill was then considered by sections.

Senator Hawley moved to strike out the second section, which was agreed to.

Senator Dysart moved to amend the third section, by inserting in the third line, after the word "Trustees," the words, "countersigned by the Secretary," and also same amendment to the sixth section.

The motion was agreed to.

Senator Bulis moved to amend the first section, by striking out of fourth and fifth lines the words, "for extending the wings of the College buildings, according to the original design, the sum of fifty thousand dollars," which did not prevail.

Senator McKean moved to amend the first section, by striking out of fifth line the words, "according to original design."

The motion was agreed to.

Senator Wolf moved to amend first section, by adding after the word "extending," the words, "and completing," which prevailed.

Senator Long moved to amend first section, by adding, "for the purchase of stock, \$1500," which did not prevail.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Cathcart, Chapin, Claussen, Couch, Dixon, Dysart, Fellows, Griffith, Grimes, Hamilton, Ireland, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Rice, Smyth, Traverse, Vale, West, Wolf, and Wright—33.

The nays were—

Senators Bill, Bulis, Campbell, Dysart, Havens, Knoll, and Moore—6.

Absent and not voting—

Senators Casady, Donnan, Dunham, Fairall, Hawley, Hurley, Keller, Mulkern, Pierce, Tuttle, and Vermillion—11.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 358, A bill for an act for the relief of settlers on the Des Moines River lands.

House File No. 359, A bill for an act to be entitled an act in relation to occupying claimants.

Also, a joint resolution asking a grant of land to indemnify settlers upon the Des Moines River lands.

CHARLES ALDRICH, *Chief Clerk.*

The President submitted the following communication from the Governor, which was read and passed on file:

EXECUTIVE OFFICE,  
DES MOINES, IOWA, April 6, 1870. }

*Gentlemen of the Senate and House of Representatives:*

I have the honor to transmit herewith a memorial from the special committee appointed by the Soldiers' Reunion Committee, asking an appropriation of money to defray the expenses of a reunion of Iowa soldiers, to take place on the 1st and 2d days of June next.

The extreme desirability of the proposed reunion, the general feeling in its favor that appears to pervade the soldiery of Iowa, and the eminent propriety of the suggestion that the State should aid in gratifying the desires of those who did her so much honor on the field of battle, constrain me to unite with the memorialists, and to urge that the General Assembly make an appropriation to aid in defraying the expenses of the proposed reunion.

It is proper to observe that the brilliant record made for Iowa by her citizen soldiery during the late war, unsurpassed by that which adorns the history of any other member of the Republic, has cost the State Treasury comparatively nothing. Other States paid large bounties to recruits, others again increased from their own resources the stipends of their volunteers, and since the close of the contest, many States have caused certificates of merit to be presented to their honorably discharged soldiers.

It was not necessary that Iowa should offer any additional inducements for volunteers. Her citizens eagerly responded to the Nation's calls, rapidly filling the quotas demanded by the Government, and her veterans rest satisfied with the honorable discharges earned and received from their country.

Now that peace blesses all our land, and the principles for which the Republic contended have just culminated in complete and final triumph, there is a peculiar felicity in the reunion of the veterans, yet in life, to grasp each other's hands, to revive reminiscences of a glorious history and to renew the bonds of fraternity, as well as for social enjoyment. As custodians of the people's money, we should be as careful in its expenditure as we are in the disposal of our private means, and allow no undue prodigality; yet to my mind there is a happy propriety in the suggestion that the State lend its aid in making for the proposed assemblage of those to whom State and Nation owe so much, the proper preparations, in order that their reunion may be attended with a success worthy of those who will participate.

SAMUEL MERRILL.

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

The undersigned, your memorialists, beg leave to represent to your honorable body that they were appointed a committee, at a meeting of the ex-soldiers and officers of Iowa regiments, held at Des Moines on the evening of March 30, 1870, to confer with the Governor, and to respectfully ask an appropriation of twenty thousand dollars, or so much thereof as may be needed, for the purpose of providing rations and meeting the contingent expenses necessary to be incurred in entertaining the Iowa soldiers at a Grand Reunion, to be held at Des Moines on the 1st and 2d of June, 1870.

Your memorialists would further represent, that it is the desire of the organization which they represent, that the said amount shall be placed in the hands of the State Census Board, and that so much of it as may be necessary for the purpose contemplated only, be drawn and expended on requisitions of the Quartermaster of the State, duly approved by the Governor.

In further explanation, your petitioners would represent that the railroad companies of Iowa, with unparalleled liberality, have agreed to convey to Des Moines, and return free of expense, all enlisted

men, and the ex-officers at half rates, while the local committees of the Capital propose to subscribe with equal liberality of their means, and to do the labor and to arrange all the preliminaries to make the proposed reunion a success.

Your memorialists are informed from the press, and from other sources, from all parts of Iowa, that our ex-soldiery view the proposition with great enthusiasm, and intend to attend *en masse*; they have therefore deemed it a too onerous burden to be borne by any one locality alone, and in behalf of the survivors of the eighty thousand men whom Iowa sent to the field, most respectfully but urgently appeal to the generosity and justice of your honorable body to make the appropriation.

Respectfully submitted.

J. M. HEDRICK,  
H. T. REID,  
WM. VANDEVER:

By leave, Senator Rice introduced Senate File No. 242, A bill for an act appropriating money to defray the expense of a reunion of Iowa soldiers.

Read first and second time, and on motion of Senator Pierce, the 11th rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Clark, Claussen, Couch, Dixon, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Knoll, Larabee, Long, Lowry, McCulloch, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, West, and Wright—36.

The nays were—

Senator Campbell—1.

Absent and not voting—

Senators Bill, Donnan, Dunham, Fairall, Hurley, Keller, McKean, Mulkern, Traverse, Tuttle, Vale, Vermillion, and Wolf—13.

So the bill passed and the title was agreed to.

Senator Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate File No. 86, and find the same correctly enrolled.

I. J. MITCHELL, *Chairman.*

At 5 o'clock and 50 minutes, on motion of Senator Moore, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
APRIL 7, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Magoun.

On motion of Senator Vale, the reading of the Journal was dispensed with.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

House File No. 227, A bill for an act repealing section 1332, of article 4, of the Revision of 1860, and for regulating the consolidation of and leasing of railroads, and providing for the joining and intersection of the same.

Joint resolution appointing trustees of the Blind Asylum.

CHARLES ALDRICH, *Chief Clerk.*

On motion of Senator Vale, House File No. 181, A bill for act to constitute Township Trustees a Board of Equalization for their respective townships, with report of Committee without recommendation, was taken up and considered.

On motion of Senator McKean, the word "persons" was stricken out of the first section, and the word "property" was inserted.

Senator Vale moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, and Wright—35.

The nays were—

Senators Hawley, Keller, Knoll, Moore, Patterson, Vermillion, and Wolt—7.

Absent and not voting—

Senators Beardsley, Bennett, Bill, Donnan, Fairall, Hurley, Mulkern, and Murray—8.

So the bill passed and the title was agreed to

On motion of Senator Couch, Senate File No. 96, A bill for an act to amend section 1097, of the Revision of 1860, with report of Committee recommending the passage of a substitute, was taken up, considered, and the substitute was adopted.

Senator Couch moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Griffith, Grimes, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—42.

The nays were none.

Absent and not voting—

Senators Donnan, Fairall, Fellows, Hamilton, Hawley, Hurley, Mulkern, and Vermillion—8.

So the bill passed and the title was agreed to.

On motion of Senator Larrabee, Senate File No. 190, A bill for an act to repeal section 799, of the revision of 1860, and to provide a substitute therefor, in relation to time of payment of money from County Treasuries into State Treasury, with report of Committee recommending amendment, was taken up and report of Committee was adopted.

Senator Larrabee moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—42.

The nays were—none.

Absent and not voting—

Senators Allen, Cathcart, Donnan, Hawley, Hurley, Mulkern, Rice, and Wright—8.

So the bill passed and the title was agreed to.

Senator Beardsley, from Committee on Conference on the disagreeing vote of the two Houses on House File No. 264, submitted the following report:

MR. PRESIDENT—Your Committee on the part of the Senate to whom was referred House File No. 264, A bill for an act for the taxation of railroads, beg leave to report that they have had the

same under consideration, and a majority of said Committee have instructed me to report the same back to the Senate, with the recommendation that the Senate recede from its amendments to the second section, and agree to the following, in lieu thereof:

The State Treasurer shall levy on said gross receipts taxes as follows: On the first \$3,000, and under per mile one per centum, on the excess over \$3,000 and under \$6,000 per mile two and one-half per centum, and on the excess over \$6,000 per mile three and one-half per centum.

CHAS. BEARDSLEY, *Chairman.*

Senator Bennett moved to consider the report now.

Senator Fellows raised the point of order, that a Committee of Conference could not make a majority report, but must either agree or disagree.

The Chair decided the point not well taken.

The motion of Senator Bennett was agreed to.

The question being on agreeing to the report.

Senator Ireland moved that the Chairman of Committee on Conference be permitted to withdraw his report for the purpose of correcting it.

The motion prevailed.

By leave, Senator Bennett, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 348, A bill for an act to legalize certain acts of the Auditor of Poweshiek county, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be indefinitely postponed.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 238, A bill for an act to legalize the organization of the Independent School District of Fairbank, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by striking out all of 1st section, after the word "though" in seventh line, and inserting the words "the required legal notice had been given," and so amended do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary to whom was



referred House File No. 256, A bill for an act to enable counties to supply Justices of the Peace with Conklin's Iowa Justice, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 134, A bill for an act to regulate the compensation of District Attorneys, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended by striking out the word "six," in fifth line of section 1, and inserting the word "eight," and so amended do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Senator Wolf, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 199, A bill for an act to protect the permanent school fund, and secure the prompt payment of the interest on the same, and to amend section 1975, Revision of 1860, have had the same under consideration, and have instructed me to report the same back to the Senate, with the accompanying substitute, with the recommendation that the substitute be adopted and passed.

WOLF, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 226, A bill for an act to authorize the establishment of high schools, have had the same under consideration, and a majority of said Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WOLF, *Chairman.*

On motion of Senator Wolf, the bill was made the special order for this afternoon at 3½ o'clock.

Also the following:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 150, beg leave to report that they have had

the same under consideration, and have instructed me to report the same back to the Senate, with the accompanying substitute, with the recommendation that the substitute be adopted and passed.

WOLF, *Chairman.*

On motion of Senator Wolf, the bill was made the special order for this afternoon at 2 o'clock.

On motion of Senator Knoll, Senate File No. 169, A bill for an act to amend section 720 of chapter 45 of the Revision of 1860, in relation to revenue, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Knoll moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Bennett, Bulis, Cathcart, Chapin, Claussen, Couch, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Hawley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—35.

The nays were—

Senators Casady, and Vermillion—2.

Absent and not voting—

Senators Allen, Atkins, Beardsley, Bill, Campbell, Dixon, Donnan, Fairall, Havens, Hurley, Moore, Mulkern, and Murray—13.

So the bill passed and the title was agreed to.

Senator Patterson, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 240, A bill for an act to regulate the tariffs of railroads in the State of Iowa, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do not pass.

J. G. PATTERSON, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Railroads, ask leave to introduce the following bill: Senate File No. —, A bill for an act to amend chapter 55 of the Revision of 1860, and they respectfully recommend its passage.

J. G. PATTERSON, *Chairman.*

Senate File No. 243, A bill for an act to amend chapter 55 of the Revision of 1860, was read first and second time.

Senator Patterson moved that the rule be suspended, and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Allen, Atkins, Beardsley, Bill, Dixon, Donnan, Hurley, Mulkern, and West—8.

So the bill passed and the title was agreed to.

Senator Patterson from the Committee on Railroads submitted the following report :

MR. PRESIDENT—Your Committee on Railroads, ask leave to introduce the accompanying bill Senate File No. —, A bill for an act to repeal section 2, chapter 169, of the laws of the Ninth General Assembly, and enact a substitute therefor; your Committee respectfully recommend its passage.

J. G. PATTERSON, *Chairman.*

Senate File No. 244, A bill for an act to repeal section 2, chapter 169, of the laws of the Ninth General Assembly, and enact a substitute therefor.

Read first and second time.

Senator Patterson moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Larrabee, Long, Lowry, McCulloch, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Sinyth, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—37.

The nays were—

Senator Knoll—1.

Absent and not voting—

Senators Allen, Beardsley, Dixon, Donnan, Dunham, Fairall, Hurley, McKean, McNutt, Moore, Mulkern, and West—12.

So the bill passed and the title was agreed to.

On motion of Senator Traverse Senate File No. 52, A bill for an act providing for finishing incompletd portions of the work of the State Geological Survey, and for publishing the report of the State Geologist, was taken up and considered.

Senator Moore offered a substitute for the bill.

Senator McNutt moved to amend the 3d section by inserting after the words "Clerks of the House," the words "and each regular Reporter."

Which was agreed to.

Senator Fairall moved to amend the 1st section, by striking out the words "present State Printer," and inserting the words "the lowest responsible bidder."

Pending which the following message was received from the House.

#### MESSAGES FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 293, A bill for an act for the protection of birds.

Senate File No. 198, A bill for an act releasing to James H. Jordan, of Davis county, Iowa, the interest of the State of Iowa, in and to the north half of section ten, township seventy, north range twelve, west in Davis county, Iowa.

Senate File No. 102, A bill for an act to establish an Industrial Home for the Blind.

Senate File No. 93, A bill for an act authorizing cities and towns to punish for the violation of ordinances and by-laws.

Senate File No. 175, A bill for an act to provide for furnishing the Deaf and Dumb Assylum at Council Bluffs, and for the removal and maintenance of the school.

Senate File No. 170. A bill for an act to amend section 1020 of the revision of 1860, and to provide for the record of village plats, to be made by a Circuit or District Judge, in vacation.

Senate File No. 177, A bill for an act to empower cities to take private property, and appropriate the same to public uses in certain cases.

Substitute for Senate File No. 86, A bill for an act to carry out the provisions of an act of Congress, approved May 15th, 1856, granting lands to Iowa to aid in the construction of railroads, and to secure the early completion of the Tetes des Morts Branch of the Dubuque and Sioux City Railroad.

Senate File No. 95, A bill for an act creating a commission to revise the Statutes of Iowa. and defining their duties, and providing for the publication and distribution of their reports.

Senate File No. 213, A bill for an act to legalize the organization,

and acts, ordinances, orders, notices, and proceedings of the City of Fairfield as a city of the second class.

CHARLES ALDRICH, *Chief Clerk.*

At 12 o'clock and 10 minutes, on motion of Senator Hawley, the Senate adjourned.

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TWO O'CLOCK P. M

Senate met pursuant to adjournment, and was called to order by the President, *pro tem.*

By leave, Senator Fellows, from the Committee on Public Lands submitted the following report :

MR. PRESIDENT—Your Committee on Public Lands to whom was recommitted House File No. 321, A bill for an act to authorize the Governor to release certain lands in Pocahontas County, have had the same under consideration, and a majority of the Committee have intructed me to report the same back to the Senate, with the recommendation that it do pass.

HURLEY, *Chairman.*

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Public Lands to whom was referred Senate File No. 211, A bill for an act to resume and regrant certain lands in Taylor County, Iowa, have had the same under consideration, and a majority of the Committee have instructed me to report the same back to the Senate, with the recommendation that the bill do pass.

HURLEY, *Chairman.*

Ordered that the report pass on file.

The consideration of Senate File No. 52 was resumed.

The question being on the amendment of Senator Fairall, it was withdrawn.

Senator Fairall offered the following as section 2: The State Geologist shall superintend the publication of said report, and be allowed a reasonable compensation therefor, to be fixed by the Census Board and paid out of the fund heretofore appropriated for the prosecution of the Geological survey, and remaining unexpended.

The amendment was adopted.

Senator McKean moved to amend the 3d section by striking out the words, "and not a member of the Thirteenth General Assembly."

Which was agreed to.

The substitute was then adopted.

On motion of Senator McNutt, the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Newell, Pierce, Smyth, Traverse, Vale, West, and Wolf—36.

The nays were—

Senators Campbell, Havens, Vermillion, and Wright—4.

Absent and not voting—

Senators Bill, Donnan, Hawley, Hurley, Johnson, Mulkern, Murray, Patterson, Rice, and Tuttle—10.

So the bill passed and the title was agreed to.

The hour for the special order having arrived it being Senate File No. 150, A bill for an act to provide a system of common schools, with report of Committee recommending a substitute.

On motion of Senator Wolf, it was taken up and considered.

Senator McNutt moved to lay the bill on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Bulis, Campbell, Cathcart, Dixon, Dunham, Hawley, Keller, McNutt, Smyth, and Vale—10.

The nays were—

Senators Allen, Beardsley, Bennett, Bill, Casady, Chapin, Claussen, Couch, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Ireland, Johnson, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vermillion, Wolf, and Wright—34.

Absent and not voting—

Senators Atkins, Donnan, Hamilton, Hurley, Mulkern, and West—6.

So the motion did not prevail.

Senator Bennett moved to amend section 4, by striking out "60," and inserting "50."

Senator Bulis moved to amend the amendment by striking out the 4th section, and inserting as follows:

For the time necessarily spent in the performance of his duties, he shall receive four dollars per day, to be paid out of the county revenue, and such additional compensation as the Board of Supervisors may allow.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bulis, Campbell, Casady, Cathcart, Chapin, Dixon, Dunham, Dysart, Griffith, Hawley, Johnson, Knoll, McCulloch, McNutt, Patterson, Smyth, Traverse, Vale, Vermillion, and Wright—21.

The nays were—

Senators Beardsley, Bennett, Bill, Claussen, Couch, Fairall, Fellows, Grimes, Hamilton, Havens, Ireland, Keller, Long, Lowry, McKean, Mitchell, Moore, Murray, Newell, Pierce, Tuttle, West, and Wolf—23.

Absent and not voting—

Senators Allen, Donnan, Hurley, Larrabee, Mulkern, and Rice—6.

So the amendment to the amendment was lost.

Senator Campbell moved to amend the amendment by striking out "50," and inserting "40."

On which question the yeas and nays were demanded and were as follows.

The yeas were—

Senators Atkins, Bill, Bulis, Campbell, Casady, Cathcart, Dunham, Griffith, Hawley, Keller, McCulloch, McNutt, Pierce, Smyth, Traverse, Vale, Vermillion, West, and Wright—18.

The nays were—

Senators Allen, Chapin, Claussen, Couch, Donnan, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Ireland, Johnson, Knoll, Long, Lowry, McKean, Mitchell, Moore, Murray, Newell, Patterson, Rice, Tuttle, and Wolf—26.

Absent and not voting—

Senators Beardsley, Bennett, Dixon, Hurley, Larrabee, and Mulkern—6.

So the amendment to the amendment did not prevail.

The amendment to strike out "60," and insert "50," was agreed to.

Senator Smyth moved to amend section 4, by striking out the word "fifteen," and insert the word "twelve."

On which question the yeas and nays were demanded, and were as follows.

The yeas were—

Senators Atkins, Bulis, Campbell, Casady, Cathcart, Dixon, Dunham, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Keller, Knoll, McCulloch, McKean, McNutt, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—26.

The nays were—

Senators Beardsley, Bill, Chapin, Claussen, Couch, Donnan, Fellows, Ireland, Johnson, Lowry, Mitchell, Moore, Murray, Newell, Patterson, Tuttle, and Wolf—17.

Absent and not voting--

Senators Allen, Bennett, Fairall, Hurley, Larrabee, Long, and Mulkern—7.

So the amendment was adopted.

The substitute was then adopted.

Senator Wolf moved to suspend the rule and read the bill a third time now.

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

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Beardsley, Bill, Chapin, Claussen, Couch, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Ireland, Johnson, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Rice, Tuttle, West, and Wolf—29.

The nays were—

Senators Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Dixon, Dunham, Havens, Keller, McNutt, Pierce, Smyth, Traverse, Vale, Vermillion, and Wright—17.

Absent and not voting—

Senators Hawley, Hurley, Larrabee, and Mulkern—4.

So the bill passed and the title was agreed to.

The hour for the special order having arrived, it being Senate File No. 226, A bill for an act to authorize counties to establish High Schools.

Senator Traverse moved to amend the second section, by striking out of the first line the words "a majority," and inserting the words "one-third."

Which was agreed to.

Senator Patterson moved to amend the second section, by inserting after the word "election," in second line, the words "at the place named in said petition."

Which was adopted.

Senator Vale moved to amend second section, by striking out of third and fourth lines, the words "or previous to a special election duly called for that purpose."

The amendment was lost.

Senator McNutt moved to amend the second section, by inserting in third line, after the word "give," the words "twenty days."

The motion prevailed.

Senator Ireland moved to amend the third section, by inserting after the word "cast," in second line, the words "on said question."

Which was agreed to.

Senator Traverse moved to amend the seventeenth section, by striking out of first line, the word "two," and inserting "three."

The motion did not prevail.

Senator Murray moved to amend the thirteenth section by inserting in fifth line after the word "County," the words "or a high



school, or high school department already established within the county."

Which was adopted.

Senator Campbell moved to amend the eighth section by inserting after the word "shall," the words "give such additional bond as the Board of Trustees may deem sufficient, and shall."

The motion prevailed.

Senator Patterson moved to amend the thirteenth section by striking out of the first line, the words "not deemed sufficiently populous to support a high school, as contemplated in this act," and inserting the words "where there is no high school."

Which was agreed to.

Senator McKean moved to amend the first section by inserting in the second line after the word "State," the words "having a population of three thousand inhabitants, as shown by the last State or Federal census."

Senator Patterson moved to amend the amendment by striking out the words "three thousand," and inserting "two thousand."

Which was agreed to, and the amendment as amended, was adopted.

Senator Ireland moved to amend section 12 by adding "but at no time shall such pupils continue in said school to the exclusion of pupils belonging in the county in which such high school belongs."

Which was adopted.

Senator McNutt moved to add to section 2, the words: "The notice contemplated in this section shall be given through one or more newspapers published in said county, if any be published therein, and by at least one written or printed notice to be posted up in said township."

Which was agreed to.

On motion of Senator Tuttle the rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bill, Cathcart, Chapin, Claussen, Couch, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Long, McCulloch, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, West, Wolf, and Wright—33.

The nays were—

Senators Beardsley, Bennett, Bulis, Campbell, Casady, Dixon, Fairall, Fellows, Lowry, McKean, Smyth, and Vermillion—12.

Absent and not voting—

Senators Dunham, Hawley, Hurley, Larrabee, and Mulkern—5.

So the bill passed, and the title was amended by inserting the word "maintain" after the word establish, and so amended was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

*Resolved by the House of Representatives, the Senate concurring:* That the postmaster remain one week after the close of the session, for the purpose of forwarding mail that may come to the address of members and officers, and that he be allowed the sum of forty-two dollars therefor.

Also, that the House has concurred in the report of the Committee of Conference upon House File No. 264, A bill for an act for the taxation of railroad property.

CHAS. ALDRICH, *Chief Clerk.*

By leave, Senator Johnson offered the following :

*Resolved,* That the proper officers be and are hereby instructed to transmit to the widow of Hon. R. B. Clark, deceased, of Bremer county, all of the mileage, per diem, perquisites, and stationary or the value in money of any part thereof, from the 10th day of January, to the 31st day of March.

The resolution was adopted.

On motion of Senator Rice, House File No. 237, A bill for an act to legalize certain acts of the Board of Supervisors of Marshall county, which was laid on the table, was taken up and considered.

Senator Rice moved to amend the preamble by striking out all after the word "Iowa," in second line to the word "established," in twenty-second line.

The motion was agreed to.

Senator Rice moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Ireland, Johnson, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, West, and Wright—36.

The nays were—

Senators Campbell, and Dixon—2.

Absent or not voting—

Senators Beardsley, Dunham, Hamilton, Hurley, Keller, Long, Moore, Mulkern, Murray, Tuttle, Vermillion, and Wolf—12.

So the bill passed and the title was agreed to.

Senator Newell, from Committee on Compensation of Public Officers submitted the following report.

MR. PRESIDENT—Your Committee on Compensation of Public Officers to whom was referred Senate File No. 227, A bill for an act relating to the fees of the Clerk of the Supreme Court, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

NEWELL, *Chairman.*

Ordered that the report pass on file.

On motion of Senator Newell, Senate File No. 219, A bill for an act to reimburse Captain R. L. Freeman, of Elkader, Iowa, Capt. Co. K, 1st, Iowa Cavalry, for subsistence furnished said company during its organization in the spring and summer of 1861, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator Newell moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Donnan, Dysart, Fairall, Fellows, Griffith, Hamilton, Hawley, Ireland, Knoll, Long, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—34.

The nays were—

Senators Havens, Keller, Lowry, McCulloch, Moore, Rice, and West—7.

Absent and not voting—

Senators Couch, Dixon, Dunham, Grimes, Hurley, Johnson, Larrabee, Mulkern, and Pierce—9.

So the bill passed and the title was agreed to.

On motion of Senator Beardsley, Senate File No. 103, A bill for an act to reimburse Dr. Otto Thieme for expenses incurred by him as Commissioner of the State of Iowa, to the World's Exposition in Paris, in the year 1867, with report of Committee recommending amendments, and that so amended the bill do pass, was taken up, considered, and report of Committee was adopted.

Senator Fairall moved to amend by inserting after the name of "Dr. Otto Thieme," the name of "Dr. Wm. Vogt, of Johnson County."

Senator Fairall moved to postpone the consideration of the bill until to-morrow at 2 o'clock, P. M.,

Which was agreed to.

At 5 o'clock and 20 minutes, on motion of Senator Hawley, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,  
APRIL 8, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Pomeroy.

On motion of Senator Murray, reading of the Journal was dispensed with.

By leave, Senator Long introduced Senate File No. 245, A bill for an act to change the name of Osceola county.

Read first and second time.

On motion of Senator Long the 11th rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—41.

The nays were—

Senator Knoll—1.

Absent and not voting—

Senators Atkins, Fairall, Hurley, Larrabee, Long, Mulkern, Patterson, and Wolf,—8.

So the joint resolution passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

Senate File No. 135, A bill for an act to provide for the taxation of real and personal property of express and telegraph companies, which has passed the House without amendments.

Substitute for Senate File No. 8, A bill for an act in relation to the penalty on certain taxes, which has passed the House without amendment.

Senate File No. 188, A bill for an act to enable townships, incorporated towns and cities, to aid in the construction of railroads, which has passed the House without amendment.

House File No. 260, A bill for an act to establish a Board of Railroad Commissioners.

House File No. 360, A bill for an act to legalize the organization of, and the election of Directors of the Independent School District, of Shellsburgh, Benton county, Iowa.

H. C. RIPPEY, *Asst Clerk.*

Senator Beardsley from Committee on Conference on disagreeing vote of the two Houses on House File No. 264, submitted the following report:

MR. PRESIDENT—The Committee on Conference to whom was referred House File No. 264, a substitute for House Files Nos. 8, and 117, A bill for an act for the taxation of railroads, beg leave to report that they have had the same under consideration, and have agreed to the following recommendation: That the Senate recede from its amendment to the 2d section of said bill, and accept the following in lieu thereof.

“The State Treasurer shall levy on said gross receipts, taxes as follows: On the first three thousand dollars and under per mile, one per centum, on the excess over three thousand dollars, and under six thousand dollars per mile, two and a-half per centum, and on the excess over six thousand dollars per mile, three and a-half per centum.”

That the House concur in the foregoing amendment, and recede from its non-concurrence in all other Senate amendments to said bill, and do concur in said Senate amendments.

CHARLES BEARDSLEY,  
H. C. TRAVERSE,  
*On part of the Senate.*  
JAMES WILSON,  
P. G. WRIGHT,  
C. DUDLEY,  
*On part of the House.*

Senator Bulis moved to consider the report now, which was agreed to.

Senator Bulis moved that the Senate do not concur in the report.

Senator Bennett moved to amend by striking out the word “not.”

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Campbell, Casady, Chapin, Claussen, Donnan, Dysart, Fairall, Grimes, Knoll, Lowry, McCulloch, McKean, McNutt, Smyth, Traverse, Vale, and West—19.

The nays were—

Senators Allen, Atkins, Bill, Bulis, Cathcart, Couch, Dixon, Dunham, Fellows, Griffith, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Tuttle, Vermillion, Wolf, and Wright—27.

Absent and not voting—

Senators Hurley, Larrabee, Long, and Mulkern—4.

So the amendment was lost.

The question being on the motion of Senator Bulis, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bill, Bulis, Cathcart, Couch, Dixon, Dunham, Fellows, Griffith, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Larrabee, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Tuttle, Vermillion, Wolf, and Wright—28.

The nays were—

Senators Beardsley, Bennett, Campbell, Casady, Chapin, Claussen, Donnan, Dysart, Fairall, Grimes, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Smyth, Traverse, Vale, and West—20.

Absent and not voting—

Senators Hurley, and Mulkern—2.

So the Senate refused to concur in report of Committee of Conference,

#### MESSAGE FROM THE HOUSE.

The following message was received from the house :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives adheres to its amendments to Senate File No. 105, A bill for an act to provide for the completion of the north wing, rear center building, engine house, chimney, and ducts, and the improvement of the ground and farm of the Iowa Hospital for the Insane at Independence, and ask a Committee of Conference, and that Messrs. Dudley, Miles of Washington, and Crawford have been appointed as such Committee on the part of the House.

CHAS. ALDRICH, *Chief Clerk.*

On motion of Senator Fellows, House File No. 358, A bill for an act for the relief of certain settlers upon the Des Moines River lands, and House File No. 359, A bill for an act to be entitled an act in relation to occupying claimants, and resolutions asking a grant of land to indemnify settlers upon the Des Moines River lands, were taken up, and the joint resolution was read first and second time.

Senator Mitchell moved that the rule be suspended and the joint resolution be read a third time now, which prevailed, and the joint resolution was read a third time.

On the question, "Shall the joint resolution pass?"

The yeas were—

Senators Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Ireland,

Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—42.

The nays were none.

Absent and not voting—

Senators Allen, Atkins, Havens, Hurley, Larrabee, Mulkern, Rice, and Wolf—8.

So the joint resolution passed.

By leave, Senator Bennett introduced joint resolution in relation to Des Moines River Lands.

Read first and second time.

Senator Bennett moved to consider the joint resolution now, which was agreed to.

Senator Hawley moved to refer to Committee on Public Lands, pending which the hour for the special order having arrived, it being the motion to reconsider the vote by which the Senate concurred to House amendment to resolution fixing the time of final adjournment, Senator Hawley moved that the special order be now taken up.

Senator Patterson moved to postpone the special order to April 11th, at 10 o'clock, which was agreed to.

The question being on the motion of Senator Hawley to refer joint resolution to Committee on Public Lands, it was lost.

Senator Hawley move to amend by adding the following :

*Provided*, That so much of the lands included in said adjustment, and known as indemnity lands, as falls within the limits of the grant to the McGregor and Sioux City Railway Company, may be given to said railway.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Bulis, Donnan, Dunham, Dysart, Grimes, Hawley, Knoll, and Patterson—8.

The nays were—

Senators Bennett, Claussen, Dixon, Hamilton, Lowry, McCulloch, Moore, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—13.

Absent and not voting—

Senators Allen, Atkins, Beardsley, Bill, Campbell, Casady, Cathcart, Chapin, Couch, Fairall, Fellows, Griffith, Havens, Hurley, Ireland, Johnson, Keller, Larrabee, Long, McKean, McNutt, Mitchell, Mulkern, Murray, Newell, Pierce, Traverse, Vermillion, and West—29.

There not being a quorum present, Senator Bennett moved a call of the Senate, which was ordered; and the roll was called with the following result :

Absent and not excused—Senators Allen, Fairall, Fellows, Johnson, Larrabee, Long, McKean, McNutt, and Murray.

On motion of Senator Bennett, further proceedings under the call were dispensed with.

On motion of Senator Bennett, the Senate took a recess of five minutes.

Five minutes before 11 o'clock, Senate was called to order.

The question being on the amendment offered by Senator Hawley, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Bulis, Campbell, Chapin, Couch, Donnan, Dunham, Dysart, Fairall, Grimes, Hawley, Knoll, Larrabee, Long, McKean, Patterson, Tuttle, and West—18.

The nays were—

Senators Bennett, Bill, Casady, Cathcart, Claussen, Dixon, Fellows, Griffith, Hamilton, Havens, Ireland, Keller, Lowry, McCulloch, Mitchell, Moore, Rice, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—23.

Absent and not voting—

Senators Atkins, Beardsley, Hurley, Johnson, McNutt, Mulkern, Murray, Newell, and Pierce—9.

So the amendment did not prevail.

Senator Hawley moved to amend as follows :

*Provided, however,* That in the passage by Congress of any such conformatory act, or joint resolution, that the same shall save, reserve, and protect, any and all persons who may have settled upon any of said lands under the acts of Congress granting pre-emption or homestead rights to settlers, or who may hold certificates of purchase from the United States for any of said lands.

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

The yeas were—

Senators Campbell, Chapin, Claussen, Donnan, Dunham, Dysart, Grimes, Hawley, Knoll, Lowry, McKean, McNutt, Murray, and Traverse—14.

The nays were —

Senators Atkins, Bennett, Bulis, Casady, Cathcart, Dixon, Fellows, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, McCulloch, Mitchell, Moore, Patterson, Pierce, Smyth, Tuttle, Vale, West, Wolf, and Wright—24.

Absent and not voting—

Senators Allen, Beardsley, Bill, Couch, Fairall, Hurley, Larrabee, Long, Mulkern, Newell, Rice, and Vermillion—12.

So the motion did not prevail.

On motion of Senator Bennett, the 11th rule was suspended, and the joint resolution was read a third time.

On the question " Shall the joint resolution pass ? "

The yeas were—

Senators Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—36.



The nays were—

Senator Hawley—1.

Absent and not voting—

Senators Allen, Atkins, Beardsley, Bill, Couch, Dysart, Fairall, Hurley, Larrabee, Mulkern, Murray, Newell, and West—13.

So the joint resolution passed.

House File No. 58, was taken up.

Read first and second time.

Senator Hawley moved to amend the first section by inserting after the word "river," in eighth line, the words "or any of the indemnity lands included in the adjustment made by the Commissioner of the General Land Office, and of A. J. Harvey, of date of May 21st, 1866.

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

The yeas were—

Senators Campbell, Donnan, Dunham, Grimes, Hawley, Knoll, McNutt, and Wolf—8.

The nays were—

Senators Atkins, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Dixon, Fellows, Griffith, Hamilton, Havens, Johnson, Keller, Long, Lowry, McCulloch, Mitchell, Moore, Patterson, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—27.

Absent and not voting were—

Senators Allen, Beardsley, Bill, Couch, Dysart, Fairall, Hurley, Ireland, Larrabee, McKean, Mulkern, Murray, Newell, Pierce, and Rice—5.

So the motion did not prevail.

On motion of Senator Mitchell the 11th rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Knoll, Long, Lowry, McCulloch, McNutt, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—38.

The nays were—

Senator Claussen—1.

Absent or not voting—

Senators Allen, Beardsley, Bill, Couch, Fairall, Hurley, Keller, Larrabee, McKean, Mulkern, and Newell—11.

So the bill passed and the title was agreed to.

On motion of Senator Mitchell, House File No. 359, was taken up and read first and second time.

Senator Mitchell moved that the rule be suspended and the bill be

read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—44.

The nays were—

Senator Claussen—1

Absent and not voting—

Senators Beardsley, Bill, Dixon, Hurley, and Mulkern—5.

So the bill passed and the title was agreed to.

By leave, Senator Newell introduced a memorial and joint resolution asking Congress to declare Turkey River unnavigable.

Read first and second time, and on motion of Senator Newell, the 11th rule was suspended, and the joint resolution was read a third time.

On the question "Shall the joint resolution pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—41.

The nays were none.

Absent and not voting—

Senators Beardsley, Bill, Dunham, Fairall, Hawley, Hurley, Mitchell, Moore, and Mulkern—9.

So the joint resolution passed.

On motion of Senator West, House File No. 45, A bill for an act to empower school boards to procure school-house sites, with report of committee recommending amendments, was taken up, considered, and report of committee was adopted.

Senator West moved that the bill be ordered to a third reading.

Which prevailed.

On motion of Senator Murray, House File No 351, A bill for an act to provide for the erection of school district from territory lying in adjoining counties, was taken up.

Read first and second time.

Senator Murray moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McNutt, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—38.

The nays were none.

Absent and not voting—

Senators Atkins, Beardsley, Bill, Couch, Fairall, Hawley, Hurley, Larrabee, McKean, Mitchell, Mulkern, and Rice,—12.

So the bill passed and the title was agreed to.

On motion of Senator Hamilton, Senate File No. 134, A bill for an act to regulate the compensation of District Attorney's, with report of committee recommending amendments was taken up, considered, and the report of committee was adopted.

Senator Hamilton moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were—

Senators Campbell, and Dixon—2.

Absent and not voting—

Senators Beardsley, Bill, Hawley, Hurley, Mulkern, and Pierce—6.

So the bill passed and the title was agreed to.

Senator Donnan moved that a Committee of Conference be appointed on the disagreeing vote of the two Houses, on Senate File No. 105, A bill for an act to provide for the completion of the central building, the north wing, rear center building, engine house, and chimney and ducts, and improvement of the grounds and farm, of the Iowa Insane Asylum, at Independence.

Which motion prevailed, and the President appointed Senators Larrabee, Fellows, and Hamilton, as such Committee.

By leave, Senator McNutt introduced Senate File No. 246, A bill for an act to legalize certain acts of the Mayor and Town Council, of the incorporated town of West Liberty.

Read first and second time.

On motion of Senator McNutt the 11th rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Fairall, Grimes, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—37.

The nays were none.

Absent and not voting—

Senators Allen, Beardsley, Bill, Dunham, Dysart, Fellows, Griffith, Hamilton, Hawley, Hurley, Moore, Mulkern, and Newell—13.

So the bill passed and the title was agreed to.

By leave, Senator Wright from the Committee on Penitentiary, submitted the following report:

MR. PRESIDENT—Your Committee on Penitentiary to whom was referred Senate File No. 222, A bill for an act to provide for leasing the convict labor in the Iowa Penitentiary, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be amended in section 1, by inserting in said section after the word "named" the words, "and that the contract shall continue for only two years, if it can be made for that time on as good terms, and for the best interest of the State, as the time above specified," and that so amended it do pass.

JAMES D. WRIGHT, *Chairman.*

On motion of Senator Wright the bill was taken up, considered, and report of committee was adopted.

Senator Wright moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vermillion, West, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Beardsley, Bill, Chapin, Dunham, Hawley, Hurley, Larrabee, Mulkern, Newell, and Vale—10.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 156, A bill for an act to legalize the acts of the officers of the Independent School District of the town of Moingona, in the county of Boone.

Senate File No. 73, A bill for an act to authorize and empower cities to build and maintain toll bridges, and to provide therefor.

Substitute for House File No. 231, A bill for an Act to authorize Foreign Guardians to receive the property within this State, belonging to non-resident minors.

House File No. 69, A bill for an act to provide for the prohibition of the sale of ale, wine, and beer, in counties by a vote of the people.

CHAS. ALDRICH, *Chief Clerk.*

By leave, Senator Patterson offered the following :

*Resolved*, That the Senate will hold a session on April 9th, commencing at the usual hour.

Senator Campbell moved to adjourn.

Which was not agreed to.

Senator Murray moved to lay the resolution on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bennett, Bulis, Campbell, Casady, Chapin, Couch, Dixon, Fairall, Fellows, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, McKean, McNutt, Mitchell, Moore, Murray, Newell, Rice, and Vermillion—27.

The nays were—

Senators Beardsley, Cathcart, Claussen, Dysart, Griffith, Grimes, Lowry, McCulloch, Patterson, Pierce, Smyth, Tuttle, Vale, West, Wolf, and Wright—16.

Absent and not voting—

Senators Allen, Bill, Donnan, Dunham, Hurley, Mulkern, and Traverse—7.

So the motion prevailed.

At 12 o'clock and 15 minutes, on motion of Senator Murray, the Senate adjourned.

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TWO O'CLOCK, P. M

Senate met pursuant to adjournment, and was called to order by the President, *pro tem.*

By leave, Senator Vale offered the following resolution, which was adopted :

*Resolved by the Senate, the House concurring :* That in the matter of Chaplain services Reverend Wells, (colored) is, and of right should be entitled to his distributive share of whatever may be allowed, and paid for said services to the clergy, the same as others.

Senator Larrabee moved to take up resolution in relation to city and county indebtedness.

Senator Beardsley moved to lay the motion on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Campbell, Claussen, Dixon, Dysart, Griffith, Hamilton, Havens, Hawley, Keller, Long, Lowry, McCulloch, McKean, McNutt, Moore, Patterson, Smyth, Vermillion, and Wolf—20.

The nays were—

Senators Atkins, Bill, Bulis, Casady, Cathcart, Chapin, Couch, Donnan, Dunham, Fellows, Grimes, Ireland, Johnson, Knoll, Larrabee, Rice, Traverse, Vale, and Wright—19.

Absent and not voting—

Senators Allen, Bennett, Fairall, Hurley, Mitchell, Mulkern, Murray, Newell, Pierce, Tuttle, and West—11.

So the motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

House File No. 282, A bill for an act to amend the registry law.

House File No. 283, A bill for an act to increase the compensation of County Treasurers.

House File No. 65, A bill for an act to amend section 799 of the Revision of 1860 relative to the semi-annual payments of County Treasurers.

House File No. 53, A bill for an act to legalize the tax lists of Wayne county, Iowa, for the years A. D. 1860 to 1868 inclusive.

I also return the following bills, which have passed the House without amendment :

Senate File No. 229, A bill for an act to enable independent school districts to borrow money.

Senate File No. 168, A bill for an act to facilitate the acquisition of the right of way over the line of abandoned railways, and to secure the early completion of the same.

I am also directed to request that Senate File No. 224 be returned to the House.

CHAS. ALDRICH, *Chief Clerk.*

On motion of Senator McKean, House File No. 100, A bill for an act to provide for the compilation and publication of the road laws, and the distribution of the same, was taken up and considered.

Senator Wright moved to amend section one by striking out "twenty," and inserting "ten."

Senator Wolf moved to amend the amendment by striking out "ten," and inserting "fifteen," which was lost, and the motion of Senator Wright was disagreed to.

Senator McKean moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—44.

The nays were none.

Absent and not voting—

Senators Beardsley, Bennett, Hurley, McCulloch, Mulkern, and Rice—6.

So the bill passed and the title was agreed to.

On motion of Senator Campbell, Senate File No. 237, A bill for an act for the relief of Jasper county for money stolen from county safe, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator Campbell moved that the rule be suspended, and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Rice, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—36.

The nays were—

Senators Couch, Fellows, Larrabee, Lowry, McCulloch, Smyth, and West—7.

Absent and not voting—

Senators Allen, Beardsley, Hamilton, Havens, Hurley, Mulkern, and Pierce—7.

So the bill passed and the title was agreed to.

On motion of Senator Long, Senate File No. 203, A bill for an

act to amend section 1794 of the Revision of 1860, regulating the negotiability of certain instruments, was taken up.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Dixon, Dysart, Fairall, Fellows, Grimes, Hawley, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Murray, Newell, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, and West—30.

The nays were—

Senators Couch, Donnan, Dunham, Griffith, Hamilton, Havens, Johnson, McKean, Moore, Patterson, Tuttle, and Wright—12.

Absent and not voting were—

Senators Allen, Beardsley, Campbell, Hurley, Ireland, Mitchell, Mulkern, and Wolf—8.

So the bill passed and the title was agreed to.

On motion of Senator Lowry, Senate File No. 228, A bill for an act making appropriations for a State Reform School, authorizing its location and pertaining to the erection of new buildings thereon, was taken up and considered.

Senator Wright moved to indefinitely postpone the bill, which did not prevail.

Senator Smyth moved to amend by inserting at the end of first section the words "in Linn county."

Senator McNutt moved to amend the amendment by striking out the word "Linn," and insert "Muscatine."

The amendment did not prevail.

Senator McNutt moved to amend the amendment by striking out "Linn," and insert "Muscatine Island in Muscatine."

The amendment to the amendment was lost.

Senator Patterson moved to amend the amendment by striking out "Linn," and insert "Hardin"

The amendment to the amendment was lost.

Senator Lowry moved that the subject under consideration be postponed until 4 o'clock.

The motion prevailed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT :— I herewith return Senate File No. 72, A bill for an act to provide a State Capitol, with the following amendments, in which the concurrence of the honorable Senate is respectfully asked.

First. Add to No 1 the following :

In addition to the Commissioners provided for in this act, General G. M. Dodge of Pottawattamie county, and Hon. James F. Wilson, of Jefferson county, are hereby appointed Commissioners from the



State at large, who shall hold their office for the term of two years, and until their successors are elected and qualified, Their duties shall be such as are imposed upon the other Commissioners, and they shall in all respects be subject to the same requirements herein made of the other Commissioners, except in the manner of their election.

2. Insert the following after the word "them," in the fourth line of section 3, "who shall be a resident of this State, if a suitable person can be obtained."

Insert the following as section 6 :

SECTION 6. No money hereby appropriated shall be paid out until the Census Board shall certify to the Treasurer of State that the resources of the Treasury, without increasing the rate of taxation, are sufficient to meet the proposed disbursement, after other appropriations are allowed.

I am also directed to inform the Senate that the House has concurred in the Senate's amendments to House File No. 181.

I also herewith return Substitute for Senate Files Nos. 7 and 18, A bill for an act to amend article 11, of chapter 22, of the Revision of 1850, creating a Board of Supervisors, and acts amendatory thereto, with the following amendments, in which the concurrence of the Senate is respectfully asked :

1. Strike out of section 1 the words, "no two of whom shall be residents of the same township," and insert the following : "No ballot shall be cast at such election for two residents of the same township, or if so cast, shall not be counted."

Insert the following as section 7 :

SECTION 7. The Board of Supervisors of any county may submit to the qualified voters of the county, at any regular election, the question, "Shall the number of Supervisors be increased to five," or "seven," as the Board shall elect in submitting the question. If the majority of the votes cast shall be for the increase of the number, then at the next ensuing election for a Supervisor, the requisite additional Supervisors shall be elected, whose terms of office shall be determined by lot, in such a manner that one-half of the additional members shall hold their office for three years, and one-half for two years.

I am also directed to inform the Senate that the House has receded from its disagreement upon House File No. 264, A bill for an act for the taxation of railroad property, and has concurred in the amendments adopted by the Senate.

CHAS. ALDRICH, *Chief Clerk.*

Senator Fairall moved to take up Senate File No. 72, A bill for an act to provide a State capitol, with House amendments, which was agreed to.

On motion of Senator Bulis, the House amendments were considered separately.

The question being "Shall the Senate concur in 1st amendment?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were—

Senator Knoll—1.

Absent and not voting—

Senators Hurley, Mitchell, Mulkern, and Traverse—4.

So the 1st amendment was concurred in.

The question being "Shall the Senate concur in 2nd amendment?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Casady, Cathcart, Chapin, Claussen, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hawley, Ireland, Johnson, Keller, Long, Lowry, McCulloch, McKean, Moore, Murray, Newell, Patterson, Pierce, Smyth, Vale, West, and Wolf—32.

The nays were—

Senators Bulis, Campbell, Couch, Dixon, Dysart, Hamilton, Havens, Knoll, Larrabee, McNutt, Rice, Tuttle, Vermillion, and Wright—14.

Absent and not voting—

Senators Hurley, Mitchell, Mulkern, and Traverse—4.

So the 2nd amendment was concurred in.

The question being "Shall the Senate concur in 3d amendment?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Ireland, Johnson, Keller, Long, Lowry, McCulloch, McKean, Moore, Murray, Newell, Patterson, Pierce, Vale, West, Wolf, and Wright—35.

The nays were—

Senators Bulis, Couch, Dysart, Hamilton, Knoll, Larrabee, McNutt, Rice, Smyth, and Vermillion—10.

Absent and not voting—

Senators Hurley, Mitchell, Mulkern, Traverse, and Tuttle—5.

So the 3d amendment was concurred in.

On motion of Senator Moore, substitute for Senate Files Nos. 7 and 18, A bill for an act to amend article 11, of chapter 22, of the revision of 1860, creating a board of supervisors, and acts amendatory thereto, with House amendments, was taken up.

The question being "Shall the Senate concur in House amendments?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Griffith, Hamilton, Havens, Hawley, Keller, Larrabee, Long, Lowry, McCulloch, Moore, Murray, Pierce, Rice, Tuttle, Vale, Vermillion, West, Wolf, and Wright—33.

The nays were—

Senators Donnan, Dysart, Fairall, Fellows, Grimes, Ireland, Johnson, Knoll, McKean, McNutt, Newell, and Smyth—12.

Absent and not voting—

Senators Hurley, Mitchell, Mulkern, Patterson, and Traverse—5

So the House amendments were concurred in.

Senator Mitchell, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following bills, viz: Senate Files Nos. 198, 102, 93, 175, 170, 177, 86, 95, 213, 73, and 156.

I. J. MITCHELL, *Chairman.*

Senator Ireland moved that the Senate do now adjourn.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Beardsley, Bill, Campbell, Casady, Claussen, Couch, Dixon, Dunham, Fairall, Fellows, Hamilton, Havens, Hawley, Ireland, Johnson, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Murray, Newell, Pierce, Rice, Vermillion, and West—29.

The nays were—

Senators Bennett, Cathcart, Chapin, Donnan, Dysart, Griffith, Grimes, McCulloch, Patterson, Smyth, Tuttle, Vale, Wolf, and Wright—14.

Absent and not voting—

Senators Bulis, Hurley, Keller, Mitchell, Moore, Mulkern, and Traverse—7.

So the motion prevailed, and the Senate adjourned until Monday morning at 9½ o'clock.

SENATE CHAMBER, DES MOINES, IOWA,  
APRIL 11, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Rice.

On motion of Senator Bulis the reading of the Journal was dispensed with this morning.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bills in which the concurrence of the Senate is asked.

House File No. 296, A bill for an act for the government of the State University.

House File No. 324, A bill for act to amend section 840 of the Revision of 1860.

House File No. 298, A bill for an act to legalize the issue of bonds by the independent school district of Bloomfield, Iowa.

House File No. 350, A bill for an act to grant enlarged powers to cities acting under special charters.

House File No. 368, A bill for an act to legalize the sale of certain school lands.

House File No. 300, A bill for an act to amend sections 3324 and 3325 of the Revision of 1860.

House File No. No. 364, A bill for an act to legalize the incorporation of the town of Prairie City, Jasper Co., Iowa.

House File No 221, A bill for an act detaching Grundy Co. from the 9th Judicial District and attaching the same to the 11th District, and prescribing the time of holding courts therein.

House File No. 366, A bill for an act entitled an act to amend an act to authorize the improvement of streets and alleys, approved April 8 1870, being chapter 65.

House File No. 361, A bill for act to legalize the organization of an independent district, formed from portions of Page and Taylor counties.

House File No. 365, A bill for an act to amend chapter 55 of the Revision of 1860.

Substitute for House File No. 316, A bill for an act to legalize the acts of the independent district of Kirkville, Wapello Co., Iowa.

House File No. 268, A bill for an act to make the deputy clerk of the District Court, the deputy county clerk, and to legalize his acts heretofore done.

Also a concurrent resolution in relation to postage and stationary for the board of immigration.

CHARLES ALDRICH, *Chief Clerk.*

By leave: Senator Bulis introduced Senate File No. 247, A bill for an act to amend chapter 81 of the Laws of the 10th General Assembly which was read first and second time.

Senator Bulis moved that the rule be suspended and the bill read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were

Senators Allen, Atkins, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Grimes, Havens, Hurley, Ireland, Keller, Knoll, Lowry, McCulloch, McKean, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, Wolf, and Wright—35.

The nays were—none.

Absent and not voting—

Senators Beardsley, Campbell, Dunham, Fairall, Fellows, Griffith, Hamilton, Hawley, Johnson, Larrabee, Long, Mitchell, Moore, Mulkern, and Traverse,—15.

So the bill passed, and the title was agreed to.

By leave: Senator Murray from Committee on Senatorial Districts introduced Senate File No. 248, A bill for an act, apportioning the State of Iowa into Senatorial Districts.

Which was read first and second time and on motion of Senator Patterson was made special order for to morrow at eleven o'clock.

Senator Donnan moved that all local bills considered be now.

The motion prevailed.

On motion of Senator Hurley Senate File, No. 143, A bill for an act for the relief of Louisa county, Iowa, for money stolen from the safe on the night of the 18th day of February, A. D. 1868, with report of Committee recommending its passage, was taken up and considered.

Senator Hurley moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Dysart, Fairall, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Knoll, Long, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Traverse, Vale, West, Wolf, and Wright--36.

The nays were—

Senators Bulis, Couch, Dunham, Keller, Lowry, Smyth, and Vermillion--7.

Absent and not voting were—

Senators Fellows, Grimes, Larrabee, Mitchell, Moore, Mulkern, and Tuttle—7.

So the bill passed and the title was agreed to.

Senate File No. 216, A bill for an act to confirm and legalize the acts of the board of supervisors of Johnson county, was taken up with report of committee that it lie on the table.

Senator Donnan moved that the bill be indefinitely postponed.

The motion prevailed.

House File, No. 150, A bill for an act for the relief of Marion county, for money stolen from the county safe, with report of committee recommending that it do pass, was taken up and considered.

Senator Cathcart moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardeley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Clausen, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Knoll, Long, McCulloch, McKean, McNutt, Pierce, Rice, Traverse, Vale, Vermillion, West, Wolf, and Wright—35.

The nays were—

Senators Bulis, Couch, Fellows, Grimes, Keller, Lowry, and Smyth—7.

Absent and not voting—

Senators Larrabee, Mitchell, Moore, Mulkern, Murray, Newell, Patterson, and Tuttle—8.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

House File No. 225, A bill for an act making appropriation for the relief of George Wilson.

Also a joint resolution asking additional mail facilities in Cass county.

I also return the Senate concurrent resolution concerning the bound volumes of the Des Moines Bulletin Supplement, with amendment, in which the concurrence of the Senate is asked.

I herewith return the following Senate bills, which have passed the House without amendment :

Senate File No. 193, A bill for an act for the government of hospitals for the insane, defining the legal relations of insane persons, and providing for their care and protection.

Substitute for Senate File No. 184, A bill for an act making additional appropriation for Iowa Soldiers' Orphans' Home.

House File No. 237, A bill for an act for the relief of Jasper county, Iowa, for moneys stolen from the county safe.

Senate File No. 242, A bill for an act appropriating money to defray the expense of a reunion of Iowa soldiers.

Senate File No. 126, A bill for an act authorizing the conveying of certain lots in Iowa City by the Register of the State Land Office.

Senate File No. 172, A bill for an act making further appropriations for the Iowa Hospital for the Insane at Mt. Pleasant.

Senate File No. 178, A bill for an act to amend section 2218 of the Revision of 1860.

Senate File No. 246, A bill for an act to legalize certain acts of the Mayor and town council of the town of West Liberty.

I also return the following Senate bills, which have passed the House with sundry amendments, in which the concurrence of the Senate is asked :

Senate File No. 101, A bill for an act to provide for the purchase of G. Greene's reports of the decisions of the Supreme Court of Iowa, is amended as follows :

Strike out "350" in 5th line, section 1, and insert "200."

Strike out all of section 3 after the words "Iowa Reports."

Senate File No. 90, A bill for an act to amend chapters 52 and 58 of the Revision of 1860, is amended by adding a proviso to section 8 thereof.

CHARLES ALDRICH, *Chief Clerk.*

Senate File No. 103, A bill for the relief of Otto Theine for expenses incurred by him as Commissioner of the State of Iowa to the World's Exhibition in Paris in the year 1867, with report of Committee recommending amendments, and that so amended it do pass, was taken up.

Senator Fairall offered the following substitute :

A bill for an act to reimburse Dr. Otto Theine and Dr. William Vogt for expenses incurred by them as Commissioners of the State of Iowa to the World's Exhibition in 1867.

On motion of Senator Murray, moved to lay the whole subject on the table, on which question the yeas and nays were demanded.

The yeas were—

Senators Allen, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Havens, Johnson, Keller, Larrabee, Lowry, McNutt, Murray, Patterson, Rice, Traverse, Tuttle, Vale, Vermillion, West, and Wright—29.

The nays were—

Senators Atkins, Beardsley, Bennett, Claussen, Dunham, Fairall, Hamilton, Hawley, Knoll, Long, McCulloch, Newell, Pierce, Synth, and Wolf—15.

Absent and not voting—

Senators Hurley, Ireland, McKean, Mitchell, Moore, and Mulkern—6.

So the motion prevailed, and the bill was laid on the table.

Senator Wolf submitted the following report from Committee on Enrolled Bills:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate Files No. 72, A bill for an act to provide a State Capitol, and No. 188, A bill for an act to enable townships, incorporated towns and cities to aid the construction of railroads, and find the same correctly enrolled.

WOLF, *for Committee.*

House File No. 348, A bill for an act to legalize certain acts of the Recorder of Poweshiek county, with report of Committee recommending that it be indefinitely postponed, was taken up and considered.

On motion of Senator Bennett, the report of Committee was adopted.

Senate File No. 238, A bill for an act to legalize the acts of the independent school District of Fairbanks, with report of Committee recommending that it do pass, was taken up and considered.

Senator Donnan moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—46.

The nays were none.

Absent and not voting—

Senators Buls, Mitchell, Moore, and Mulkern—4.

So the bill passed and the title was agreed to.

Senator Wolf submitted the following report from the Committee on Enrolled Bills:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate Files Nos. 229, A bill for an act to enable independent school districts to borrow money for the crection of school houses,, and Senate File No 168, A bill for act to facilitate the acquisition of the right of way over the lines of abandoned railways, and to facilitate the construction of the same, and find the same correctly enrolled.

WOLF, *for Committee.*



House File No. 806, A bill for an act to authorize the Vinton Water Power Company to construct a dam across Cedar River in Cedar or Taylor townships, Benton county, Iowa, with report of Committee recommending amendments, and do pass, was taken up and considered, and amendments reported by Committee were disagreed to.

Senator Chapin moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—40.

The nays were—

Senator Bennett—1.

Absent and not voting—

Senators Allen, Hamilton, Ireland, Larrabee, Mitchell, Moore, Mulhern, Murray, and Vermillion—9.

So the bill passed and the title was agreed to.

House File No. 55, A bill for an act to legalize the acts of the Board of Supervisors of Wayne county, Iowa, with report of Committee recommending amendments and do pass, was taken up and considered.

Senator Bennett moved to lay the bill on the table.

The motion prevailed.

Senator Wolf submitted the following report from Committee on Judiciary.

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate Files Nos. 37, 38, and 70, and House File No. 272, (and another bill not numbered,) bills to legalize acts of Notary Publics have had the same under consideration, and have instructed me to report the same back to the Senate, with the accompanying substitute, with the recommendation that the substitute be adopted and passed.

WOLF, *for Committee.*

Senator Allen from the Committee on Suppression of Intemperance submitted the following report:

MR. PRESIDENT—Your Committee on Suppression of Intemperance to whom was referred Senate File No. 220, a bill for an act amendatory to chapter 64, of the Revision of 1860, have had the same under consideration, and have instructed me to report the same back to the Senate, without recommendation.

Ordered that the report pass on file.

Senate File No. 211, A bill for an act to resume and re-grant certain lands in Taylor county, Iowa, was taken up and considered.

Senator Bennett moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were —

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Knoll, Long, Lowry, McCulloch, McKean, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, Wolf, and Wright—41.

The nays were none.

Absent and not voting—

Senators Beardsley, Fellows, Keller, Larrabee, McNutt, Mitchell, Moore, Mulkern, and Tuttle—9.

So the bill passed and the title was agreed to.

House File No. 219, A bill for an act to annex certain lands to the independent school district of Strawberry Point, for school purposes, with report of Committee recommending that it do not pass, was taken up and considered, and on motion of Senator Bennett, the bill was indefinitely postponed.

Senate File No. 189, A bill for an act to legalize the organization of the independent school district of Esgate, in the township of Farmers' Creek, in Jackson county, with report of Committee recommending that it do pass, was taken up and considered, and the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, Wolf, and Wright—41.

The nays were none.

Absent or not voting—

Senators Beardsley, Bill, Fellows, Ireland, Larrabee, Mitchell, Moore, Mulkern, and Tuttle—9.

So the bill passed and the title was agreed to.

House File No. 270, A bill for an act to legalize the organization of the independent school district of Missouri Valley, Harrison county, Iowa with report of Committee recommending that it do pass, was taken up and considered, and the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Vale, Vermillion, West, Wolf, and Wright—43.

The nays were none.

Absent and not voting—

Senators Bill, Larrabee, Mitchell, Moore, Mulkern, Traverse, and Tuttle—7.

So the bill passed and the title was agreed to.

House File No. 311, A bill for an act to legalize the acts of the Board of Supervisors of Jasper county in relation to disbursement of swamp land fund, with report of Committee recommending that it do pass, was taken up, considered, and the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, and Wright—39.

The nays were—

Senators Campbell and Wolf—2.

Absent and not voting—

Senators Bennett, Bill, Bulis, Hurley, Larrabee, Mitchell, Moore, Mulkern, and Traverse—9.

So the bill passed and the title was agreed to.

House File No. 278, A bill for an act to legalize the sale of the indemnity swamp lands of Ida county, Iowa, with report of Committee recommending that it do pass, was taken up, considered, and the rule suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Smyth, Vale, and West—34.

The nays were—

Senator Rice—1.

Absent and not voting—

Senators Bill, Cathcart, Couch, Hurley, Ireland, Johnson,

Larrabee, Mitchell, Moore, Mulkern, Traverse, Tuttle, Vermillion, Wolf, and Wright—15.

So the bill passed and the title was agreed to.

On motion of Senator Wolf, Senate Files Nos. 37, 38, and 70, bills in relation to Notaries Public, with report of Committee recommending substitute, was taken up, considered, and substitute reported by Committee was adopted.

Senator Wolf moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Long, Lowry, McCulloch, McKean, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were—

Senator Knoll—1.

Absent and not voting—

Senators Bill, Hurley, Larrabee, Mitchell, Moore, Mulkern, and Murray—7.

So the bill passed and the title was agreed to.

Senator Allen introduced the following resolution.

*Resolved*, That the janitor and paper folders of the Senate are each entitled to one dollar per day for extra services during the session.

On the adoption of which the yeas and nays were demanded.

The yeas were—

Senators Allen, Atkins, Bennett, Casady, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Havens, Hawley, Hurley, Johnson, Keller, Long, Lowry, McKean, Newell, Patterson, Rice, Tuttle, and Vale—26.

The nays were—

Senators Beardsley, Bulis, Campbell, Cathcart, Dixon, Grimes, Hamilton, Knoll, McCulloch, Pierce, Smyth, and Wright—12.

Absent and not voting—

Senators Bill, Ireland, Larrabee, McNutt, Mitchell, Moore, Mulkern, Murray, Traverse, Vermillion, West, and Wolf—12.

So the resolution was agreed to.

Senator Rice, from the Committee on Military submitted the following report:

MR. PRESIDENT—Your Committee on Military to whom was referred House File No. 274, a bill for an act to amend chapter 123, of the laws of the Eleventh General Assembly, relating to the gray uniform furnished to certain members of the 2d and 3d Iowa Infantry, have had the same under consideration, and have instructed

me to report the same back to the Senate, with the recommendation that it do pass.

W. S. RICE, *Chairman*.

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Military to whom was referred Senate File No. 241, a bill for an act for the relief of Jasper W. Caldwell, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

W. S. RICE, *Chairman*.

Ordered that the report pass on file.

Also the following report :

MR. PRESIDENT—Your Committee on Military, to whom was referred the memorial of S. H. Davis, Lieut. Co. F, 9th Iowa Cavalry, claiming for certain services, have had the same under consideration, and report the accompanying bill with the recommendation that it do pass.

W. S. RICE, *Chairman*.

Ordered that the report pass on file.

Senator Newell, from Committee on Compensation of Public Officers, introduced Senate File No. 249, A bill for an act fixing the compensation of justices of the peace and constables.

Read first and second time and passed on file.

Senator Beardsley, from Committee on Federal Relations, submitted the following report :

MR. PRESIDENT—Your Committee on Federal Relations to whom was referred joint resolutions and memorials to Congress, in relation to changes in the pension laws, have had the same under consideration, and have instructed me to report the same back to the Senate without recommendation.

CHAS. BEARDSLEY, *Chairman*.

Report ordered passed on file.

Senator Wright presented a petition signed by Robert Russell and others, asking for aid from the State to enable released convicts from the penitentiary to engage in some honorable employment.

Petition passed on file.

Senator Bennett moved to take up House messages, which motion prevailed.

House File No. 296, A bill for an act for the government of the State University, was taken up and read first and second time.

Senator Bulis moved to suspend the rule and read the bill a third time now.

Senator Fellows moved to refer to Committee on State University, which motion prevailed.

House File No. 357, A bill for an act to legalize the election of the independent school district of Ackley, Hardin county, Iowa, of March 14, 1870, was taken up.

Read first and second time, and the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were none.

Absent and not voting—

Senators Bill, Hamilton, Ireland, Johnson, Mitchell, Moore, Mulkern, and Traverse—8.

So the bill passed and the title was agreed to.

House File No. 282, A bill for an act to amend the Registry Law, was taken up and read first and second time and referred to Committee on Elections.

House File No. 260, A bill for an act to establish a Board of Railroad Commissioners, was taken up and read first and second time and referred to Committee on Railroads.

House File No. 313, A bill for an act for the organization of the county of Crocker, was taken up, read first and second time, and on motion of Senator Hawley the bill was referred to Committee on County and Township Organizations, with instructions to report tomorrow morning.

House File No. 282, A bill for an act to increase the compensation of county treasurers, was taken up, read first and second time and referred to Committee on Compensation of Public Officers.

House File No. 360, A bill for an act to legalize the organization of and election of directors of the independent school district of Shellsburgh Benton county, was taken up and read first and second time.

Senator Chapin moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry,

McCulloch, McKean, McNutt, Murray, Newell, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were none.

Absent and not voting—

Senators Allen, Dunham, Hurley, Mitchell, Moore, Mulkern, Patterson, and Traverse,—8.

So the bill passed and the title was agreed to.

By leave, Senator Smyth introduced the following resolution which was adopted :

*Resolved by the Senate the House concurring :* That Ezra Rathburn, the present mail carrier for this General Assembly, shall continue to carry the mail to the Capitol for six days after adjournment, and that he be allowed the sum of forty-two dollars therefor.

Also the following which was adopted :

*Resolved,* That G. B. Smeallie, and ——— Gow, Clerks of Senate Committees, be required to assist the Secretary, and Assistant Secretary's of the Senate.

Senator Chapin offered the following resolution which was adopted :

*Resolved,* That E. M. Wright, paper-folder be employed one week after the day of adjournment.

Senator McKean offered the following resolution which was adopted :

*Resolved,* That the thanks of the Senate are hereby tendered to Mr. J. R. Hammond, Phonographic Reporter of the Bulletin, for his faithful, accurate, and impartial report of the proceedings thereof, for his uniform attention to business, and gentlemanly deportment during the present session.

Senator McNutt offered the following resolution which was adopted :

WHEREAS, Capitol Hill is undermined with strata of coal, and miners are constantly at work taking out same, and

WHEREAS, There is danger that the property of the State may be undermined, and the site of the Capitol Buildings seriously injured by excavating for coal ; therefore,

*Resolved by the Senate, the House concurring,* That the Census Board are hereby directed to take whatever steps may be necessary to prevent mining underneath the State property, and the taking out of coal from under the same.

Senator Bennett offered the following resolution which was adopted :

*Resolved,* That a Committee of seven of the Chairmen of the leading Committees, be appointed to assort the bills still pending before the Senate, and to classify the same, to enable the Senate to act on the most important measures before adjournment.

Senator Bulis moved to amend by making Senator Bennett, Chairman of the Committee, which was agreed to.

The resolution as amended was then adopted.

Substitute for House File No. 316, A bill for an act to legalize the tax levy, and election of the Independent District of Kirkville, Wapello county, Iowa, was taken up and considered.

Senator Hamilton moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were none.

Absent and not voting—

Senators Bill, Dunham, Hawley, Mitchell, Moore, Mulkern, Newell, and Smyth—8.

So the bill passed and the title was agreed to.

House File No. 200, A bill for an act for the relief of Harrison county, for money stolen from the county safe, was taken up and considered.

Senator Atkins moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Donnan, Dysart, Fairall, Hamilton, Hawley, Hurley, Ireland, Johnson, Knoll, Long, McCulloch, McKean, McNutt, Newell, Patterson, Pierce, Traverse, Tuttle, Vale, Vermillion, and Wright—31.

The nays were—

Senators Bill, Couch, Dixon, Fellows, Grimes, Keller, Lowry, and Smyth—8.

Absent and not voting—

Senators Dunham, Griffith, Havens, Larrabee, Mitchell, Moore, Mulkern, Murray, Rice, West, and Wolf—11.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform the Senate that the concurrent resolution of the Senate, relative to the appropriation of \$2,000 to encourage the improvement of the Fox and Wisconsin rivers, was lost in the House.



Also, that the House has passed the Senate's memorial to Congress in reference to the improvement of the Fox and Wisconsin rivers, with an amendment, in which the concurrence of the Senate is asked.

The House has passed the following bill, in which the concurrence of the Senate is asked :

House File No. 369, A bill for an act supplemental to an act for the government of the Insane Hospital.

I also present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 287, A bill for an act to legalize certain acts of the Board of Supervisors of Muscatine county.

House File No. 351, A bill for an act to provide for the erection of school districts from territory lying in adjoining counties.

House File No. 181, A bill for an act to constitute Township Trustees a Board of Equalization for their respective townships.

House File No. 359, A bill for an act in relation to occupying claimants.

Substitute for House Files Nos. 8 and 117, A bill for an act for the taxation of railroad property.

House File No. 100, A bill for an act to provide for the compilation and publication of the road laws, and the distribution of the same.

Joint resolution, A proposition to amend the Constitution of the State of Iowa.

Senate File No. 72, A bill for an act to provide a State Capitol.

I am also instructed to inform your honorable body that the House has passed the following resolution, in which the concurrence of the Senate is asked :

*Resolved*, That the General Assembly meet in joint convention on Wednesday, the 13th inst., at 10 o'clock, A. M., for the purpose of electing all officers that are yet to be elected by this General Assembly.

CHARLES ALDRICH, *Chief Clerk*.

House File No. 65, A bill for an act to amend section 799 of the Revision of 1860, relative to the semi-annual payments of county treasurers, was taken up and considered.

Senator Bulis moved that the rule be suspended and the bill be read a third time now.

Senator Larrabee moved that the bill lie on the table.

The motion prevailed.

House File No. 365, A bill for an act to amend chapter 55 of the Revision of 1860, was taken up and considered.

Senator Bennett moved that the rule be suspended and the bill be

read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Lowry, McCulloch, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Vale, Vermillion, West, Wolf, and Wright—41.

The nays were none.

Absent and not voting—

Senators Couch, Long, Johnson, McKean, Mitchell, Moore, Mulkern, Traverse, and Tuttle—9.

So the bill passed, and the title was agreed to.

Substitute for House File No. 140, A bill for an act to protect the citizens of Iowa from empiricism and to elevate the standard of the medical profession, was taken up and considered.

Senator Bulis moved to suspend the rule and read the bill a third time now.

Senator Murray moved to lay the bill on the table.

The motion to lie on the table prevailed.

Memorial and joint resolution to Congress in reference to improvement of Fox and Wisconsin rivers, with House amendments, was taken up.

The question being on concurring in House amendments,

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Casady, Chapin, Claussen, Couch, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hawley, Hurley, Johnson, Keller, Knoll, Larrabee, Long, McCulloch, McNutt, Newell, Rice, Smyth, Tuttle, Vale, West, Wolf, and Wright—31.

The nays were—

Senators Bill, Bulis, Campbell, Cathcart, Dixon, Dunham, Havens, Ireland, Lowry, McKean, Murray, Pierce, and Vermillion—13.

Absent and not voting—

Senators Hamilton, Mitchell, Moore, Mulkern, Patterson, and Traverse—6.

So House amendments were concurred in.

A message was received from the Governor at the hands of his Private Secretary, which was laid on the Speaker's table.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house :

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly and been duly enrolled and signed by the Speaker of the House :

Substitute for House File No. 156, A bill for an act to improve the tax system of this State, and to avoid errors in the assessment of real estate.

House File No. 259, A bill for an act for the relief of certain settlers upon the Des Moines river lands.

Senate File No. 229, A bill for an act to enable independent school districts to borrow money for the erection of school-houses.

Substitute for Senate File No. 184, A bill for an act making additional appropriation for the Iowa Soldiers' Orphans' Homes.

Senate File No. 135, A bill for an act to provide for the taxation of the real and personal property of express and telegraph companies.

Senate File No. 242, A bill for an act appropriating money to defray the expenses of a reunion of Iowa soldiers.

House File No. 150, A bill for an act for the relief of Marion county for money stolen from the county safe.

House File No. 274, A bill for an act to amend chapter 123 of the laws of the Eleventh General Assembly, relating to the gray uniform furnished to certain members of the Second and Third Iowa Infantry.

Senate File No. 172, A bill for an act making further appropriations for the Hospital for the Insane at Mount Pleasant.

Senate File No 178, A bill for an act to amend section 2218 of the Revision of 1860, in relation to tenants.

Senate File No. 128, A bill for an act authorizing the conveying of certain property in Iowa City by Register of State Land Office.

Senate File No. 246, A bill for an act to legalize certain acts of the Mayor and town council of the incorporated town, of West Liberty.

Senate File No. 188, A bill for an act to enable townships, incorporated towns and cities to aid in the construction of railroads.

Also joint resolution asking a grant of land to indemnify settlers on the Des Moines river lands.

BENJ. VAN STEINBURG, *Asst. Clerk.*

At twelve o'clock m. on motion of Senator Casidy the Senate adjourned until two o'clock.

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TWO O'CLOCK P. M.

Senate met pursuant to adjournment. The President in the Chair.

By leave, Senator Beardsley introduced the following resolution, which was adopted :

*Resolved*, That no Senator shall speak more than five minutes at one time on any question.

Senator Hawley, from the Committee on Claims submitted the following report :

MR. PRESIDENT—Your Committee on Claims to whom was referred the memorial of John M. Folger asking compensation for work done on the Agricultural College, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that the prayer of the petitioner be not granted.

THOS. HAWLEY, *Chairman*.

Ordered that the report pass on file.

Senator Hamilton, from the Committee on Incorporations, submitted the follow report :

MR. PRESIDENT—Your Committee on Incorporations to whom was referred House File No. 331, A bill for an act to authorize cities now or hereafter organized under special charters to annul, abolish, or organize with new charters of incorporations under chapter 51 of the Revision of 1860, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do not pass, because the power sought for are found under the provision of chapter 25 of the acts of the extra session of the General Assembly of 1862.

A. H. HAMILTON, *Chairman*.

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT—Your Committee on Incorporations to whom was referred Senate File No. 160, A bill for an act to provide public parks and broad streets and alleys in cities and towns, beg leave to report that they have had the same under consideration, and a majority of the committee have instructed me to report the same back to the Senate, with the recommendation that it do pass after the adoption of the following amendments: Strike out all after the words towns in the second line of the first section to the words one-fourth inclusive and insert instead these of the following and in all subdivisions of parcels of land comprising not less than one acre each in the fourth line of said section one, strike out the words one hundred and insert in lieu thereof the words sixty-six, also in said fourth line strike out the word eighty and insert in lieu thereof the word fifty. In the 5th line of said section strike out the word twenty and insert instead thereof the words sixteen and one-half.

A. H. HAMILTON, *Chairman*.

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Incorporations to whom was referred Senate File No. 212, A bill for an act requiring insurance companies to deposit securities with the State Treasurer for the protection of policy holders and re-insurance, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file

Senator Bill asked leave to record his vote in the negative on the railroad tax bill.

Leave was granted.

Substitute for joint resolution appointing Trustees of the Blind Asylum was taken up.

Read first and second time.

On motion of Senator Chapin, the 11th rule was suspended and the joint resolution was read a third time.

The yeas were—

Senators Allen, Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Dixon, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Larrabee, Lowry, McCulloch, McNutt, Murray, Patterson, Pierce, Smyth, Vale, West, and Wright—32.

The nays were none.

Absent and not voting—

Senators Bennett, Claussen, Donnan, Dyeart, Hurley, Keller, Knoll, Long, McKean, Mitchell, Moore, Mulkern, Newell, Rice, Traverse, Tuttle, Vermillion, and Wolf—18.

So the joint resolution passed.

House File No. 356, A bill for an act to legalize the incorporation of the town of Afton, Union county, Iowa, and the acts of her officers acting thereunder, was taken up.

Read first and second time.

Senator Keller moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dyeart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McKean, McNutt, Murray, Pierce, Rice, Smyth, Vale, West, Wolf, and Wright—38.

The nays were none.

Absent and not voting—

Senators Beardsley, Bennett, Larrabee, McCulloch, Mitchell, Moore, Mulkern, Newell, Patterson, Traverse, Tuttle, and Vermillion—12.

So the bill passed and the title was agreed to.

*Resolved by the House of Representatives, the Senate concurring,* That the Secretary of State be, and he is, hereby authorized to furnish the Board of Immigration with the necessary stationery and postage for use in the discharge of their official duties, was taken up.

The question being on the adoption of the resolution, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, Murray, Newell, Patterson, Pierce, Rice, Traverse, Vale, West, Wolf, and Wright—38.

The nays were none.

Absent and not voting—

Senators Beardsley, Casady, Dunham, Larrabee, McKean, McNutt, Mitchell, Moore, Mulkern, Smyth, Tuttle, and Vermillion—12.

So the resolution was adopted.

Substitute for House File No. 298, A bill for an act to legalize the issue of bonds by the independent school district of Bloomfield, Iowa, was taken up, read first and second time, and referred to Committee on Schools.

House File No. 350, A bill for an act to grant enlarged powers to cities acting under special charters, was taken up, read first and second time, and on motion of Senator Bennett was laid on the table.

House File No. 361, A bill for an act to legalize the independent school district formed from portions of Page and Taylor counties, was taken up, read first and second time, and referred to Committee on Schools.

House File No. 366, A bill for an act to amend an act entitled an act to authorize the improvement of streets and alleys, approved April 8, 1870, was taken up, read first and second time, and referred to Committee on Incorporations, with instructions to report to-morrow morning.

House File No. 324, A bill for an act to amend section 840 of the Revision of 1860, was taken up, read first and second time, and referred to Committee on County and Township Organizations.

House File No. 221, A bill for an act detaching Grundy county from the 9th Judicial District, and attaching the same to the 11th District, was taken up, read first and second time, and referred to Committee on Judiciary.

House File No. 368, A bill for an act to legalize the sale of certain school lands in Story county, was taken up, read first and second time, and referred to Committee on Schools.

House File No. 300, A bill for an act to amend sections 3324 and 3325 of the Revision of 1860, was taken up, read first and second time, and the rule suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, West, Wolf, and Wright—37.

The nays were none.

Absent and not voting—

Senators Atkins, Casady, Beardsley, Dunham, Fairall, Johnson, Larrabee, Mitchell, Moore, Mulkern, Murray, Traverse, and Vermillion—13.

So the bill passed, and the title was agreed to.

House File No. 364, A bill for an act to legalize the incorporation of the town of Prairie City, Jasper county, Iowa, was taken up and read first and second time, and the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Newell, Pierce, Smyth, Vale, West, and Wright—34.

The nays were—

Senators Campbell, Cathcart, Fellows, Grimes, Murray, Patterson, Rice, and Wolf—8.

Absent and not voting—

Senators Donnan, Larrabee, Mitchell, Moore, Mulkern, Traverse, Tuttle, and Vermillion—8.

So the bill passed, and the title was agreed to.

House File No. 369, A bill for an act supplemental to an act for the government of the Hospitals for the Insane, was taken up.

Read first and second time, and the rule was suspended, and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Donnan, Dunham, Fairall, Fellows, Griffith, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, Long, McCulloch, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—32.

The nays were—

Senators Beardsley, Bill, Campbell, Dixon, Dysart, Grimes, Knoll, Lowry, McKean, and Rice—10.

Absent and not voting—

Senators Atkins, Couch, Ireland, Larrabee, McNutt, Mitchell, Moore, and Mulkern—8.

So the bill passed, and the title was agreed to.

Substitute for House File No. 268, A bill for an act to make the deputy clerk of the district court, the deputy circuit clerk, and to legalize his acts heretofore done, was taken up.

Read first and second time, and referred to Committee on Compensation of Public officers.

House File No. 227, A bill for an act repealing section 1332 of article 4 of the Revision of 1860, and for regulating the consolidation and leasing of railroads, and providing for the fencing and inter-section of the same, was taken up.

Read first and second time, and referred to Committee on Railroads.

Joint resolution asking for additional mail facilities, was taken up.

Read first and second time, and the rule was suspended and the joint resolution was read a third time.

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—42.

The nays were none.

Absent and not voting—

Senators Atkins, Couch, Ireland, Larrabee, McNutt, Mitchell, Moore, and Mulkern—8.

So the joint resolution passed.

Senator Wolf presented the following report from the Committee on Enrolled Bills:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate File No. 135, A bill for an act to provide for the taxation of the real and personal property of express and telegraph companies; and Senate File No. 8, A bill for an act in relation to the penalty on certain taxes; also Senate Files Nos. 121, 246, 184, 242, 237, 178, and 172, and find the same correctly enrolled.

WOLF, *for Committee.*

House File No. 225, A bill for an act making appropriation for the relief of George Wilson, was taken up and read first and second time.

Senator Wright moved that the rule be suspended and the bill be



read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Donnan, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Larrabee, Long, Lowry, McKean, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, West, Wolf, and Wright—32.

The nays were—

Senators Allen, Casady, Claussen, Dunhan, Fairall, Fellows, Griffith, Keller, Knoll, McCulloch, Murray, Traversee, and Vermilion—13.

Absent and not voting—

Senators Atkins, Dysart, Mitchell, Moore, and Mulkern—5.

So the bill not having received a two-third vote was lost.

House concurrent resolution in regard to Bulletin Supplements was taken up, and House amendments concurred in.

House concurrent resolution in regard to Postmaster, taken up and concurred in.

The hour for the special order having arrived, it being the consideration of the motion to reconsider the motion by which the Senate concurred in House amendments to Senate resolution fixing the time for final adjournment, it was taken up, and on motion of Senator Dysart, the motion to reconsider was laid on the table.

Senator Bulis, from Committee on State University, submitted the following report :

MR. PRESIDENT—Your Committee on State University, to whom was referred House File No. 296, A bill for an act for the Government of the State University, have had the same under consideration, and a majority of said Committee have instructed me to report the same back to the Senate, with the recommendation that it do pass.

H. C. BULIS, *Chairman.*

Senator Bulis moved to take up the report.

The motion prevailed.

Senator Fairall moved to amend as follows :

The three members of the Board of Trustees of the State University, who were elected by the Twelfth General Assembly, shall be termed Regents, the same as it elected under the provisions of this act, and shall be embraced in class No. 1; and no Regents shall be at this session of the General Assembly elected from the Fourth and Fifth Congressional Districts.

Senator Fellows moved so amend the amendment by striking out the words "the three," and inserting the words, "John P. Irish and L. W. Ross."

The question being on the amendment to the amendment, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bill, Casady, Claussen, Dunham, Fairall, Fellows, Ireland, Keller, Knoll, McCulloch, Murray, Rice, Traverse, Vermillion, West, and Wolf—18.

The nays were—

Senators Beardsley, Bennett, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Donnan, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Larrabee, Lowry, McKean, Newell, Patterson, Pierce, Smyth, Tuttle, Vale, and Wright—25.

Absent and not voting—

Senators Dysart, Griffith, Long, McNutt, Mitchell, Moore, and Mulkern—7.

So the amendment to the amendment did not prevail.

The question being on the amendment offered by Senator Fairall, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bill, Casady, Claussen, Dunham, Fairall, Fellows, Ireland, Knoll, McCulloch, Murray, Traverse, Vermillion, and West—15.

The nays were—

Senators Beardsley, Bennett, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, Larrabee, Lowry, McKean, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Wolf, and Wright—28.

Absent and not voting—

Senators Donnan, Dysart, Griffith, Long, Mitchell, Moore, and Mulkern—7.

So the amendment was lost.

Senator Bulis moved to suspend the rule and read the bill a third time now.

The yeas were—

Senators Beardsley, Bennett, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Larrabee, Lowry, McKean, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, West, Wolf, and Wright—28.

The nays were—

Senators Allen, Atkins, Casady, Claussen, Dunham, Fairall, Fellows, Ireland, Keller, Knoll, McCulloch, Traverse, and Vermillion—13.

Absent and not voting—

Senators Bill, Donnan, Dysart, Griffith, Long, Mitchell, Moore, Mulkern, and Murray—9.

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

On the question "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Bulis, Campbell, Cathcart, Chapin,

Couch, Dixon, Donnan, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Larrabee, Lowry, McKean, McNutt, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, and Wright—29.

The nays were—

Senators Allen, Atkins, Bill, Casady, Claussen, Dunham, Dy-sart, Fairall, Fellows, Keller, Knoll, McCulloch, Traverse, and Wolf—14.

Absent and not voting—

Senators Griffith, Ireland, Long, Mitchell, Moore, Mulkern, and Murray—7.

So the bill passed, and the title was agreed to.

Senator Larrabee moved to reconsider the vote by which the bill was passed.

Senator Lowry moved to lay the motion on the table.

The motion prevailed.

Senator Fellows moved a call of the Senate.

Which was ordered, and the roll was called with the following result :

Absent but not excused—

Senators Dunham, Griffith, Long, Mitchell, Moore, and Murray.

The sergeant-at-arms presented at the bar of the Senate, Senators Dunham and Griffith.

On motion the Senators were excused, and further proceedings dispensed with.

The President submitted the following communication from the Governor :

EXECUTIVE DEPARTMENT,  
DES MOINES, IOWA, April 11, 1870. }

*Gentlemen of the Senate :*

I return herewith to the Senate, in which it originated, without my approval "an act releasing to James H. Jordan, of Davis county, Iowa, the interest of the State of Iowa, in and to the north half of section ten, township seventy, north of range twelve west, in Davis county, Iowa."

This case is one of many which have been, and are now in process of settlement by the Board of Trustees of the State University, and this particular case had been by agreement of parties set down for hearing in the Courts in the coming month of May. This being true, I cannot but think the present an inopportune time for the action proposed. If Mr. Jordan's title is good in law, the courts will undoubtedly sustain it. If it is not, and yet he has equitable claims, the Board of Trustees of the University, it is believed, may be relied on to do justice therein, as they have done in like cases heretofore.

It is necessary for a proper understanding of the case that the grounds on which the University's claim to the lands is based should

be known. They are, as I am informed, briefly these: The lands are a part of the "Saline Grant," which is now a part of the University Endowment. One quarter section was entered in 1847, with cash and the other in 1848, with a military bounty land warrant.

In 1852, the Commissioner of the Land Office approved of the selection of saline lands which had been made by the agent of this State in 1847, such selections including the above mentioned tract, and directed the return of the amount paid in cash, and also of the warrant, the entries having been cancelled. That the warrant was returned, conclusive evidence is found in the fact that the warrant was subsequently relocated in the Council Bluffs district. Mr. Jordan, whose benefit this bill contemplates, became possessor of one quarter section in 1853, and of the other (that entered by the warrant) in 1861; of both after the cancellation of the entries. Furthermore, the University has had no evidence that Mr. Jordan ever lived on or improved the lands. The property, I am informed, was estimated by the former Treasurer of the institution to be worth some thirty dollars per acre. This bill proposes that the grantee shall pay one dollar and a quarter per acre.

I do not wish to be considered as arguing this case upon its merits, nor as prejudging it; but I submit whether this and similar claims should not be left to smaller bodies than the General Assembly, where *both* sides can be more readily heard. Again, may not this be considered as establishing a precedent for the disposal in like manner of similar cases now pending, or which may hereafter arise?

I regret exceedingly to feel obliged to disapprove of any measure which has passed the General Assembly; but my views of duty constrain me in this instance to return this bill.

SAMUEL MERRILL.

The question being, "Shall the bill pass, notwithstanding the objections of the Governor?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Murray, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, Wolf, and Wright—39.

The nays were—

Senators Beardsley, Bulis, Couch, Dunham, Patterson, and Tuttle—6.

Absent and not voting were—

Senators Long, Mitchell, Moore, Mulkern, and Newell—5.

So the bill passed, notwithstanding the Governor's objections.

On motion of Senator Hawley, House File No. 321, A bill for an act empowering the Governor to release certain lands in Pocahontas

county, Iowa, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Hawley moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Campbell, Casady, Cathcart, Clausen, Couch, Dixon, Donnan, Dysart, Fellows, Grimes, Hamilton, Hurlev, Johnson, Keller, Knoll, Larrabee, McCulloch, McKean, Newell, Rice, Smyth, Vermillion, West, Wolf, and Wright—27.

The nays were—

Senators Allen, Atkins, Bill, Chapin, Fairall, Griffith, Havens, Hawley, Ireland, Lowry, McNutt, Murray, Patterson, and Vale—14.

Absent and not voting were—

Senators Bulis, Dunham, Long, Mitchell, Moore, Mulkern, Pierce, Traverse, and Tuttle—9.

So the bill passed and the title was agreed to.

A communication was received from the Governor, at the hands of his Private Secretary, which was laid on the President's table.

On motion of Senator Lowry, Senate File No. 228, A bill for an act making appropriations for a State Reform School, and authorizing its location and pertaining to the erection of new buildings, was taken up and considered.

The question being on the amendment offered by Senator McNutt, to strike out "Linn" and insert "Polk," it was agreed to.

Senator Wright moved to strike out all after the enacting clause to section 9, which was agreed to.

On motion of Senator Larrabee, the bill was then recommitted to Committee on Reform School, with instructions to report to-morrow morning a bill for the support of Reform School.

The President submitted the following communication from the Governor :

STATE OF IOWA, EXECUTIVE DEPARTMENT, }  
Des Moines, April, 11, 1870. }

*Gentlemen of the Senate and House of Representatives :*

In accordance with the requirements of section 23, of chapter 159, of the acts of the Twelfth General Assembly, I have the honor to submit herewith a statement of the amounts disbursed up to the thirty-first day of March, inclusive, appropriation made by section 2 of the same chapter, and section 27, of chapter 93, of the acts of the Eleventh General Assembly. Itemized vouchers for these expenditures are on file in the Executive office, subject to inspection.

SAMUEL MERRILL, *Governor.*

EXPENDITURES FROM JANUARY 16, 1868, TO APRIL 1, 1870, OF THE GOVERNOR'S CONTINGENT FUND.

DATE.	TO WHOM ISSUED.	No. of Voucher	OBJECT.	AMOUNT.
1868.				
Jan. 25	W. U. Telegraph Co.....	1	Telegram to Muscatine.....	\$ 90
31	W. E. W. Johnson.....	3	10 days' services in office as clerk.....	20.00
Feb. 29	S. H. Babcock.....	5	1 month's services in office.....	80.00
	Sundries.....	—	Visit to State University.....	3.75
April 1	S. H. Babcock.....	7	1 month's services in office.....	80.00
7	H. R. Baker.....	9	For copying.....	5.00
9	S. H. Babcock.....	10	For services to date.....	24.00
June 22	Sundries.....	11	Expenses to Council Bluffs.....	19.55
30	Sundries.....	12	Expenses to Orphans' Home.....	8.85
24	Sundries.....	13	Expenses to Davenport Soldiers' Orphans' Home.....	9.00
Aug. —	Sundries.....	14	Expenses to New York and Washington.....	80.25
Oct. 7	Sundries.....	15	Expenses to Council Bluffs, etc.....	18.75
31	W. U. Telegraph Co.....	16	Telegram from Portland.....	4.65
July 2	Ensign & Son.....	17	For team.....	2.50
Nov. —	Sundries.....	18	Expenses to Prairie du Chien, etc.....	22 80
—	Sundries.....	19	Expenses to Chicago, cost, etc.....	13.75
Dec. 1	W. H. Fleming, Depty Sec- retary of State.....	19½	Services as clerk in office 8 days.....	25.00
10	Sundries.....	20	Expenses to Chicago, etc.....	29.25

Dec.	20	Sundries.....	21	Expenses to Chicago, and telegraphing.....	\$ 18.45
	16	Dr. Townshend.....	22	Expenses to Springfield, Illinois.....	63.00
1869.					
Jan.	18	Sykes & Chadwick.....	23	Expenses at Willard's Hotel, Washington.....	67.50
	11	Sykes & Chadwick.....	24	Expenses at Willard's Hotel, Washington.....	60.88
	4	Palmer & Ferrier.....	25	Expenses at Hotel, New York.....	82.25
	18	General Vandever.....	26	Expenses at Washington, D. C.....	60.00
Feb.	1	Sundries.....	27	Expenses at Washington D. C.....	100.87
	1	Sundries.....	28	Expenses to Washington.....	56.45
Mar.	20	Sundries.....	29	Expenses to Washington.....	79.53
April	9	Sundries.....	30	Expenses to Orphans' Home.....	9.45
	—	Jno. C. Merrill.....	31	Services in copying.....	85.95
	25	Sundries.....	32	Expenses to Insane Asylum.....	8.00
	29	Sundries.....	33	Expenses to Reform School.....	8.70
May	1	Sundries.....	34	Expenses to Penitentiary.....	10.05
	18	Sundries.....	35	Expenses to Deaf and Dumb Asylum.....	16.40
June	11	Orwig & Co.....	36	1000 copies of Bulletin.....	10.00
	20	Sundries.....	37	Expenses to Penitentiary of Wisconsin.....	18.75
July	—	Atwood & Rublee.....	37	200 copies Gov. Fairchild's memorial..	150.00
Aug.	14	McGregor News Print. Co.	39	Publishing proclamation of reward in Hagerty murder case..	10.00
	23	Wm. Loman.....	40	Publishing proclamation.....	14.00
	31	A. S. Kissell.....	41	Expenses to Harrisburg, etc.....	89.50
Sept.	4	Andrick & Richardson.....	42	Publication of proclamation.....	8.00
	7	D. W. Shinn.....	43	Blind girl's fare to Vinton.....	15.00
	14	Sundries.....	44	Expenses to Orphans' Home, etc.....	15.00
	18	Sundries.....	45	Expenses to Penitentiary.....	7.87
Oct.	30	Sundries.....	46	Expenses to Vinton.....	29.15
	30	Sundries.....	47	Expenses to Cedar Falls.....	15.80

EXPENDITURES OF THE GOVERNOR'S CONTINGENT FUND—CONTINUED.

DATE.	TO WHOM ISSUED.	No. of Voucher	OBJECT.	AMOUNT.
Oct. 30	Sundries.....	48	Expenses to Portage City.....	\$ 26.75
30	Sundries.....	49	Expenses to New York.....	40.45
30	Sundries.....	50	Expenses to New York.....	87.07
Nov. 18	Sundries.....	51	Expenses to Orphans' Home.....	24.25
Nov. 10	Sundries .....	52	Expenses to Dubuque, etc.....	35.75
Dec. 29	Sundries.....	53	Expenses to Penitentiary.....	24.25
29	Sundries.....	54	Expenses to Penitentiary and Soldiers' Orphans' Home..	19.70
1870.				
Feb. 14	Sundries.....	55	Expenses to New York and Washington.....	72.50
14	Crom. Bowen.....	66	Services as Governor's Clerk.....	202.00
28	Crom. Bowen.....	57	Services as Governor's Clerk.....	83.00
Mar. 31	Crom. Bowen.....	58	Services as Governor's Clerk.....	83.00
31	J. C. Merrill.....	59	Clerical services in October, 1869.....	9.00
31	Mrs. Washburne.....	60	Board of clerk, December 1869, and January, 1870.....	9.00
			Total.....	\$ 2,174.57



Senator Wolf from Committee on Schools, submitted the following report :

MR. PRESIDENT—Your Committee on Schools respectfully report the accompanying bill to the Senate, with the recommendation that it do pass.

WOLF, *Chairman.*

On motion of Senator Wolf, the report was considered.

Senate File No. 250, A bill for an act in relation to certain school taxes in the Independent School District of Tipton.

Read first and second time, rule suspended, and the bill was read a third time.

On the question " Shall the bill pass ? "

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Pierce, Smyth, Vale, Vermillion, West, Wolf, and Wright—38.

The nays were none.

Absent and not voting—

Senators Beardsley, Dunham, Fairall, Havens, Long, Mitchell, Moore, Mulkern, Patterson, Rice, Traverse, and Tuttle—12.

So the bill passed and the title was agreed to.

Also the following :

MR. PRESIDENT—Your Committee on Schools to whom was referred House File No. 258, a bill for an act to attach certain lands to Maine toanship, Linn county, for school purposes, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it lie on the table.

WOLF, *Chairman.*

Also the following :

MR. PRESIDENT—Your Committee on Schools to whom was referred petition of I. D. Pierce and others, asking for a law to abolish corporal punishment in schools, have had the same under consideration, and have instructed me to report the same back to the Senate, with the opinion that no legislation is necessary.

WOLF, *Chairman.*

Ordered that the report pass on file.

Senator Bennett, from the Committee on Judiciary, submitted the following report :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 152, A bill for an act to confer certain powers upon the judge of the circuit court, have had the same under

consideration, and have instructed me to report the same back to the Senate with the recommendation that the bill be amended by adding the following:

SEC. 4. Administrators and guardians who have been appointed by the circuit courts, shall not be entitled to the benefits of this act. And that the bill as amended do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 301, A bill for an act for the relief of Patrick Hamil, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 234, A bill for an act to authorize the common council of the incorporated town of Belle Plain to appropriate a certain portion of the road tax for the years 1870, 1871, and 1872, belonging to said town, for the purpose of repairing a certain road leading to said town, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed, your committee being of the opinion that the Legislature has not the power to pass such a bill, the same being unconstitutional.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 149, A bill for an act authorizing circuit courts to appoint commissioners, &c., have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred joint resolution relative to granting pensions to soldiers of

1812, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it do pass.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 79, A bill for an act for the more effectual prevention of cruelty to animals, have had the same under consideration, and have instructed me to report the same back to the Senate without recommendation.

G. G. BENNETT, *Chairman.*

Ordered that the report pass on file.

On motion of Senator Bennett, Senate File No. 153, A bill for an act to amend section 17, chapter 172 of the laws of the Ninth General Assembly, was taken up and considered.

Senator Bennett moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Murray, Pierce, Smyth, Traverse, Vale, West, Wolf, and Wright—34.

The nays were—

Senators Patterson and Vermillion—2.

Absent or not voting—

Senators Allen, Beardsley, Casady, Couch, Fellows, Griffith, Johnson, McKean, Mitchell, Moore, Mulkern, Newell, Rice, and Tuttle—14.

So the bill passed and the title was agreed to.

On motion of Senator Hawley, Senate File No. 235, A bill for an act to legalize the incorporation of the regular Baptist Church of Algona, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator Hawley moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee,

Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Smyth, Vale, Vermillion, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Bill, Griffith, Long, Mitchell, Moore, Mulkern, Rice, Traverse, Tuttle, and West—10.

So the bill passed and the title was agreed to.

On motion of Senator Dysart, substitute for House File No. 256, A bill for an act to enable counties to provide Justices of the Peace with a copy of Conklin's Iowa Justice for the use of their respective offices, with report of Committee recommending that it do pass, was taken up and considered.

Senator Dysart moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Campbell, Casady, Chapin, Clausen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hamilton, Havens, Hurley, Johnson, Keller, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—35.

The nays were—

Senators Beardsley, Cathcart, Fellows, Knoll, Patterson, and Vermillion—6.

Absent and not voting—

Senators Bill, Bulis, Hawley, Ireland, Mitchell, Moore, Mulkern, Pierce, and Rice—9.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

House File No. 284, A bill for an act providing for additional fees for sheriffs, constables, and other persons in certain criminal cases.

House File No. 367, A bill for an act apportioning the State of Iowa into representative districts and declaring the action of representation.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

Senator Donnan moved to take up Senate File No. 101, A bill for an act to provide for the purchase of G. Green's reports of the Decisions of the Supreme Court of Iowa, with House amendments.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Murray, Newell, Patterson, Traverse, Tuttle, Wolf, and Wright—35.

The nays were—

Senators Beardsley, Bulis, Campbell, Ireland, McNutt, Pierce, Smyth, Vale, Vermillion, and West—10.

Absent and not voting—

Senators Bill, Mitchell, Moore, Mulkern, and Rice—5.

So the motion prevailed.

The question being "Shall the Senate concur in House amendment?"

The yeas were—

Senators Allen, Atkins, Bennett, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Murray, Newell, Patterson, Traverse, Tuttle, and Wright—33.

The nays were—

Senators Beardsley, Bulis, Campbell, Cathcart, Ireland, McNutt, Pierce, Smyth, Vale, Vermillion, and West—11.

Absent and not voting—

Senators Bill, Mitchell, Moore, Mulkern, Rice, and Wolf—6.

So the House amendment was concurred in.

Senator West moved that the Senate take up bills on third reading.

Which was agreed to.

Senator Patterson presented a remonstrance from the Independent School District of Bloomfield.

Was referred to Committee on Schools.

On motion of Senator Allen, Senate File No. 19, A bill for an act to repeal section 1568, of the Revision of 1860, and to provide a substitute therefor, was taken up, rule suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Knoll, Long, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—39.

The nays were—

Senator Smyth—1.

Absent and not voting—

Senators Casady, Fairall, Hurley, Keller, Larrabee, Lowry, McCulloch, Mitchell, Moore, and Mulkern—10.

So the bill passed, and the title was agreed to.

On motion of Senator Hamilton, Senate File No. 241, A bill for an act for the relief of Joseph W. Caldwell, with report of Committee recommending that the bill do pass was taken up, and considered,

Senator Hamilton moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Campbell, Casady, Chapin, Claussen, Couch, Donnan, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Wolf, and Wright—33.

The nays were—

Senators Cathcart, and Knoll—2.

Absent or not voting—

Senators Atkins, Bulis, Dixon, Dunham, Dysart, Fairall, Fellows, Griffith, Johnson, Mitchell, Moore, Mulkern, Rice, Vermillion, and West—15.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 269, A bill for an act to prevent and punish the adulteration of milk and cheese.

I also herewith transmit the following which has passed the House without amendment.

Senate File No. 111, A bill for an act to amend section 40, of chapter 138, of the acts of the Twelfth General Assembly, to regulate Insurance Companies.

Senate File No. 181, A bill for an act for the improvement of the Penitentiary, and to provide for salary and compensation of the Warden.

House File No. 132, A bill for an act for the support and education of the blind.

BENJ. VAN STEINBURG, *Asst. Clerk.*

Senator Lowry moved that when the Senate adjourn, it be until 7½ o'clock this evening.

Which was agreed to.

Senator Lowry moved to take up substitute for House File No. 132, A bill for an act to provide for the maintenance of the blind.

Which prevailed.

At 5 o'clock and 15 minutes, on motion of Senator Murray, the Senate adjourned.

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SEVEN AND A HALF O'CLOCK P. M.

Senate met pursuant to adjournment, and was called to order by the President *pro tem.* at 7½ o'clock.

On motion of Senator Traverse, the Senate took a recess for 15 minutes.

At 15 minutes before 8 o'clock P. M., Senate called to order.

The question being the consideration of House File No. 132, on motion of Senator Dysart, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bill, Bulie, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Donnan, Dunham, Fairall, Hawley, Larrabee, Mitchell, Moore, and Mulkern—10.

So the bill passed and the title was agreed to.

On motion of Senator Ireland, House File No. 262, A bill for an act relating to the acknowledgment and recording of deeds in certain cases, with report of Committee recommending amendments, was taken up, and report of Committee was adopted.

On motion of Senator Ireland, the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bill, Bulie, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley,

Ireland, Johnson, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Rice, Traverser, Tuttle, Vale, Vermillion, Wolf, and Wright—41.

The nays were—

Senators Keller, and Smyth—2.

Absent and not voting—

Senators Allen, Bennett, Dunham, Larrabee, Mitchell, Mulkern, and West—7.

So the bill passed and the title was agreed to.

Senator Wolf, from the Committee on Enrolled bills, submitted the following report :

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined Senate Files Nos. 193, 111, 181, 101, and memorial and joint resolution in reference to Fox and Wisconsin rivers, and find the same correctly enrolled.

WOLF, *for Committee.*

On motion of Senator Hawley, House File, No. 239, A bill for an act to amend section 1 of chapter 71 of the Laws of the Ninth General Assembly, with report of committee recommending that the bill do pass was taken up and considered.

On motion of Senator Hawley the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claassen, Couch, Dixon, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—40.

The nays were—none.

Absent and not voting—

Senators Allen, Bennett, Donnan, Dunham, Larrabee, Long, Mitchell, Mulkern, Tuttle, and Wolf—10.

So the bill passed, and the title was agreed to.

House File, No. 274, A bill for an act to amend chapter 123 of the Laws of the 11th General Assembly relating to the gray uniform furnished members of the 2d and 3d Iowa Infantry, with report of committee recommending that the bill do pass, was taken up and considered, and the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bulis, Campbell, Cathcart, Chapin, Claassen, Couch, Dixon, Dysart, Fairall, Fellows, Griffith, Grimes,



Hamilton, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Lowry, McCulloch, McKean, Moore, Murray, Newell, Patterson, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—35.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Bill, Casady, Donnan, Dunham, Havens, Larrabee, Long, McNutt, Mitchell, Mulkern, Pierce, Tuttle, and Wolf—15.

So the bill passed and the title was agreed to.

Senator Casady moved to take up Senate File No. 145, A bill for an act to repeal chapter 161 of the Laws of the Eleventh General Assembly.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bulis, Campbell, Casady, Cathcart, Fairall, Fellows, Grimes, Hamilton, Hawley, Ireland, Johnson, Keller, Knoll, Long, McKean, Moore, Murray, Pierce, Rice, Smyth, and Traverse—23.

The nays were—

Senators Beardsley, Bill, Chapin, Claussen, Conch, Dixon, Dyart, Hurley, Lowry, McCulloch, McNutt, Mitchell, Patterson, Tuttle, Vale, Vermillion, West, and Wright—18.

Absent and not voting—

Senators Bennett, Donnan, Dunham, Griffith, Havens, Larrabee, Mulkern, Newell, and Wolf—9.

Motion not having received a two-third vote, did not prevail.

#### MESSAGES FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Substitute for Senate File No. 8, A bill for an act in relation to the penalty of certain taxes.

Senate File No. 168, A bill for an act to facilitate the acquisition of the right of way over the line of abandoned railways, and to facilitate the construction of the same.

House File No. 296, A bill for an act for the government of the State University.

Senate File No. 237, A bill for an act for the relief of Jasper county for money stolen from the county safe.

I am also directed to inform your honorable body that the House of Representatives has passed the following bill without amendment.

Senate File No. 217, A bill for an act making appropriations for the Iowa State Agricultural College and Farm.

BENJ. VAN STEINBURG, *1st Asst. Clerk.*

Senator Pierce moved to take up House File No. 113, A bill for an act in relation to omnibuses, transfer companies, and common carriers.

The motion prevailed.

Senator McMutt moved to adjourn.

The motion was lost.

Senator Pierce moved that the rule be suspended and the bill read a third time now, which motion prevailed.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hawley, Hurley, Johnson, Keller, Knoll, Lowry, McCulloch, McKean, Mitchell, Moore, Newell, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—34.

The nays were—

Senators Allen, Bill, Couch, and Patterson—4.

Absent and not voting—

Senators Bennett, Dunham, Hamilton, Havens, Ireland, Larrabee, Long, McNutt, Mulkern, Murray, Tuttle, and Wolf—12.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

Joint resolution to commission of legal enquiry.

BENJ. VAN STEINBURG,  
*1st Assistant Clerk.*

House File No. 222, A bill for an act to tax lands which are owned by counties outside the limits of other counties, was taken up, and considered.

Senator Moore moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Newell, Patterson, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—40.

The nays were none.

Absent and not voting—

Senators Allen, Dunham, Havens, Hurley, Long, Mulkern, Murray, Pierce, Tuttle, and Wolf—10.

So the bill passed and the title was agreed to.

Joint resolution in relation to Commission of Legal Inquiry, was taken up.

Read first and second time.

Senator Fellows moved that the rule be suspended and the resolution be read a third time now, which prevailed, and the resolution was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Vale, Vermillion, West, Wolf, and Wright—37.

The nays were none.

Absent and not voting—

Senators Allen, Bill, Cathcart, Dunham, Fairall, Havens, Hawley, Hurley, Long, McNutt, Mulkern, Traverse and Tuttle—13.

So the joint resolution was passed.

Senator Beardsley moved that when the Senate adjourn, it be until 9 o'clock to-morrow morning.

Which was agreed to,

At 9 o'clock and 20 minutes, on motion of Senator Murray, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, IOWA,  
APRIL 12, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

Prayer by Rev. Mr. Schofield.

On motion of Senator McKean, the reading of the Journal was dispensed with.

By leave, Senator Keller, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred House File No. 282, A bill for an act to amend the registry

law, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

I. N. KELLER, *Chairman.*

Ordered that the report pass on file.

On motion of Senator McKean, House File No. 96, A bill for an act to repeal chapter 127 of the Acts of the 11th General Assembly with report of Committee recommending that it do pass, was taken up and considered.

Senator McKean moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardeley, Bennett, Bill, Bulis, Cathcart, Chapin, Dixon, Donnan, Dysart, Fellows, Grimes, Hurley, Ireland, Keller, Long, Lowry, McCulloch, McKean, McNutt Mitchell, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—28.

The nays were—

Senators Atkins, Campbell, Claussen, Fairall, Havens, Knoll, Murray, Newell, and West—9.

Absent and not voting—

Senators Allen, Couch, Casady, Dunham, Griffith, Hamilton, Hawley, Johnson, Larrabee, Moore, Mulkern, Rice, and Tuttle—13.

So the bill passed and the title was agreed to.

Senator Wolf, from Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 310, A bill for an act to define the rights of church corporations, have had the same under consideration and have instructed me to report the same back to the Senate, with the recommendation that it do pass.

WOLF, *for Committee.*

Ordered that the report pass on file.

Also the following:

MR. PRESIDENT—Your Committee on Schools to whom was referred House File No. 303, A bill for an act to legalize the levy of taxes in sub-district No. 6, in Lick Creek township, Davis Co. Iowa, have had the same under consideration, and a majority have instructed me to report the same back to the House, with the recommendation that it do pass.

WOLF, *Chairman.*

Ordered that the report pass on file.

Senator McKean, from the Committee on Roads, submitted the following report:

MR. PRESIDENT—Your Committee on Roads, to whom was referred Senate File No. 62, A bill for an act to repeal Sec. 2 of chapter 160 of the Laws of the 12th General Assembly, have had the same under consideration, and a majority thereof have instructed me to report the same back to the Senate, with the accompanying amendment and recommend that the amendment be adopted, and the bill as amended do pass, for the reason that as the law now stands the power possessed by the auditor in relation to the establishment of roads seems to be somewhat uncertain and undefined with sufficient precision.

JOHN McKEAN, *Chairman.*

Ordered that the report pass on file.

Senator Havens from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following bills, viz: Senate Files Nos. 126, 135, 172, 184, 178, 188, 229, 242, and 246.

J. W. HAVENS, *for Committee.*

Senator Hamilton, from the Committee on Incorporation, submitted the following report :

MR. PRESIDENT—Your Committee on Incorporation, to whom was referred House File No. 366, A bill for an act to amend an act entitled an act to authorize the improvement of streets and alleys, approved April 8, 1870, being chapter 65, beg leave to report that they have had the same under consideration, and a majority of the committee have instructed me to report the same back to the Senate with the recommendation that it be amended, by striking out the words "paving or macadamising," in the eleventh line of the 1st section, and that when so amended it do pass.

A. H. HAMILTON, *Chairman.*

Ordered that the report pass on file.

On motion, Senate File No. 252, A bill for an act defining the duties of street commissioners, with report of committee recommending that it do pass, was taken up and considered.

On the question, "Shall the bill pass?"

The rule was suspended and the bill was read a third time.

The yeas were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Donnan, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Long, Lowry, McKean, McNutt, Mitchell, Moore, Murray,

Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, and Wright—38.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Casady, Dixon, Dunham, Dysart, Johnson, Larrabee, McCulloch, Mulkern, Tuttle, and Wolf—12.

So the bill passed, and the title was agreed to.

On motion of Senator Bulis, bills on third reading were taken up.

Substitute for House File No. 45, A bill for an act to empower school boards to procure school-house sites, was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Patterson, Pierce, Rice, Smyth, Traverse, West, and Wright—39.

The nays were— none.

Absent and not voting—

Senators Allen, Dunham, Griffith, Hawley, Mulkern, Murray, Newell, Tuttle, Vale, Vermillion, and Wolf—11.

So the bill passed and the title was agreed to.

The Committee to classify the bills, submitted the following report:

MR. PRESIDENT—Your Committee appointed to assort and classify the bills pending before the Senate, beg leave to report that they have performed that duty, and report the following classification :

First class : House Files 204, 324, 313, 227, 301, 366, 152, 337, 19, 368, 106, 64, 63, 119, 116, 209, 304, 59 and 98, 94, 137, 361. Senate Files 197, 149, 56, 119, 152, 223, 27, 129.

Second class : Senate Files 232, 231, 171, 199, 191. House Files 212, 114, 51, 295, 167, 26.

Third class : House Files 268, 361, 298, 283, 221, 233. Senate Files 249, 160, 145, 131, 137, 182.

Rejected class : Senate Files 83, 234, 212, 47, 49, 136, 1, 109, 116, 164. House Files 180, 331, 216.

BENNETT, *Chairman.*

Senator Bulis from the Committee on Railroads, submitted the following report :

MR. PRESIDENT—Your Committee on Railroads to whom was referred House File No. 260, a bill for an act to establish railroad commissioners, have had the same under consideration, and a majority have instructed me to report the same back to the Senate, with the recommendation that it do not pass.

H. C. BULIS, *Chairman.*

On motion of Senator Bulis, Senate File No. 90, a bill for an act to amend chapters 52 and 53, of the revision of 1860.

On the question "Shall the Senate concur in House amendments?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, and Wright—42.

The nays were—none.

Absent and not voting—

Senators Allen, Dunham, Johnson, Mulkern, Newell, Patterson, Vermillion, and Wolf—8.

So House amendments were concurred in.

House File No. 79, A bill for an act for the more effectual prevention of cruelty to animals, was taken up and considered.

Senator Claussen moved to indefinitely postpone the bill.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Claussen, Dysart, Fellows, Havens, Hawley, Keller, Knoll, Long, McCulloch, Patterson, and Vermillion—11.

The nays were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Dixon, Donnan, Dunham, Fairall, Griffith, Grimes, Hamilton, Hurley, Ireland, Lowry, McKean, McNutt, Moore, Murray, Newell, Traverse, Tuttle, Vale, West, and Wright—30.

Absent and not voting—

Senators Allen, Johnson, Larrabee, Mitchell, Mulkern, Pierce, Rice, Smyth, and Wolf—9.

Motion did not prevail.

Senator Fairall moved to suspend the rule, and read the bill a third time now.

The motion prevailed.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Grimes, Hamilton, Hurley, Ireland, Johnson, Lowry, McKean, McNutt, Mitchell, Moore, Murray, Newell, Pierce, Smyth, Traverse, Tuttle, Vale, and Wright—35.

The nays were—

Senators Claussen, Fellows, Havens, Hawley, Keller, Knoll, Long, Patterson, and Vermillion—9.

Absent and not voting—

Senators Larrabee, McCulloch, Mulkern, Rice, West, and Wolf—6.

So the bill passed, and the title was agreed.

Senate File No. 197, A bill for an act to regulate road taxes and road labor in certain cases, was taken up and considered.

Senator McKean moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fellows, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, and Wright—40.

The nays were—

Senator Grimes—1.

Absent and not voting—

Senators Allen, Casady, Dixon, Fairall, McKean, Moore, Mulkern, Vermillion, and Wolf—9.

So the bill passed, and the title was agreed to.

Substitute for Senate File No. 27, a bill for an act to change the time of the meeting of the Board of Trustees of the Iowa State Agricultural College and Farm, and for other purposes, was taken up and considered.

Senator Dysart offered the following amendment to section five, which was adopted.

That the fees arising from the releasing of the lands be paid into the treasury of the Iowa State Agricultural College and Farm, for the use thereof.

Senator Wright moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Grimes, Havens, Hawley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—39.

The nays were none.

Absent or not voting—

Senators Allen, Casady, Donnan, Fairall, Fellows, Griffith, Hamilton, Hurley, Johnson, Larrabee, and Mulkern—11.

So the bill passed and the title was agreed to

House File No. 204, a bill for an act to amend the law in respect to the liens of mechanics and others, was taken up and considered.



Senator Dysart moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Campbell, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fairall, Griffith, Hawley, Keller, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—34.

The nays were—

Senators Bill, Bulis, Grimes, Knoll, and Long—5.

Absent and not voting—

Senators Casady, Couch, Fellows, Hamilton, Havens, Hurley, Ireland, Johnson, Larrabee, Mulkern, and Patterson—11.

So the bill passed, and the title was agreed to.

Substitute for House Files Nos. 59 and 98, a bill for act to provide for the drainage of lands, with report of committee recommending that it do pass, was taken up and considered.

Senator Vale moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Claussen, Dixon, Dunham, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—41.

The nays were none.

Absent and not voting—

Senators Atkins, Chapin, Couch, Donnan, Fairall, Fellows, Larrabee, Mulkern, and Vermillion—9.

So the bill passed, and the title was agreed to.

Substitute for House File No. 26, A bill for an act to repeal section 722 of the Revision of 1860, and to provide a substitute therefor, and to prevent fraud in assessments, with report of committee recommending that it do pass, was taken up and considered.

Senator Dysart moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Campbell, Casady, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Griffith, Grimes,

Havens, Hawley, Hurley, Keller, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Murray, Patterson, Rice, Smyth, Tuttle, Vale, West, Wolf, and Wright--32.

The nays were--

Senators Bill, Bulis, Cathcart, Johnson, McNutt, Moore, and Vermillion--7.

Absent and not voting--

Senators Allen, Chapin, Donnan, Fellows, Hamilton, Ireland, Larrabee, Mulkern, Newell, Pierce, and Traverse--11.

So the bill passed and the title was agreed to.

Senator Patterson, from Committee on Railroads, submitted the following report:

MR. PRESIDENT--The undersigned, members of your Committee on Railroads, not concurring in the report of said committee on House File No. 260, A bill for an act to establish a board of railroad commissioners, beg leave to report that they believe that a railroad commissioner should be established, and recommend that the following substitute be adopted for said bill, and that the substitute do pass--

J. G. PATTERSON,  
GEO. E. GRIFFITH,  
E. S. McCULLOCH,  
I. J. MITCHELL,  
M. TUTTLE.

Senator McNutt moved to lay the substitute on the table.

On which question the yeas and nays were demanded, and

The yeas were--

Senators Atkins, Beardsley, Bill, Bulis, Chapin, Dixon, Dunham, Dysart, Grimes, Havens, Keller, Larrabee, Long, McKean, McNutt, Moore, Murray, Newell, Pierce, Rice, Vermillion, West, and Wolf--23.

The nays were--

Senators Campbell, Cathcart, Claussen, Couch, Fairall, Fellows, Griffith, Hamilton, Hawley, Hurley, Johnson, Knoll, Lowry, McCulloch, Mitchell, Patterson, Smyth, Tuttle, Vale, and Wright--20.

Absent and not voting--

Senators Allen, Bennett, Casady, Donnan, Ireland, Mulkern, and Traverse--7.

So the bill was laid on the table.

Senate File No. 119, A bill for an act to amend sections 2517, 2520, 2521, 2522, 2527, 2528, and 2530, of the Revision of 1860, and section 3 of chapter 86 of the acts of 12th General Assembly with report of Committee recommending substitute, and that it do pass was taken up, considered, and was adopted.

Senator Bennett moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Dunham, Dysart, Griffith, Grimes, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Wolf, and Wright—37.

The nays were—

Senators Fairall, and West—2.

Absent and not voting—

Senators Couch, Donnan, Fellows, Hamilton, Hawley, Larrabee, McKean, McNutt, Mulkern, Newell, and Vermillion—11.

So the bill passed and the title was agreed to.

Senator Wolf moved that the Senate take a recess of 15 minutes.

Which was not agreed to.

House File No. 116, A bill for an act to repeal Section 3969 of Revision of 1860, and to provide a substitute therefor with report of Committee recommending that it do pass was taken up and considered.

Senator Bennett moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Griffith, Grimes, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, Mitchell, Moore, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—37.

The nays were—

Senator West—1.

Absent and not voting—

Senators Donnan, Fellows, Hamilton, Hurley, Larrabee, McKean, McNutt, Mulkern, Murray, Newell, Patterson, and Rice—12.

So the bill passed and the title was agreed to.

The following message was received from the House :

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed substitute for Senate File No. 128, A bill for an act for the relief of the widow and heirs of Joseph B. Dorr, late Colonel 8th Iowa Cavalry, with the following amendments, in which the concurrence of the Senate is asked :

Strike out all after the enacting clause of section 1 and insert, "The State of Iowa hereby releases and relinquishes to the widow

and heirs of said Joseph B. Dorr all the right, title, or lien in, to, or upon said lots eight and nine (8 and 9) in Bradstreet's addition to the city of Dubuque, which accrued to the State under and by virtue of said mortgage; provided, however, that this act shall not take effect until the sureties upon the note given by said Joseph B. Dorr shall first enter in writing upon the records of said court their full consent to the release herein provided for."

I herewith return the following bills, which have passed the House without amendment:

Senate File No. 226, A bill for an act to authorize counties to establish and maintain high schools.

Substitute for Senate Files Nos. 37, 38, and 78, bills for acts to legalize the acts of certain persons acting as Notaries Public.

Senate File No. 143, A bill for an act for the relief of Louisa county, Iowa, for money stolen from the safe, February 18, 1868.

BENJ. VAN STEINBURG,  
*1st Assistant Clerk.*

House File No. 291, A bill for an act to authorize the State Census Board to compromise and collect unavailable balances and accounts with defaulting County Treasurers, was taken up and considered.

Senator Griffith moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Campbell, Casady, Cathart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Griffith, Grimes, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—41.

The nays were none.

Absent and not voting—

Senators Bulis, Donnan, Fellows, Hamilton, Hurley, Larrabee, McNutt, Mulkern, and Vermillion—9.

So the bill passed and the title was agreed to.

Substitute for Senate File No. 223, A bill for an act pertaining to bills of review, with report of Committee recommending a substitute, and that it do pass, was taken up, considered, and substitute was adopted.

Senator Fairall moved that the rule be suspended, and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, West, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Bennett, Donnan, Fellows, Hamilton, Larrabee, McNutt, Mulkern, Newell, Traverse, and Vermillion—10.

So the bill passed and the title was agreed to.

House File No. 64, A bill for an act to destroy Canada thistles.

Senator Bulis moved to lay the bill on the table, which motion was lost.

On motion, the bill was referred to Senator Fairall, with instructions to perfect the bill.

Substitute for House File No 94, A bill for an act to amend section 4538, of the Revision of 1860, with report of Committee recommending a substitute, and that it do pass, was taken up, considered, and substitute was adopted.

Senator Bennett moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Fellows, Grimes, Havens, Hawley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—40.

The nays were none.

Absent and not voting—

Senators Donnan, Griffith, Hamilton, Hurley, Johnson, Larrabee, McNutt, Mitchell, Mulkern, and Wright—10.

So the bill passed and the title was agreed to.

House File No. 304, A bill for an act to amend section 1187, of the Revision of 1860, relating to incorporations, with report of Committee recommending that it do pass, was taken up and considered.

Senator Grimes moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Fairall, Fellows,

Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Knoll, Long, Lowry, Moore, Newell, Patterson, Pierce, Rice, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—34.

The nays were none.

Absent and not voting—

Senators Atkins, Bennett, Donnan, Dysart, Hurley, Johnson, Keller, Larrabee, McCulloch, McKean, McNutt, Mitchell, Murray, Mulkern, Smyth, and Wright—16.

So the bill passed and the title was agreed to.

Substitute for House File No. 17, a bill for an act to define the manner in which the re-survey of lands shall be made, with report of committee recommending that it do pass, was taken up and considered.

Senator Dysart moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bulis, Campbell, Casady, Cathcart, Claussen, Couch, Dixon, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, and Wright—40.

The nays were none.

Absent and not voting—

Senators Bennett, Bill, Chapin, Donnan, Dysart, Long, McNutt, Mulkern, Traverse, and Wolf—10.

So the bill passed, and the title was agreed to.

On motion of Senator Fairall, Senate File No. 149, was passed on file.

House File No. 368, a bill for an act to legalize the sale of certain school lands in Story county Iowa, with report of committee recommending that it do pass, was taken up and considered.

Senator Mitchell moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bulis, Campbell, Cathcart, Claussen, Dixon, Donnan, Dunham, Fairall, Griffith, Grimes, Havens, Hawley, Hurley, Johnson, Knoll, Larrabee, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, Vermillion, West, Wolf, and Wright—36.

The nays were—none.

Absent and not voting—

Senators Bennett, Bill, Casady, Chapin, Couch, Dysart, Fellows,

Hamilton, Ireland, Keller, Long, McNutt, Mulkern, and Traverse—14.

So the bill passed and the title was agreed to.

House File No. 152, A bill for an act to confer certain powers on the Judges of the Circuit Court, with report of Committee recommending amendments, and that so amended that it pass, was taken up, considered, and report of Committee was adopted.

Senator Bennett moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, McCulloch, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, West, and Wright—38.

The nays were none.

Absent and not voting—

Senators Allen, Donnan, Dunham, Griffith, Long, Lowry, McKean, McNutt, Mitchell, Mulkern, Vermillion, and Wolf—12.

So the bill passed and the title was agreed to.

Senator Fairall from the Committee on House File No. 64, submitted the following report:

MR. PRESIDENT.—Your Committee on House File No. 64, has had the same under consideration and reports the same back to the Senate, with the recommendation that it be amended by striking out sections 5, 6, 7, and 8, and insert the following:

SECTION 4. If any road supervisor, corporation, or person, after having been notified in writing of the presence of the Canada thistle on the places hereinbefore referred to, permit such thistle to blossom or mature, shall be guilty of a misdemeanor, and punished accordingly.

SEC. 5. The notice may be served on any ticket or station agent, of any railway company nearest the place where such thistle is found.

SEC. 6. All acts and parts of acts, inconsistent with this act are hereby repealed.

On motion of Senator Fairall, House File No. 64, A bill for an act to destroy Canada thistles, with report of Committee recommending amendments, and when so amended that it do pass, was taken up, considered, and report of Committee was adopted.

On motion, the rule was suspended, and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Dysart, Fairall, Griffith, Grimes, Hamilton,

Havens, Hawley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vermillion, West, and Wolf—36.

The nays were—

Senator Bulis—1.

Absent and not voting—

Senators Allen, Atkins, Bill, Casady, Donnan, Dunham, Fellows, Hurley, Larrabee, Mitchell, Mulkern, Vale, and Wright—13.

So the bill passed and the title was agreed to.

Senator Murray moved that the Senate take up the special order, it being Senate File No. 248, A bill for an act apportioning the State of Iowa into Senatorial Districts.

Senator Patterson moved to strike out of the 44th section the word "Mitchell," and insert in the 47th District after the word "Franklin" the word "Mitchell."

Senator Knoll moved to recommit with instructions to amend the first section of the bill so as to make twenty-four thousand or fraction thereof equal to one half in each Senatorial District to constitute the ratio of apportionment.

On which question the yeas and nays were demanded.

The yeas were—

Senators Beardsley, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Fairall, Fellows, Grimes, Hamilton, Hurley, Ireland, Johnson, Knoll, Long, McCulloch, McNutt, Mitchell, Patterson, Rice, Smyth, Traverse, West, Wolf, and Wright—27.

The nays were—

Senators Atkins, Bill, Dysart, Havens, Keller, Lowry, Moore, Murray, Newell, Pierce, Tuttle, and Vermillion—12.

Absent and not voting—

Senators Allen, Bennett, Couch, Donnan, Dunham, Griffith, Hawley, Larrabee, McKean, Mulkern, and Vale—11.

So the bill was referred.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith return to your honorable body the following bills, which has passed the House without amendment :

Senate File No. 206, A bill for an act to amend section 2532 of the Revision of 1860, in relation to divorce and alimony.

Senate File No. 207, A bill for an act to amend chapter 86 of the Laws of the 12th General Assembly, in relation to courts, with an amendment attached to the bill, in which the concurrence of the Senate is asked.

I also return to the Senate the following bills which have passed the House without amendment :



Senate File No. 204, A bill for an act to amend chapter 101 of the Revision of 1860, pertaining to husband and wife and regulating their rights and liabilities.

Senate File No. 208, A bill for an act to amend chapter 100 of the Revision of 1860, in relation to the estates of decedents, with amendments as noted in the bill, in which the concurrence of the Senate is asked.

I am also directed to inform your honorable body that the House refuses to concur in the report of the Committee of Conference, on the disagreement of the two Houses upon Senate File No. 105, and that the House adheres to its amendment.

CHARLES ALDRICH, *Chief Clerk.*

On motion of Senator Fellows, House File No. 367, A bill for an act apportioning the State of Iowa into Representative Districts, and declaring the ratio of Representation, was taken up and read first and second time.

Senator Vale moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, and West—39.

The nays were none.

Absent and not voting—

Senators Atkins, Couch, Donnan, Fairall, McCulloch, Mitchell, Moore, Mulkern, Tuttle, Wolf, and Wright—11.

So the bill passed, and the title was agreed to.

The joint resolution relative to the election of certain officers by this General Assembly, Senator Campbell moved to strike out "10 o'clock," and insert "9 o'clock."

Senator West moved to amend the amendment by striking out "9 o'clock," and inserting "8 o'clock."

The amendment to the amendment was lost.

The question being on the amendment offered by Senator Campbell, it was adopted.

The concurrent resolution as amended was then adopted.

On motion of Senator Newell, the vote by which House File No. 219, A bill for an act to annex certain lands to the independent school district of Strawberry Point, for school purposes, was indefinitely postponed, be reconsidered.

Carried.

The question being to indefinitely postpone the bill, it was lost.

The question being, "Shall the bill be engrossed for a third reading?" Senator Newell moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Moore, Murray, Newell, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—44.

The nays were none.

Absent and not voting—

Senators Couch, Fairall, McCulloch, Mitchell, Mulkern, and Patterson—6.

So the bill passed and the title was agreed to.

Senator Larrabee, from Committee on Conference, submitted the following report:

MR. PRESIDENT—The undersigned, Joint Committee of Conference on Senate File No. 105, report as follows:

We recommend that the House recede from its amendments.

W. LARRABEE,  
A. H. HAMILTON,  
*On part of the Senate.*  
J. D. MILES,  
T. CRAWFORD,  
*On part of the House.*

Dissenting—

A. H. HAMILTON, *Senate.*

C. DUDLEY, *House.*

Substitute for House File No. 228, A bill for an act making appropriations for State Reform School, with report of Committee, was taken up and considered.

Senator Hawley moved to strike out all the first section after the enacting clause.

The motion prevailed.

Senator Beardsley moved that the rule be suspended and the bill be read a third time, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan,

Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, Vermillion, West, Wolf, and Wright—47.

The nays were none.

Absent and not voting—

Senators Fairall, Mulkern, and Tuttle—3.

So the bill passed and the title was agreed to.

Senator Bennett moved that all new bills from the House be sent to the Sifting Committee.

The motion prevailed.

At 12 o'clock, on motion of Senator Murray, the Senate adjourned till 2 o'clock this afternoon.

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TWO O'CLOCK, P. M.

Senate met pursuant to adjournment, the President *pro tem.* in the Chair.

MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I herewith return to your honorable body the following bill, which has passed the House without amendment :

Senate File No. 208, A bill for an act to amend the code of civil practice.

Also, resolution relating to distributing the Adjutant-General's Reports, in which the concurrence of the Senate is asked.

BENJ. VAN STEINBURG, *Asst. Clerk.*

House File No. 366, A bill for an act to amend an act entitled an act to authorize the improvements, etc., with report of Committee recommending amendments, and so amended do pass, was taken up and considered.

The question being on the amendment proposed by the Committee, the yeas and nays were demanded, and

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Campbell, Couch, Dixon, Donnan, Griffith, Hamilton, Havens, Ireland, Johnson, Keller, Long, Lowry, McCulloch, McKean, Murray, Newell, Patterson, Pierce, Traverse, and Wright—24.

The nays were—

Senators Beardsley, Cathcart, Claussen, Dunham, Dysart, Knoll, McNutt, Rice, Smyth, Vermillion, and West—11.

Absent and not voting—

Senators Bill, Casady, Chapin, Fairall, Fellows, Grimes, Hawley, Hurley, Larrabee, Mitchell, Moore, Mulkern, Tuttle, Vale, and Wolf—15.

So the amendment was adopted.

The rule was then suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Long, Lowry, McCulloch, McKean, McNutt, Murray, Newell, Patterson, Rice, Smyth, Vale, Vermillion, West, and Wright—31.

The nays were—

Senators Cathcart, Knoll, Pierce, and Traverse—5.

Absent or not voting—

Senators Beardsley, Bill, Campbell, Casady, Dunham, Fairall, Hawley, Hurley, Larrabee, Mitchell, Moore, Mulkern, Tuttle, and Wolf—14.

So the bill passed and the title was agreed to.

House File No. 301, a bill for an act for the relief of Patrick Hamil, with report of Committee recommending that it do pass, was taken up and considered.

On motion the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Vale, Vermillion, West, Wolf, and Wright—39.

The nays were none.

Absent and not voting—

Senators Beardsley, Casady, Dunham, Fairall, Fellows, Hawley, Moore, Mulkern, Traverse, and Tuttle—11.

So the bill passed and the title was agreed to.

House File No. 361, a bill for an act to legalize the independent school district formed from portions of Page and Taylor counties, with report of committee recommending that it do pass, was taken up and considered, and the rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Chapin, Couch, Dixon,

Donnan, Dysart, Griffith, Grimes, Johnson, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Vale, West, and Wright—28.

The nays were—

Senators Beardsley, Campbell, and Vermillion—3.

Absent or not voting—

Senators Bill, Casady, Cathcart, Claussen, Dunham, Fairall, Fellows, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, McCulloch, Moore, Mulkern, Traverse, Tuttle, and Wolf—19.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I herewith present for your signature the following Bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 111, A bill for an act to amend section 40 of chapter 188 of the acts of the 12th General Assembly to regulate insurance companies.

Senate File No. 193, A bill for an act for the government of hospital for the insane, defining the legal relations of insane persons, and providing for their care and protection.

Senate File No. 181, A bill for an act for the improvement of the Penitentiary, and to provide for the salary and compensation of the Warden.

Senate File No. 101, A bill for an act to provide for the purchase of G. Green's Reports of the Decisions of the Supreme Court of Iowa.

Also, Memorial to Congress in reference to Fox and Wisconsin rivers.

BENJ. VAN STEINBURG, *Asst. Clerk.*

House File No. 119, A bill for an act to amend chapter 46 of the Laws of the 10th General Assembly, with report of Committee recommending that it do pass, was taken up, considered, and the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bill, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Newell, Patterson, Pierce, Rice, Vale, Vermillion, West, Wolf, and Wright—37.

The nays were none.

Absent and not voting—

Senators Bennett, Casady, Fairall, Hawley, Hurley, Ireland,

Larrabee, Moore, Mulkern, Murray, Smyth, Traverse, and Tuttle—13.

So the bill passed and the title was agreed to.

Senate File No. 56, A bill for an act to amend section 2824, of Revision of 1860 with Committee recommending that it do pass was taken up, considered, and the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Newell, Patterson, Pierce, Rice, Smyth, Vale, Vermillion, West, Wolf, and Wright—43.

The nays were none.

Absent and not voting—

Senators Fairall, Hawley, Hurley, Mulkern, Murray, Traverse, and Tuttle—7.

So the bill passed and the title was agreed to.

House File No. 137, a bill for an act to repeal section 2824, of chapter 120, of the revision of 1860, and enact a substitute therefor with report of Committee recommending that the bill lie on the table, was taken up and considered.

The report of the committee was adopted.

House File No. 106, a bill for an act to consolidate taxes which are uniform in civil townships and independent school districts, and to amend section 746 of the revision of 1860, with report of committee recommending that it do pass, was taken up, considered, and the rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Ireland, Johnson, Keller, Long, Lowry, McKean, Moore, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, West, Wolf, and Wright—33.

The nays were—

Senators Bill, Campbell, Chapin, Dixon, Havens, Knoll, McCulloch, McNutt, Vale, and Vermillion—10.

Absent and not voting—

Senators Allen, Hurley, Larrabee, Mitchell, Mulkern, Murray, and Traverse—7.

So the bill passed and the title was agreed to.

Senate File No. 252, a bill for an act for the payment of S. H. Davis, late 2nd Lieut. Co. F. 9th Iowa cavalry, with report of committee recommending that it do pass, was taken up and considered.

Senator Rice moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Bill, Bulis, Casady, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Hamilton, Havens, Hurley, Ireland, Johnson, Larrabee, McCulloch, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Wolf, and Wright—31.

The nays were—

Senators Campbell, Cathcart, Dixon, Keller, Knoll, McKean, and West—7.

Absent and not voting—

Senators Allen, Beardsley, Bennett, Chapin, Grimes, Hawley, Long, Lowry, McNutt, Moore, Mulkern, and Vermillion—12.

Two-thirds of all the Senators not voting in the affirmative, the President *pro tem* declared that the bill was not passed.

Senator Knoll moved to reconsider the vote just taken.

The motion prevailed.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Casady, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Hamilton, Hawley, Hurley, Ireland, Johnson, Knoll, Larrabee, Lowry, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, and Wolf—36.

The nays were—

Senators Beardsley, Campbell, Cathcart, Dixon, Grimes, Havens, Keller, West, and Wright—9.

Absent and not voting—

Senators Chapin, Long, McCulloch, McNutt, and Mulkern, —5.  
So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

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

House File No. 371, a bill for an act making Judges of the Supreme Court, Library Commissioners.

Senate File No. 196, A bill for an act to amend section 2833, of the Revision, which has passed the House without amendment.

I also herewith return to your honorable body the following bills, which has passed the House without amendment.

Substitute for Senate File No. 202, A bill for an act to legalize the acts of the Board of Supervisors of Davis county, Iowa.

Senate File No. 18, A bill for an act authorizing County Auditor's to administer oaths, and providing a seal for said officers.

Also the House has indefinitely postponed Senate File No. 179, A bill for an act to abolish the Medical Department of State University.

BENJ. VAN STEINBURG, *1st Asst. Clerk.*

Senator Wolf submitted the following report from the Committee on Enrolled Bills :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined substitute for Senate Files Nos. 7, and 18, A bill for an act to amend article 11, of chapter 22, of the Revision of 1860, creating a Board of Supervisors, and acts amendatory thereto, and find the same correctly enrolled.

WOLF, *for Committee.*

Also the following.

MR. PRESIDENT—The Committee on Enrolled Bills have examined Senate Files Nos. 226, 206, 204, 217, and substitute for Senate Files Nos. 57, 38, and 70, and find the same correctly enrolled.

WOLF, *for Committee.*

MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed substitute for Senate File No. 162, A bill for an act defining and establishing the salary of the Governor, other State officers, and Judges of the several Courts of the State, with the following amendments :

Strike out "600," in 1st section, and add to section 1 the following :

"Provided, no allowance shall be made for house rent or personal expenses for the Governor or his family."

Add to section 5 :

"Provided further, that any person elected to fill a vacancy shall receive the salary provided for in this act."

Strike out 5th, 6th, 7th, 8th, and 9th lines in section 7.

Strike out "\$2,400," in section 2, and insert "\$2,200."

Strike out "\$2,400," in section 5, and insert "\$2,200."

Strike out "\$2,000," in section 6, and insert "\$1,800."

In which the concurrence of the Senate is asked.

Senate File No. 194, A bill for an act to amend section 4235 of the Revision of 1860.

I also return to the Senate, Senate File No. 244, A bill for an act



to repeal section 2, chapter 169, of the acts of the Ninth General Assembly, and enact a substitute therefor, which has passed the House without amendment.

BENJ. VAN STEINBURG, *Asst. Clerk.*

By leave, Senator Larrabee, from Committee on Ways and Means, introduced Senate File No. 253, A bill for an act making an appropriation for the *per diem* of the Thirteenth General Assembly, and for other purposes, which was read first and second time, and on motion, the bill was considered by sections.

Senator Wright moved to amend the section in relation to Orphans' Home by striking out "65" and inserting "30."

On which question the yeas and nays were demanded.

The yeas were—

Senators Campbell, Dunham, Grimes, McCulloch, Tuttle, West, Wolf, and Wright—8.

The nays were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Clausen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Vale, and Vermillion—38.

Absent and not voting—

Senators Chapin, Keller, Moore, and Mulkern—4.

So the motion was disagreed to.

Senator Fellows moved to amend section 11 by striking out "six" and inserting "fifteen."

Which was adopted.

Senator McNutt moved to strike out section 20.

The motion did not prevail.

Senator McNutt offered the following amendment to section 20: "In full of all accounts for said dictionary."

The amendment was adopted.

Senator Patterson moved to amend section 8 by striking out "\$17.80," and insert "\$15."

The motion prevailed.

Senator Smyth moved to amend section 38 by striking out "\$94," and inserting "\$282."

Senator Wright moved to amend the amendment by allowing the the Chaplain \$5 per day.

The motion was lost.

The amendment offered by Senator Smyth was then adopted.

Senator McNutt moved to amend section 47 by striking out "\$600," and inserting "\$100 each."

The motion did not prevail.

Senator Larrabee moved to suspend the 11th rule and read the bill a third time now.

The motion was agreed to.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Conch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKeau, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wolf—45.

The nays were—

Senator Wright—1.

Absent and not voting—

Sanators Beardsley, Dunham, Hamilton, and Mulkern—4.

So the bill passed and the title was agreed to.

Senator Larrabee moved to take up Substitute for Senate File No. 162, A bill for an act defining and establishing the salary of the Governor, other State Officers, and Judges of the several State Courts.

The motion prevailed.

The question being "Shall the Senate concur in House amendments?"

The yeas were—

Senators Beardsley, Bulis, Campbell, Cathcart, Chapin, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Havens, Hawley, Hurley, Keller, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Tuttle, Vale, Vermillion, West, Wolf, and Wright—35.

The nays were—

Senators Bennett, Bill, Casady, Couch, Kuoll, McKean, and Moore—7.

Absent and not voting—

Senators Atkins, Dunham, Grimes, Hamilton, Ireland, Johnson, Mulkern, Smyth, and Traverse—9.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

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

House File No. 230, A bill for an act to enable municipal corporations to settle and compromise their indebtedness, etc.

House File No. 253, A bill for an act to provide for the formation of the Thirteenth Judicial District, and providing for the election of a District and Circuit Judge and District Attorney therein.

I also herewith return Senate File No. 209, A bill for an act to amend Part IV, of the Revision of 1860, in relation to crimes, punishments, and proceedings in criminal cases, which has failed to receive a constitutional majority of the House.

BENJ. VAN STEINBURG,  
*Assistant Clerk.*

On motion of Senator Beardsley, the vote by which House File No. 225, A bill for an act making an appropriation for the relief of Geo. Wilson, was indefinitely postponed, was reconsidered.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, Wolf, and Wright—42.

The nays were none.

Absent and not voting—

Senators Dunham, Hawley, Johnson, Larrabee, McNutt, Mulhern, and West—7.

So the bill passed and the title was agreed to.

On motion of Senator Donnan, Senate File No. 105, A bill for an act to provide for the completion of the center building, the north wing, rear center building, engine house, and chimney and ducts, and improvement of the grounds and farm of the Iowa Insane Asylum at Independence, was taken up.

On the question, "Shall the Senate concur in the House amendments?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Knoll, Long, Lowry, McCulloch, McNutt, Mitchell, Moore, Murray, Newell, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, and Wright—38.

The nays were—

Senators Rice, and Wolf—2.

Absent and not voting—

Senators Bill, Casady, Dunham, Griffith, Hamilton, Keller, Larrabee, McKean, Mulhern, and Patterson—10.

So the amendments were concurred in.

Senator Ireland moved to take up substitute for Senate File No. 128 A bill for an act for the relief of the widow and heirs of Joseph B. Dorr, late Col. of the 8th Iowa Cavalry.

The motion prevailed.

The question being "Shall the Senate concur in House amendment?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Ireland, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Bill, Dunham, Hamilton, Hurley, Johnson, Larrabee, Moore, Mulkern, Traverse, and Tuttle—10.

So the amendments were concurred in.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Substitute House File No. 122, A bill for an act to repeal chapter 81 of the Revision of 1860, etc.

Also herewith return sub-Senate File No. 228, A bill for an act making appropriations for a State Reform School, which has passed the House without amendment.

Substitute for Senate Files No. 37, 38, and 40, A bill for an act to legalize the acts of certain persons acting as notaries public.

Senate File No. 204, A bill for an act to amend chapter 101 of the Revision of 1860, pertaining to husband and wife, and regulating their rights and liabilities.

MARY E. SPENCER,  
*Engrossing Clerk.*

Senate File No. 226, A bill for an act to authorize counties to establish and maintain high schools.

Senate File No. 206, A bill for an act to amend section 2532 of the Revision of 1860, in relation to divorce and alimony.

Senate File No. 217, A bill for an act making appropriations for the Iowa State Agricultural College and Farm.

Senate File No. 143, A bill for an act for the relief of Louisa Co., Iowa, for money stolen from the safe on the night of the 18th of Feb. A. D., 1868.

Concurrent resolution relating to the appointment of Board of Trustees for the Iowa Soldiers' Orphans' Home.

BENJ. VAN STEINBURG, *1st Asst. Clerk.*

Senator Murray from Committee on Senatorial Districts, submitted the following report:

MR. PRESIDENT—Your Committee on Senatorial Districts, to whom was referred Senate File No. 248, A bill for an act apportioning the State of Iowa into Senatorial Districts, have had the same under consideration, and have instructed me to report the same back to the Senate with a substitute therefor, and a majority recommend that it do pass.

MURRAY, *Chairman.*

On motion of Senator Murray, the report was considered.

Senator Casady moved to strike Montgomery out of the 9th district, and insert it in the 8th district.

The motion did not prevail.

Senator Moore moved to strike out Carroll and Greene, from 47th section, and insert them after the word "Clay" in the 48th section.

The motion prevailed.

The question being on the amendment to strike out "Mitchell," in 44th section, it was not agreed to.

On the question, "Shall the substitute be adopted?" the yeas and nays were demanded, and

The yeas were—

Senators Beardsley, Bennett, Bulis, Campbell, Chapin, Claussen, Couch, Dixon, Dysart, Fellows, Griffith, Grimes, Johnson, Keller, Knoll, Larrabee, Long, McKean, McNutt, Moore, Newell, Smyth, Traverse, Tuttle, Vale, and Vermillion—26.

The nays were—

Senators Casady, Havens, Hawley, Lowry, McCulloch, Mitchell, Murray, Patterson, Rice, and Wright—10.

Absent and not voting were—

Senators Allen, Atkins, Bill, Cathcart, Donnan, Dunham, Fairall, Hamilton, Hurley, Ireland, Mulkern, Pierce, West, and Wolf—14.

Substitute was adopted.

On the question, "Shall the bill pass?"

The yeas were

Senators Atkins, Beardsley, Bennett, Bulis, Campbell, Chapin, Claussen, Couch, Dixon, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Moore, Newell, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—37.

The nays were—

Senators Casady, Hawley, McCulloch, and Patterson—4.

Absent and not voting—

Senators Allen, Bill, Cathcart, Donnan, Dunham, Hamilton, Mulkern, Murray, and Pierce—9.

So the bill passed, and the title agreed to.

Senator Larrabee from Committee on Ways and Means, submitted the following report :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 200, A bill for an act providing for letting the public printing of the State of Iowa, to the most responsible bidder, and regulating the manner in which the same shall be done, beg leave to report the same back to the Senate, without recommendation.

WM. LARRABEE, *Chairman.*

Ordered that the report pass on file.

At 5 o'clock and 20 minutes Senator Campbell moved that the Senate adjourn until 7 o'clock this evening.

The motion prevailed.

Senate met pursuant to adjournment. The President in the Chair.

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SEVEN O'CLOCK, P. M.

Senator Murray moved a call of the Senate.

The call was sustained, and the roll was called.

Senator Bulis moved that further proceedings under the call be dispensed with.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 360, a bill for an act to legalize the organization of, and election of the independent school district of Shellsburg, Benton county, Iowa.

House File No. 311, a bill for an act to legalize the election of the board of supervisors of Jackson county in relation to disbursement of swamp land fund.

House File No. 368, a bill for an act to amend chapter 55, of the revision of 1860.

House File No. 94, a bill for an act to amend section 4538, of the revision of 1860.

House File No. 278, a bill for an act to legalize the sale of the indemnity swamp lands of Ida county, Iowa.

House File No. 270, a bill for an act to legalize the organization of the independent school district of Missouri Valley, Harrison county, Iowa.

House File No. 216, a bill for an act to legalize the acts of the independent district of Kirkville, Wapello county, Iowa.

House File No. 356, a bill for an act to legalize the incorporation of Afton, Union county, Iowa.

House File No. 132, a bill for an act to provide for the support and education of the blind.

House File No. 569, a bill for an act supplementary to an act entitled an act for the government of hospital for the insane.

House File No. 96, a bill for an act to repeal chapter 127, of the acts of the Eleventh General Assembly of the State of Iowa.

House File No. 26, a bill for an act to repeal section 722, of the revision of 1860.

House File No. 364, A bill for an act to legalize the incorporation of the town of Prairie City, Jasper county, Iowa.

House File No. 219, A bill for an act to annex certain lands to the independent school district of Strawberry Point for school purposes.

House File No. 222, A bill for an act to tax lands which are owned by counties within the limits of other counties.

House File No. 256, A bill for an act to enable counties to furnish justices of the peace with a copy of Conklin's Iowa Justice.

House File No. 59, A bill for an act to provide for the draining of lands.

House File No. 357, A bill for an act to legalize the election of the independent school district of Ackley, Hardin county, Iowa, approved March 14, 1870.

Also joint resolution relative to the Fox and Wisconsin rivers, and Northern Lakes.

Joint resolution asking for mail facilities in Cass county.

BENJ. VAN STEINBURG, *Asst. Clerk.*

House File No. 282, A bill for an act to amend the registry law, was taken up and considered.

Senator McNutt moved to strike out "householder and freeholder."

Senator Patterson moved to postpone further action on the bill till 10 minutes to 8 o'clock. Carried.

House File No. 310, A bill for an act to define the rights of church corporations, was taken up and considered.

On motion of Senator Fairall, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bulis, Cathcart, Claussen, Couch, Dixon,

Donnan, Dysart, Fairall, Fellows, Griffith, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Lowry, McNutt, Mitchell, Murray, Newell, Patterson, Smyth, Traverse, Tuttle, Vale, West, Wolf, and Wright—30.

The nays were none.

Absent and not voting—

Senators Allen, Atkins, Bennett, Bill, Campbell, Casady, Chapin, Dunham, Grimes, Hamilton, Havens, Larrabee, Long, McCulloch, McKean, Moore, Mulkern, Pierce, Rice, and Vermillion—20.

So the bill passed and the title was agreed to.

House File No. 303, A bill for an act to equalize the levy of taxes in Sub-District No. 6, in Lick Creek Township, Davis county, Iowa, was taken up and considered.

On motion of Senator Patterson, the bill was laid on the table.

Senate File No. 152, A bill for an act to amend section 10 of chapter 22 of the acts of the Tenth General Assembly, with report of committee recommending amendments, was taken up and considered, and report of committee was adopted.

Senator Fairall moved that the amendments reported by committee be adopted.

The motion prevailed.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bulis, Casady, Cathcart, Claussen, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Lowry, McNutt, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, West, Wolf, and Wright—34.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Bill, Campbell, Chapin, Couch, Dunham, Hamilton, Larrabee, Long, McCulloch, McKean, Mitchell, Mulkern, Traverse, and Vermillion—16.

So the bill passed and the title was agreed to.

Senator Dixon moved that the vote by which Senate File No. 248, A bill for an act apportioning the State of Iowa into Senatorial districts, passed, be reconsidered.

On which question the yeas and nays were demanded.

The yeas were—

Senators Atkins, Beardsley, Casady, Couch, Dixon, Donnan, Dysart, Havens, Hawley, Johnson, Keller, Lowry, McKean, Murray, Patterson, Smyth, and West—17.

The nays were—

Senators Cathcart, Claussen, Fairall, Fellows, Grimes, Hurley, Ireland, Knoll, Long, Newell, Pierce, Rice, Tuttle, Vermillion, and Wolf—15.



Absent and not voting—

Senators Allen, Bennett, Bill, Bulis, Campbell, Chapin, Dunham, Griffith, Hamilton, Larrabee, McCulloch, McNutt, Mitchell, Moore, Mulkern, Traverse, Vale, and Wright—18.

So the motion prevailed.

Senator Hawley moved to reconsider the vote by which the substitute for Senate File No. 248 was adopted, which was agreed to.

The question being on the adoption of the substitute, the yeas and nays were demanded.

The yeas were—

Senators Claussen, Fairall, Fellows, Grimes, Ireland, Knoll, Long, McKean, Patterson, Rice, Smyth, Tuttle, and Wolf—13.

The nays were—

Senators Beardsley, Bill, Bulis, Casady, Cathcart, Couch, Dixon, Donnan, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, Larrabee, Lowry, Mitchell, Moore, Murray, Newell, Vale, Vermillion, and West—25.

Absent and not voting—

Senators Allen, Atkins, Bennett, Campbell, Chapin, Dunham, Dysart, Griffith, McCulloch, McNutt, Mulkern, and Pierce—12.

So the substitute was not adopted.

The rule was then suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Larrabee, Long, Lowry, McKean, Mitchell, Moore, Murray, Newell, Pierce, Traverse, Tuttle, Vale, Vermillion, West, and Wright—36.

The nays were—

Senators Campbell, Fairall, Fellows, Knoll, Rice, Smyth and Wolf—7.

Absent and not voting—

Senators Allen, Chapin, Dunham, McCulloch, McNutt, Mulkern, and Patterson—7.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I herewith return to your honorable body, Substitute for Senate File No. 52, A bill for an act providing for the publication of the report of the State Geologist, and for the distribution of the same, which has passed the Senate without amendment

BENJ. VAN STEINBURG,  
*Assistant Clerk.*

Senator Wolf submitted the following report from Committee on Enrolled Bills :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his signature the following bills, viz :

Senate File No. 204, an act to amend chapter 101, of the Revision of 1860, pertaining to husband a wife, and regulating their rights and liabilities.

Substitute for Senate Files Nos. 37, 38, and 70.

Substitute for Senate Files Nos. 7 and 18.

Senate Files Nos. 143, 217, 206, and 226.

Senate File No. 162.

Senate Files Nos. 13, 90, 244, 196, 202, and 128.

WOLF, *for Committee.*

Senator Couch moved to take up House File No. 253, A bill for an act to provide for the formation of the 13th Judicial District and for the election of district and circuit judges.

The motion did not prevail.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the followings bills, in which the concurrence of the Senate is asked.

House File No. 272, A bill for an act making appropriation for the payment of the salaries of the State and Judicial Officers, interest on the State Bonds and for other State purposes.

House File No. 106, A bill for an act to consolidate taxes which are uniform in civil townships and independent school districts, and to amend section 746 of the Revision of 1860.

House File No. 204, A bill for an act to amend the law in respect to the liens of mechanics and others.

House File No. 361, A bill for an act to legalize the organization of all independent school districts from portions of Page and Taylor counties.

House File No. 200, A bill for an act for the relief of Harrison county, for money stolen from the county safe.

House File No. 300, A bill for an act to amend sections 3324 and 3325 of the Revision of 1860.

House File No. 113, A bill for an act in relation to omnibuses, transfer companies, and common carriers generally.

House File No. 289, A bill for an act to amend section 1 of chapter 77 of the Laws of the 9th General Assembly.

House File No. 116, A bill for an act to repeal section 3969 of the Revision of 1860.

House File No. 152, A bill for an act to confer certain powers on the Judges of the Circuit Court.

BENJ. VAN STEINBURG.

*Assistant Clerk.*

Senate File No. 254, A bill for an act establishing fees for the office of Register of the State Land Office.

Read first and second time.

Senator Fairall moved that the bill be put at the foot of bills of the first class.

The motion prevailed.

House File No. 337, A bill for an act to amend section 3 of chapter 72 of the Laws of the 11th General Assembly was taken up, considered, and rule suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bill, Bulis, Campbell, Casady, Cathcart, Claussen, Couch, Dixon, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, and Wright—38.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Chapin, Dunham, Hawley, Keller, McNutt, Moore, Mulkern, Murray, West, and Wolf—12.

So the bill passed and the title was agreed to.

House File No. 282, A bill for an act to amend the registry law, with report of Committee recommending that it do pass, was taken up.

Senator Bill moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Cathcart, Claussen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Larrabee, Long, Lowry, McKean, Mitchell, Moore, Newell, Patterson, Pierce, Smyth, Tuttle, West, and Wright—31.

The nays were—

Senators Campbell, Casady, Dunham, Fairall, Fellows, Hamilton, Knoll, McNutt, Rice, Vale, and Vermillion—11.

Absent and not voting—

Senators Allen, Chapin, Keller, McCulloch, Mulkern, Murray, Traverse, and Wolf—8.

So the bill passed and the title was agreed to.

Senator Bennett moved to take up House Messages for the purpose of reference to Sifting Committee.

The motion prevailed, and the bills were referred.

Senator Newell, at 20 minutes before 9 o'clock, moved that the Senate take a recess of 20 minutes.

Carried.

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NINE O'CLOCK—EVENING.

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

Senator Fellows, on behalf of the Senate, presented Lieutenant-Governor Walden with a silver tea service, and addressed him as follows :

MR. PRESIDENT—Through the partiality of a committee selected by the members of this Senate, over which you, Sir, have presided with so much ability, fairness, and impartiality, the pleasant duty has been assigned me of presenting to you a slight testimonial of our esteem, and to convey to you the assurances of the high regard entertained for you by each individual member and officer of this Senate. The duties of presiding officer are always onerous, and often perplexing. Satisfactorily to discharge them, requires close and undivided attention, clearness of perception, firmness and promptness in decision. I need not say that these duties have been well performed.

During all the contests of the session, often warm, and sometimes exciting, the correctness of no ruling has been called in question by an appeal, and I think I can truly add, that no one has felt aggrieved.

We ask you now, at the close of the session, to accept this tea set, not alone for its intrinsic value, but in the spirit in which it is tendered, and as an evidence of the kindly feeling existing between the donors and recipient.

This gift is of itself highly suggestive of the fact that it is not designed for yourself alone—nor, indeed, to be divided—but to be shared by the "better half," whose presence here has added so much to the pleasures of the session. We trust, Sir, that as you and yours gather around the board at your own home, this memento may awaken a kindly remembrance of each of the donors, and recall some pleasant incident connected with the Iowa Senate of 1870.

On the morrow we expect to part, perhaps no more to meet on earth, and do we presume too much in believing that in the future, should opportunity offer, we should be welcome guests at your home,

as I feel authorized to say that you would be at the home of every Senator upon this floor. We wish you abundant happiness and prosperity, and a hearty Godspeed in all the honorable pursuits of life.

The Lieutenant-Governor replied in the following remarks :

*Gentlemen of the Committee and Senators*:—This unexpected manifestation of your kindness overwhelms me. My lips refuse to give utterance to my gratitude. These treasures shall be preserved by me as long as life shall last, not only on account of their intrinsic worth, but because of the associations which they suggest. They shall be to me so many silent monitors, ever reminding me that I have been thus honored in your friendship.

I would that I had language to tell you how much I thank you, not only for this magnificent gift, but also for the uniform kindness and forbearance you have extended to me during the session. I shall ever remember you, one and all, with a heart full of gratitude. And you will permit me to add, in behalf of my "better half," and also for myself, that it will be our highest pleasure to extend to you, or any one of you, the hospitality of our home, should you ever favor us with your presence.

That your labors here, now about to close, may redound to the good of the whole State, and that your lines in after life may be cast in pleasant places, is my earnest prayer.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 244, A bill for an act to repeal section 2, of chapter 169, of the laws of the 9th General Assembly.

Senate File No. 196, A bill for an act to amend section 2833, of the Revision of 1860.

Senate File No. 202, A bill for an act to legalize the acts of the Board of Supervisors of Davis county, Iowa.

Senate File No. 90, A bill for an act to amend chapter 52, and 53, of the Revision of 1860.

Senate File No. 128, A bill for an act for the relief of the widow and heirs of Joseph B. Dorr.

Senate File No. 13, A bill for an act authorizing County Auditor's to administer oaths, and provide a seal for said officers.

Senate File No. 162, A bill for an act defining and establishing the salary of the Governor, other State Officers, and Judges of the several Courts of the State.

BENJ. VAN STEINBURG, 1st Asst. Clerk.

House File No. 313, A bill for an act to organize the county of Crocker, with report of Committee recommending that it do pass, was taken up and considered.

The rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, West, Wolf, and Wright—43.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Bulis, Hamilton, Mulkern, Rice, and Tuttle—7.

So the bill passed, and the title was agreed to.

House File No. 283, A bill for an act to increase the compensation of County Treasurer's, with report of Committee recommending that it do pass, was taken up and considered.

The rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Fairall, Fellows, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, Murray, Newell, Pierce, Rice, Smyth, Vermillion, Wolf, and Wright—34.

The nays were—

Senators Campbell, Dunham, Dysart, Grimes, Larrabee, McNutt, and Patterson—7.

Absent and not voting—

Senators Allen, Donnan, Mitchell, Moore, Mulkern, Traverse, Tuttle, Vale, and West—9.

So the bill passed, and the title was agreed to.

House File No. 324, A bill for an act to legalize the laying out of roads under section 840 of the Revision of 1860, with report of committee recommending that it do pass, was taken up, considered, and the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Griffith, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vermillion, West, and Wright—34.

The nays were—

Senators Dixon, and Wolf—2.

Absent and not voting—

Senators Allen, Atkins, Bennett, Bill, Casady, Fellows, Grimes, Hamilton, Hawley, Hurley, Mitchell, Mulkern, Newell, and Vale—14.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 52, A bill for an act providing for the publication of the report of the State Geologist, and for the distribution of the same.

Senate File No. 228, A bill for an act making appropriation for State Reform School.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

House File No. 227, A bill for an act repealing section 1832 of article 4 of the Revision of 1860, and for regulating the consolidation and leasing of railroads, and providing for the joining and intersection of the same, was taken up and considered.

On motion of Senator Bulis, the bill was laid on the table.

House File No. 371, A bill for an act making the Judges of the Supreme Court, Library Commissioners, was taken up and considered. Senator McNutt moved to lay the bill on the table.

The motion was lost.

Senator Smyth moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, " Shall the bill pass ?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Rice, Smyth, Traverse, Vermillion, West, and Wolf—36.

The nays were—

Senators Bulis, Campbell, Ireland, Larrabee, McNutt, Tuttle, and Wright—7.

Absent and not voting—

Senators Allen, Dyeart, Hurley, Mulkern, Patterson, Pierce, and Vale—7.

So the bill passed, and the title was agreed to.

House File No. 313, A bill for an act to organize the county of Crocker, with report of Committee recommending that it do pass, was taken up and considered.

The rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bill, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, West, Wolf, and Wright—43.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Bulis, Hamilton, Mulkern, Rice, and Tuttle—7.

So the bill passed, and the title was agreed to.

House File No. 283, A bill for an act to increase the compensation of County Treasurer's, with report of Committee recommending that it do pass, was taken up and considered.

The rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Fairall, Fellows, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, Murray, Newell, Pierce, Rice, Smyth, Vermillion, Wolf, and Wright—34.

The nays were—

Senators Campbell, Dunham, Dysart, Grimes, Larrabee, McNutt, and Patterson—7.

Absent and not voting—

Senators Allen, Donnan, Mitchell, Moore, Mulkern, Traverse, Tuttle, Vale, and West—9.

So the bill passed, and the title was agreed to.

House File No. 324, A bill for an act to legalize the laying out of roads under section 840 of the Revision of 1860, with report of committee recommending that it do pass, was taken up, considered, and the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Donnan, Dunham, Dysart, Fairall, Griffith, Havens, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Moore, Murray, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vermillion, West, and Wright—34.



The nays were—

Senators Dixon, and Wolf—2.

Absent and not voting—

Senators Allen, Atkins, Bennett, Bill, Casady, Fellows, Grimes, Hamilton, Hawley, Hurley, Mitchell, Mulkern, Newell, and Vale—14.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 52, A bill for an act providing for the publication of the report of the State Geologist, and for the distribution of the same.

Senate File No. 228, A bill for an act making appropriation for State Reform School.

BENJ. VAN STEINBURG, *First Ass't Clerk.*

House File No. 227, A bill for an act repealing section 1382 of article 4 of the Revision of 1860, and for regulating the consolidation and leasing of railroads, and providing for the joining and intersection of the same, was taken up and considered.

On motion of Senator Bulis, the bill was laid on the table.

House File No. 371, A bill for an act making the Judges of the Supreme Court, Library Commissioners, was taken up and considered. Senator McNutt moved to lay the bill on the table.

The motion was lost.

Senator Smyth moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, " Shall the bill pass ?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Casady, Cathcart, Chapin, Claassen, Couch, Dixon, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Rice, Smyth, Traverse, Vermillion, West, and Wolf—36.

The nays were—

Senators Bulis, Campbell, Ireland, Larrabee, McNutt, Tuttle, and Wright—7.

Absent and not voting—

Senators Allen, Dysart, Hurley, Mulkern, Patterson, Pierce, and Vale—7.

So the bill passed, and the title was agreed to.

Senator Wolf, from the Committee on Enrolled bills submitted the following report :

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined Senate File No. 228, An act for making appropriations for reform school and substitute for Senate File No. 52, An act to provide for the publication of the report of the State Geologist, and for the distribution of the same.

Senate Files No. 244, 196, 202, 90, 128, 13, and 162, and find the same correctly enrolled.

WOLF, *for Committee.*

House File No. 269, A bill for an act to prevent and punish the adulteration of milk and cheese.

Read first and second time.

Senator Larrabee moved to lay the bill on the table, on which question the yeas and nays were demanded, and

The yeas were—

Senators Atkins, Bennett, Bulis, Campbell, Cathcart, Claussen, Fairall, Fellows, Hurley, Ireland, Keller, Knoll, Larrabee, Mitchell, Newell, Pierce, Rice, Smyth, Traversee, and Tuttle—20.

The nays were—

Senators Allen, Beardsley, Bill, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Griffith, Grimes, Hamilton, Havens, Johnson, Long, Lowry, McCulloch, McKean, McNutt, Moore, Vermillion, West, Wolf, and Wright—24.

Absent and not voting—

Senators Casady, Hawley, Mulkern, Murray, Patterson, and Vale—6.

So the motion did not prevail.

On motion of Senator McKean the 11th rule was suspended, and bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bill, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, Long, Lowry, McKean, McNutt, Mitchell, Moore, Patterson, Pierce, Smyth, Tuttle, West, Wolf and Wright—33.

The nays were—

Senators Atkins, Bennett, Claussen, Fairall, Fellows, Ireland, Knoll, Larrabee, McCulloch, Newell, Rice, Traversee, and Vermillion—13.

Absent and not voting—

Senators Casady, Mulkern, Murray, and Vale—4.

So the bill passed, and the title was agreed to.

Senate File No. 205, A bill for an act to amend chapter 100, of the Revision of 1860, in relation to the estates of decedents, was taken up and considered.

Senator Fairall moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Fellows, Grimes, Hamilton, Havens, Hawley, Hurley, Johnson, Keller, Knoll, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Smyth, Traverse, Tuttle, Vale, West, and Wright—36.

The nays were—

Senators Bill, Donnan, Larrabee, Newell, Patterson, Rice, Vermillion, and Wolf—8.

Absent and not voting—

Senators Casady, Griffith, Ireland, Mulkern, Murray, and Pierce—6.

So the bill passed and the title was agreed to.

Senate File No. 207, A bill for an act to amend chapter 86, of the laws of the Twelfth General Assembly, in relation to Circuit Courts, was taken up.

On the question, "Shall the Senate concur in House amendments?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—46.

The nays were—

Senators Bill, and Newell—2.

Absent or not voting—

Senators Mulkern, and Murray—2.

So the House amendments were concurred in.

House File No. 63, A bill for an act to amend chapter 124, of the Revision of 1860, relative to attachment and garnishment, was taken up and considered.

On the question, "Shall the Senate concur in House amendments?"

The yeas were—

Senators Allen, Atkins, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dysart, Fellows, Grimes, Hamilton, Havens, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth,

Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—43.  
The nays were none.

Absent and not voting—

Senators Beardsley, Dunham, Fairall, Griffith, Hawley, McNutt, and Mulkern—7.

So the amendments were concurred in.

Senate File No. 254, A bill for an act establishing fees in the office of the Register of the State Land office, was taken up and considered.

Senator Smyth moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fellows, Griffith, Grimes, Hamilton, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Tuttle, Vale, West, Wolf and Wright—43.

The nays were—

Senators Atkins, Traverse, and Vermillion—3.

Absent and not voting—

Senators Fairall, Havens, Long, and Mulkern—4.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the house :

MR. PRESIDENT—I herewith return to your honorable body, Senate File No. 253, A bill for an act making appropriations for the *per diem* and expenses of the Thirteenth General Assembly, and for other purposes, with the following amendments :

Strike out "\$15.06," in section 11, and insert "\$6.00."

Strike out section 45 and insert the following :

To John Tomlinson, for four days' services Assistant Janitor, \$20.00 ; to H. C. Russell, Sergeant-at-Arms of House, for expenses of attendance on Investigating Committee, \$100.00 ; to C. M. Mosier, Clerk of said Committee, the sum of \$200.00, to be paid on the certificate of the Chairman of the Investigating Committee.

Add to paper list \$34.56, for State Press.

BENJ. VAN STEINBURG,  
*Assistant Clerk.*

Substitute for House File No. 122, A bill for an act to regulate Clerk's fees, was taken up.

Read first and second time.

Senator McNutt moved to lay the bill on the table.

The motion prevailed.

Senator Campbell moved that the Senate adjourn till 12 o'clock.

The motion was not agreed to.

On motion of Senator Hawley, Senate File No. 253, A bill for an act making an appropriation for the *per diem* and expenses of the Thirteenth General Assembly, and for other purposes, was taken up.

On the question, "Shall the Senate concur in House amendments?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McCulloch, McKean, Mitchell, Moore, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, West, and Wolf—44.

The nays were—

Senators Hamilton, McNutt, Vale, and Vermillion—4.

Absent and not voting—

Senator Mulkern—1.

So the amendments were concurred.

Senator Wolf, from the Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following bill, viz: Senate File No. 52, A bill for an act providing for the publication of the report of the State Geologist, and for the distribution of the same, and Senate File No. 228, an act making appropriations for the Reform Schools.

WOLF, *Chairman.*

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith return to your honorable body Senate File No. 248, a bill for an act apportioning the State of Iowa into Senatorial Districts, which has passed the House without amendment.

BENJ. VAN STEINBURG, *Asst. Clerk.*

Senator McNutt moved that when the Senate adjourn, it be till 8 o'clock to-morrow morning.

The motion prevailed.

House File No. 372, A bill for an act making appropriations for salaries, &c., was taken up.

Read first and second time, and on motion of Senator Bennett was considered by sections.

Senator Larrabee moved to refer to Committee on Ways and Means Which was agreed to.

Senator Dixon moved to adjourn.

The motion prevailed, and at 9 o'clock and 20 minutes the Senate adjourned, till to-morrow morning 8 o'clock.

SENATE CHAMBER, DES MOINES, IOWA,  
APRIL 13, 1870.

Senate met pursuant to adjournment, and was called to order by the President.

On motion reading of the Journal was dispensed with.

Substitute for House Joint Resolution for appointing trustees of Orphans' Home.

Read first and second time.

Senator Couch moved that the rule be suspended and the joint resolution be read a third time now, which prevailed, and the joint resolution was read a third time.

On the question, "Shall the Joint Resolution pass?"

The yeas were—

Senators Allen, Beardsley, Bill, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Donnan, Fairall, Fellows, Griffith, Hamilton, Havens, Hawley, Hurley, Ireland, Keller, Larrabee, Lowry, McCulloch, McKean, McNutt, Newell, Smyth, Tuttle, Vale, Vermillion, Wolf, and Wright—32.

The nays were none.

Absent and not voting—

Senators Atkins, Bennett, Campbell, Dunham, Dysart, Grimes, Johnson, Knoll, Long, Mitchell, Moore, Mulkern, Murray, Patterson, Pierce, Rice, Traverse, and West—18.

So the Joint Resolution was passed.

House File No. 253, A bill for an act for the formation of the 13th Judicial District, and providing for the election of a District and Circuit Judge, and District Attorney therein.

Was taken up and read first and second time.

Senator Hawley moved to insert the word "Crocker" after the word "Kossuth" wherever it occurs.

Which was agreed to.

On motion of Senator Hawley the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bennett, Bulis, Couch, Fairall, Fellows, Griffith, Hurley, Ireland, Johnson, Larrabee, Lowry, Mitchell, Patterson, Traversæ, and Tuttle—18.

The nays were—

Senators Beardsley, Bill, Campbell, Casady, Claussen, Dixon, Dunham, Dysart, Hamilton, Havens, Keller, Knoll, McCulloch, McKean, McNutt, Murray, Smyth, Vale, Vermillion, Wolf, and Wright—21.

Absent and not voting—

Senators Cathcart, Chapin, Donnan, Grimes, Hawley, Moore, Mulkern, Newell, Pierce, Rice, and West—11.

So the bill not having a constitutional majority was lost.

House File No. 212, A bill for an act to amend chapter 109 of the Laws of the Ninth General Assembly was taken up and considered.

Senator Donnan moved that the rule be suspended and the bill read a third time now, which prevailed, and bill was read a third time.

The question being, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Bill, Campbell, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Fellows, Grimes, Hamilton, Hawley, Hurley, Johnson, Keller, Knoll, Larrabee, Lowry, McCulloch, McKean, McNutt, Mitchell, Newell, Pierce, Smyth, Traversæ, Tuttle, Vale, West, Wolf, and Wright—34.

The nays were—

Senators Allen, Bulis, Cathcart, Donnan, Griffith, Havens, Murray, and Vermillion—8.

Absent and not voting—

Senators Atkins, Casady, Ireland, Long, Moore, Mulkern, Patterson, and Rice—8.

So the bill passed, and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 45, A bill for an act to empower School Boards to procure school-house sites.

House File No. 290, A bill for an act to authorize the State Census Board to compromise and collect unavailable balances, and accounts with defaulting County Treasurer's.

House File No. 301, A bill for an act for the relief of Patrick Hamil.

House File No. 225, A bill for an act making appropriation for the relief of George Wilson.

I am also directed to inform your honorable body that the House of Representatives has passed the following joint resolutions, in which the concurrence of the Senate is asked.

Joint resolution in relation to the Onawa branch of the Cedar Rapids and Missouri River Railroad.

Also, the House has concurred in the Senate amendment in relation to joint convention of both Houses, for electing Trustees for the different State Institutions.

Concurrent resolution in regard to the settlement of Swamp Land Claims.

Joint resolution in relation to the Des Moines River Land Grants, with amendments attached to resolutions, in which concurrence of the Senate is asked.

House File No. 306, A bill for an act to authorize the Vinton Water Power Company, to construct a dam across Cedar river in Taylor or Cedar townships, Benton county.

House File No. 367, A bill for an act apportioning the State of Iowa into Representative Districts, and declaring the ratio of Representation.

Also, joint resolution relative to establishing a mail route.

BENJ. VAN STEINBURG, *1st Asst Clerk.*

House File No. 372, A bill for an act making appropriation for the payment of the salaries of the State and Judicial Officers, &c., with report of Committee recommending that it do pass, was taken up, and considered, and the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Larrabee, Long, Lowry, McCulloch, McKean, McNutt, Mitchell, Murray, Patterson, Pierce, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—40.

The nays were none.

Absent and not voting—

Senators Casady, Claussen, Fairall, Fellows, Hurley, Knoll, Moore, Mulkern, Newell, and Rice—10.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :



MR. PRESIDENT—I herewith return to your honorable body, Senate File No. 76, a bill for an act to provide for the submission of the question of calling a constitutional convention to the qualified electors of Iowa.

Senate File No. 189 a bill for an act to legalize the organization of the independent school district of Esgate, county of Jackson, Iowa.

Senate File No. 250, a bill for an act in relation to certain school taxes in the independent school district of Tipton.

Substitute for Senate File No. 96, a bill for an act to repeal section 1097, of the revision of 1860, which has passed the House without amendment.

BENJ. VAN STEINBURG, *Assistant Clerk.*

Senator Lowry moved a reconsideration of the vote by which substitute for House File No. 122, was laid on the table yesterday.

The motion was agreed to.

On the question "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bulis, Casady, Cathcart, Chapin, Claussen, Couch, Dixon, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Hurley, Ireland, Johnson, Keller, Long, Lowry, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Smyth, Tuttle, Vale, Wolf, and Wright—38.

The nays were—

Senators Bill, Campbell, Knoll, Vermillion, and West—5.

Absent and not voting—

Senators Donnan, Larrabee, McCulloch, Moore, Mulkern, Rice, and Traverse—7.

So the bill passed, and the title was agreed to.

House File No. 284, a bill for an act providing for additional fees for sheriffs, constables, and other persons, in certain criminal cases, was taken up, considered, and the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Allen, Atkins, Bill, Casady, Chapin, Couch, Donnan, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Johnson, Keller, Long, Lowry, McKean, Murray, Newell, Pierce, Smyth, Traverse, Tuttle, Vale, and Vermillion—28.

The nays were—

Senators Beardsley, Bennett, Bulis, Campbell, Cathcart, Dixon, Dunham, Ireland, Knoll, Larrabee, and Wright—11.

Absent and not voting—

Senators Claussen, Hurley, McCulloch, McNutt, Mitchell, Moore, Mulkern, Patterson, Rice, West, and Wolf—11.

So the bill passed and the title was agreed to.

On motion of Senator Couch, House concurrent resolution in relation to the institution of the blind was taken up, considered, and the resolution was concurred in.

Joint Resolution providing for the distribution of the Adjutant-General's Report was taken up, read first and second time.

On the question "Shall the Joint Resolution pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathart, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were none.

Absent and not voting—

Senators Claussen, Hurley, McCulloch, Moore, and Mulkern—5.

So the Joint Resolution passed.

Joint Resolution relating to swamp land selections made by agents of the State, subsequent to March 3d, 1867, was taken up, and read first and second time, and rule suspended, and read a third time.

On the question, "Shall the Joint Resolution pass?"

The yeas were—

Senators Allen, Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathart, Chapin, Couch, Dixon, Donnan, Dunham, Dysart, Fairall, Fellows, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Johnson, Keller, Knoll, Larrabee, Long, Lowry, McKean, McNutt, Mitchell, Murray, Newell, Patterson, Pierce, Rice, Smyth, Traverse, Tuttle, Vale, Vermillion, West, Wolf, and Wright—45.

The nays were none.

Absent and not voting—

Senators Claussen, Hurley, McCulloch, Moore, and Mulkern—5.

So the Joint Resolution passed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I am directed to inform your honorable body that the House of Representatives has passed the following bills in which the concurrence of the Senate is asked.

House File No. 362, A bill for an act in relation to commercial paper.

Also herewith return Senate File No. 219, A bill for an act to reimburse Capt. R. L. Freeman.

Which has passed the House without amendment.

Also Concurrent Resolutions relating to the Institution for the

education of the blind, in which the concurrence of the Senate is asked.

BENJ. VAN STEINBURG,  
*Assistant Clerk.*

Senator McKean offered the following :

*Be it resolved by the General Assembly of the State of Iowa,* That the Secretary of State is hereby instructed to forward to the address of each member of the Thirteenth General Assembly one copy of each volume of the Supreme Court reports issued or published during his official term, at the expense of the State.

The resolution was adopted.

Also the following :

*Re it resolved by the General Assembly of the State of Iowa,* That the Secretary of State is hereby instructed to forward all books and documents to which the members of the Thirteenth General Assembly may be entitled, after adjournment, to their respective addresses, at the expense of the State.

Which was agreed to.

A Committee from the House announced that the House was ready to receive the Senate in joint convention for the purpose of electing all officers to be elected by this General Assembly.

On motion of Senator Hawley, the Senate proceeded to the Hall of the House of Representatives.

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NINE O'CLOCK A. M.

Senate and House of Representatives in joint convention, April 13, 1870.

The President of the Senate in the Chair, who announced the objects of the joint convention.

Mr. Stone moved that the convention proceed to elect Capital Commissioners.

The motion prevailed.

Teller on the part of the Senate, Senator Beardsley.

Teller on the part of the House, Mr. Tufts, of Cedar.

The following persons were nominated for said Commissioners:

Third Congressional District, S. H. Mitchell.

Third Congressional District, Jas. O. Crosby.

Sixth Congressional District, W. L. Joy.

Fifth Congressional District, J. N. Dewey.

Second Congressional District, Simon G. Stein.

First Congressional District, James Dawson.

Fourth Congressional District, Charles Dudley.

Mr. Parsons moved that the convention proceed to elect by Congressional Districts.

The motion prevailed.

Mr. Gibbons nominated Gibson Brown as Commissioner from the First Congressional District.

The Clerk proceeded to call the roll for Commissioner for the First Congressional District, with the following result:

Whole number of votes cast.....	131
Necessary to a choice.....	66
Of which James Dawson received.....	117
And Gibson Brown received.....	14

Mr. James Dawson was therefore declared duly elected Commissioner for the First Congressional District.

Those voting for James Dawson were—

Messrs. Allen, Applegate, Arnold, Atkins, Ball, Beardsley, Beatty, Bennett, Beresheim, Bigger, Bill, Brown of Fayette, Brown of Van Buren, Bulis, Bundy, Butterfield, Butler, Campbell of Guthrie, Campbell of Jasper, Carpenter, Carver, Cathcart, Chapin, Claussen, Cotton, Couch, Cutts, Day, Dickerson, Dixon, Donnan, Dudley, Dunham, Dysart, Elbert, Evans, Faville, Green, Griffith, Grimes, Hamilton, Harper, Harrington, Harrison, Hartshorn, Havens, Hawley, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Jones, Johnson, Kasson, Keables, Keller, Ketcham, Lacey, Larrabee, Lee, Lommen, Long, Lowry, Mahin, Marks, McGavren, McGavren, McKean, McNutt, Merritt, Miles of Washington, Millard, Miller, Mitchell, Moore, Morrison, Murdock, Murray, Newbold, Newell, Noel, Norris, Parsons, Patterson, Pierce, Pratt, Rogers, Rosser, Sanborn, Satterthwaite, Smyth, Snow, Stewart, Spencer, Stanchfield, Stone, Stutsman, Swan, Tait, Taylor, Teale, Toliver, Traer, Tufts, Vale, Warner, Wasson, West, Wilson, Wolf, Wood, Wright of Lucas, Wright of Sac—117.

Those voting for Gibson Brown were—

Messrs. Bell, Crawford, DeGroat, Dunham, Fairall, Gibbons, Hartenbower, Hirschler, Hood, Knoll, McCulloch, Mills, O'Donnell—14.

The Clerk proceeded to call the roll for Commissioner in the Second Congressional District, Mr. S. G. Stein being in nomination, with the following result:

Whole number of votes cast.....	116
Necessary to a choice.....	59
Of which S. G. Stein received.....	114
Scattering.....	2

Mr. S. G. Stein was therefore declared duly elected Commissioner for the Second Congressional District.

Those voting for S. G. Stein were—

Messrs. Allen, Applegate, Arnold, Atkins, Ball, Beardsley, Beatty, Bennett, Beresheim, Bigger, Bill, Brown of Fayette, Brown of Van Buren, Butterfield, Butler, Campbell of Guthrie, Carpenter, Carver, Cathcart, Chapin, Claussen, Cotton, Cutts, Day, Dickerson, Dixon, Donnan, Durham, Dysart, Elbert, Evans, Fairall, Faville, Green, Griffith, Grimes, Hamilton, Harper, Harrington, Harrison, Hartshorn, Havens, Hawley, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Johnson, Kasson, Keables, Keller, Ketcham, Knoll, Lacey, Larrabee, Lee, Lommen, Long, Lowry, Mahin, Marks, McGavren, McKean, McNutt, Merritt, Miles of Washington, Millard, Miller, Miracle, Mitchell, Moore, Morrison, Murdock, Murray, Newbold, Newell, Noel, Norris, O'Donnell, Parsons, Pierce, Pratt, Rogers, Rohlis, Rosser, Rowell, Sanborn, Satterthwaite, Smyth, Snow, Spencer, Stanchfield, Stone, Stewart, Stutsman, Swan, Tait, Taylor, Teale, Toliver, Tufts, Tuttle, Vale, Vermillion, Wassan, West, Wilson, Wolf, Wood, Wright of Lucas, Wright of Sac—114.

Scattering—2.

Mr. O'Donnell withdrew the name of George W. Mitchell, for the Third Congressional District.

The clerk proceeded to call the roll for Commissioner of the Third Congressional District, Mr. J. O. Crosby being in nomination with the following result:

Whole number of votes cast.....	102
Necessary to a choice.....	53
Of which J. O. Crosby received.....	98
Scattering.....	4

Mr. J. O. Crosby having received a majority of all votes cast, was declared duly elected as Commissioner from the Third Congressional District.

Those voting for Mr. Crosby, were—

Messrs. Allen, Applegate, Arnold, Ball, Beardsley, Beatty, Bennett, Beresheim, Bigger, Bill, Brown of Fayette, Brown of Van Buren, Bulis, Butterfield, Butler, Campbell of Guthrie, Carpenter, Carver, Cathcart, Chapin, Claussen, Crawford, Cutts, Day, DeGroat, Dickerson, Donnan, Dudley, Durham, Dysart, Elbert, Evans, Fairall, Faville, Gibbons, Green, Griffith, Grimes, Hamilton, Harper, Harrington, Harrison, Hartshorn, Havens, Hawley, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Irish, Jones, Keables, Keller, Ketcham, Lacey, Larrabee, Lee, Lommen, Long, Lowry, Mahin, Marks, McGavren, McKean, McNutt, Merritt, Miles of Washington, Miles of Wayne, Millard, Miller, Miracle, Mitchell, Moore, Morrison, Murdock, Murray, Newbold, Newell, Noel, Norris,

Parsons, Pierce, Pratt, Rohlf, Rosser, Rowell, Russell, Sanborn, Sater, Satterthwaite, Smyth, Snow, Spencer, Stanchfield, Stone, Stutsman, Swan, Tait, Taylor, Teale, Toliver, Traer, Vale, Wasson, West, Wilson, Wolf, Wood, Wright of Lucas, Wright of Sac—98.

Scattering—4.

Mr. Fairall nominated Peter G. Dye, of Johnson county.

The Clerk proceeded to call the roll for the Fourth Congressional District, Mr. Peter G. Dye and Mr. Charles Dudley being in nomination—with the following result:

Whole number of votes cast.....	117.
Necessary to a choice.....	59.
Of which Charles Dudley received.....	88.
And Peter G. Dye received.....	19.

Mr. Charles Dudley was therefore declared duly elected Commissioner for the Fourth Congressional District.

Those voting for Mr. Dudley were—

Messrs Arnold, Ball, Beardsley, Beatty, Beresheim, Bill, Brown of Fayette, Bro-n of Van Buren, Campbell, Carpenter, Carver, Cathcart, Chapin, Cotton, Cutts, Dickerson, Dixon, Dunham, Dysart, Elbert, Evans, Faville, Green, Grimes, Hamilton, Harper, Harrington, Harrison, Havens, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Jones, Kasson, Keller, Ketcham, Lacey, Larrabee, Lee, Lommen, Long, Lowry, Marks, McGavren, McKean, McNutt, Merritt, Wiles, of Washington, Millard, Miller, Mitchell, Morrison, Murdock, Murray, Newbold, Newell, Noel, Norria, Parsons, Patterson, Pierce, Rosser, Rowell, Russell, Sanborn, Satterthwaite, Smyth, Snow, Spencer, Stanchfield, Stone, Stewart, Stutsman, Swan, Tait, Teale, Traer, Tufts, Vermillion, Wasson, West, Wilson, Wilson, Wood, Wright of Lucas, and Wright of Sac—88.

Those voting for Peter G. Dye were—

Messrs. Allen, Applegate, Bell, Butler, Crawford, DeGroat, Dunham, Fairall, Faville, Gibbons, Irish, Knoll, Mills, Moore, O'Donnell, Pratt, Rogers, Snow, Taylor, Tolliver, and Wolf—19.

The Clerk proceeded to call the roll for Commissioner for the Fifth Congressional District, Mr. J. N. Dewey being in nomination, with the following result:

Whole Number of votes cast.....	88
Necessary to a choice.....	45
Of which J. N. Dewey received.....	87
Scattering.....	1

Mr. J. N. Dewey was therefore declared duly elected Commissioner for the Fifth Congressional District.

Those voting for J. N. Dewey were—

Messrs Allen, Applegate, Atkins, Ball, Beardsley, Beatty, Beresheim, Bigger, Bill, Brown of Fayette, Brown of Van Buren, Butler, Campbell of Guthrie, Campbell of Jasper, Carpenter, Carver, Cathcart, Chapin, Claussen, Cotton, Couch, Cutts, Day, Dickerson, Dixon, Durham, Dysart, Elbert, Evans, Faville, Green, Grimes, Hamilton, Harper, Harrington, Harrison, Hawley, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Jones, Johnson, Kasson, Keables, Keller, Ketcham, Lacey, Larrabee, Lee, Lommen, Long, Lowry, Mahin, Marks, McGavren, McKean, McNutt, Merritt, Miles of Washington, Miles of Wayne, Millard, Miller, Miracle, Mitchell, Moore, Morrison, Murdock, Murray, Newbold, Newell, Noel, Norris, Parsons, Pierce, Pratt, Rice, Rogers, Rohlf, Rosser, Rowell, Russell, Sanborn, Satterthwaite, Smyth, Snow, Spencer, Stanchfield, Stutsman, Swan, Tait, Tolver, Traer, Traverse, Tufts, Vermillion, Wasson, West, Wilson, Wolf, Wood, Wright of Lucas, Wright of Sac—87.

Scattering—1.

The Clerk proceeded to call the roll for Commissioner from the Sixth Congressional District, W. L. Joy being in nomination, with the following result :

Whole number of votes cast.....	91
Necessary to a choice.....	46
Of which W. L. Joy received.....	91

Mr. W. L. Joy was therefore declared duly elected Commissioner for the Sixth Congressional District.

Those voting for W. L. Joy were—

Messrs Allen, Applegate, Arnold, Atkins, Ball, Beardsley, Beatty, Bell, Bennett, Beresheim, Bigger, Bill, Bonewitz, Brown of Fayette, Brown of Van Buren, Butterfield, Butler, Campbell of Guthrie, Campbell of Jasper, Carpenter, Carver, Cathcart, Chapin, Claussen, Cotton, Couch, Cutts, Dickerson, Dixon, Donnan, Dudley, Dunham, Dysart, Elbert, Evans, Fairall, Faville, Green, Griffith, Grimes, Hamilton, Harper, Harrington, Harrison, Hawley, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Jones, Kasson, Keables, Keller, Ketcham, Lacey, Larrabee, Lee, Lommen, Long, Lowry, Mahin, Marks, McGavren, McKean, McNutt, Merritt, Miles of Washington, Miles of Wayne, Millard, Miller, Miracle, Mitchell, Moore, Morrison, Murdock, Murray, Newbold, Newell, Noel, Norris, Parsons, Patterson, Pratt, Rogers, Rohlf, Rosser, Rowell, Russell, Sanborn, Satterthwaite, Smyth, Snow, Spencer, Stanchfield, Stutsman, Swan, Stewart, Tait, Taylor, Teale, Toliver, Traer, Traverse, Tufts, Tuttle, Wasson, West, Wilson, Wolf, Wright of Lucas, Wright of Sac—91.

Mr. Parsons moved that the Convention proceed to elect Regents of the State University.

The motion prevailed, and nominations were made as follows :

First Congressional District, Christian W. Slagle.

Second Congressional District, John McKean..

Third Congressional District, H. C. Bulis.

Fourth Congressional District, James Wilson, and John P. Irish.

Fifth Congressional District, W. W. Merritt.

Sixth Congressional District, Delos Arnold.

Senator Bennett moved to call the roll for all the Districts except the Fourth at once, the motion prevailed.

The Clerk then proceeded to call the roll under the motion of Senator Bennett.

Whole number of votes cast.....	92
Necessary to a choice.....	47
Of which Christian W. Slagle received.....	92
John McKean.....	92
H. C. Bulis.....	92
W. W. Merritt.....	92
Delos Arnold.....	92

Therefore, Messrs. Christian W. Slagle, John McKean, H. C. Bulis, W. W. Merritt, and Delos Arnold, were declared duly elected Regents of the State University.

Those voting for Christian W. Slagle, John McKean, H. C. Bulis, W. W. Merritt, and Delos Arnold, were—

Messrs. Allen, Applegate, Arnold, Atkins, Ball, Beardsley, Beatty, Bennett, Beresheim, Bigger, Bill, Brown of Fayette, Brown of Van Buren, Butterfield, Butler, Campbell of Guthrie, Campbell of Jasper, Carpenter, Carver, Cathcart, Chapin, Claussen, Cotton, Couch, Cutts, Dickerson, Dixon, Donnan, Dudley, Durham, Dysart, Elbert, Evans, Fairall, Faville, Fellows, Green, Griffith, Grimes, Hamilton, Harper, Harrington, Harrison, Hartshorn, Havens, Hawley, Haycock, Hobson, Hopkins, Hopkirk, Huff, Hunter, Hurley, Ireland, Irish, Jones, Johnson, Kasson, Keables, Keller, Ketcham, Knoll, Lacey, Larrabee, Lee, Long, Lowry, Mahin, Marks, McGavren, McKean, McNutt, Merritt, Miles of Washington, Miles of Wayne, Millard, Miller, Miracle, Mitchell, Moore, Morrison, Murdock, Murray, Newbold, Newell, Noel, Norris, O'Donnell, Parsons, Patterson, Pierce, Pratt, Rogers, Rohlf, Rosser, Rowell, Russell, Sanborn, Stewart, Satterthwaite, Smyth, Snow, Spencer, Stanchfield, Stone, Stutsman, Swan, Tait, Taylor, Toliver, Traer, Traverse, Tufts, Tuttle, Vale, Vermillion, Wasson, West, Wilson, Wolf, Wood, Wright of Lucas, Wright of Sac—92.

The Clerk then proceeded to call the roll for Regent from the Fourth Congressional District, Messrs. James Wilson, and John P. Irish, being in nomination with the following result :



Whole number of votes cast.....	128
Necessary to a choice.....	65
Of which James Wilson received.....	74
John P. Irish received.....	54

Therefore Mr. James Wilson was declared duly elected Regent of the State University, from the Fourth Congressional District.

Those voting for Mr. Wilson were—

Messrs. Applegate, Arnold, Ball, Beardsley, Beatty, Bennett, Beresheim, Bigger, Bill, Brown of Fayette, Bulis, Campbell of Guthrie, Campbell of Jasper, Carpenter, Carver, Cathcart, Chapin, Cotton, Couch, Cutts, Dixon, Dudley, Dunham, Durham, Dysart, Evans, Grimes, Hamilton, Harrington, Havens, Hawley, Haycock, Hunter, Hurley, Ireland, Irish, Keables, Ketcham, Lacey, Larrabee, Lommen, Long, Lowry, McGavren, McKean, McNutt, Millard, Miller, Mitchell, Moore, Morrison, Murdock, Newell, Norris, Parsons, Pierce, Rosser, Russell, Sanborn, Sater, Smyth, Snow, Stanchfield, Stewart, Stone, Stutsman, Tait, Teale, Traer, Traverse, Tufts, Tuttle, Warner, Wasson, West, Wright of Lucas, Wright of Sac—74.

Those voting for Mr. Irish were—

Messrs. Allen, Atkins, Bell, Brown of Van Buren, Butler, Clausen, Crawford, Day, DeGroat, Dickerson, Dunham, Elbert, Fairall, Faville, Fellows, Gibbons, Green, Griffith, Harrison, Hartenbower, Hartshorn, Hirschler, Hobson, Hopkins, Hood, Hopkirk, Huff, Jones, Kasson, Keller, Knoll, Mahin, Marks, McCulloch, Merritt, Miles of Washington, Mills, Miracle, Murray, Newbold, Noel, O'Donnell, Patterson, Pratt, Rogers, Rohlf, Rowell, Satterthwaite, Swan, Taylor, Toliver, Wilson, Wolf, Wood, Wright of Allamakee—54.

The Convention proceeded to the election of Trustees for the Agricultural College and Farm.

The following persons were nominated as such Trustees :

Fourth Judicial District, Washington Allen.

Fifth Judicial District, G. F. Kilburn.

Sixth Judicial District, J. H. Bacon.

Eighth Judicial District, O. O. Stanchfield.

Eleventh Judicial District, I. J. Mitchell.

Twelfth Judicial District, C. W. Tenney.

Senator Wright moved that but one roll call be had for all the Trustees.

The motion prevailed.

The Clerk proceeded to call the roll on the following nominations with the following result :

Whole number of votes cast.....	79
Necessary to a choice.....	40
Of which Washington Allen received .....	79
G. F. Kilburn.....	79

J. H. Bacon .....	79
O. O. Stanchfield.....	79
I. J. Mitchell .....	79
C. W. Tenney.....	79

Thereupon Messrs. Washington Allen, G. F. Kilburn, J. H. Bacon, O. O. Stanchfield, I. J. Mitchell, and C. W. Tenney were declared duly elected as Trustees as aforesaid.

Those voting for Washington Allen, G. F. Kilburn, J. H. Bacon, O. O. Stanchfield, I. J. Mitchell, and C. W. Tenney, were—

Messrs. Allen, Applegate, Arnold, Atkins, Ball, Beardsley, Beatty, Bell, Bennett, Beresheim, Bigger, Brown of Fayette, Brown of Van Buren, Butler, Campbell of Guthrie, Campbell of Jasper, Carpenter, Carver, Cathcart, Chapin, Claussen, Cotton, Dickerson, Dixon, Dudley, Durham, Dysart, Faville, Griffith, Grimes, Harper, Harrison, Havens, Haycock, Hopkins, Hopkirk, Huff, Ireland, Jones, Keables, Ketcham, Lacey, Lommen, Long, Mahin, Marks, McGavren, McKean, McNutt, Merritt, Millard, Miracle, Moore, Murdock, Murray, Newbold, Noel, Parsons, Rogers, Rosser, Rowell, Russell, Sanborn, Smyth, Snow, Spencer, Stutsman, Swan, Taylor, Toliver, Traer, Tufts, Warner, Wasson, West, Wolf, Wood, Wright of Lucas, Wright of Sac—79.

The following certificates were then read and signed in the presence of the joint convention :

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing six Commissioners under the act to provide a State Capitol, James Dawson, of Washington county, having received a majority of all the votes cast for said office, was declared duly elected as Commissioner for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.*

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST:

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL, }  
DES MOINES, IOWA, April 13, 1870 }

*This is to certify*, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing six Commissioners under the act to provide a State Capitol, Simon G. Stein, of Muscatine, having received a majority of all the votes cast for said office, was declared duly elected as Commissioner for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,

*President of the Senate.*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL, }  
DES MOINES, IOWA, April 13, 1870 }

*This is to certify*, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing of Board of Capitol Commissioners, J. O. Crosby, of Clayton county, having received a majority of all the votes cast for said office, was declared duly elected as Commissioner for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,

*President of the Senate.*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL, }  
DES MOINES IOWA, April 13, 1870. }

*This is to certify*, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing six Commissioners, under act to provide a State Capitol, Charles Dudley, of Wapello, having received a majority of all the votes cast for said office was declared duly elected as Commissioner for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,

*President of the Senate*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL, }  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify*, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing six Commissioners, under the the act to provide a State Capitol, Col. J. N. Dewey, Des Moines, having received a majority of all the votes cast for said office, was declared duly elected as Commissioner for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,

*President of the Senate.*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify*, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing six Commissioners, under the act to provide a State Capitol, Wm. L. Joy, Sioux City, having received a majority of all the votes cast for said office, was declared duly elected as Commissioner for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST:

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify*, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Regents for State University, Christian W. Slagle, of Fairfield, having received a majority of all the votes cast for said office, was declared duly elected as Regent for the term as of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST:

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify,* That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Regents for State University, John McKean, of Jones, having received a majority of all the votes cast for said office, was declared duly elected as Regent for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified. .

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify,* That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Regents for State University, Hon. H. C. Bulis, of Decorah, having received a majority of all the votes cast for said office, was declared duly elected as Regent for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Regents of State University, James Wilson, of Tama, having received a majority of all the votes cast for said office, was declared duly elected as Regent for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.*

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Regents for State University, Hon. W. W. Merritt, of Red Oak Junction, having received a majority of all the votes cast for said office, was declared duly elected as Regent, for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.*

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST.

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL, }  
DES MOINES, IOWA, APRIL 13, 1870. }

*This is to certify,* That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Regents for the State University, Hon. Delos Arnold, Marshalltown, having received a majority of all the votes cast for said office, was declared duly elected as Regent for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,

*President of the Senate.*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,

*Teller of the Senate.*

JNO. Q. TUFTS,

*Teller of the House of Representatives.*

REPRESENTATIVE HALL, }  
DES MOINES, IOWA, APRIL 13, 1870. }

*This is to certify,* That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D., 1870, for the purpose of electing a Board of Trustees for Agricultural College, I. J. Mitchell, Boone county, having received a majority of all the votes cast for said office, was declared duly elected as Trustee for the term of two years, from and after the expiration of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D., 1870,

M. M. WALDEN,

*President of the Senate.*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,

*Teller of the Senate.*

JNO. Q. TUFTS,

*Teller of the House of Representatives.*



REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify,* That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Trustees for the Agricultural College, Charles W. Tenney, of Cerro Gordo county, having received a majority of all the votes cast for said office, was declared duly elected as Trustee for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,

*President of the Senate.*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,

*Teller of the Senate.*

JNO. Q. TUFTS,

*Teller of the House of Representatives.*

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify,* That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday the 13th day of April, A. D. 1870, for the purpose of electing a Board of Trustees of Agricultural College, O. O. Stanchfield, of Linn, having received a majority of all the votes cast for said office, was declared duly elected as Trustee for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,

*President of the Senate.*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,

*Teller of the Senate.*

JNO. Q. TUFTS,

*Teller of the House of Representatives.*

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify,* That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Trustees of Agricultural College, J. H. Bacon, having received a majority of all the votes cast for said office, was declared duly elected as Trustee for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,

*President of the Senate.*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL,  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify,* That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Trustees of Agricultural College, G. F. Kilburn, of Adair county, having received a majority of all the votes cast for said office, was declared duly elected as Trustee for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,

*President of the Senate.*

AYLETT R. COTTON,

*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

REPRESENTATIVE HALL, }  
DES MOINES, IOWA, April 13, 1870. }

*This is to certify, That at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Wednesday, the 13th day of April, A. D. 1870, for the purpose of electing a Board of Trustees for Agricultural College, Washington Allen, Sac county, having received a majority of all the votes cast for said office, was declared duly elected as Trustee for the term of two years, from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.*

Signed in the presence of the joint convention, this 13th day of April, A. D. 1870.

M. M. WALDEN,  
*President of the Senate.*

AYLETT R. COTTON,  
*Speaker of the House of Representatives.*

ATTEST :

CHARLES BEARDSLEY,  
*Teller of the Senate.*

JNO. Q. TUFTS,  
*Teller of the House of Representatives.*

Mr. Irish moved that the Joint Convention do now dissolve.  
The motion prevailed and the Convention dissolved.

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ELEVEN O'CLOCK, A. M.

The Senate having returned to the Senate Chamber, was called to order by the President.

Senator Bulis offered the following resolution, which was adopted:

*Resolved by the Senate, That Secretary Hull be instructed to remain one day after the session, for the purpose of correcting the Journals.*

Senator Smyth offered the following resolution, which was adopted:

*Resolved by the Senate, That the Auditor of State is hereby instructed to pay money for extra clerk hire on the order of Secretary Hull only, and that clerks of Committees shall only receive for extra*

work compensation sufficient to make their pay equal to the assistant secretaries of the Senate.

By unanimous consent Senator Hawley introduced Senate File No. 255, A bill for an act to supply a deficiency in a certain appropriation to pay certain employees of the Senate.

Which was read first and second time, and on motion of Senator Hawley the 11th rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were—

Senators Atkins, Bennett, Bill, Bulis, Chapin, Claussen, Dixon, Donnan, Dyeart, Griffith, Hamilton, Havens, Hawley, Ireland, Keller, Long, McCulloch, McKean, Mitchell, Moore, Murray, Patterson, Smyth, Traverse, Vale, Vermillion, West, and Wolf—28.

The nays were—

Senators Campbell, Cathcart, and Knoll—3.

Absent and not voting—

Senators Allen, Beardsley, Casady, Couch, Dunham, Fairall, Fellows, Grimes, Hurley, Johnson, Larrabee, Lowry, McNutt, Mulkern, Newell, Pierce, Rice, Tuttle, and Wright—19.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 284, A bill for an act providing additional fees for sheriffs, constables, and others in certain criminal cases.

House File No. 119, A bill for an act to amend chapter 46 of Laws of the 11th General Assembly.

House File No. 63, A bill for an act to amend chapter 124 of Revision 1860.

House File No. 269, A bill for an act to prevent and punish for adulteration of milk and cheese.

Memorial praying for a grant of land to aid in the construction of a railroad therein named.

Joint Resolution providing for the distribution of the Adjutant General's Report.

Joint Resolution in relation to swamp land selections made by agents.

MARY E. SPENCER,  
*Engrossing Clerk.*

Senator Wolf submitted the following report from the Committee on Enrolled Bills:

**MR. PRESIDENT**—The Committee on Enrolled Bills respectfully report that they have examined Senate File No. 27, a bill to change the time of meeting of the Board of Trustees of the Iowa State Agricultural College and Farm, and for other purposes.

Also Senate File 241.

*WOLF, for Committee.*

MESSAGE FROM THE HOUSE.

The following message was received from the House :

**MR. PRESIDENT**—I am directed to inform your honorable body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 373, a bill for an act to provide for due reference and publication of proposals to amend the Constitution of the State of Iowa.

I herewith present for your signature, House File No. 304, a bill for an act to amend section 1187 of the revision of 1860.

House File No. 313, a bill for an act to provide for the organization of the county of Crocker.

House File No. 283, a bill for an act to increase the compensation of county treasurers.

House File No. 324, a bill for an act to legalize the laying out of roads, under section 840, of the revision of 1860.

House File No. 371, a bill for an act making the Judges of the Supreme Court, Library Commissioners.

House File 368, A bill for an act to legalize the sale of certain school lands in Story county.

House File No. 310, A bill for an act to define the rights of church corporations in the case of certain grants.

House File No. 337, A bill for an act to amend section 3 of chapter 72 of the laws of the Eleventh General Assembly.

House File No. 282, A bill for an act to amend the registry law.

House File No. 17, A bill for an act to define the manner in which the re-survey of lands shall be made.

House File No. 79, A bill for an act for the more effectual prevention of cruelty to animals.

House File No. 64, A bill for an act to destroy Canada thistles.

House File No. 262, A bill for an act relating to the acknowledgment of deeds.

Senate File No. 209.

Senate File No. 105.

Senate File No. 189.

Senate File No. 96.

I herewith return to your honorable body, Senate File No. 255, A bill for an act to supply a deficiency in a certain appropriation for

the employees of the Thirteenth General Assembly, which has passed the House without amendment.

I also herewith present for your signature the following bills :

Senate File No. 208.

Senate File No. 205.

Senate File No. 253.

Senate File No. 76.

House File No. 312.

Senate File No. 298.

CHAS. ALDRICH, *Chief Clerk.*

On motion of Senator Atkins, House Joint Resolution in relation to the Onawa branch of the Cedar Rapids and Missouri River Railroad, was taken up.

Read first and second time, and considered.

Senator Smyth moved to lay the joint resolution on the table.

On which question the yeas and nays were demanded, and

The yeas were—

Senators Bulis, Campbell, Cathcart, Claussen, Ireland, Keller, Knoll, Long, McKean, Pierce, Smyth, Vale, Vermillion, West, and Wright—15.

The nays were—

Senators Atkins, Bennett, Bill, Casady, Chapin, Dixon, Donnan, Dysart, Griffith, Havens, Hawley, McCulloch, and Moore—13.

Absent and not voting—

Senators Allen, Beardsley, Couch, Dunham, Fairall, Fellowe, Grimes, Hamilton, Hurley, Johnson, Larrabee, Lowry, McNutt, Mitchell, Mulkern, Murray, Newell, Patterson, Rice, Traverse, Tuttle, and Wolf—22.

Joint resolution was laid on the table.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I am directed to ask your honorable body that the joint resolution relative to the Des Moines River Lands, be returned to the House.

CHARLES ALDRICH, *Chief Clerk.*

Also the following :

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

Resolution appointing Hon. J. B. Ketcham, and M. A. Dashie Trustees for the State Reform Schools.

And for your signature, Senate File No. 255, A bill for an act to supply a deficiency in a certain appropriation for the employees of the Thirteenth General Assembly.

House File No. 24, A bill for an act for the relief of Joseph W. Caldwell.

Senate File No. 27, A bill for an act to change the time of meeting of the Board of Trustees of the Iowa State Agricultural College, and for other purposes.

House File No. 194, A bill for an act to amend section 4235 of the Revision of 1860.

House File No. 373, A bill for an act to provide due reference for the publication of proposals to amend the Constitution of Iowa.

C. A. CRONEY, *Asst. Clerk.*

Senator Wolf, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following Bills, viz: Senate Files Nos. 207, 105, 189, 96, 205, 250, 208, 253, 248, 76, and Senate File No. 255, A bill for an act to supply a deficiency in certain appropriations for the employees of the Thirteenth General Assembly: also, Senate File No. 241.

House File No 373, a bill for an act to provide due reference for the publication of the proposal to amend the Constitution of Iowa, was taken up, considered, and the rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Bulis, Campbell, Cathcart, Chapin, Clausen, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Hawley, Ireland, Keller, Long, McCulloch, McKean, Moore, Murray, Patterson, Pierce, Smyth, Traverse, Vale, Vermillion, Wolf, and Wright—29.

The nays were—

Senator Knoll—1.

Absent or not voting—

Senators Allen, Atkins, Bill, Casady, Couch, Dunham, Fairall, Fellows, Havens, Hurley, Johnson, Larrabee, Lowry, McNutt, Mitchell, Mulhern, Newell, Rice, Tuttle, and West—20.

So the bill passed and the title was agreed to.

House concurrent resolution appointing J. P. Ketcham, and W. A. Dashiell Trustees of the State Reform School, was taken up and considered, and on motion of Senator Long, was adopted.

On motion of Senator Bulis, the vote by which the joint resolution in relation to the Onawa Branch of the Cedar Rapids and Missouri River Railroad was laid on the table, was taken up.

On the question "Shall the joint resolution pass?"

The yeas were—

Senators Atkins, Beardsley, Bennett, Bill, Bulis, Campbell, Casady, Cathcart, Chapin, Couch, Dixon, Donnan, Griffith, Hamilton, Havens, Hawley, Ireland, Keller, Long, McCulloch, McKean, Moore, Murray, Pierce, Vale, West, Wolf, and Wright—28.

The nays were—

Senators Claussen, Knoll, and Smyth—3.

Absent and not voting—

Senators Allen, Dunham, Dysart, Fairall, Fellows, Grimes, Hurley, Johnson, Larrabee, Lowry, McNutt, Mitchell, Mulkern, Newell, Patterson, Rice, Traverse, Tuttle, and Vermillion—19.

So the joint resolution was passed.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House.

MR. PRESIDENT—I herewith present for your signature the following Bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 372, a bill for an act making appropriations for salaries of State officers and other purposes.

Joint resolution in relation to the Onawa, branch of the Cedar Rapids and Missouri River Railroad.

CHAS. A. CRONEY, *Asst. Clerk.*

Senate File No. 233, A bill for an act to repeal chapter 79, of the acts of the Eleventh General Assembly, and chapter 135, of the acts of the Twelfth General Assembly, was taken up, and on motion of Senator Hawley, was laid on the table.

House File No. 114, A bill for an act to amend chapter 61, of the Revision of 1860, was taken up and considered.

Senator Smyth moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—

Senators Beardsley, Bennett, Bulis, Campbell, Cathcart, Chapin, Claussen, Couch, Dixon, Dysart, Grimes, Hamilton, Havens, Hawley, Ireland, Keller, Knoll, McKean, Moore, Murray, Pierce, Smyth, Vale, Vermillion, West, Wolf, and Wright—27.

The nays were none.

Absent and not voting—

Senators Allen, Atkins, Bill, Casady, Donnan, Dunham, Fairall, Fellows, Griffith, Hurley, Johnson, Larrabee, Long, Lowry, McCulloch, McNutt, Mitchell, Mulkern, Newell, Patterson, Rice, Traverse, and Tuttle—23.

So the bill passed, and the title was agreed to.



Senate File No. 240, A bill for an act to regulate the tariff on Railroads in the State of Iowa, was taken up and considered.

On motion of Senator Bulis, the bill was laid on the table.

MESSAGE FROM THE HOUSE.

The following message was received from the House :

MR. PRESIDENT—I herewith present to your honorable body Senate File No. 241, A bill for an act for the relief of Joseph Caldwell, which has passed the House without amendment.

BENJ. VAN STEINBURG, *1st Asst. Clerk.*

MR. PRESIDENT—I also return to your honorable body Substitute for Senate File No. 27, A bill for an act to change the time of the meeting of the Board of Trustees of the Iowa State Agricultural Farm, which has passed the House without amendment.

BENJ. VAN STEINBURG, *1st Asst. Clerk.*

Senator Wolf from the Committee on Enrolled Bills submitted the following report :

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have examined Senate File No. 219, A bill for an act to reimburse Capt. R. L. Freeman, of Elkador, Iowa, Capt. Co. K, 1st Iowa Cavalry, for subsistence furnished same Co. during its organization in the spring and summer of 1861, and find the same correctly enrolled.

WOLF, *for Committee.*

Senator Murray moved that the rule be suspended and the bill be read a third time now, which prevailed, and the bill was read a third time.

On the question, " Shall the bill pass? "

The yeas were—

Senators Atkins, Beardsley, Bill, Bulis, Cathcart, Chapin, Clausen, Couch, Dixon, Donnan, Dysart, Griffith, Grimes, Hamilton, Havens, Ireland, Keller, Knoll, Long, McKean, Mitchell, Moore, Murray, Pierce, Smyth, Vale, Vermillion, West, and Wright—29.

The nays were none.

Absent and not voting—

Senators Allen, Bennett, Campbell, Casady, Dunham, Fairall, Fellows, Hawley, Hurley, Johnson, Larrabee, Lowry, McCulloch, McNutt, Mulkern, Newell, Patterson, Rice, Traverse, Tuttle, and Wolf—21.

So the bill passed and the title was agreed to.

House File No. 167, A bill for an act to amend chapter 45 of the Revision of 1860, and to increase the pay of township assessors, was taken up and on motion of Senator Bill the bill was laid on the table.

House File No. 51, A bill for an act to protect the fur trade in the State of Iowa, was taken up, and on motion the bill was laid on the table.

House File No. 295, A bill for an act to legalize the issue of bonds by the boards of the independent school district in Bloomfield Davis Co., Iowa, was taken up, considered, and rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were

Senators Atkins, Beardsley, Bulis, Campbell, Cathcart, Chapin, Couch, Dixon, Dysart, Griffith, Grimes, Hamilton, Havens, Hawley, Ireland, Keller, Knoll, Long, Moore, Murray, Pierce, Smyth, Vale, Vermillion, West, Wolf, and Wright—27.

The nays were—

Senators Claussen, and McKean—2.

Absent and not voting—

Senators Allen, Bennett, Bill, Casady, Donnan, Dunham, Fairall, Fellows, Hurley, Johnson, Larrabee, Lowry, McCulloch, McNutt, Mitchell, Mulkern, Newell, Patterson, Rice, Traverse, and Tuttle—21.

So the bill passed and the title was agreed to.

Senator Wolf, from the Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT—The Committee on Enrolled Bills respectfully report that they have this day presented to the Governor for his approval the following bills, v. z.:

Senate File No. 219, A bill for an act to reimburse Capt. R. L. Freeman, of Elkador, Iowa, Captain Company K, First Iowa Cavalry, for subsistence furnished said company during its organization, in the Spring and summer of 1861.

WOLF, *for Committee.*

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Substitute for House File No. 122, A bill for an act to repeal chapter 81, of the Revision of 1860, and to regulate the sale of unclaimed goods in the possession of forwarding and commission merchants, etc.

CHARLES A. CRONEY,  
*Assistant Clerk.*

Senator Hawley introduced the following resolution, which was unanimously adopted :

*Resolved*, That the thanks of the Senate are eminently due, and are hereby tendered, to the President of the Senate, Lieutenant-Governor Walden, for the courteous, impartial, and able manner in which he has discharged his duties as presiding officer of the Senate.

Senator Murray introduced the following resolution :

*Resolved*, That the thanks of the Senate are hereby tendered to the Secretary, his Assistants, and other officers of the Senate, for the efficient manner in which they have discharged their respective duties.

The resolution was unanimously adopted.

Senator Smyth presented the following resolution which was unanimously adopted.

*Resolved*, That the thanks of the Senate are hereby tendered to the Hon. H. C. Bulis, for the able and impartial manner in which he has discharged his duties as President *pro tem.* of this body.

The President *pro tem.* addressed the Senate as follows :

SENATORS—After having performed the duties devolving upon us as the Representatives of the people of this noble State, we are about to separate, and return to give an account of our stewardship. Upon occasions like this, it is well that we occupy the few moments immediately preceding our separation, in expressions of friendly feelings. As a member of this body, I would improve the opportunity now presented to express to each and every one of you Senators, my heartfelt thanks for the uniform courtesy and respect, by which our intercourse has been characterized. Naturally quick and impulsive, I may in the excitement of debate have spoken harsh and unkind words, if so I ask that you may efface from your memory all traces of them, and retain only pleasant recollections. In presuming to accept the position of your temporary presiding officer, I felt the assurance that the same uniform indulgence would be extended to me in that position, which I have received as a member on the floor of the Senate, and in this I was not disappointed.

Senators—I thank you for this last evidence of your kind consideration, as expressed by the adoption of this resolution, and assure you that while life lasts I shall look back to the weeks spent in your society as a member of the Thirteenth General Assembly, with heartfelt pleasure and pride.

Now, as we go forth from this Senate Chamber, to mingle again with the busy world let us do so with renewed strength to battle for the right, and sinking all personal or selfish considerations, may we seek only the elevation and improvement of the great brotherhood of man.

Senators wishing you a safe return to your homes and friends, and a long life of happiness and good works, I bid you farewell.

Senator Beardsley offered the following resolution, which was unanimously adopted :

*Resolved*, That the thanks of the Senate are due and are hereby tendered to Hon. G. G. Bennett for the able and accomplished manner in which he discharged the duties of presiding officer of this body during its organization and the few days following.

Senator McKean moved that a Committee of two be appointed to inform the House that the Senate was ready to adjourn *sine die*.

The motion prevailed, and the Chair appointed Senators McKean and Smyth as said Committee.

The Committee reported that they had discharged their duty.

Senator Hawley moved that a Committee of two be appointed to wait on the Governor and ascertain if he had any further communications for this General Assembly.

The motion was adopted, and the President appointed Senators Hawley and Knoll as said Committee.

The Committee appointed to wait upon the Governor, reported that they had performed that duty, and that the governor instructed them to present the following communication :

*Gentlemen of the Committee :*

I have nothing further to communicate to the General Assembly, except my acknowledgments for the kind and courteous treatment I have received at their hands, and the moral support they have rendered me in the performance of the responsible duties of my office. Be pleased also to carry to the two Houses, my wishes for the safe return of the members to their homes, and my hope and belief that the manner in which they have discharged the arduous duties of legislation, will receive the cordial approval of their constituents—the good people of the commonwealth of Iowa.

Senator Bennett introduced the following resolution, which was adopted :

*Resolved*, That the thanks of the Senate are due, and are hereby tendered to the reporters of the different papers for the fair and impartial manner they have reported the proceedings of the Senate, and for the courtesies they have uniformly shown the members of this body.

A committee from the House announced that the House of Representatives is now ready to adjourn *sine die*.

At 12 o'clock noon and 20 minutes P. M., on motion of Senator Bennett, the Senate adjourn without day.

ATTEST :

JAMES M. WEART, *Secretary*.

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## ERRATA.

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- PAGE 19—Last line, read "not agreed to," instead of "agreed to."  
PAGE 42—Line 32, read "No. 36," instead of "No. 87."  
PAGE 59—Line 31, read "No. 36," instead of "No. 37."  
PAGE 69—Line 9, read "No. 18," instead of "No. 8."  
PAGE 70—Line 14, read "laws," instead of "loans."  
PAGE 117—Line 8, read "2493," instead of "2495."  
PAGE 121—Line 37, read "statutes," instead of "statistics."  
PAGE 149—Line 21, read "No. 124," instead of "No. 127."  
PAGE 166—Line 34, read "No. 52," instead of "No. 51."  
PAGE 184—Line 6, read "No. 3275," instead of "No. 3237."  
PAGE 194—Line 33, read "unavailable," instead of "unavoidable."  
PAGE 213—Line 34, read "No. 52," instead of "No. 57."  
PAGE 216—Line 31, after word "act," read "to repeal an act."  
PAGE 331—Line 17, after word "act," read "to repeal an act."  
PAGE 239—Line 35, read "No. 6," instead of "No. 60."  
PAGE 242—Line 14, read "No. 79," instead of "No. 7."  
PAGE 243—Line 33, read "Bill," instead of "Bulis."  
PAGE 261—Line 40, read "No. 235," instead of "No. 108."  
PAGE 291—Line 9, read "No. 86," instead of "No. 188."  
PAGE 301—Line 27, read "No. 2," instead of "No. 12."  
PAGE 315—Line 2, read "unavailable," instead of "unavoidable."  
PAGE 331—Line 31, read "No. 264," instead of "No. 244."  
PAGE 339—Line 2, read "sub-director," instead of "sub district or."  
PAGE 346—Line 8, read "No. 67," instead of "No. 7."  
PAGE 357—Line 2, read "House File," instead of "Senate File."  
PAGE 371—Line 41, read "Senate File," instead of "House File."  
PAGE 372—Line 24, read "No. 102," instead of "No. 10."  
PAGE 383—Line 13, read "Senate File," instead of "House File."  
PAGE 387—Line 22, read "No. 201," instead of "No. 301."  
PAGE 463—Line 8, read "No. 103," instead of "No. 113."  
PAGE 471—Line 28, read "No. 352," instead of "No. 335."  
PAGE 488—Line 9, read "Shall the bill pass?" instead of "Shall the joint resolution pass?"  
PAGE 492—Line 26, read "So the bill passed," instead of "So the joint resolution passed."

- PAGE 497—Line 7, read "No. 358," instead of "No. 58."  
PAGE 511—Line 8, read "Senate File," instead of "House File."  
PAGE 515—Line 15, read "Jackson," instead of "Jasper."  
PAGE 518—Line 33, read "No. 283," instead of "No. 282."  
PAGE 521—Line 13, read "Marahall instead of "Muscatine."  
PAGE 521—Line 20, read "House File No. 264," instead of "Substitute for House  
Files Nos. 7 and 118."  
PAGE 523—Line 25, read "No. 120," instead of No. 128."  
PAGE 549—Line 33, read "No. 251," instead of "No. 252."  
PAGE 550—Line 18, read "No. 290," instead of "No. 291."  
PAGE 561—Line 4, read "No. 205," instead of "No. 208."  
PAGE 562—Line 33, read "Senate File," instead of "House File."  
PAGE 57½—Line 25, read "No. 70," instead of "No. 40."  
PAGE 574—Line 33, read "No. 365," instead of "No. 368."  
PAGE 575—Line 4, read "No. 316," instead of "No. 216."  
PAGE 578—Line 24, read "No. 372," instead of "No. 272."  
PAGE 589—Line 15, read "No. 312," instead of "No. 212."  
PAGE 612—Line 9, read "No. 198," instead of "No. 298."  
PAGE 616—Line 7, read "No. 298," instead of "No. 295."